

## **Submission on Exploring Charging for Access to Some Public Conservation Land Discussion Document**

*DRAFT*

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### **SUBMITTER DETAILS**

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### **Introduction**

1. This is a submission by the Environmental Defence Society (EDS) on the Department of Conservation's (DOC) Exploring Charging for Access to Some Public Conservation Land Discussion Document (Discussion Document).<sup>1</sup>
2. EDS is an apolitical, not-for-profit organisation dedicated to achieving improved outcomes for New Zealand's environment. It is active as a legal watch-dog, policy think tank, and conference organiser.
3. EDS has an extensive history advocating for positive conservation outcomes, enhanced visitor management and sustainable tourism. It has produced a number of reports in this area, including:
  - a. In 2020, EDS published a *Tourism and Landscape Protection* report which investigated how tourism was currently managed, its environmental impacts, and opportunities for the industry to positively contribute to landscape protection. It noted the need for a more sustainable funding model to ensure adequate tourism infrastructure, including through charging for international visitor access.<sup>2</sup>
  - b. In 2021, EDS's *Caring for the Landscapes of Aotearoa New Zealand* report built on a range of case studies, and a review of international best practice, to make a raft of recommendations

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<sup>1</sup> [https://www.beehive.govt.nz/sites/default/files/2024-11/FINAL%20Discussion%20Document%20-%20Exploring%20charging%20for%20access%20to%20some%20public%20conservation%20land\\_.pdf](https://www.beehive.govt.nz/sites/default/files/2024-11/FINAL%20Discussion%20Document%20-%20Exploring%20charging%20for%20access%20to%20some%20public%20conservation%20land_.pdf)

<sup>2</sup> Peart R and C Woodhouse (2020), *Tourism and Landscape Protection*, Environmental Defence Society, Auckland, 28 and 39

to support more robust landscape management.<sup>3</sup> It stressed the need for more permanent funding arrangements to ensure management was financially sustainable.

- c. In 2021, EDS's *Conserving Nature* report undertook a detailed examination of the conservation system's regulatory framework identifying key issues and problems.<sup>4</sup> The report included a spotlight on freedom of access to public conservation land (PCL), noting the funding issues it creates and the value that user fees and charges have delivered overseas.<sup>5</sup>
  - d. In 2023, EDS released an *Independent Review of the Conservation Management Planning System*, which was commissioned by DOC. It identified several reasons for inertia in the conservation management planning system including inadequate and uncertain funding.<sup>6</sup> It highlighted the need for a clear, strategically allocated and transparent funding regime.<sup>7</sup>
  - e. In 2024, EDS brought its recommendations on the conservation system together in *Restoring Nature: Reform of the Conservation Management System*.<sup>8</sup> To inform this work EDS engaged natural resource advisor and impact investment consultancy Envirostrat to provide high-level economic analysis and advice, including investigating potential new funding models.
4. Key findings from this work highlight the need for a more solid, equitable and sustainable funding model; better tools to strategically manage visitor numbers and access, and more effective measures to maintain natural quiet, dark skies and wilderness experiences. This is in the context of increasing management costs due to climate change impacts.
  5. EDS's work in this area also highlights that one of the most significant challenges DOC faces, is that it has never been adequately funded to enable the effective management of PCL: which constitutes a third of the countries land. Exacerbating this is that DOC must navigate highly variable and fluctuating Vote Conservation budgets. DOC rides a continual 'boom and bust' funding cycle.<sup>9</sup> Each period of funding cuts and austerity measures undermines DOC's ability to strategically plan and manage the visitor network, and retain critical capacity and expertise. This delivers a false economy, that simply defers investment, elevating costs over the longer term. It also creates a mounting backlog of deferred work that generates multiple risks.
  6. The Discussion Document (at 3.2.3) recognises this, noting that historic underinvestment in DOC's assets only means more maintenance and replacements are needed in future.
  7. As an example, DOC's budgetary appropriation decreased by \$48 million, from \$723 million to \$675 million, between the 2023/24 and 2024/25 calendar year.<sup>10</sup> This was in the context of DOC

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<sup>3</sup> Peart R et al (2021) *Caring for landscapes of Aotearoa New Zealand: synthesis report*, Environmental Defence Society, Auckland

<sup>4</sup> Koolen-Bourke D and R Peart (2021) *Conserving nature: conservation reform issues paper*, Environmental Defence Society, Auckland

<sup>5</sup> Koolen-Bourke D and R Peart (2021) *Conserving nature: conservation reform issues paper*, Environmental Defence Society, Auckland, 15

<sup>6</sup> Koolen-Bourke et al (2023) *Independent review of the conservation management planning system*, Environmental Defence Society, Auckland

<sup>7</sup> Koolen-Bourke et al (2023) *Independent review of the conservation management planning system*, Environmental Defence Society, Auckland, 125

