

5. DELEGATIONS : RESERVES ACT 1977

Officer responsible Parks and Waterways Manager	Author David Rolls, DDI 941-8892
---	--

The purpose of this report is to recommend that the Council delegate to the Greenspace Manager several of its powers under the Reserves Act 1977.

The Council is the administering body of a considerable number of reserves which are subject to the Reserves Act 1977. These include recreation reserves, scenic reserves and local purpose reserves. It has recently become apparent that there is currently no delegated authority from Council in respect of several of its routine administrative functions under that Act. These are the power to appoint rangers under Section 8(9) of the Act and the power to institute prosecutions for offences against that Act or any regulations or bylaws under it.

Section 8(9) of the Act provides that the administering body of any reserve may appoint persons as rangers. The Act confers upon rangers a number of enforcement powers. Persons appointed as rangers under that Act are also deemed to be appointed as litter control officers under the Litter Act 1979 and rangers for the purposes of the Walkways Act 1990.

From time to time Council staff find persons committing offences on reserves. For example, in the past several persons have been found cutting tracks through vegetation on recreation reserves on the Port Hills for the use of mountain bikes. Section 101 of the Act authorises the Council's Chief Executive, or any other person appointed by the Council, to lay any information in respect of offences against that Act or any regulations or bylaws under it, in relation to any reserve of which the Council is the administering body.

It is desirable, in the interests of administrative efficiency, that the Council delegate both the above-mentioned powers to the Greenspace Manager.

The delegations sought from Council concern matters of a minor administrative nature only. It is suggested that their significance is not such as to warrant any specific steps being taken in terms of the decision making requirements of Sections 77 and 78 of the Local Government Act 2002.

Staff

- Recommendation:**
1. That pursuant to Clause 32 of Schedule 7 to the Local Government Act 2002 the Council delegate to the Greenspace Manager the power, pursuant to Section 8(9) of the Reserves Act 1977, to appoint rangers in respect of any reserve for which the Council is the administering body.
 2. That pursuant to Section 101(1)(b) of the Reserves Act 1977, the Council appoint the Greenspace Manager to lay any information in respect of any offence under that Act or any regulations or bylaws under that Act committed in respect of any reserve for which the Council is the administering body.

Chairman's

Recommendation: That the above recommendation be adopted.