

From: [BDC Lgoima](#)
To: [REDACTED]
Subject: Official Information Request - Mokihinui Recreation Reserve Ref: OIA 015/25
Date: Wednesday, 12 February 2025 2:03:23 pm
Attachments: [4a-reserves-act-1977-instrument-of-delegation-for-territorial-authorities.pdf](#)

Dear [REDACTED]

We refer to your official information requested dated 4 February 2025 in relation to the Mokihinui Recreation Reserve.

Please find our answers in red below:

1/ I request the resource consent number for the installation of the Hot tub erected in the Recreational Reserve situated behind the garage along with the approval documents from the minister for the erection of the said Hot tub which would have to have been approved by the minister.

The installation of a hot tub on a recreational reserve does not require resource consent or ministerial approval under New Zealand regulations. According to the Reserves Act 1977 and the Resource Management Act 1991 (RMA), resource consent is typically required only for activities that significantly alter land use or have a substantial environmental impact.

In this case, the hot tub installation likely qualifies as a minor, non-permanent structure, not causing adverse environmental effects or conflicting with the recreational use of the land. Therefore, no ministerial approval is necessary unless otherwise stipulated in specific local bylaws or reserve management plans.

The installation of a hot tub on a recreational reserve does not require resource consent, ministerial approval, or building consent under New Zealand regulations. If a safety cover or lockable lid is installed and other criteria are fulfilled, it is exempt from a building consent.

2/ I further request the approval documentation from the minister that has given council the right to Turn the Mokihinui Recreational reserve into an entire camping ground.

My requests for this are that the concern it is raising in our community that the general public are being prohibited from using the Recreational Reserve for what it is intended for under the Recreational Reserves act

Thank you for raising your concerns regarding the Mokihinui Recreational Reserve

and its current use as a campground. I understand that questions about public access and adherence to the Recreational Reserves Act 1977 are important to the community.

Firstly, we would like to clarify that the entire reserve has not been turned into a campground. The community and public do have access to the reserve. To clarify, the Buller District Council became the administrator of the reserve through formal legal processes governed by New Zealand legislation, which allows councils to manage public lands, including reserves. Typically, this involves the Crown or the Department of Conservation (DOC) vesting authority in local councils for the administration, maintenance, and management of specific reserves.

Mokihinui Recreation Reserve is a recreation reserve subject to the Reserves Act 1977 (**Act**). Under section 17 of the Act, the Council must administer the recreation reserve so that the public have freedom of entry and access to the reserve. However, this freedom is not absolute. It is expressly subject to the following 3 exceptions that are set out in section 17(2)(a) of the Act:

- a. **The specific powers conferred on the Council as administering body of the reserve by sections 53 and 54 of the Act:** This includes the Council's power to set apart any part of a recreation reserve for a driveway (section 53(h)(i)), and for a camping ground (section 53(h)(ii)) and also the power to fix reasonable charges for the use of the camping ground (section 53(h)(ii)).
- b. **Any bylaws under the Act:** There are no bylaws made under the Act that are applicable to the Mokihinui recreation reserve.
- c. **Any conditions and restrictions that the Council considers necessary for the protection and well-being of the reserve, and the protection and control of the public using it:** This exception gives the Council the power to require one-way vehicular access over the driveway on the reserve, and to set a maximum speed limit for vehicles (currently 10 kph), if it considers that is necessary for the protection of the public using the reserve and the camping ground.

You have the right to seek an investigation and review by the Ombudsman of this decision. Information about how to make a complaint is available at www.ombudsman.parliament.nz or freephone 0800 802 602.

If you wish to discuss this decision with us, please feel free to contact the Buller District Council by return email to lgoima@bdc.govt.nz.

Please note that it is our policy to proactively release our responses to official information requests where possible. Our response to your request may be published at <https://bullerdc.govt.nz/district-council/your-council/request-for-official-information/responses-to-lgoima-requests/> with your personal information removed.

Kind Regards,

Krissy Trigg | Group Manager Community Services
DDI 037889679 | Mobile 0272133022 | Email krissy.trigg@bdc.govt.nz

Buller District Council | Phone 0800 807 239 | bullerdc.govt.nz
PO Box 21 | Westport 7866

Community Driven | One Team | Future Focused | Integrity | We Care

Email Disclaimer: This correspondence is for the named person's use only. It may contain confidential or legally privileged information or both. No confidentiality or privilege is waived or lost by any mistransmission. If you receive this correspondence in error, please immediately delete it from your system and notify the sender. You must not disclose, copy or relay any part of this correspondence if you are not the intended recipient. Any views expressed in this message are those of the individual sender, except where the sender expressly, and with authority, states them to be the views of Buller District Council.



BULLER
DISTRICT COUNCIL
Te Kaunihera O Kaitiaki

Grants closing dates

Community Grants	✓ Closes 22/02/2025
Rural Travel Fund	✓ Closes 22/02/2025
NZ Creative Communities	✓ Closes 10/03/2025



[Click here to learn more](#)

RESERVES ACT 1977

INSTRUMENT OF DELEGATION FOR TERRITORIAL AUTHORITIES

1. PURSUANT to section 10 of the Reserves Act 1977 I, NICK SMITH 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 10 March 2004, 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

SECTION	SUMMARY OF POWERS	O	LIMITATION OF POWERS
6(3)	Revoke a Gazette notice and issue a fresh notice or amend the original notice		Only applies to notices in the Gazette given by the territorial authority
14(4)	Gazette resolution to declare vested land to be reserve.		
	<u>Note:</u> it is, therefore, no longer necessary to consult the Commissioner in terms of sec 14(3) of the Act.		



