

## Attachment F – Reserves Act (1977) Provisions

### 17 Recreation reserves

- (1) It is hereby declared that the appropriate provisions of this Act shall have effect, in relation to reserves classified as recreation reserves, for the purpose of providing areas for the recreation and sporting activities and the physical welfare and enjoyment of the public, and for the protection of the natural environment and beauty of the countryside, with emphasis on the retention of open spaces and on outdoor recreational activities, including recreational tracks in the countryside.
- (2) It is hereby further declared that, having regard to the general purposes specified in subsection (1) of this section, every recreation reserve shall be so administered under the appropriate provisions of this Act that—
  - (a) The public shall have freedom of entry and access to the reserve, subject to the specific powers conferred on the administering body by sections 53 and 54 of this Act, to any bylaws under this Act applying to the reserve, and to such conditions and restrictions as the administering body considers to be necessary for the protection and general well-being of the reserve and for the protection and control of the public using it:
  - (b) Where scenic, historic, archaeological, biological, geological, or other scientific features or indigenous flora or fauna or wildlife are present on the reserve, those features or that flora or fauna or wildlife shall be managed and protected to the extent compatible with the principal or primary purpose of the reserve:

Provided that nothing in this subsection shall authorise the doing of anything with respect to fauna that would contravene any provision of the Wildlife Act 1953 or any regulations or Proclamation or notification under that Act, or the doing of anything with respect to archaeological features in any reserve that would contravene any provision of the [Historic Places Act 1993]:

- (c) Those qualities of the reserve which contribute to the pleasantness, harmony, and cohesion of the natural environment and to the better use and enjoyment of the reserve shall be conserved:
- (d) To the extent compatible with the principal or primary purpose of the reserve, its value as a soil, water, and forest conservation area shall be maintained.

### 40 Functions of administering body

- (1) The administering body shall be charged with the duty of administering, managing, and controlling the reserve under its control and management in accordance with the appropriate provisions of this Act and in terms of its appointment and the means at its disposal, so as to ensure the use, enjoyment, development, maintenance, protection, and preservation, as the case may require, of the reserve for the purpose for which it is classified.
- [(2) Every administering body of a reserve that includes any part of the Wanganui River shall, in carrying out its functions, have regard to the spiritual, historical, and cultural significance of the river to the Whanganui iwi.]

Compare: 1953 No 69 s 7

### 41 Management plans

- (1) The administering body shall, within 5 years after the date of its appointment or within 5 years after the commencement of this Act, whichever is the later, prepare and submit to the Minister for his approval a management plan for the reserve under its control, management, or administration.
- (2) The Minister may extend the time within which an administering body is required to submit its management plan to him for approval, where he is satisfied with the progress the administering body has made with the preparation of its management plan.
- (3) The management plan shall provide for and ensure the use, enjoyment, maintenance,

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protection, and preservation, as the case may require, and, to the extent that the administering body's resources permit, the development, as appropriate, of the reserve for the purposes for which it is classified, and shall incorporate and ensure compliance with the principles set out in section 17, section 18, section 19, section 20, section 21, section 22, or section 23, as the case may be, of this Act for a reserve of that classification.

- (4) The administering body of any reserve shall keep its management plan under continuous review, so that, subject to subsection (3) of this section, the plan is adapted to changing circumstances or in accordance with increased knowledge; and the Minister may from time to time require the administering body to review its management plan, whether or not the plan requires the approval of the Minister under this section.
- (5) Before preparing a management plan for any one or more reserves under its control, the administering body shall—
  - (a) Give public notice of its intention to do so; and
  - (b) In that notice, invite persons and organisations interested to send to the administering body at its office written suggestions on the proposed plan within a time specified in the notice; and
  - (c) In preparing that management plan, give full consideration to any such comments received.
- [(5A) Nothing in subsection (5) of this section shall apply in any case where the administering body has, by resolution, determined that written suggestions on the proposed plan would not materially assist in its preparation.]
- (6) Every management plan shall be prepared by the administering body in draft form in the first place, and the administering body shall—
  - (a) Give public notice complying with section 119 of this Act stating that the draft plan is available for inspection at a place and at times specified in the notice, and calling upon persons or organisations interested to lodge with the administering body written objections to or suggestions on the draft plan before a specified date, being not less than 2 months after the date of publication of the notice; and
  - [(aa) On giving notice in accordance with paragraph (a) of this subsection, send a copy of the draft plan to the Commissioner; and]
  - (b) Give notice in writing, as far as practicable, to all persons and organisations who or which made suggestions to the administering body under subsection (5) of this section stating that the draft plan has been prepared and is available for inspection at the place and during the times specified in the notice, and requiring any such person or organisation who or which desires to object to or comment on the draft plan to lodge with the administering body a written objection or written comments before a specified date, being not less than 2 months after the date of giving of the notice; and
  - (c) Make the draft management plan available for inspection, free of charge, to all interested persons during ordinary office hours at the office of the administering body; and
  - (d) Before approving the management plan, or, as the case may require, recommending the management plan to the Minister for his approval, give every person or organisation who or which, in lodging any objection or making any comments under paragraph (a) or paragraph (b) of this subsection, asked to be heard in support of his or its objection or comments, a reasonable opportunity of appearing before the administering body or a committee thereof or a person nominated by the administering body in support of his or its objection or comments; and
  - (e) Where the management plan requires the approval of the Minister, attach to the plan submitted to him for approval a summary of the objections and comments received and a statement as to the extent to which they have been allowed or accepted or disallowed or

