

**THE KIWI ASSOCIATION OF SEA KAYAKERS
(NEW ZEALAND) INCORPORATED**

P.O. Box 11 461, Wellington



**SUBMISSION ON
WALKING ACCESS IN THE NEW ZEALAND OUTDOORS**

INTRODUCTION

The following submission is from KASK, a national incorporated body representing sea kayakers throughout New Zealand with current membership of 500+. In 1991, an informal nation-wide network of sea kayakers was formalised with the incorporation of KASK. The aims and objectives established by KASK are:

1. to promote and encourage the sport of sea kayaking in New Zealand
2. to promote safety standards
3. to develop techniques and equipment
4. to deal with issues of coastal access and protection
5. to organise an annual sea kayak forum
6. to publish a bi-monthly newsletter

KASK's committee has a conservation officer whose role is to act as a watchdog on coastal access and conservation issues that adversely affect sea kayakers.

KASK has local area networks operating in Waikato, Bay of Plenty, Wellington, Marlborough, Canterbury, Otago and Southland, with liaison links to canoe clubs in Northland, Whangarei, Auckland, Gisborne, Ashhurst, and Nelson.

KASK is a member of Water Safety New Zealand.

In 1996, KASK publication's officer Paul Caffyn produced a 140-page handbook on sea kayaking in New Zealand, which is now in its third edition. The handbook has chapters on low impact camping, environmental ethics and access, and a destinations section which covers most of the New Zealand coastline. New Zealand's first canoe club was founded in 1870, the Wellington Tainui Club, with its members making regular trips to Pelorus and Queen Charlotte sounds. The South Island's first club was founded in August 1886, the Hokitika Canoe Club, with one of its members making regular trips from Okarito up the coast to Hokitika. The Auckland Canoe Club is about to celebrate its 50-year jubilee. Over the past 20 years, the level of interest in sea kayaking has sharply increased, as evidenced by the current KASK membership.

BACKGROUND TO SUBMISSION AUTHOR

Paul Caffyn, author of this submission, was founding president of KASK, and has been on the KASK executive since 1991, as either president or publications officer. Paul was recently acknowledged as the 'most important sea kayaker alive' by North American 'Paddler' Magazine. Since 1977, Paul has achieved the first sea kayak circumnavigations of New Zealand's three main islands, Great Britain, Australia, Japan, Alaska (Prince Rupert to Inuvik), and New Caledonia, with recent expeditions along the west coast of Greenland, and from Kuala Lumpur to Phuket in Thailand. Paul's sea kayaking trips have allowed him a close view of indigenous customary rights and coastal access in northern Australia, Arctic Alaska and Canada, and also Greenland.

KASK SUBMISSION

The issue of unfettered access to the coastline is not the only issue for sea kayakers for they also paddle frequently on the tidal harbours, freshwater lakes, and major river systems of New Zealand, such as the Waikato and Wanganui. The most recent KASK newsletter carries trip reports on paddling Lakes Te Anau and Taupo.

A serious safety concern for sea kayakers relates to not being able to land on the coastline, or lake shoreline when a weather situation changes dramatically for the worse. Sea or lake conditions can deteriorate quickly and particularly wind strength can increase to the point where a sea kayaker is unable to make headway and they must be able to land at the earliest opportunity.

Problems with sea kayakers landing anywhere on New Zealand's coastline has not been an issue prior to 1997. When Paul Caffyn carried out his first solo kayak circumnavigation of the North Island in 1978 (subject of the book *Cresting the Restless Waves*, landing was not an issue for him anywhere. His support crew experienced no problems whatsoever with vehicle access to the coastline. Both Pakeha farm owners and Maori landowners could not have been more helpful with either access or providing hospitality.

In the past six months there have been documented cases of sea kayakers experiencing access issues with landowners:

- D'Urville Island, where signs have been erected on Waitai Station by a Colorado-based couple, stating no landing or camping. Prior to this station being sold, problems with landing or camping were never experienced.

Problems experienced with Maori land owners with a sea kayaker landing in the Bay of Plenty at Pakiri Beach and on Matakana Island.

Problems experienced with Maori land owners with sea kayakers landing at both Karikari Peninsula and Bland Bay.

