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# *Classification of Reserves and Changes of Classification or Purpose*

This Chapter provides key information about the classification and change of classification or purpose provisions of the Act. Using a question and answer format, the framework of the Act is explained and the details of the various classifications will assist officers develop suitable criteria and improve the choice of classification categories for reserves.

## **8.1 Classification – General**

### **What is Classification?**

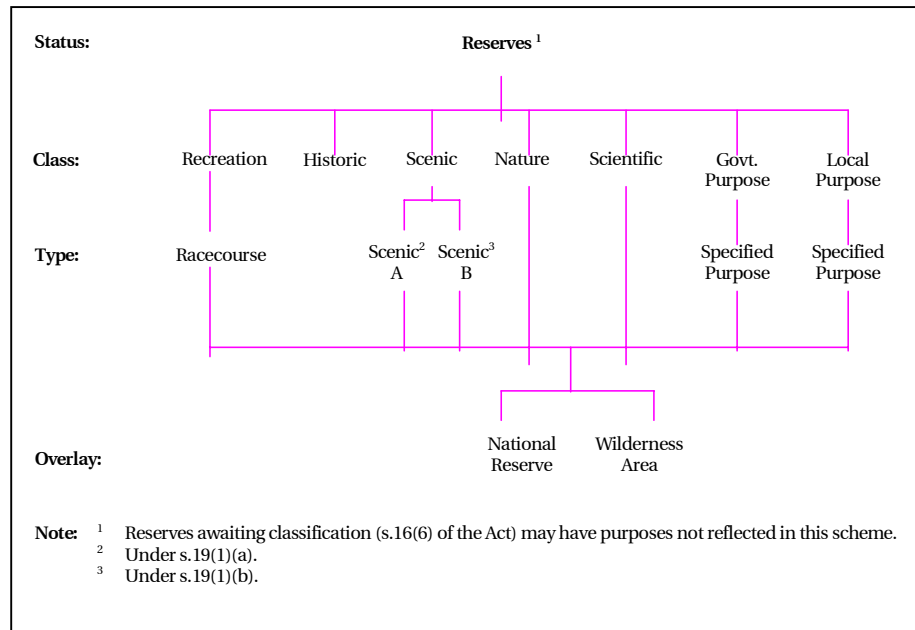
“Classification” is a mandatory process under s.16 of the Reserves Act which involves assigning a reserve (or the parts of a reserve) to the appropriate class (and, if required, the type and overlay) within the framework shown in the diagram below.

The “class” determines the principal or primary purpose of the reserve. The determination of an appropriate classification category for a reserve is a matter that the community should have adequate input. Not only are the present values of the reserve important to consider, so too are the future “potential” values and the possible future uses and activities on the reserve. Therefore classification is a matter that is a crucial element in management planning. In considering classification to this Chapter reference should also be made to Chapter 2 “Powers Under the Reserves Act”; Appendix 2c “Instrument of Delegation” and Chapter 6 “Management Planning for Reserves”.

Reserves are classified to ensure their control, management, development, use and preservation for appropriate purposes (s.16(1)).

### **What is the Framework for Classification?**

The four-tier framework of reserve classification under the Reserves Act follows.



These are some examples of reserve classifications within the above framework:

Class	Type	Overlay
Government purpose	wildlife sanctuary	national (s.13)
Recreation	racecourse	N.A.
Recreation	N.A.	N.A.
Scenic	s.19(1)(a)	N.A.
Local purpose	public hall	N.A.

### What do the Classifications Mean?

The following tables have been adapted from the Department of Conservation (DOC) “Standard Operating Procedures Manual: Categorisation of Protected Areas, 1998” (Reference QD Code NH/1027(01)). The tables show the similarities or contrasts between the categories of protected areas under the Act that are relevant to the management of land held under the Reserves Act by local authorities.

A set of the other tables from Chapter 6 of the DOC Manual, which cover other statutes under the jurisdiction of DOC, is contained in Appendix 8a.

