

Hon Tama Potaka

Minister of Conservation
Minister for Māori Crown Relations: Te Arawhiti
Minister for Māori Development
Minister for Whānau Ora
Associate Minister of Housing (Social Housing)



Ref: OIAM-240

The President
Ohakune Ratepayers and Residents' Society Inc
fyi-request-29394-9d03f85a@requests.fyi.org.nz

Tēnā koe Mr Murphy

Thank you for your email of 30 November 2024 which included an Official Information Act (OIA) request. You provided the following context:

'We are forwarding this OIA Request to you as Minister of Conservation as it involves, in our view, the Ruapehu District Council (RDC) apparent disregard for compliance with the provisions of the Reserves Act, being:

A. Not having a Reserves Management Plan for the (gazetted) Ohakune Domain, aka Carrot Park, Rockfort Park Reserve.

B. During around 2017/18 carrying out the following physical works, within the aforesaid Reserve, without the proper legislative consents, including it would appear from yourself and/or another Minister.

- i) Constructing a public road formation.*
- ii) Constructing a carpark,*
- iii) Constructing a Toilet Block.'*

You then requested the following:

'Our OIA Request is;

1. Please provide a copy of all communications, file notes etc between RDC and yourself and any other Minister in relation to i-iii above.

2. As Minister:

a) Does it concern you that RDC is/has ignored the statutory provisions of the Reserves Act for the above 3 items

b) What steps are you to take to ensure RDC comply with the provisions of the Act (and other Acts if applicable) for the above 3 items.'

In light of the context of your request, some general explanation about the Reserves Act 1977 (the Act), the powers of an administering body and the Minister's consent role may be helpful before addressing your OIA request.

The Act categorises reserves into several different classifications and identifies an appropriate purpose for each¹. The Act then provides for the:

- management and control of reserves by an administering body;
- powers of both the administering body and the Minister²;
- particular activities that can be undertaken or approved on particular classifications of reserve by the administering body³;
- which of those powers require the prior consent of the Minister (or their delegate⁴).

The Act identifies some activities that can be undertaken/authorised by the administering bodies on recreation reserves without Ministerial consent⁵. For example planting grass, regulating public activities. In addition, where the administering body is a local authority it only requires the Minister's consent for two provisions relating to public admission charges⁶.

Turning to the situation of the Ohakune Recreation Reserve (the Reserve) it is:

- a recreation reserve;
- controlled and managed by the Ruapehu District Council (RDC) - a local authority - the administering body.

The Act provides the RDC with the power to set apart parts of the Ohakune recreation reserve and to construct footpaths, driveways, public facilities (e.g. toilets), and car parks⁷. In addition, as a local authority the RDC is exempt from the requirement to obtain the Minister's consent for such developments.

Your questions and my responses are listed below:

1. *Please provide a copy of all communications, file notes etc between RDC and yourself and any other Minister in relation to i-iii above.*

My office does not hold any correspondence regarding the 2017/2018 developments of the Reserve. As such this aspect of your request is refused in

¹ Sections 16 to 23 Reserves Act - [Reserves Act 1977 No 66 \(as at 23 December 2023\), Public Act Contents – New Zealand Legislation](#).

² Sections 26 to 75 Reserves Act.

³ Sections 53 and 54 for a recreation reserve.

⁴ A delegation is a statutory power given to Departmental staff by the Minister to exercise certain functions and powers.

⁵ Sections 53(1)(a)-(c), (l), (m)-(o).

⁶ Section 53(2).

⁷ Section 53(1)(h).

full under section 18(e) of the Act as the information requested does not exist and cannot be found despite a reasonable search.

This is representative of the RDC not requiring the Minister's consent under section 53(1)(h) of the Act – as such RDC would not have needed to have applied for such consent.

2. Does it concern you that RDC is/has ignored the statutory provisions of the Reserves Act for the above 3 items

As noted above the Act does not require the RDC to obtain Minister's consent for the construction of driveways, car parks, toilets or other public facilities on a reserve. Accordingly, as the RDC does not need the Minister's consent it did not 'ignore the statutory provisions of the Reserves Act' by not obtaining it.

3. What steps are you to take to ensure RDC comply with the provisions of the Act (and other Acts if applicable) for the above 3 items.

As noted above, the RDC is empowered to undertake developments under section 53(1)(h) of the Act without Ministerial consent. To ensure RDC is kept abreast of your concerns a copy of this response will be provided for their reference.

You are entitled to seek an investigation and review of my decision by writing to an Ombudsman as provided by section 28(3) of the Official Information Act.

Mauriora



Hon Tama Potaka
Minister of Conservation