

Queen's Chain, Road, and Waterway Facts

Update No. 3

The Queen's Chain is the popular name for the one-chain (20 metre) wide strip of Crown land along the banks of rivers, lakes and the seacoast. These result from a decree from Queen Victoria in 1840. They were intended for the purpose of public ownership and to guarantee public access along the banks—a provision rather unique in the world.

Approximately 70 percent of New Zealand's shores have 'Queen's Chain' strips. The rest is either in private ownership to the water's edge, or in national parks and reserves where general rights of access already exist.

Up until the present there have been a variety of categories of 'Queen's Chain'. In descending order of frequency—'Section 58 strips' (Land Act), road reserves (Local Government Act), 'esplanade reserves' (Local Government Act), and 'marginal strips' (Conservation Act).

The Conservation Law Reform Act 1990

In relation to the Queen's Chain—

Turned all 'Section 58 Strips' into 'marginal strips,' and—

- allows the Government to opt out of establishing marginal strips along rivers in the future when any lands of the Crown are sold or leased (S. 24B);
- allows the reduction of width of strips down to 3 metres along lake and sea shores (S. 24A);
- allows Crown forestry licencees to replant marginal strips (S. 24H (6));
- allows the appointment of private managers over marginal strips, such as adjoining landowners, or some other 'more suitable' person. Managers will be able to legally create 'improvements' and other assets on the land. 'Improvements' may include buildings, shore facilities, fences, crops, pasture, trees, and even soil fertility (S. 24H);
- provides for 'temporary' closure of public access by the Minister of Conservation, for public safety and fire hazard reasons. These powers unnecessarily duplicate existing powers held by the Police and fire authorities (S.24H(7)).

The Resource Management Bill 1989

In relation to the Queen's Chain—

Deals with road and esplanade reserves by—

- allowing easy disposal of roads by removing power of veto by Govt. (6th Schedule—S.345(3) Local Govt. Act);
- allowing unrestrained private control over **public roads** by adjoining land owners having leases and trespass rights. This applies to all roads in the countryside (6th Schedule amends S 341 Local Govt. Act);
- almost guaranteeing that no further esplanade reserves will be created on private land. Compensation payments will be extended to all sub-dividers for the land they are now required to provide as public reserves. District councils, instead of Govt, will have to pay but will also be given the discretion to waive establishment of reserves (S.188-94).

In relation to rivers, lakes, the sea, and their beds—

- replaces customary rights of access etc guaranteed by Crown ownership, control, and policy, with discretionary consents in the hands of local authorities. This will require either permits or specific allowance for public use in district plans. Entry onto a bed of a water body is defined as a 'land use' requiring consent. (S.7). Much public recreation, tending to be informal and undocumented, is unlikely to qualify as a 'protected existing use' (S.8). There is no compulsion on local authorities to conform to national policies on public access. Walking or boating on rivers, lakes, the sea or their beds without consent may be punished by up to 2 years in jail or \$150,000 in fines (S. 384);
- allows the issuing of coastal and land use consents to individuals over the beds of rivers, lakes and the sea, for any purpose, and with a specific right to exclude all other persons (S.103);
- removes express Crown ownership of riverbeds (4th Schedule repeals S 261 Coal Mines Act).

What does all this mean?

If the Government continues on its present path, given time, it could very easily mean the end of the New Zealand tradition of free access for all to the greater part of the outdoors, especially our rivers, lakes, and coasts. Only those with ownership rights or the ability to pay for admission will be able to enjoy what should remain the right of everyone. Both Government and National say they have good intentions—measure their words against their deeds!

What you can do

Visit or write to your MP. Tell him/her that restricting public access or allowing private development and control over the Queen's chain, as well as of our roads, rivers, lakes and coastal seas, is totally unacceptable. Ask them what their position is—Opposition members as well as Government. Will they oppose the Resource Management Bill in Parliament? Will they revoke the new Conservation law if they become the next Government?

Tell your friends, clubs, work place and local news media about this issue—spread the word—it affects everyone!