

# **An Ill-founded Monopoly**

## **Walkers' Exclusive Possession of All the Tracks in New Zealand's National Parks**

Great things are done when men and mountains meet;  
This is not done by jostling in the street.

William Blake. *Gnomic Verses*.

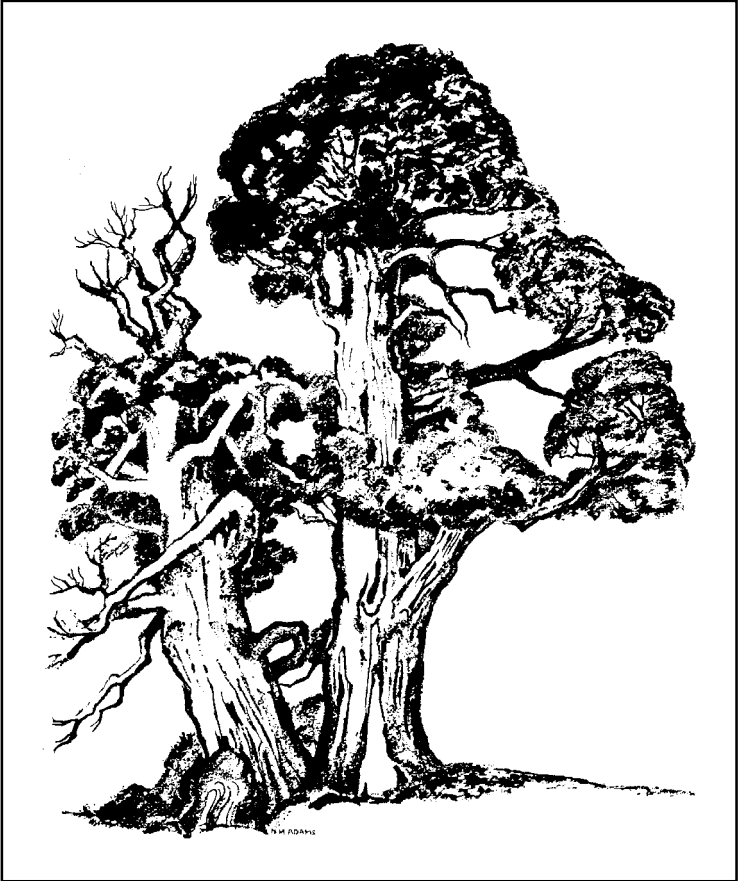
A submission on the Draft General Policy National Parks Act of August 2003.

Name of submitter: Pete McDonald © 2003  
Category of submitter: Individual  
Address: 26 Grandview Crescent, Opoho, Dunedin  
Email: pete.mcd@paradise.net.nz  
Signature:  
Date: 16 December 2003

A PDF copy of this submission is available on request from the submitter.

# Contents

- 1. Introduction ..... 3
- 2. Mountain-biking – a Wholesome Outdoor Recreation ..... 4
- 3. Multi-use Tracks, and Attitudinal and Behavioural Changes ..... 5
- 4. Judging a Track’s Suitability for Shared Use ..... 8
- 5. Walkers, Bicycles, and Wear and Tear of Tracks ..... 11
- 6. Bicycles, National Recreational Policies, and Our Outdoor Ethos ..... 14
- 7. The National-park Bicycle Ban and DOC’s Recreation Opportunities Review ..... 20
- 8. The Heaphy Track – Everlasting Arguments ..... 22
- 9. Conclusion: Changing Circumstances and Increased Knowledge ..... 26
- Endnotes ..... 27
- Acknowledgments ..... 29



BY NANCY M ADAMS, FROM EGMONT NATIONAL PARK

An ancient kaikawaka.

# 1. Introduction

This submission supports Mountain Bike New Zealand's submission on the Draft General Policy National Parks Act (August 2003). I agree with the Mountain Bike New Zealand (MTBNZ) view that the General Policy should recognise mountain-biking as a permissible recreation within national parks, on designated tracks. I shall support the MTBNZ case by arguing that:

- mountain-biking is a healthy, unintrusive, and nonpolluting outdoor recreation, compatible with the fundamental principles of the National Parks Act 1980, especially Section 4, which states that parks should 'be maintained in natural state, and public to have right of entry';
- the last twenty years has seen the development of multi-use tracks; we now understand better the necessary track qualities for successful shared use;
- the same period has seen changes in walkers' attitudes to mountain-bikers, when the bikers are on tracks suited to dual use; the period has also seen changes in cyclists' riding behaviour on dual-use tracks;
- mountain-biking on certain tracks and surfaces, especially on steep earthy tracks not consolidated and compacted, can cause appreciable wear and tear; conversely, cycling on designated tracks, with moderate gradients and adequately durable surfaces, can cause minimal wear, very manageable by maintenance programmes little different from those used for walking-only tracks;
- a continuation of the ban on bicycles would conflict with national policies on recreation and in particular would contradict the essence of the Graham Report, *Getting Set for an Active Nation*;
- a continuation of the ban on bicycles, denying cyclists their access to the most scenic and celebrated parts of New Zealand, would withhold from them a central part of New Zealand's culture: our outdoor ethos;
- a continuation of the ban on bicycles would run contrary to the spirit of the Department of Conservation's recreation opportunities review; and
- even if some walkers do object to the presence of bicycles, the walkers' monopoly on tracks in the national parks is unreasonable and unjust.

I also back the MTBNZ submission that the Heaphy Track is a special case, having been used by cyclists since the 1930s. The Heaphy Track 'is wide and benched over most of its length'.<sup>1</sup> It has only slight gradients and it has good visibility. I agree with the MTBNZ suggestion that the New Zealand Conservation Authority should amend the Kahurangi Management Plan to allow bicycles access to the Heaphy Track between, but not including, Easter and Labour Weekend each year.

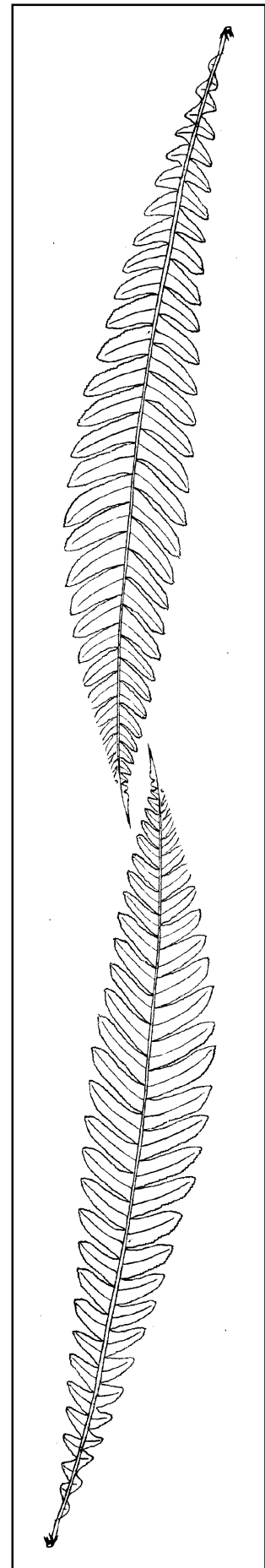
Although I will cite some research papers, this submission is not a scientific inquiry. It presents my own views on the issues. William James, the American philosopher, wrote: 'A great many people think they are thinking when they are merely rearranging their prejudices.' The writing of this submission has forced me to re-examine and modify my thinking on some of the issues; I hope that the New Zealand Conservation Authority will do the same.

## 2. Mountain-biking – a Wholesome Outdoor Recreation

Cycling provides whole-body exercise that is easily customised for people of different fitness and of almost any age. In particular it provides highly effective cardiovascular exercise. Unfortunately, as the highways have become busier, the dangers of traditional cycle touring have increased and the attractiveness of it has decreased. Yet the development of the mountain-bike has enabled cyclists to avoid road traffic; the mountain-bike has revolutionised cycle touring.

Cross-country cycling is a healthy outdoor pursuit, requiring some physical effort and bodily fitness. It provides satisfaction from that basic human trait, the application of skill, whether this skill is elementary or advanced. People can start mountain-biking at a young age and can continue mountain-biking, at a moderate level, until quite late in life. Bicycles use no fossil fuels. They do not pollute. They are quiet. They can take us self-reliantly through fine scenery and into remote places, enriching our knowledge of the nature, history, and geography of New Zealand. As does walking, mountain-biking enables us to escape from the supremacy of the motorcar, temporarily; how irrational and ironic it is, then, that for the last twenty years, the General Policy has positioned bicycles with what we are all anxious to break free from, the internal combustion engine.

In the late 1990s, in many countries around the world, mountain-biking was one of the fastest-growing outdoor recreations.<sup>2</sup> Yet in New Zealand we are prohibiting bicycles from one-third of the country. Cross-country cycling is very compatible with the principles of the National Parks Act 1980, Section 4 of which states that parks 'shall be preserved as far as possible in their natural state' and that 'the public shall have freedom of entry and access to the parks, so that they may receive in full measure the inspiration, enjoyment, recreation, and other benefits that may be derived from mountains, forests, sounds, seacoasts, lakes, rivers, and other natural features.' Gaining inspiration, enjoyment, and recreation by bicycling, on specified tracks, would perfectly fulfil the public-access aims of the National Parks Act.



Nini, *Blechnum lanceolatum*.

