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The Editor
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THE QUEEN'S CHAIN

I wish to congratulate Sonia Cheyne on her examination of the Conservation Law Reform Bill as it affects the 'Queen's Chain'. The feature brought out the SOE connection and Government's asset sale programme as driving the so-called 'reform' of New Zealander's rights of access to the outdoors.

However some further explanation to that provided in the article is necessary.

The term 'Queen's Chain' is not to be found in legislation. It is a common, generic name to describe Crown-owned strips of land above the water-line of rivers, lakes and seacoast. These generally chain-wide (20 metre) strips have been created under a number of regulations and Acts since 1840. They are generally 'reserved from sale or other disposition' at the time of larger contiguous blocks of Crown land being sold or leased. There is no doubt that they are Crown-owned lands.

Queen's Chain do not exist in national parks, reserves etc as these lands have not been alienated (so far), and public access is available throughout. Generally Queen's Chain do not exist on Crown lands used for farm or forestry development as, until the advent of state-owned enterprises, these lands have stayed in direct state ownership. It is the 'alienation' or disposal of Crown lands to an SOE or the private sector that provides the legal trigger for reserving Queen's Chain.

The term 'marginal strip' has only gained prominence since the formation of the Department of Conservation in 1986. I know of only one marginal strip having been established —on disposal of some DOC controlled land in Nelson. The Conservation Bill deals only with 'marginal strips' and 'Section 58 strips'.

The largest category of Queen's Chain are 'Section 58 strips' established under successive Land Acts since 1892. These will be absorbed into the Conservation Act on passage of the Conservation Bill. They will then become 'marginal strips'.

Another category of Queen's Chain are road reserves administered under the Local Government Act. These are both formed and unformed 'roads', many of which pre-date the motor vehicle era. They are nearly as extensive as 'Section 58 strips'; being along the margins of many tens of thousands of kilometres of harbour, estuary, and river bank throughout New Zealand.

By my estimation approximately 70 percent of New Zealand has Queen's Chain of varying categories along coasts and the banks of larger lakes and rivers. The 30 percent that does not includes parks and reserves etc where they are not required. Also Maori lands where the Crown does not have jurisdiction to establish them, and other private lands where for a variety of reasons private title has been issued to the water's edge.

By-and-large the Queen's Chain is the rule rather than the exception, although the strips may be fragmented, and legal access to the Queen's Chain from public roads may be lacking or inconvenient to use. Rivers and coasts can also shift but not the legal strips. The creation of movable boundaries for newly created marginal strips is one of the few positive features of the Conservation Bill in relation to the Queen's Chain

I have to take issue with two matters in the article.

There **is** a mechanism for creating Queen's Chain after lands are privatised. Under the Local Government Act there are long-standing provisions for creating reserves "for esplanade purposes" when private land is subdivided for closer settlement. Therefore a very important mechanism exists which, over time, will fill in the gaps in the Queen's Chain so that continuous public access along the banks of major water-bodies will become available.

However the establishment of esplanade reserves is now under major assault by more government 'reforms' —this time in the Resource Management Bill. Government is removing any requirement on local authorities to establish esplanade reserves when developers apply for subdivision consent. The local authorities are being forced to pay land compensation and survey costs. This will be a very major disincentive for the establishment of these reserves, particularly when the discretion to waiver their establishment is to placed with the local authority rather than remain with central government.

It is difficult to relate Treaty of Waitangi matters directly to the Queen's Chain as Sonia Cheyne has done. Foreshore, as 'fishing places' have been regarded in law as tidal lands/waters below the high water mark. All the Queen's Chain are above. Therefore, by my understanding, settlement of claims specific to given parcels of Queen's Chain would be needed to determine if the Crown is indeed the rightful owner.

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