The tables note the purpose and relevant section under the Reserves Act along with brief statements about the primary and secondary objectives of management; guidance for selection of the category for classification; and the typical organisation responsible for management of land in the category.

A further set of tables from the above mentioned Department of Conservation “Standard Operating Procedures Manual” regarding other statutes under the jurisdiction of the Department is contained as a reference in Appendix 8a.

### Local Purpose Reserve

Purpose (s.23)	An area of land (or land and water) suitable for a specified local educational or community purpose which does not duplicate any other reserve purpose
Objectives of Management (s.23)	<p>Primary</p> <ul style="list-style-type: none"> <li>• Determined by the purpose</li> <li>• Prohibit access to the whole or any part of the reserve except by permit where appropriate</li> </ul> <p>Secondary</p> <ul style="list-style-type: none"> <li>• Manage and protect scenic, historic, archaeological, biological or natural features</li> <li>• Maintain value as a soil, water, and forest conservation area</li> </ul>
Guidance for Selection	Depends on purpose (but generally very small, modified areas)
Organisational Responsibility	As for historic reserve

### Government Purpose Reserve

Purpose (s.22)	Area of land (or land and water) suitable for a specified government purpose <sup>1</sup>
Objectives of Management (s.22)	<p>Primary</p> <ul style="list-style-type: none"> <li>• Determined by purpose</li> <li>• May be administered also under another Act or Acts when another Minister is appointed to control and manage</li> <li>• Prohibit access to the whole or part of the reserve except by permit where appropriate</li> </ul> <p>Secondary</p> <ul style="list-style-type: none"> <li>• Manage and protect scenic, historic, archaeological, biological, cultural, scientific or natural features or wildlife</li> <li>• Maintain value as a soil, water and forest conservation area</li> </ul>



<sup>1</sup> Generally restricted in the case of new reserves to conservation-related purposes eg wildlife refuge. Lands for other Government purposes are set apart under the Public Works Act 1981.



Guidance for Selection	Depends on the purpose
Organisational Responsibility	<ul style="list-style-type: none"> <li>Owned by the Crown</li> <li>Controlled and managed by DOC unless a Minister of the Crown (other than the Minister of Conservation) or another administering body would better carry out the purpose of the reserve</li> </ul>

### Historic Reserve

Purpose (s.18)	An area of land (or land and water) possessing places, objects and natural features as are of historic, archaeological, cultural, educational and other special interest
Objectives of Management (s.18)	<p>Primary</p> <ul style="list-style-type: none"> <li>Manage structures, objects and sites to illustrate with integrity the history of New Zealand</li> <li>Allow the public freedom of entry and access subject to such conditions and restrictions as are necessary for the protection and general well being of the reserve and for the protection and control of the public using it</li> <li>As appropriate, preserve the indigenous flora and fauna and natural environment as far as possible</li> </ul> <p>Secondary – if applicable</p> <ul style="list-style-type: none"> <li>Manage and protect scenic, archaeological, geological, biological, or other scientific features, or indigenous flora and fauna, or wildlife</li> <li>Maintain value as a soil, water, and forest conservation area</li> </ul>
Guidance for Selection	<ul style="list-style-type: none"> <li>Area should be sufficiently large to preserve all the significant historic or archaeological features associated with the place, object or natural feature</li> <li>Area should include sufficient additional land as a buffer against incompatible development or as unobtrusive sites for necessary services for management and public use</li> <li>The primary value should be traditional, historic or archaeological – through an association with major events, or Maori tradition</li> <li>Area should have immediate interest to the visitor, or be important as a key for continuing research and interpretation of New Zealand history</li> </ul>

Organisational Responsibility	<ul style="list-style-type: none"> <li>Owned by the Crown or vested in an administering body</li> <li>Controlled and managed by DOC unless an administering body would better carry out the purposes of the reserve</li> </ul>
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### Recreation Reserve

