

URGENT

RESOURCE MANAGEMENT BILL

PROVISIONS AFFECTING PUBLIC ACCESS TO THE COUNTRYSIDE AS AMENDED BY THE REVIEW GROUP

Clause 5. Principles.

The select committee's addition of clause 5(1)(h) has been placed in new clause 5A in a stronger form. Those exercising powers under the new Act are now required ("shall") "particularly recognise and provide for"—

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

It is imperative that this principle be enacted because some of the other provisions are still inadequate or potentially very dangerous.. The Review Group should be complemented on this recommended change, and Government urged to adopt it.

The following matters appear to be outside the Review Team's terms of reference but still require attention. ie lots of lobbying.

Clause 7. Restrictions on use of land.

Entry or passage across the bed of a river or lake is a restricted use under clause 7. As a matter of principle mere entry should be a right.

Clause 27. Functions of regional councils under this Act.

Regional council control of actions on the surface of rivers and lakes and the occupation of space on foreshore and seabed are matters that need further attention to ensure that public access are not needlessly restricted.

New clause 66A. Rules about esplanade reserves on subdivision and road stopping.

This new provision is the worst aspect of the reported back version of the Bill in relation to esplanade reserves.

This will allow district councils to establish their own rules for the reduction in width (from a standard "not less than 20 metres") and to waive any requirement to establish reserves in place of unwanted roads along shorelines. This replaces existing Local Government Act minimum prescriptions and the Minister of Conservation's power of veto over local government decisions which unduly impact on the public interest.

The major problem with clause 66A is that 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 and rules are prepared. This will be a huge if not impossible task.

It would be better, and safer, to continue to deal with situations on an ad hoc basis as applications for subdivision arise. This would allow time for proper assessment

Clause 103. Consents not real or personal property.

The power for the holder of resource consents over coastal marine areas to exclude all other persons needs to be reviewed.

Clauses 188 to 194. Esplanade reserves.

The select committee changes to these provisions have resulted in marked improvements to the Bill. These do not require further review. Although the review team's conclusions on 'economic instruments' may result in changes. These will require close attention to ensure that reserves contributions are not watered down.

FORTH SCHEDULE:

Coal Mines Act 1979 No 21.

It is unclear if Crown ownership over the beds of navigable rivers would remain with repeal of Section 26. This requires review to ensure that future disputes over Crown ownership cannot arise.

SIXTH SCHEDULE:

Local Government Act 1974 No 66:

New clause 345(4). The consent of the Minister of Conservation to reductions in width of esplanade reserves should still be required.

Bruce Mason
PLC Researcher
18 December 1990.