



Forest & Bird

TE REO O TE TAIAO | *Giving Nature a Voice*

**RESPONSE TO CONSULTATION 'EXPLORING CHARGING FOR ACCESS TO SOME
PUBLIC CONSERVATION LAND' FROM THE ROYAL FOREST & BIRD PROTECTION
SOCIETY OF NEW ZEALAND INCORPORATED**

To Department of Conservation Te Papa Atawhai

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Introduction

1. The Royal Forest and Bird Protection Society Incorporated (Forest & Bird) has been Aotearoa New Zealand's independent voice for nature since 1923. Forest & Bird's constitutional purpose is:

To take all reasonable steps within the power of the Society for the preservation and protection of the indigenous flora and fauna and the natural features of New Zealand.

2. Forest & Bird has over 100,000 members and supporters who are passionate about protecting and restoring nature on conservation land across the motu. Many of our projects are located on Department of Conservation (DOC) land, and we often collaborate with DOC to achieve the objectives of both organisations.
3. DOC's own research emphasizes the extent to which New Zealanders' concept of national identity is heavily tied to our connection to the land and to nature.¹ Te Mana o te Taiao also emphasizes the growing recognition that access to nature is vital for our mental and social wellbeing.² For Māori, the connection with the natural environment is one of whakapapa, to describe one's identity by the mountains, rivers, lakes and oceans that determine who you are.
4. Encouraging New Zealanders to visit our most iconic conservation areas, and to engage with nature, is an essential part of maintaining these defining characteristics of New Zealand society.

Response to consultation questions

Part 3 – Issues

1. Do you agree with the issues and how they have been presented?

- 1.1 Forest & Bird acknowledges the challenges faced by DOC in fulfilling its statutory functions within its available budget. For the 2023/24 financial year (from July 2023 to June 2024), DOC's total budget is \$644.2 million. Of this amount, \$233.1 million is allocated to support recreational activities and maintain the visitor network, while \$315.7 million is dedicated to biodiversity efforts. To fulfil its responsibilities effectively, DOC estimates it requires an

¹ DOC "The nature of wellbeing – How nature's ecosystem services contribute to the wellbeing of New Zealand and New Zealanders" (<https://www.doc.govt.nz/documents/science-and-technical/sap258entire.pdf>)

² Te Mana o te Taiao – Aotearoa New Zealand Biodiversity Strategy (ANZBS), at [4.1] "Connections between nature and people".

annual budget of \$2.3 billion. However, it received only 28% of that amount for the 2023/24 period.

- 1.2 To put that figure into perspective, national land transport funding for 2024-2027 totalled \$32.9 billion, with \$5.5 billion of that figure allocated to pothole prevention.³
- 1.3 DOC manages and maintains a diverse range of infrastructure and assets, including over 2,000 buildings and huts, 2,015 toilet blocks, 300 campsites, 13,000 structures, and 14,600 kilometres of track. Often these are in challenging environments, which increases the costs of maintenance. Due to climate change, the impact of severe weather events on DOC facilities is increasing. Following the severe storms that affected the North Island in 2023, about 42% of DOC's sites in the impacted regions required repair or replacement. Storm damage costs surged to approximately \$5 million in 2023 and \$7.1 million in 2024, compared to an average of \$1.2 million per year in the four years preceding 2023. This situation has been further exacerbated by lost revenue from booking cancellations.
- 1.4 The cost of replacing assets has also significantly increased compared to when these assets were originally constructed, even when adjusted for inflation. These increased costs can be attributed to technological advancements, higher building standards, increased construction costs, and stricter safety requirements. Additionally, a history of underinvestment has compounded the problem.
- 1.5 Currently, the Government provides approximately 83% of DOC's funding, while the remaining 17% comes from various other sources and third parties (for example the International Visitor Levy, accommodation charges and concessionaires). In the difficult circumstances described above, it is unsurprising that DOC would want to consider increasing revenue from these different sources, by proposing charging for access to some of the land it manages.
- 1.6 Forest & Bird's primary concern is ensuring that DOC has sufficient revenue and funding to effectively manage New Zealand's natural heritage, which includes maintaining, restoring, and protecting indigenous ecosystems, habitats, and species. However, Forest & Bird urges DOC to adopt a cautious approach to the potential option of charging for access to public conservation land. Forest & Bird considers that having access to conservation land is essential for fostering understanding and appreciation of its importance. Any potential entry charges should not deter New Zealanders from connecting with nature.
- 1.7 Furthermore, any increased revenue for DOC should be directed primarily towards improving indigenous biodiversity and conservation outcomes. Increased revenue from access charging should be treated as an additional resource that contributes to DOC's significantly inadequate total funding, and not as an offset that justifies further reducing the contribution

