

RESERVES ACT 1977

INSTRUMENT OF DELEGATION FOR TERRITORIAL AUTHORITIES

1. PURSUANT to section 10 of the Reserves Act 1977 I, CHRIS CARTER, Minister of Conservation, DELEGATE to all territorial authorities (as defined in this Instrument of Delegation) such of my powers, functions and duties under the Reserves Act 1977 as are set out in the following Schedule subject to the Limitation of Powers in the Schedule and to the conditions in paragraph 2 of this Instrument.
2. The delegations in this Instrument apply only where the territorial authority is the administering body of the relevant reserve (i.e. affected by the decision to be made) by virtue of a vesting or an appointment to control and manage.
3. This Instrument replaces the previous Instrument of Delegation dated 4 September 1999 which is hereby revoked.

Definitions:

“Administering body” – means an administering body under the Reserves Act 1977.

“Territorial authority” – means a local authority and a unitary authority as defined in section 5 Local Government Act 2002.

“Vested reserve” – means a reserve vested in a territorial authority (not in the Crown).

SCHEDULE

<u>SECTION</u>	<u>SUMMARY OF POWERS</u>	<u>O</u>	<u>LIMITATION OF POWERS</u>
6(3)	Revoke a Gazette notice and issue a fresh notice or amend the original notice	74	Only applies to notices in the Gazette given by the territorial authority
14(4)	Gazette resolution to declare vested land to be reserve.	74	
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.	74	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 the reserve was going through a revocation process (s.25). The territorial authority must consult with the Crown before making a decision under s.15(1) if the land it proposes to grant in exchange was purchased with funds provided either wholly or partly by the Crown.

<u>SECTION</u>	<u>SUMMARY OF POWERS</u>	<u>O</u>	<u>LIMITATION OF POWERS</u>
15(3)	To do all things necessary to effect any exchange authorised by the local authority under Section 15(1) of the Act including the payment or receipt of any money by way of equality of exchange.	74	
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]	74	Only to be exercised where the classification confirms the existing purpose of the reserve.
25(1)	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.	74	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).
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. Determine terms and conditions subject to which written consent is given.	74	The delegation applies only to exotic flora (include bushes and trees).
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.	74	The delegation applies to a scenic reserve only where the use is provided for or contemplated in an approved management plan for the reserve.
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.	74	Only exercisable where the activity is provided for or contemplated in an approved management plan for the reserve or the activity is an existing use and the effects of the use will be the same or similar in character, intensity and scale.
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).	74	Only exercisable where the activity is provided for or contemplated in an approved management plan for the reserve or the activity is an existing use and the effects of the use will be the same or similar in character, intensity and scale.

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48A(3)	Approve terms and conditions determined by the administering body.	74	Only exercisable where the activity is provided for or contemplated in an approved management plan for the reserve or the activity is an existing use and the effects of the use will be the same or similar in character, intensity and scale.
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.	74	With regard to flora and fauna, the delegation is for exotic flora, and for exotic fauna which are not protected under the Wildlife Act 1953.
50(1)	Authorise or decline to authorise any person to take and kill any specified kind of fauna that may be found in any scenic or historic reserve. Authorise or decline to authorise the use of firearms, traps, nets or other like objects within reserve for the foregoing purposes.	74	The delegation is for non-protected exotic fauna only.
51(1)	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). Impose conditions on the giving of the authorisation.	74	Authorisations can only be given if provided for or contemplated in an approved management plan for the reserve.
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.	74	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.
54(1)	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).	74	The activity is an existing use and the effects of the use will be the same or similar in character, intensity and scale.

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	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. 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.	74	Only exercisable where the activity is provided for or contemplated in an approved management plan for the reserve or the activity is an existing use and the effects of the use will be the same or similar in character, intensity and scale.
55(2)(d)	Give or decline to give prior consent to the setting apart of areas for, and the construction or development of, public facilities and amenities in scenic reserves.	74	Only exercisable where provided for or contemplated in an approved management plan for the reserve.
56(1)	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 Schedule that pertain to leases under s.56(1)(a) and (b). 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.	74	Only exercisable where the activity is provided for or contemplated in an approved management plan for the reserve or the activity is an existing use and the effects of the use will be the same or similar in character, intensity and scale.
56(2)	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.	74	Only exercisable where the activity is provided for or contemplated in an approved management plan for the reserve or the activity is an existing use and the effects of the use will be the same or similar in character, intensity and scale.
58A(1)	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.	74	Only exercisable where the activity is provided for or contemplated in an approved management plan for the reserve or the activity is an existing use and the effects of the use will be the same or similar in character, intensity and scale.
	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.	74	Only exercisable where the activity is provided for or contemplated in an approved management plan for the reserve or the activity is an existing use and the effects of the use will be the same or similar in character, intensity and scale.

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59A(1)	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 IIIB 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 administering body.	74	Only exercisable where the activity is provided for or contemplated in an approved management plan for the reserve or the activity is an existing use and the effects of the use will be the same or similar in character, intensity and scale.
67(1)(b)	Consent or decline consent to lease of recreation reserve set apart for race course purposes, to a racing club.	74	Only exercisable where the activity is provided for or contemplated in an approved management plan for the reserve or the activity is an existing use and the effects of the use will be the same or similar in character, intensity and scale.
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. Exercise all powers of the Minister referred to in the First Schedule that pertain to leases under s.73(1).	74	Only exercisable where the activity is provided for or contemplated in an approved management plan for the reserve or the activity is an existing use and the effects of the use will be the same or similar in character, intensity and scale.
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).	74	Only exercisable where the activity is provided for or contemplated in an approved management plan for the reserve or the activity is an existing use and the effects of the use will be the same or similar in character, intensity and scale.

<u>SECTION</u>	<u>SUMMARY OF POWERS</u>	<u>O</u>	<u>LIMITATION OF POWERS</u>
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. Grant or decline to grant leases of whole or part of a reserve held under an appointment to control and manage. Exercise all powers of the Minister referred to in the First Schedule that pertain to leases under s.73(3).	74	Only exercisable where the activity is provided for or contemplated in an approved management plan for the reserve or the activity is an existing use and the effects of the use will be the same or similar in character, intensity and scale. Note: The provisions of Part IIIB Conservation Act apply (s.73(3A)(b)) Note: s.73(3A) (a) applies.
73(5)	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.	74	Only exercisable where the activity is provided for or contemplated in an approved management plan for the reserve or the activity is an existing use and the effects of the use will be the same or similar in character, intensity and scale.
73(6)	Consent or decline consent to surrender of lease.	74	Only exercisable where the original approval for the lease was given by the territorial authority under this delegation.
74(1)(b)(ii)	Consent or decline consent to granting of licence to occupy historic, scenic or scientific reserve.	74	Only exercisable where the activity is provided for or contemplated in an approved management plan for the reserve or the activity is an existing use and the effects of the use will be the same or similar in character, intensity and scale.
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.	74	Only exercisable in respect of matters delegated under this Instrument of Delegation.

SIGNED at Wellington this)
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10th day of March 2004)
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by CHRIS CARTER,)
Minister of Conservation)

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