Purpose (s.17)	An area of land (or land and water) possessing open space, and outdoor recreational values especially suitable for 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, including recreational tracks in the countryside
Objectives of Management (s.17)	<p>Primary</p> <ul style="list-style-type: none"> <li>Allow the public freedom of entry and access subject to such conditions as are necessary for the protection and well-being of the reserve and for the protection and control of the public using it</li> <li>Conserve those qualities which contribute to the pleasantness, harmony and cohesion of the natural environment and to the better use and enjoyment of the reserve</li> </ul> <p>Secondary</p> <ul style="list-style-type: none"> <li>Manage and protect scenic, historic, archaeological, biological, geological or other scientific features or indigenous flora or fauna or wildlife</li> <li>Maintain value as a soil, water and forest conservation area</li> </ul>
Guidance for Selection	<ul style="list-style-type: none"> <li>Area may be totally modified eg suitable for sports fields</li> <li>Area may be in a partly natural conditions eg suitable for picnic or camp sites or like development</li> <li>Area may be lineal eg suitable for recreational walking and/or vehicle use</li> </ul>
Organisational Responsibility	<ul style="list-style-type: none"> <li>Owned by the Crown or vested in a territorial authority or other administering body</li> <li>Under the control and management of DOC unless an administering body would better carry out the purpose of the reserve</li> </ul>



### Scenic Reserve 'B' (Modified s.19(1)(b))

Purpose (s.19(1)(b))	A suitable area of land (or land and water) which by development and the introduction of flora, whether indigenous or exotic, will become of significant scenic interest or beauty
Objectives of Management (s.19)	<p>Primary</p> <ul style="list-style-type: none"> <li>As appropriate to the purpose, preserve the indigenous flora and fauna, biological associations, and natural environment and beauty as far as possible</li> <li>As appropriate, exterminate exotic fauna and (to be extent consistent with purpose) exotic flora as far as possible; allow the public freedom of entry and access subject to conditions and restrictions necessary for the protection and well-being of the reserve and for the protection and control of the public using it</li> </ul> <p>Secondary</p> <ul style="list-style-type: none"> <li>Develop open portions for amenities and facilities where these are necessary to enable the public to obtain benefit and enjoyment from the reserve</li> <li>Manage and protect historic, archaeological, geological, biological or other scientific features</li> <li>Maintain value as a soil, water and forest conservation area</li> </ul>
Guidance for Selection	<ul style="list-style-type: none"> <li>Degraded natural or semi-natural areas where the public interest warrants restoration or conversion as a scenic attraction</li> <li>Area will generally be small</li> </ul>
Organisational Responsibility	As for recreation reserve

### National Reserve

Purpose (s.13)	An area of land (or land and water) which protects values of national or international importance
Objectives of Management (s.13)	<ul style="list-style-type: none"> <li>Provide for the application of management policies to protect the values of national or international significance and for the coordination of management with other national reserves</li> <li>Apply other management objectives according to the underlying category of the reserve</li> </ul>

Guidance for Selection	<ul style="list-style-type: none"> <li>• Area is the best example of particular national or international values<sup>2</sup></li> <li>• Area may be large or small but of sufficient size to protect the integrity of the value for which it is selected</li> <li>• May comprise a clustered group of areas without a single major contiguous area</li> <li>• Area may contain only one or two outstanding features of specialised interest rather than a range of features of general interest</li> </ul>
Organisational Responsibility (s.13)	<ul style="list-style-type: none"> <li>• Owned by the Crown</li> <li>• Administered by DOC, a reserve board or in such other manner as the Minister of Conservation directs (consistent with the objectives of management)</li> </ul>

