

- (3) A copy of the resolution shall be forwarded to the Commissioner for transmission to the Minister, together with all objections (if any) received as aforesaid and the comments of the local authority thereon.
- (4) The Minister shall consider the resolution and such objections (if any) as have been received by the local authority and the comments of the local authority thereon, and shall then in his or her discretion either cause the resolution to be gazetted or refuse to do so.
- (5) No resolution under this section shall have any force or effect until it is gazetted as aforesaid.

Compare: 1953 No 69 s 13

Section 14(2) proviso: replaced, on 1 October 1991, by section 362 of the Resource Management Act 1991 (1991 No 69).

## **15 Minister may authorise exchange of reserves for other land**

- (1) The Minister may, by notice in the *Gazette*, authorise the exchange of the land comprised in any reserve or any part or parts thereof for any other land to be held for the purposes of that reserve:

provided that this power shall not be exercised with respect to any reserve vested in an administering body except pursuant to a resolution of that body requesting the exchange.

- (2) No such resolution shall be passed before the expiration of 1 month after notice of intention to pass the resolution and calling for objections thereto in writing has been published in 1 or more newspapers circulating in the district of the administering body or, as the case may be, in the district or locality the inhabitants of which benefit from or enjoy the reserve, and until the administering body has considered all such objections received within that period. A copy of the resolution shall be forwarded to the Commissioner for transmission to the Minister, and shall be accompanied by all objections received as aforesaid and the comments of the local authority thereon:

provided that such a notice of intention shall not be necessary where, in order to enable the exchange to be made, a change has been made in an operative district plan under the Resource Management Act 1991.

- (3) The Minister in the name and on behalf of the Sovereign or the administering body, as the case may require, may do all things necessary to effect any exchange authorised as aforesaid, including the payment of or receipt of any money by way of equality of exchange.
- (4) Subject to sections 78, 82, 83, 84, 89, 90, 95, 105, and 110, any money payable by the Crown by way of equality of exchange shall be paid out of money appropriated by Parliament.
- (5) The land comprised in any reserve or part thereof given by way of exchange pursuant to this section shall upon the exchange being effected be no longer subject to any reservation theretofore affecting it.

- (6) The land acquired by the Crown or by the administering body, as the case may be, by way of that exchange shall be held as a reserve under this Act or as part of an existing reserve, as the case may be, subject to the same control and management and for the same objects and purposes as those for which the land given in exchange was held.
- (7) *[Repealed]*
- (8) Nothing in section 40 of the Public Works Act 1981 applies to the exchange of land under this section.

Compare: 1953 No 69 s 17; 1956 No 35 s 4

Section 15 heading: amended, on 19 April 2017, by section 186(1) of the Resource Legislation Amendment Act 2017 (2017 No 15).

Section 15(2) proviso: amended, on 19 April 2017, by section 186(2) of the Resource Legislation Amendment Act 2017 (2017 No 15).

Section 15(7): repealed, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

Section 15(8): inserted, on 25 November 1994, by section 2 of the Reserves Amendment Act 1994 (1994 No 110).

#### **15AA Administering body may authorise exchange of recreation reserve land for other land**

- (1) A person may apply to the administering body of a recreation reserve to exchange all or part of the land comprised in the reserve (the **recreation reserve land**) for other land to be held for the same purposes if—
- (a) the application is made jointly—
    - (i) with an application for a resource consent under section 88(1) and (1A) of the Resource Management Act 1991 (the **RMA**); or
    - (ii) with a request for a change to a district plan or a regional plan (including a regional coastal plan) under section 65(4) and (4A) or 73(2) and (2A) of the RMA; and
  - (b) the recreation reserve land is vested in the administering body for the reserve; and
  - (c) the administering body of the reserve is also the relevant local authority under the RMA.
- (2) If an application is made under subsection (1)(a)(i), subsection (4) applies if—
- (a) the application to exchange the recreation reserve land has been—
    - (i) processed in accordance with section 88(6)(a) of the RMA; and
    - (ii) publicly notified under section 95A of the RMA; and
  - (b) the resource consent—
    - (i) has been granted; but
    - (ii) is subject to the granting of the application to exchange the recreation reserve land; and

- (c) the time allowed under the RMA for appeals against the decision to grant the resource consent has expired and any appeals have been determined.
- (3) If an application is made under subsection (1)(a)(ii), subsection (4) applies if—
- (a) the application to exchange the recreation reserve land has been—
    - (i) processed in accordance with clause 21(5)(a) of Schedule 1 of the RMA; and
    - (ii) publicly notified under clause 26 of Schedule 1 of the RMA; and
  - (b) the plan change—
    - (i) has been approved by the local authority; but
    - (ii) is subject to the granting of the application to exchange the recreation reserve land; and
  - (c) the time allowed under the RMA for appeals against the decision to change the plan has expired and any appeals have been determined.
- (4) If this subsection applies, the administering body must—
- (a) make a decision on the application to exchange the recreation reserve land; and
  - (b) if it decides to grant the application, authorise the exchange of the recreation reserve land by notice in the *Gazette*; and
  - (c) advise the applicant of the decision.
- (5) The administering body must not grant the application unless—
- (a) it has had regard to any submissions that were made on the application during the public notification process under the RMA and that relate to the exchange; and
  - (b) it considers that the exchange would result in a net benefit for recreation opportunities for the community that uses, benefits from, or enjoys the reserve.
- (6) If the administering body authorises the exchange, section 15(3) to (8) applies as if the exchange were an exchange effected under section 15.

Section 15AA: inserted, on 19 April 2017, by section 187 of the Resource Legislation Amendment Act 2017 (2017 No 15).

## Part 2A

### Policy

Part 2A: inserted, on 10 April 1990, by section 94 of the Conservation Law Reform Act 1990 (1990 No 31).

#### 15A General policy

- (1) The Minister may approve statements of general policy for the implementation of this Act and for any reserve or reserves of any class or description; and may

from time to time amend any such statement in the light of changing circumstances or increased knowledge.

- (2) Nothing in any such general policy shall derogate from any provision in this Act or any other Act.
- (3) The administering body shall in the exercise of its functions comply with general policies under this section.
- (4) For the purposes of this section, sections 17B (except subsections (1) and (2)) and 17N (except subsection (2)) of the Conservation Act 1987 shall, with any necessary modifications, apply with respect to such general policies, subject to the following provisions:
  - (a) where the draft policy relates solely to the implementation of this Act in relation to reserves administered by bodies other than the Department, the Minister may approve the draft without consulting the Authority; and, in that case,—
    - (i) the Director-General shall send the draft and the summary prepared under section 17B(3)(i) of that Act directly to the Minister; and
    - (ii) paragraphs (j) to (l) of section 17B(3) of that Act shall not apply:
  - (b) no such general policy shall restrict or affect the exercise of any legal right or power by any person other than the Minister or the Director-General or an administering body.

Section 15A: inserted, on 10 April 1990, by section 94 of the Conservation Law Reform Act 1990 (1990 No 31).

### Part 3

## Classification and management of reserves

### *Classification and purpose of reserves*

#### **16 Classification of reserves**

- (1) To ensure the control, management, development, use, maintenance, and preservation of reserves for their appropriate purposes, the Minister shall, by notice in the *Gazette*, classify according to their principal or primary purpose, as defined in sections 17 to 23,—
  - (a) all reserves existing immediately before the commencement of this Act:
  - (b) all reserves created after the commencement of this Act,—