³ National Land Transport Programme 2024-2027

from Government funding in future. This was also recognised by the International Union for Conservation of Nature (IUCN), who state in their best practice guidance that, while most protected areas need a variety of funding sources, tourism fees should be used to supplement and not replace essential core government budgets.⁴

1.8 To enable access charging, changes would be required to the Conservation Act 1987, National Parks Act 1980, and Reserves Act 1977. Depending on the detail, such changes could result in outcomes that have not been considered in the discussion document. Forest & Bird urges DOC to be transparent about the precise changes that are being proposed at the earliest possible stage in the process (and before a Bill is drafted), to enable key stakeholders and the public to provide input and advice on the potential wider implications.

2. a. Have any issues been missed?

2.1 The costs associated with administering and monitoring any proposed charging system need careful consideration and have not been adequately canvassed in this consultation. Implementing and maintaining a charging system could require significant resources, depending on the complexity of the scheme. Furthermore, ensuring compliance with a charging system may prove challenging and costly.

2.2 Compliance and enforcement could divert DOC staff, such as rangers, from their core responsibilities, especially if they are expected to monitor compliance while on the job. Furthermore, given the potential resource demands of a charging system and its associated monitoring, a significant portion of the collected fees may need to be allocated to administration. This could lead to a 'zero-sum' outcome, leaving little additional funding available for the maintenance of assets and the preservation of indigenous biodiversity.

2.3 Charging for access could also raise users' expectations regarding service quality. For example, if people are paying for access, they may anticipate increased levels of service such as well-maintained or sealed car parks, enhanced car park safety, modern restroom facilities, and wider or more accessible tracks. DOC would need to manage these expectations carefully to prevent the need for significant infrastructure upgrades and facilities that do not align with the natural and undeveloped nature of conservation areas. DOC sites and associated infrastructure will have varying carrying capacities, which should not be exceeded for quick profits or "selling out nature". Upscaling of infrastructure and increased visitor numbers could negatively affect both the environment and the visitor experience.

⁴ Leung, Yu-Fai, Spenceley, Anna, Hvenegaard, Glen, and Buckley, Ralf (eds.) (2018). Tourism and visitor management in protected areas: Guidelines for sustainability. Best Practice Protected Area Guidelines Series No. 27, Gland, Switzerland: IUCN. xii + 120 pp, at 74.

- 2.4 There is also a risk that adverse effects could be displaced to other areas. If the public are required to pay to access more popular areas, they might opt for trails with no access charge, which are not designed to handle additional capacity. These alternative trails may lack adequate facilities or have fragile ecosystems that could be easily disturbed by increased use. Unintended outcomes such as this are difficult to predict. DOC could potentially identify and mitigate this risk by running pilot-schemes for charging at a limited number of sites, including monitoring and gathering data, before deciding whether to introduce more general changes in legislation and policy.
- 2.5 It is important to ensure that any charging scheme does not inadvertently undermine non-monetary contributions, especially volunteering. Forest & Bird operates several projects throughout the country in partnership with the Department of Conservation (DOC) on conservation land. The discussion document indicates that volunteers and individuals working in designated charging areas may be able to continue their activities without incurring charges, unlike general members of the public. However:
- How this differentiation could be efficiently and effectively achieved in practice would require careful consideration.
 - Charging for access may alter public attitudes towards conservation land – creating a more consumer-based relationship, and undermining volunteer-based efforts to support te taiao.
- 2.6 Finally, there is a lack of detail in the discussion document about how to guarantee that DOC's income from a charging regime would increase its overall funding. The general principle of public access to conservation land without charge is a valuable one and should only be curtailed if real conservation benefits can be guaranteed. Essentially, Forest & Bird is concerned that increased DOC revenue from charging for access could be used in the future as an excuse to reduce Government funding and funding from other sources. We would like to see measures included to guard against this.

