



CROMWELL RACECOURSE RESERVE

MANAGEMENT PLAN

Adopted 10 April 2000

CROMWELL RACECOURSE RESERVE

MANAGEMENT PLAN

PART 1: INTRODUCTION

1.1 GENERAL

The Cromwell Racecourse Reserve is a major equestrian oriented recreation reserve located on Ripponvale Road, near Cromwell, providing the Cromwell community with a venue for equestrian related recreational activities including horse racing. The Council is the administering authority for the reserve in terms of section 40 of the Reserves Act 1977. The reserve was vested in the Council (the former Cromwell Borough Council) by notice in the New Zealand gazette in 1941 (page 2690), and the Council is able to issue leases in accordance with the proposed Management Plan without further reference to the Minister of Conservation.

1.2 PURPOSE OF MANAGEMENT PLAN

This Cromwell Racecourse Reserve Management Plan is the Management Plan for the reserve prepared in terms of section 41 of the Reserves Act 1977. The extent of the reserve is identified in **Appendix 3**.

The Plan will provides the Council with a framework for decision making with respect to the use of land and facilities on the reserve in accordance with section 17 of the Reserves Act 1977 which recognises that Recreation Reserves are held "...for the purpose of providing areas for the recreation and sporting activities and the physical welfare and enjoyment of the public..."

In terms of the Act the reserve is a "recreation reserve set apart for racecourse purposes" and the Act contains special provisions in sections 65 to 70 for recreation reserves set apart for racecourse purposes.

1.3 PUBLIC INPUT

Public input is essential to the preparation of the plan. The various steps required are set out in the Reserves Act 1977:

Sec 41 (5) - Publicly notify the intention to prepare a draft management plan, invite persons and organisations interested to submit written suggestions on what might be included in the plan and consider those suggestions when preparing the draft plan.

Sec 41 (6) - Prepare a draft management plan and give public notice that it is available for inspection, allowing at least two months for interested persons or organisations to lodge written submissions to or objections against the draft plan, ensuring that those who made initial suggestions are advised of the draft plan and invited to make submissions or objections on it.

Hear any submissions or objections and amend the draft plan as thought necessary before adopting the plan.

1.4 APPROVAL OF PLAN

The public was invited to make submissions or put forward suggestions as to the future use of the reserve as a preliminary step in accordance with section 41(5) of the Act.

No submissions were received by the closing date of 7 January 2000.

The preliminary draft plan was prepared by Council staff. A copy was provided to the Central Lakes Equestrian Club Incorporated.

The draft plan was adopted by the Cromwell Community Board on Monday 31 January 2000 and following the 2 month consultation period, the final plan was adopted on 10 April 2000.

PART 2: DESCRIPTION AND BACKGROUND INFORMATION

2.1 LOCATION

The Cromwell Racecourse Reserve is located at the corner of State Highway 6 and Ripponvale Road, Cromwell.

2.2 LEGAL DESCRIPTION AND AREA

Part Section 17 Block III Cromwell District. Comprising 93.4885 hectares being part of Certificate of Title 8A/644.

Note: The extent of the reserve may change in future as the Community Board has resolved to ask the Council to adjust the boundary between the Racecourse Reserve and the adjacent aerodrome reserve to better provide for the erection of present and future facilities related to the use of the aerodrome.

2.3 HISTORY

Under the Public Reserves Act 1854, the Crown granted the land (including the land now reserved for aerodrome purposes) to the Superintendent of Otago in trust as a racecourse for the inhabitants of Cromwell.

In 1876, the Cromwell Racecourse Reserve Act was enacted. This Act provided for the establishment of a Board of Trustees and the vesting of the land in the Trustees for the purposes of a public racecourse and for other purposes. That Act set strict requirements for the administration of the reserve. A copy of the Act is attached as **Appendix 1**.

In 1941, the original vesting was revoked and the reserve was vested in the Cromwell Borough Council "in trust for a racecourse, or for any other purpose in connection therewith *subject to the provisions of the Cromwell Racecourse Reserve Act 1876*."

The land has been used for racing purposes since 1862. While there were some early race meetings held by local clubs, the history of the reserve is closely linked to the history of the Cromwell Jockey Club which operated between 1867 and 1999.

The 1876 Act has not been repealed. The land is also subject to the provisions of the Reserves Act 1977.

Between 1953 and 1974, part of the land was used as an aerodrome and in 1974 that land (now described as Section 91) it was reclassified as a reserve for aerodrome purposes pursuant to section 4 of the Reserves and Other Lands Disposal Act 1974.

G FACILITIES AND USES

2.4.1 General

The Cromwell Racecourse Reserve has been used primarily for racecourse and related purposes since 1862. It has also been used for gymkhanas, pony club events, open air concerts, fireworks displays and other recreational activities.

There are a number of improvements on the reserve including the racetrack and associated buildings, stables, an office and toilets.

2.4.2 Race Track

There is a well developed and well maintained track which is in excellent condition and with its extension can cater for longer races.

2.4.3 Water Supply

The reserve has an entitlement to irrigation water from the Ripponvale Irrigation Company and is connected to the Cromwell town Water Supply.

2.4.4 Improvements

All improvements on the reserve are the property of the District Council with the possible exception of part of the licensed booth building, of which ownership by others has yet to be proven. In the event that ownership by others is proven, the Council will at a later time consider the future disposition of that structure.

PART 3: RESERVES ACT 1977

3.1 GENERAL

The Reserves Act 1977 makes provision for the acquisition, control, management, maintenance, preservation, development and use of public reserves as defined in that legislation. This includes the Cromwell Racecourse Reserve.

The Act provides for the Administering Body, being the Central Otago District Council, to prepare a Management Plan under section 41 for the Cromwell Racecourse Reserve. The Council has delegated the responsibility for administering and managing the reserve to the Cromwell Community Board.

3.2 PRELIMINARY SUBMISSIONS

At its meeting on 29 November 1999, the Cromwell Community Board received advice of the formation of the Central Lakes Equestrian Club Incorporated which proposes to seek a lease over the reserve so that it can manage the reserve and encourage the continuation of race meetings in Cromwell.

A notice was published in the Central Otago News on 7 December 1999 inviting suggestions as to how the reserve might be developed and managed. No submissions were received.

The Council adopted a draft management plan for the reserve to give the public in general an opportunity to have its say on the future use and management of the reserve.

Only one submission was received. This related to possible ownership by others of part of the licensed booth building. The draft plan (Section G: Facilities and Uses, 2.4.4 "Improvements") was amended in response to that submission.

The Council amended its draft plan 6.2 USE OF FACILITIES Policy 14 to provide for overnight camping on the reserve by large groups for special events such as a Faith Festival or a Jamboree. The plan as amended was adopted on 10 April 2000.

3.3 RECREATION RESERVES

The Cromwell Racecourse Reserve is classified as a recreation reserve set apart for racing purposes pursuant to the Reserves Act 1977 . Section 16(8) of the Act requires that when classified under that section, each reserve shall be held and administered for the purposes for which it was classified and for no other purpose.

Sections 65 to 70 of that Act provide specifically for Recreation Reserves Set Apart for racecourse purposes. Sections 17, 40, 41, 53, 54 and 65-70 are attached as **Appendix 2**.

3.3.1 Purpose of Recreation Reserves

Section 17(1) of the Act states that Recreation reserves are for the purposes of

"..providing areas for recreation and sporting activities, and the physical welfare and enjoyment of the public, and for the protection of the natural environment and the beauty of the country side, with emphasis on the retention of open spaces and outdoor recreation activities, including recreational tracks in the countryside,"

3.3.2 Administration of Recreation Reserves

Section 17(2) requires that every Recreation Reserve shall be so administered that:

"The public shall have freedom of entry and access to the reserve, subject to the specific powers conferred on the administering body by sections 53 and 54 of the Act [which provide powers of leasing and other miscellaneous powers to restrict access] and to such conditions and restrictions as the administering body considers to be necessary for the protection and general well being of the reserve and for the protection and control of the public using it."