KASK fully supports legislation for general right of access across private titles, particularly in the case of sea kayakers, to sheltered bays and beaches which are ideal launching sites for kayaks or which would provide sheltered lee landings in the event of weather changes.

KASK fully supports the investigation by government of how much of New Zealand's coastline is already titled as Queens Chain, and that what is not titled as such or is held under private freehold title, appropriate legislation should be put in place to ensure a 20m wide strip, inland from the mean high water springs mark, is set aside as 'Queens Chain' or as equivalent title.

A newspaper article by Public Access NZ spokesperson Bruce Mason, noted that only some 70% of the sea, river and lake foreshore is linked to the Queens Chain. If this is indeed the case, this is of major concern to KASK. Clarification of what areas of coastline that are not linked as Queens Chain needs to be addressed by government as soon as possible.

KASK would suggest that the term Queens Chain ("QC") does not really suit the actual status of the land. There are many different names for the areas of land that are generally referred to as the QC, such as legal road, section.58 Land Act strips, esplanade reserves, marginal strips, and sounds foreshore reserves . The Marlborough Sounds is a classic case where one or more of the above may apply. Just to confuse the issue further the rights that a person may exercise over the various types of status differ for example, on legal road a person may pass over it with a vehicle whereas on a marginal strip, people are generally restricted to foot access.

The Queens Chain is really an archaic ideal, which, in so far as KASK is aware, was never actually used in legislation. It seems to be a convenient term to describe areas of land adjoining water areas that were not sold when the lands were originally granted from the Crown.

KASK is of the understanding that some coastal titled Queens Chain was fixed in position by survey. If the coastline has eroded since the initial survey, the Queens Chain is now out to sea, while where there has been progradation of a coastline; the Queens Chain is now well inland.

KASK would suggest that either the term Esplanade Reserve, 20m strips established under the 1991 RMA, or 20m flexible Marginal Strips (established under a 1987 amendment to the Conservation Act) would be more appropriate. This 20m strip, extending inland from the MHWS mark needs to be flexible (ambulatory), that is fixed to the MHWS mark, for example moving inland where erosion is occurring.

OBJECTIVE 1 OF THE WALKING ACCESS IN NZ REPORT

KASK is fully supportive of this objective, and the suggestion of establishing an Access Agency which would in particular:

- develop a national plan for access
- administer any appropriate access legislation
- promote recognition of public access with local government and other agencies
- negotiate for the provision of access
- ensure useful codes of conduct are developed
- provide and support the dissemination of access information to the general public

OBJECTIVE 2 OF THE WALKING ACCESS IN NZ REPORT

KASK is fully supportive of this objective, in particular defining appropriate behaviour by all parties.

('The KASK Handbook - A Manual for Sea Kayaking in New Zealand' has two chapters on environmental ethics, which discuss both seeking permission to cross private land and treating the environment with all care and respect).

Developing accurate information on the location at type of access that is readily available to the general public - developing appropriate signage for negotiated

access points - ensuring availability of mapping information showing legal ownership, in a form that can be easily accessed and understandable by the general public

OBJECTIVE 3 OF THE WALKING ACCESS IN NZ REPORT

KASK is fully supportive of this objective:

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

KASK fully supports a decision to:

reinforce, promote and extend the popular expectation of unrestricted access to and along water margins implied by Queen Victoria's decree.

KASK does NOT support maintaining the status quo with property rights not being adjusted and sub-division remaining the only method for improving public access to and along water margins, through the provision of marginal strips and esplanade reserves.

OBJECTIVE 4 OF THE WALKING ACCESS IN NZ REPORT

KASK is supportive of this objective of encouraging negotiated solutions to access problems.

OBJECTIVE 5 OF THE WALKING ACCESS IN NZ REPORT

KASK is supportive of the proposed Access Agency finding ways to improve legislation provisions for access.

SUMMARY

KASK, representing a high user recreational group of New Zealand's coastline, lakes and major river systems, are fully supportive of the proposed New Zealand Access Strategy. KASK fully supports the setting up of an Access Agency that will address issues of public access to 30% of New Zealand's coastline, lakeshore and riverbanks that are not in effective crown ownership.

Paul Caffyn
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Kiwi Association of Sea Kayakers (NZ) Inc.
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