

## RESERVES AMENDMENT BILL

### EXPLANATORY NOTE

*Clause 1* relates to the Short Title and commencement. The Bill is to come into force on 1 October 1979, with the exception of *clause 4* which is deemed to have come into force on 1 April 1978.

*Clause 2*: Subclauses (1) and (2) amend the definition of "reserve". The effect is to omit a specific reference to various types of reserve, and substitute a reference to reserves generally. The former list was not exhaustive of the type of reserves for which land may be taken under the Public Works Act 1928. Section 2 (j) of the principal Act states that the definition of "reserve" does not include land taken under that Act for purposes other than those specified in paragraph (i). Accordingly, reserves taken for recreation or local or government purposes under previous legislation did not automatically become "reserves" within the meaning of the principal Act. Subclause (3) inserts a definition of the term "territorial authority".

*Clause 3* substitutes a new section 13. The principal changes are:

- (i) New Zealand reserves are to be known as National reserves;
- (ii) In all cases the declaration that a reserve is to be a National reserve must be made by Order in Council and, once made, can only be varied by Act of Parliament. Previously the Minister could declare a reserve to be a New Zealand reserve and the Order in Council procedure was used only for areas meriting special protection.

The requirement for public notification of the intention to recommend an Order in Council is retained.

*Clause 4*, which is retrospective to 1 April 1978, substitutes a new section 16. The principal changes are:

- (i) The classification of reserves created on subdivision of land under Part XX of the Local Government Act 1974 will be made by local authorities and take effect without the need for public notification or notification in the *Gazette*.
- (ii) Where the Minister or a local authority is classifying a Government purpose or local purpose reserve, he or it must also specify the particular purpose for which the reserve is being classified.
- (iii) The Minister may classify a reserve without giving public notice of the proposed classification if the proposed classification is substantially the same as that assigned to the reserve before the commencement of the Act or public notice of the intended use of the land has already been given.
- (iv) Where existing reserves were administered by Domain Boards that are also local authorities, the administration is to continue in the hands of the local authority in that capacity and not as a Domain Board. Where such Domain Boards are not also local authorities, they are to act in the capacity of Reserve Boards under the Act.
- (v) Territorial authorities are empowered to name reserves vested in them.

- (vi) The classification of certain reserves forming part of the Marlborough Sounds Maritime Park is changed from recreation reserves to local purpose reserves for sounds foreshore purposes.

This clause is deemed to have come into force on 1 April 1978. With the exception of items (iii) and (v) above, all changes are to remove doubts concerning interpretation of the principal Act or to make minor technical changes.

*Clause 5* amends section 22 as a consequence of the changes to section 16. Government purpose reserves are to be held for the specific purpose for which they were classified.

*Clause 6* amends section 23 as a consequence of the changes to section 16. Local purpose reserves are to be held for the specific purpose for which they were classified.

*Clause 7* substitutes a new second proviso to section 23 (2) (a) with similar effect to the previous proviso except that reference is also made to esplanade reserves created under section 167 of the Land Act 1948 and section 190 (3) of the Municipal Corporations Act 1954. A consequential amendment made by the Local Government Amendment Act 1978 has also been included.

*Clause 8* requires administering bodies to consult the Commissioner before publicly notifying proposed changes of classification and revocation of reserves.

*Clause 9* empowers territorial authorities in which a local purpose reserve is vested to change the purpose for which that reserve is classified. In all other cases only the Minister can change a purpose or classification.

*Clause 10* provides that where a territorial authority has been appointed before 1 October 1979, to control and manage a recreation reserve or local purpose reserve that reserve shall vest in the territorial authority. This provision does not apply where a reserve is being administered as a recreation reserve but has not been classified under section 16.

*Clause 11* grants the Minister the same powers as an administering body to control and manage non-reserve land for reserve purposes.

*Clause 12* gives an administering body a discretion to prepare a management plan without giving public notice of its intention to do so.

*Clause 13* requires an administering body to send a copy of its draft management plan for a reserve to the Commissioner at the time it is publicly notified.

*Clause 14* applies the provisions relating to management plans to every Government purpose reserve for wildlife purposes. In the case of other Government purpose reserves, those provisions do not apply unless the Minister so directs.

*Clause 15*: The effect of this amendment is to dispense with the need to give public notice of proposals to grant rights of way or easements over reserves if the reserve is not likely to be damaged and the rights of the public are not likely to be affected by the establishment and exercise of the right of way or easement.