The administering body is also required to manage any special features of the reserve (such as flora or fauna or geological, scenic or historic values), to protect those qualities of the reserve that contribute to its natural environment, and to endeavour to maintain its soil, water and forest conservation values.

3.4 ADMINISTERING BODY, MANAGEMENT PLAN, POWERS AND BYLAWS

3.4.1 Functions of Administering Body

Section 40 of the Act charges the Administering body (the Council) with the duty of administering, managing and controlling the reserve in accordance with the appropriate provisions of the Act, so as to ensure the use, enjoyment, development, maintenance, protection and preservation of the reserve for the purposes for which it has been classified.

3.4.2 Reserve Management Plan

Section 41 of the Act **requires** the preparation of a Management Plan. The Management Plan is also required to provide for 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 has been classified.

The Administering Body is required to keep this Management Plan under continuous review so that the Plan is adapted to change in circumstances or in accordance with increased knowledge.

The procedure for preparing the management Plan is detailed in Section 41(6) of the Act.

3.4.3 Powers of Administering Body

(a) General

Section 53 of the Act provides for the administering body to exercise a wide range of miscellaneous powers in the exercise of its functions under section 40 and to give effect to the principles set out in section 17 which relate to recreation reserves.

Section 65 to 70 provide specifically for racecourse reserves, providing for the making of bylaws to regulate use and control of the reserve, regulating charges for admission and for use of parts of the reserve, regulating the use of the reserve for race meetings, specifying lease conditions and the application of revenue earned by the administering body.

These powers include the enclosure of all or part of the reserve, prohibition of public access from time to time, prescription and regulation of recreational uses, limited admission by payment, grants of exclusive use for limited periods, the erection of buildings and structures, allocation of land for specific purposes, regulation of any trade or business activity and such other things desirable or necessary for the proper management of the reserve.

(b) Leasing Powers

Section 54 provides for the administering body to issue leases for recreation purposes subject to certain conditions

Basic provisions relating to leases of recreational reserves are set out in the First Schedule to the Act.

Section 67 also relates to leasing powers in respect of racecourse reserves.

The administering body is able to issue a lease without reference to the Minister if :

- (a) the reserve is vested in the administering authority
- (b) an operative management plan anticipates a lease

If these conditions are not met, the consent of the Minister is required.

In all cases, the administering body is required to publicly notify its intention to issue a lease over all or part of a recreation reserve and to consider any objections to the proposal.

(c) Bylaws

Section 106(2) empowers the administering authority to make bylaws with respect to a reserve under its control. The Central Otago District Council also has the power to make bylaws in terms of the Local Government Act 1974 and other legislation.

The Council has adopted NZS9201:Chapter 17 1972 which comprises a general bylaw relating to parks and reserves.

Section 65 provides for the making of bylaws in respect of racecourse reserves. The Council has not yet made any bylaws specific to the Cromwell Racecourse Reserve but reserves the right to do so at any time.

PART 4 - DISTRICT PLAN AND ANNUAL PLAN

4.1 PROPOSED CENTRAL OTAGO DISTRICT PLAN

In the Proposed District Plan the reserve is provided for as designated Area 81 "Recreation Purposes - Cromwell Racecourse"

The land has an underlying use of RU (Rural Resource Area) .

4.2 CENTRAL OTAGO DISTRICT COUNCIL ANNUAL PLAN AND REPORT

Each year the Council is required to prepare an Annual Plan which provides information about the services the Council intends to provide and how they will be funded, and at the end of the financial year it produces a report on its own performance.

The Annual Plan provides details of proposed income and expenditure on particular reserves or groups of reserves and of any proposed significant activities in relation to its reserves.

PART 5 - MANAGEMENT PLAN GOALS AND OBJECTIVES

5.1 - GOAL

To administer manage and control the Cromwell Racecourse Reserve in accordance with the provisions of the Cromwell Racecourse Reserve Act 1876 and the Reserves Act 1977 so as to ensure the use, enjoyment, development, maintenance and protection of the reserve as a racecourse for the public of the Cromwell Ward and of the wider Central Otago community.

5.2 - OBJECTIVES

1. To preserve in perpetuity the Cromwell racecourse Reserve as a recreation area for racecourse purposes (and for any other purpose in connection with equestrian and other recreational activities) for the enjoyment of the general public.
2. To encourage and facilitate the use of the reserve for recreation and sporting purposes (particularly horse racing) and for the welfare and enjoyment of the public.
3. To allocate land within the reserve for the purposes of public sporting and recreational activities with a particular but not exclusive emphasis on horse racing and other equestrian based recreation having due regard to the public's right of freedom of entry and access to the reserve.
4. To provide for the continued maintenance of the reserve and, as resources permit, for an improvement to the level of services currently provided.

5. To lease the entire reserve to the Central Lakes Equestrian Club Incorporated with provisions providing for the lessee to develop and maintain the reserve as a racecourse and as a major equestrian oriented facility for the use and enjoyment of their members and of the public in general.
6. To adjust the boundary between the Racecourse Reserve and the Aerodrome Reserve to better provide for activities on the aerodrome reserve.

PART 6 - POLICIES FOR THE MANAGEMENT OF THE CROMWELL RACECOURSE RESERVE

6.1 ADMINISTRATION

The Council is the administering authority for the reserve as successor to the Cromwell Borough Council (1989 Local Government Reorganisation Order). The reserve is vested in the Council for use as a recreation reserve (racecourse).

The Central Otago District Council is therefore responsible for the management of the reserve in accordance with the provisions of the Cromwell Racecourse Reserve Act 1876 and the Reserves Act 1977. In terms of the Local Government Act 1974, the Council also has responsibilities to ensure that the income and expenditure in relation to the reserve is properly accounted for and that the publicly owned assets on the reserve are accounted for, valued and depreciated in accordance with generally accepted accounting practices.

Under present Council policy, the Council has delegated responsibility for the day to day management of the reserve to the Cromwell Community Board.

The delegations provide a number of powers and responsibilities for managing the reserve but specifically **exclude** (among other things) the power to

borrow money

enter into a contract

initiate an action for the recovery of any amount in excess of \$5,000

acquire, hold or dispose of property (including leasing)

appoint, suspend remove staff

The lease to be issued will be between the District Council and the lessee.

Policy 1

The Council will issue a lease to the Central Lakes Equestrian Club Incorporated. The lease will provide for the management of the reserve in accordance with the requirements of the Cromwell Racecourse Reserve Act 1876, the Reserves Act 1977 and the provisions of this Management Plan.

Explanation

The proposed lease will require the Equestrian Club Incorporated to effectively manage the reserve primarily as a racecourse in the interests of its incorporated members and of the public in general. .

As lessee, the Club will be subject to:

- 1. Rules of the Incorporated Societies Act*
- 2. Provisions of the lease which will specify what may and may not be done on the reserve recognising the goals, objectives and policies contained within this plan.*
- 3. Provisions of the Cromwell racecourse Reserve Act 1876 and of the Reserves Act 1977*
- 4. Such other controls or requirements that the Council, as owner and administering authority, might choose to impose.*

Policy 2

The Cromwell Racecourse Reserve will be managed, administered and controlled in accordance with the provisions of this Management Plan, the Cromwell Racecourse Reserve Act 1876, the Reserves Act 1977 and the Council's General Bylaw relating to Parks and Reserves.

Explanation

The provisions of this Management Plan have evolved through a process of public consultation and public legislation and will form the basis for future decision making with respect to the reserve.

Policy 3

To implement the development proposals contained in this plan at the rate that the resources of the administering body or the lessee and the groups seeking specific improvements permit, and to recognise that the satisfactory maintenance or replacement of existing facilities will have priority over the development of new facilities.

