

Attachment E Sections 73(1),(4) 119 and 120 of the Reserves Act 1977, section 138 of the Local Government Act 2002 and Section 4 of the Conservation Act 2002

Section 73(1),(4), 119 and 120 of the Reserves Act

73 Leasing of recreation reserves for farming, grazing, afforestation, or other purposes

- (1) Where any recreation reserve or any part of such a reserve is not for the time being required for the purpose for which it was classified, or where the Minister considers it in the public interest, or where the administering body of any recreation reserve has decided under section 53(1)(a)(ii) that it is necessary or desirable to farm or graze the reserve or any part thereof, leases of the reserve or of any part thereof may be granted by the administering body with the prior consent of the Minister in cases where the reserve is vested in such a body, or by the Minister in any other case.
- (4) Before granting any lease under subsection (1), or subsection (2), or subsection (3), the administering body shall give public notice in accordance with section 119 specifying the lease 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.

119 Notices

- (1) Where this Act requires anything to be publicly notified or refers to public notification, the subject matter shall, unless this Act specifically provides otherwise, be published as follows:
 - (a) where the notification relates to a national reserve or proposed national reserve, or any part thereof, it shall be published—
 - (i) once in the *Gazette*; and
 - (ii) once in a newspaper circulating throughout the area in which the reserve or proposed reserve is situated; and
 - (iii) once in each of 2 daily newspapers published in the cities of Auckland, Wellington, Christchurch, and Dunedin; and
 - (iv) in such other newspapers (if any) as the Minister directs;
 - (b) where the notification relates to any other reserve or proposed reserve, it shall be published—
 - (i) once in a newspaper circulating in the area in which the reserve or proposed reserve is situated; and
 - (ii) in such other newspapers (if any) as the administering body decides;

provided that any notification under section 16(4) relating to a nature reserve or scientific reserve or a proposed nature reserve or scientific reserve shall be published in the manner specified in paragraph (a);

provided also that where under this subsection a notification is required to be published in a newspaper circulating in the area in which the reserve or proposed reserve is situated and there is no such newspaper, the notification shall be published once in the *Gazette*.

120 Rights of objection and of making submissions

- (1) Subject to sections 13 and 47, where pursuant to any requirement of this Act (except sections 24, 24A, and 41) the Minister or any administering body gives public notice of his or her or its intention to exercise any power conferred by this Act—
- (a) any person or organisation may object to the Minister or administering body, as the case may be, against, or make submissions with respect to, the proposal; and
 - (b) every such objection or submission shall be made in writing, and shall be sent to the Minister or administering body at the place specified in the notice and before a date specified in the notice, being not less than 1 month after the date of publication of the notice:
provided that, where the date of publication of the notice falls within the period commencing with 10 December in any year and ending with 10 January in the next succeeding year, the date before which objections and submissions shall be made shall be not earlier than 10 February next following that period; and
 - (c) where the objector or person or organisation making the submission so requests in his or her or its objection or submission, the Minister or administering body, as the case may be, shall give the objector or that person or organisation a reasonable opportunity of appearing before the Commissioner (in the case of a notice given by the Minister) or, as the case may be, before the administering body or a committee thereof or a person nominated by the administering body in support of his or her or its objection or submission; and
 - (d) the Minister or the administering body, as the case may be, shall give full consideration to every objection or submission received before deciding to proceed with the proposal; and
 - (e) where the action proposed by an administering body requires the consent or approval of the Minister and is recommended to the Minister for his or her consent or approval under any provision of this Act, the administering body shall send to the Minister with its recommendation a summary of all objections and comments received by it and a statement as to the extent to which they have been allowed or accepted or disallowed or not accepted.
- (2) Every public notice to which subsection (1) applies shall specify the right to object or make submissions conferred by this section and the place to which and the date by which any objections or submissions are to be sent.
- (3) The person or administering body or committee before whom or which any person appears at any hearing in support of any objection or submission shall determine his or her or its own procedure at the hearing.

Section 138 of the Local Government Act 2002

138 Restriction on disposal of parks (by sale or otherwise)

- (1) A local authority proposing to sell or otherwise dispose of a park or part of a park must consult on the proposal before it sells or disposes of, or agrees to sell or dispose of, the park or part of the park.
- (2) In this section,—

dispose of, in relation to a park, includes the granting of a lease for more than 6 months that has the effect of excluding or substantially interfering with the public's access to the park

park—

- (a) means land acquired or used principally for community, recreational, environmental, cultural, or spiritual purposes; but
- (b) does not include land that is held as a reserve, or part of a reserve, under the Reserves Act 1977.

Section 138: substituted, on 28 June 2006, by section 13 of the Local Government Act 2002 Amendment Act 2006 (2006 No 26).

Section 4 of the Conservation Act 1987

4 Act to give effect to Treaty of Waitangi

This Act shall so be interpreted and administered as to give effect to the principles of the Treaty of Waitangi.