<sup>8</sup> Koolen-Bourke et al (2024) *Restoring nature: reform of the conservation management system*, Environmental Defence Society, Auckland

<sup>9</sup> Koolen-Bourke D and R Peart (2021) *Conserving nature: conservation reform issues paper*, Environmental Defence Society, Auckland, 36 - 38

<sup>10</sup> <https://www.doc.govt.nz/news/issues/budget-2024-overview/>

already behind in its asset renewal and repair work by \$25 million per annum<sup>11</sup> and with repairs to the visitor network following storm events exceeding \$7 million.<sup>12</sup>

8. Even if access charging is enabled, increasing DOCs funding by between \$36 and \$70 million,<sup>13</sup> it will not be sufficient to address the ongoing budget shortfall and conservation funding gap that exists: or even to offset existing budget cuts. In short, it is only a small part of the solution.
9. While EDS supports the Discussion Document’s proposal to enable access charging, it is crucial that the Government addresses the broader conservation funding gap and budgetary security issues that DOC face. With that caveat, our position and more detailed recommendations in relation to the proposals are set out below.

### Issues (section 3 of the Discussion Document)

10. EDS agrees there is a strong argument that the costs of conservation management could be more equitably shared among visitors.
11. The country’s wild areas are both highly valued and highly visited. In the year ending June 2024, 81% of New Zealanders visited PCL. Around one in two visit a protected area each month.<sup>14</sup> In addition, around 50% of international tourists visit a national park. For those staying 20 days or more, that figure rises to 90%.<sup>15</sup> Maintaining the values of PCL, in the context of increasing visitor impacts, is an ongoing challenge for DOC which operates in the context of a significant funding gap.<sup>16</sup>
12. The Discussion Document (at 2.4) records that DOC spends approximately \$233 million each year, over a third of its budget, on maintaining the visitor network and supporting recreational use.<sup>17</sup> This includes maintaining 13 national parks, 15,500 heritage sites, 14,600 kilometres of tracks, 970 huts, 300 campsites and over 13,000 supporting structures (including 2,015 toilet blocks and 2,170 visitor buildings).<sup>18</sup>
13. This funding is insufficient to cover the true costs of maintaining the network. In 2023, the estimated value of deferred work to maintain DOC’s visitor assets was estimated to be \$300 million.<sup>19</sup> Worryingly, one third of New Zealanders who visited a protected area in the year ending June 2024, reported noticing damage to natural landscapes from visitor pressures.<sup>20</sup>

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<sup>11</sup> Discussion Document at 3.2.3

<sup>12</sup> Discussion Document at 3.2.2

<sup>13</sup> Discussion Document at 7.1

<sup>14</sup> Discussion Document at 2.3

<sup>15</sup> Department of Conservation (2024) *Understanding annual visitor activity for the year-end June 2024: making sense of where people went and what they did in the outdoors*

<sup>16</sup> Koolen-Bourke et al (2024) *Restoring nature: reform of the conservation management system*, Environmental Defence Society, Auckland, 165

<sup>17</sup> Discussion Document at 2.4

<sup>18</sup> Department of Conservation (2021) *Heritage and visitor strategy, he haerenga ki to rautaki taonga tuku iho, manuhiri tūārangi hoki*, Department of Conservation, Wellington, 28

<sup>19</sup> Williams D, 2023, ‘Crisis-hit Conservation Dept considers closures, offloads’, *Newsroom*, 2 May

<sup>20</sup> Department of Conservation (2024) *Understanding annual visitor activity for the year-end June 2024: making sense of where people went and what they did in the outdoors*,

14. Visitor management and maintenance of the aging visitor network is essential to prevent adverse impacts on indigenous ecosystems, biodiversity and iconic landscapes. It is also essential to protect health and safety, ensure high quality visitor experiences and support conservation-related tourism which is estimated to be worth \$3.4 billion per year (pre-COVID-19 \$4.3 billion).<sup>21</sup>
15. EDS also agrees that existing statutory direction mandating freedom of access is a barrier to enabling appropriate fees and charges to be instituted to help cover costs. While DOC is able to charge for use of overnight facilities, such as huts, in many areas it is the myriad of day users who exert the most substantial impacts and pressures on facilities. They receive all the benefits of access to tracks and facilities but make no contribution towards costs associated with their maintenance.
16. We also agree that existing facilities struggle to deal with seasonal fluctuations in tourism and damage from severe weather events and climate change impacts which are now substantial and will only increase. Historic underinvestment has created a backlog of work of a scale that is now difficult to address. Increased funding and investment is urgently needed to maintain the network and protect declining biodiversity.
17. An aspect not emphasised in the Discussion Document, but which is critical in our view, is providing DOC with the ability to use charging (and other tools) to better manage visitor numbers and distribution and their associated impacts.
18. At 1.3 in the Discussion Document, four objectives are set for access charges: equity, enhanced visitor experiences, accessibility and simplicity and transparency. *Enhanced conservation outcomes*, including protection of conservation values and management of visitor impacts, are not recognised as an objective and need to be incorporated into the charging proposal as an overarching priority objective.