Explanation

The satisfactory maintenance of the reserve as an area for outdoor physical recreation (particularly horse racing) for the enjoyment of the residents of the Cromwell Ward in particular and of the whole Central Otago community in general is required to meet the terms of the vesting as a recreation reserve set apart for racecourse purposes. The reserve has been developed by the Council and the former Cromwell Jockey Club as a racecourse and the facilities on the reserve generally relate to equestrian activities. The improvement of existing facilities and the creation of new facilities are envisaged to provide for additional equestrian activities.

There are already a number of building improvements on the land which will require ongoing repairs and maintenance. Some buildings may need to be demolished. The development of new buildings or the extension of existing buildings should not be at the expense of maintenance of existing facilities to be retained.

Policy 4

To delegate to the Chief Executive Officer the day to day responsibility for the administration, management and control of the Cromwell Racecourse Reserve in terms of the Management Plan and relevant bylaws.

Explanation

Day to day implementation of Council policy is the responsibility of the Chief Executive and his staff.

Policy 5

To require the lessee, to report annually on plans and performance with respect to the reserve. The lessee's role will be similar to that of a recreation reserve committee but with greater autonomy to act within the parameters set by the Council.

Explanation

The Council has the authority to issue leases over recreation reserves for the purposes of the Reserves Act 1977. The leases will permit the lessees to manage the reserve more autonomously (ie, as a body separate from the Council) but still subject to the rules of their Society, the provisions of the lease and in accordance with the requirements of the Cromwell racecourse Reserve Act 1876, Reserves Act 1977 and the Management Plan..

The Council does not have the physical or financial resources for "hands on" management of this reserve but can exercise control through the provisions of the lease and the requirement to report annually on plans and performance. The annual reports will assist with the period review of the plan.

Policy 6

To adjust the boundary between the Racecourse Reserve and the adjacent Aerodrome Reserve.

Explanation

The extent of the Cromwell Aerodrome Reserve requires to be increased (not significantly) to better provide for current and proposed future aircraft related uses. The proposed boundary adjustment has been recommended by the Cromwell Community Board (resolution 99.9.9) but will require Council approval and the approval of the Minister of Conservation.

Policy 7

To reserve to the Council (with the consent of the Minister) the right to grant easements over the land, whether it is subject to a lease or not.

Explanation

The Council has already approved the granting of an easement (not yet registered) over part of the land for an electricity supply to a neighbouring property. Other similar consents could well be considered in the future. While the Council would consult with the lessee before considering any such request, it wishes to reserve the right to grant such easements if it considers it appropriate.

Policy 8

To review this Management Plan at intervals of five years or less to ensure that the general public and user groups have the opportunity to express their views on the management of the reserve on a regular basis.

Explanation

The administering body is required to keep the plan under continuous review by section 41(4) of the Reserves Act 1977.

6.2 USE OF FACILITIES

Policy 1

To respect the rights of recreational groups that currently use the grounds and facilities at the Cromwell Racecourse Reserve.

Explanation

The reserve is currently used primarily for horse racing, pony club events and other equestrian related activities. The Council and the former Cromwell Jockey Club have established a range of facilities on the reserve including the track, toilets, water supplies, fencing and various buildings.

The leases will provide for the exclusive or general use of particular current or future facilities.

Policy 2

To improve access for people with disabilities.

Explanation

This policy recognises that that people with physical disabilities should be able to access and enjoy the facilities on the reserve. As funds permit, facilities, including the toilet block, will be modified to better cater for the needs of people with disabilities.

Policy 3

To provide an equestrian training centre within the reserve.

Explanation

It is anticipated that the facilities currently on site and further facilities to be constructed can be made available to member groups such as the Central Otago Riding for the Disabled, to local equestrian groups, to schools and to professional instructors for the purposes of instruction.

Policy 4

To permit the hiring of facilities to recreational users and commercial operators.

Explanation

The Council recognises that hiring out of facilities will be necessary to provide for the recovery of some of the cost of construction and operation.

Policy 5

To permit farming of the reserve including grazing of sheep and making of hay.

Explanation

The Cromwell Racecourse Reserve has for many years been "farmed" and the income used to meet some of the cost of development and maintenance of the reserve. This practice is expected to continue into the future. The lessee may enter into an agreement with another party for the farming operation, subject always to the lessor's prior approval.

Policy 6

To permit the occasional temporary installation of electric fencing to contain sheep grazing the reserve.

Explanation

The installation of permanent fencing to contain grazing sheep could interfere with the use of the reserve for recreational activities.

Policy 7

To maintain existing water rights and water supply services on the reserve and to protect any existing water courses within the reserve.

Explanation

The Council has an entitlement to irrigation water from the Ripponvale Irrigation Society Inc. and is connected to the Cromwell Town Water supply for domestic water and ancillary irrigation of the shelter belt.

The reticulation and irrigation system will be protected and maintained for the benefit of the reserve and provision made to repair and or replace components as necessary from time to time. Irrigation is essential for the well being of the reserve and maintenance of the irrigation system is a Council requirement.

Policy 8

To permit the sale of goods produced on the site.

Explanation

The lessees will be permitted to run a small flock of sheep on the reserve to keep the grass down. Wool will be sold. The lessees may also from time plant lucerne or other crops on the reserve for sale. They will be permitted to collect horse manure and stable litter within the reserve and offer it for sale from the reserve. Any farming operation will be solely for the purpose of generating income to support recreational activities and will not take priority over recreational activities.

The Council recognises the need for the lessees to earn some income to assist with the cost of managing the reserve and supports these initiatives.

Policy 9

To permit recreational groups and sporting organisations to offer goods for sale to the public in association with sports and recreational activities being conducted on the reserve.

Explanation

Food, refreshments and other goods are permitted to be sold in the Reserve in association with public events of a recreational nature. These "commercial" activities are permitted as they assist recreational groups to raise funds for recreational purposes and for the benefit of the general community.

Policy 10

To permit the lessees to operate "market days", carnivals, fun days and similar events on the reserve

Explanation

Market days, carnivals, displays and the like provide a focus for the community and can provide some additional income to help offset the cost of maintaining the reserve.

Policy 11

To permit the establishment of boarding stables on the reserve.

Explanation

The establishment of boarding stables will allow horse and pony owners to house their horses overnight on the reserve should this be considered necessary. The revenue earned will enable the lessee to further develop or maintain the reserve.

Policy 12

To permit the construction of a caretaker's residence on the reserve.

Explanation

The lessee may wish at some time in the future to construct a caretaker's residence on the reserve so that the caretaker can provide better supervision of the reserve and its facilities.

No buildings will be permitted to be constructed without the prior approval in writing of the Lessor (the Council).

Policy 13

To permit the demolition of specific buildings that are no longer required or are considered uneconomic to repair and maintain.

Explanation

Some of the existing buildings are old and considered not to merit repair because of their condition or the fact that they are no longer required. The demolition of identified buildings is permitted on the grounds that their retention is not cost effective. No building may be demolished without the prior approval in writing of the Lessor (the Council).

Policy 14

To permit the overnight camping on the reserve of the New Zealand Armed Forces and the New Zealand Police and to permit overnight camping on the reserve by participants in equestrian events (such as the Springston Trophy or racing meetings) where overnight camping is considered necessary to supervise horses or large items of equestrian related equipment and other events such as Faith Festivals and Jamborees.

Explanation

From time to time, members of the New Zealand Armed Forces (sometimes accompanied by members of other countries' armed forces) or the New Zealand Police may wish to camp temporarily on the reserve while conducting an exercise in the area. The Council supports such camping as an exercise in public relations.

From time to time, when an equestrian event is conducted, it may be necessary for personnel associated with the event (such as stable hands and horse trainers) to remain on site overnight to supervise their horses and equipment. From time to time larger groups of people may wish to gather in the reserve for some special event, such as a Faith Festival or a Scouting Jamboree, and remain on site overnight. Overnight camping for these purposes is supported.