### 3. Multi-use Tracks, and Attitudinal and Behavioural Changes

Bicycles are banned from all tracks in New Zealand's national parks. Yet no such uncompromising irrationality applies to mountain-biking elsewhere in New Zealand, outside national parks. For some years now, planners have recognised cross-country cycling as a popular outdoor activity and have been attaching importance to multi-use tracks. The pros and cons of multi-use tracks are not without controversy. Mountain-bikers themselves may not agree on all the issues connected with shared use of tracks. There are many tracks dedicated, uncontroversially, to walkers only or to cyclists only. Nevertheless New Zealand has a growing number of tracks, in both urban and rural areas, which accommodate walkers and cyclists simultaneously.

The Upper Hutt City website, for example, states that 'Upper Hutt boasts a fine selection of walkways, many of which also allow mountain bikers.'<sup>3</sup>

A study in the Dunedin area in 1996 found that walkers and trampers accepted that mountain-bikers needed areas to recreate in and that sharing tracks might sometimes be feasible.<sup>4</sup> In 1998 Dunedin City Council adopted its *Track Policy and Strategy*, which says that 'priority will be given to multi-use tracks, such as those which allow for a range of users including mountain bikes and walkers'.<sup>5</sup>

Wellington City Council's *Mountain Bike Policy* includes a 'Summary of Track Assessment' that covers many of the tracks in and around the city.<sup>6</sup> This summary lists, among other qualities, the 'capability [of each track] for multi-use'. The multi-use-suitability grades are Excellent, Good, Fair, Poor, and Dangerous. Maps associated with this summary show 'Walking Track' and 'Dual-Use Track'.

Judging a track's suitability for shared use presents physical questions (including safety matters such as width, gradient, and visibility), environmental issues (including track wear), and social considerations. (See pages 8–13.) Planners need to examine these aspects for each track. Reaching agreement on whether a track should be single-use or multi-use can pose considerable difficulties. Yet many local authorities and land-managers are tackling these issues and arriving at best compromises. On Christchurch's Port Hills, the city council, the Department of Conservation, and other land-managers, along with various recreational groups, have developed a triple-status system. The Christchurch City Council website provides a map showing the three track statuses: walking tracks (for walkers only), multi-use tracks, and mountain-bike tracks (presumably not recommended for walkers).<sup>7</sup>

Research in the Palmerston North area in 1997–8 identified some discord between track user groups. The main conflicts, however, 'were between mountain bikers, motor cyclists, horse riders and four-wheel vehicle drivers' rather than between mountain-bikers and walkers.<sup>8</sup> One respondent commented that 'the worst

---

' ... New Zealand has a growing number of tracks, in both urban and rural areas, which accommodate walkers and cyclists simultaneously.'

---

problem for mountain bikers are the motor bikes – they cause the most damage to the tracks and the environment’. The Palmerston North City Council’s present (November 2003) advice on the use of the city’s walkways says:

Recreational walking is a great way to get fit, enjoy the outdoors, see new places, and get away from the tensions of everyday life. Use these tracks for walking, cycling, jogging, riding horses, walking dogs or picnicking ...

Cycling

- Cycling is permitted but pedestrians have the right of way at all times.
- Cycling is not permitted on these walkways: [Five are specified].
- No motorised trail bikes or vehicles are allowed on any walkways.<sup>9</sup>

One result of the evolution of the multi-use track is that many people, but not yet all, are becoming more used to and acceptant of the mingling of pedestrians and bicyclists. Whereas twenty years ago the proximity might have seemed strange, now, on designated multi-use tracks, it is accepted as normal. This attitudinal change is still in progress. The MTBNZ submission cites research into the general perceptions of walkers towards mountain-bikers; some of this research has looked at walkers’ perceptions of safety hazards on dual-use tracks.<sup>10</sup>

Behavioural changes are gradually accompanying the attitudinal changes. Cyclists’ familiarity with multi-use tracks is resulting in riders’ sharper alertness for the presence of pedestrians. More cyclists are used to stopping or riding at walking pace when among pedestrians on tracks of limited width. They are also becoming accustomed to riding carefully along bush sections with restricted visibility. They know to expect a pedestrian around every blind bend.

For the past ten years or so, various bodies have promoted mountain-biking codes of conduct that lay down a responsible manner of riding. Wellington City Council and Auckland City Council, for example, have adopted the same code, which contains stipulations such as: ‘Always give way to walkers, runners, and horse riders’, and ‘Where your visibility is restricted, slow down. There may be somebody just around the corner.’<sup>11</sup> These codes are not lists of mere suggestions; they are lists of requirements for riding on council tracks and reserve land. In Wellington, for instance, ‘the [Wellington City Council] Parks Manager may exclude or remove from any reserve any person who ... blatantly flout[s] the mountain bike code of conduct’.<sup>12</sup>

The forms of mountain-biking cover the gamut from an Olympic sport, with an extreme, free-riding offshoot, through to an informal outdoor recreation. Mountain-biking’s image varies correspondingly and even contradictorily. Not all mountain-bikers have yet replaced self-indulgence and instant gratification with self-discipline and awareness of others. But as a broad generalisation those recreational mountain-bikers who would enjoy tracks such as the Heaphy Track are, I suggest, a different breed from those who enjoy downhill racing or the mild anarchy of insane gaps, back flips, and the cutting edge.

---

‘ ... various bodies have promoted mountain-biking codes of conduct that lay down a responsible manner of riding.’

---

## An Ill-founded Monopoly

I myself am probably fairly typical of the potential cycling users of the Heaphy track. I am fifty-six years old, I use my brakes frequently, and I do not view my bicycle as something I expect to fall off frequently, if at all. Touring mountain-bikers appreciate and respect the mountains and the bush, as trampers do; indeed, wilderness cyclists and trampers are singularly similar in these respects. Youthful cyclists, as well as mature cyclists, are very capable of valuing their surroundings. They also understand the importance of responsible riding.

On both sides – the walkers' views and the cyclists' views – sharing and understanding is gradually replacing selfishness and ignorance. Federated Mountain Clubs of New Zealand (FMC), for example, operates a policy that accommodates a sharing of the mountains by different recreational groups. A four-point summary of the appropriateness of mountain-bike access, as perceived by FMC, appears in the *FMC Policy Guidelines*.<sup>13</sup> Although the majority of FMC members are trampers and climbers, the FMC 'supports mountain biking as a low-impact recreational activity on appropriately zoned public tracks'. In broad terms, the FMC supports a philosophy of planning that says a wide range of recreational activities should be possible with minimum conflict between users.



BY NANCY M. ADAMS, FROM EGMONT NATIONAL PARK

A rata trunk.

## 4. Judging a Track's Suitability for Shared Use

How do planners decide whether a track is suitable for multiple use? The criteria in DOC's *New Zealand Walkways Policy* (1995) are probably fairly typical. Section 8.3 covers nonpedestrian use of walkways established under the Walkways Act. It allows for cycling provided that certain conditions are met, such as 'not unduly interfering with walkers' and 'not causing unacceptable damage to the track'.<sup>14</sup> In this section I will discuss the first of these considerations, which includes the safety of walkers and the social impact on walkers. (For a discussion on the wear and tear of tracks, see pages 11–13.)

DOC's *Guidelines for Use of Bicycles on Tracks Managed by the Department* (1994) provides another example of general criteria for shared use, for tracks outside the national parks:

### 2. Procedure

The Department will:

2.1b Acknowledge the use of bicycles as a legitimate recreational activity on certain tracks managed by the Department.

2.1c Designate tracks for bicycle use on an open or controlled basis where such use can be undertaken to acceptable levels of social, physical and ecological impact.<sup>15</sup>

Another example of the principles for judging a track's suitability for shared use appears in the Auckland City Council *Mountain Bike Policy*:

### 4. Multiple use capabilities (safety of all track users).

Factors for assessing whether mountain bikers can use a track safely with other track users are:

- estimated number of pedestrians and other users year round, eg high-use pedestrian routes, booked picnic sites
- range of other users, eg walkers, horses
- width of track
- visibility along tracks
- complexity of tracks
- amount and quality of signage<sup>16</sup>

I contend that the General Policy should now recognise mountain-biking as a permissible recreation within national parks, on selected tracks. When deciding whether a track in a national park would meet the requirements for shared use, the Department of Conservation should apply principles similar to the criteria quoted above. A more comprehensive version of these criteria, designed as a tool for the National Park Management Plans, appears in the *4/12/03 Draft MTBNZ Heaphy Campaign Submission*, 3.2(a) to (g). The difficulty comes, of course, in interpretation.

Walkers and cyclists on narrow winding tracks can have difficulty in seeing and hearing each other coming; such tracks may not suit shared use. But assessing the exact suitability presents



complications. The Wellington City Council system, with five grades of dual-use appropriateness from Excellent to Dangerous, tries to roughly quantify this somewhat indefinite quantity.

Let us consider, first, a track that does not particularly suit dual use, such as one graded Fair or Poor on the Wellington City Council dual-use scale. Allowing shared use of such a track raises the possibility of three undesirable results: walkers' genuine fright, walkers' perceived danger, and real danger. In reality, walkers' worries about the danger are probably not matched by recorded accidents. But this is immaterial: the genuine fright and the understandable worry are reasons enough to dedicate such a track to single use. Furthermore, we are living in a world in which even the rarest accidents receive an overreaction.

The majority of cyclists are not blind to the safety considerations of tracks that are less than ideal for dual-use. One mountain-biker commented to me:

... some members of the MTB fraternity have scant regard for others when using multi-use tracks. I've seen some terrible near-misses with both children and dogs and from my father-of-three perspective I have occasionally felt the need for a handlebar-mounted 8mm machine gun.