**Access charging** (section 4 of the Discussion Document)

19. EDS broadly supports providing DOC with the ability to charge for access to some parts of PCL. This is an important and currently missing piece of DOC's management tool-kit.
20. Provision for access charging aligns with international practice, and ensures visitors contribute to the care and maintenance of the places they visit, including more robust biodiversity protection at high impact sites.
21. If appropriately monitored and supported, access charging could also enhance DOC's understanding of visitor numbers, use and impacts to help inform improved (and more strategic) management and planning. Monitoring will also be essential to identify and manage potential risks, including visitor displacement and its impacts on adjacent sites.
22. Concessionaire based charges (Option A) and voluntary access charges (Option B), both of which are possible now, remain valuable tools. But EDS agrees they are unlikely to be sufficient in all situations which is why compulsory access charges (Option C) merit consideration. Voluntary access charging is a valuable intermediary tool, that could be more widely deployed for New Zealand citizens, ahead of any formal access charging.

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<sup>21</sup> Discussion Document at 2.0

23. EDS considers Options A, B and C all have their place and utility as part of the broader management tool-kit available to DOC. Since Options A and B are already possible, only Option C (compulsory access charges) needs to be enabled through legislative change. EDS supports that change subject to the following provisions regarding charging.

**Who should pay an access charge? (section 5 of the Discussion Document)**

24. In relation to compulsory charging the Discussion Document identifies three potential approaches:
- a. Option A: Charging all visitors the same fee
  - b. Option B: Differential charging of international visitors and New Zealand citizens
  - c. Option C: Charging only international visitors
25. EDS supports Option B. Option A is likely to create inequities, reduce the ability of New Zealand citizens to access PCL, and drive an overall lower fee that fails to capture the potential added value of international visitors.
26. In comparison to Option A, Option B addresses important equity considerations, recognising that New Zealanders already contribute through taxes. As demonstrated by the trial of differential pricing for the Great Walks, higher pricing for international visitors had the benefit of doubling the rate of use by New Zealand citizens whose access can get crowded out.<sup>22</sup>
27. While there may be some situations where only charging international visitors is appropriate (Option C), Option B has the potential to deliver the highest benefits for conservation, since it would provide more detailed and accurate data on visitors. This information would provide a range of insights that could further inform conservation management and destination planning.
28. EDS preference is therefore for Option B with exemptions for:
- a. Children and young persons under 18
  - b. Senior citizens, 65 years or older
  - c. Adult Community Services Card holders
  - d. Mana whenua
29. It is important that access fees do not interfere with the ability of mana whenua to connect with their traditional lands or fulfil their role as kaitiaki and engage in cultural practices. DOC must work closely with mana whenua to ensure access arrangements are in place, ahead of any fees regime, to ensure their continued connection and access is secured.
30. EDS recommends exemptions are made for children, the elderly and low-income families (eg Community Service Card holders) to support access of less well-resourced groups, including those with large families, who are most likely to be impacted by the introduction of access fees. It is likely that even relatively low fees would significantly impair access for these groups.
31. If fees for these groups are progressed, they should be nominal and set at a rate that covers administrative costs only. Cost saving approaches, that enable data collection but ensure low rates, should be preferred. For example, a standard family rate.

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<sup>22</sup> Discussion Document at 5.1

32. Fees charging regimes are likely to have a significant impact on local communities, reducing their ability to use and connect to areas they visit frequently at present. To address this, EDS supports provision of discounted access fee rates, either through provision of an annual pass or an exemption for those who normally reside in the region (where logistically feasible).