Policy 15

To prohibit the use of the reserve as a public camping ground.

Explanation

Except in accordance with Policy 14 above, overnight camping on the reserve is not supported. There are public camping grounds in Cromwell and Bannockburn able to cater for the needs of recreational campers, and the Council considers the use of the reserve as a public camping ground is not consistent with its goal of maintaining the reserve for horse racing and equestrian oriented public recreation and sporting purposes.

Policy 16

To permit the lessee to hire out parts of the reserve and its facilities to other groups wishing to conduct recreational activities within the reserve.

Explanation

From time to time there is a demand for a large area for the conduct of events such as outdoor concerts, fireworks displays, public rallies and the like. The Council recognises that the lessee might wish to charge for the use of its facilities to help recover some of its costs in providing and maintaining them for public use. The Council will however require that the Club's proposed fees and charges be submitted to the Council for approval on an annual basis before being adopted.

Policy 17

To permit the Heartland Prime Meat (NZ) Ltd or its successor to discharge liquid effluent from its meat processing plant situated at Ripponvale Road Road onto the land subject to resource consent from the District Council and subject also to such terms and conditions as are agreed with the lessee and approved by the lessor (the Council). The discharge of liquid effluent is not to prejudice the public's use and enjoyment of the reserve.

Explanation

The Council's sewerage treatment facility is unable to accept the company's liquid effluent. The Council has approved the discharge of the liquid effluent onto land (the racecourse reserve). Such discharge and any farming operation shall not be permitted to interfere in any way with the use of the reserve for its primary purpose of recreation. The Council does not support the issuing of a sub lease to Heartland Meats (NZ) Ltd, or its successor but favours instead a formal agreement between the parties subject always to the Council's approval as lessor.

63 - AMENITY, GROUND MAINTENANCE AND LITTER CONTROL

Policy 1

To develop all internal motor vehicle access, parking and manoeuvring areas to a dust free standard.

Explanation

Unsealed and untreated roads and parking areas have the potential to create a dust nuisance affecting users of the reserve and adjoining properties. Areas will be progressively formed, metalled and sealed as resources permit.

Policy 2

Permanent signs are permitted on the reserve only where their purpose is to provide directions to recreational facilities within the reserve, to name the reserve or its component parts or to advise Council policy eg "Dogs Prohibited in the Reserve". Such signs shall be well built and well maintained and of a size suitable for the purpose.

Explanation

Signs may be required to inform users of their responsibilities or to identify the location of facilities and to guide users to those facilities. Large signs could detract from the amenity of the reserve It is anticipated that an entrance sign naming the reserve will be larger than other signs within the reserve..

Policy 3

Temporary signs which advertise sponsors of recreational activities being conducted on the reserve may be erected during the course of the activity and in a two week period prior to the start of an event.

Explanation

The Council recognises the desire of recreational groups to acknowledge the support of sponsors with the display of a sign which names the sponsor's product or product.

Policy 4

Signs promoting cigarettes, cigarette related products and illegal substances are prohibited within the reserve.

Explanation

The promotion of such products is contrary to the objects of the recreation reserve which aims to provide for the physical well being of the users.

Policy 5

To require that new and existing buildings on the reserve are maintained in a clean and tidy appearance.

Explanation

Shoddy, untidy buildings detract from the amenity of the reserve and detract from the public's enjoyment of the reserve.

Policy 6

To require that the toilet blocks within the reserve are maintained in a clean and tidy condition and are serviced as often as is necessary to meet the needs of the users and that they are well signposted.

Explanation

Clearly identified and well maintained toilet facilities are essential to cater for the needs of the users of the reserve.

Policy 7

To reserve the right to prohibit any activity or to apply appropriate conditions to any activity which has the potential to damage any part of the reserve or its services.

Explanation

The intent of this policy is to protect the reserve from unnecessary damage.

Policy 8

To provide and service an adequate supply of permanent litter receptacles in appropriate locations within the reserve.

Explanation

A littered reserve would detract from the public's enjoyment of the area.

Policy 9

To maintain a satisfactory standard of fencing at the external perimeters of the reserve.

Explanation

The Council has an obligation to adjoining property owners to maintain boundary fences in good repair. Where major repairs are required, the Council may seek a contribution from adjoining property owners.

Policy 10

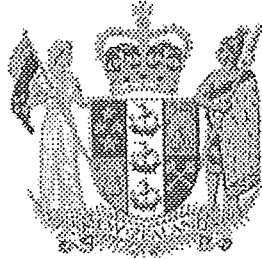
To maintain existing amenity plantings, to replace any plantings that require removal with well grown, mature species and to provide an adequate water supply and protection from pests to new plantings to ensure their unchecked growth.

Explanation

The public's enjoyment of and ability to make full use of the reserve depends to a considerable extent on the preservation of suitable amenity plantings to provide a green open space and an attractive environment sheltered from the affects of a harsh climate.

CROMWELL RACECOURSE RESERVE ACT

1876, No. 77



Analysis

ANALYSIS.

- Title.
- Preamble.
- 1. Short Title.
- 2. Land in Schedule vested in Board of Trustees.
- 3. Board incorporated.
- 4. Vacancies.
- 5. Resignations.
- 6. Vacancies filled up by Governor.
- 7. Board may set apart portion of land as a site for a racecourse.
- 8. Board may lease lands.
- 9. Proceeds of land to be expended in improvements. Proviso.
- 10. Board to keep accounts.
- 11. Board may make rules.
- 12. Trust may be dissolved.

Schedule.

CROMWELL RACECOURSE RESERVE ACT 1876

1876, No. 77

AN ACT to constitute a Board of Trustees, and to vest in it certain Public Reserves at Cromwell, in the Province of Otago, for the purposes of a Racecourse.

[30 October 1876

WHEREAS a Crown grant of the land described in the Schedule hereto has, under "The Public Reserves Act 1854 (Obsolete)," been made to the Superintendent of Otago, in trust, as a racecourse for the inhabitants of Cromwell: And whereas it is expedient to vest the said land in a Board of Trustees for the purpose of a public racecourse and for other purposes:

BE IT THEREFORE ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:--

1. SHORT TITLE--

The Short Title of this Act shall be "The Cromwell Racecourse Reserve Act 1876."

Status Compendium

2. LAND IN SCHEDULE VESTED IN BOARD OF TRUSTEES--

On the passing of this Act, the land described in the Schedule shall, without any conveyance, be vested in a Board of Trustees (hereinafter called "the Board") consisting of the following persons:--

John Allen Preshaw, David Anderson Jolly, John Marsh, James Dawkins and James Taylor, and shall be held by them for the purposes of this Act.

{ Editorial Note: For--

(a) Vesting of the land set apart as a reserve for a racecourse in the Cromwell Borough Council on 28 August 1941, see Gazette 1941, p. 2690.

(b) Change of purpose of part of land described in the Schedule, from a racecourse to an aerodrome, see s.4 of the Reserves and Other Lands Disposal Act 1974 (1974, No. 139) and s.6 of the Reserves and Other Lands Disposal Act 1977 (1977, No. 104).

"Cromwell Borough Council" amalgamated into "Central Otago District Council" on 1 November 1989. See Gazette 1989, p. 2416. }

Status Compendium

3. BOARD INCORPORATED--

The Board shall be a corporate body by the name of "The Trustees of the Cromwell Racecourse," with perpetual succession and a common seal, and with full power and authority by that name to sue and be sued in all Courts whatsoever, and shall be capable in law for the purposes of and subject to this Act to do and suffer all such acts and things as bodies corporate may do and suffer, with power to take and hold all such lands tenements or

hereditaments as may be in any manner vested in the Board, either as a site for a racecourse or for any other purpose in connection therewith.