### Esplanade Reserve

Purpose	A fixed linear area of riverbank, lakeshore or seashore of at least three metres or greater width (usually 20m) either in a natural or modified state available primarily for conservation and public access
Objectives of Management	<p>Primary (one or more; refer s.229 RMA)</p> <ul style="list-style-type: none"> <li>• Maintain or enhance the natural functioning of the adjacent sea, river or lake</li> <li>• Maintain or enhance aquatic habitats</li> <li>• Protect associated natural values</li> <li>• Mitigate natural hazards</li> <li>• Enable the public access to or along any sea, river or lake</li> </ul> <p>Secondary (s.23)</p> <ul style="list-style-type: none"> <li>• Manage and protect scenic, historic, archaeological, biological or natural features</li> <li>• Maintain value as a soil, water and forest conservation area</li> </ul>
Guidance for Selection	<ul style="list-style-type: none"> <li>• Selected on subdivision of land, under the provisions of the RMA, as alternatives to “esplanade strips”. Apply to allotments of less than 4ha (or in some cases 4ha or more, s.237F RMA) adjoining: the sea (MHWM), along the bank of any river with a bed of average width of 3m or more; or the margin of any lake whose bed has an area of 8ha or more.</li> <li>• Otherwise selection is determined by the provisions of policy statements and district plans in accordance with Part II of the Second Schedule to the RMA</li> </ul>



<sup>2</sup> Values as identified by the National Parks and Reserves Authority (NPRA) in 1982 – refer to DOC Manual



Organisational Responsibility	<ul style="list-style-type: none"> <li>• Vested in the territorial authority for the district (s.231 RMA)</li> <li>• Administered by the territorial authority for the district (s.231 RMA)</li> </ul>
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### Marginal Strip (Conservation Act 1987)<sup>3</sup>

Purpose	Either a fixed or moving linear area of riverbank, lakeshore or seashore of at least 3m or greater width (usually 20m) either in a natural or modified state available primarily for conservation and public access
Objectives of Management	<ul style="list-style-type: none"> <li>• Maintain adjacent watercourses or bodies of water</li> <li>• Maintain water quality</li> <li>• Maintain aquatic life and control harmful species of aquatic life</li> <li>• Protect other natural values</li> <li>• Enable the public access to adjacent water courses or water bodies</li> <li>• Allow public recreational use</li> </ul>
Guidance for Selection	<ul style="list-style-type: none"> <li>• Selected on disposal of Crown land abutting the landward margin of any foreshore or the bed of any lake, or the bed of any river, or stream with an average width of 3m or more (s.24 Conservation Act)</li> <li>• Area of less than 20m width may be selected adjoining the margin of the sea or a lake only if achievement of the above objectives will not be diminished (s.24A Conservation Act)</li> <li>• A marginal strip may not be selected adjoining a river or stream if the land has little or no value in terms of the objectives of management or if any value the land has in those terms can be protected effectively by another means (s.24B)</li> </ul>
Organisational Responsibility	<ul style="list-style-type: none"> <li>• Owned by the Crown (s.24 Conservation Act)</li> <li>• Can be placed under the control of a manager – presumption in favour of the owner of the adjoining land unless there is a more suitable manager (s.24H Conservation Act)</li> <li>• Otherwise under the control and management of DOC – especially areas of high natural value or adjoining or providing access to other areas under DOC control and management</li> </ul>



**3** Although marginal strips and watercourse areas are not Reserves Act categories, knowledge about their purpose is relevant to local authorities.

**Watercourse Area** (Conservation Act 1987)<sup>4</sup>

Purpose	An area of land adjoining a river, lake or stream which together with the water body has outstanding wild, scenic or other natural or recreational characteristics
Objectives of Management (s.23 Conservation Act)	<p>Collective</p> <ul style="list-style-type: none"> <li>Protect the wild, scenic, and other natural or recreational characteristics</li> <li>Coordinate its administration and management with other watercourse areas</li> </ul> <p>Specific Parts</p> <ul style="list-style-type: none"> <li>The same objectives as the purposes for which the land is classified</li> </ul>
Guidance for Selection	<ul style="list-style-type: none"> <li>The area adjoins a river, lake or stream for which a water conservation order has been made under the RMA, or that is otherwise protected (s.23 Conservation Act)</li> <li>When considered with the river, lake or stream, has outstanding wild, scenic or other natural or recreational characteristics (s.23 Conservation Act)</li> <li>May include any conservation area, public reserve or (by consent) a range of protected private land (s.23 Conservation Act)</li> </ul>
Organisational Responsibility (s.23 Conservation Act)	<ul style="list-style-type: none"> <li>As an area may be a composite of different categories, it may contain parts which are privately-owned or owned by the Queen Elizabeth the Second National trust, or owned by the Crown</li> <li>Control and management of the different parts will depend on their category or the conditions of covenants or agreements over private land</li> </ul>

