

New Zealand Legislation  
**Reserves Act 1977**

*Particular powers of Minister and administering body*

**53 Powers (other than leasing) in respect of recreation reserves**

- (1) The administering body of a recreation reserve may from time to time, in the exercise of its functions under [section 40](#) and to the extent necessary to give effect to the principles set out in [section 17](#),—
- (a) enclose the reserve, or any part thereof, which it may at any time decide is necessary or desirable—
- (i) to lay down or renew in grass or to plant or improve; or
- (ii) to farm or graze or afforest as a part of a development, improvement, or management programme,—
- and may lay down or renew in grass, or plant or improve, or, as the case may be, farm or graze or afforest, the reserve or that part:
- provided that the administering body shall not afforest the reserve or any part thereof except in accordance with [section 75](#):
- (b) prohibit from time to time the public from entering or encroaching on any part of the reserve so laid down, renewed in grass, planted, improved, grazed, farmed, or afforested:
- (c) prescribe the games, sports, or other activities for public recreation or enjoyment which may take place in the reserve or in any specified part thereof, and regulate the use of the reserve for those games, sports, and other activities, and prohibit altogether the playing of any particular game, sport, or other activity therein:
- (d) prescribe, as to not more than 40 days in any year as it thinks fit, that the public shall not be entitled to have admission to the reserve or to any part or parts thereof set apart for a particular purpose or purposes unless on payment of a charge or charges as hereinafter mentioned:
- provided that with the prior consent of the Minister the number of days that the public shall not be entitled to have admission as aforesaid may be increased:
- provided also that this paragraph shall not apply to any part of the reserve to which paragraph (h) applies or to any lease granted under the authority of [section 54\(1\)\(a\)](#) or a lease or licence granted under the authority of [section 54\(1\)\(d\)](#):
- (e) grant the exclusive use of the reserve or any part thereof on any 1 or more of the days provided for in paragraph (d), but not for more than 6 days consecutively at any time, to any person, body, voluntary organisation, or society (whether incorporated or not) for the purpose of particular games, sports, or other activities or for public recreation or enjoyment, with authority for that person, body, organisation, or society to demand a fee or charge for admission on that day or those days to the reserve or part thereof so granted and also to any stand or enclosure, not exceeding the amount or amounts from time to time specified by the Minister:
- provided that the Minister may from time to time approve with respect to any specified reserve the fixing of such other charges as he or she thinks fit, either generally or with respect to specified occasions:
- provided also that the Minister may consent to an increase in the number of consecutive days specified in this paragraph for the purposes of any specified occasion or event:
- (f) enter into an agreement with any such person, body, society, or voluntary organisation for the use by him or her or it of the reserve or any specified part thereof on a specified number of days in each year during the term of the

agreement, which (save as otherwise authorised by the Minister in any particular case) shall not be for a longer period than 10 years at any one time, subject to—

- (i) the limitations imposed by paragraphs (d) and (e); and
  - (ii) no buildings being permitted under the terms of the agreement other than buildings of a temporary nature required during the period of use in any particular year:
- (g) erect on some portion of the reserve stands, pavilions, gymnasiums, or other buildings and structures associated with and necessary for the use of the reserve for outdoor recreation, and (subject to paragraphs (d) and (e) as to the number of days on which a charge may be made for admission to any such building or structure) may fix reasonable charges for the use of and generally regulate the use and custody of and admission to any such buildings or structures:

provided that where the Minister considers it to be in the public interest, the administering body may, with the prior consent of the Minister, erect buildings and structures for public recreation and enjoyment not directly associated with outdoor recreation:

- (h) at any time and from time to time set apart any part or parts of the reserve—
- (i) for gardens, open spaces, footpaths, driveways, or picnic grounds, or for the provision of any other like facilities for public recreation or enjoyment or for facilities and amenities necessary for the public using the reserve; and construct or develop those gardens, open spaces, footpaths, driveways, picnic grounds, or other facilities for public recreation or enjoyment or facilities and amenities necessary for the public using the reserve; and fix reasonable charges for the use of those picnic grounds, facilities, and amenities:
  - (ii) with the prior consent of the Minister, for baths, camping grounds, parking places for vehicles, or mooring places for boats, necessary for the convenience of persons using the reserve, and construct and develop such baths, camping grounds, and parking or mooring places, and fix reasonable charges for the use of such baths, camping grounds, and parking or mooring places:
  - (iii) with the prior consent of the Minister, for compounds for animals for display to persons using the reserve, and construct and develop such compounds, and fix reasonable charges for viewing the animals therein:

- (i) make, stop, divert, widen, or alter any bridges, ways, or watercourses in, upon, through, across, or over any part of the reserve, subject to the payment of compensation for damage thereby to adjacent land:

provided that any such power in relation to watercourses shall be exercised subject to the [Resource Management Act 1991](#):

- (j) with the prior consent of the Minister and subject to the [Resource Management Act 1991](#), and having regard to the need to conserve the natural beauty of any sea, lake, river, or stream bounding the reserve or of any lake, river, or stream within the reserve, do all such things on the reserve as it considers necessary, including the erection of buildings and structures on the reserve, to enable the public to obtain the maximum recreational use and enjoyment of that sea, lake, river, or stream:
- (k) with the prior consent of the Minister, set apart and use any part of the reserve as sites for residences for officers or servants of the administering body or of rangers or for other buildings considered desirable or necessary for the proper and beneficial management, administration, control, protection, and maintenance of the reserve:
- (l) appoint officers and servants, whether paid or unpaid:
- (m) with the prior consent of the Minister, erect or authorise the erection of huts for the use of officers of any department of State or other persons engaged under lawful authority in the destruction or eradication of introduced flora and fauna:
- (n) subject to any lease or licence granted pursuant to [section 54\(1\)\(d\)](#), prohibit or regulate the carrying on of any trade, business, or occupation within the reserve:
- (o) do such other things as may be considered desirable or necessary for the proper and beneficial management, administration, and control of the reserve.

- (2) Notwithstanding anything in subsection (1), but subject to the first proviso to paragraph (d) of that subsection and to the second proviso to paragraph (e) of that subsection, where the administering body is a local authority it shall not be

necessary for that administering body to obtain the consent, authority, or approval of the Minister, and it may exercise any power or discretion vested in the Minister by virtue of that subsection:

provided that the administering body shall not afforest the reserve or any part thereof except in accordance with [section 75](#).

Compare: 1953 No 69 ss 32, 49; 1964 No 108 s 2(1), (3)

Section 53(1)(i) proviso: replaced, on 1 October 1991, by [section 362](#) of the Resource Management Act 1991 (1991 No 69).

Section 53(1)(j): amended, on 1 October 1991, by [section 362](#) of the Resource Management Act 1991 (1991 No 69).