Another mountain-biker remarked to me:

I do both activities but only in some cases do I think they are compatible. I'm saying this both from the cyclist and the tramper point of view. I don't know if there is an answer. Perhaps only when there is good visibility, and reasonable widths and gradients.

Let us assume, now, that a particular track has a dual-use suitability of Excellent or Good on the Wellington City Council scale: it is of adequate width for a cyclist to pass a walker, it has clear visibility, and it has only slight gradients. It is very clearly safe for shared use. What constitutes, on this track, undue interference with walkers? What, on this track, is an acceptable level of social impact?

One interpretation, common in the past, can be illustrated by the following hypothetical views held by Walker A twenty years ago: 'The presence of cyclists along the Heaphy Track significantly detracts from the aesthetic pleasure that nature-loving walkers enjoy. The very act of strenuous physical exercise, the associated noise, and the atmosphere of tension and rapid motion are out of sympathy with the relaxed aura that accompanies gentle tramping. It is difficult to appreciate the natural beauty of plants and landscapes when avoiding contact with gasping, sweaty people on gaudy machines that materialise at a bend in the track.' There used to be many Walker As. Their opinions, along with other considerations, led to a policy that I shall call track monopoly.

Track monopoly may be, in some walkers' eyes, the answer to an obvious need. A minority of walkers will always class bicycles alongside funicular railways, uranium mining, and bubonic plague. Or they will simply resent sharing a track of which they have enjoyed exclusive possession. But although track monopoly might have reflected the attitudes of a significant proportion of

walkers twenty years ago, it now, I believe, represents the entrenched sentiments of a small and uncharitable minority. Time has brought gradual familiarisation. A new generation of walkers and mountain-bikers has arrived, with altered perceptions. I emphasise that I am talking about people's attitudes to the shared use of approved multi-use tracks, not about their attitudes to the several forms of illegal riding that continue to give mountain-bikers a delinquent image.

A different interpretation of social impact can be illustrated by the hypothetical views of Walker B: 'I prefer walking myself, but I don't mind sharing designated tracks with cyclists. There's plenty of room in New Zealand's national parks for both walkers and mountain-bikers. My only reservation concerns safety: the authorities need to select multi-use tracks carefully, and cyclists need to ride cautiously when visibility is restricted.' I believe there are many Walker Bs. Their considerate thinking has the potential to lead to a policy that I shall call track-sharing.

Track-sharing seems to be working well, on carefully selected tracks, in many places in the 70 per cent of New Zealand that is not national park. The MTBNZ submission refers to evaluations of several shared-use tracks in New Zealand.<sup>17</sup> The results from a 1998 study of the Queen Charlotte Track pointed to 'a very substantial increase [since 1993-4] in walker support for shared use'.<sup>18</sup> As I see it, it is time to share a few selected tracks in national parks. A failure to do so would prolong an unjustifiable discrimination against bicycles.

This change would not flood our national parks with bicycles. There are probably only a few national-park tracks that meet the dual-use criteria that I have discussed. There is widespread agreement that some tracks are unsuitable for mountain-bikes and that others are very suitable for dual use. Each case would need to be considered on its merits. Yet under the 1983 General Policy, that consideration can not begin. The Draft General Policy, if adopted as it stands, will not add any flexibility; Management Plans will still not be able to contemplate any track-sharing.

---

'Track-sharing seems to be working well, on carefully selected tracks, in many places in the 70 per cent of New Zealand that is not national park.'

---

'Of course, nobody wants walkers to be feeling anxious about what may happen if they meet mountain bikes on a track, but a review of the New Zealand evidence suggests that this group of walkers is very rapidly dwindling, with a large majority of individual walkers now supporting shared use, perhaps particularly in backcountry settings.'

From Section 6.5 of the *04/12/03 Draft: MTBNZ Heaphy Campaign Submission*.

## 5. Walkers, Bicycles, and Wear and Tear of Tracks

Earlier I mentioned DOC's *New Zealand Walkways Policy* (1995), which allows for cycling provided that certain conditions are met, such as 'not causing unacceptable damage to the track'.

Much of what has been written on the excavatorial capacity of the mountain-bike has been contradictory and controversial. Even just trying to interpret the above stipulation poses intricate complications. What is acceptable wear and tear to a track and what is unacceptable damage to a track? Do muddy tyre tracks lead to more erosion by water than do muddy footprints? If yes, is the difference so catastrophic that bicycles need to be banned from a third of New Zealand? Why is the State willing to spend millions of dollars of taxpayers' money repairing unavoidable wear and tear caused by boots, and yet unwilling to contemplate repairing wear and tear caused by bicycles?

### **Environmental Consequences of Off-track Tramping and Mountain-biking**

Before we consider the degradation of tracks, we should first state the obvious regarding the possible consequences of off-track mountain-biking. By 'off-track', I mean going off the established trails.

Sheep, repeatedly crossing a hillside by the same route, gradually wear a sheep-track. People and horses, too, wear tracks; that was how, in some mountainous countries, most bridle tracks and foot-tracks developed, often as ways between farms or villages. Still today, mountaineers who take short-cuts when descending zigzag tracks gouge out conspicuous new tracks. Boot-manufacturers in the 1980s designed rounded heels that would minimise the wear and tear on the hills and mountains; I went out of my way to obtain old-style boots with an angular heel that gripped well on steep muddy descents. So let's get this straight: when skidded violently, the knobbly bicycle tyre can – in some circumstances – excavate and grade efficiently.

Both bicycle tyres and boots can create new tracks that can become watercourses and then, eventually, large scars on a hillside. Yet such erosion is not inevitable. Off-track mountain-biking, as well as off-track tramping, can sometimes form acceptable, stable new tracks, especially on rocky ground not susceptible to erosion.

In some circumstances, a virgin singletrack, descending through pine forest or native bush, can remain uneroded and unintrusive; in other circumstances, it can deteriorate into a wide channel of rocks, rubble, tree roots, and mud. In making this submission, I am not suggesting that the New Zealand Conservation Authority approves off-track riding in national parks. Nor am I saying that such off-track riding is always erosive.

## Acceptable Wear and Tear to Tracks and Unacceptable Damage to Tracks

Theodor Billroth, the Viennese surgeon, wrote:

Truth is the aim of all research, no matter how sharply this truth may conflict with our social, ethical and political considerations. This is the unifying bond of the modern university.

He was talking about research in an ideal world. In the real world, hardly a week passes without our hearing of some latest research finding that merely demonstrates that research has a tendency to select the facts to fit the required results. Nothing illustrates this better than the various reports on the damage, or lack of damage, caused by bicycles to tracks. Contradictory verdicts, or apparently contradictory verdicts, abound. Ten years ago, for example, the pro-mountain-biking lobby in the UK welcomed a report which stated that 'there has been little solid evidence to suggest that mountain bikes are any more damaging to bridleways than many pairs of feet or horses' hoofs though in some cases they can contribute further to problems caused by over-use.'<sup>19</sup>

In apparent contradiction to this finding – but from a different context – the following extract from an American website vigorously presents the opening statement for the prosecution:

When is the mountain-biking community like a big tobacco company? When they claim that mountain bikes cause little or no harm to our parks despite overwhelming evidence to the contrary. These photos [on the web page] taken on a trail always closed to bikes but used regularly by them for years show what mountain bikes can do to a trail.

But mountain bikers hate the truth, even when it is staring them in the face. Instead they cling longingly to a tired, old and discredited 1995 New Zealand study called *Off-Road Impacts of Mountain Bikes*, claiming that this bad-science study by a mountain biker is proof that bikes cause little more damage than people on foot.<sup>20</sup>

Brightening this doom and gloom, the fact is that New Zealand already has many multi-use tracks that are not falling to bits. Some of those tracks, such as the Queen Charlotte Walkway, have a higher usage than any national-parks track suitable for shared use would have.

Personally, I reckon that the variables are complex, rendering much of the research relevant only to very specific situations. So I will have to think instead. And this is what I think: mountain-biking on certain tracks and surfaces, especially on steep earthy tracks not consolidated and compacted, can cause appreciable wear and tear; conversely, cycling on designated tracks, with moderate gradients and adequately durable surfaces, can cause minimal wear, very manageable by maintenance programmes little different from those used for walking-only tracks.

The New Zealand Walkways Policy (quoted at the start of this section) accepts, by implication, that there are circumstances in which bicycles will not seriously damage tracks. The same

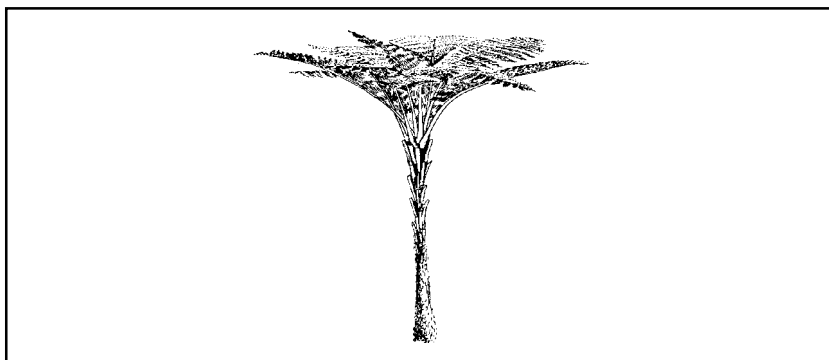
acceptance underlies the policies of many local authorities on dual-use tracks. But the 1983 General Policy for National Parks implied that, out of the many thousands of kilometres of walking tracks in the national parks, not a single track possessed the physical qualities necessary for undamaging dual-use.

