

Reserves Act delegations to GWRC from the Minister

A. Restatement delegations

Section delegated	Summary of powers	Limitation of powers	Proposed level of delegation
6(3)	Revoke a Gazette notice and issue a fresh notice or amend the original notice	Only applies to notice in the Gazette given by the territorial authority	Chief Executive
14(4)	Gazette resolution to declare vested land to be reserve. <u>Note:</u> it is, therefore, no longer necessary to consult the Commissioner in terms of sec 14(3) of the Act.	n/a	Retain with Council <i>(Note: section 14(1), which relates to the passing of a resolution, is retained by Council.</i> <i>This delegation removes the need to consult the commissioner before gazetting the resolution.)</i>
15(1)	Authorise or decline to authorise, by Gazette notice, the exchange of land in any reserve or any part(s) of a reserve for any other land to be held for purposes of that reserve.	Only to be exercised where the territorial authority did not derive title from the Crown, or title would be deemed not to be derived from the Crown if this reserve was going through a revocation process. The territorial authority must consult with the crown before making a decision under s.15(1) if the land it proposes to grant in	Chief Executive

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		exchange was purchased with funds provided either wholly or partly by the Crown.	
15(3) (words in italics added)	To do all things necessary to effect any exchange authorised by the local authority under Section 15(1) of the Act, or by the Crown in the case of vested reserves derived from the Crown, including the payment or receipt of any money by way of equality of exchange <i>in the case of non Crown derived reserves.</i>	n/a	Chief Executive
25(1) (words in italics added)	Upon revocation of the reservation of any public reserve (or part of one) pursuant to section 24 Reserves Act, dispose of that land in such manner and for such purpose as the Minister specifies. <i>[Note this is intended to allow Territorial Authorities to decide how and for what purpose the land may be disposed of].</i>	The delegation only applies where the title to the reserve was not derived from the Crown, or is deemed not to be derived from the Crown in terms of S.25(4) or (5).	Chief Executive
49	Grant or decline to grant in writing any qualified person a right to take specified specimens of flora or fauna or rock mineral or soil from a reserve for scientific or educational purposes. Form opinion as to whether qualified person has the necessary credentials. Impose conditions on the grant in writing.	With regard to fauna, the delegation is for exotic fauna which are not protected under the Wildlife Act 1953.	Chief Executive

Section delegated	Summary of powers	Limitation of powers	Proposed level of delegation
50(1)	<p>Authorise or decline to authorise any person to take and kill any specified kind of fauna that may be found in any scenic, historic, nature or scientific reserve.</p> <p>Authorise or decline to authorise the use of firearms, traps, nets or other like objects within reserve for the foregoing purposes.</p>	The delegation is for non-protected exotic fauna only.	Chief Executive
52(1)	Declare by Gazette notice that any 2 or more reserves, or parts of 2 or more reserves, or parts of one or more reserves and the whole of one or more other reserves, are to be united to form one reserve.	All affected reserves or parts of reserves must have the same administering body and must all either be vested in that body or all held under an appointment to control and manage.	Chief Executive
73(6)	Consent or decline consent to surrender of lease.	Only exercisable where the original approval for the lease was given by the territorial authority under this delegation.	Chief Executive
121	Where under the provisions of the Reserves Act consent or approval is required, give consent or approval subject to such conditions as are thought fit.	Only exercisable in respect of matters delegated under this Instrument of Delegation.	Chief Executive

B. New Delegations

Section delegated	Summary of powers	Limitation of powers	Proposed level of delegation
16(4)	To advertise the intention to classify a reserve in accordance with sec 16(1).	n/a	Chief Executive
18(2)(e)	Determine in which cases exceptions can be made to the preservation of flora and fauna and the natural environment.	n/a	Chief Executive with the following limitation: if provided for or contemplated for in Reserve Management Plan. <i>(If not provided for in Reserve Management Plan the matter will need to go back to Council.)</i>
19(2)(a)	Determine in which cases exceptions can be made to the preservation of flora and fauna and the natural environment.	n/a	Chief Executive with the following limitation: if provided for or contemplated for in Reserve Management Plan. <i>(If not provided for in Reserve Management Plan the matter will need to go back to Council.)</i>
19(3)(a)	Determine in which cases exceptions can be made to the preservation of flora and fauna and the natural environment.	n/a	Chief Executive with the following limitation: if provided for or contemplated for in Reserve Management Plan. <i>(If not provided for in Reserve Management Plan the matter will need to go back to Council.)</i>
24(1)	Change the classification or purpose of a reserve by notice	n/a	Retain with Council

