

**PLC Meeting with Philip Woollaston, Minister of Conservation, on
Tuesday 21 November 1989 at 4 pm.**

1 Present: Kevin Smith (RF&BPS), Niall Watson (NZAS), Hugh Barr (FMC), Mike Britton, Alan McKenzie, Chris Badley (DOC). The PLC notes on the meeting of 15 November were discussed. Mike Britton circulated his amendments, the main ones of which concerned waiving and land reserved from sale.

2. Matters Arising from the Minutes: Legal opinion from Neil Taylor. Although neither party had had time to study it in full, a number of points were discussed.

(a) non surveyed strips only allow a limited Certificate of Title. Need to check whether a limited title can be upgraded on request to a title that guarantees area.. If so could be a stumbling block. Urban areas excluded. Edge of the river or lake would need to be surveyed if Crown is to retain ownership of the riverbed.

(b) The inadequacy of the Bill's wording in ensuring retention of Crown ownership (Secs 24 (1), (2) and 24F) - Legal opinion points 5 & 6 were noted and the need for the Land Act wording "land reserved from sale or other disposition" agreed This is an essential point of PLC concern. The Bill's wording is a "sale" of the strip with a "reservation" back to the Crown. The Minister agreed that the adjacent owner's right to grant easements, implying a legal interest in the land, would be removed (Section 24 H(1)). Easements would only be granted by the Minister (Sec 24 H(2)).

(c) Point 9. Neither party agreed with the legal opinion's idea of a simple statutory licence.

3. Other Matters Arising from the Minutes

(a) Our investigations show survey costs (for marginal strips) by DOSLI, as a part of the SOE land survey, as being small. DOSLI's estimates for marginal strip survey costs over SOE lands were for stand -alone survey exercises.

(b) Section 58 carry forward - The Minister was ~~to seek a legal opinion to~~ ensure the carry forward is legally adequate, eg Sections 24 (3), (10). For instance should the wording be "disposition" instead of disposal, and the need to include 24 (10).

4. Managers

This was still an area giving the PLC grave concern, and we see no need for it. The administrative burden on DOC will be large. The Minister said "managers" were not a tenancy or licence. There was no intention to charge rent, but a return would be taken out in obligations (eg weed control).

(a) Closure - The Minister proposes only the Minister can close, and only under the Conservation Act Sec (13) for reasons of significant safety or asset security.(see instructions for legal opinion.) PLC urges that Sec 24G (5) (b) manager's ability to prohibit animals - be deleted. A marginal strip is the equivalent of a legal road.

(b) Improvements - Minister proposes his written consent be required for improvements. The PLC view was that "improvements" must be tightly defined, so as to avoid the broad definition included in the Land Act, which includes pasture improvements and topdressing. The Minister indicated he didn't support a broad definition.

(c) Compensation - should be payable only when Minister had approved improvement's in writing, or if marginal strip had moved.

Comment: PLC considers penalties must be able to be imposed, other than revocation of manager status, as otherwise the cost of compensation may inhibit corrective action. We suggest revocation of manager status, without compensation, where a manager abuses his responsibilities eg grazes stock where not allowed, prohibits access. Note fencing off of strips should be a shared cost, where required, as for roads not a cost solely on DOC. Given the conservation purposes of strips, this could be a major cost. What penalties can be imposed on managers, other than revocation and compensation?

(d) Revocation - PLC urge there be a maximum time limit of 6 months, to take the trees, or an agreement reached that the trees remain the property of the "owner".

4. It was agreed PLC would review the changes, and give the Minister further comments in writing.