



Management Planning for Reserves

Management planning is intended to enable the administering body to establish the desired mix of uses and values for each reserve or group of reserves and set in place policy to guide day to day management. Determining community preferences, and establishing the best means to provide for them are essential ingredients for good management planning.

A management plan for a single reserve, a group of reserves or a whole portfolio should be viewed as a community document. A management plan provides the community with certainty about the function and management of each reserve or grouping. A management plan also provides the administering body with efficiency gains in management of the reserve, by not requiring public notification or ministerial consent for some routine matters.

The ability to forego some public consultation and approvals recognises that the compatibility of an activity with the overall purpose of a reserve has already been addressed in the management plan. The format of this Chapter is based on a series of questions and answers which aim to provide a ready reference about management planning. In addition, a practice notice provides an example of a strategic approach which has been developed by several Councils. Appendices hold useful checklists and standard forms for the management plans process.

What are the Purposes of Management Plans?

The Act requires (s.41(3)) that a management plan “**provide for and ensure**” the following:

- the principles set out in ss.17 to 23 that apply to a reserve of the relevant classification
- compliance with those principles
- use, enjoyment, maintenance, protection, and preservation of the reserve(s) as the case may require



- development (as appropriate) of the reserve(s) to the extent that the administering body's resources permit, for the purpose for which each reserve is classified.

The Minister of Conservation has the discretion (s.41(14)) to require the Council's plan to be integrated with the plans of other administering bodies in a locality. This would only happen as an exception rather than the rule.

What Reserves Must be Covered by Management Plans?

All reserves (except local purpose reserves) for which the Council is the administering body must be covered by an approved management plan, or plans, under s.41

In the case of local purpose reserves, the Minister of Conservation has a discretion to require a management plan. This decision is made at the time of vesting or appointment to control and manage in an administering body (s.41(16) Reserves Act). Exercise of the discretion would be the exception rather than the rule. Council records should reveal such conditions of appointment or vesting.

When Do Plans Have to be Completed?

The answer depends on when the Council became the administering body of the reserve.

If that date was before 1 April 1978, the plan had to be completed by 31 March 1983. If that date was after 1 April 1978, the plan had or has to be completed within 5 years of the date of appointment or vesting (s.41(1)).

Can the Council Apply for an Extension of Time?

A Council can apply for an extension of time to the Department of Conservation if it has made reasonable progress. The extension can be authorised under s.41(2).

It is unnecessary to apply for an extension of time in relation to recreation reserves if the Council was the administering body on 1 April 1978 as a decision was made in 1983 to give a blanket extension.

The Minister of Conservation may, however, require a Council to submit a management plan for approval (s.41(15)) before the Minister gives consent or approval under the Reserves Act to an action the Council wishes to take for such a reserve.

The Minister may also make such decisions (to give or decline consent or approval) in relation to any other class of reserve, or in relation to recreation reserves vested (or appointments made) after 1 April 1978.

Can the Council Approve a Management Plan?

The Council can approve management plan(s) over recreation reserves for which it is the administering body (s.41(13)).

An exception is when the Minister of Conservation has specified (in the terms of the vesting or appointment) that the management plan for the reserve be submitted for approval by the Minister. Use of this discretion would be the exception rather than the rule, and has seldom been used in practice.

Council records should reveal such conditions of vesting or appointment.

All other mandatory management plans (eg all reserves except local or government purpose (s.41(16)) must be approved by the Minister of Conservation (s.41(1)). (The power is delegated to officers in the Department of Conservation.) The cost of approval may be recovered from the Council under the provisions of s.60B Conservation Act.

Can a Management Plan Cover More Than One Reserve?

Provided the requirements of s.41 of the Act are otherwise met, a management plan may cover more than one reserve.

Such a multiple-reserve management plan may cover all reserves of a single class (eg all recreation reserves) or cover reserves of different classes for which the Council is the administering body.

In the latter instance, the provisions in the plan relating to reserves of any particular class must be consistent with the statutory requirements related to that class of reserve (s.41(3)). For example, any goals or objectives in the plan which relate to recreation reserves must be consistent with the purposes defined in s.17. Those for scenic reserves must be consistent with s.19.

