



ARAC Executive

The Executive Committee of Akatarawa Recreational Access Committee Inc.
C/- 6, Takanini Grove, Stokes Valley Tel 04 938 5250

To: John Acland, Chair and the
Walking Access Consultation Panel
Box 2526
Wellington
info@walkingaccess.org.nz
Fax 04 819 0745

Dear John and Panel

Submission to the Acland Walking Access Consultation Panel

I regret that I have to ask you to consider accepting this late submission. Regrettably I have only just been discharged from Hospital following a Cerebral Haemorrhage (the haemorrhage actually happened on 21st July whilst I started the draft of this submission)

It is then no fault of the some 3,500 members of our organisation that I was unable to comply with even your extended deadline – and I would most humbly request that you view this submission kindly.

We have met and discussed issues several times, and whilst I doubt you will remember me, I have been a keen advocate on the Recreational Access Rights Coalition (RARC) NGO group as well as other national bodies.

The Akatarawa Recreational Access Committee (ARAC) represents some 3,500 members of all disciplines of outdoor recreation. I myself am a keen 4WD driver, simply because my health will not allow me to explore this vast and wonderful Country of ours on foot.

However, our numbers include 4WD'ers (naturally), surfers, horse riders, hunters, fisherfolk as well as mountain bikers, walkers/hikers and quad and trail-bike riders – as you see quite a multifaceted group.

I reiterate the general feeling of RARC below, but there are further issues coming to light with the behaviour of several Territorial Authorities who seem almost to be hurtling headlong to achieve some rather dubious objectives before your report is even tabled.

The RARC perspective:-

Need for a broader approach:

Thank you for the opportunity to submit on the need for better public walking access to public lands, and to and along water bodies (Queen's Chain).

We strongly support the importance of improving such access. But such access only covers part of the recreational public's interest in maintaining and improving public access to the Outdoors. It does not include for instance, recreational access with a firearm or dog, or vehicular access eg bicycle, 4WD, quad. All these modes of access are statutorily allowed in various situations, and their rights need to be recognised and protected as well.

Enhanced Public Recreational Access Rights - Support for all recreationists:

All recreational statutory access rights need to be recognised and enhanced, not just walking rights without a recreational firearm or dog to water margins. The most important initiatives to support and enhance all statutory public access rights are:

1. A Parliamentary Commissioner for Public Access
2. A significant and contestable Public Access Enhancement Fund
3. Public access shown on paper topo maps as well as public land boundaries
4. Greater recognition of unformed public (legal) roads, and their valuable use for public access and recreation
5. Relocate the Queens Chain to restore its access purpose, where it is no longer on its water margins

These can and should provide for all outdoor recreational users' access rights, including recreational hunters, 4WDers, quads and dog owners.

Essential for an Independent Commissioner:

Prior to 1987, the Lands and Survey Department provided paper cadastral (access and property) maps, and acted to some extent to protect public access rights. Since L&S's demise, there has been no government guardian of public accessways. These guardian functions need to be restored by an independent Commission.

The departments/agencies with public access responsibilities see them as low priority, and do very little about them. They are:

- a) Department of Conservation (DOC): Responsible for marginal strips, and public access to public conservation land. Does not even know where all marginal strips are. Has no annual budget for access matters. Argues on occasion its duty is to uphold private property owners rights. Also argued against recording and showing marginal strips.
- b) Land Information NZ (LINZ): Made an agreement with the previous government in 1996, that its primary mapping priority was to service govt departments, not the public. Abolished producing cadastral paper maps. Doesn't show public land boundaries on topo maps, even though its predecessor Land & Survey did. LINZ, as the lead agency in Tenure Review, has been poor in providing public access in Reviews.

- c) District Councils: Responsible for unformed public (legal) roads. These are Crown owned, and Councils are supposed to look after them. Hunters, 4WDers and cyclists or people with dogs have the right to pass and repass on them, just as they do on formed public roads. Smaller less well financed, or more farmer controlled, councils don't do their access duties well.
- d) Queen Elizabeth II National Trust: The Trust provides covenants, almost always without public access. It is also farmer dominated. It is not an appropriate agency for access.

Neither are the Ministries of Environment or Agriculture, or the Department of Internal Affairs, or regional councils suitable. Given the poor access performance of all these agencies, one of the key matters for a Parliamentary Access Commissioner will be to get them to perform better.

Therefore he must be independent of them, not an office within one. Hence also the need to report to Parliament.

Commissioner's Purposes:

The Parliamentary Commissioner for Public Access should be an official guardian of our public access heritage, ie

- a) be an access ombudsman for citizen complaints about agencies not carrying out their statutory access responsibilities
- b) a leader in constructively improving public access matters
- c) report to Parliament on public access matters
- d) promote cost effective public access mapping
- e) have regional representatives to engage and assist the public locally with access issues
- f) be a mediator, negotiator, facilitator with access agencies and stakeholders on improving public access
- g) encourage greater understanding and co-operation on access between outdoor recreationists and rural landowners

Purpose of the Access Enhancement Fund:

This would be disbursed by the Public Access Commissioner, to projects, including access easements or purchase, to cost effectively improve public access. The Fund and Commissioner would also greatly benefit landowners.

