

PUBLIC LANDS COALITION

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31 May 1991

Secretary,
Planning and Development Select Committee,
Parliament Buildings,
Wellington.

Fax (04) 499 0486

Dear Sir,

**SUBMISSION ON RESOURCE MANAGEMENT BILL
AS AMENDED AND NOT AMENDED BY SOP NUMBER 22**

The Public Lands Coalition is a national alliance of the three recreational and conservation organisations listed on our letterhead. This submission is additional to that of each member organisation and concentrates on 'public access' provisions in the Bill.

Clause 3. Act to bind Crown.

We support the deletion of subclauses 3 and 4. We feel that it is most important that the management of national parks and other conservation areas remain under the direct jurisdiction of the Department and Minister of Conservation.

Clause 5. Matters of national importance.

We support subclauses 5(a, b, c, and f)

However we are concerned at the inadequate content of subclause 5(d). While welcoming the addition to the Bill of public access as a matter of national importance, we are most concerned that the select committee's recognition of the need for public access to all the public estate (via deleted 5(1)(h)) has been removed. We find it incomprehensible that lands held for conservation, recreation, and public access purposes by central and local government should not be matters of national importance.

Clause 5(d) should be rewritten—

"The maintenance and enhancement of public access to and along the coastal marine area, lakes and rivers, and to unalienated Crown lands and public lands held for conservation, public recreation, and public access purposes."

There needs to be a consequential addition to **Clause 2 (Interpretation)** to encompass the *"unalienated Crown lands and public lands held..."* etc as being those subject to the Land Act 1948, Conservation Act 1987, those specified in the first schedule to that Act, public reserves held in fee simple or as endowments by territorial authorities, and public roads subject to Part XXI Local Government Act 1974.

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(3)(f).

As a matter of national importance entry and passage are customary rights which should be recognised. We are most concerned that the SOP has not addressed this matter. It appears that this provision conflicts with clause 5(d). We would like the ambiguities created by this clause in relation to clauses 10A(4)(c), 27, and 28 removed.

Clause 10A(3)(f). Restrictions on certain uses of certain lake and river beds vested in Crown or regional councils.

See above.

Clause 27. Functions of regional councils under this Act.

We support the changes to 27(1)(g) and (h).and the deletion of 27(3).

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

We are most concerned that the SOP does not address what we believe to be the worst aspects of the Bill in relation to the 'Queen's Chain.', and goes further with providing more discretion for territorial authorities not to require esplanade reserve establishment.

We believe that Government needs to take a fresh look at this clause in view of considerable expressions of public concern over the last couple of years at legislative reductions in protection over the Queen's Chain.

Clause 66A 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. We do not believe that this is an onerous task for central government and that no pressing need exists for change to the status quo.

The SOP changes make a bad provision worse by opening the door for more exemptions to the creation of esplanade reserves. The addition of undefined "particular circumstances" that regional councils can consider as relevant for not creating these reserves is a developer's dream come true. The wish to provide greater flexibility for exemptions to accommodate minor subdivision boundary adjustments has been expressed without restraint. We are not satisfied that the protection provided by 66A (2) will be sufficient to prevent the overall intention of reserve establishment being subverted.

We are extremely concerned that public roads will be able to be disposed of in 'Queen's Chain situations without the present Local Government Act safeguard of requiring public reserves in their place. This seems at complete variance with clause 5(d).

We submit that clause 66A be deleted and replaced by equivalent provisions to that contained in the Local Government Act 1974 providing Ministerial discretion for the waiving of esplanade reserve establishment, width reduction, and the creation of reserves in place of 'stopped' roads along shorelines.

Consequential changes to the **Second Schedule Part II (5)** will also be required.

Clause 103(5). Consents not real and personal property.
We support the deletion of this clause.

Clauses 419D to 419R Related to Coastal Tendering.
We are concerned at implications of the tendering process as it might limit public access and the protection of 'protected areas' in the coastal marine area and foreshores.

Forth Schedule:

Coal Mines Act 1979 No 21.

We support deletion of this clause. In doing so it retains express Crown ownership over the beds of navigable rivers.

Sixth Schedule:

Local Government Act 1974 No 66.

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

PLC representatives would like the opportunity to meet the select committee to elaborate on this submission.*

Yours faithfully,

Bruce Mason,
PLC Researcher.