*Clause 16* removes the requirement for Ministerial consent to leases and licences of recreation reserves where the reserve is vested in a territorial authority and a management plan has been approved for the reserve.

*Clause 17* removes the requirement for the giving of public notice and the consideration of objections before granting a lease or licence in respect of recreation or scenic reserves if public notice of the proposal is required to be given under other statutory provisions.

*Clause 18* gives the administering body, or the Minister, as the case may be, power to grant leases and licences in respect of historic reserves for certain specified purposes.

*Clause 19* preserves the right of airport authorities to grant leases in respect of reserves vested in them for aerodrome purposes. It is of similar effect to section 54 (3), which is repealed, except that reference is now made to airport authorities instead of local authorities, and the provision stands as a separate section.

*Clause 20* removes the requirement of Ministerial consent where land is purchased for a reserve on a deferred payment system by an administering body that is also a territorial authority.

*Clause 21* extends the provisions relating to conservation covenants to the preservation of historical values.

*Clause 22* authorises the expenditure of funds by the Crown or an administering body as payment for the use of non-reserve land for reserve purposes and the payment of associated legal expenses. Previously the section only gave such authorisation to the Crown, and only in respect of legal expenses.

*Clause 23* empowers the Minister to authorise an administering body that is a territorial authority to apply the revenue from trees grown on a recreation or local purpose reserve to non-reserve purposes. The consent of the Minister of Local Government is required where the Minister directs that the revenue is to be applied for a specific non-reserve purpose.

*Clauses 24 to 26* are consequential upon the new *section 13* (set out in *clause 3*). The penalty for an offence against the principal Act relating to a National reserve is the same as that which formerly applied to New Zealand reserves where there had also been an Order in Council declaring that the reserve merits special protection.

The penalty for a breach of a bylaw relating to a National reserve is the same as that which formerly applied to New Zealand reserves where there had also been an Order in Council declaring that the reserve merits special protection.

The requirements for notices relating to a National reserve are the same as those which formerly applied to New Zealand reserves where there had also been an Order in Council declaring that the reserve merits special protection. The specific provisions relating to notices in respect of the classification of reserves other than nature or scientific reserves are not carried forward.

*Clause 27* removes sections 24 and 24A (set out in *clause 9*) from the scope of the general rights of objection set out in section 120. Sections 24 and 24A contain specific objection procedures.

*Clause 28* reduces, from 2 months to 1 month, the period within which objections and submissions must be made where the Minister or an administering body has given public notice of his or its intention to exercise powers under the Act.

*Clause 29* makes consequential amendments.

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*Hon. V. S. Young*

## RESERVES AMENDMENT

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### ANALYSIS

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### A BILL INTITULED

#### An Act to amend the Reserves Act 1977

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

No. 66—1

**1. Short Title and commencement**—(1) This Act may be cited as the Reserves Amendment Act 1979, and shall be read together with and deemed part of the Reserves Act 1977\* (hereinafter referred to as the principal Act).

(2) Except as provided in section 4 (2) of this Act, this Act shall come into force on the 1st day of October 1979. 5

**2. Interpretation**—(1) Section 2 of the principal Act is hereby amended by repealing paragraph (i) of the definition of the term “reserve”, and substituting the following paragraph: 10

“(i) Any land taken or otherwise acquired or set apart by the Crown under the Public Works Act 1928 or any corresponding former Act, whether before or after the commencement of this Act, for the purposes of a reserve, a recreation ground, a pleasure ground, an agricultural showground, or a tourist and health resort:” 15

(2) The said section 2 is hereby further amended by inserting in paragraph (j) of the definition of the term “reserve”, after the words “or any”, the word “corresponding”. 20

(3) The said section 2 is hereby further amended by inserting, after the definition of the term “reserve”, the following definition:

“‘Territorial authority’ means— 25

- (a) A borough council; or
- (b) A county council; or
- (c) A district council constituted under Part II of the Local Government Act 1974; or
- (d) A regional council constituted under Part II of the Local Government Act 1974; or 30
- (e) A town council; or
- (f) A united council constituted under Part II of the Local Government Act 1974:”.