**Nature Reserve**

Purpose (s.20)	An area of land (or land and water) possessing indigenous flora or fauna or natural features which are of special public interest in terms of rarity, scientific interest or importance, or uniqueness
Objectives of Management (s.20)	<p>Primary</p> <ul style="list-style-type: none"> <li>Preserve the area as far as possible in a natural state</li> <li>Preserve indigenous flora and fauna, ecological association and the natural environment as far as possible</li> <li>Exterminate exotic flora and fauna as far as possible</li> <li>Permit entry under controls which protect and preserve the flora and fauna in a natural state</li> </ul>



**4** Watercourse areas can include any conservation area and any reserve under the Reserves Act (s.23).



	<p>Secondary – if applicable</p> <ul style="list-style-type: none"> <li>• Manage and protect scenic historic, archaeological, biological, geological or other scientific features</li> <li>• Maintain value as a soil, water and forest conservation area</li> </ul>
Guidance for Selection	<ul style="list-style-type: none"> <li>• Area should be large enough to ensure the integrity of its ecosystems and to accomplish the management objectives for which it is protected</li> <li>• Area should be significantly free of direct human intervention and capable of remaining so</li> <li>• Area's biodiversity should be achievable through protection and not require substantial active management or habitat manipulation</li> </ul>
Organisational Responsibility	<ul style="list-style-type: none"> <li>• Owned by the Crown</li> <li>• Controlled and managed by DOC unless an administering body would better carry out the purposes of the reserve</li> </ul>

### Scientific Reserve

Purpose (s.21)	An area of land (or land and water) possessing ecological associations, plant or animal communities, types of soil, geomorphological phenomena, and like matters of special interest for scientific study, research, education and the benefit of the country
Objectives of Management (s.21)	<p>Primary</p> <ul style="list-style-type: none"> <li>• Preserve the indigenous flora and fauna, as far as possible</li> <li>• Where appropriate manipulate the reserve (or part of it) for experimental purposes or to gain further scientific knowledge</li> <li>• Where appropriate prohibit general access to the whole or part of the area and permit persons with the necessary credentials or qualifications to enter for scientific study or for control and management purposes (s.59)</li> </ul> <p>Secondary</p> <ul style="list-style-type: none"> <li>• Manage and protect scenic, historic, archaeological, biological or natural features</li> <li>• Maintain value as a soil, water, and forest conservation area</li> </ul>
Guidance for Selection	<ul style="list-style-type: none"> <li>• Area should be at least two-thirds in a natural condition, although it may contain limited areas of modified ecosystems</li> <li>• Area should be large enough to absorb sustainable scientific and related uses without detriment to its overall long term natural values</li> <li>• Area should possess features of special interest for scientific study, research, education and like uses</li> </ul>



Organisational Responsibility	<ul style="list-style-type: none"> <li>Owned by the Crown or vested in an administering body</li> <li>Under the control and management of DOC unless an administering body would better carry out the purposes of the reserve</li> </ul>
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**Scenic Reserve 'A' (Natural s.19(1)(a))**