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not accepted.

- (7) Where under subsection (4) of this section the Minister requires an administering body to review its management plan, he may direct that the administering body follow the procedure specified in subsections (5) and (6) of this section, and the administering body shall follow that procedure accordingly as if the review were the preparation of a management plan.
- (8) Where in terms of its responsibilities under this Act the administering body of any reserve resolves to undertake a comprehensive review of its management plan, the administering body shall follow the procedure specified in subsections (5) and (6) of this section as if the review were the preparation of a management plan.
- (9) Where under subsection (4) of this section the administering body considers any change not involving a comprehensive review to its management plan is required, it may, if it thinks fit, follow the procedure specified in subsections (5) and (6) of this section.
- (10) The administering body or committee or person before which or whom any person appears at any hearing in support of any objection or comments shall determine its or his own procedure at the hearing.
- (11) The administering body shall in the exercise of its functions comply with the management plan for the reserve and any amendment thereof, being, in the case of a plan or an amendment that requires the approval of the Minister, a plan or an amendment so approved.
- (12) No approval by the Minister for the purposes of this section shall operate as an approval or a consent for any other purpose of this Act.
- (13) Where a recreation reserve is vested in a local authority or a local authority is appointed to control and manage a recreation reserve, the local authority shall not be required to submit its management plan to the Minister for approval, unless the terms of vesting or of appointment to control and manage the reserve so require:

Provided that the local authority shall make its management plan available for inspection by or on behalf of the Minister whenever so required.

- (14) The Minister may, by notice to them, require the administering bodies of reserves in any locality to consult with each other in the preparation of their management plans so that the management plans are integrated for the benefit of the locality.
- (15) Where under this Act the approval or consent of the Minister is required to any action by an administering body, the Minister may, at his discretion, refuse to grant his approval or consent unless and until the administering body has submitted its management plan for approval (whether or not the plan otherwise requires the approval of the Minister under this section) and the plan has been approved by him.
- [(16) This section shall not apply in respect of any Government purpose reserve or local purpose reserve unless the reserve is vested in an administering body or an administering body is appointed to control and manage the reserve, and the Minister in the notice of vesting or notice to control and manage directs that this section is to apply in respect of the reserve.]

**54 Leasing powers in respect of recreation reserves (except farming, grazing, or afforestation leases)**

- (1) With the prior consent of the Minister, the administering body, in the case of a recreation reserve that is vested in the administering body, may from time to time, in the exercise of its functions under section 40 of this Act,... may from time to time, to the extent necessary to give effect to the principles set out in section 17 of this Act,—
  - (a) Lease to any person, body, voluntary organisation, or society (whether incorporated or not) any area set apart under section 53(1)(h) of this Act for baths, a camping ground, a parking or mooring place, or other facilities for public recreation or enjoyment. The lease—

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- (i) May require the lessee to construct, develop, control, and manage the baths, camping ground, parking or mooring place, or other facilities for public recreation or enjoyment, or may require the lessee to control and manage those provided by the administering body; and
  - (ii) Shall be subject to the further provisions set out in Schedule 1 to this Act relating to leases of recreation reserves issued pursuant to this paragraph:
- (b) Lease to any voluntary organisation part of the reserve for the erection of stands, pavilions, gymnasiums, and, subject to sections 44 and 45 of this Act, other buildings and structures associated with and necessary for the use of the reserve for outdoor sports, games, or other recreational activities, or lease to any voluntary organisation any such stands, pavilions, gymnasiums, and, subject to section 44 of this Act, other buildings or structures already on the reserve, which lease shall be subject to the further provisions set out in Schedule 1 to this Act relating to leases of recreation reserves issued pursuant to this paragraph:

