

**IN THE MATTER** of the Resource Management Act 1991  
**AND**  
**IN THE MATTER** of the proposed Te Tai o Poutini Plan  
**AND**  
**IN THE MATTER** of a submission by the  
**WEST COAST FISH & GAME COUNCIL**

Statement of evidence of **Dean Kelly**  
**For WEST COAST FISH & GAME COUNCIL**  
**Topic 5: Public Access**

14 March 2024

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## **INTRODUCTION**

1. My full name is Dean Gilbert Kelly.
2. I am the Manager of the West Coast Fish and Game Council (**Fish and Game**).
3. I have previously provided an account of my experience and qualifications to provide evidence as an expert witness on Sportsfish and Game Management for Topic 1: Introductions and General Provisions.
4. I have also provided a background to Fish and Game, its statutory functions, the sportsfish and game resource in the region and the role of anglers and hunters in sustainably managing these populations.
5. Fish and Game submitted on the notified TTPP generally supporting the document with some minor changes requested to ensure anglers and hunters can continue to sustainably harvest sportsfish and game on the West Coast, and so that plan provisions do not become an unnecessary administrative burden or impediment to Fish and Game efficiently administering the sportsfish and game bird resources of the districts and carrying out its management functions.

While this is not an Environment Court hearing, I have read the Environment Court's Code of Conduct for Expert Witnesses 2023, and I agree to comply with it. I confirm that the issues addressed in this brief of evidence are within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.

## **SCOPE OF EVIDENCE**

6. This evidence is prepared in relation to Topic 5, Public Access, of the proposed Te Tai o Poutini Plan (TTPP). The evidence focusses on unformed legal roads and the critical role that they often play in providing public access to waterbodies, particularly for sports fishing and gamebird hunting purposes on the West Coast.

## **PUBLIC ACCESS**

7. Fish and Game have a function under the Conservation Act 1987 to maintain and enhance the sportsfish and game resource, including through maintaining and improving public access (s26Q(b)(i)).
8. Legal roads provide important access to the regions waterways and wetlands for fishing and hunting. Over half of Fish and Game's regional access points with signage utilise

unformed legal roads. These roads, although not formed or maintained by territorial authorities, provide either vehicular or pedestrian access and are particularly valued by those who are less physically mobile or fit.



**Photo 1:** Typical West Coast region angler access utilising a track on unformed legal road on the North Bank of the Grey River.