Purpose (s.19(1)(a))	Area of land (or land and water) possessing significant qualities of scenic interest or beauty or significant features or landscapes
Objectives of Management (s.19)	<p>Primary</p> <ul style="list-style-type: none"> <li>Manage for their intrinsic worth and for the benefit, enjoyment and use of the public</li> <li>Preserve indigenous flora and fauna, biological associations and the natural environment as far as possible</li> <li>Exterminate exotic flora and fauna as far as possible</li> <li>Allow the public freedom of entry and access subject to conditions and restrictions necessary for the protection and well-being of the reserve and for the protection and control of the public using it</li> </ul> <p>Secondary – if applicable</p> <ul style="list-style-type: none"> <li>Develop open portions for amenities and facilities where these are necessary to enable the public to obtain benefit and enjoyment from the reserve</li> <li>Manage and protect historic, archaeological, geological, biological, or other scientific features</li> </ul>
Guidance for Selection	<ul style="list-style-type: none"> <li>Area should contain one or more natural or associated cultural or heritage features of special significance, or natural landscape of high scenic quality</li> <li>Area should be large enough to protect the integrity of the features and its immediately related surroundings</li> </ul>
Organisational Responsibility	<ul style="list-style-type: none"> <li>Owned by the Crown or vested in an administering body</li> <li>Controlled and managed by DOC unless an administering body would better carry out the purposes of the reserve</li> </ul>



**Wildlife Refuge or Reserve** (Wildlife Act 1953; Reserves Act 1977)

Purpose	Area of land (or land and water) which provides a haven for any classes of wildlife or possesses important wildlife habitat not otherwise protected
Objectives of Management	<ul style="list-style-type: none"> <li>• Restrict and control entry and use as appropriate</li> <li>• Secure and maintain wildlife habitat conditions necessary to protect the specified classes of wildlife</li> <li>• Allow specific human manipulation for optimum management</li> <li>• Deliver such benefits to the public as are consistent with the other objectives of management</li> <li>• Facilitate scientific research and environmental monitoring associated with wildlife protection</li> </ul> <p>If subject to the Reserves Act and if applicable, the reserve will also have the following secondary objectives (s.22):</p> <ul style="list-style-type: none"> <li>• Manage and protect scenic, historic, archaeological, biological, cultural, scientific or natural features or wildlife</li> <li>• Maintain value as a soil, water and forest conservation area</li> <li>• Prohibit access to the whole or any part of the reserve except by permit</li> </ul>
Guidance for Selection	<ul style="list-style-type: none"> <li>• Area may be natural or have modified ecosystems</li> <li>• Size of area should depend on the wildlife protection requirements and may range from relatively small to extensive</li> </ul>
Organisational Responsibility	<p>Wildlife Act</p> <ul style="list-style-type: none"> <li>• Crown or privately owned</li> <li>• Controlled or managed by DOC or by another body under delegation of powers from the Minister of Conservation</li> </ul> <p>Reserves Act</p> <ul style="list-style-type: none"> <li>• Owned by Crown or vested in an administering body</li> <li>• Controlled and managed by DOC unless an administering body would better carry out the purpose of the reserve</li> </ul>



**Wildlife Management Area or Reserve** (Wildlife Act 1953; Reserves Act 1977; Conservation Act 1987)

Purpose	Area of land (or land and water) protected for the conservation and management and public appreciation of wildlife
Objectives of Management	<ul style="list-style-type: none"> <li>• Restrict and control entry as appropriate but generally allow the taking of game</li> <li>• Develop limited areas for public education and appreciation of the wildlife and habitats concerned and of the work of wildlife management</li> <li>• Allow specific human manipulation for optimum management</li> <li>• Deliver such other benefits to the public as are consistent with the other objective of management</li> <li>• Facilitate scientific research and environmental monitoring associated with management of the wildlife resource</li> </ul> <p>If subject to the Reserves Act, and if applicable, the reserve will also have the following secondary objectives (s.22):</p> <ul style="list-style-type: none"> <li>• Manage and protect scenic, historic, archaeological, biological, cultural, scientific or natural features or wildlife</li> <li>• Maintain value as a soil, water and forest conservation area</li> <li>• Prohibit access to the whole or any part of the reserve except by permit</li> </ul> <p>If subject to the Conservation Act (s.23B)</p> <ul style="list-style-type: none"> <li>• Protect area's wildlife and wildlife habitat values (including the capacity for the movement of wildlife, genetic material of indigenous plants and genetic material of wildlife)</li> <li>• Protect indigenous natural resources and historic resources</li> </ul>
Guidance for Selection	<ul style="list-style-type: none"> <li>• Area may be natural or have modified ecosystems</li> <li>• Size of area should depend on the wildlife protection requirements and may range from relatively small to extensive</li> <li>• Conservation of habitats and species may depend on active intervention by the management authority, if necessary</li> </ul>
Organisational Responsibility	<ul style="list-style-type: none"> <li>• As for Wildlife Refuge if Wildlife Act. As for Scenic Reserve if Reserves Act. As for Stewardship Area if Conservation Act</li> </ul>