Importance of Unformed Public (legal) roads

These are publicly owned strips of land across private land. They are very valuable as they provide an important access right and have recreational value in their own right - that can be used as is when marked, or can be negotiated to gain more direct or other access of the same quality, across private land. I/We strongly oppose moves by some district councils to abolish such roads.

Realign the Queens' Chain:

To restore its access purpose, where it is no longer on its water margins

Need to reaffirm and protect New Zealand's proud heritage of publicly owned public access strips:

New Zealand's achievements with statutory mechanisms for public access to the outdoors dates back to 1840. These mechanisms are usually successful because they involve the very strong rights of public ownership of land/strips eg marginal strips, public parks and reserves with access rights, unformed and formed public roads, esplanade reserves etc.

It is a superb heritage. We should all be proud of it and be prepared to defend and improve it. But official indifference and neglect has made it frayed at the edges. This is why an independent Commissioner, Access Fund, and better access information on maps is urgently needed and will benefit all access stakeholders.

The ARAC perspective:-

The modern family

In this bustling day and age, most families struggle to achieve any joint recreation time. Already we see DOC has vast tracts of land under lock and key – which means only the fittest and best able can access these so-called wilderness areas. Perhaps 2% of the population if we are lucky. So 98% of the population – who incidentally actually “own” the land are denied use of it.

This is not to say that there should be no wilderness areas, it is simply an ingrained attitude amongst so many DOC Officers that if DOC administers it – it should be locked up (a psyche worthy of investigation by post-graduate studies perhaps?)

Now a proposal to create walking access only to additional vast-tracts of land – access that should be there via the vast array of lawful highways – the ubiquitous “paper road”

However, Regional and Territorial Authorities alike are greatly amiss in there duties to allow free and unencumbered access to what is at law an absolute right of “commodious passage”

Hardest amongst this is simply identifying what is and what is not a lawful road. Councils simply will not help.

ARAC's Composition

Of the 3,500 members of ARAC, the vast majority are hard-working family people who simply want to be able to enjoy some outdoor recreation. True, some forms of sport of more extreme than others, but ARAC's strength lies in the ability of its members to coexist and share what limited resources are available.

These people simply cannot find the time to hike for days on end, some with young children, others with elderly relatives (or perhaps even both).

Our Recreational Needs

We value the Queen's Chain – although we have heard puerile arguments that there is no such thing – the fact remains that just about 70% of our major water margins have some form of lawful public access. Destroyed by erosion in places, or greatly added to by accretion in others, the sad fact is that the Queens' Chain is woefully incomplete – or broken in places (eg Ngapotiki Station, Wairarapa) to allow landowners to block public access.

But above all else, we value the Paper Roads. These should afford unimpeded access. Sadly they don't. No agency will accept responsibility for locating them, and even then once located, Councils rarely do anything to ensure free and commodious public access.

Uncaring or Unscrupulous Councils

In The Greater Wellington area alone, we have fought one Environment Court battle, at a cost to us of some \$27,000 (Environment Court *Decision A83/2002*), in which it was found that the Council were attempting to stop a road without proper consultation. That was 4 years ago – we are still obstructed by Council from using that public road.

Identification of other paper roads in Upper Hutt and Hutt City have been met with blank refusals to deal with illicit obstructions – even Wellington Regional Council knowingly obstructs lawful roads we have identified to them.

It was a deferent story when a landowner obstructed WRC logging trucks because the “paper road” was miss-aligned across his property - then enforcement was swift and decisive.

More recently, in Tararua District Council, we have made representation against a proposed roading network closure. Here long-distance paper roads (some formed, some not) were to be stopped as they cross just one property. This to afford the landowner to right to fence off his property, raise tame deer and then allow “hunters” to stalk and kill them.

We also have to say that it seems almost repugnant that a Council should consider sale of a public resource to benefit a private concern. It is no doubt that should this stoppage proceed, the adjoining landowners will deny public access (something that the public now enjoy irrefutably and without hindrance) without at least the payment of a fee, and the landowners will be able to decide who may and who may not enjoy what is currently a public resource.

The list goes on – but it would be hard to find a Territorial Authority that actively opened paper roads for public use – the only example I have knowledge of over the past 10 years would be on Waiheke Island and Stony Batter.

What are we asking for?

- a) We actively support RARC in their submissions.
- b) We need not only the retention of paper roads, but a firm and fixed methodology to identify and reopen them when they have recreational value to us

- c) We need a lot more than just walking access – some of us are infirm – others need to hunt or fish – others just don't have the time necessary to walk to some of this Country's wildest places.

Thank you for your time

For a and on behalf of ARAC

Andy Cockroft
Coordinator

PS I hope you will understand that my clarity of thought is not quite what it should be !!!