



New Zealand Alpine Club

NZAC Landowner Guidelines

December 2017

1. Introduction

NZAC aims to establish and maintain positive and sustainable relationships between landowners, route developers, climbers and other land users to ensure ongoing access to rock climbing in New Zealand. Through this document, NZAC aims to inform Landowners of their role in relation to rock climbing access and encourage them to support sustainable development and use of rock climbing areas on land that they own and/or manage.

2. Stakeholders

The key stakeholders for rock climbing areas are:

Climbers – people who climb or carry out climbing-related activities for recreation at rock climbing areas

Route Developers – people who establish rock climbs at rock climbing areas.

Landowners – people who own and/or manage the land on which rock climbing areas are located.

Other Land Users – people who use land on or near rock climbing areas for recreation (eg. mountain bikers, trampers, cavers, etc)

3. What is rock climbing?

Rock climbing is an activity where the Climber aims to climb up or across a rock face or feature using only their physical strength and skill. It is a global sport that has been practiced as a distinct athletic activity since the late 1800s.

Rock climbing is a positive form of recreation. Advancements in climbing equipment, fall protection and climbing techniques make modern rock climbing a relative safe adventure sport, similar to mountain-biking or skiing in terms of recreational values and risks.

4. Who controls access for rock climbing on private land

Access to public land will be regulated by applicable laws, regulations and related documentation (eg. management plans).

Access to private land is controlled by the Landowner(s) of that land. Some private land may be intertwined with public land elements (such as marginal strips or paper roads) however, unless a climbing area is fully contained within such an element, climbing access requires Landowner permission.

Landowners of private land are not obliged to permit access. They may deny access or impose conditions of access.

5. What impact does rock climbing have on land?

Like most outdoor activities, rock climbing has a physical impact or 'footprint'. Typically, development and use of climbing areas will involve the following activities:

- Installation and maintenance of fixed anchors
- Removal of loose rock or other cliff hazards
- Removal of lichen and other vegetation on or about a rock climb
- Other 'crag' activities such as formation, maintenance and use of tracks, toilets, car parking and camping areas, and signage

Physical impacts can therefore occur on:

- Rock and other natural features
- Vegetation
- Habitat

Rock climbing can also have social and cultural impacts, including impacts on Landowners and Other Land Users.

5. Landowner Liability

The primary concern of most Landowners when considering whether to permit rock climbing access is the potential for legal liability.

NZAC cannot give legal advice to Landowners. However, NZAC considers that legal risks to Landowners are generally low and can be effectively managed. Some guidance on key areas follows:

- **ACC:**
The NZ Outdoor Access Code states: "All New Zealanders and visitors to New Zealand who get injured are covered by the no-fault accident compensation scheme provided by the Injury Prevention, Rehabilitation and Accident Compensation Act 2001 (ACC legislation). In return, people do not have the right to sue landholders or others for injuries, other than for exemplary damages (damages awarded to punish or make a public example of the party at fault). This applies to overseas tourists too".
- **Health & Safety At Work Act 2015:**
If the Landowner's land is a farm, the Health & Safety At Work (HSAW) is clear and supports recreational access. The Walking Access Commission has summarised the law well [here](#).



For other types of private land:

- If the land is not a workplace or otherwise under the control of a 'PCBU' then HSAW does not apply. Refer to [Worksafe](#) for guidance.
- If the land is a workplace then 'PCBU' obligations will already apply but there should be no incremental obligations. Worksafe is clear that the HSAW is not intended to impinge recreational activities and encourages all those with concerns to contact it for guidance.
- **Other liability:**
The NZ Outdoor Access Code notes possible "landholder liability" under the Occupiers Liability Act 1962. However, it goes on to record that such liability is excluded under the Walking Access Act (s66), where loss or damage is suffered using walking access on private land or on gazetted walkways (except if caused by a Landowner's deliberate act or omission).

6. Management of rock climbing access

All impacts of rock climbing on land or on Landowners and Other Land Users, and associated legal risks, can be managed through good climbing management practices.

Some management practices that NZAC encourages Landowners to consider are:

- **Access agreement:**
A simple written agreement between a Landowner and NZAC or another local climbing group, recording access terms, can be a very effective way to manage rock climbing access to private land. Typically such an agreement would record agreed access times and locations, agreed activities (eg. car parking, camping, route development), code of conduct for climbers and a complaints resolution mechanism. It may also record requirements for signage, guidebook information and the like.
- **Climbing management plan:**
A climbing management plan is similar to, but more comprehensive than, an access agreement. It covers everything typically found in an access agreement as well as all other aspects of Climber activity on land, including management of all physical, social and cultural impacts.
- **Lease/open spaces covenant:**
This is a legal mechanism by which an area of land can be 'ring-fenced' on the land title to grant Climber access rights (subject to the terms of the grant).
- **Online registration system:**
A simple online registration mechanism can be used to easily record use of a climbing area located on

private land, and ensure that Climbers are reminded of all access rules.

7. How can Landowners benefit from allowing rock climbing access?

There are many ways that Landowners can benefit from allowing rock climbing access. There are many positive and sustainable rock climbing access relationships where Climbers:

- Make donations/koha payments to support land care and maintenance
- Engage in weed and pest control
- Undertake conservation initiatives
- Conduct fundraising events for land care and maintenance

8. List of Resources:

Key supporting documentation:

- NZAC Rock Climbing Access Framework
- NZAC Bolting Philosophy & Standards (for Route Developers)
- NZAC Crag Code of Conduct (for Climbers)