Provided that a lease granted by the administering body may, with the prior consent of the Minister given on the ground that he considers it to be in the public interest,... permit the erection of buildings and structures for sports, games, or public recreation not directly associated with outdoor recreation:

- (c) Lease to any voluntary organisation the whole or part of the reserve for the playing of any outdoor sport, games, or other recreational activity where the preparation and maintenance of the area for such sport, games, or other recreational activity requires the voluntary organisation to spend a sum of money that in the opinion of the administering body... is substantial. The lease shall be subject to the further provisions set out in Schedule 1 to this Act relating to leases of recreation reserves issued pursuant to this paragraph:
- (d) Grant leases or licences for the carrying on of any trade, business, or occupation on any specified site within the reserve, subject to the provisions set out in Schedule 1 to this Act relating to leases or licences of recreation reserves issued pursuant to this paragraph:

Provided that the trade, business, or occupation must be necessary to enable the public to obtain the benefit and enjoyment of the reserve or for the convenience of persons using the reserve:

Provided also that the prior consent of the Minister shall not be required to a lease or licence under this paragraph where the trade, business, or occupation is to be carried on in the reserve only temporarily and the term of the lease or licence does not exceed 6 consecutive days.

[(1A) Notwithstanding subsection (1) of this section, where—

- [[a) the administering body of a recreation reserve is a territorial authority or a regional council; and]]
- [[b) that reserve is vested in that territorial authority or regional council; and]]
- (c) A management plan for that reserve has been approved in accordance with section 41 of this Act; and
- (d) The lease or licence is in conformity with and contemplated by that management plan,

the prior consent of the Minister shall not be required before the administering body grants a lease or licence under subsection (1) of this section.]

- (2) Before granting any lease or licence under subsection (1) of this section (other than a lease or licence to which the second proviso to paragraph (d) applies), the administering body... shall give public notice in accordance with section 119 of this Act specifying the lease or licence proposed to be granted, and shall give full consideration in accordance with section 120 of this Act to all objections and submissions in relation to the proposal received pursuant to the said section 120.

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[(2A) Nothing in subsection (2) of this section shall apply in any case where the proposal—

(a) Is in conformity with and contemplated by the approved... management plan for the reserve; or

[[b) Is made following the granting of a resource consent under the Resource Management Act 1991 where the application for the resource consent was notified in accordance with [section 93(2)] of that Act.]

(3) *Repealed.*

Compare: 1953 No 69 s 27(2)-(9)

### 119 Notices

[(1) Where this Act requires anything to be publicly notified or refers to public notification, the subject-matter shall, unless this Act specifically provides otherwise, be published as follows:

(a) Where the notification relates to a National reserve or proposed National reserve, or any part thereof, it shall be published—

(i) Once in the *Gazette*; and

(ii) Once in a newspaper circulating throughout the area in which the reserve or proposed reserve is situated; and

(iii) Once in each of 2 daily newspapers published in the Cities of Auckland, Wellington, Christchurch, and Dunedin; and

(iv) In such other newspapers (if any) as the Minister directs:

(b) Where the notification relates to any other reserve or proposed reserve, it shall be published—

(i) Once in a newspaper circulating in the area in which the reserve or proposed reserve is situated; and

(ii) In such other newspapers (if any) as the administering body decides:

Provided that any notification under section 16(4) of this Act relating to a nature reserve or scientific reserve or a proposed nature reserve or scientific reserve shall be published in the manner specified in paragraph (a) of this subsection:

Provided also that where under this subsection a notification is required to be published in a newspaper circulating in the area in which the reserve or proposed reserve is situated and there is no such newspaper, the notification shall be published once in the *Gazette*.]

(2) Subject, in relation to Maori land owned in multiple ownership, to [section 181 of Te Ture Whenua Maori Act 1993], a notice required by this Act to be given to any person may be sent by registered post to the last-known place of abode or business of that person, and shall be deemed to have been delivered when in the ordinary course of post it would be delivered. If any such person is absent from New Zealand, the notice may be sent to his agent, and, if he has no known agent, the notice may be given to him by publishing it in a newspaper circulating in the district in which the land the subject-matter of the notice is situated.

(3) Every notice by the Minister under this Act shall come into force on the day of the date thereof or on such later date as may be specified in the notice.