**3. Governor-General may declare reserve to be National reserve**—(1) The principal Act is hereby amended by repealing section 13, and substituting the following section: 35

“13. (1) In order to protect values of national or international importance the Governor-General may, by Order in Council made on the recommendation of the Minister, declare that any reserve that has been classified pursuant to section 16 of this Act shall be a National reserve. 40

“(2) Where any reserve has been declared to be a National reserve under subsection (1) of this section, neither that declaration nor the classification of that reserve under section 16 of this Act shall be changed except by Act of Parliament.

5 “(3) Before the Minister recommends to the Governor-General that an Order in Council be made under subsection (1) of this section,—

10 “(a) The Minister shall give public notice of the proposal, in accordance with section 119 of this Act, stating that a plan of the proposal 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 submissions in support of or suggestions on the proposal before a specified date, being not less than 3 months after the date of publication of the notice. The Minister 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; and

15 “(b) The Minister shall give to the Minister of Energy not less than 3 months’ notice of the proposal.

20 “(4) In any case where a reserve that the Minister considers should be declared a National reserve is one which another Minister of the Crown or the New Zealand Historic Places Trust has been appointed to control and manage, he shall obtain the consent of that other Minister or, as the case may be, of the Trust before making any recommendation to the

25 Governor-General that an Order in Council be made under subsection (1) of this section.

30 “(5) When a reserve has been declared by Order in Council to be a National reserve the reserve shall—

35 “(a) Retain its classification under section 16 of this Act; and

“ (b) Be administered—

“ (i) By the Commissioner; or

“ (ii) By a Reserves Board appointed by the Minister under section 30 of this Act; or

40 “ (iii) In such other manner as the Minister directs,—

45 in order to provide for the application of management policies to protect the values of national or international significance and for the co-ordination of management with other National reserves.”

(2) Section 24 (1) of the principal Act is hereby consequentially amended by omitting the expression “section 13 (4)”, and substituting the expression “section 13 (2)”.

**4. Classification of reserves—**(1) The principal Act is hereby amended by repealing section 16, and substituting the following section: 5

“16. (1) To ensure the control, management, development, use, maintenance, and preservation of reserves for their appropriate purposes, the Minister shall, by notice in the *Gazette*, classify according to their principal or primary purpose, as defined in sections 17 to 23 of this Act,— 10

“(a) All reserves existing immediately before the commencement of this Act:

“(b) All reserves created after the commencement of this Act,— 15

and for the purposes of this section, the Minister may classify part of a reserve for one purpose and the other part or parts of the same reserve for any other purpose or purposes:

“Provided that, where a reserve is controlled or managed by an administering body, the Minister shall not classify the reserve under this subsection without consulting the administering body. 20

“(2) Notwithstanding subsection (1) of this section, where a reserve is created after the commencement of this Act by a local authority acting pursuant to Part XX of the Local Government Act 1974, that local authority shall classify the reserve according to its principal or primary purpose, as defined in sections 17 to 23 of this Act, and the classification shall take effect without notification in the *Gazette*. 25

“(3) In classifying any reserve as a Government purpose or local purpose reserve, the Minister or the local authority, as the case may be, shall specify as part of that classification the particular purpose or purposes for which the reserve is classified. 30

“(4) Before classifying any reserve under subsection (1) of this section, the Minister shall give public notice in accordance with section 119 of this Act specifying the classification proposed, and shall give full consideration in accordance with section 120 of this Act to all objections against and submissions in relation to the proposal received pursuant to the said section 120. 35 40

“(5) Notwithstanding subsection (4) of this section, no such public notice shall be necessary where—

5 “(a) The classification proposed for any reserve is substantially the same as the purpose for which the reserve was held and administered immediately before the commencement of this Act; or

“(b) Public notice of the intended use of the land has been given under any other statutory provision, whether of this Act or any other Act; or

10 “(c) The classification proposed is a condition subject to which the land was acquired for reserve purposes.

“(6) Subject to subsection (7) of this section, every existing reserve shall be held and administered for the purpose of its existing reservation, and the administering body shall  
15 continue to control and manage the reserve under the appropriate provisions of this Act pending its classification under subsection (1) of this section.

“(7) Where any existing reserve was, immediately before the commencement of this Act, a domain under the Reserves and Domains Act 1953 or any corresponding former Act, it shall be controlled and managed under the provisions of this Act relating to recreation reserves, pending its classification under this Act. Every such reserve shall be controlled and managed, by its Domain Board, in accordance with the  
25 following provisions:

“(a) Every such Domain Board that is a local authority shall act in the capacity of a local authority as if it had been appointed under section 28 (1) of this Act, as the administering body of the reserve, and all the provisions of this Act, except section 26A, shall apply accordingly:

30 “(b) Every such Domain Board that is not a local authority shall act in the capacity of a Reserves Board as if it had been appointed under section 30 (1) of this Act, to be, in that capacity, the administering body of the reserve, and all the provisions of this Act shall apply accordingly.

