

New Zealand Legislation

Reserves Act 1977

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](#), to the extent necessary to give effect to the principles set out in [section 17](#),—

- (a) lease to any person, body, voluntary organisation, or society (whether incorporated or not) any area set apart under [section 53\(1\)\(h\)](#) for baths, a camping ground, a parking or mooring place, or other facilities for public recreation or enjoyment. The lease—
- (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](#) 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](#), 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](#), other buildings or structures already on the reserve, which lease shall be subject to the further provisions set out in [Schedule 1](#) 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 or she 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](#) 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](#) 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), 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](#); 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).

(2) Before granting any lease or licence under subsection (1) (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](#) specifying the lease or licence proposed to be granted, and shall give full consideration in accordance with [section 120](#) to all objections and submissions in relation to the proposal received pursuant to the said section 120.

(2A) Nothing in subsection (2) 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)

Section 54(1): amended, on 1 July 1996, by [section 8\(1\)\(a\)](#) of the Reserves Amendment Act 1996 (1996 No 3).

Section 54(1)(b) proviso: amended, on 1 July 1996, by [section 8\(1\)\(b\)](#) of the Reserves Amendment Act 1996 (1996 No 3).

Section 54(1)(c): amended, on 1 July 1996, by [section 8\(1\)\(c\)](#) of the Reserves Amendment Act 1996 (1996 No 3).

Section 54(1A): inserted, on 1 January 1980, by section 17 of the Reserves Amendment Act 1979 (1979 No 63).

Section 54(1A)(a): replaced, on 1 July 2003, by [section 262](#) of the Local Government Act 2002 (2002 No 84).

Section 54(1A)(b): replaced, on 1 July 2003, by [section 262](#) of the Local Government Act 2002 (2002 No 84).

Section 54(2): amended, on 1 July 1996, by [section 8\(1\)\(c\)](#) of the Reserves Amendment Act 1996 (1996 No 3).

Section 54(2A): inserted, on 1 January 1980, by section 18(1) of the Reserves Amendment Act 1979 (1979 No 63).

Section 54(2A)(a): amended, on 1 July 1996, by [section 8\(1\)\(d\)](#) of the Reserves Amendment Act 1996 (1996 No 3).

Section 54(2A)(b): replaced, on 23 July 1993, by section 2 of the Reserves Amendment Act (No 3) 1993 (1993 No 75).

Section 54(2A)(b): amended, on 1 August 2003, by [section 99](#) of the Resource Management Amendment Act 2003 (2003 No 23).

Section 54(3): repealed, on 1 January 1980, by section 20(2) of the Reserves Amendment Act 1979 (1979 No 63).