



WALKING ACCESS IN THE NEW ZEALAND OUTDOORS

Key Government Objectives for the Walking Access Policy

- Achieve high quality access for walking;
- Provide for walking access along footways beside identified parts of the coastline and specified watercourses and water bodies;
- Protect existing access;
- Establish a Code of Responsible Conduct to ensure that rights and interests of users and landholders are respected;
- Enable the establishment of other walking access over land by negotiated agreement with landholders;
- Provide leadership on walking access policy.

Foreword by the Minister

Most New Zealanders have heard of the Queens Chain, and understand it to mean that all New Zealanders have recreational access to rivers, lakes, and beaches.

Unfortunately, for a variety of reasons including the political and the geographic, the Queen's Chain has never been fully implemented. There are significant areas where there is no access to the public resources of water and fish. This is increasingly causing difficulty, and even conflict.

The need to resolve that conflict, and to clarify the confusing thicket of property laws in the area, has prompted the Government to do work in the area of walking access to the outdoors.

This policy is about providing certainty to all New Zealanders about where they can go to enjoy our natural surroundings.

It's also about ensuring our land-based industries have the ability to farm without hindrance, and that rural families are secure.

The government is committed to the implementation of a Land Access Strategy to provide access that is certain, free, practical, and enduring. This brochure summarises the Cabinet proposals, and outlines the next steps to be taken.

I look forward to the outcomes of the next phase and hope that all those who have felt strongly on this issue will remain engaged.

JIM SUTTON

Associate Minister for Rural Affairs

Background

In January 2003, Rural Affairs Minister Jim Sutton established a Ministerial Reference Group to consider whether the arrangements for public access to water margins, access to public land and private rural land are sufficient, while providing for private land use both now and in the future. John Acland, a farmer and former chair of the Meat Board, chaired the group.

The Acland report proposed a New Zealand Access Strategy with the objectives of providing clarity and certainty of access, enhancing the Queen's Chain, encouraging negotiated solutions, improving legislation and leadership.

There was extensive consultation about the report. More than 50 public and stakeholder meetings and hui were held. Over 1000 written submissions were received.

Since then Cabinet has been considering how to take the issue of access forward. The proposals announced today give a path forward for resolving the key access issues.

Government proposals:

- The Government is **proposing to ensure access along a five-metre walking strip along identified parts** of the coast, rivers, lakes and other water bodies that have been prioritised as having significant 'access value'.
- The **proposals cover only walking** - no vehicles, motorbikes, bicycles, guns, dogs or camping, unless with the permission of the landholder.
- **The criteria for what areas have access value** would be part of law. They would be developed following consultation, and could include factors such as the physical, ecological and recreational significance of the area. The criteria will then be applied once the legislation is enacted.
- **A mapping process, led by the Access Agency (see below), using existing information would establish the location of the walking strip or footway.** A draft map would be produced for consultation and public submissions. Once finalised by the Access Agency the footway would not come into effect for a year to allow for landholders to seek exclusions.

- Under the proposals there will be **restrictions and exclusions on the right of walking access.**

It is intended that the policy **restrict walking access to no closer than 50 metres to a residence** or 20 metres from any other lawfully erected building on private land.

In addition, three categories of access restriction are proposed:

1. **Standard exclusions.** These would be contained in law and will apply automatically. They will cover situations where for security, privacy, cultural or safety reasons it is not appropriate to have public access. This includes prisons, schools, airports, ports etc.
 2. **Discretionary exclusions:** These would be based on criteria contained in law. These will relate to particular land use and may be granted for up to 20 years. Decisions would be reviewable by the courts.
 3. **Temporary exclusions.** These would be available for up to 90 days for situations described in law, such as lambing or tree felling.
- The walking right **complements existing legal arrangements.** Existing esplanade reserves, access strips and marginal strips will continue to apply. Future walking access would be maintained in the event of erosion, etc, by moving with the watercourse.
 - The walking access proposals **do not change ownership of the land** or the occupation rights of the landholder. There would be no automatic right of access across private property to reach any footway. The policy considers the interests of the landholder, and there will be extensive public consultation at all stages of development, including a full Parliamentary process for any legislation.
 - **Decisions on footways on Maori land and general land would be subject to the same statutory criteria** and with

appeal rights. The initial processes may differ because of different legislation governing various land tenures.

- It is proposed that a **Code of Responsible Conduct** will be developed. It would describe in plain language the law on access, set out the standards expected of people walking on private land and recommend best practice. This code will be developed after extensive public consultation. Failure to comply with the code may lead to prosecution.
- There is a need to provide more **readily accessible information** on public access. The Acland report highlighted that information is held in a number of places and maps do not always identify access pathways. The policy recognises the need to correlate information and make it available in a much more publicly accessible form. Officials will continue to work on this.
- An **Access Agency** will be set up to ensure the Government is providing leadership for walking access. The Agency would work on assessing areas against the access criteria, identifying footways, developing the Code of Conduct, information dissemination and other appropriate work. Officials will continue to work on the detailed roles and functions of the agency.

create **negotiated solutions** for walking access over private land. A contestable fund will be set up to help create and enhance access opportunities across private land to the footway and to other land with recreational or iconic values.

Next Steps

The next steps to advance the policy are to:

- further develop access value criteria and consultation processes
- develop the terms of the contestable fund for negotiated solutions
- develop the Code of Responsible Conduct
- work on the establishment of an Access Agency,
- work on identifying information needs
- further detailed policy development.

Officials will report back to Ministers on these, and any other outstanding policy issues, by the end of March 2005. After this, legislation will be drafted, for introduction about the middle of the year.

What information is available?

Documents relating to this project are available on the Ministry of Agriculture and Forestry website: www.maf.govt.nz/mafnet/rural-nz/people-and-their-issues/access/

This includes press releases, summaries of meetings and submission analysis from the consultation process, as well as the reports, *Walking Access in the New Zealand Outdoors*, and *The Law on Public Access Along Water Margins*.

How can you participate?

There will be further opportunities to participate through the consultation processes described above, and when legislation is put forward, through the Select Committee process. However, if there are other matters you wish to raise, you can either write to Jim Sutton, Parliament Buildings, Wellington, or by email to land.access@maf.govt.nz

Enquiries: Cathie Bell on 04 4719855 or Catherine.Bell@ministers.govt.nz