b. Do you have any examples or data that demonstrate your view on the issues?

- 2.7 Charging fees for access to certain sites on Māori or privately owned land already occurs in various locations across the country, such as the Omarama Clay Cliffs in Waitaki, Cathedral Caves in the Catlins, Hamurana Springs in the Bay of Plenty and fenced ecosanctuaries such as Ōrokonui, Zealandia and Brook Waimarama Sanctuary. The discussion document does not indicate whether DOC has gathered insights from these existing charging systems. If this has not been done, we encourage DOC to obtain this information to make informed decisions.
- 2.8 It appears that no research has yet been conducted to determine the maximum carrying capacity of relevant DOC sites while preserving asset and biodiversity values. Conducting such research could inform a charging system that helps manage capacity issues and mitigates any negative impacts on conservation values.

Part 4 – Access charging – part of the solution?

3.

a. Do you support the Government introducing the ability to charge for access to some parts of public conservation land?

3.1 As above, Forest & Bird urges the Government to adopt a cautious approach to charging for access to public conservation land. Charging for access would represent a very significant change to the status quo position, and the social, environmental and economic implications in the New Zealand context are hard to predict.

3.2 We address our position below. However, if charging is to proceed, at a minimum, before making any general changes to legislation and policy, Forest & Bird recommends providing for a limited number of pilot-schemes in appropriate locations, with an appropriate ‘sunset’ clause. Monitoring and reporting on these pilot-schemes, both before and after charging is introduced, could then help to inform any subsequent legislative and policy changes.

b. Why or why not?

3.3 In summary, the Government should adopt a cautious approach to charging for access because of the high degree of uncertainty about matters such as:

- Costs associated with charging
- Effective compliance and enforcement mechanisms
- Impacts on the ability of DOC employees to focus on core functions
- Effects of charging on visitor expectations and experience
- Visitor carrying capacity of DOC sites
- Concerns about the adverse effects of displacement of visitors
- Inadvertently undermining voluntary contributions
- Impacts on the ability of ordinary New Zealanders to engage with te taiao
- Ensuring that charging revenue will genuinely be additional to baseline government funding

c. Could you share any evidence or data that has informed your opinion?

3.4 Forest & Bird’s concern is that there is currently a lack of evidence or data to support enabling the Government to charge for access to public conservation land, or to guide how this should be done. One of DOC’s core functions is to advise the Minister on matters relating to conservation. The proposed changes may have significant implications for conservation values, and DOC needs to be able to advise the Minister in an evidence-based way. Advocating a ‘suck-it-and-see’ approach would be inconsistent with s 6 of the Conservation Act 1987.

4. Are there any international examples available that you think the Government could learn from?

4.1 In its 2017 report,⁵ the IUCN outlined best practice approaches that apply to visitor charging internationally, for example:

- Understanding what values are being protected and the operational context prior to selecting a visitor management tool or practice.
- Ensuring that site planning for tourism follows a systematic process that establishes baseline conditions, a conceptual model, and a system of monitoring and assessment to inform site management adaptively.
- Developing tourism management plans in collaboration with affected stakeholders.
- Undertaking a systematic financial assessment of the protected area (or broader protected area system) before setting entrance fees.
- Test the willingness to pay for fees among tourists and tour operators for each user fee. Benchmark fees against those of local and regional protected areas with similar attractions that are competing for the same visitors.