SECTION SUMMARY OF POWERS

O

LIMITATION OF POWERS

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.

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.

15(3) To do all things necessary to effect any exchange authorised by the local authority under Section 15(1) of the Act, or by the Crown in the case of vested reserves derived from the Crown, including the payment or receipt of any money by way of equality of exchange in the case of non Crown derived reserves.

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]

16(4) To advertise the intention to classify a reserve in accordance with sec 16(1).

18(2)(e) Determine in which cases exceptions can
19(2)(a) be made to the preservation of flora and
19(3)(a) fauna and the natural environment.

24(1) Change the classification or purpose of a reserve by notice in the Gazette.

Does not apply to the revocation of reserves


24(2)(e) To consider all objections received to a proposed change of classification or purpose.

24(3) To form an opinion that the change of classification or purpose of a scenic, nature or scientific reserve is justified.



SECTION	SUMMARY OF POWERS	O	LIMITATION OF POWERS
24(5)	To form an opinion that the change in the classification of a historic reserve is justified.		
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. [Note this is intended to allow Territorial Authorities to decide how and for what purpose the land may be disposed of].		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).
41(1)	To approve reserve management plans.		
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.		
44(1)	To consent to the use of a reserve for temporary or permanent personal accommodation.		
44(2)	To consent to any vehicle caravan, tent or removable structure remaining on a reserve during the period 1 November to 31 March.		
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.		



SECTION	SUMMARY OF POWERS	O	LIMITATION OF POWERS
48(1)	<p>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).</p> <p>Impose such conditions as it thinks fit in giving the consent.</p>		
48A(1)	<p>Consent or refuse consent to administering body granting a licence over a vested reserve to any person or department of State -</p> <p>(a) To erect, maintain and use buildings, dwellings, masts and other structures, and plant and machinery; and</p> <p>(b) To construct, maintain, and use tracks and engage in other works</p> <p>- for any of the purposes specified in section 48A(1).</p>		
48A(3)	Approve terms and conditions determined by the administering body.		
49	<p>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.</p> <p>Form opinion as to whether qualified person has the necessary credentials.</p> <p>Impose conditions on the grant in writing.</p>		With regard to fauna, the delegation is for exotic fauna which are not protected under the Wildlife Act 1953.
50(1)	<p>Authorise or decline to authorise any person to take and kill any specified kind of fauna that may be found in any scenic, historic, nature or scientific reserve.</p> <p>Authorise or decline to authorise the use of firearms, traps, nets or other like objects within reserve for the foregoing purposes.</p>		<p>The delegation is for non-protected exotic fauna only.</p> 

SECTION SUMMARY OF POWERS

O

LIMITATION OF POWERS

- | | | |
|-----------|--|--|
| 51(1) | <p>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).</p> <p>Impose conditions on the giving of the authorisation.</p> | |
| 52(1) | <p>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.</p> | <p>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.</p> |
| 53 (1)(d) | <p>To consent to an increase in the number days the public shall not be entitled to have admission to a reserve.</p> | |
| 53 (1)(e) | <p>To approve the fixing of charges generally or with respect to any specified occasion or event.</p> | |
| 54(1) | <p>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).</p> | |



SECTION	SUMMARY OF POWERS	○	LIMITATION OF POWERS
---------	-------------------	---	----------------------

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.

55(2)(a) (d),
(e) (f) and
(g)

In the case of a scenic reserve to give or decline to give consent to :-

- the enclosure and grassing or grazing of open parts of the reserve;
- the setting apart of areas for other purposes;
- the erection of buildings and other structures and amenities;
- such things considered necessary for the public to obtain the benefit of the reserve;
- the setting apart of sites for residences and other buildings and structures necessary for the management of the reserve.

Must be satisfied that the facilities, amenities, buildings or structures are necessary and cannot readily be provided outside or in close proximity to the reserve.



SECTION	SUMMARY OF POWERS	O	LIMITATION OF POWERS
56(1)	<p>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).</p> <p>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.</p>		
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.		
58(b)	Set apart and use part of a reserve as a site for residences and other buildings.		
58A(1)	<p>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.</p> <p>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.</p>		



SECTION	SUMMARY OF POWERS	O	LIMITATION OF POWERS
---------	-------------------	---	----------------------

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.

67(1)(b) Consent or decline consent to lease of recreation reserve set apart for race course purposes, to a racing club.


72(1) To enter into and agree the terms of a lease or other agreement for the farming of a recreation or local purpose reserve.

Note sec 72(3) applies.

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).



SECTION	SUMMARY OF POWERS	O	LIMITATION OF POWERS
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).		
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).		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.		
73(6)	Consent or decline consent to surrender of lease.		Only exercisable where the original approval for the lease was given by the territorial authority under this delegation.
74(1)(b)(ii) (proviso)	Consent or decline consent to granting of a licence to occupy a historic, scenic or scientific reserve.		

SECTION	SUMMARY OF POWERS	O	LIMITATION OF POWERS
75(1) and (2)	Consent or decline to consent to the afforestation of a recreation or local purpose reserve.		
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.		Only exercisable in respect of matters delegated under this Instrument of Delegation.

SIGNED at Wellington this

12th day of Jul . 2013

by NICK SMITH
Minister of Conservation

