

Submission on Te Here ā Nuku (Nelson Tenth's) Bill to the Finance and Expenditure Committee

6 July 2026

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. Given the timeframe for submissions, the commission has not had the opportunity to examine the whole Bill or fully analyse its implications. This submission sets out our broad position, requests the opportunity to consider public access issues once the Bill has passed and raises two matters that we ask the Committee to consider.

Support for the Bill's broad direction

3. The commission supports the broad direction of the Bill. The Nelson Tenth's case represents one of the longest-running property disputes in Aotearoa, New Zealand's history, and the transfer of legal title to Te Here-ā-Nuku Trust, as kaitiaki on behalf of the owners, is a significant step.
4. The commission recognises that a change of ownership on this scale will, in places, mean a change to public access that people have enjoyed in practice for many years. That is an expected consequence of correcting the historic title, and it is not, in itself, something we oppose.
5. The Bill also contains multiple protections, initially, for public access and recreation, which we welcome.

A request for the period after the Bill passes

6. The commission's key request is forward-looking. Once the Bill has passed and the title has transferred, we ask for the opportunity to sit down with Te Here-ā-Nuku Trust for an open, blue-skies, without-prejudice conversation about potential future public access opportunities.
7. The commission's interest is in finding outdoor access and recreational outcomes that work well for everyone connected with this whenua – mana whenua, the Trust as kaitiaki, and the wider public who value these places too. We see this as an opportunity to build a constructive, ongoing relationship with the Trust, rather than suggest changes to the current Bill.
8. We would welcome the Committee's support, in its report on the Bill, for this kind of engagement taking place once the transfer is complete.
9. We also request the opportunity to read and analyse the Resolution Agreement and detailed maps of the settlement, which we have not yet seen.

Unformed legal roads

10. The commission has identified a provision it wishes to draw to the Committee's attention: the ability, in clause 116, to stop unformed legal roads adjacent to the transferred land, and extinguish the public access rights attached to them, without going through the usual public road-stopping process.
11. Unformed legal roads carry the same legal status as formed roads, and members of the public have a right to use them. The usual road-stopping process gives affected people, and the wider public, notice and the ability to object before that right is permanently removed. The commission asks the Committee to consider whether a level of public notice could be retained for any road stopped under this Bill, so the removal of a public right remains transparent.

Land gifted by the public to the crown

12. There appear to be some parcels of land listed in Schedule 1 that were purchased by members of the public, such as Awaroa Beach in 2016, and then gifted to the Crown. We ask that the Committee consider separate provisions that recognise the special nature of these parcels and their important connection to public access.

Conclusion

13. The commission supports the Bill's broad direction as a significant resolution to the Nelson Tenth's case. We ask the Committee to note our wish to engage constructively with Te Here-ā-Nuku Trust on public access matters once the Bill has passed.

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