But maybe I am mistaken. Maybe the 1983 General Policy did not imply that at all. In reality, nobody knows the logic behind the banning of bicycles, because the 1983 policy simply prohibited vehicles from off-road use, and in doing so it – perhaps accidentally or with very limited debate – banned bicycles too. End of story, little explanation, no parliamentary debate on mountain-bikes. Now, twenty years later, it is difficult for cyclists to present their submissions to a draft revised policy when the reasoning underlying the original policy is unclear. How can we cyclists examine whether the ban was based on true and reliable premises when we do not know what those premises were?

The Draft General Policy National Parks Act (2003) does not clarify the thinking that lay behind the 1983 policy. It fails to explain why bicycles were banned or why the New Zealand Conservation Authority wants to maintain that ban. We do not know whether the prohibition is connected with the potential wear and tear on tracks. We are left guessing, trying to contribute to a retrial when the original trial never properly took place. (There are NZCA minutes of discussions about the use of bicycles on the Heaphy Track; I do not consider these minutes to constitute an up-to-date, informed, and organised examination of the overall issues surrounding cycling access to national parks.<sup>21</sup>) But if indeed the Conservation Authority cannot identify a single national-park track suitable for dual use, then perhaps it should consult Nick Smith, an ex-minister of conservation, who commented:

Mountain bikers don't want carte blanche access to National Parks. On many tracks it would be quite inappropriate. However, there are a limited number of tracks on which mountain biking would make sense but cannot even be considered because of the current total prohibition.<sup>22</sup>

It is clear that this particular minister of conservation believed that allowing limited cycling access to certain tracks in national parks would meet the objectives of the National Parks Act, maximising public access without compromising conservation values.



Ponga, silver fern; *Cyathea dealbata*.

---

‘We are left guessing, trying to contribute to a retrial when the original trial never properly took place.’

---

## 6. Bicycles, National Recreational Policies, and Our Outdoor Ethos

It is very relevant, as a part of this submission, for us to look at the national-parks bicycle ban against the wider picture of national recreational policies. Does the ban link comfortably into the vision statement of the Graham Report, *Getting Set for an Active Nation*? How happily does the ban fit into the New Zealand outdoor ethos?

### National Policies on Recreation

The Graham Report catalogued a range of evidence linking recreation (and sport) with the public good. In particular it cited an extraordinary sweep of compelling evidence linking physical activity and health. On room for improvement, it quoted a 1996 survey that found that 'over one-third of [New Zealand] adults (950,000) can be described as inactive ... taking part in less than 2.5 hours of leisure time physical activity in a week'.<sup>23</sup> The Graham Report found that 'there is a need for a more active nation that is committed to physical activity'.<sup>24</sup> It recommended the setting up of a new national organisation called Active New Zealand. (Arguably, the priority implied by this name was lost when the new organisation was named Sport and Recreation New Zealand.) The Report encapsulated its overall proposal in a short vision statement that started at follows: 'Vision for an Active New Zealand. That all New Zealanders will have recognised and valued their fundamental right to an active lifestyle.'<sup>25</sup>

Fine words. And, as the saying goes, fine words butter no parsnips. They have not yet opened any national-park tracks to bicycles. Maybe they have not yet penetrated the New Zealand Conservation Authority. This will not surprise the authors of the report, who commented that 'there has not been a sufficient level of coordination between the Department of Conservation and central recreation groups'.<sup>26</sup>

Any prolongation of the ban on bicycles in national parks would contradict the essence of the Graham Report. The authors of the Report firmly emphasised who would be responsible for ensuring that this essence was taken seriously: 'Given the proven value of physical activity the Taskforce states unequivocally that a country's leaders - with this knowledge - are derelict in their duties if they ignore the need to fully support a more physically active nation.'<sup>27</sup>

In the preceding paragraphs, I have pinpointed New Zealand's national recreational priorities by quoting from the Graham Report. Had I quoted from the manifestoes of the main political parties, the messages would have matched the feelings of the Graham Report. Politically, there exists a rare harmony on encouraging participation in physical recreation. Yet despite this agreement in the Beehive, there is a national unawareness of the needs of mountain-bikers, and this lack of recognition lies, surprisingly, far more in national government than in local government. I have already indicated that many local-authority planners and councils have acknowledged the value of multi-use tracks.

### 'Vision for an Active New Zealand.

That all New Zealanders will have recognised and valued their fundamental right to an active lifestyle.'

From *Getting Set for an Active Nation: Report of the Sport, Fitness and Leisure Ministerial Taskforce* (Wellington, NZ: The Taskforce, 2001).

---

'Any prolongation of the ban on bicycles in national parks would contradict the essence of the Graham Report.'

---

## An Ill-founded Monopoly

Regardless of this example, some national politicians, when considering access to the countryside, seem to be still focusing on walking access alone. The Land Access Ministerial Reference Group, for example, has recently spent seven months examining, among other things, access across private rural land. In view of the ban on bicycles in national parks, you would have thought that the Group's terms of reference would have stressed the urgent necessity to consider the needs of off-road cyclists; yet the terms of reference specifically excluded any consideration of access to private land by any means other than on foot.<sup>28</sup> Our national recreational policies are very clear, yet mountain-bikers are being doubly ignored at a ministerial level.



A cyclist at the Roaring Swine Creek, a tributary of the Haast River, in 1931 (or earlier). The Haast Pass at this time was just a bridle track. The road over it was not completed until 1965.

This photograph was one of seven Haast Pass photos occupying a full-page spread in *The Otago Witness* on 12 May 1931. The caption for the page read:

### **'A Cycling Tour Through the Haast Pass**

The Haast Pass through the Southern Alps between Westland and Otago affords some of the finest mountain, lake, river, and bush scenery in New Zealand, and is one of the favourite routes of [horse-]riders or trampers. Our photographs, however, were taken during a cycling tour, which, on account of the rugged nature of the country, is much more perilous to undertake than a tour on horse-back or on foot. Only five parties, including the takers of the present pictures, have ever accomplished the trip on cycles. The track chosen was from Ross, in Westland, to Makarora, at the head of Lake Wanaka, in Otago.'

SUPPLIED BY THE HOCKEN LIBRARY,  
UNIVERSITY OF OTAGO, DUNEDIN.  
NOT TO BE REPRODUCED WITHOUT  
PERMISSION.

### Mountain-bikes and New Zealand's Outdoor Ethos

And what about mountain-bikes and New Zealand's outdoor ethos? Do bicycles belong in our outdoor image?

To me it is self-evident that New Zealand has a proud outdoor ethos that deserves endorsing, preserving, and enriching; it is equally obvious that off-road mountain-bike touring perfectly fits that ethos; and it is manifest that the Draft General Policy, like the 1983 policy, recognises and celebrates that ethos in walkers while ignoring it in cyclists. Yet these feeling are just intuitive. Our outdoor ethos is a trickier concept to examine and write down than our government's recreational policies.

When we talk about a country's ethos, we mean the distinctive character, spirit and attitudes of that country's people and culture. Whereas Argentina is known for revolutions, and Ireland for limericks, the name 'New Zealand' is synonymous with the term 'the outdoors'. This centrality of the outdoors has come from a mix of two cultures, each close to the land. Both strands preceded our national parks, as also did the idea of touring through the mountains on a bicycle.

In the 1890s, before the arrival of the motorcar, New Zealand's cyclists crisscrossed much of the country, sometimes covering a hundred miles in a day, sometimes walking many miles of muddy, unmetalled road or of trackless riverside. In December 1894, *The New Zealand Wheelman* reported:

Cycling boomed considerably in 1892, but its progress last year has been even more marked ... the cycle has found its way into the inmost recesses of the West Coast. It has explored the beauties of Nature that are so bountifully provided from the North Cape to Bluff ... <sup>29</sup>

Some idea of the spirit of those times, pushing into new cycleland, can be gained from the following request, which appeared in *The New Zealand Wheelman* in March 1895:

Wanted to Know:

If any cyclist has yet been over the road between Queenstown and Skippers (Otago), and, if so, what is it like?<sup>30</sup>

The early cycle tourists left numerous written accounts of their adventures. The common themes of their stories were of discovering the countryside and its people, meeting physical challenges, gaining bodily fitness, and applying skill: quite similar, in some ways, to the basic threads of tramping tales or of recreational mountain-biking today.

One of those late 19th-century cyclists was William H Trimble. Having moved to Otago in October 1898, he determined to discover his new province by bicycle. He wrote: 'Coming to a part of New Zealand that was totally strange to me ... I felt that to neglect the opportunity of examining it during fine weather and the long days of summer would be foolish.'<sup>31</sup> Here is Trimble venturing into Central Otago:

---

'The common themes of their stories were of discovering the countryside and its people, meeting physical challenges, gaining bodily fitness, and applying skill...'