Status Compendium

4. VACANCIES--

If any member of the Board shall be directly or indirectly concerned in any contract with the Board, or shall receive or be entitled to receive any money or emolument for any work done or to be done for the Board, or shall be absent from the province for the space of twelve consecutive calendar months, or shall be adjudicated a bankrupt or insolvent, or take the benefit of or be brought under the operation of any Act relating to bankrupt or insolvent debtors, or shall become a public defaulter, or shall become convicted of felony, his seat in such Board shall become vacant.

Status Compendium

5. RESIGNATIONS--

It shall be lawful for any member, by writing under his hand addressed to the Governor, to resign his seat in the Board, and upon the acknowledgment of the receipt by the Governor of such writing, the seat of such member shall become vacant.

Status Compendium

6. VACANCIES FILLED UP BY GOVERNOR--

If a vacancy occurs in the Board through death or through any of the reasons aforesaid, it shall be lawful for the Governor to appoint a fit and proper person to fill the vacancy.

Status Compendium

7. BOARD MAY SET APART PORTION OF LAND AS A SITE FOR A RACECOURSE--

It shall be lawful for the Board to set apart a sufficient portion of the said parcel of land as and for the purposes of a racecourse, and from time to time to vary and alter the portion which may for the time being be set apart, and to set apart another portion of the said parcel of land as a racecourse in lieu thereof.

Status Compendium

8. BOARD MAY LEASE LANDS--

It shall be lawful for the Board, by deed under their corporate seal, to lease from time to time, at such rent and on such conditions as they may think reasonable, the whole or any part of the said parcel of land specified in the said Schedule hereto not required for the purposes of a racecourse, for any term or terms of years not exceeding seven years at any one time, and on conditions not inconsistent with the purposes of the said reserve.

{ Editorial Note: Re extension of leasing-powers, see s.95 of the Reserves and other Lands Disposal and Public Bodies Empowering Act 1915 (1915, No. 68). }

Status Compendium

9. PROCEEDS OF LAND TO BE EXPENDED IN IMPROVEMENTS. PROVISO--

All moneys received by the Board for the rents issues and profits of the said parcel of land shall, after deducting therefrom all necessary expenses incurred in the management thereof, be applied in and towards the cultivation and improvement of the said parcel land, and in rendering any part thereof that may be set apart as a racecourse suitable for that purpose: Provided that nothing herein contained shall have the effect of appropriating to such purpose moneys received as entrance fees or for stands and booths in connection with any races upon such lands.

Status Compendium

10. BOARD TO KEEP ACCOUNTS--

The Board shall keep accurate accounts of all sums of money received for rents issues and profits on account of the said land, and of all costs charges expenses and disbursements in connection with the management and maintenance thereof, and on the thirty-first day of March in every year, or within one week thereafter, the Board shall prepare accounts and a balance sheet showing the receipts and disbursements of the Board during the previous year, and the actual financial state of the Board on the thirty-first day of March in that year, and such accounts and balance sheet shall be forwarded to the Governor, who may, if he shall think fit, order such accounts and balance sheet to be published in the Provincial Gazette.

Status Compendium

11. BOARD MAY MAKE RULES--

It shall be lawful for the Board, and they are hereby authorized and empowered, from time to time to make and alter rules for regulating their own proceedings, for prescribing the conditions on which the public shall be permitted to have access to the said racecourse upon any day when the same shall be used for racing purposes, and for regulating the price for admission on such occasions, for excluding the public from such parts of the said parcel of land as it may be found necessary or desirable to improve or lay down in artificial grasses, for regulating the charges that may be made for the occupation of the said racecourse for the erection of booths or stalls for the sale of refreshments merchandise goods or chattels, and for the admission of horses and vehicles to the said racecourse.

Status Compendium

12. TRUST MAY BE DISSOLVED--

The Governor may, on the petition of the majority of the members for the time being of the said Board of Trustees, or of two-thirds of the ratepayers of the Town of Cromwell, dissolve the said Board; and upon such dissolution the said lands shall vest in the Corporation of the

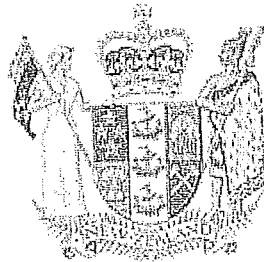
said town in trust for recreation purposes.

Status Compendium

SCHEDULE.

ALL that parcel of land in the Province of Otago, in the Colony of New Zealand, situate in the Cromwell District, being Section numbered 17, Block III., containing by admeasurement 300 acres, more or less. Bounded towards the North-west by Crown lands, 6,000 links; towards the North-east by Crown lands, 5,000 links; towards the South-east by a road line or by Crown lands, 6,000 links; towards the South-west by Crown lands, 5,000 links.

RESERVES ACT 1977



1977, No. 66

(R.S. Vol. 36, p. 603)***(1)**

Analysis

Pursuant

Amendments

NOTE: 1. References to a "District Court Judge" substituted for references to a "Magistrate" on 1 April 1980 by 1979, No. 125, s.18 (2).

2. This Act has been identified as an Act under which consents under the Environment Act 1986 may be granted. See 1986, No. 127, s.2.

3. The Ministry for the Environment has the function to provide the Government, its agencies, and other public authorities with advice on the application, operation and effectiveness of this Act in relation to the achievement of the objectives of the Environment Act 1986. See 1986, No. 127, s.31 (c) (i).

17. RECREATION RESERVES--

(1) It is hereby declared that the appropriate provisions of this Act shall have effect, in relation to reserves classified as recreation reserves, for the purpose of providing areas for the recreation and sporting activities and the physical welfare and enjoyment of the public, and for the protection of the natural environment and beauty of the countryside, with emphasis on the retention of open spaces and on outdoor recreational activities, including recreational tracks in the countryside.

(2) It is hereby further declared that, having regard to the general purposes specified in subsection (1) of this section, every recreation reserve shall be so administered under the appropriate provisions of this Act that--

- (a) The public shall have freedom of entry and access to the reserve, subject to the specific powers conferred on the administering body by sections 53 and 54 of this Act, to any bylaws under this Act applying to the reserve, and to such conditions and restrictions as the administering body considers to be necessary for the protection and general well-being of the reserve and for the protection and control of the public using it:
- (b) Where scenic, historic, archaeological, biological, geological, or other scientific features or indigenous flora or fauna or wildlife are present on the reserve, those features or that flora or fauna or wildlife shall be managed and protected to the extent compatible with the principal or primary purpose of the reserve:
Provided that nothing in this subsection shall authorise the doing of anything with respect to fauna that would contravene any provision of the Wildlife Act 1953 or any regulations or Proclamation or notification under that Act, or the doing of anything with respect to archaeological features in any reserve that would contravene any provision of the [[Historic Places Act 1993]]:
- (c) Those qualities of the reserve which contribute to the pleasantness, harmony, and cohesion of the natural environment and to the better use and enjoyment of the reserve shall be conserved:
- (d) To the extent compatible with the principal or primary purpose of the reserve, its value as a soil, water, and forest conservation area shall be maintained.

Cf. 1953, No. 69, Ss.32, 33; 1964, No. 108, s.2

40. FUNCTIONS OF ADMINISTERING BODY--

(1) The administering body shall be charged with the duty of administering, managing, and controlling the reserve under its control and management in accordance with the appropriate provisions of this Act and in terms of its appointment and the means at its disposal, so as to ensure the use, enjoyment, development, maintenance, protection, and preservation, as the case may require, of the reserve for the purpose for which it is classified.

[(2) Every administering body of a reserve that includes any part of the Wanganui River shall, in carrying out its functions, have regard to the spiritual, historical, and cultural significance of the river to the Whanganui iwi.]

Cf. 1953, No. 69, s.7

41. MANAGEMENT PLANS--

- (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--
 - (a) Give public notice of its intention to do so; and
 - (b) 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
 - (c) 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--
 - (a) 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.]