35 “(8) When classified under subsection (1) or subsection (2) of this section, each reserve shall be held and administered  
40 for the purpose or purposes for which it is classified and for no other purpose.



“(9) Classification of a reserve under subsection (1) of this section shall not, unless the Minister in the notice otherwise directs, affect the appointment or term of the administering body controlling and managing the reserve or of any member thereof. 5

“(10) The Minister, or the territorial authority in the case of a reserve vested in that authority, may, from time to time, by notice in the *Gazette*, declare that a reserve shall be known by such name as is specified in the notice, and the Minister or the territorial authority, as the case may be, may in like manner change the name of any reserve. Any change of name shall not affect the appointment or term of the administering body controlling the reserve or any member thereof: 10

“Provided that the Minister shall not change the name of a reserve that is controlled and managed by an administering body without consulting that administering body. 15

“(11) Notwithstanding anything in subsections (1) to (10) of this section,—

“(a) All reserves which immediately before the commencement of this Act were set apart as racecourse reserves or for racecourse purposes under the Reserves and Domains Act 1953 shall, after the commencement of this Act, and without further notice or gazetting, be held and administered as recreation reserves under section 17 of this Act, subject to sections 65 to 70 of this Act: 20 25

“(b) All reserves created before the commencement of this Act pursuant to Part XXV of the Municipal Corporations Act 1954 or Part II of the Counties Amendment Act 1961 shall, after the commencement of this Act, and without further notice or gazetting, be held and administered as follows: 30

“(i) As recreation reserves under section 17 of this Act, if their purpose was recreation: 35

“(ii) As historic reserves under section 18 of this Act, if their purpose was historic:

“(iii) As scenic reserves under section 19 of this Act, if their purpose was scenic or the preservation of scenery: 40

“(iv) As local purpose reserves under section 23 of this Act, if their purpose was utility, road, street, access way, esplanade, service lane, playcentre, kindergarten, plunket room, or other like purpose:

5 “(c) All reserves for the preservation of flora and fauna existing immediately before the commencement of this Act shall, after the commencement of this Act, and without further notice or gazetting, be held and administered as nature reserves under section 20 of this Act:

10 “(d) The reserves described in the Second Schedule to the notice by the Minister of Lands dated the 14th day of December 1972 and published in the *Gazette* on the 11th day of January 1973 at page 8 (being reserves forming part of the Marlborough Sounds Maritime Park) shall, after the commencement of this Act, and without further notice or gazetting, be deemed to be classified as local purpose reserves for sounds foreshore purposes under section 23 of this Act, but subject to the provisions of section 17 of the Reserves and Other Lands Disposal Act 1955:

20 “(e) All reserves which immediately before the commencement of this Act were set apart for Government railway purposes shall, after the commencement of this Act, and without further notice or gazetting, be held and administered as Government purpose reserves for railway purposes under section 22 of this Act under the control and management of the Minister of Railways.”

25 (2) This section shall be deemed to have come into force on the 1st day of April 1978.

Cf. 1953, No. 69, ss. 12, 42

30 **5. Administration of Government purpose reserves—**  
Section 22 of the principal Act is hereby amended by repealing subsection (1), and substituting the following subsection:  
35 “(1) It is hereby declared that the appropriate provisions of this Act shall have effect, in relation to reserves classified as Government purpose reserves for the purpose of providing and retaining areas for such Government purpose or purposes as are specified in any classification of the reserve.”

