



**National Council of
Women of New Zealand**

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**Submission to the Local Government and Environment Select Committee on the
Overseas Investment (Queen's Chain Extension) Amendment Bill**

The National Council of Women of New Zealand (NCWNZ) is an umbrella organisation representing 41 nationally organised societies and has 33 Branches throughout New Zealand. These Branches are attended by representatives of national organisations and some 150 other societies. There are also a number of individual members. Ten Standing Committees study specific issues, and are usually responsible for the collection and dissemination of information on their topic and for the writing of submissions. Information for the preparation of submissions is collected from the responses to questions appearing in the monthly NCWNZ "Circular" or sent by email when time is short. Submissions are also based on policies established at national meetings of the Council, and draw on earlier submissions on related issues.

NCWNZ has policy on the issue of public ownership and access dating back to 1924 stating: *'That the Government be approached urging that further acquiring of private ownership of foreshores on sea beaches and lakes be disallowed, and that the sea and lake foreshores should wherever possible be acquired and set apart as public reserves.'* In 2003, the following resolution was passed, *"That NCWNZ request the government to review existing legislation in order to prohibit any further sale of land into foreign ownership"*.

The concern of members has arisen because of the number of sales of property to overseas buyers some of whom appear unwilling to come to terms with New Zealanders' public access and other land use expectations. The issue is also contentious because of the current debate and proposed legislation regarding public ownership of the foreshore and seabed.

Over the years there has been, and continues to be, confusion when the phrase "Queen's Chain" is used. We recommend, as in previous submissions for example in 1994 on the Conservation Amendment Bill (no 2) that there needs to be a definition in legislation.

The need for clarity was explained in *Walking Access in the New Zealand Outdoors, the report by Land Access Ministerial Reference Group*. As one branch commented there is still the popular misconception that the Queen's Chain exists on all coasts, lakes and rivers.

This submission is based on comments from members of the Public Issues Standing Committee, six branches, two affiliated societies and several individuals as well as reference to earlier submissions written by NCWNZ. A wider input was not possible due to the short time frame allowed.

Clause 3 New section 9A inserted

9A Land adjacent to waters

(1) and (2) NCWNZ supports the clear explanation that this section applies to proposals submitted to the Overseas Investment Commission for approval, consent, or permission for land where no marginal strip, esplanade reserve, esplanade strip, or public road exists between the land and any sea, river or lake and that sea, river and lake are as defined in the Resource Management Act 1991.

However it is not clear whether land sold by an overseas owner to an overseas buyer is covered by this bill. Such sales should be included.



(3) Under this clause the Overseas Investment Commission must notify the relevant territorial local authority or territorial local authorities of any such applications before the Commission and the territorial local authority must consider whether the public interest justifies the creation of new esplanade reserves or strips.

Most respondents agree that Territorial Local Authorities should be consulted. Such consultation gives important local input. We are concerned, however, that there is a lack of consistency of approach by the different Territorial Local Authorities and that national guidelines should be prepared. Those who disagreed with the proposition strongly support the need for national guidelines.

A question to Council members about involvement by the Department of Conservation brought a range of responses, from agreement, to a more frequent opposition. Those with this view consider that Department should have authority only over DOC land, and that the work currently designated for DOC is not being carried out adequately. Those who support DOC involvement note that it has explicit responsibility to take into consideration the impact of any land sale/reservation creation on the NZ environment. In relation to the concern for consistency in decision making expressed above, reference to the Department of Conservation would help maintain such national standards.

Members also suggest that the need for public input via the public notification process.

(4) This clause lists matters to be taken into account when the Territorial Local Authority considers the application. Members support those proposed: the present and potential recreational use of an esplanade reserve; the present and potential benefits to public access of an esplanade reserve; the present and potential benefits to water quality; the cost of compensation to land owner.

We believe that there should be additional matters taken into consideration and suggest the addition of :

(e) the significance of the land to Maori or for other cultural or historical reasons; (f) the potential for enhancement of the natural values; (g) the potential for maintaining or enhancing adjacent aquatic habitat.

It appears that the Bill's main concern seems to be that of public access, as public use is the foremost consideration under the proposed (4).

Members also note that in this clause mention is only made of esplanade reserves but not of esplanade strips or marginal strips as under (3). We note too that the creation of an esplanade reserve does not necessarily give public access as the conservation values of the reserve may preclude such use.

Also, NCWNZ points out that when an esplanade strip is created, the standard of maintenance of that strip is beyond the control of the territorial local authority. Paths may become overgrown and the landowner cannot be compelled to clear them, again impeding public access.

Marginal strips are created when Crown land is alienated, NCWNZ would hope that there would be no requirement for the creation of marginal strips under this legislation as members recommend sale of such Crown land should be minimal.

(5) NCWNZ suggests that 20 working days is a very short time frame for a Territorial Authority to consider and make a wise decision about the need or not for an esplanade reserve or strip. It would often preclude public consultation, which NCWNZ sees as important.



(7) NCWNZ queries the need for compensation for overseas buyers when an esplanade reserve or strip is required. New Zealand owners are not compensated when an esplanade reserve or strip is required during the subdivision process, except in special circumstances.

Conclusion

NCWNZ supports the concept of this bill, which could be a move towards a precautionary approach to the sale of certain land to overseas buyers. NCWNZ would offer wholehearted support of the Bill if it widens the scope of criteria to include conservation values as well as access and recreation.

Rural women within NCWNZ expressed their concern about extending the public access across farmland. Those members felt that by giving greater public access as of right the landowner was put in an impossible position with regard to the Occupational Safety and Health regulations. There is also the problem of damage to property and stock caused by some of the public.

NCWNZ supports the continuing process of extending public access along our coast, rivers and lakes, but recommends education of the general public that access brings responsibility.

There is still confusion over the access to the foreshore from adjoining land. This uncertainty has become evident during the foreshore and seabed debate and was noted in the NCWNZ submission.

NCWNZ appreciates the opportunity to make a submission on this Bill.

Beryl Anderson
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