

10 Public Access

10.1 Introduction

This chapter relates to public access across public land only. It does not advocate public access across private land, including private Maori land. If public access is desirable across private land then the regional plan supports, if there is full consultation with owners, an inquiry into whether such land can be acquired to facilitate access.

Public access to water bodies is a common concern of water sports recreationalists and fishers. Appendix 5 outlines the recreational activities undertaken within the Tarawera River Catchment. The maintenance of public access to and along the coastal marine area³², lakes and rivers is considered a matter of national importance to be recognised and provided for under section 6(d) of the Act. The Resource Management Act 1991 requires all parties to the Act to recognise and provide for public access. However, the more direct responsibility for achieving public access objectives and policies rests with district councils. District councils are responsible for the provision of esplanade reserves and esplanade strips, and are also responsible for activity, such as water surface recreational opportunities, on rivers and lakes. The Department of Conservation, which administers significant areas of land along rivers and lakes in the catchment, also has a major role to play in ensuring public access.

Public access to and along rivers and lakes includes road or track access to and along river and lake margins. Recognising and providing for public access may also involve the provision of, or allowance for, public structures and facilities such as boat ramps which also facilitate public use and enjoyment of waterways and their margins.

Public access to and along rivers and lakes in the Tarawera River catchment is relatively easy and makes possible the use of lakes and rivers and their margins for a variety of activities, many of them recreational. Public access is often assisted, directly or indirectly, by a network of reserve areas along large stretches of the catchment's rivers and lakes.

Reserves along rivers and lakes serve multiple and sometimes conflicting functions³³. The primary purpose of some reserves is to allow for the control of soil erosion and the maintenance and enhancement of water quality. In other cases reserves may exist to maintain or enhance aquatic wildlife and freshwater fisheries habitats, or to protect natural and aesthetic character. While most of these reserves are not established primarily for public access, they generally allow for public access, unless that access would be detrimental to the purpose for which the reserves were created. A list of the various types of reserve areas is shown in Table 3.

³² Issues relating to public access to the coastal marine area are included in the *Bay of Plenty Regional Coastal Environment Plan*.

³³ The *Bay of Plenty Regional Land Management Plan* deals with riparian management from the perspective of controlling soil erosion and maintaining or enhancing water quality.

Table 3**AUTHORISATION FOR DIFFERENT TYPES OF RESERVES**

RESERVE STATUS	ACT OF PARLIAMENT UNDER WHICH RESERVE IS AUTHORISED
Recreation Reserves	Reserves Act 1977 (Section 17)
Historic Reserves	Reserves Act 1977 (Section 18)
Scenic Reserves	Reserves Act 1977 (Section 19)
Scientific Reserves	Reserves Act 1977 (Section 20)
Government Purpose Reserves	Reserves Act 1977 (Section 21)
Local Purposes Reserves	Reserves Act 1977 (Section 22)
Marginal Strips	Conservation Act 1987
Esplanade Reserves and Strips	Resource Management Act 1991 (Part X)
Soil Conservation Reserves	Soil Conservation and Rivers Control Act 1941 (Section 16)
Acquisition of Land for a Government or Local Work	Public Works Act 1991

In some places covenants have been placed across land allowing for public access. Public access to lakes and rivers is also assisted by land administered by the Department of Conservation with associated tracks and accommodation facilities, in the Upper Reach of the Tarawera River and Upper Tarawera Lakes catchment. In the catchment of the Lower Reach of the Tarawera River public access is generally allowed along stopbank areas owned by Environment Bay of Plenty, and marginal strips administered by the Department of Conservation.

The large number of rivers and lakes in the Tarawera River catchment and the unimpeded access to large parts of these water bodies mean there are generally few problems of access. A large proportion of the catchment's river riparian areas are easily accessible and most of lakes have direct road or walking track access, as well as facilities such as boat launching ramps. However, public access to and along the rivers and lakes in the catchment appears to be well catered for.

Concern has been expressed that public access to and along rivers and lakes is often restricted across private land. This has resulted in some calls for local authorities to ensure that private land and road owners make their land and roads more accessible to the public. However, this is not considered a significant public access issue. In many cases private access can be gained with the approval of the landowner.

In addition, within the Tarawera Forest, Fletcher Challenge Forestry Limited maintains a daytime public access corridor through the Tarawera Forest to Lake Tarawera, Mt Tarawera, and the Tarawera Falls, areas which would otherwise be significantly less accessible. Access across this significant area of private land is only restricted at night times and during times, such as high fire risk, when public safety may be compromised. Fletcher Challenge Forestry Limited estimates that more than 300,000 people pass through the permit free zone each year. Approximately 15-20% of those travelling through the permit free zone are thought to be visiting the Tarawera Falls.

The significant existing public access ways to lakes and rivers in the Tarawera River catchment reduces the needs to place pressure on private land and road owners to open their land for public access. Environment Bay of Plenty does not consider it to be one of its functions to dictate public access across private land, unless explicitly stated or provided for in legislation.

However esplanade reserves and strips should still be viewed as important in enhancing the amenity values of lake and river margins. District councils and the Department of Conservation should be encouraged, where appropriate, to secure public access along river to lake margins which would facilitate improved public access.

The provision of access to and along lake and river margins will affect the use of the adjoining water body. For example, increased road access, the sealing of metalled roads and the provision of boat launching facilities are likely to increase public use of the associated water body and are likely to create a demand for land based access and facilities such as camping grounds and car parks.