**Where should access charging be used? (section 6 of the Discussion Document)**

33. EDS does not support the imposition of access charging across the board. It is important to ensure that a high degree of free public access is retained over what is commonly held PCL. We therefore support development of clear criteria to guide strategic and equitable use of charges.
34. The Discussion Document identifies potential criteria to guide identification of sites appropriate for access charging. These are:
- a. Places facing unsustainable pressure from tourism: with increased maintenance and servicing costs and greater potential impacts on nature
  - b. Places popular with international tourists: to ensure these users contribute to the costs
  - c. Places with high biodiversity and scenic values: where people are willing to pay more and that require more investment to protect their values
  - d. Places where user groups are defined: to reflect that these groups should contribute more.
35. EDS supports criteria A through C. These prioritise targeting sites with the most significant pressures or values, both of which elevate the associated management costs. Sites that are highly used by international visitors (such as Milford Sound), especially where those visitors are impacting on conservation values, are also important to target. Fees charging also ensures these visitors cover the associated increased management costs at these sites.
36. EDS does not support criteria D (at 6.1) without further refinement. Defined user groups that access an area frequently are likely to be locally based and potentially unfairly impacted by fees. Groups may be high users, but still relatively few in number, with associated low impacts. Conversely, there may be situations where the volume of users is significant and their impacts are high. In our view charging is only justified in the later context: where a group's use of an area is having significant impacts or is creating elevated (eg additional) management costs than would normally be expected.
37. EDS also recommends tying criteria C (high biodiversity and scenic values) more strongly with the need for increased ability to control access in order to safeguard important features (and not just the need for more investment). This could include species recovery, restoration and aspects such as 'natural quiet', 'dark skies' and preserving the 'wilderness experience'.
38. It is also important that access by New Zealanders to important historical and national heritage sites is not restricted.
39. EDS supports a 'parks pass' approach. This would incentivise New Zealanders to get out and explore iconic national parks and experience the Great Walks. Crucially, it would also ensure this was subsidised so not cost prohibitive. Exemptions or discounted rates for children, families and low-income households (as described above) should be provided if this approach is adopted.

**How should the additional revenue be used? (section 7 of the Discussion Document)**

40. Three options for distributing funds raised through access charges are being considered.

- a. Option A: Funds are invested back into the place where they are collected
  - b. Option B: Money is re-invested into the surrounding PCL in the region
  - c. Option C: Money is invested into priority projects regardless of where it is collected. This is the current situation in relation to facility charges such as hut fees.
41. Individually, each of these options brings a different range of advantages and disadvantages. Option C provides the greatest flexibility for DOC but is the least transparent. It creates a disconnect between the charges, and provision of better services and management at the places for which access is being charged for, in return.
  42. Conversely Option A would severely limit DOC's ability to leverage the funds secured from high use areas to help support broader management priorities (eg responding to damage from storm events) and management of adjoining areas (including areas that may suffer increased impacts from displacement of visitors).
  43. On this basis Option B would likely strike the best balance, ensuring that at least a measure of the funding could be directed to the site where fees were collected, while also enabling funds to be applied more strategically at the regional level. However, this would not overcome the problem that most charging locations are likely to be situated in the South Island.
  44. The Discussion Document notes that many countries spread funds proportionally between two or more of these options. For example, in the United States of America, 80% of fees go back into the national park with 20% feeding into the national system. In Australia, some money goes back into the park and some to support management of the surrounding area.
  45. In EDS's view, all three options are important and need to be supported: (A) reinvestment of funds into the collection area to support its ongoing management, (B) regional level investment to support strategic management of adjoining sites and enable development of additional visitor areas (eg to help reduce the pressures at iconic locations), and (C) building a national contingency fund to enable DOC to respond to high priority management needs, including repairing damage following significant storm events.
  46. EDS's overall preference is for a mixture of these options, with the majority of funds going directly back into management of the site (50-60%), and the remaining funds split evenly between supporting management at the regional and national levels.

**Treaty considerations and other design matters** (sections 8 and 9 of the Discussion Document)

47. As noted earlier, any introduction of fees (and by implication restriction on access), will disproportionately impact iwi and hapū. It is essential that access arrangements, including exemptions from fees, are put in place ahead of any charging regime.
48. A number of important Treaty Principles will be impacted by the proposals. The Principle of Active Protection requires that Māori rights and interests are protected. The Principle of Partnership requires that parties work together and cooperate, potentially through co-management arrangements. The Principle of Redress is also likely to help shape the investment of funds and management and funding priorities at place.
49. It will be important for the Government to work closely with mana whenua, to identify funding and investment priorities, and ensure access and connection to traditional sites and practices, and an ability to undertake their role as kaitiaki, is maintained.

50. So long as there are clear guidelines and monitoring in place, and transparency over funding decisions and allocation, EDS supports enabling groups (other than DOC) who are managing land containing important conservation values, to also charge for access to help pay for the upkeep and maintenance of those areas.

### **Conclusion**

51. EDS supports enabling DOC to charge for access in order to secure increased funding to support management of visitor pressures at high pressure sites and better protect conservation values. The introduction of charging will also enable the costs of management to be more fairly shared by visitors. It will also help improve data and information on visitor impacts and trends to help inform management.
52. In progressing changes, EDS emphasises the need for highly transparency, and broad retention of free access with specific criteria to guide departure from that approach. It is also critical to ensure charges do not disproportionately impact on low-income households and prevent people from visiting and experiencing their conservation heritage and iconic sites. Arrangements will also need to be put in place to ensure the rights and interests iwi and hapū are protected.