The reserves covered by the plan (and their boundaries) must be sufficiently described for a member of the public to recognise them individually. This can be done, for example, by mapping them in adequate detail in the plan. Legal descriptions and references to land status documentation (ie how the land became a reserve) should be included.

The plan must provide details of the classification of each reserve, and a reference to the authority for the classification (source document) is essential. The purposes for which a reserve must be managed derive from its classification (see Chapter 8).



Practice Note: Developing an Integrated Framework for Management Planning

Some Councils have taken a strategic approach to management planning, which has had the benefits of providing a coherent overview of all reserves managed by the Councils and reducing repetition and duplication of costs.

The Act does *not* preclude a local authority from:

- common or omnibus plans covering reserves of like type or in the same locality
- preparing a general reserve strategy or set of policies to streamline its decision-making and to cover day to day decisions about the management of reserves that are not covered by a formal management plan.

This approach is already used by a number of Councils including Rotorua and Wanganui District Councils and Wellington City Council. A basic framework could be that as an administering body, a local authority has:

- an open space strategy that covers all reserves, including local purpose reserves and reserves administered outside the Act. The strategy could cover matters of general policy, allow priority setting for reserve acquisition, divesting and development. The strategy could also set policy for managing issues or reserves of a general type, and identify specific reserves or issues needing closer management
- management plans prepared for individual or groups of reserves only where greater planning detail is needed eg in Wellington for the Botanic Gardens of Wellington or for the Wellington Town Belt.

This “strategic” approach would enable:

- matching the form and degree of management to the different levels of public interest in, and use of, reserves, and the different threats involved
- the reduction of the costs of reserve management planning
- the setting of priorities for expenditure across a reserves portfolio and the development of clearer links to Local Government Act processes eg the better linking with other local authority strategic plans, policies and asset and operational/business plans
- the management of local purpose reserves and open-space land administered outside the Act to be factored into an overall reserves strategy for the district/region.

Points to watch...

- Management planning for reserves must still follow from the classification of each reserve. Classifications provide for different purposes, however subtle. An omnibus plan containing reserves with different purposes must not lose sight of the difference.

Practice Note Cont'd

- Clear references to the classification and purpose for each reserve are required. Where any requirements and powers for its management arise, these must, of necessity, be addressed in an omnibus or multi-reserve plan in a manner that will ensure that both general and specific policies in the plan for each reserve comply with the Act according to the classification of the reserves affected.
- A format that is easy to follow should be used. For example, having general policies "up front", then dealing with each reserve in turn, by cross-referencing to the general policies that are to apply in each case, is a good approach. Accessibility of this information to the public and operational staff is a core reason for the plan.
- If Ministerial approval of the plan, for some reserves, is required then the application to the Minister should clearly state which reserves and what parts of the plan should be referenced. A schedule which lists each reserve and its classification is a useful addition. The Department should, of course, be consulted throughout the process to minimise the chances of not gaining approvals.

This approach is akin to ss.17D and 17E of the Conservation Act 1987 that are now incorporated into the Reserves Act (ss.40A and 40B) in regard to reserves management by the Department of Conservation.

Extract from "Improving Administration and Understanding of the Act 1977" Report on a Review by a Working Party of Local Government New Zealand and the Department of Conservation. Dec '98.

Can the Council Prepare a Plan for Unclassified Reserves?

The Council can prepare an advance draft of a plan covering unclassified reserve(s) for which it is the administering body, provided this does not pre-empt the classification process.

The Council cannot, however, invite public submissions on the draft plan until all the reserves which it covers are classified and the draft plan is consistent with those classifications (s.41(3)).

Can Reserves be Classified by the Council as an Integrated Part of the Management Planning Process?

The Council can exercise its statutory powers under s.16(2A) Reserves Act (see Chapter 8) or its delegated powers under s.16(1) (see Chapter 2) in an integrated way during the management planning process. Integration is built into the process set out on page 6/7 in this Chapter.

If the Council does not have the power to classify any reserve affected by the plan, then a separate classification process by the Minister of Conservation is required (see Chapter 8).



Can the Council Include a Local Purpose Reserve in a Management Plan?

The Council can include a local purpose reserve in any management plan for which it is the administering body if it chooses, including a plan for that reserve alone. However, it is not required by the Act to have a plan covering any local purpose reserve unless the Minister has specially required it.