---



## An Ill-founded Monopoly

From the Pigroot the road ascends rapidly the hills in which the Shag River takes its rise; and so for considerably more than an hour I had to walk, and lead my bicycle, but when once the top of the watershed is reached there is a beautiful view across the Maniototo plain. This is an extensive tract of country, bare of trees, the vegetation being mostly tussock; and around this great expanse of brown are mountains, a deep blue colour, and between the mountain peaks, far away at great distance just a glimmer of the snow clad mountains of Western Otago.<sup>32</sup>

In November 1899, a North Island cyclist (name unknown) resolved 'to see something of the far-famed Buller and Otira Gorges with their wealth of beauty and grandeur'.<sup>33</sup> New Year's Day 1900 saw him (or her) cycling up the Otira Gorge:

The variety of its scenery is something extraordinary. The 'Avenue' gives perhaps the finest glimpse of bush scenery; the Taipo, the Otira, and the Bealey Rivers are wonderful specimens of mountain torrents, though each has its own peculiar characteristics; Arthur's Pass, at an altitude of 2835ft, is remarkable for the brilliance of its mountain lilies and white and yellow mountain daisies, and for the variety of its own peculiar vegetation; while among the hundreds of waterfalls the Bridal Veil and the Devil's Punch Bowl stand out in striking prominence. The last-named is a wonderful sight. Imagine a large stream leaping from the top of a high cliff, to be dissipated into mist long before it reaches the bottom, and this mist being driven here and there in all directions by every gust of wind. It is a sight never to be forgotten. But the Gorge itself is the most remarkable feature of the district. After entering the foot of the gorge, the road follows the river bed, and as the valley is very narrow, with almost precipitous cliffs on both sides, and the stream descends in a series of foaming rapids and falls, it is an awe-inspiring sight. At the head of the Gorge the road zigzags up on to the plateau in a most alarming manner, and I must confess that the mere thought of descending otherwise than by walking is enough to make one shudder.<sup>34</sup>

Even night riding, suggested by MTBNZ as a possibility for the Heaphy Track, has its ancient precedents.<sup>35</sup> Two Dunedinites enjoyed the winter nights of Central Otago in June 1900:

Messrs E. Howlison and S. R. Stedman returned to town last week from a few days' ride in Central Otago, and advise me that their trip was altogether a very enjoyable one, and that given the same fine, frosty weather, a bicycle ride in Central Otago at this time of year is highly recommended. They covered over 600 miles, and found the roads in good all-round order. In some places where the sun's rays did not get to melt the frost the roads were like iron, and it was bump, bump, bump continually when riding, and where the sun did have effect the roads had a general stickiness; but, taking them all

round, they were good. A fair amount of the travelling was done at night, when the light sent out from an acetylene lamp almost made night into day.<sup>36</sup>

There are several old maps which give a vague idea of the extent of the explorations of the touring cyclists a century ago. *Bacon's Cycling Road Map: New Zealand: South Island*, with 'All Roads Specially Coloured', was published in London in about 1910. I do not know whether this map was merely reproduced from existing topographic maps or actually based on evidence of routes having been cycled. All we can say for certain is that the map was sold as a cycling map and that, for example, its 'specially coloured' brown roads included one from Karamea to Woodstock (via the Karamea River, the Leslie River, and Flora Saddle) and also one from Moki-hinui to Tapawera (via the Mokihinui River and the Wangapeka River). In reality, these 'roads' were probably bridle tracks, or in places bullock tracks.

Down south, this map invited cyclists to follow a road up the Greenstone River and down the Hollyford River. It even marked the Routeburn Track as a road. It is very possible that, by 1910, one or two cyclists might have pushed their bikes over the Routeburn. Further east, as early as 1895, 'two Dunedin wheelmen ... rode on their wheels to within a short distance of the Sutherland Falls'.<sup>37</sup>

This 1910 map shows a road up the Aorere Valley from Collingwood, but does not mark the Heaphy Track (although gold-prospectors had developed the Heaphy Track as a pack-track in the 1860s-80s). A later version of this map, published about 1920, has a slightly different title: *Bacon's Cycling and Motoring Road Map: New Zealand: South Island*. (See page 24.) It shows quite a few additional roads, as if the cyclists and motorists had been gradually extending the boundaries of cycledom and motordom. For example, it shows the whole of the Heaphy Track as a road: meaning, as in the earlier examples, a bridle track.

That was eighty-three years ago. Arduous cycle touring clearly occupied a central part of New Zealanders' outdoor ethos. But now? The question once again: Does off-road cycling belong in our outdoor ethos? The answer seems to be: Yes, but not in our national parks, there are plenty of other places mountain-bikers can go to.

I do not want to digress into the truth or otherwise of this last statement, but I do deplore its segregative reasoning, which sees no fault in a type of separation that hugely privileges one group. The quality of the scenery and landscapes in our national parks is deliberately pre-eminent. That's why those mountains, valleys, and coasts ended up as national park. New Zealanders spent a century choosing the best places. I do not believe that Parliament, in framing the National Parks Act 1980, intended or foresaw that the General Policy would reserve those best places for one recreational group.

Earlier this year, a submitter to the Land Access Ministerial Reference Group wrote that 'the land and waters of New Zealand are a treasure to all those who feel they are New Zealanders and access to these, in part, historically defines the values of our society'.<sup>38</sup> Cross-country cycling is a wholesome activity that allows us to discover and enjoy that treasure. Allowing cycling on selected

---

' ... as early as 1895, "two Dunedin wheelmen ... rode on their wheels to within a short distance of the Sutherland Falls" '

---

tracks in national parks would not undermine the conservation aims of the National Parks Act. Mountain-biking fully deserves a proper and respected place in New Zealand's outdoor values. Yet the Draft General Policy National Parks Act denies off-road cyclists their access to the most scenic and celebrated parts of the country. In doing so, it withholds from them a central element of their culture.

---

‘Allowing cycling on selected tracks in national parks would not undermine the conservation aims of the National Parks Act.’

---



A cyclist during a trip through the Haast Pass in 1931 (or earlier).

This photograph was one of seven Haast Pass photos occupying a full-page spread in *The Otago Witness* on 12 May 1931.

Another mention of cyclists crossing the Haast Pass appeared in the *Otago Daily Times* on 25 February 1936:

**‘Through the Haast**

The popularity of the Haast Pass appears to be increasing, and now offers opportunities for those people who will endure any amount of hardship in order to achieve something different from anyone else. On Friday night the inhabitants of Pembroke [Wanaka] were startled to see two gaunt and bearded cyclists, carrying heavy packs, riding up the main street. The riders, Messrs Provo and Johnston, of Alexandra, had come from Weheka, down the West Coast, through rivers and over mountain tracks of the Haast Pass to Makarora.’

SUPPLIED BY THE HOCKEN LIBRARY,  
UNIVERSITY OF OTAGO, DUNEDIN.  
NOT TO BE REPRODUCED WITHOUT  
PERMISSION.

## 7. The National-park Bicycle Ban and DOC's Recreation Opportunities Review

Several recent reports, and many commentators over the years, have remarked upon the Department of Conservation's intrinsic dilemma in balancing the needs of conservation and the demands of recreation. For example, the committee report on DOC's 2002/03 estimates stated that 'the attempt to identify and manage a suitable balance between visitor access and conservation requirements lies at the heart of current policy efforts and appropriations.'<sup>39</sup> The same report stressed that recreational access to conservation lands remains a key priority for the Department: 'Appropriations for Vote Conservation in 2002/03 totalled \$267.537 million, with continued access to recreational opportunities on public conservation land targeted as a critical issue for the vote.'<sup>40</sup>

In connection with this key priority, DOC has undertaken a major review of recreational opportunities. The start of this review resulted, in May 2002, in a dramatic increase in funding 'for outdoor recreation facilities on public conservation land in New Zealand'.<sup>41</sup> On 30 September 2003 the minister of conservation, Chris Carter, announced that DOC proposed to build 250 kilometres of new walking tracks across New Zealand over the next ten years.<sup>42</sup> DOC is also proposing to upgrade or replace another 499 tracks spanning over 1,900 kilometres. Over the next ten years, DOC will be spending an extra \$349 million on recreational facilities.

Many recreators, particularly trampers and mountaineers, will wholeheartedly welcome these developments, and so they should. Yet we could excuse mountain-bikers for reading this news with some cynicism and a sense of alienation and injustice. New Zealand is spending hundreds of millions of dollars on improving the monopoly access of one group of users.

There are three approaches to end this monopoly. The most economical solution, which this submission supports, requires the designating of some existing tracks as multi-use. A variation on this solution could involve track modifications, such as widening the track or improving the visibility.

A second solution, longer term, would require the planning and construction of new multi-use tracks.

The third approach would require a planned segregation: the dedicating of some tracks for walkers only and others for cyclists only. In practice this would entail building some new tracks specifically for cyclists. Should the Conservation Authority completely reject the concept of multi-use tracks, this solution would form the only fair way ahead for mountain-bikers. Counter arguments on the grounds of expense would need to justify the spending of an extra \$349 million on recreational facilities but not a cent of it on the needs of cyclists.

---

'New Zealand is spending hundreds of millions of dollars on improving the monopoly access of one group of users.'

---

The cycling stance of the General Policy for National Parks (1983) has led to a situation that is patently unjust. This General Policy has totally denied off-road cyclists their recreational rights across 30 per cent of New Zealand. That large chunk, our national parks, forms the most spectacularly scenic part of our country.

The universal bicycle ban may once have reflected the opinions of a sizeable proportion of walkers; I doubt whether it still does. I see the continuation of the ban, in the Draft General Policy National Parks Act, as now reflecting a mix of responsible caution and institutional inertia. Closed minds might also be a factor, minds still jaundiced by images of self-centred thrill-seekers oblivious to their surroundings. Even if I am wrong, and a weight of walkers do still object to sharing tracks with cyclists, many cyclists may no longer be inclined to meekly accept the walkers' monopoly. In one sense, what walkers think of bicycles is irrelevant. The all-over year-round ban is ill-conceived, outdated, unnecessary, and unsustainable. The monopoly is unfair and unacceptable. A continuation of this ban will make a nonsense of the spirit of the recreation opportunities review, which – at present – should more accurately be called the walking opportunities review.

