

Submission on exploring charging for access to some public conservation land

to the Department of Conservation

27 February 2025

Tēnā koutou

Introduction

1. Herenga ā Nuku Aotearoa, the Outdoor Access Commission, is the Crown agent responsible for providing leadership on outdoor access issues. Our role is to advise on and advocate for free, certain, enduring, and practical access to the outdoors.
2. Our purpose derives from s3 of the Walking Access Act 2008 to provide the New Zealand public with free, certain, enduring, and practical access to the outdoors (including around the coast and lakes, along rivers, and to public resources) so that the public can enjoy the outdoors.
3. Our submission opposes charging New Zealand residents for access to any public conservation areas, including national parks.
4. However, we acknowledge that charging for incidental amenities on public conservation land, such as huts, campsites, and carparks, may be appropriate in some circumstances.

Existing legislation stipulates free public access

5. As noted in the consultation document, the Conservation Act 1987, National Parks Act 1980 and Reserves Act 1977 do not allow charging for access.
6. Further, the purpose of the Walking Access Act 2008 (Section 3) is to provide the New Zealand public with free, certain, enduring, and practical access to the

outdoors (including around the coast and lakes, along rivers, and to public resources) so that the public can enjoy the outdoors.

7. Similarly, the first of the New Zealand Conservation Authority (NZCA) Walking Access Principles (2022) is that there should be free, certain, enduring, and practical walking access to public conservation land.
8. The NZCA is a national statutory body that provides strategic policy advice to DOC and the Minister. The NZCA developed these 'bottom line' principles to apply to arrangements for public walking access to any natural or historic resource for recreation or tourism purposes.
9. We interpret 'free' to mean without cost or payment, and therefore, we advise that introducing any form of access charges for some public conservation land is contrary to the Walking Access Act and the NZCA principles.
10. However, it is possible to define free as unconstrained and without impediments. If we accept this definition, then the test for charging New Zealand residents for access should be whether it restrains or limits their ability to access public conservation land.

Universal, free, access to public conservation land is a right

11. The primary purpose of conservation land is to preserve and protect natural and historic resources for the purpose of maintaining their intrinsic values, **providing for their appreciation and recreational enjoyment by the public**, and safeguarding the options of future generations. (Section 2 Conservation Act 1987)
12. Public recreation, enjoyment, and appreciation of land are important conservation values within the Conservation Act. Public conservation land was established to protect our natural resources for future generations. However, the legislation acknowledges that, sitting under the need to protect our environment, is the right of the public to enjoy that environment.
13. Public access to the outdoors improves mental, physical, and environmental outcomes for communities. Green spaces such as public conservation land are also crucial for the overall health and well-being of communities. Research has long shown that access to green spaces can improve mental health, reduce the risk of chronic diseases such as obesity and heart disease, and even increase life expectancy.

14. Barriers to accessing conservation land can include limited transport, financial obstacles, or a lack of nearby public conservation land. These barriers do not affect all communities equally. Lack of access to nature can create a barrier to the health and wellbeing benefits that spending time in nature provides.
15. In many cases, an access charge will limit the freedom of some New Zealand residents to access conservation land because they cannot afford the charge. Access to the outdoors, including public conservation, is one of the few outdoor recreation resources universally available to everyone, regardless of their financial circumstances.

The value of free access

16. Herenga ā Nuku is concerned that charging residents for access to public land may set a chilling precedent for other public access rights such as those provided by councils to esplanade reserves and esplanade strips. Combined with charges to access public conservation land this could limit public access to fishing at popular coastal fishing spots and along rivers to those with the economic means to afford it.
17. Free public access to land is the cornerstone to a sustainable network of local, regional and national trails where people can explore the land and engage with nature. Public access plays an important role in the health, wellbeing, recreation, active transport, and the environment of New Zealand.
18. We are aware that many of the community groups, trailmaker groups and local communities with which we work gain social and economic benefits from utilising public access. It is important that charges, either for access or related amenities and services, do not undermine the economic and social benefits derived by local communities from people visiting nearby public conservation land.

Recommendation 1: Access to public conservation land should remain free, certain, enduring, and practical.

Recommendation 2: If the Department of Conservation introduces charges, those changes should be limited to services and facilities but not to access.

Charging for amenities and services: Problem areas that any charging regime would need to resolve

19. Our governing Act, the Walking Access Act 2008, enables controlling authorities to charge for the use of amenities on walkways.

20. Some amenities lend themselves to user charges. For instance, car parks are amenities that require capital and maintenance, and the public is used to paying for them. It is possible in most instances to recreate on public conservation land without using an adjoining carpark.
21. Likewise, it is widely and historically established that visitors pay to use huts and campsites on public conservation land. Again, it is possible, in most instances, to recreate on the land without using huts or campsites.
22. However, there are instances where user charges for carparks, huts or campsites would limit New Zealand residents' ability to access not only those amenities but also significant sections of conservation land.
23. An example of this would be where the land is remote enough that practical access is impossible without using the amenities.
24. Charging for amenities such as tracks and trails may be problematic. Formed and maintained tracks, including amenities such as culverts and bridges, require capital and maintenance and could be argued as incidental amenities. Charging for such amenities would significantly limit people's access to public conservation land.
25. Herenga ā Nuku works closely with a range of community groups, trailmaker groups, volunteers, and hunters who access public conservation land to perform a public service. There is a range of community volunteers who help with caring for the land, maintaining trails, protecting the environment and reducing pest species. It would be counter-intuitive to charge these residents for access to land when they are performing a service.
26. A good example of this is the Green Hut Track Group, volunteers in Dunedin who head out every Wednesday and clear DOC's back-country tracks for trampers to enjoy.

Recommendation 3: Before introducing any new charges for amenities or services, or any significant price increases for amenities or services for New Zealand residents, the Department should assess that those charges will result in a net benefit in practical access to public conservation land itself.

Recommendation 4: Individuals and groups who perform a public service with the Department's approval should be exempt from paying for amenities or services related to accessing public conservation land when performing that service.

Conclusion

27. We welcome an opportunity to speak to this submission if you require more details or would like to explore how to implement any of our recommendations. My contact details are ric.cullinane@herengaanuku.govt.nz and [+64 274775042](tel:+64274775042).

A handwritten signature in black ink, appearing to read 'Ric Cullinane', with a stylized flourish at the end.

Ric Cullinane
Tumuaki | Chief Executive