Can the Council Include in a Management Plan Land Which is not a Reserve?

Any land of the Council which is not subject to the Reserves Act 1997 can be included in a multi-reserve plan if the Council wishes. It will need to be distinguished from the reserves and appropriately provided for. (Council cannot be bound by the terms of the Act for those areas.)

Who Approves a Multi-Reserve Management Plan?

The Minister of Conservation and the Council will each approve the plan if it comes within the scope of both their statutory jurisdictions.

For example, if the plan includes a scenic reserve, the Minister will approve that part which relates to the reserve (s.41(1)). If the plan includes a recreation reserve, the Council will approve it for that reserve (s.41(13)). The approval certificate would be drafted accordingly.

The Council would also approve the plan for any Council (non-reserve) land or local purpose reserves included in it.

A plan requiring approval on behalf of the Minister should be sent to the Department of Conservation.

What Should a Management Plan Contain?

The Department of Lands and Survey issued guidelines in 1983 on the content of management plans for recreation reserves administered by local authorities. A second edition of these guidelines is attached as Appendix 6a.

The Guidelines also included a standard for public notices (see Appendix 6b).

The Guidelines in the Appendix are not binding. The Council may itself determine how to meet the statutory responsibilities outlined earlier in this Chapter. Council may choose to take in-house advice from planners, legal advisors and other staff, or external advice. For example, advice on consultation may be sought from a Council's in-house or external community liaison specialist; property/asset specialists; resource management and activity/land use planners; and recreation landscape and ecological assessment experts.

Is the Council Bound by a Management Plan Once it is Approved?

In exercising its functions as the administering body of a reserve under the Reserves Act, the Council is required to comply with the management plan for the reserve and any approved amendments of it (s.41(11)). The plan cannot, however, regulate the behaviour of anyone other than the administering body.

Does Approval of the Management Plan Allow the Council to Exercise Additional Statutory Powers Over the Reserve?

Once the plan for the reserve is approved, the Council may be able to exercise statutory powers that are expressed as being tied to a management plan.

For example, the Council may exercise the power in s.54(1), in relation to leasing vested recreation reserves, without the consent of the Minister of Conservation if the lease or licence is in conformity with and contemplated by the management plan (s.54(2A)). The Council may also be free to exercise delegated powers in such circumstances (see Chapter 2 and Appendix 2c).

Approval of a management plan by the Minister of Conservation is not itself an approval or a consent for any other purpose of the Act (s.41(12)).

Does the Council Have to Keep a Plan Under Continuous Review by the Council?

A Council is required to keep the management plan(s) over reserves for which it is the administering body under continuous review (s.41(4)). The intention is that the plan be adapted to changing circumstances or increased knowledge.

Generally, plans should be reviewed at a minimum of 10 year intervals and need not involve a complete rewriting.

Can the Minister of Conservation Require a Plan to be Reviewed?

The Minister of Conservation has the power to require an administering body to review its management plan, whether or not the plan requires the approval of the Minister (s.41(4)).

What Process Does the Act Require?

The process which the Act requires is set out below. A Council may wish to add other elements as well, to reflect its best practice. For example, focus groups could be used as part of the consultation process. An example is provided in the practice note in Appendix 6c which was contributed by Dunedin City Council.



Stage	Who Does It	What Happens
1	Officer ¹	<ul style="list-style-type: none"> • Makes a decision to begin the process. • Determines the areas of land to be covered by the plan. • Determines which areas are reserves subject to the Reserves Act 1977. • Confirms that the Council is the administering body for the reserve(s) or the owner of other area(s).
2	Officer (see Chapter 8)	<ul style="list-style-type: none"> • Determines whether or not there are any unclassified reserves to be covered by the plan. • Determines whether or not the Council has the power to classify the unclassified reserves. • <i>If the Council does not have the power then requests the Minister of Conservation² to classify any reserve.</i> • <i>If the Council does have the power then decides whether or not to integrate the classification with this process (see Stage 3).</i> <p>(NB There may be reserves in both categories.)</p>
3	Officer	<ul style="list-style-type: none"> • Decides whether or not to recommend exemption from public notice of the intention to prepare the plan. • <i>If the officer decides not to recommend such an exemption then deals only with classification before proceeding to Stage 5.</i> • Makes recommendations to Council, including those relevant to reserve classification if appropriate to decision made at Stage 2.
4	Council ³	<ul style="list-style-type: none"> • On the recommendation of the officer, resolves (in terms of s.41(5A)) whether to determine that written suggestions on the proposed plan would not materially assist in its preparation. • Resolves (in terms of s.16(2A)) how to classify any unclassified reserve(s) of the types covered by that subsection.