4.2 These best practice approaches will require further baseline research, which Forest & Bird considers to be essential to understand the real-world context into which any charging regime would be introduced.

5. Do you agree with the assessment of voluntary and concessionaire-based access charges?

5.1 The discussion document states that the Government is focusing on compulsory access charges because concessionaire-based and voluntary access charges “... don’t solve equity issues or provide a clear, consistent framework across conservation legislation”. Forest & Bird does not agree with this assessment:

- It would be entirely possible to provide a clear, consistent framework for concessionaire-based and voluntary access charges.
- The most important equity issue is to ensure that all New Zealanders are able (and encouraged) to enjoy access to public conservation land. Concessionaire-based and voluntary access charges can be consistent with this priority.

⁵ Leung, Yu-Fai, Spenceley, Anna, Hvenegaard, Glen, and Buckley, Ralf (eds.) (2018). Tourism and visitor management in protected areas: Guidelines for sustainability. Best Practice Protected Area Guidelines Series No. 27, Gland, Switzerland: IUCN. xii + 120 pp.

- 5.2 Forest & Bird strongly disagrees that equity issues require a ‘user-pays’ model for New Zealand’s conservation estate. The wider public good, including New Zealand’s unique culture and heritage and the needs of future generations, must also be considered.

Part 5 – Who should pay an access charge?

6. To what extent do you support:

a. Option A: Charging everyone

b. Option B: Charging everyone but charging New Zealanders less than international visitors

c. Option C: Charging only international visitors

- 6.1 As discussed above, introducing charging for public access to conservation land raises a variety of complex issues, and it is hard to evaluate these options in the absence of evidence or data in the New Zealand context.
- 6.2 Accordingly, at this time we oppose introducing charges for New Zealanders to access the conservation estate. We are concerned that access charging could undermine New Zealander’s ability to engage with nature and enjoy our environment – something that is recognised as fundamental to our national and cultural identity.
- 6.3 We recognise that there are a range of mechanisms in place that support charging for access and use of facilities which may be located on conservation land. This is however different from charging for access to the estate itself.
- 6.3 If DOC considers it may be appropriate to introduce access charges, then Forest & Bird suggests it would be sensible to limit these to international visitors. However, all of the concerns that we have already set out in this paper regarding charging, including the administrative burden and costs associated with that, would still apply to this scenario. If charging international visitors is to be considered further, it would also be useful to consider time-limited pilot-schemes in order to gather evidence and data to inform any subsequent law change.

7. a. Is there anything else the Government should consider when thinking about who should pay an access charge?

- 7.1 The effect on volunteer activities, including impacts on public attitudes towards conservation land, has not been included as a potential disadvantage for Option A: Charge everyone the same.

7.2 For both Options A and B, above, the Government would also need to very carefully consider the effect of charging mana whenua for access to their ancestral lands, where they are kaitiaki.

b. Are there any other groups the Government should consider charging for access to some public conservation land?

7.3 Forest & Bird has no comment on this question.

Part 6 – Where should access charging be used?

8. a. Do you agree that the use of access charges should be limited to some areas of public conservation land?

b. If you strongly agree or agree, where should these places be?

8.1 Forest & Bird agrees that, if it proceeds, the use of access charges should be limited to some areas of conservation land, such as areas with high use or where infrastructure has become costly to maintain. We note that the Government does not consider access charging would be a practical or desirable tool for most public conservation land. There are many areas of conservation land where access charging would be impractical or uneconomical. Any charging regime that may be introduced should be both practicable and economical, and it follows that access charging would only be appropriate for areas where these basic criteria can be met.

