

Report 13.1015  
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File E/01/06/27

Committee Council  
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## Reserves Act 1977 delegations from the Minister of Conservation

### 1. Purpose

To notify the Council of delegations related to the Reserves Act 1977 received from the Minister of Conservation, and for the Council to consider subsequent sub-delegation of these powers, functions and duties.

### 2. Background

The Reserves Act 1977 provides for the management of reserves. As an administering authority under the Act Greater Wellington Regional Council (GWRC) is delegated certain powers, functions and duties.

In addition to the delegations that GWRC has under the Act section 10 authorises the Minister to delegate any of their powers and functions under the Act to local authorities.

In June 2013 the Minister exercised this power by replacing previous delegations given in 2004 with a new set of delegations. The new delegations extend the scope of the existing powers by removing the previous limitations and conditions and they include some additional delegations.

### 3. Comment

Officers have reviewed the new delegations. The delegations can be divided into three categories:

- restatement of 2004 delegation from Minister
- removal of limitation previously retained by the Minister
- new delegation not provided for in the 2004 delegations.

**Attachment 1** to this report sets out the delegations in these three categories and proposed appropriate level to which the delegation should fall at this stage.

Officers have generally taken the following approach:

#### **Restatement delegations**

The majority of these delegations cover delegations which have previously been given to the Chief Executive who has in turn sub-delegated them.

Officers consider that these types of delegations have been delegated to the appropriate level and do not require any amendment.

#### **Removal of limitation**

A number of 2004 delegations from the Minister included a limitation outlining when certain delegated powers could be exercised. The Minister's approval was necessary for decisions that fell outside these limited delegations.

Therefore, instead of the Minister's approval needing to be sought for decisions that fall outside these limited delegations, officers propose that the Council has the ability to provide approval for a decision that goes beyond the limited delegation.

#### **New delegations**

The Minister has delegated a number of new delegations ranging from the approval of reserve management plans to consenting to an increase in the number of days that public access into a reserve can be limited.

Officers have reviewed the new delegations and consider that some powers should be retained by Council, and others delegated in a limited way to the Chief Executive.

### **4. Communication**

No communications are necessary following this report.

### **5. The decision-making process and significance**

The matters requiring decision in this report have been considered by officers against the requirements of Part 6 of the Local Government Act 2002.

#### **5.1 Significance of the decision**

Officers have considered the significance of the matter, taking into account the Council's significance policy and decision-making guidelines. Due to the procedural nature of this decision officers recommend that the matter be considered to have low significance.

Officers do not consider that a formal record outlining consideration of the decision-making process is required in this instance.

## 6. Recommendations

*That the Council:*

1. ***Receives*** the report.
2. ***Notes*** the content of the report.
3. ***Delegates*** (or when set out in the table retains) the powers, functions and duties set out in Attachment 1 to this report.
4. ***Revokes*** previous delegations under the Reserves Act 1977 which the Minister of Conservation had given it power to exercise.

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Attachment 1: Table of proposed delegations