53. POWERS (OTHER THAN LEASING) IN RESPECT OF RECREATION RESERVES--

(1) The administering body of a recreation reserve may from time to time, in the exercise of its functions under section 40 of this Act and to the extent necessary to give effect to the principles set out in section 17 of this Act,--

(a) Enclose the reserve, or any part thereof, which it may at any time decide is necessary or desirable--

(i) To lay down or renew in grass or to plant or improve; or

(ii) To farm or graze or afforest as a part of a development, improvement, or management programme,--

and may lay down or renew in grass, or plant or improve, or, as the case may be, farm or graze or afforest, the reserve or that part:

Provided that the administering body shall not afforest the reserve or any part thereof except in accordance with section 75 of this Act:

(b) Prohibit from time to time the public from entering or encroaching on any part of the reserve so laid down, renewed in grass, planted, improved, grazed, farmed, or afforested:

(c) Prescribe the games, sports, or other activities for public recreation or enjoyment which may take place in the reserve or in any specified part thereof, and regulate the use of the reserve for those games, sports, and other activities, and prohibit altogether the playing of any particular game, sport, or other activity therein:

(d) Prescribe, as to not more than 40 days in any year as it thinks fit, that the public shall not be entitled to have admission to the reserve or to any part or parts thereof set apart for a particular purpose or purposes unless on payment of a charge or charges as hereinafter mentioned:

Provided that with the prior consent of the Minister the number of days that the public shall not be entitled to have admission as aforesaid may be increased:

Provided also that this paragraph shall not apply to any part of the reserve to which paragraph (h) of this subsection applies or to any lease granted under the authority of section 54 (1) (a) of this Act or a lease or licence granted under the authority of section 54 (1) (d) of this Act:

(e) Grant the exclusive use of the reserve or any part thereof on any one or more of the days provided for in paragraph (d) of this subsection, but not for more than 6 days consecutively at any time, to any person, body, voluntary organisation, or society (whether incorporated or not) for the purpose of particular games, sports, or other activities or for public recreation or enjoyment, with authority for that person, body, organisation, or society to demand a fee or charge for admission on that day or those days to the reserve or part thereof so granted and also to any stand or enclosure, not exceeding the amount or amounts from time to time specified by the Minister:

Provided that the Minister may from time to time approve with respect to any specified reserve the fixing of such other charges as he thinks fit, either generally or with respect to specified occasions:

Provided also that the Minister may consent to an increase in the number of consecutive days specified in this paragraph for the purposes of any specified occasion or event:

(f) Enter into an agreement with any such person, body, society, or voluntary organisation for the use by him or it of the reserve or any specified part thereof on a specified number of days in each year during the term of the agreement, which (save as otherwise authorised by the Minister in any particular case) shall not be for a longer period than 10 years at any one time, subject to--

(i) The limitations imposed by paragraphs (d) and (e) of this subsection; and

(ii) No buildings being permitted under the terms of the agreement other than buildings of a temporary nature required during the period of use in any particular year:

(g) Erect on some portion of the reserve stands, pavilions, gymnasiums, or other buildings and structures associated with and necessary for the use of the reserve for outdoor recreation, and (subject to paragraphs (d) and (e) of this subsection as

to the number of days on which a charge may be made for admission to any such building or structure) may fix reasonable charges for the use of and generally regulate the use and custody of and admission to any such buildings or structures:

Provided that where the Minister considers it to be in the public interest, the administering body may, with the prior consent of the Minister, erect buildings and structures for public recreation and enjoyment not directly associated with outdoor recreation:

- (h) At any time and from time to time set apart any part or parts of the reserve--
- (i) For gardens, open spaces, footpaths, driveways, or picnic grounds, or for the provision of any other like facilities for public recreation or enjoyment or for facilities and amenities necessary for the public using the reserve; and construct or develop those gardens, open spaces, footpaths, driveways, picnic grounds, or other facilities for public recreation or enjoyment or facilities and amenities necessary for the public using the reserve; and fix reasonable charges for the use of those picnic grounds, facilities, and amenities:
 - (ii) With the prior consent of the Minister, for baths, camping grounds, parking places for vehicles, or mooring places for boats, necessary for the convenience of persons using the reserve, and construct and develop such baths, camping grounds, and parking or mooring places, and fix reasonable charges for the use of such baths, camping grounds, and parking or mooring places:
 - (iii) With the prior consent of the Minister, for compounds for animals for display to persons using the reserve, and construct and develop such compounds, and fix reasonable charges for viewing the animals therein:
- (i) Make, stop, divert, widen, or alter any bridges, ways, or watercourses in, upon, through, across, or over any part of the reserve, subject to the payment of compensation for damage thereby to adjacent land:
[Provided that any such power in relation to watercourses shall be exercised subject to the Resource Management Act 1991:]
- (j) With the prior consent of the Minister [and subject to the Resource Management Act 1991], and having regard to the need to conserve the natural beauty of any sea, lake, river, or stream bounding the reserve or of any lake, river, or stream within the reserve, do all such things on the reserve as it considers necessary, including the erection of buildings and structures on the reserve, to enable the public to obtain the maximum recreational use and enjoyment of that sea, lake, river, or stream:
- (k) With the prior consent of the Minister, set apart and use any part of the reserve as sites for residences for officers or servants of the administering body or of rangers or for other buildings considered desirable or necessary for the proper and beneficial management, administration, control, protection, and maintenance of the reserve:
- (l) Appoint officers and servants, whether paid or unpaid:
- (m) With the prior consent of the Minister, erect or authorise the erection of huts for the use of officers of any department of State or other persons engaged under lawful authority in the destruction or eradication of introduced flora and fauna:
- (n) Subject to any lease or licence granted pursuant to section 54 (1) (d) of this Act, prohibit or regulate the carrying on of any trade, business, or occupation within the reserve:
- (o) Do such other things as may be considered desirable or necessary for the proper and beneficial management, administration, and control of the reserve.

(2) Notwithstanding anything in subsection (1) of this section, but subject to the first proviso to paragraph (d) of that subsection and to the second proviso to paragraph (e) of that subsection, where the administering body is a local authority it shall not be necessary for that administering body to obtain the consent, authority, or approval of the Minister, and it may exercise any power or discretion vested in the Minister by virtue of that subsection:

Provided that the administering body shall not afforest the reserve or any part thereof except in accordance with section 75 of this Act.

54. LEASING POWERS IN RESPECT OF RECREATION RESERVES (EXCEPT FARMING, GRAZING, OR AFFORESTATION LEASES)--

(1) With the prior consent of the Minister, the administering body, in the case of a recreation reserve that is vested in the administering body, may from time to time, in the exercise of its functions under section 40 of this Act, [] may from time to time, to the extent necessary to give effect to the principles set out in section 17 of this Act,--

(a) Lease to any person, body, voluntary organisation, or society (whether incorporated or not) any area set apart under section 53 (1) (h) of this Act for baths, a camping ground, a parking or mooring place, or other facilities for public recreation or enjoyment. The lease--

(i) May require the lessee to construct, develop, control, and manage the baths, camping ground, parking or mooring place, or other facilities for public recreation or enjoyment, or may require the lessee to control and manage those provided by the administering body; and

(ii) Shall be subject to the further provisions set out in the First Schedule to this Act relating to leases of recreation reserves issued pursuant to this paragraph:

(b) Lease to any voluntary organisation part of the reserve for the erection of stands, pavilions, gymnasiums, and, subject to sections 44 and 45 of this Act, other buildings and structures associated with and necessary for the use of the reserve for outdoor sports, games, or other recreational activities, or lease to any voluntary organisation any such stands, pavilions, gymnasiums, and, subject to section 44 of this Act, other buildings or structures already on the reserve, which lease shall be subject to the further provisions set out in the First Schedule to this Act relating to leases of recreation reserves issued pursuant to this paragraph:

Provided that a lease granted by the administering body may, with the prior consent of the Minister given on the ground that he considers it to be in the public interest, [] permit the erection of buildings and structures for sports, games, or public recreation not directly associated with outdoor recreation:

(c) Lease to any voluntary organisation the whole or part of the reserve for the playing of any outdoor sport, games, or other recreational activity where the preparation and maintenance of the area for such sport, games, or other recreational activity requires the voluntary organisation to spend a sum of money that in the opinion of the administering body [] is substantial. The lease shall be subject to the further provisions set out in the First Schedule to this Act relating to leases of recreation reserves issued pursuant to this paragraph:

(d) Grant leases or licences for the carrying on of any trade, business, or occupation on any specified site within the reserve, subject to the provisions set out in the First Schedule to this Act relating to leases or licences of recreation reserves issued pursuant to this paragraph:

Provided that the trade, business, or occupation must be necessary to enable the public to obtain the benefit and enjoyment of the reserve or for the convenience of persons using the reserve:

Provided also that the prior consent of the Minister shall not be required to a lease or licence under this paragraph where the trade, business, or occupation is to be carried on in the reserve only temporarily and the term of the lease or licence does not exceed 6 consecutive days.

