

Agreements, Understandings, and Follow-up Actions with Minister of Conservation on Marginal Strips

(Based on record of meetings with Phillip Woollaston
and proposed changes to Bill by Minister.)

1. Agreements Reached

1.1 Marginal Strip Ownership

The phrase “reserved from sale or other disposition” will be added to SS 24 (1) and (2).

1.2 Disposal provisions (S 24C and 24D) will be removed. Only disposals permitted will be for the purpose of exchange.*³

1.3 Granting of Easements

Only Minister to have power to grant, with regard being given to S24A. S 24H (1) to be deleted.

1.4 Appointment of Managers

Automatic appointment of adjoining landowners will be removed. ie “shall” will be replaced by “may” in S 24G (1).

2. Understandings Reached

2.1 Minister’s intention is that movable strips will be recorded on certified plans and cadastrals, in addition to on titles.

2.2 Waiverings will be only at the time of disposal of Crown lands to SOEs etc. (no change from present law), “consistent with S 24A”.*¹

2.3 Strips wider than 20 metres will be by means of reserves. *²

2.4 Only limited certificates of title will be used for (new?) strips. *⁵

2.5 Minister to ensure that S 58 is carried across. Are S 24 (3) and (10) adequate? *⁴

Managers

2.6 Minister does not want manager as a tenancy or licence.

2.7 Creation of improvements

Will require Minister’s consent for the creation of improvements.

2.8 Compensation for improvements

Minister agrees with the need for narrow definition of improvements. Entitlement to compensation only where improvements have Ministerial consent and/or if tree crops not mature, where river and strip migrates across private land.

2.9 Resumption of management (S 24I)

Minister’s notice a minimum of 90 days or 6 months with tree crop. (no real change).

2.10 Minister to consider weed control responsibility (of manager/adjoining owner?) in same manner as for adjoining legal roads.

2.11 Closure of public access

Only powers under S 13 to be retained?. However Britton amendment allows closure by Minister at request of manager for reasons of “significant public safety or asset security”.* (Note: This power is capable of delegation down to local officials —very dangerous).

New SS 13(3) to be added?

2.12 Penalties

Minister to investigate penalties in lieu of resumption for breach of management.

2.13 Forestry

Minister agrees that forestry is not always an appropriate use.

3. **Follow-ups Required**

3.1 *¹ Confirm that this means that the purposes of S 24A would not be served by the establishment of a strip.

3.2 *² Specific provision be made in S 24 for the creation of reserves under the Reserves Act?

3.3 *³ Special provision in Bill for disposals/land exchanges for purposes of strip movement.

3.4 *⁴ Ensure that S 58 (3) and (4) are carried across for unsurveyed pastoral land, also *all* Crown lands adjacent to waterways (not necessarily notated as “reserved from sale”) are carried over.

3.5 *⁵ Will existing identification of S 58 strips on certified plans be retained, and without recording on titles?

3.6 Can limited certificates of title be upgraded, defeating movable strip intent? (BJM investigating).

4. **Recommended PLC Stance**

(In view of PM’s statement of 29/11/89 and confirmation that Cabinet has reopened whole issue).

4.1 Pursue follow-ups above.

4.2 Press for removal of Minister’s existing powers to close public access over marginal strips, and resist any extension of powers to act on request of SOEs etc. (S 13 Conservation Act 1987).

4.3 No managers to be appointed, stressing no necessity for such and issue of large administrative burden on DOC. Therefore no closures, no ban on animals, no creation of or compensation for improvements.

4.4 Press for full public record of all strips on certified plans/cadastral maps.

4.5 Depending on outcome of 3.6, press for dropping of the recording of marginal strips on certificates of title. ie support concept of moveable strips, but mechanism in Bill is flawed. Seek Government's agreement that consistent mechanisms over all Queen's chain statutes will be investigated next year to find a workable alternative.

NOTE TO PLC Reps: Hugh Barr, Mark Bellingham, Niall Watson

PLEASE COMMENT ON ACTIONS PROPOSED. WITH YOUR COMMENTS I WILL EXPAND INTO A SUBMISSION TO WOOLLASTON EARLY NEXT WEEK.

PLEASE COMMENT BY TOMORROW, FRIDAY.

BJM 30/11/89