

Queen's Chain

Esplanade reserve changes

Subscribing supporters should have received our circular about the Resource Management Amendment Bill. We hope this was helpful in assisting your submission-making. Your feedback assisted with PANZ's final submission to the Planning and Development Select Committee.

The Bill follows in the same vein as the highly controversial Conservation Law Reform Bill 2-3 years ago which was concerned with marginal strips. It seems that officials are hell-bent on restricting and removing access rights at every opportunity. We have seen the official briefing papers on both Bills. There is an amazing similarity in argument, omission, and devices designed to frustrate public use of the outdoors. Unfortunately this latest Bill is not the end of it.

PANZ believes that if the RM Amendment Bill is passed in its present form it will kill the whole concept of esplanade reserves in rural areas. It will also limit their application within urban areas through greater scope to waive their establishment. The Bill's alternative to esplanade reserves —esplanade covenants— are pathetic excuses for access. The proposed 'access strip' provisions are likely to be ineffectual in improving access

Esplanade reserves have been the traditional method available to fill in the gaps in the Queen's Chain. This has been by requiring reserves to be set aside along the margins of water bodies when private land is subdivided. **Approximately 30 per cent of our shores do not have a Queen's Chain. Completion of coverage is a highly desirable policy and one which we will be pursuing this election year.**

The whole approach of the Bill is at odds with the intent of the parent legislation —as expressed by section 6(d)— to recognise and provide for "the maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers."

The Select Committee is yet to report back to Parliament. PANZ is to appear before the Committee.

Some alarming statistics: In anticipation of changes to the law, the Minister of Conservation has granted 106 exemptions from requirements to establish esplanade reserves and 76 applications for reductions in width (period 1 October 1991 to mid October 1992). This has been assisted by transitional regulations that allow him to do what the present Act does not allow. The Minister's powers during this period have most of the time been delegated down to DOC Regional Conservators. There is a considerable variation between regions with some granting all applications for exemptions (Auckland, Bay of Plenty, Tongariro-Taupo) —probably an indication of what will follow amendment to the Act. Devolution of decision-making is what the Resource Management Act is all about.

More in store for marginal strips?

The Department of Conservation plans further amendments to the Conservation Act. These will further weaken marginal strip provisions. Apparently DOC intends transferring title and vesting the control of reserves to non-government trustees (private/Maori trustees?). This amounts to a 'disposition' of Crown land requiring the establishment of marginal strips. The flow-on logic of DOC is that providing a marginal strip *through* a vested reserve may compromise conservation values. Therefore it is better to remove any requirement to establish marginal

strips which carry rights of access. This illustrates yet another danger of loss of public control over the public estate and the nature of official thinking that places little importance on public access. If access through a reserve did not compromise conservation values while under public control, why should it when it is under private control, assuming *the same management objectives*?

PANZ believes all public reserves must stay under public control and that there is no need to establish marginal strips through public lands that already have rights of access. If reserves stay under public control there is no need for changes to the law and the inherent dangers to public access this entails. The only situations where restrictions or prohibitions on access along water margins can be justified are where there are nature and scientific reserves or wildlife sanctuaries. Public access should be guaranteed on other reserves and parks, and along the remainder of the Queen's Chain.

DOC also considers it "an oversight" that the Conservation Act does not allow for reductions in width of marginal strips along river and stream banks. Late last year DOC intended to provide for this in an amendment Bill.