**6. Administration of local purpose reserves—**(1) Section 23 of the principal Act is hereby amended by repealing subsection (1), and substituting the following subsection:  
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“(1) It is hereby declared that the appropriate provisions of this Act shall have effect, in relation to reserves classified as local purpose reserves for the purpose of providing and retaining areas for such local purpose or purposes as are specified in any classification of the reserve.” 5

(2) Section 23 (2) of the principal Act is hereby amended by omitting the words “the general purposes specified in subsection (1) of this section”, and substituting the words “specific local purpose for which the reserve has been classified”. 10

**7. Esplanade reserves**—Section 23 (2) (a) of the principal Act (as amended by section 3 (5) of the Local Government Amendment Act 1978) is hereby amended by repealing the second proviso, and substituting the following proviso:

“Provided also that nothing in this paragraph shall 15  
authorise the doing of anything with respect to any esplanade reserve created under section 167 of the Land Act 1948, or section 190 (3) or Part XXV of the Municipal Corporations Act 1954 or Part II of the Counties Amendment Act 1961 and existing at the commencement of this Act, or any local 20  
purpose reserve for esplanade purposes created under the said Part XXV or Part II or under Part XX of the Local Government Amendment Act 1978 after the commencement of this Act, that would impede the right of the public freely 25  
to pass and repass over the reserve on foot, unless the administering body determines that access should be prohibited or restricted to preserve the stability of the land or the biological values of the reserve.”

**8. Public notification of change of classification or revocation of reserve**—Section 24 (2) (b) of the principal Act is 30  
hereby amended by inserting, after the word “reserve”, the words “after consulting the Commissioner”.

**9. Change of purpose of reserve by territorial authority**—  
The principal Act is hereby amended by inserting, after 35  
section 24, the following section:

“24A. (1) Notwithstanding section 24 of this Act, where any local purpose reserve is vested in a territorial authority that authority may, by notice in the *Gazette*, change the purpose for which that reserve is classified within its classification as a local purpose reserve. 40

“(2) Before the specified purpose of any local purpose reserve is changed pursuant to subsection (1) of this section,—

5 “(a) The territorial authority shall publicly notify the proposed change of purpose, specifying the reason or reasons for the proposal:

10 “(b) Every person claiming to be affected by the proposed change of purpose shall have a right of objection to the change, and may, at any time within 1 month after the date of the first publication of the notice of the proposal, give notice in writing of his objections to the proposed change and of the grounds thereof to the principal administrative officer of the territorial authority:

15 “(c) The territorial authority shall as soon as practicable consider all objections lodged in accordance with paragraph (b) of this subsection:

20 “(d) Any person who does not lodge an objection in accordance with this subsection shall be deemed to have assented to the change of purpose set forth in the public notification.”

**10. Vesting of certain reserves**—The principal Act is hereby amended by inserting, after section 26, the following section:

25 “26A. (1) Where any administering body that is a territorial authority has, before the 1st day of October 1979, been appointed to control and manage any reserve that has been classified under section 16 of this Act as a recreation reserve or local purpose reserve, that reserve shall, without further authority than this section, vest in that administering body.

30 “(2) All land so vested shall be held in trust for the purpose or purposes for which the reserve is classified.

35 “(3) Where any such administering body wishes to have a certificate of title issued to it in respect of any reserve vested in that administering body pursuant to subsection (1) of this section, the administering body shall, if the District Land Registrar so requests, provide the District Land Registrar with such evidence as he may require of the classification of that reserve and the appointment of that administering body to control and manage that reserve.”

**11. Control and management by the Crown of land that is not a reserve**—(1) Section 38 (1) of the principal Act is hereby amended by omitting the words “Subject to the approval of the Minister, an administering body of a reserve”, and substituting the words “The Minister, or an administering body of a reserve with the consent of the Minister,”.

(2) Section 38 (1) of the principal Act is hereby further amended by adding the following proviso:

“Provided further that the Minister shall not control and manage any land under this subsection except with the agreement of the owner, trustee, or controlling authority of the land to the use of the land for that specified purpose.”

**12. Preparation of management plan without prior public notice in certain cases**—Section 41 of the principal Act is hereby amended by inserting, after subsection (5), the following subsection:

“(5A) Nothing in subsection (5) of this section shall apply in any case where the administering body has, by resolution, determined that the public interest does not require the giving of public notice of the administering body’s intention to prepare a management plan.”

**13. Administering body to send draft management plan to Commissioner**—Section 41 (6) of the principal Act is hereby amended by inserting, after paragraph (a), the following paragraph:

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

**14. Management plans for Government purpose wildlife reserves**—Section 41 (16) of the principal Act is hereby amended by inserting, after the words “Government purpose reserve” in both places where they occur, the words “(other than a Government purpose reserve for wildlife management or other specified wildlife purposes)”.

