



## Resource Management



RELATED LEGISLATION  
ENVIRONMENT, CONSERVATION AND CLIMATE  
RESERVES ACT 1977  
PART 3—CLASSIFICATION AND MANAGEMENT OF RESERVES  
Functions of administering body  
41. Management plans

### 41. Management plans

[CONTENTS](#)[CASE LAW](#)

- (1) The administering body shall, within 5 years after the date of its appointment or within 5 years after the commencement of this Act, whichever is the later, prepare and submit to the Minister for his approval a management plan for the reserve under its control, management, or administration.
- (2) The Minister may extend the time within which an administering body is required to submit its management plan to him for approval, where he is satisfied with the progress the administering body has made with the preparation of its management plan.
- (3) The management plan shall provide for and ensure the use, enjoyment, maintenance, protection, and preservation, as the case may require, and, to the extent that the administering body's resources permit, the development, as appropriate, of the reserve for the purposes for which it is classified, and shall incorporate and ensure compliance with the principles set out in section 17, section 18, section 19, section 20, section 21, section 22, or section 23, as the case may be, of this Act for a reserve of that classification.
- (4) The administering body of any reserve shall keep its management plan under continuous review, so that, subject to subsection (3) of this section, the plan is adapted to changing circumstances or in accordance with increased knowledge; and the Minister may from time to time require the administering body to review its management plan, whether or not the plan requires the approval of the Minister under this section.
- (5) Before preparing a management plan for any one or more reserves under its control, the administering body shall—
- Give public notice of its intention to do so; and
  - In that notice, invite persons and organisations interested to send to the administering body at its office written suggestions on the proposed plan within a time specified in the notice; and
  - In preparing that management plan, give full consideration to any such comments received.
- [(5A) Nothing in subsection (5) of this section shall apply in any case where the administering body has, by resolution, determined that written suggestions on the proposed plan would not materially assist in its preparation.]
- (6) Every management plan shall be prepared by the administering body in draft form in the first place, and the administering body shall—
- Give public notice complying with section 119 of this Act stating that the draft plan is

available for inspection at a place and at times specified in the notice, and calling upon persons or organisations interested to lodge with the administering body written objections to or suggestions on the draft plan before a specified date, being not less than 2 months after the date of publication of the notice; and

[(aa) On giving notice in accordance with paragraph (a) of this subsection, send a copy of the draft plan to the Commissioner; and]

(b) Give notice in writing, as far as practicable, to all persons and organisations who or which made suggestions to the administering body under subsection (5) of this section stating that the draft plan has been prepared and is available for inspection at the place and during the times specified in the notice, and requiring any such person or organisation who or which desires to object to or comment on the draft plan to lodge with the administering body a written objection or written comments before a specified date, being not less than 2 months after the date of giving of the notice; and

(c) Make the draft management plan available for inspection, free of charge, to all interested persons during ordinary office hours at the office of the administering body; and

(d) Before approving the management plan, or, as the case may require, recommending the management plan to the Minister for his approval, give every person or organisation who or which, in lodging any objection or making any comments under paragraph (a) or paragraph (b) of this subsection, asked to be heard in support of his or its objection or comments, a reasonable opportunity of appearing before the administering body or a committee thereof or a person nominated by the administering body in support of his or its objection or comments; and

(e) Where the management plan requires the approval of the Minister, attach to the plan submitted to him for approval a summary of the objections and comments received and a statement as to the extent to which they have been allowed or accepted or disallowed or not accepted.

(7) Where under subsection (4) of this section the Minister requires an administering body to review its management plan, he may direct that the administering body follow the procedure specified in subsections (5) and (6) of this section, and the administering body shall follow that procedure accordingly as if the review were the preparation of a management plan.

(8) Where in terms of its responsibilities under this Act the administering body of any reserve resolves to undertake a comprehensive review of its management plan, the administering body shall follow the procedure specified in subsections (5) and (6) of this section as if the review were the preparation of a management plan.

(9) Where under subsection (4) of this section the administering body considers any change not involving a comprehensive review to its management plan is required, it may, if it thinks fit, follow the procedure specified in subsections (5) and (6) of this section.

(10) The administering body or committee or person before which or whom any person appears at any hearing in support of any objection or comments shall determine its or his own procedure at the hearing.

(11) The administering body shall in the exercise of its functions comply with the management plan for the reserve and any amendment thereof, being, in the case of a plan or an amendment that requires the approval of the Minister, a plan or an amendment so approved.

(12) No approval by the Minister for the purposes of this section shall operate as an approval or a consent for any other purpose of this Act.

(13) Where a recreation reserve is vested in a local authority or a local authority is appointed to

control and manage a recreation reserve, the local authority shall not be required to submit its management plan to the Minister for approval, unless the terms of vesting or of appointment to control and manage the reserve so require:

Provided that the local authority shall make its management plan available for inspection by or on behalf of the Minister whenever so required.

(14) The Minister may, by notice to them, require the administering bodies of reserves in any locality to consult with each other in the preparation of their management plans so that the management plans are integrated for the benefit of the locality.

(15) Where under this Act the approval or consent of the Minister is required to any action by an administering body, the Minister may, at his discretion, refuse to grant his approval or consent unless and until the administering body has submitted its management plan for approval (whether or not the plan otherwise requires the approval of the Minister under this section) and the plan has been approved by him.

[(16) This section shall not apply in respect of any Government purpose reserve or local purpose reserve unless the reserve is vested in an administering body or an administering body is appointed to control and manage the reserve, and the Minister in the notice of vesting or notice to control and manage directs that this section is to apply in respect of the reserve.]

**RA41.01 History**

Subsection (5A) was inserted, as from 1 January 1980, by s 13 Reserves Amendment Act 1979 (1979 No 63).

Subsection (6)(aa) was inserted, as from 1 January 1980, by s 14 Reserves Amendment Act 1979 (1979 No 63).

Subsection (16) was substituted, as from 27 December 1983, by s 4(1) Reserves Amendment Act 1983 (1983 No 43).