We mountain-bikers are facing catch-22: we enjoy no recreation opportunities in the national parks, and so we have none that can be reviewed. The 1983 General Policy has prioritised the recreational rights of one group over those of another, and the Recreation Opportunities Review is compounding the wrong. Only one group – walkers – is receiving 'in full measure the inspiration, enjoyment, recreation, and other benefits that may be derived from mountains, forests, sounds, seacoasts, lakes, rivers, and other natural features.' The only mechanism that can right this wrong is the submission process of the General Policy, not the submission process of the Recreation Opportunities Review. So I hope that, in response to this submission, the Authority will deeply consider this matter. I hope that the Authority will take steps to ensure that, in future, cyclists have some opportunities to enjoy our national parks.

---

'The only mechanism that can right this wrong is the submission process of the General Policy, not the submission process of the Recreation Opportunities Review.'

---

### **Bicycles in the Eglinton Valley**

An account of a cycling trip to the Eglinton Valley appeared in the *Otago Daily Times* on 18 January 1934:

### **Girls' Long Cycling Tour**

Two Dunedin women cyclists – Miss Irene Cruickshank and Miss Joan Cameron – have just completed a very fine holiday trip through Southland. Attired in slacks, blouses, berets, and blazers, and with blankets, pyjamas, and a ground sheet strapped to their machines, they left Dunedin on Saturday, December 30, and reached Wairuna, near Clinton, a distance of 77 miles, on their first day's run. Next day they reached Gore, and the following day – January 1 – they cycled to Kingston Crossing. Lumsden, Te Anau, the Eglinton Valley, Cascade Creek [near Lake Gunn in the Eglinton Valley], Manapouri, and back to Lumsden was the route then followed ... At Eglinton Valley they were met by the hermit of the valley – Miss Dwan – who is, apparently, seeking literary inspiration in the beautiful neighbourhood. "She hailed us as co-celebrities [*sic*]," said Miss Cruickshank, "but we were evidently minor lights, as she had just previously made the acquaintance of a girl who had walked all the way from Dunedin to Eglinton Valley."

## 8. The Heaphy Track – Everlasting Arguments

Wilf Broughton and Noel Pope, two schoolboys, cycled the Heaphy Track over Christmas in 1936–7.<sup>43</sup> They partly cycled, partly pushed their bikes, and partly carried them. In the following decades, well before the arrival of the mountain-bike, the Heaphy Track became an important link for cycle tourists between the West Coast and Golden Bay. Not all road cyclists appreciated the challenge of the narrow, unmaintained track, with its frequent river crossings and its bike-carrying. Bruce Ringer, writing in *New Zealand By Bike*, obviously preferred dry feet:

The Heaphy Track does in fact link the West Coast with Golden Bay, but this is unsuitable for bicycles. Some cyclists have crossed it, but they have had to carry both machines and luggage for about a third the distance. Not recommended.<sup>44</sup>

Such is the human spirit, though, that many cyclists – before the track improvements of the early 1980s – not only accepted the challenge but also thrived on it and endorsed it. (There was a similar cross-country-cycling movement in Britain, called the Rough Stuff Fellowship, and it had nothing to do with gay sex.<sup>45</sup>)

It is well known that there are still people who would like to build a road roughly paralleling the Heaphy Track.<sup>46</sup> The possibility of a road between Collingwood and Karamea has been raised at regular intervals for almost 120 years. Not so well known is that fact that, in the early 1980s, New Zealand Forest Service improvements to the Heaphy Track caused some controversy. Some people opposed the widening and upgrading of the track. In June 1984, Philip Temple, the author of a Shell Guide to the Heaphy Track wrote:

The use and development of the Heaphy Track epitomises both the boom in outdoor recreation over the past 20 years and the perennial arguments between those who seek to develop our back country and those who wish to conserve the magnificent natural environment which is outdoor recreation's most important resource ... In any argument over the building of tracks, roads, ski-fields or coastal subdevelopments, we must always ask ourselves if we are spoiling or destroying the natural values which drew us there in the first place.<sup>47</sup>

The controversy centred on the methods of track improvement and its damage to the adjacent environment. Philip Temple walked the track in February 1984 and noted 'dual carriageway suitable for tractors ... track edges damaged with the removal of small trees and shrubs ... a real rip through the landscape. One feels alienated from the environment.' He commented: 'While improvement of certain sections was essential, bulldozing a total solution was detrimental to the environment. It was overkill in the face of lessening use of the track.' He added: 'One must still question the justification for the redevelopment of the track, the touting of the

Heaphy as suitable for “five-year-olds” and “grandparents” ... It is irresponsible to encourage young children or old people to make an overland journey of this nature which requires a high level of strength and stamina.’

Twenty years ago, then, we had, from some quarters, an elitist view. Walkers who were not tough enough to cope with a rough and narrow track, with its deep mud and its river-crossings, ‘in open country exposed to prevailing westerlies and south-westerlies straight off the Tasman Sea’, should go somewhere else. They should choose tracks more suited to their capabilities, rather than expecting a track to be upgraded.

I myself might still support such an argument in certain situations. But the Heaphy Track did move on from that particular debate, and I haven’t heard of anyone campaigning for a retro-track. Everyone got used to the excessive number of bridges. The most Herculean of Heaphy trampers became accustomed to sharing the track with unathletic rambblers. With all this practice at sharing, during the late 1980s many walkers – but not all – got used to sharing the track with cyclists; the arrival of the Forest Service bulldozers had coincided with the arrival of the mountain-bike, and the Heaphy Track was establishing itself as the finest off-road cycling trip in New Zealand. Simultaneously, outside our national parks and also in many other countries, the sharing of tracks similar to the Heaphy Track was becoming normal.

In 1994 a survey of user satisfaction on the Heaphy Track assessed, among other things, walkers’ attitudes towards mountain-bikes.<sup>48</sup> It found that 56 per cent of the walkers were not bothered by seeing mountain-bikes on the track. It also found that 63 per cent of the walkers disagreed or strongly disagreed with completely banning mountain-bikes.

The cycling access to the Heaphy Track ended in 1997 when the area became part of the Kahurangi National Park.

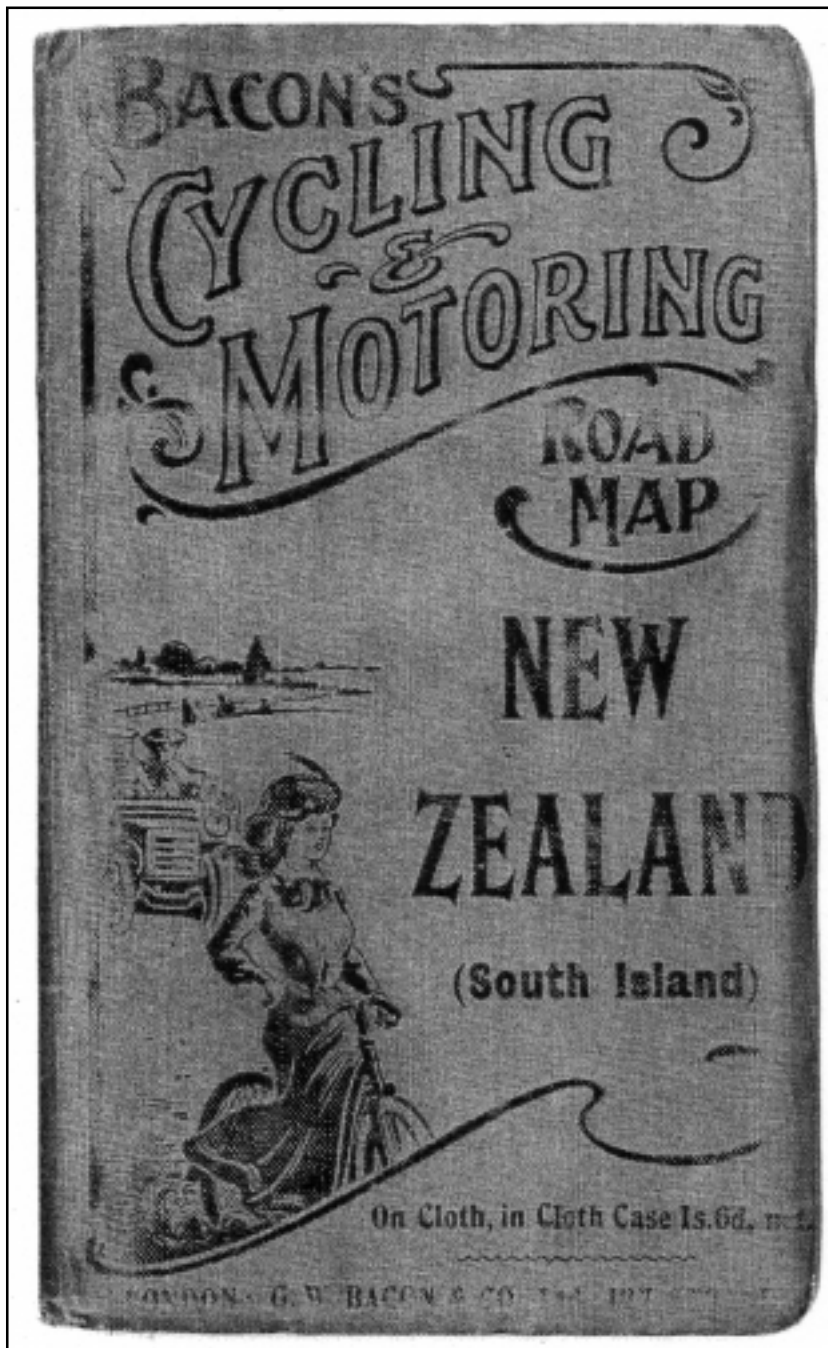
Earlier in this submission, I discussed the track criteria for safe dual-use. One of those requirements was width. In the Heaphy Track we have the bizarre and ironic situation of a track being legitimately used by both walkers and cyclists for many years, then being widened, and then, thirteen years later, cyclists being banned from the widened track. Perhaps if the track were to be narrowed, cyclists could regain access?