**15. Public notice of intention to grant easements waived in certain circumstances**—Section 48 of the principal Act is hereby amended by inserting, after subsection (1), the following subsection:

“(1A) The proviso to subsection (1) of this section shall not apply in any case where—

“(a) The reserve is not likely to be materially altered or permanently damaged; and

“(b) The rights of the public in respect of the reserve are not likely to be permanently affected,—  
by the establishment and lawful exercise of the right of way or other easement.”

5     **16. Leasing powers in respect of recreation reserves (except farming, grazing, or afforestation leases)**—Section 54 of the principal Act is hereby amended by inserting, after subsection (1), the following subsection:

10     “(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

15     “(c) A management plan for that reserve has been approved in accordance with section 41 of this Act,—

      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.”

**17. Public notice of intention to grant leases waived in certain circumstances**—(1) Section 54 of the principal Act is hereby further amended by inserting, after subsection (2), the following subsection:

25     “(2A) Nothing in subsection (2) of this section shall apply where public notice of the proposal is required to be given or has been given under any other statutory provision, whether of this Act or any other Act.”

30     (2) Section 56 of the principal Act is hereby amended by adding the following subsection:

      “(3) Nothing in subsection (2) of this section shall apply in any case where public notice of the proposal is required to be given or has been given under any other statutory provision, whether of this Act or any other Act.”

35     (3) Section 74 of the principal Act is hereby amended by inserting, after subsection (3), the following subsection:

      “(3A) Nothing in subsection (3) of this section shall apply—

40     “(a) In the case of any Government purpose or local purpose reserve; or

“(b) In the case of any recreation, historic, scenic, or scientific reserve where public notice of the proposal has been given under any other provision of this Act.”

**18. Leasing powers in respect of historic reserves—**(1) The principal Act is hereby amended by inserting, after section 58, the following section: 5

“58A. (1) With the prior consent of the Minister, the administering body, in the case of an historic reserve that is vested in an administering body, may from time to time, in the exercise of its functions under section 40 of this Act, and the Minister, in the case of any other historic reserve, may from time to time, to the extent necessary to give effect to the principles set out in section 18 of this Act,— 10

“(a) Lease to any person, body, voluntary organisation, or society (whether incorporated or not) any building within the reserve for domestic residential purposes: 15

“(b) Grant leases or licences for the carrying on of any activity, trade, business, or occupation in any building or on any specified site within the reserve: 20

“Provided that the activity, 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. 25

“(2) Before granting any lease or licence under subsection (1) of this section (other than a lease or licence to which the proviso to paragraph (b) of that subsection applies), the administering body or the Minister, as the case may be, 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. 30

“(3) Nothing in subsection (2) of this section shall apply in any case where the Minister is satisfied that adequate public notice of the proposal is required to be given or has been given under any other statutory provision, whether of this Act or any other Act. 35

“(4) A lease granted pursuant to subsection (1) of this section shall be subject to the following conditions: 40

- “ (a) It shall be for a term not exceeding 33 years, with or without a right of renewal, perpetual or otherwise, for the same or any shorter term, but with no right of acquiring the fee simple, and, subject to paragraph (b) of this subsection, shall be on such other conditions as the administering body determines:
- 5 “ (b) It shall include a condition that the land leased shall be used solely for such purposes as are specified in the lease, and that upon breach of that condition the administering body may terminate the lease in such manner as is prescribed or implied in the lease, whereupon the land, together with all improvements, shall revert to the lessor without compensation being payable to the lessee for improvements or otherwise.”
- 10 (2) Section 18 (2) (b) of the principal Act is hereby consequentially amended by omitting the expression “section 58”, and substituting the expression “sections 58 and 58A”.
- 15 (3) Section 78 (1) of the principal Act is hereby consequentially amended by inserting, after the expression “section 58,” the expression “section 58A”.
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**19. Leases in respect of reserves for aerodrome purposes—**

- (1) The principal Act is hereby amended by inserting, after section 61, the following section:
- 25 “61A. Nothing in this Act shall prevent any airport authority (as defined in the Airport Authorities Act 1966) from exercising the powers conferred by section 6 of that Act in respect of any reserve vested in that authority as a local purpose reserve for aerodrome purposes.”
- 30 (2) Section 54 (3) of the principal Act is hereby consequentially repealed.
- (3) Section 78 (1) of the principal Act is hereby consequentially amended by inserting, after the expression “section 61,” the expression “section 61A”.

- 35 **20. Purchase of land by certain administering bodies without approval of Minister—**Section 64 of the principal Act is hereby amended by inserting, after subsection (1), the following subsection:

- 40 “(1A) Notwithstanding paragraph (a) of the proviso to subsection (1) of this section, the approval of the Minister shall not be required in any case where the administering body is a territorial authority.”



