

PUBLIC LANDS COALITION

SUPPLEMENTARY SUBMISSION ON CONSERVATION LAW REFORM BILL

1.0 Crown Ownership

- 1.1 The PLC understands that it is Government's intention upon the establishment of SOE's that marginal strips will remain in Crown Ownership. However we do not believe this intent is absolutely clear in the wording of the Bill, particularly S 24 (1) & (2) which suggests that ownership of the strip is passed to the adjacent owner along with the adjacent title. The wording implies that the strip exists on the land that is disposed of.

"Upon the disposal by the Crown of any land there shall be deemed to be reserved to the Crown on such land a strip of"

- 1.2 We and the wider public need to be absolutely certain that all marginal strips created by the Conservation Act will remain in public ownership. To achieve this we recommend:

Amend S24 (1) to read:

"Upon the disposal by the Crown of any land, there shall be reserved from sale or other disposition a strip of land 20 meters wide"

Amend S24 (2) as for (1) above.

2.0 Recording on Certificates of Title

- 2.1 As these marginal strips shall remain in Crown ownership, we do not accept that they need to be recorded on the Certificate of Title for freehold land, as proof of the Crown's interest in the land, (S24 B). This provision includes the strip within the boundaries of the land disposed of, rather than just recording as a matter of information, the presence of an adjacent strip in the same manner as for a legal road. The existing system for S 58's of recording the strip on record maps has proved adequate. Confusion of ownership is certain to arise by relying on an inclusion of Certificates of Title as the record of the Crown's prevailing interest.

3.0 S58 Land Act 1948

- 3.1 The PLC considers that the existing S58 strips created under the Land Act must remain under this act for the time being and that the new S24's under the Conservation Act only relate to the new strips created on SOE lands. This is due to:

1. The existence of S58 strips on Pastoral Leases is uncertain.

2. There are variable descriptions of S 58 strips on most record maps which may create uncertainty that they would be brought under the Conservation Act at this stage.
3. Bringing S58 under the Conservation Bill as it is written significantly reduces Crown rights and certainty of public access.
4. Section 58 strips have proved their worth in guaranteeing public access where they have been correctly laid off.
5. We do not anticipate that that the separate provisions will create problems for SOE in having to deal with too many administrators.
6. The Government gave an undertaking in the SOE Act 1986 s24(2 b) that no S58 strip will be transferred by sale or disposition to a State Enterprise. We consider the proposals for S24 strips in the bill to be a disposition of the Crowns interests. Accordingly we recommend:

Delete S 58 Land Act 1948 from the schedule to the Bill.

4.0 Disposal of Marginal Strips

- 4.1 The PLC accepts the need for adjustment of marginal strips that no longer lie adjacent to waterbodies. To achieve adjustment we believe this land should be able to be exchanged for equivalent land adjacent to a water body that provides practical public access. This would be achieved by voluntary negotiation between the parties as has been done in the past. It is only in this situation that we support disposal of marginal strips. Accordingly we recommend:

Delete 24 C & D and replace with:

The Minister may, where the marginal strip no longer lies adjacent to a water body, enter into negotiations with the adjacent landowner to secure a new marginal strip alongside the river to ensure public access.

5.0 Disposal of Urban Lands

- 5.1 The disposal of urban lands must, we believe, be subject to marginal strip provisions, (S24 (5) & (6)). We have considered the possibility of bringing them under the Local Government Act, however this provides the option of exemption from the necessity of providing S 58 strips.

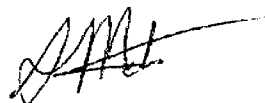
6.0 Exemption Of Marginal Strip Provisions

- 6.1 The PLC accepts there may be very limited exceptions to the establishment of marginal strips on land that is part of a concrete dam, intake or power house structure. However the bill does not adequately define "core assets" or the meaning of "used in connection with electricity works". (s24C (3) (a & b)). We wish to be consulted further on the definitions of these phrases.

- 6.2 The PLC is pleased to note that marginal strips are to be laid off around the controlled lakes.

7.0 Management Provisions

- 7.1 The PLC accepts that the existing informal use of marginal strips by adjacent landowners should continue unless there are pressing conservation reasons to exclude that use. This existing privilege should not, however become a right as proposed by S 24 G. These provisions constitute a major erosion of the current public rights and interests in S 58 strips. We also believe that the adjacent landowner should be consulted if the Crown wishes to change use of a strip, particularly for prospecting or mining purposes.



Sue Maturin



Bruce Mason