



20. 11. 2003

**REPORT BY THE CHAIRMAN OF THE
PARKS, GARDENS AND WATERWAYS COMMITTEE**

PART A - MATTERS REQUIRING A COUNCIL DECISION

1. SUBMISSION ON 'WALKING ACCESS IN THE NEW ZEALAND OUTDOORS'

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The purpose of this report is to identify key points for inclusion in the Council's submission on the Ministerial Reference Group report 'Walking Access in the New Zealand Outdoors'.

1. INTRODUCTION

In January 2003 the Minister for Rural Affairs, the Hon. Jim Sutton, established a Ministerial Reference Group to study issues around access to New Zealand's river and coastal margins, to public land and across private rural land. This was in response to concerns over the legal situation relating to public walking access over private land and the foreshore of lakes and the sea bed and along rivers.

Written submissions have been invited, to be received by 30 November 2003.

On 6 November 2003 a Council seminar was held at which Clare Mulcock (a member of the Ministerial Reference Group) along with Council staff presented information from the report and discussed the Council's submission on it.

2. CONTENT AND PROPOSALS

The "Walking Access in the New Zealand Outdoors" report identified that the traditional social conventions related to walking access have become strained. This is largely as a result of changing population dynamics resulting in increasing dislocation between rural and urban dwellers, new landowners (some from overseas) often with changed attitudes to public access, changing land use and increased mobility. These factors have led to an increasing gap between the expectations of landowners and users.

The Ministerial Reference Group identified the following elements necessary to determine the future social conventions relating to public access:

- Certainty about what land is accessible and under what conditions
- The generation and dissemination of accurate and clear information relating to access.
- Establishing a mutually agreed 'norm' regarding the desired conduct of visitors, and expectations relating to 'responsible access'.
- Appropriate mechanisms/processes for managing conflicts and concerns.

The following concerns were noted from rural landowners and users:

Rural Landowners

- Impact on farming/forestry practices
- Biosecurity (weeds, pests etc)
- Potential habitat/environmental degradation
- Provision of facilities
- Personal safety
- Security and theft
- Fire risk
- Health and safety

Users

- Closure of marginal strips
- Unmanaged access ways
- Obstruction of legal roads
- Tenure review (pastoral leases)
- Loss of tradition
- Privatisation of resources
- Poor access to information

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In addition to these, there are a series of concerns particular to Maori noted in the report.

The report considers the popularly held concept of the Queen's Chain and concludes that the practice of reserving land along the water margins from early colonial times has been partial rather than complete. There are substantial gaps in the public ownership of land along water boundaries.

The following problems associated with practical and secure access to the water margins were identified:

- The location of, and rights of access to these reserves are not always known
- Public misconception about the legal nature of the Queen's Chain
- Lack of continuity of access along the coast (including Banks Peninsula)
- Farming activities, fences and structures sometimes hinder access
- Physical barriers (cliffs, rivers, sea)
- The effects of accretion and erosion
- Ad medium filum aquae rights – ie private landowners adjoining rivers owning the river bed up to the centre line of the river
- Increasing use of riparian areas could lead to collapse of river banks with impacts on water quality and biodiversity functions
- Access affected by uncontrolled weed growth.

The Reference group concludes that a New Zealand Access Strategy is required to achieve the following objectives:

Objective 1: To strengthen leadership and to provide direction for, and co-ordination of, access arrangements nationwide.

Largely this involves the establishment of an access agency to develop a national plan, develop codes of conduct, promote access as a genuine public issue, disseminate information and provide a mediation service where problems associated with access arise.

Objective 2: To provide greater clarity and certainty of access by locating and publicising information on what kind of access is acceptable and where it may occur.

Objective 3: To affirm the validity, and embrace the ethos of the Queen's Chain, by providing mechanisms for its promotion and enhancement.

Objective 4: To encourage negotiated solutions.

Objective 5: To find ways to improve current legislation provisions for access.

3. PROPOSED CONTENT OF THE COUNCIL'S SUBMISSION

Walking is clearly a very popular recreational activity amongst Christchurch people. The last Annual Residents Survey indicates that 39.8% of the population over the age of 18 - some 85,487 people – had participated in walks of longer than 30 minutes duration in the previous four weeks.

Research undertaken in 2001 of two different areas of the City (Strowan/Rutland and North Linwood/ Avonside) indicated that non urban recreational settings visited over a yearly period by Christchurch people are: Coast/beaches 95% of users, Urban Fringe (Port Hills, Bottle Lake) 77%, Rivers/lakes 71%, National Parks/forest parks/reserves 59%, Farmland 43%. Only 7% of survey respondents did not participate in recreation activities outside the urban area over the course of a year.

The survey also indicated that the most frequently visited non urban recreational destinations for the Christchurch people surveyed are: Coast/beaches 48%, Urban Fringe (Port Hills, Bottle Lake) 23%, Rivers/lakes 13%, National Parks/forest parks/reserves 7%, Farmland 9%. Obviously distance plays a part in the greater frequency of visits to recreation opportunities close to the city, such as the beach.

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Areas within the city are popular for walking, as are those areas outside the city but within relatively easy use. Research in popular areas outside Christchurch indicates the predominance of users from Christchurch City e.g. survey data indicates 54% of Hurunui River users are Christchurch residents.

The following key points were noted at the seminar to be incorporated into a submission by the Council:

- The Council is generally supportive of the principle of increasing public walking access.
- The Council draws the attention of the working party to a need to address legal mechanisms relating to public access in urban areas (such as around the Avon Heathcote Estuary) as well as the rural areas.
- The Council strongly supports the ethos of the Queen's Chain and is in agreement with the statement that 'the land and waters of New Zealand are to all those who feel they are New Zealanders and access to these, in part, historically defines the values of our society'.
- The Council is supportive of the proposal to develop a national plan for public walking access and is of the view that this needs to have regional components that allow priorities to be identified and to a large degree addressed at a local level.
- The establishment of an Access Agency is considered by the Council to be a useful mechanism to represent the issues of public access and a mechanism to handle conflicts. The Council would like to see the Access Agency having regionally based staff that understand the issues in particular areas of the country.
- Many of the public access issues cross territorial authority boundaries. This is particularly the case in Canterbury where the majority of the population live in Christchurch but would appear to dominate outdoor recreation use in large parts of the region. The Council believes that in many cases public access issues need to be addressed at a regional level with territorial authorities working together. At times this may involve authorities such as the Christchurch City Council helping to advocate and provide for public access for its citizen's outside its boundaries.
- The Council considers that where public access is desired across private land, the land can often remain in private ownership and appropriate mechanisms be developed to provide the public access (ie rather than the public access way necessarily becoming public land). However greater interaction with and support for private landowners would be needed to facilitate this approach.
- Negotiation and dialogue with landowners to achieve access is seen as the key to enabling better public access in many situations.
- The Council believes that there needs to be clear co-ordination between the issues of walking access in New Zealand and the consultation being carried out by the government on the foreshore and seabed.

Chairman's

Recommendation: That staff prepare and submit a submission to the Walking Access in the New Zealand Outdoors report in line with the points made in section 3 of this report.

CONSIDERED THIS 20TH DAY OF NOVEMBER 2003

MAYOR