9. a. We have identified the types of locations where access charges could be effective, which may include one or more of the following:

- **Places facing unsustainable pressure from visitors**
- **Places popular with international visitors**
- **Places with high biodiversity and scenic values**
- **Places where user groups are defined**

Do you agree with the features identified for where access charging could be used?

b. Are there any additional features we should consider?

9.1 The practicability of compliance and enforcement would also need to be considered. For example, in areas where there are multiple access points, adverse effects may be caused by visitors seeking to avoid paying an access charge.

10. Are there any features of a place that would mean access charging should not be introduced there?

10.1 As above, these could include features that would make it difficult to ensure compliance, or that could result in visitors causing adverse effects by attempting to avoid paying a fee.

11. To what extent do you support the 'parks pass' approach?

11.1 A 'parks pass' would potentially have administrative advantages for DOC. However, introducing charging for all national parks would be a very significant change from the status quo, and raises all the concerns discussed above.

11.2 Domestic and international visitors may choose to stop briefly in a national park (rather than completing a particular trail). Compliance and enforcement would immediately become a major operational issue for DOC, rangers would need to be given powers to check documentation, including identification documents such as passports / driving licences (especially in cases where subsequent enforcement action is needed). Effective enforcement in cases where international tourists fail to purchase a pass would be problematic.

Part 7 – How should the additional revenue be used?

12. To what extent do you support:

- a. Option A: More of the money should be invested at the place it is collected in**
- b. Option B: More of the money should be invested within the region it is collected in**
- c. Option C: Invest the money in priority projects across New Zealand, regardless of where it is collected**
- d. If you have not already, please explain why this is your preferred approach or combination of approaches.**

12.1 DOC should be focusing primarily on ensuring good conservation outcomes as far as possible. Option A would be subject to s 6(e) of the CA 1987, which states that:

“... to the extent that the use of any natural or historic resource for recreation or tourism is not inconsistent with its conservation, to foster the use of natural and historic resources for recreation, and to allow their use for tourism.”

12.2 As discussed above, charging for access would be likely to raise visitor expectations, and would incentivise more spending at the place where fees are collected to improve facilities and increase revenue. These drivers would need to be carefully managed by DOC, both to ensure compliance with s 6(e) and to ensure that DOC maintains its core function of ensuring

good conservation outcomes across the entire conservation estate. Requiring a significant proportion of revenue to be invested in priority projects that protect or enhance natural and historic resources would be helpful in this context. This is particularly the case in the face of climate change impacts on natural resources.

13. Are there any international approaches to spending money from access charging that you think the Government should consider?

- 13.1 If the Government is going to consider international approaches, Forest & Bird considers that international examples which focus heavily on a ‘user-pays’ model, such as those in the U.S.A, should not be replicated in New Zealand. The New Zealand conservation estate is a ‘public good’ and our cultural and social norms around the environment are distinct. The benefits of the New Zealand conservation estate are also wide-ranging and difficult to quantify. They are not limited to immediate benefits to specific individuals who may choose to visit from time to time. Care is also needed to ensure that any approach supports New Zealand’s unique cultural identity and heritage. In this, a measured approach that supports “national parks rather than theme parks” is required.

Part 8 – Working with Iwi (and Hapū)

14. How can the Government best meet its Treaty obligations in designing and implementing access charging?

- 14.1 Any charging scheme would need to be developed in collaboration with Treaty partners and guided by Te Tiriti o Waitangi to fulfil the Crown's obligations. The relationships that iwi have as kaitiaki and their rights to engage in cultural practices and tikanga such as mahinga kai must be recognised.

Part 9 – Other design questions

15. Some groups other than the Department of Conservation (DOC) manage land with conservation values. Do you think these groups should be allowed to charge people to access this land, if it meets certain characteristics in section 7, to help pay for upkeep and improvements?

- 15.1 Similar issues and principles will apply to land with conservation values administered under the Reserves Act and other bespoke regimes that currently do not permit charging for access. As above, Forest & Bird urges the Government to adopt a cautious approach to making general legislative changes that would apply to such areas.