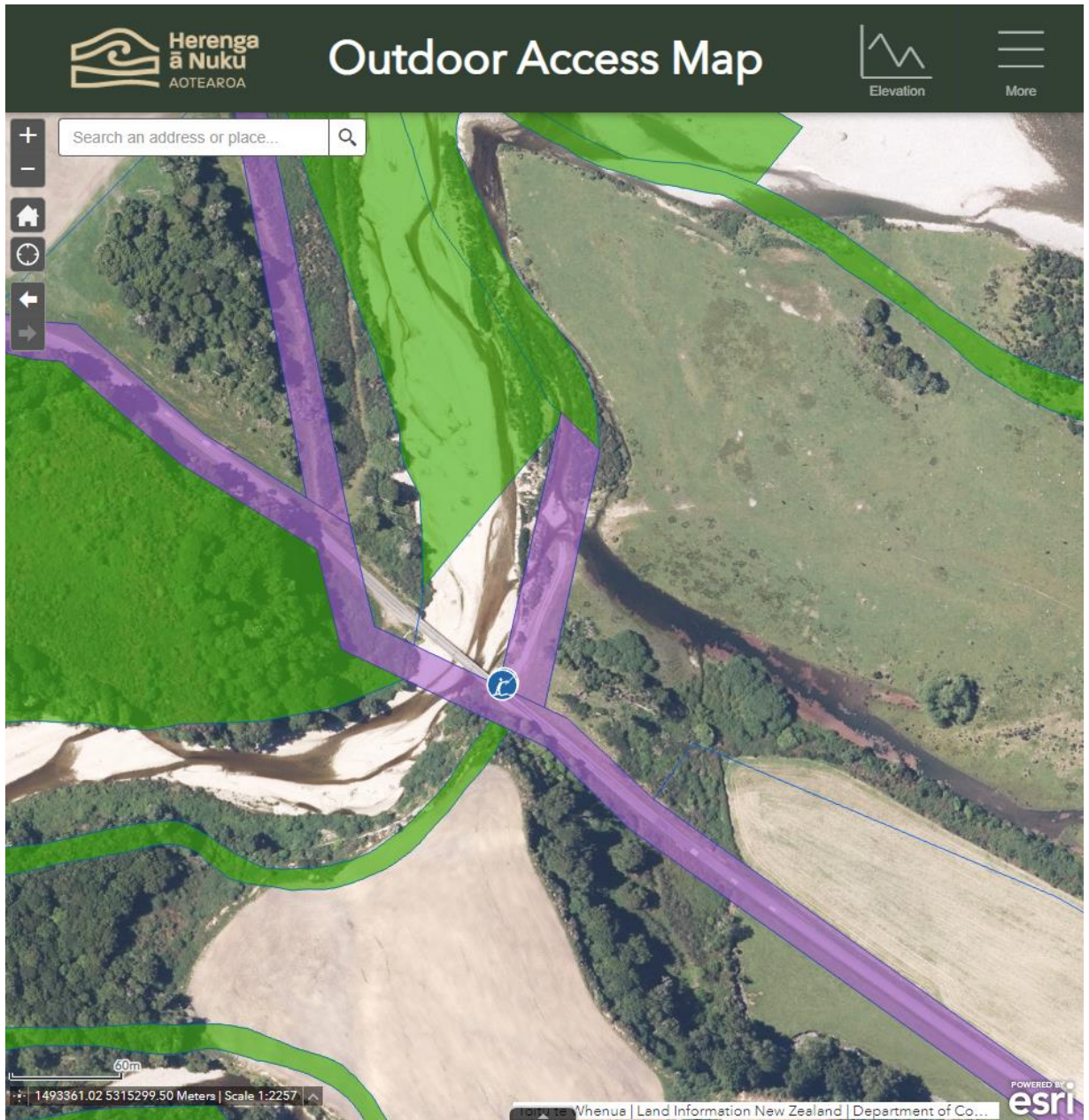
9. There is no private ownership of land underlying unformed legal roads and neighbouring landowners have no more privileges over this land than the general public. It is important that their use and correct status is acknowledged in this plan as it provides guidance when making decision for maintaining, forming or stopping roads.

#### **EXAMPLES**

10. The following are a few examples where legal roads are utilised as important access to the regions waterways for angling and hunting, despite being unformed or unmaintained by the territorial authority.
11. **Waipuna Creek**

Routinely throughout the West Coast, waterway margins often do not align with

surveyed land parcels and frequently move in response to floods and gravel aggradation. To ensure certain and enduring public access unformed legal roads like the one pictured below (legal road in purple) must be retained.



**Photo 2:** Angler access to the Grey River at Ikamatua utilising unformed legal road and public conservation land.

## 12. Murray Creek

Murray Creek is a regionally significant spring creek fishery meandering through Kowhiterangi farmland. The photo/map below shows the creek with no other public access other than unformed legal road (areas coloured purple). If this road was to be stopped there would be no public access to this waterway and the sportsfishery.