1 "Officer" refers to the employee or contractor of the Council authorised to undertake the action.

2 "Minister of Conservation" or "MOC" refers to the officer in DOC exercising the delegated authority on behalf of the Minister.

3 "Council" refers to the full Council.

Stage	Who Does It	What Happens
5	Officer	<ul style="list-style-type: none"> • If the Council agrees to the exemption <i>then</i> proceeds to Stage 6. • If the Council declines the exemption or exemption was not sought <i>then</i> prepares information for public release (see also Chapter 5). • Gives public notice of invitation in accordance with s.41(5) and (if appropriate) gives notice to the Commissioner⁴ under s.16(2B). • Records the Council's decision about the reserve classifications under s.16(2A).
6	Officer	<ul style="list-style-type: none"> • Drafts management plan, giving full consideration to any comments received as a result of public invitation (s.41(5)(c)). • Awaits completion of the classification process by MOC, if still in train.
7	Officer	<ul style="list-style-type: none"> • Finalises and submits draft plan to Council for consideration (if required by Council practice).
8	Council	<ul style="list-style-type: none"> • On submission by officer approves draft plan for public release (refer Appendix 6c for practice example on use of focus group for consultation). • Determines hearing procedure (s.41(10)).
9	Officer	<ul style="list-style-type: none"> • Acts on Council decision if Stages 7 and 8 occur. • Gives public notice in accordance with s.41(6)(a) (see also Chapter 5). • Sends copy of the plan to the Commissioner (s.41(6)(aa)). • If a public invitation was given at Stage 5 <i>then</i> sends written notice in accordance with s.41(6)(b). • Arranges for the draft plan to be available in accordance with s.41(6)(c).
10	Officer	<ul style="list-style-type: none"> • Arranges any hearing required in accordance with s.41(6)(d) (see also s.41(10)). • Arranges a report on any hearing.



4 "Commissioner" – notices to the Commissioner are to be sent to the local conservancy office of DOC.



Stage	Who Does It	What Happens
11	Officer	<ul style="list-style-type: none"> Summarises objections and comments and prepares recommendations to Council on extent to which they should be allowed or accepted or disallowed or not accepted. Submits to Council.
12	Council	<ul style="list-style-type: none"> Makes decision on extent to which the objections and comments will be allowed or accepted or disallowed or not accepted.
13	Officer	<ul style="list-style-type: none"> Makes alterations to plan in accordance with Council decisions. If Council holds the power of approval <i>then</i> submits revised plan for approval by Council. If MOC holds the power of approval <i>then</i> submits revised plan to MOC with a copy of the Council's decision at Stage 12 (s.41(6)(e)). If dual approval is required <i>then</i> submits revised plan to Council, and afterwards to MOC with a copy of the Council's decision at Stage 12 (s.41(6)(e)).
14	Officer	<ul style="list-style-type: none"> Acts on Council/MOC decision(s) on submitted plan.
15	Council	<ul style="list-style-type: none"> Makes a decision to amend the plan. Decides whether or not to go through public process (s.41(9)).
16	Officer	<ul style="list-style-type: none"> Completes action in accordance with Council decision and the relevant provisions of s.41.
17	Council	<ul style="list-style-type: none"> Makes decision to review the plan (s.41(8)).
18	Officer	<ul style="list-style-type: none"> Goes through or initiates action under Stages 2 to 14 (s.41(8)).

Practice Note: Case Example – Dunedin City Council’s Sports Ground Management Plan

Background

Structure and Content of Management Plans

The Dunedin City Council (the Council) has taken the approach of developing management plans that cover all reserves and fee simple land used as reserves, of a similar purpose, eg the hills, sports grounds, coastal areas. In the case of the Sports Ground Management Plan, approximately 50 reserves (that contain 147 sports fields) were amalgamated into one plan.