I understand that the MTBNZ submission includes research results indicating that the majority of walkers on the Heaphy Track are relaxed about the prospect of meeting the occasional bicyclist.<sup>49</sup> I also understand that the submissions received on the development of a management plan for the Kahurangi National Park strongly favoured continued cycling access. Allowing cyclists onto the Heaphy Track would not compromise the conservation aims of the National Park Act any more than allowing walkers. What have mountain-bikers got to do to knock some sense into a General Policy that is still tied to a definition in the Transport Act 1962?

---

‘Allowing cyclists onto the Heaphy Track would not compromise the conservation aims of the National Park Act any more than allowing walkers.’

---



HOCKEN LIBRARY, UNIVERSITY OF OTAGO

*Bacon's Cycling and Motoring Road Map: New Zealand: South Island*, with 'All Roads Specially Coloured', was published in London in about 1920. It shows the whole of the Heaphy Track as a road, meaning a bridle track. The achievement of two schoolboys in cycling over the Heaphy Track in 1936–7 (page 22) was just one of numerous arduous cycle journeys accomplished in the 1930s and earlier.



## A Prohibition with Remote Origins

The present ban on the use of bicycles in national parks (except on formed roads) originates from a definition in the Transport Act 1962:

Transport Act 1962

Section 2. Interpretation.

'**Vehicle**' means a contrivance equipped with wheels, tracks, or revolving runners upon which it moves or is moved; but does not include ... [Nine items such as pushchairs, wheelbarrows, and lawnmowers are listed as not being vehicles. But the definition clearly includes bicycles as being vehicles, unless the bicycle is a child's toy with no road wheel of a diameter exceeding 14 inches.]

Eighteen years later, Section 2 of the National Parks Act 1980 adopted the definition of 'vehicle' from the Transport Act 1962:

National Parks Act 1980

Section 2. Interpretation.

'**Vehicle**' has the same meaning as in the Transport Act 1962; and includes any vehicle from which the wheels have been removed.

Three years later, the General Policy for National Parks laid out the policy on off-road use of vehicles:

General Policy for National Parks 1983

19. Vehicle Access.

Policy 19.6, page 38.

The off-road use of **vehicles** will be prohibited except for search and rescue and where no reasonable alternative exists for park management and the servicing of concessionaires' facilities and, when necessary, of public utility facilities.

National park status under the National Parks Act 1980 does not, in itself, directly prevent the off-road use of bicycles. The regulation or prohibition of vehicle use in a national park is done through bylaws, but those bylaws have to be consistent with the Management Plan for the park, which in turn has to comply with the General Policy for National Parks.

What did the writers of Policy 19.6 have in mind when they used the word 'vehicles'? There is an argument that 'vehicles' in the context of this sentence implied *motorised* vehicles. Who would use a bicycle for search and rescue? On the other hand, it is just conceivable, although unlikely, that the writers used the word 'vehicles' knowing its strict, 1962 definition and with every intention of banning bicycles; if so, there may be no official record of the premises on which this prohibition was based.

As I see it, either way, it doesn't matter. Whether or not the ban was accidental is unimportant. The ban is inconsistent with the objectives of the National Parks Act. A continued blanket prohibition is unsustainable.

'It is ridiculous that landing a helicopter, skiing, shooting and fishing are all discretionary activities in our Parks while mountain biking is totally prohibited. It is a throw-back to the days of 10-speeds when a bike required a sealed pathway and was classified as a vehicle alongside cars, trucks and buses.'

A reported comment from Nick Smith, the National Party conservation spokesperson and an ex-minister of conservation, quoted in a New Zealand National Party press release, 19 March 2001.

## 9. Conclusion: Changing Circumstances and Increased Knowledge

Section 44 of the National Parks Act 1980 is titled 'General policy for parks'. It anticipates the need to amend the policy to keep it in tune with a changing world: 'The Authority may ... adopt statements of general policy for national parks and amend such statements so that they are adapted to changing circumstances or in accordance with increased knowledge.'

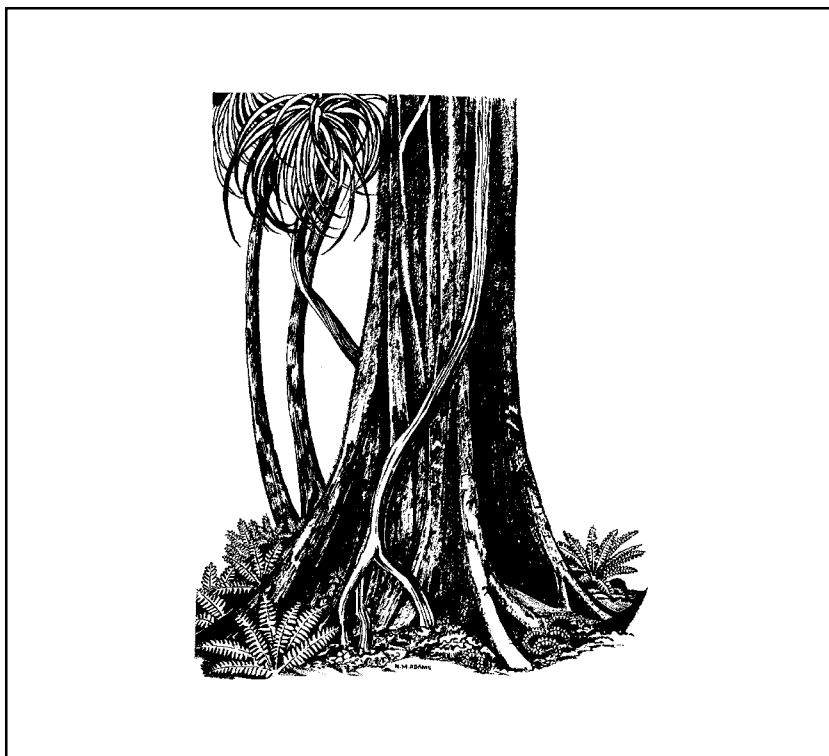
Bicycles and bicycling have undergone a revolution in the last twenty years. I hope that the New Zealand Conservation Authority will carefully consider the changing circumstances summarised in this submission, while also bearing in mind that today's cross-country cyclists value and respect the mountains just as their bicycling predecessors did. I trust that the Authority will examine the increased knowledge cited in detail in the *MTBNZ Heaphy Campaign Submission*, and that this examination will be thorough and with an open mind.

A fundamental improvement of the National Parks Act 1980, over its forerunner, the 1952 Act, was that it placed a greater emphasis on public involvement in policy-making. That emphasis aimed to ensure that there would 'be clear public understanding of the reasons for and conditions of any restriction on public access'.<sup>50</sup> I urge the Authority to deliberate rigorously on the subject of bicycles and to present its arguments in a structured response based on true and reliable premises. This will clarify the public's understanding of the issues.

---

'I urge the Authority to deliberate rigorously on the subject of bicycles and to present its arguments in a structured response based on true and reliable premises.'

---



BY NANCY M. ADAMS, FROM UREWERA NATIONAL PARK

Kiekele scrambles up the trunk of a pukatea.

