

PRESS STATEMENT

HON HELEN CLARK

23 DECEMBER 1988

MINISTER OF CONSERVATION

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The Government will be introducing amendments to the Conservation, and State Owned Enterprises Acts next year to improve the administration of marginal strips, Conservation Minister, Helen Clark announced today.

At present under section 58 of the Land Act, 1948 a strip not less than 20 metres wide is reserved when Crown land is sold or disposed of to any person. The amending legislation will provide for the establishment of marginal strips along the sea coast, around lakes with a surface area greater than eight hectares, and along streams and rivers with an average width greater than three metres when any land of the Crown is disposed of or transferred to a State Owned Enterprise.

"The Crown will retain ownership of marginal strips for reasons of public access, recreation, and to protect conservation values. The marginal strips will, however, be included on the title of the adjoining landowner as an endorsement or reservation to the Crown. Similar reservations on title documents are made with regard to Crown ownership of minerals.

"All existing section 58 strips will be declared to be held for conservation purposes. At present section 58 strips remain as surveyed. When a river or stream changes course the strips lose their meaning. The new regime will ensure that in future marginal strips will shift with the river or stream. They will not be surveyed off.

"The Crown will retain the ad medium filium rights of ownership of the adjacent river and lake beds. The objectives and principles governing management of marginal strips will provide for a balance between the conservation of their natural and historic resources and those of the adjacent water and public access, and the right of titleholders to use the strips as part of their adjoining land.

"Under the new legislation the adjacent titleholder will be able to occupy and use a marginal strip. It will be able to be managed as part of the adjoining land providing that there is no conflict with the marginal strip objectives. The titleholder will be required to ensure that public access is maintained subject to operational or safety constraints. As occupier of the strip a titleholder will have responsibility for pest, weed, and fire control on it," she said.

"The titleholder will have to inform and seek permission from the Minister of Conservation if there are to be significant changes to the way a marginal strip is being managed or if the structures on a strip are to be significantly modified. The consent of the Minister of Conservation or her delegated agent must be obtained before an easement is granted over a marginal strip. The Minister must be notified if the titleholder wants to close the land to the public."

Helen Clark said the legislation would also require that adjacent titleholders be consulted before a mining licence is issued over a marginal strip.

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