**21. Conservation covenants to preserve historical values—**  
Section 77 (1) of the principal Act is hereby amended by inserting, after the words “or marine-life habitat”, the words “, or historical value,”.

**22. Payment of legal and other expenses for use of land for reserve purposes—**Section 85 of the principal Act is hereby amended by repealing subsection (2), and substituting the following subsection: 5

“(2) Any agreement under subsection (1) of this section may provide for the payment by the administering body or, as the case may be, the Crown, of all or part of the reasonable legal expenses incurred by the owner, trustee, or controlling authority in connection with the agreement, and for the payment of a reasonable sum, whether by way of annual fee or otherwise, for the use of the land in accordance with the agreement.” 10 15

**23. Minister may authorise certain administering bodies to spend proceeds from certain reserves for other purposes—**  
The principal Act is hereby amended by inserting, after section 85, the following section: 20

“85A. Where the administering body of a recreation or local purpose reserve is also a territorial authority, that administering body may, if the Minister so authorises, apply the whole or part of the revenue derived from trees grown on that reserve for— 25

“(a) Any purpose for which that territorial authority may lawfully apply its funds; or

“(b) Such specific purpose as the Minister, with the consent of the Minister of Local Government, may direct.” 30

**24. Penalty for offences relating to National reserves—**  
Section 103 of the principal Act is hereby amended by repealing paragraphs (a) and (b), and substituting the following paragraph:

“(a) In the case of an offence committed in respect of a National reserve,— 35

“(i) Where the offence was committed by an individual, to imprisonment for a term not exceeding 3 months or a fine not exceeding \$2,500 and, where the offence is a continuing one, to a further fine not exceeding \$50 for every day on which the offence has continued: 40

5 “(ii) Where the offence was committed by a corporation, to a fine not exceeding \$5,000, and, where the offence is a continuing one, to a further fine not exceeding \$50 for every day on which the offence has continued:”.

**25. Penalty for breach of bylaws relating to National reserves**—Section 104 of the principal Act is hereby amended by repealing paragraphs (a) and (b), and substituting the following paragraph:

10 “(a) In the case of an offence committed in respect of a National reserve, to a fine not exceeding \$1,000, and, where the offence is a continuing one, to a further fine not exceeding \$20 for every day on which the offence has continued:”.

15 **26. Notices**—Section 119 of the principal Act is hereby amended by repealing subsection (1), and substituting the following subsection:

20 “(1) Where this Act requires anything to be publicly notified or refers to public notification, the subject-matter shall, unless this Act specifically provides otherwise, be published as follows:

“(a) Where the notification relates to a National reserve or proposed National reserve, or any part thereof, it shall be published—

25 “(i) Once in the *Gazette*; and

“(ii) Once in a newspaper circulating throughout the area in which the reserve or proposed reserve is situated; and

30 “(iii) Once in each of 2 daily newspapers published in the Cities of Auckland, Wellington, Christchurch, and Dunedin; and

“(iv) In such other newspapers (if any) as the Minister directs:

35 “(b) Where the notification relates to any other reserve or proposed reserve, it shall be published—

“(i) Once in a newspaper circulating in the area in which the reserve or proposed reserve is situated; and

40 “(ii) In such other newspapers (if any) as the administering body decides:

“Provided that any notification under section 16

(4) of this Act relating to a nature reserve or scientific reserve or a proposed nature reserve or scientific reserve shall be published in the manner specified in paragraph (a) of this subsection:

“Provided also that where under this subsection a notification is required to be published in a newspaper circulating in the area in which the reserve or proposed reserve is situated and there is no such newspaper, the notification shall be published once in the *Gazette*.”

**27. Rights of objection and of making submissions—**Section 120 (1) of the principal Act is hereby amended by omitting the expression “(except section 41)”, and substituting the expression “(except sections 24, 24A, and 41)”.

**28. Period for making of objection and submissions reduced—**Section 120 (1) (b) of the principal Act is hereby amended by omitting the expression “2 months”, and substituting the expression “1 month”.

**29. Consequential amendment—**The Local Government Amendment Act 1978 is hereby amended by repealing so much of the Second Schedule as relates to the second proviso to section 16 (1) and the second proviso to section 23 (2) (a) of the principal Act.