# Endnotes

- 1 Department of Conservation, *The Heaphy Track: Kahurangi National Park*, leaflet (Nelson, NZ: Department of Conservation, Nelson/Marlborough Conservancy, April 2002).
- 2 Sarah Leberman and Peter Mason, 'Mountain Biking in the Manawatu Region: Participants, Perceptions, and Management Dimensions', *New Zealand Geographer* 56, no. 1 (April 2000): 31.
- 3 Upper Hutt City, *Parks & Walkways* (2002). <[http://www.uhcc.govt.nz/City\\_Guide/Parks.asp](http://www.uhcc.govt.nz/City_Guide/Parks.asp)> [15 September 2003].
- 4 Duane P Coughlan, 'Conflict in the Outdoors: Mountain Biking – a Case Study', in *Tourism Down Under II: Towards a More Sustainable Tourism: Conference Proceedings*, ed. Geoff Kearsley (Dunedin, NZ: Centre for Tourism, University of Otago, 1996), 32.
- 5 Dunedin City Council, *Track Policy and Strategy* (Dunedin, NZ: Community and Recreation Planning, Dunedin City Council, October 1998), 5, 13.
- 6 Wellington City Council, *Mountain Biking: 14.0 Summary of Track Assessment* (No date). <[http://www.wcc.govt.nz/policy/current/mtb/mtb\\_summary.html](http://www.wcc.govt.nz/policy/current/mtb/mtb_summary.html)> [22 November 2003].
- 7 Christchurch City Council, *Natural Areas: The Port Hills: Map* (No date). <[http://www.ccc.govt.nz/parks/NaturalAreas/port\\_hills\\_map.asp](http://www.ccc.govt.nz/parks/NaturalAreas/port_hills_map.asp)> [21 November 2003].
- 8 Leberman and Peter Mason, 'Mountain Biking in the Manawatu Region: Participants, Perceptions, and Management Dimensions', 37.
- 9 Palmerston North City Council, *Palmerston North City Walkways and KiwiWalks* (No date). <<http://www.pncc.govt.nz/City/Entertainment/ToDo/ToDoItems/ParksAndWalkways.htm>> [23 November 2003].
- 10 Mountain Bike New Zealand, *04/12/03 Draft – MTBNZ Heaphy Campaign Submission* (Wellington, NZ: Mountain Bike New Zealand, December 2003), section 6.3, 'Social Impacts of Mountain Biking'.
- 11 Wellington City Council, *Mountain Biking: 8.0 Code of Conduct* (No date). <[http://www.wcc.govt.nz/policy/current/mtb/mtb\\_code\\_conduct.html](http://www.wcc.govt.nz/policy/current/mtb/mtb_code_conduct.html)> [19 November 2003].
- 12 Wellington City Council, *Mountain Biking: 9.0 Education & Enforcement* (No date). <[http://www.wcc.govt.nz/policy/current/mtb/mtb\\_edu\\_enforcement.html](http://www.wcc.govt.nz/policy/current/mtb/mtb_edu_enforcement.html)> [22 November 2003].
- 13 Federated Mountain Clubs of New Zealand (Inc), *FMC Policy Guidelines* (24 June 1998 [Update]). <[http://www.fmc.org.nz/documents/fmc\\_policy\\_guidelines.rtf](http://www.fmc.org.nz/documents/fmc_policy_guidelines.rtf)> [16 December 2002], 8–10.
- 14 Department of Conservation, *New Zealand Walkways Policy* (April 1995). <[http://www.doc.govt.nz/About-DOC/Policies-Plans-and-Reports/021~NZ-Walkways-Policy-\(Full-Text\).asp](http://www.doc.govt.nz/About-DOC/Policies-Plans-and-Reports/021~NZ-Walkways-Policy-(Full-Text).asp)> [30 March 2003], section 8.3.
- 15 Department of Conservation, *Guidelines for Use of Bicycles on Tracks Managed by the Department* (Wellington, NZ: Department of Conservation, July 1994), p 2.
- 16 Auckland City Council, *Mountain Bike Policy* (28 September 2001). <<http://www.aucklandcity.govt.nz/council/documents/resources/bike/index.asp>> [27 November 2003], '4.2 Criteria.'
- 17 Mountain Bike New Zealand, *04/12/03 Draft – MTBNZ Heaphy Campaign Submission*, section 6.4, 'Shared Use Tracks in New Zealand'.
- 18 Mountain Bike New Zealand, *04/12/03 Draft – MTBNZ Heaphy Campaign Submission*, section 6.4.2, 'Queen Charlotte Track'.
- 19 From A R Ruff and O Mellors, 'The Mountain Bike – the Dream Machine?', *Landscape Research* 18, no. 3 (1993), quoted in Sarah Leberman and Peter Mason, 'Mountain Biking in the Manawatu Region: Participants, Perceptions, and Management Dimensions', *New Zealand Geographer* 56, no. 1 (April 2000): 31–2.
- 20 wheeled-locusts.org, *Blue Trail – Middlesex Fells Mountain Bike Damage* (No date). <<http://www.wheeled-locusts.org/photos/bluwhite/>> [27 November 2003].

- 21 New Zealand Conservation Authority, minutes of meetings held on 22 and 23 October 1997, considering the New Zealand Mountain Bike Association proposal for a variation in the General Policy to allow continued cycling access to the Heaphy Track.
- 22 Hon Nick Smith, National Party Conservation and Environment Spokesperson, 'Petition To Change National Park Bike Prohibition', press release (19 March 2001). <<http://www.scoop.co.nz/mason/stories/PA0103/S00295.htm>> [30 November 2003].
- 23 From *Sport and Physical Activity Survey*, quoted in Ministerial Task Force on Sport, Fitness and Leisure, *Getting Set for an Active Nation: Report of the Sport, Fitness and Leisure Ministerial Taskforce* (Wellington, NZ: The Taskforce, 2001), 38.
- 24 Ministerial Task Force on Sport, Fitness and Leisure, *Getting Set for an Active Nation: Report of the Sport, Fitness and Leisure Ministerial Taskforce*, 50.
- 25 Ministerial Task Force on Sport, Fitness and Leisure, *Getting Set for an Active Nation: Report of the Sport, Fitness and Leisure Ministerial Taskforce*, 63.
- 26 Ministerial Task Force on Sport, Fitness and Leisure, *Getting Set for an Active Nation: Report of the Sport, Fitness and Leisure Ministerial Taskforce* (Wellington, NZ: The Taskforce, 2001), 58.
- 27 Ministerial Task Force on Sport, Fitness and Leisure, *Getting Set for an Active Nation: Report of the Sport, Fitness and Leisure Ministerial Taskforce*, 37.
- 28 Land Access Ministerial Reference Group, *Walking Access in the New Zealand Outdoors: A Report by the Land Access Ministerial Reference Group* (Wellington, NZ: Ministry of Agriculture and Forestry, August 2003), 105.
- 29 *The New Zealand Wheelman* vol. 3, no. 51 (29 December 1894): 13.
- 30 *The New Zealand Wheelman* vol. 3, no. 56 (23 March 1895): 12.
- 31 From a speech by William H Trimble given in 1900, transcribed by Adair O'Rourke, edited and condensed by Ian Stewart, *Trimble Series 1: 19th Century Cycling in Otago* (13 December 2000). <[http://www.cityofdunedin.com/city/?page=feat\\_trimble\\_cycling](http://www.cityofdunedin.com/city/?page=feat_trimble_cycling)> [20 November 2003].
- 32 From a speech by William H Trimble given in 1900, transcribed by Adair O'Rourke, edited and condensed by Ian Stewart, *Trimble Series 4: Trimble Ventures North* (4 May 2001). <[http://www.cityofdunedin.com/city/?page=feat\\_trimble\\_cycle4](http://www.cityofdunedin.com/city/?page=feat_trimble_cycle4)> [20 November 2003].
- 33 'Through the Buller and Otira Gorges: Notes on a Cycling Tour, Xmas, 1899', *The Otago Witness* (Dunedin, NZ), 8 March 1900, p. 45, col. 4.
- 34 'Through the Buller and Otira Gorges: Notes on a Cycling Tour, Christmas, 1899', *The Otago Witness* (Dunedin, NZ), 15 March 1900, p. 46, col. 1.
- 35 Mountain Bike New Zealand, *04/12/03 Draft - MTBNZ Heaphy Campaign Submission*, section 3.4, 'Night Riding'.
- 36 'Cycling Notes: By Demon', *The Otago Witness* (Dunedin, NZ), 28 June 1900, p. 49, col. 3.
- 37 *The New Zealand Wheelman* vol. 3, no. 53 (26 January 1895): 11.
- 38 Quoted in Land Access Ministerial Reference Group, *Walking Access in the New Zealand Outdoors: A Report by the Land Access Ministerial Reference Group*, 97.
- 39 Local Government and Environment Committee, *2002/03 Vote Conservation: Report of the Local Government and Environment Committee*, (Wellington, NZ: NZ House of Representatives, November 2002), 2.
- 40 Local Government and Environment Committee, *2002/03 Vote Conservation: Report of the Local Government and Environment Committee*, 1.
- 41 Department of Conservation, *Towards a Better Network of Visitor Facilities*, overview fact-sheet (September 2003). <<http://www.doc.govt.nz/Explore/DOC-Recreation-Opportunities-Review/images/overview.pdf>> [12 October 2003].
- 42 Hon Chris Carter, Minister of Conservation, 'DOC Proposes 250km of New Walking Tracks', media statement (30 September 2003). <<http://www.doc.govt.nz/Whats-New/presult.asp?prID=1204>> [12 October 2003].
- 43 Mountain Bike New Zealand, *04/12/03 Draft - MTBNZ Heaphy Campaign Submission*, section 1, 'Foreword'.

- 44 Bruce Ringer, *New Zealand by Bike: 14 Tours Geared for Discovery*, 2nd ed. (Auckland, NZ: Reed Books, 1994), 292. (Formerly *Cycle Touring In New Zealand*, 1989. Ringer's information on the Heaphy Track seems to have been already out of date when he wrote it.)
- 45 The Rough Stuff Fellowship, *The Rough Stuff Fellowship* (No date). <<http://www.rsff.org.uk/index.htm>> [14 December 2003].
- 46 The South Island Loop, *South Island Loop Maps* (No date). <<http://www.southislandloop.co.nz/loopmapsmain.html>> [12 December 2003], 'Collingwood to Karamea - 120 Years of Talk'.
- 47 Philip Temple, 'Re-tracking the Heaphy - Kill or Cure?', *Otago Daily Times* (Dunedin, NZ), 30 June 1984, p. 19.
- 48 G R Cessford, *Science for Conservation No. 82: Visitor Satisfaction, Impact Perceptions, and Attitudes Towards Management Options on the Heaphy Track* (Wellington, NZ: Department of Conservation, 1998), quoted in Mountain Bike New Zealand, *04/12/03 Draft - MTBNZ Heaphy Campaign Submission*, section 6.4.3, 'Heaphy Track'.
- 49 Mountain Bike New Zealand, *04/12/03 Draft - MTBNZ Heaphy Campaign Submission*, Appendices.
- 50 Department of Conservation, *General Policy for National Parks* (1983). <<http://www.doc.govt.nz/About-DOC/Policies-Plans-and-Reports/General-Policy-for-National-Parks-1983/001-Introduction.asp>> [12 December 2003], '1. Introduction'.

## Acknowledgments

The historical parts of this submission owe much to the staff and the resources of the Hocken Library of the University of Otago. Also to the Moray Place Library of Dunedin Public Libraries. Other parts have drawn on the work of the Land Access Committee of Mountain Bike New Zealand (MTBNZ), previously the New Zealand Mountain Bike Association.



Everlasting daisy.

BY NANCY M ADAMS, FROM TONGARIRO NATIONAL PARK