Section delegated	Summary of powers	Limitation of powers	Proposed level of delegation
	in the Gazette.		
24(2)(e)	To consider all objections received to a proposed change of classification or purpose.	Does not apply to the revocation of reserves	Retain with Council
24(3)	To form an opinion that the change of classification or purpose of a scenic, nature or scientific reserve is justified.	n/a	Retain with Council
24(5)	To form an opinion that the change in the classification of a historic reserve is justified.	n/a	Retain with Council
41(1)	To approve reserve management plans.	n/a	Retain with Council
44(1)	To consent to the use of a reserve for temporary or permanent personal accommodation.	n/a	<p>Chief Executive with the following limitation: if provided for or contemplated for in Reserve Management Plan.</p> <p><i>(If not provided for in Reserve Management Plan the matter will need to go back to Council.)</i></p>
44(2)	To consent to any vehicle caravan, tent or removable structure remaining on a reserve during the period 1 November to 31 March.	n/a	<p>Chief Executive with the following limitation: if provided for or contemplated for in Reserve Management Plan.</p> <p><i>(If not provided for in Reserve Management Plan the matter will need to go back to Council.)</i></p>

Section delegated	Summary of powers	Limitation of powers	Proposed level of delegation
53(1)(d)	To consent to an increase in the number days the public shall not be entitled to have admission to a reserve.	n/a	Chief Executive with the following limitation: if provided for or contemplated for in Reserve Management Plan or the activity is an existing use and the effects of the use will be the same or similar in character, intensity and scale. <i>(If not provided for in Reserve Management Plan or existing use the matter will need to go back to Council.)</i>
53(1)(e)	To approve the fixing of charges generally or with respect to any specified occasion or event.	n/a	Retain with Council
55(2)(a), (d), (e), (f) and (g)	<p>In the case of a scenic reserve to give or decline to give consent to:-</p> <ul style="list-style-type: none"> • a) the enclosure and grassing or grazing of open parts of the In the case of a scenic reserve • d) the setting apart of areas for other purposes; • e) the erection of buildings and other structures and amenities; • f) such things considered necessary for the public to obtain the benefit of the reserve; • g) the setting apart of sites for residences and other buildings and structures necessary for the 	Must be satisfied that the facilities, amenities, buildings or structures are necessary and cannot readily be provided outside or in close proximity to the reserve. s55(3)	Chief Executive with the following limitation: only exercisable <u>if</u> provided for or contemplated in an approved Reserve Management Plan <i>(If not provided for in Reserve Management Plan the matter will need to go back to Council.)</i>

Section delegated	Summary of powers	Limitation of powers	Proposed level of delegation
	management of the reserve.		
58(b)	<p>Set apart and use part of a reserve as a site for residences and other buildings.</p> <p>...where necessary for management, protection and maintenance of reserve and for visitor display, and that the buildings cannot be provided outside and in close proximity to the reserve.</p>	n/a	<p>Chief Executive with the following limitation: only exercisable if provided for or contemplated in an approved Reserve Management Plan.</p> <p><i>(If not provided for in Reserve Management Plan or existing use the matter will need to go back to Council.)</i></p>
72(1)	To enter into and agree the terms of a lease or other agreement for the farming of a recreation or local purpose reserve.	Note sec 72(3) applies.	<p>Chief Executive with the following limitation: only exercisable if provided for or contemplated in an approved Reserve Management Plan; or if the activity is an existing use and the effects of the use will be the same or similar in character, intensity and scale.</p> <p><i>(If not provided for in Reserve Management Plan or existing use the matter will need to go back to Council.)</i></p>
75(1)	Consent or decline to consent to the afforestation of a recreation or local purpose reserve.	n/a	<p>Chief Executive with the following limitation: if provided for or contemplated for in Reserve Management Plan.</p> <p><i>(If not provided for in Reserve</i></p>

Section delegated	Summary of powers	Limitation of powers	Proposed level of delegation
			<i>Management Plan or existing use the matter will need to go back to Council.)</i>
75(2)	Consent or decline to consent to the afforestation of a recreation or local purpose reserve.	n/a	Chief Executive with the following limitation: if provided for or contemplated for in Reserve Management Plan. <i>(If not provided for in Reserve Management Plan or existing use the matter will need to go back to Council.)</i>

C. Delegations where limitation has been removed

Section delegated	Summary of powers	Proposed level of delegation
16(1)	Classify, by Gazette notice, according to their principal or primary purpose all reserves. [Note this delegation does not affect sections 16(2) and 16(2A) Reserves Act]	Chief Executive <i>(Note: the removal of the limitation does not have material impact)</i>
42(1)	Give or decline to give express written consent to the cutting or destruction of trees and bush on any historic, scenic, nature, or scientific reserve.	Chief Executive with the following limitation: if provided for or contemplated for in Reserve Management Plan. <i>(If not provided for in Reserve Management Plan the matter will need to</i>