[(1A) Notwithstanding subsection (1) of this section, where--

(a) The administering body of a recreation reserve is a territorial authority; and

(b) That reserve is vested in that territorial authority; and

(c) A management plan for that reserve has been approved in accordance with section 41 of this Act; and

(d) The lease or licence is in conformity with and contemplated by that management plan,

the prior consent of the Minister shall not be required before the administering body grants a lease or licence under subsection (1) of this section.]

(2) Before granting any lease or licence under subsection (1) of this section (other than a

· lease or licence to which the second proviso to paragraph (d) applies), the administering body [] shall give public notice in accordance with section 119 of this Act specifying the lease or licence proposed to be granted, and shall give full consideration in accordance with section 120 of this Act to all objections and submissions in relation to the proposal received pursuant to the said section 120.

[(2A) Nothing in subsection (2) of this section shall apply in any case where the proposal--

(a) Is in conformity with and contemplated by the approved [[]] management plan for the reserve; or

[(b) Is made following the granting of a resource consent under the Resource Management Act 1991 where the application for the resource consent was notified in accordance with section 93 of that

65. BYLAWS--

(1) The administering body of any recreation reserve set apart for racecourse purposes may from time to time, subject to section 108 of this Act, make bylaws with respect to all or any of the following matters:

- (a) Regulating its own proceedings:
- (b) Excluding the public from such parts of the reserve as it may be found necessary and desirable to plant, improve, lay down, or renew in grass:
- (c) Prescribing the conditions on which persons shall have access to or be excluded from the reserve when it is used for racing purposes, and for regulating the price for admission of persons to the reserve or to any stand erected thereon and for the admission of horses and vehicles of any description to the reserve on those occasions:
- (d) Granting the exclusive use and control of the reserve, or of any part set apart as a racecourse, to any racing club when the reserve is used for racing purposes, and prescribing the terms and conditions on which that use and control shall be granted:
- (e) Regulating the charges that may be made for the occupation of portions of the reserve for the erection of booths or stalls for the sale of refreshments, merchandise, goods, or chattels:
- (f) The preservation of order on the reserve during race meetings.

(2) All bylaws made under subsection (1) of this section shall be notified once by advertisement as to the nature thereof in one or more newspapers circulating in the locality in which the reserve is situate, and by being posted on some conspicuous place on the reserve so that they may be easily read.

(3) In this section and in sections 66 to 70 of this Act the expression "recreation reserve set apart for racecourse purposes" includes a reserve which immediately before the commencement of this Act was a reserve set apart for racecourse purposes.

Cf. 1953, No. 69, s.35

66. CLUB MAY USE RESERVE ON CONDITIONS--

Every recreation reserve set apart for racecourse purposes shall be available to any racing club for the purpose of holding race meetings on such terms and conditions as are from time to time advertised by the administering body, and on such dates as that body in every such case appoints:

Provided that no such club shall be entitled to use the reserve unless it consists of not fewer than 50 members who each pays an annual subscription of not less than \$10 towards the funds of the club.

Cf. 1953, No. 69, s.36

Status Compendium

67. LEASING--

(1) The administering body may from time to time lease the whole or any part of a recreation reserve set apart for racecourse purposes at such rent and on such conditions, not inconsistent with the purposes of the reserve, as it thinks reasonable--

- (a) To any person for any term or terms of years not exceeding 7 years at any one time:
- (b) With the prior consent of the Minister and subject to such conditions as he prescribes, to any racing club for a term of years not exceeding 33 years, with or without provision for renewal for one or more further similar terms.

(2) The powers of leasing conferred by this section are in addition to and not in substitution

for the power of leasing conferred by sections 54 and 73 of this Act.

Cf. 1953, No. 69, s.37

Status Compendium

68. APPLICATION OF REVENUE--

(1) All money received by the administering body of a recreation reserve set apart for racecourse purposes as the rents, issues, and profits of the reserve shall, within 7 days after receipt by the Treasurer or other proper officer of the administering body, be paid into such bank as that body from time to time appoints to an account to be called "The [Name of racecourse reserve] Trustees Account", and, after deducting therefrom all necessary expenses incurred in the management of the reserve, be applied in and towards the fencing of the reserve or any part thereof, the erection of stands and pavilions thereon, the cultivation and improvement thereof, and in rendering any part thereof that may be set apart as a racecourse suitable for that purpose.

(2) The administering body may also, with the prior consent of the Minister, expend such part of its funds [, including money to which subsection (1) of this section applies,] as it from time to time thinks fit towards the assistance of charitable, educational, or cultural purposes, or for the management, improvement, and maintenance of any reserve of any kind under this Act.

Cf. 1953, No. 69, s.38

Status Compendium

Hist. s.68 (2) inserted words ", including money to which subsection (1) of this section applies," on 17 December 1985 by 1985, No. 188(1), s.2 (1).

69. ANNUAL STATEMENT OF ACCOUNTS AND REPORT--

Every administering body of a recreation reserve set apart for racecourse purposes shall, within one month after the close of each financial year of that body, prepare and submit to the Audit Office for audit the statements specified in section 88 of this Act, together with the report referred to in that section.