Although public access may be an issue of national importance, where there is a conflict of interest, public access may need to be discouraged or even prohibited. This may occur in areas which may have sensitive or vulnerable ecological values, sensitive traditional or cultural values, natural character, intrinsic or heritage values, or at times of high fire risk, or when public health and safety may otherwise be at risk. These are areas to which access should be discouraged or limited so as to avoid adverse effects. Where access is provided, it must be in an appropriate and sympathetic manner to the environment. For example, natural areas should not be subjected to extensive car parking, and wide obtrusive walkways.

In addition there is a potential problem of over proliferation of public and private access ways in some areas, such as around parts of Lake Okareka which is quite densely settled. A high proliferation of access ways can destroy vegetation, lead to erosion problems, place a strain on the ecology of an area, and threaten intrinsic and heritage values, and the natural character of an area.

Notwithstanding the damage that off-road vehicles can cause in some environments, this is not generally a problem in the Tarawera River catchment. Formalised off-roading tends to take place in less sensitive environments, such as permitted at the discretion of Fletcher Challenge Forestry Limited in the Tarawera Forest, whilst other activities are generally undertaken so infrequently as to not raise any major resource management concerns. It is, however, important for off-roading to be barred from river and lake beds, since it may disturb local ecology, erosion and siltation or conflict with other activities.

10.2 Issues, Objective, Policies, Methods of Implementation, Principal Reasons and Anticipated Environmental Results

10.2.1 Issues

The issues relating to public access are:

- 10.2.1(a) Public access to and along river and lake margins may be constrained by a lack of public knowledge, lack of public reserves and unwillingness of landowners to allow access.
- 10.2.1(b) Public access to and along river and lake margins may in some cases threaten ecological, natural character, intrinsic and heritage values, water and soil resources, and safety and security.
- 10.2.1(c) There is a risk of water weed transfer between water bodies.
- 10.2.1(d) Public access to the Tarawera River is limited or prevented along large areas of riverbank by nuisance growths of willows.

10.2.2 Objective

Maintain and enhance public access to and along rivers and lakes while ensuring that threats to natural heritage, safety and security values caused by public access are minimised.

10.2.3 Policies

10.2.3(a) To ensure that public access to and along rivers and lakes is restricted only in circumstances:

(a) Where sensitive ecological, amenity or heritage values may be compromised; or

(b) Where safety or security may be compromised; or

(c) Where the purpose of a designated reserve may be compromised.

10.2.3(b) To encourage the coordination of public access to and along rivers and lakes with district councils, the Department of Conservation and landowners.

10.2.4 Methods of Implementation

Councils are encouraged to:

10.2.4(a) Consider effects on sensitive ecologies, amenity or heritage values, safety and security and the purpose of designated reserves when controlling or providing for access to and along river and lake margins.

10.2.4(b) Monitor activities along river and lake margins to ensure that they do not adversely affect the environment.

10.2.4(c) Coordinate with one another and the Department of Conservation to manage reserves and provide publicly available information about access to and along rivers and lakes.

District councils are encouraged to:

10.2.4(d) Where appropriate, allow public access to water bodies and riparian areas/reserves along rivers and lakes, including esplanade reserves and esplanade strips.

10.2.4(e) Consolidate access ways to rivers and lakes where an over proliferation of such access ways is having, or is likely to have, an adverse effect upon the surrounding environment.

10.2.5 Principal Reasons

The Resource Management Act 1991 cites the maintenance and enhancement of public access to and along the coastal marine area³⁴, lakes and rivers as a matter of national importance to be recognised and provided for in relation to managing the use, development, and protection of natural and physical resources.

Environment Bay of Plenty considers that there is sufficient public access to rivers and lakes in the Tarawera catchment so as not generally to restrict lakes and rivers and their margins from use by the public. Although not all river and lake margins

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Issues relating to public access to the coastal marine area are included in the *Bay of Plenty Regional Coastal Environment Plan*.

are easily accessible to the public Environment Bay of Plenty is satisfied that sufficient access is available to a broad cross-section of river and lake areas.

While Environment Bay of Plenty recognises that substantial tracks of private land often stand between formally designated river and lake margin reserves, access across these lands is considered a matter between those seeking access and the landowner or lessee.

Environment Bay of Plenty considers that current public access rights to public estate should only be restricted in those instances where there are identified risks to:

- (a) Sensitive ecological areas or wildlife;
- (b) Amenity or heritage values;
- (c) Public or private security;
- (d) The purpose of a designated reserve;
- (e) Health and safety through activities such as poisoning, hunting or pest control using chemicals.

Environment Bay of Plenty considers that public access to and along rivers and lakes does not simply mean access to the water's edge. It also means being aware of opportunities which might encourage the sustainable use of these water bodies. Environment Bay of Plenty considers that local authorities have a role to play in investigating the need and possibilities for the provision of jetties and other similar structures which would be for public use.

Generally people know little about public access to and along rivers and lakes. EBOP considers that increased public information about access areas, walkways and boating, etc, is an important means of promoting public access in a sustainable manner to the catchment rivers and lakes. In addition, it is considered that activities along river and lake margins, such as the construction of walkways, need to be monitored from time to time to ensure that their adverse effects on the environment are minimal.

10.2.6 Anticipated Environmental Results

The anticipated environmental results are:

- 10.2.6(a) Protection of soil and water resources from unnecessary adverse effects of public access.
- 10.2.6(b) Continued ease of public access to and along rivers and lakes.
- 10.2.6(c) Safeguarding of sensitive ecological, natural character, heritage, and similar such areas from the effects of public access.
- 10.2.6(d) Greater awareness about public access to and along rivers and lakes.
- 10.2.6(e) Safeguarding of public safety, and property security.

