

Submission on Stock Exclusion Regulations (October 2021)

The Commission is grateful for the opportunity to submit on the proposed stock exclusion regulations proposal. Our submission is informed by our submission on the Freshwater Farm Plan.

Introduction

The New Zealand Walking Access Commission Ara Hīkoi Aotearoa (the Commission) is the Crown agent responsible for providing leadership on outdoor access issues.

The Commission has a team in Wellington and a network of regional field advisors. An independent board governs our work. Our governing piece of legislation is the *Walking Access Act 2008*. The Commission works with community trails groups, iwi, landowners, and others to create access opportunities across the motu. Our role is to provide advice on free, certain, enduring, and practical access to the outdoors.

We administer a national strategy on outdoor access, including tracks and trails. We provide information to the public, oversee a code of responsible conduct in the outdoors, help to resolve access issues and negotiate new access. The public access layers on our Walking Access Mapping System provide the most comprehensive spatial capture of publicly accessible areas.

We support the creation, maintenance, enhancement, and promotion of outdoor access, for recreation, culture, for safety, health and wellbeing, and for environmental improvement.

Stock exclusion regulations public access context

- Areas of public access adjacent to rivers, lakes and coastline are an important part of Aotearoa New Zealand's recreational assets.
- There are significant areas of public land along riparian margins over which there is usually, but not always, a right of public access – for example marginal strips, Reserves, unformed legal roads and Crown Land.
- Esplanade strips (interests on private freehold title, in favour of territorial authorities) may also provide public access along water bodies. These are typically not spatially captured in the cadastre and require scrutiny of titles.
- The Commission's experience is that legal property boundaries can be unclear, especially where the property is adjacent to riparian public land.
- Farming sometimes occurs on public land, with or without formal consent.
- River movement can result in significant non-alignment of surveyed river and private land along river margins (such as Oreti River in Southland).
- Regional Councils typically supply farmers and catchment groups with information about their property or catchment, in the form of aerial maps. The Commission's experience is these maps frequently do not highlight adjacent public land.

The Commission recommends:

1. Information is provided to landowners about the types of public land typically found on riparian margins which a public body administers; and whether the adjacent landowner has the consent of that public body to undertake any activities on public land.
2. Particular attention is paid to ensure no public land is included in the low slope calculation for an individual farm.
3. Territorial authorities ensure all maps supplied for the purpose of Freshwater Farm Plans depict any public land adjacent to a property subject to a plan.
4. Maps include a legend clarifying the nature of public land, for instance unformed legal road, marginal strip, reserves and Crown land.

The Commission would welcome the opportunity to speak to our submission.



Ric Cullinane

Chief Executive Tumuaki

Walking Access Commission Ara Hīkoi Aotearoa