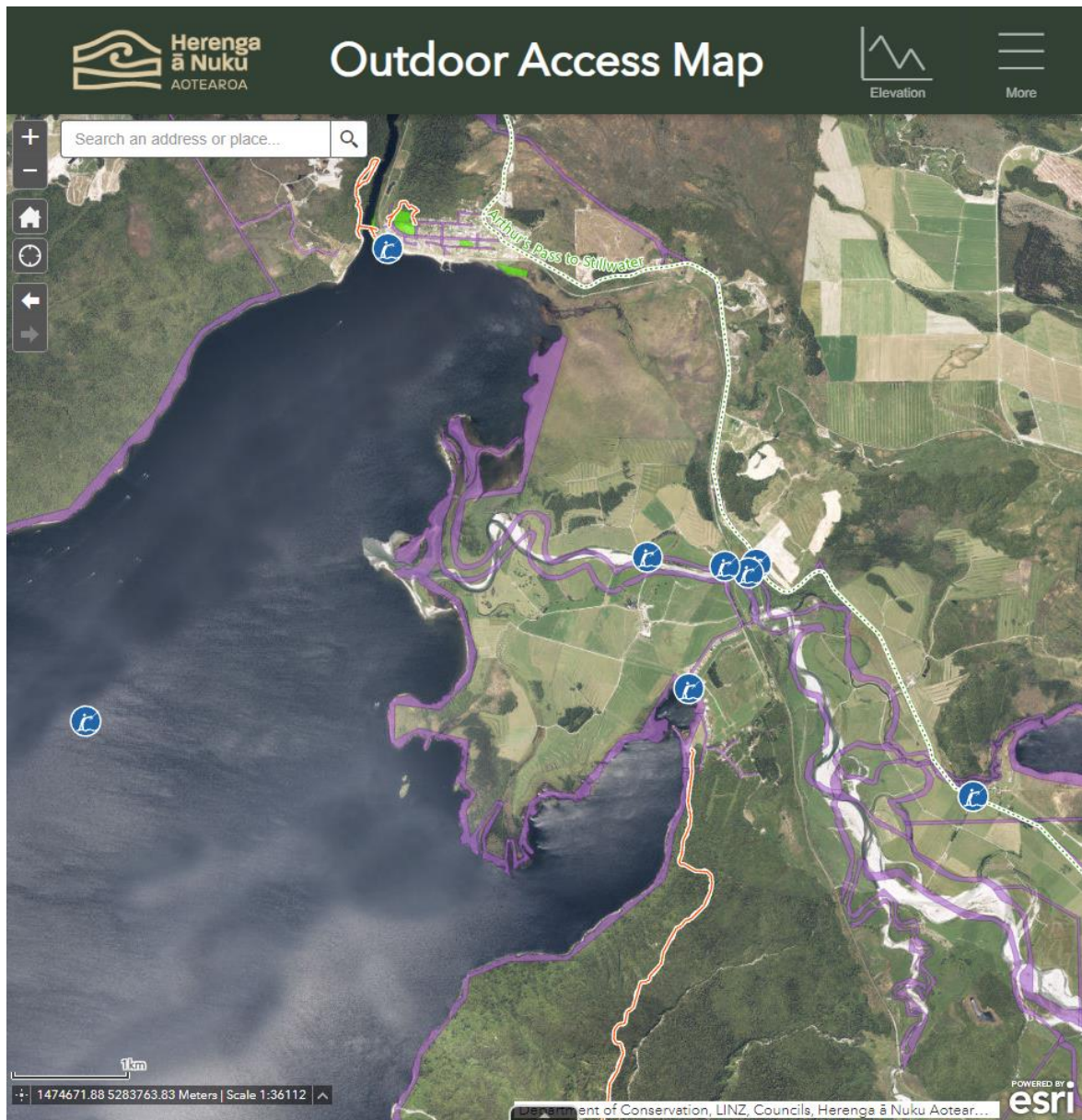




**Photo 3:** Access to Murray Creek in the Hokitika Catchment is only accessible to the public through utilization of unformed legal road.

### 13. **Lake Brunner Area**

As can be seen from the map below a large portion (areas in purple) of the public access to Lake Brunner and the Crooked River utilises unformed legal road. What is also very evident in the photo is the degree of movement of the Crooked River from originally surveyed land parcels.



**Photo 4:** A large portion of the access in the Lake Brunner area utilises unformed legal road. Also note the movement of the Crooked River from surveyed parcels.

#### 14. Conclusion

The regions network of unformed and unmaintained<sup>1</sup> roads provide a critical conduit for the public to access the regions waterways and public areas.

Visiting anglers and hunters rarely have established relationships with landowners that enable private access to waterways. Health and safety concerns and vandalism are often cited as reasons to deny private access opportunities to visitors. The public

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<sup>1</sup> By territorial authorities.

access that unformed legal roads enable should be recognized and maintained by the district plan and opportunities to improve public access opportunities both now and in the future should be considered in unformed legal road management.

A handwritten signature in black ink, appearing to read "D Kelly", with a stylized flourish at the end.

Dean Kelly

14 March 2024