

FMC Letterhead

24 August 1990

Hon. Philip Woollaston,  
Minister of Conservation,  
Parliament Buildings,  
Wellington.

Fax 712 943

Dear Philip,

ESPLANADE RESERVE PROVISIONS IN RESOURCE MANAGEMENT BILL

FMC has just seen the Select Committee's reported-back version of the the Bill. The Federation complements you on the manner of your tackling the various aspects of the original Bill that affect public access to the countryside.

We feel that the changes largely maintain the status quo, with two notable exceptions. On the positive side the addition of new principle 5(1)(h)—

“The maintenance and enhancement of public access to and along the public estate, including the coastal marine area, lakes and rivers.”—

we hope, will have an overriding influence on the exercise of the subsequent provisions in the Bill. We consider that it is critically important that 5(1)(h) is retained in its present wording.

However of major concern to the Federation is the new clause 66A “rules about esplanade reserves on subdivision and road stopping”. We feel that this clause runs counter to the Committee's comprehensive revision of other aspects affecting esplanade reserves, road reserves, and will create the ability for district councils to undermine otherwise welcome changes.

Clause 66A will allow district councils to establish rules for the reduction in width, and waiving reserves in place of unwanted roads along shorelines. This is despite new principle 5(1)(h), it being in the Committee's view only one “durable matter to be taken into account.” with no particular weight given between principles.

Although the provisos contained in 66A(2) are very similar to those now in the hands of the Minister of Conservation for marginal strips, the key difference is that district councils will make the decisions. Currently under the Local Government Act the Minister has the power of veto.

There can be no great certainty that district councils will not neglect their 'reserves' responsibilities to the community, particularly as a means of incentive to development and industry. The track record of territorial authorities is not good in this regard. We are of the view that the Minister of Conservation's present power of approval to waiver of reserves in lieu of stopped roads, and for reduction of width of esplanade reserves, must be maintained.

From a practical point of view, the major problem with 66A is that the recreational and conservation values of all roads along water margins, and all private lands without 'Queen's Chains' that are capable of subdivision will have to be assessed at the time that district plans/rules are prepared. This will be a huge if not impossible task. It would be better, and safer, to continue to deal with such situations on an ad hoc basis. The number of cases would be relatively few in number at any one time. This would allow time for proper assessment of each case. Continuation of Ministerial powers of veto would allow this.

If Government agrees with the thrust of this submission, we point out that the Second Schedule Part II will need changing as well.

We hope that there is still opportunity for Government to address these matters before the Bill proceeds further.

Yours faithfully,