Cf. 1953, No. 69, s.39

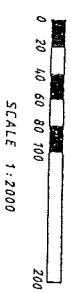
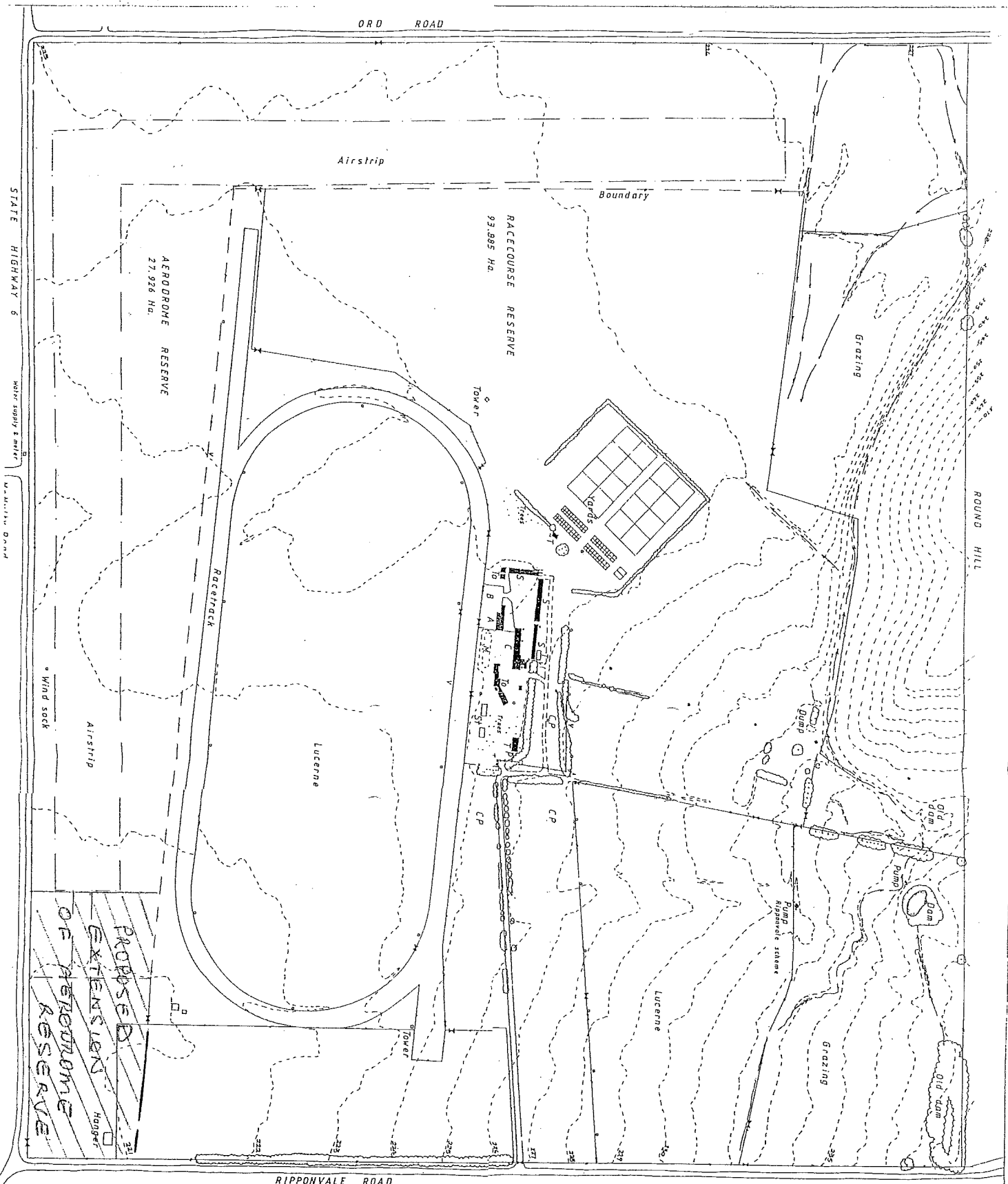
Status Compendium

70. SPECIAL ACTS DEALING WITH RACECOURSE RESERVES TO BE READ SUBJECT TO THIS ACT--

(1) The provisions of any Act of the General Assembly or of any Provincial Ordinance or of any Crown grant dealing with or referring to any racecourse reserve, shall, so far as they may be inconsistent with this Act, be read subject to this Act, and the powers conferred by sections 65 to 69 of this Act on the administering body of a recreation reserve set apart for racecourse purposes are hereby likewise conferred on any bodies or persons having control of any such reserve as aforesaid.

(2) Notwithstanding anything to the contrary in any other Act or Provincial Ordinance, the Minister may from time to time, by notice under his hand, appoint members of the administering body of a recreation reserve set apart for racecourse purposes to fill any vacancies.

Cf. 1953, No. 69, s.40



NORTH

- LEGEND**
- 25m Contours
 - - - Fence & gate
 - Trees
 - Water race
 - Power pole
 - Hydrant
 - A Administration
 - B Birdcage
 - C Catering
 - CP Car parking areas
 - H Mound
 - P Play items
 - S Stables
 - ST Strands
 - T Toilets
 - To Towers

Existing Use

CROMWELL

RACECOURSE

RESERVE

Proposals for the Cromwell Racecourse Reserve Users Group

By T C Emmitt & Associates
 May 1991
 D4 1007

Prior C/T 57/79



Transfer No.

N/C. Order No.

Declaration of Loss 514601

BA/644

CERTIFICATE OF TITLE UNDER LAND TRANSFER ACT

This Certificate dated the 22nd day of June one thousand nine hundred and seventy nine under the seal of the District Land Registrar of the Land Registration District of O T A G O

WITNESSETH that THE CROMWELL BOROUGH COUNCIL in trust for a site for a racecourse subject to the provisions of the Cromwell Racecourse Reserve Act 1876

is seized of an estate in fee-simple (subject to such reservations, restrictions, encumbrances, liens, and interests as are notified by memorial underwritten or endorsed hereon) in the land hereinafter described, delineated with bold black lines on the plan hereon, be the several admeasurements a little more or less, that is to say: All that parcel of land containing 121.4145 hectares more or less situated in the Borough of Cromwell being Section 91 and part Section 17 Block III CROMWELL DISTRICT.



ASSISTANT LAND REGISTRAR

Interests at date of issue:

5122 Order in Council setting apart within land as a reserve for a site for a race course and vests in the Cromwell Borough Council subject to the provisions of the Cromwell Racecourse Reserve Act 1876 - 23.10.1941 at 10 am

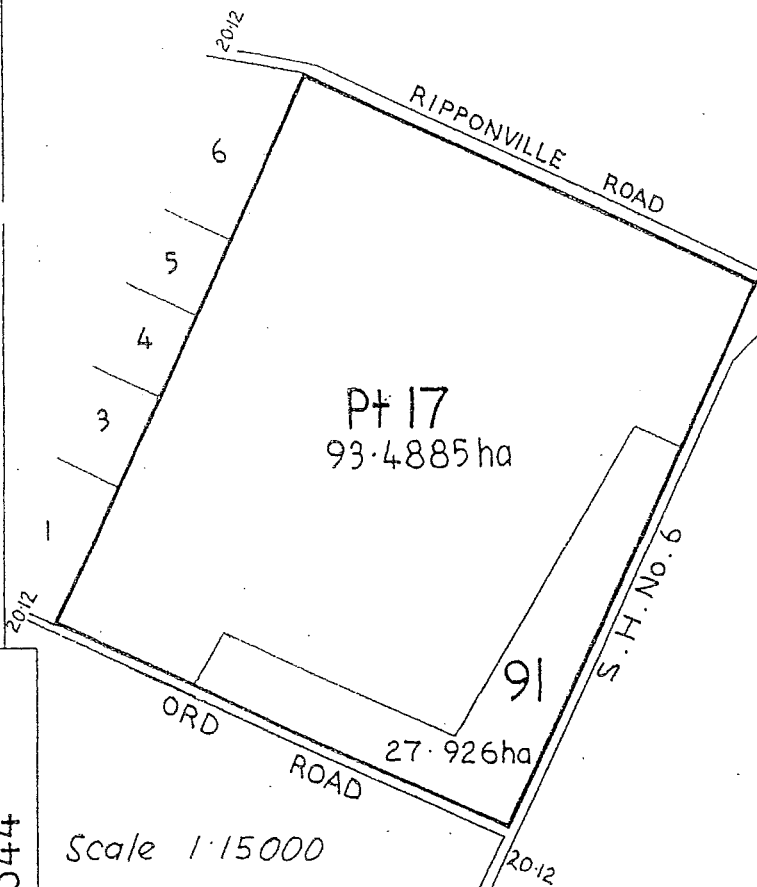
By Section 4 of the Reserves and other Lands Disposal Act 1974 Section 91 is now a reserve for aerodrome purposes subject to (now) the Reserves Act 1977.

X19599 Irrigation Agreement under part XI Public Works Act 1928.

281698 Irrigation Agreement under part XI Public Works Act 1928.

503823 Certificate of Charge pursuant to Section 10(1) Public Works Act 1928 - 11.9.1979 at 10 am.

57202/1 Lease of Section 91 to the Cromwell Jockey Club Incorporated for a term of 21 years from 10.3.1978 with right of renewal - 15.3.1982 at 11.20 am



Scale 1:15000

Total Area 121.4145 ha

644

Handwritten signatures and dates: 1982, 1982, A.L.R., and other illegible marks.