Section delegated	Summary of powers	Proposed level of delegation
	Determine terms and conditions subject to which written consent is given.	<i>go back to Council.)</i>
45	Give or decline to give prior approval to administering body to erect, or authorise any voluntary organisation or educational institution to erect shelters, huts, cabins, lodges etc., on any recreation or scenic reserve.	Chief Executive with the following limitation: if provided for or contemplated for in Reserve Management Plan. <i>(If not provided for in Reserve Management Plan the matter will need to go back to Council.)</i>
48(1)	Consent or refuse consent to administering body granting rights of way and other easements over any part of a vested reserve for any of the purposes specified in section 48(1). Impose such conditions as it thinks fit in giving the consent.	Chief Executive with the following limitation: if provided for or contemplated for in Reserve Management Plan or the activity is an existing use and the effects of the use will be the same or similar in character, intensity and scale. <i>(If not provided for in Reserve Management Plan or existing use the matter will need to go back to Council.)</i>
48A(1)	Consent or refuse consent to administering body granting a licence over a vested reserve to any person or department of State – (a) To erect, maintain and use buildings, dwellings, masts and other structures, and plant and machinery; and (b) To construct, maintain, and use tracks and engage in other works - for any of the purposes specified in section 48A(1).	Chief Executive with the following limitation: if provided for or contemplated for in Reserve Management Plan or the activity is an existing use and the effects of the use will be the same or similar in character, intensity and scale. <i>(If not provided for in Reserve Management Plan or existing use the matter will need to go back to Council.)</i>
48A(3)	Approve terms and conditions determined by the administering body.	Chief Executive

Section delegated	Summary of powers	Proposed level of delegation
51(1)	<p>Authorise or decline to authorise in writing an administering body to introduce indigenous flora or fauna or exotic flora into any scenic reserve for any of the purposes referred to in section 51(1).</p> <p>Impose conditions on the giving of the authorisation.</p>	<p>Chief Executive</p> <p><i>(Note that officers see no need to limit this delegation as the action must be for a purpose listed in section 51(1) and must have due regard for the principles of the reserve classification .)</i></p>
54(1)	<p>Give or decline to give prior consent to administering body, in the case of a recreation reserve vested in it, to grant leases for any of the purposes specified in paragraphs (a), (b), (c) and to grant a lease or licence for any of the purposes specified in paragraph (d) and to exercise all powers of the Minister referred to in the First Schedule that pertain to leases under s.54(1)(a), (b), (c) and (d).</p> <p>Give or decline prior consent to administering body permitting, in a lease, the erection of buildings and structures for sports, games or public recreation not directly associated with outdoor recreation.</p> <p>Consent or decline consent to variations or amendments to leases and consent to the carrying out of any other necessary actions arising out of the leases consistent with the First Schedule, Reserves Act.</p>	<p>Chief Executive with the following limitation: only exercisable <u>if</u> provided for or contemplated in an approved reserve management plan; or if the activity is an existing use and the effects of the use will be the same or similar in character, intensity and scale.</p> <p><i>(If not provided for in Reserve Management Plan or existing use the matter will need to go back to Council.)</i></p> <p>Chief Executive to exercise powers of the Minister in First Schedule.</p>
56(1)	<p>Give or decline prior consent to administering body, in the case of a scenic reserve vested in it, to grant leases or licences for the purposes set out in s.56(1) and to exercise all powers of the Minister referred to in the First</p>	<p>Chief Executive with the following limitation: only exercisable if provided for or contemplated in an approved Reserve Management Plan; or if the activity is an existing use and the effects of the use will be the same or similar in character, intensity and scale.</p>

