

Submission to the West Ward Committee 12/4/2000

Mr Chairman, Mr Mayor, Ward Committee Members, Ladies and Gentlemen

I firstly must thank the Ward Committee and you Mr Chairman for allowing me the opportunity to make submissions to you this evening.

For some time now, I have been involved in Land Access Issues in the lower North Island as a representative and delegate of the 4WD movement. I seem to hold many differing titles : Public Relations Officer of the Four Wheel Drive Association, Four Wheel Drive Co-ordinator for the locally based Akatarawa Recreational Access Committee and President of the local Cross Country Vehicle Club, one of New Zealand's largest 4WD clubs based right here in Belmont. Indeed as I speak now, my vice president is chairing a meeting probably attended by 100 or so active members, across the road in the Belmont Memorial Hall.

New Zealand built up its reputation as being one of the world leaders in outdoor recreation following what many say is a whim of Queen Victoria. Recognising many of the difficulties her own subjects faced in gaining access to the English Countryside, she specifically requested that in her furthest flung colony, everyone should have an equal opportunity to savour the great outdoors. She asked that marginal strips be established along the banks of all rivers and lakes, and that access be free and unencumbered around this country's shorelines.

She was also in my estimation, far-sighted enough to ask that each and every land division contain a guaranteed right of access via a legal road.

Now more commonly named for Her Majesty, we still refer albeit incorrectly to many of these riparian rights as "the Queen's Chain". Even more incorrectly, roads drawn up on paper, many as far back as the 19th Century, yet never actually formed are now commonly referred to as "paper roads".

Against this historical background then, Lower Hutt City Council seeks your consent to close for once and for all legal roads with the confines of the Belmont Regional Park.

Many amongst you may not know, or may not fully know, that last year, this same council, without any consultation, discussion, or even thought for the consequences, to close the opposite Eastern Hills to motorised recreation. The trail bikes, the quads and the four wheel drives were suddenly locked out of an area that had long since established a customary usage, keeping kids relatively safe well away from traffic. Keeping noise well away from residents, yet providing a delightful and wholesome outdoor experience for our youngsters (and some of us not so young).

True, four wheel drives could only gain access by permit, but that was no big deal.

Then the closure occurred.

Whilst elected councillors were scattered to the four winds, with Mayor Terris overseas cementing relations with the Chinese, the bureaucrats struck. Gates were locked, security guards employed, and trespass notices issued. Yet that wasn't the end of it.

Firstly it transpired that Council had allowed the quad riders to remain as "wardens", since they were "responsible" users (actual quote from letters written by Council).

Secondly, security guards were being paid to patrol land not owned nor controlled by Council. Indeed, it was subsequently revealed that Council owned or controlled very little of the land they'd for years simply assumed was theirs.

Finally the *coupe de grate*. Public meetings were convened to discuss issues faced by motorised recreation, yet not one single elected council member was invited to attend. The same bureaucrats struck again. Now at first, I was all in favour of rational discussion to resolve the impasse. Yet over the next few weeks, I was to be so disgusted by Council's conduct that I chose to exclude myself from any further involvement.

Mr Chairman, I was lied to. Undertakings given by Council personnel were never honoured, or worse still, within days of giving an undertaking, Council denied any such agreement ever existed – and since it wasn't in writing, there was nothing to be done about it.

Mr Chairman, I have dealt with Councils throughout the length and breadth of this Country. I have had come across some major bureaucratic

foul-ups and some wondrous demonstrations of willingness and cooperation, yet I have never in all these dealings come across such an underhanded, incompetent and untrustworthy bunch of amateurs as I encountered nestled within the bosom of Lower Hutt City.

Against this background then Mr Chairman, I began my research. I am quite familiar with the machinations of the offices of Land Information New Zealand, and it is there I spent many of my lunch hours perusing cadastral maps, plans, titles and the likes as I looked for lawful ways to challenge Council's closure of the eastern hills. Regrettably, much of it to no avail.

Yet I did discover some alternatives. Across the valley floor, here amongst the Western Hills are a veritable plethora of legal roads. The very roads you are now being asked to be closed.

I wrote to Council asking that these roads be opened. They prevaricated. I wrote again, still they refused to do anything about it. I wrote yet again, and this time they stated that if I persisted, they would simply close the roads. Yet I did persist, believing that in the end, sanity would prevail. If nothing else, the full facts would receive a Public hearing.

In all that time, Council knew they were in the wrong. They knew they were in breach of the Local Government Act, and they knew in the end they would have to concede and open the roads. Yet still they refuse to do so. The question of whether these roads are legal or not has now been fairly and squarely answered by their insistence that they be formally closed. That admission also means that any fences, gates, unnatural obstructions across these roads is unlawful and they are compelled by law to remove them forthwith. The laws they wish to use to close the roads are the very laws they are currently flouting by refusing to act in removing all these illegal obstructions.

It is interesting to note that as part of the tenth schedule to the Local Government Act, Council will have to survey the roads, whether they be formed or not. This will present the ideal opportunity for everyone to visit the roads and decide for themselves what should be done about them.

To formally stop a road is to undo the great works that made New Zealand the magnificent outdoors country that it is. To use the Local Government Act to transfer Public Land into private ownership to then be disposed of as political whims may dictate is killing the golden goose and selling our descendants very short indeed.

Remember, we are not holding this land as future inheritance for the children, we are merely borrowing it from them till they are of age. It is their future, don't let incompetent bureaucrats persuade you to do something your offspring will almost certainly regret.

If you foresee difficulties ahead; conflicts of interest; management problems; reach out to meet the challenge head-on.

Wellington Regional Council has just come through a most remarkable period with management of recreation within the Akatarawa Forest is undertaken in conjunction with user groups. They have demonstrated clearly and concisely that a forward thinking Council can work well in delivering the aspirations of its recreational users.

All it takes is a little faith and a lot of vision.

Thank you