The 'Queen's Chain'

New Zealand is internationally admired for the foresight in ensuring that public access to and along most of our waterways is provided for by what is colloquially known as the 'Queen's Chain.' Many countries are not so fortunate, resulting in great social inequality, and great expense on the part of governments attempting to improve public access through purchase of private land.

The 'Queen's Chain' takes its name from the nominal one chain (20 metre) width of the reservations and from Queen Victoria's instructions to reserve land in public ownership near the seacoast or navigatable streams (see Appendix Two). The 'Queen's Chain' is comprised of segments of marginal strip, public road, and esplanade reserve. These provide public rights of access over approximately 70% of our shores. The strips are normally established at the time of the Crown disposing of adjoining lands to private interests.

The essence of the Queen's Chain concept is reservation of public ownership for public use. Over the last few years these founding tenets have been subjected to Government-initiated attack, and the attacks continue.

The concept gained particular prominence in 1989-90 when the Labour Government initiated 'reforms' to the marginal strip provisions of the Conservation Act. For the first time we saw proposals for disposal of strips and for wide exemptions from their establishment. Notions of closure at the whim of adjoining owners, and the concept of private 'managers' holding development rights were introduced. Public outrage ensured that the worst aspects of the then Government's plans were dropped. However the stage is now set for the alienation of control to private persons for private purposes— a fundamental change to the Queen's Chain concept.

Esplanade reserve changes

The present Government has its own designs on the Queen's Chain. It is not surprising that demands from Federated Farmers to water down the requirements for esplanade reserves under the Resource Management Act have been favourably received by the National Government. Rob Storey, now Minister for the Environment, but Opposition Spokesperson for the Environment at the time of the last great 'Queen's Chain Debate,' wondered then if it was necessary to have Ministerial restrictions on private managers of strips.

Mr. Storey stated during the Conservation Law Reform Bill debate that he never had any great problem with preventing access to strips—

> "The Minister (of Conservation) has over-reacted to the extent that people can be prohibited from going along a marginal strip only if he has approved it. That restriction is nonsense...the Opposition would not be prepared to support it" (a full profile of Mr. Storey's statements in Parliament concerning marginal strips is available from Public Access New Zealand).

The Resource Management Act 1990 heralded the prospect of major improvements to public access to waterbodies. It made "the maintenance and enhancement of public access to and along the coastal marine area, lakes and rivers" a matter of national importance. The Act more specifically extended into rural areas existing esplanade reserve provisions under the Local Government Act. Since 1921 these reserves have been required to be laid off along the margins of waterbodies when urban areas are subdivided. They were also been required in rural areas after 1946. **These 'reserves contributions' are the traditional means of subdividers-developers compensating the community for loss of amenity values and for the creation of demand for services from local authorities.**

Before the full provisions for creating reserves under the new Act had been tested (it is still in a transitional phase with the old rules still applying), Government now claims that the new provisions are not working. Using arguments reminiscent of the last government's in relation to marginal strips, Mr. Storey advances several reasons for changes to the Act. These include allegedly high survey costs, and the lack of movability of the reserves. The Conservation Act already provides a model for movable publicly-owned marginal strips involving minimal survey costs. This could equally apply to esplanade reserves if the Government so wished.

It is also argued that there are substantial weed management costs for local authorities, and that farm management is unduly disrupted by public access. No substantiation of such claims has been provided, just bold assertion. Such arguments are classic anti-public ownership ploys and were also prominent during 1989-90 marginal strip debate. Mr. Storey also claims that people don't know where the reserves are, as a justification for doing away with them, but makes no greater provisions for public knowledge of his 'reserve alternatives' (see below).

It is also argued by the Minister that existing reserves are fragmented and will take a long time to obtain continuous coverage (i.e., that subdivision is a poor trigger for establishment). This is his central justification for changing the Act.

Government intends to only require reserves where 'high' conservation or access values are present, but, in a reversal of previous principles, the local authorities will be obliged to pay full compensation to the landowner. **With new broad discretions available to local authorities to avoid land acquisition it will signal the end of further public reserves beside watercourses. The proposals will result in greater fragmentation, not less.**

As alternatives to reserves the Government proposes 'esplanade covenants'. Local authorities would also be encouraged to negotiate 'public (pedestrian) accessways'.

Mr. Storey's central thesis is that subdivision is a poor trigger for reserve establishment, however his proposals provide no other triggers. Local authorities have had the ability to negotiate public rights of way since day one of settlement but most have initiated such action rarely if ever. If there are no obligatory consents that require the establishment of public access, by whatever means, it is most unlikely that the authorities will take initiatives. It is almost unknown for a private landowner to do so.

Access covenants and accessways, besides lacking the security of public reservation, will add nothing to the state's ability to improve public access to water bodies. The reverse appears to be the intent, as **it is proposed to create general powers of closure, as well as specific prohibitions for those carrying guns or with dogs.** The latter access needs are essential for game hunters.

The importance that the government attaches to public access is perhaps summed up by Mr. Storey's woefully out-of-touch statement to Federated Farmers this year—

"...whatever the system, it is important to remember that only a relatively small number of people want access to waterbodies for activities such as walking and fishing" (Hon. Rob Storey. Speech to Dairy Section, Federated Farmers. 20/2/92).

Public Access New Zealand cannot see that anything has changed so dramatically that warrants abandonment of the public reserves concept in favour of continuing private ownership of sea, lake and river margins.

ACTION BOX

Changes to the Act are due to be introduced to Parliament within the next few weeks. The Campaign intends to produce a detailed analysis of the Bill and suggest practical alternatives to assist anyone wishing to make submissions or to raise the issue in the news media. **If you would like to receive a copy please advise the campaign.** Make this a media issue now.

AFTER THE ACTION

Please send us copies of Ministerial and MP's replies, and newspaper coverage from outside the Otago area. We need to know how the politicians are behaving under the pressure and to keep everyone informed.