Section delegated	Summary of powers	Proposed level of delegation
	<p>Schedule that pertain to leases under s.56(1)(a) and (b).</p> <p>Consent or decline consent to variations or amendments to leases and licences, and consent to the carrying out of any other necessary actions arising out of the leases and licences consistent with the First Schedule, Reserves Act.</p>	<p><i>(If not provided for in Reserve Management Plan or existing use the matter will need to go back to Council.)</i></p> <p>Chief Executive to exercise powers of the Minister in First Schedule.</p>
56(2)	<p>Give public notice in accordance with section 119 of the Reserves Act and give full consideration in accordance with section 120 to all objections and submissions.</p>	<p>Retain with Council</p>
58A(1)	<p>Give or decline prior consent to administering body, in the case of an historic reserve vested in it, to grant leases or licences for any of the purposes specified in that subsection.</p> <p>Consent or decline consent to variations or amendments to leases and licences and consent to the carrying out of any other necessary actions arising out of the leases and licences, consistent with the First Schedule, Reserves Act.</p>	<p>Chief Executive with the following limitation: only exercisable if provided for or contemplated in an approved Reserve Management Plan; or if the activity is an existing use and the effects of the use will be the same or similar in character, intensity and scale.</p> <p><i>(If not provided for in Reserve Management Plan or existing use the matter will need to go back to Council.)</i></p> <p>Chief Executive to exercise powers of the Minister in First Schedule.</p>
59A(1)	<p>In accordance with Part IIIB Conservation Act 1987, grant or refuse a concession in respect of any reserve controlled or managed by an administering body under s.28 Reserves Act so that the administering body may apply Part 111B as if references in that Part to a conservation area were references to such a reserve and references to the Minister of Conservation and to the Director-General of Conservation are references to an</p>	<p>Chief Executive with the following limitation: only exercisable if provided for or contemplated in an approved Reserve Management Plan; or if the activity is an existing use and the effects of the use will be the same or similar in character, intensity and scale.</p> <p><i>(If not provided for in Reserve Management Plan or existing use the matter will need to go back to Council.)</i></p>

Section delegated	Summary of powers	Proposed level of delegation
	administering body.	
67(1)(b)	Consent or decline consent to lease of recreation reserve set apart for race course purposes, to a racing club.	Chief Executive <i>(no need for a limitation here)</i>
73(1)	Consent or decline prior consent to an administering body granting a lease of recreation reserve in the circumstances specified in s.73(1), where the reserve is vested in the administering body, and consent or decline prior consent to an administering body granting a lease in the circumstances specified in section 73(1) in all other cases.	Chief Executive with the following limitation: only exercisable if provided for or contemplated in an approved Reserve Management Plan; or if the activity is an existing use and the effects of the use will be the same or similar in character, intensity and scale. <i>(If not provided for in Reserve Management Plan or existing use the matter will need to go back to Council.)</i>
73(2)	Consent or decline prior consent to an administering body granting a lease of recreation reserve for afforestation where the reserve is vested in the administering body, and consent or decline prior consent to an administering body granting a lease of recreation reserve for afforestation purposes in all other cases. Exercise all powers of the Minister referred to in the First Schedule that pertain to leases under s.73(2).	Chief Executive with the following limitation: only exercisable if provided for or contemplated in an approved Reserve Management Plan; or if the activity is an existing use and the effects of the use will be the same or similar in character, intensity and scale. <i>(If not provided for in Reserve Management Plan or existing use the matter will need to go back to Council.)</i>
73(3)	Form opinion as to whether recreation reserve is not likely to be used for purposes of a recreation reserve. Consent or decline consent to administering body granting leases of whole or part of reserve vested in administering body.	Chief Executive with the following limitation: only exercisable if provided for or contemplated in an approved Reserve Management Plan; or if the activity is an existing use and the effects of the use will be the same or similar in character, intensity and scale. <i>(If not provided for in Reserve Management Plan or existing use the matter</i>

Section delegated	Summary of powers	Proposed level of delegation
	<p>Grant or decline to grant leases of whole or part of a reserve held under an appointment to control and manage.</p> <p>Exercise all powers of the Minister referred to in the First Schedule that pertain to leases under s.73(3).</p> <p><i>Note: The provisions of Part IIIB Conservation Act apply (s.73(3A)(b))</i></p> <p><i>Note: s.73(3A) (a) applies</i></p>	<p><i>will need to go back to Council.)</i></p>
73(5)	<p>Consent or decline consent in writing to a member of an administering body becoming the lessee of any land under the control of that body.</p>	<p>Chief Executive with the following limitation: only exercisable if provided for or contemplated in an approved Reserve Management Plan; or if the activity is an existing use and the effects of the use will be the same or similar in character, intensity and scale.</p> <p><i>(If not provided for in Reserve Management Plan or existing use the matter will need to go back to Council.)</i></p>
74(1)(b)(ii) (proviso)	<p>Consent or decline consent to granting of a licence to occupy a historic, scenic or scientific reserve.</p>	<p>Chief Executive with the following limitation: only exercisable if provided for or contemplated in an approved Reserve Management Plan; or if the activity is an existing use and the effects of the use will be the same or similar in character, intensity and scale.</p> <p><i>(If not provided for in Reserve Management Plan or existing use the matter will need to go back to Council.)</i></p>