Compare: 1953 No 69 s 103

### 120 Rights of objection and of making submissions

(1) Subject to sections 13 and 47 of this Act, where pursuant to any requirement of this Act [(except sections 24, 24A, and 41)] the Minister or any administering body gives public notice

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of his or its intention to exercise any power conferred by this Act—

- (a) Any person or organisation may object to the Minister or administering body, as the case may be, against, or make submissions with respect to, the proposal; and
- (b) Every such objection or submission shall be made in writing, and shall be sent to the Minister or administering body at the place specified in the notice and before a date specified in the notice, being not less than [1 month] after the date of publication of the notice: and

[Provided that, where the date of publication of the notice falls within the period commencing with the 10th day of December in any year and ending with the 10th day of January in the next succeeding year, the date before which objections and submissions shall be made shall be not earlier than the 10th day of February next following that period:]

- (c) Where the objector or person or organisation making the submission so requests in his or its objection or submission, the Minister or administering body, as the case may be, shall give the objector or that person or organisation a reasonable opportunity of appearing before the Commissioner (in the case of a notice given by the Minister) or, as the case may be, before the administering body or a committee thereof or a person nominated by the administering body in support of his or its objection or submission; and
  - (d) The Minister or the administering body, as the case may be, shall give full consideration to every objection or submission received before deciding to proceed with the proposal; and
  - (e) Where the action proposed by an administering body requires the consent or approval of the Minister and is recommended to the Minister for his consent or approval under any provision of this Act, the administering body shall send to the Minister with its recommendation a summary of all objections and comments received by it and a statement as to the extent to which they have been allowed or accepted or disallowed or not accepted.
- (2) Every public notice to which subsection (1) of this section applies shall specify the right to object or make submissions conferred by this section and the place to which and the date by which any objections or submissions are to be sent.
  - (3) The person or administering body or committee before whom or which any person appears at any hearing in support of any objection or submission shall determine his or its own procedure at the hearing.

## Schedule 1

### Basic provisions applicable to leases or licences of recreation reserves and scenic reserves

Sections 54, 56, 73

#### ***Lease under section 54(1)(a)—Lease of Recreation Reserve for baths, camping grounds, etc***

—	<b>Provisions of Lease</b>
Term	Not exceeding 33 years
Renewal	May include a provision that further similar terms may be granted if the terms and conditions of the lease have been complied with and if the lessor is satisfied that the baths, camping grounds, parking places, or other facilities, as the case may be, have been properly constructed, developed, maintained, and controlled, and that there is sufficient need for them, and that some other recreational use should not have priority in the public interest.
Freeholding rights	Nil
Rent	Such rent, including periodic reviews of rent, as the Minister approves
Admission charges	Such charges for admission to and use of the baths, camping grounds, parking or mooring places, or other facilities as the Minister may from time to time approve
Termination	The land leased shall be used solely for such baths, camping grounds, parking or mooring places, or other facilities for public recreation as are specified in the lease, and, if at any time the lessor is of the opinion that the land leased is not being used or is not being sufficiently used for the purpose specified in the lease, the lessor, after making such enquiries as the lessor thinks fit and giving the lessee an opportunity of explaining the usage of the land leased, and if satisfied that the land leased is not being used or is not being sufficiently used for the purpose specified in the lease, may terminate the lease on such terms as the Minister approves in any case where an administering body is the lessor, and as the Minister thinks fit in any other case
Compensation for improvements	On termination of the lease under the termination clause of the lease or by effluxion of time, surrender, breach of conditions, or otherwise, the land, together with all improvements thereon, shall revert to the lessor without compensation payable to the lessee or otherwise
Erection of buildings	The lease shall prohibit the erection of any building without the prior consent in writing of the Minister
Other terms and conditions	Such other terms and conditions as the Minister approves. Without limiting the powers of the Minister, he may require that the lease shall provide that— <ul style="list-style-type: none"> <li data-bbox="539 1597 1353 1715">(a) Notwithstanding anything to the contrary in the compensation for improvements clause of the lease, the lessor may require the lessee to remove the whole or some of his improvements; or</li> <li data-bbox="539 1715 1353 1805">(b) Where improvements are of value to the lessor, the lessor may pay to the lessee the value of the improvements as determined by the Minister; or</li> <li data-bbox="539 1805 1353 1899">(c) An incoming lessee shall pay to the outgoing lessee the value as determined by the Minister of specified improvements</li> </ul>