The time and expense in preparing management plans and the large number of small reserves with a similar purpose, meant that pooling reserves together made the management planning process more feasible. The review of these plans also became more effective as like issues were addressed at one time and the public were not “over-consulted” on the same reserve issues. Over consultation can often affect the degree of participation in a planning and policy review process.

Although groups of similar reserves are amalgamated into one plan, the Council has developed a “Reserves Management Plan – General Policies” document to address management policy common to all reserves covering issues such as car parking, signage and occupation of reserves. The general policies plan is reviewed each time an “amalgamated” reserve management plan is reviewed, such as the Town Belt Management Plan. This allows key policies to be continuously updated and evolve into a more responsive policy document.

The content of each plan is structured and formatted to meet the purpose and use of the plan as a management document and a catalogue of resource information on each reserve.

Actions Taken

- Amalgamating planning for reserves with a similar purpose into one plan, which is reviewed every ten years. Policy is site specific and strategic, providing an intention of not just how the reserves will be managed on a daily basis but the strategic direction for the reserves. The resource information section documents asset information that is required when making a policy decision about a particular reserve.
- The development of a General Policies document addressed management policy that related to all reserves. The “General Policies” document was of a medium to low level and relates closely to operational policy. The General Policies document is reviewed each year within the same process for reviewing an “amalgamated” plan.
- Format of plan:
 1. *Introduction* – Historical background, Aims and Objectives of the Plan, Summary of Council’s role in Management Planning.
 2. *Strategic Aims and Objectives* – Aims and Objectives as they relate to other Council policy (Annual Plan, Long Term Financial Strategy, Council’s Strategic Plan).



Practice Note Cont'd

3. *Consultation and Review Process.*
4. *General and Specific Reserve Policies.*
5. *Ground Specific Information* (Resource inventory/description of each reserve)
– Location, Legal Description, Legal Status, History, Physical Description, Buildings and Structures, Access, Present Use, Adjacent land Issues, Specific Policies, Cadastral Map.
6. *Appendices.*

Outcomes

- More efficient use of time and money as more reserves can be reviewed under one plan.
- Allows a direction for planning and development to be taken for smaller reserves, which are often left without a vision as to their use and purpose.
- Allows all reserves to be managed in response to Council's Annual Plan, Strategic Plan, Long Term Financial Strategy and the Asset Management Plan.
- Collective focus on issues that are the same for all reserves. For example, a Coastal Management Plan allows Council to focus on coastal protection all at the one time. This also allows the community to focus on a few specific issues which makes the management planning process more relevant to special interest groups. Continually consulting the same groups each year on the same issues can cause the problems of inconsistent policy and lack of interest from stakeholders.
- Regular review of this type of policy caters for changes in legislation and political decision making. Modifying the General Policies on an annual basis allows a regular change or update of management policy which in turn updates all the ten year plans without taking them all through a public notification process and interrupting the ten year review cycle.

What Would You Do Differently Next Time?

- Ensure that the format and content of each plan is consistent. This includes having a numbering system to allow cross-reference between plans and other Council policy documents. As each plan has been reviewed, often by different people, the format and approach has been different.
- Provide an electronic copy of all plans with an electronic index reference system to allow customers to access policy information, including making submissions on draft plans, through the Council's web site.

Suggestions of Points to Watch

- Ensure development proposals on a specific reserve do not drive the purpose of management planning for reserves.
- Inform Councillors of the requirements for management planning under the Reserves Act, particularly the public notification process and timeframes involved, in order to create realistic expectations for the management planning process.

**Practice Note Cont'd**

- Inform Councillors of the cycle or priority for which plans are reviewed before others.

Suggestions for a Check List in Using the Process or Dealing With Issues

- Place reserves of similar purpose into one management plan.
- Transfer policy that covers or is relevant to all management plans into one Reserve Management Plan which is reviewed on a regular basis and within the same process as each Omni-bus plan.
- Focus on reserve plans that have a higher "issue" profile or "greater effects" if a management plan is not in place.

References

Dunedin City Council, (1999) *Sports Ground Management Plan*

Dunedin City Council, (1999) *Reserve Management Plan – General Policies*.

Contributed by Craig Grocke, Dunedin City Council.

6  *Management Planning for Reserves*