**Wilderness Area** (Conservation Act 1987; National Parks Act 1980; Reserves Act 1977)

Purpose	A large area of wild land (or land and water) which has a diversity in landscape, and recreational opportunity which requires physical endeavour, and is unaffected, except in minor ways by human influences [ <i>ex Wilderness Policy. Wilderness Advisory Group. 1985</i> ]
Objectives of Management (s.20 Conservation Act; s.14 National Parks Act; s.47 Reserves Act) <sup>5</sup>	<ul style="list-style-type: none"> <li>• Preserve indigenous natural resources</li> <li>• Exclude human development (ie buildings, roads, tracks or trails) or incompatible activity (involving machinery, livestock, vehicles, or motorised vessels or aircraft)</li> <li>• Allow scientific testing or study which is necessary or desirable for the preservation of indigenous natural resources</li> <li>• Provide for the recreational experience of remoteness and discovery, challenge, solitude, freedom, romance, self-reliance and empathy with wild nature [<i>Wilderness Policy</i>]</li> </ul>
Guidance for Selection	<ul style="list-style-type: none"> <li>• Area which is large enough to take at least two days to traverse on foot</li> <li>• Widely separated from other wilderness areas and remote enough not to be susceptible to over-use</li> <li>• Has clearly defined topographic boundaries</li> <li>• Is adequately buffered to be unaffected by human influences</li> <li>• Existing development or incompatible activity can be removed, ceased or no longer maintained</li> </ul>
Organisational Responsibility	<ul style="list-style-type: none"> <li>• Owned by Crown</li> <li>• Under the control and management of DOC, except areas under the Reserves Act can be under control and management of an administering body if that would better carry out the underlying purpose of the reserve</li> </ul>



**5** In terms of the Reserves Act, a wilderness area is an overlay; the class purpose will also apply.



**Sanctuary Area or Reserve** (Wildlife Act 1953; Conservation Act 1987;  
Reserves Act 1977)

Purpose	An area of land (or land and water) possessing significant wildlife habitat which is especially susceptible to damage or disturbance by uncontrolled public entry or outstanding ecosystems, geological or physiological features and/or species available primarily for scientific or other similar purposes
Objectives of Management	<ul style="list-style-type: none"> <li>• Protect all wildlife except those undesirable in terms of the purpose of the sanctuary (ss.10, 11 Wildlife Act)</li> <li>• Prohibit or restrict and control entry and use as appropriate (s.9 Wildlife Act)</li> <li>• Preserve indigenous plants and animals in their natural state (s.22 Conservation Act)</li> <li>• Manage the area for scientific and other similar purposes (s.22 Conservation Act)</li> <li>• Where appropriate prohibit access except by permit (s.22 Reserves Act)</li> </ul> <p>If the sanctuary is a reserve, it will also have secondary objectives (s.22) as follows:</p> <ul style="list-style-type: none"> <li>• Manage and protect scenic, historic, archaeological, biological, cultural, scientific or natural features or wildlife</li> <li>• Maintain value as a soil, water, and forest conservation area</li> </ul>
Guidance for Selection	<ul style="list-style-type: none"> <li>• As for nature reserve</li> <li>• Should also have very high intrinsic values</li> </ul>
Organisational Responsibility	<ul style="list-style-type: none"> <li>• Owned by the Crown, except sanctuaries under the Wildlife Act which may be over private land</li> <li>• Controlled and managed by DOC except an administering body can be appointed for a government purpose (sanctuary) reserve where the body would better carry out the purposes of the reserve</li> </ul>

**For What Purpose is a Reserve Awaiting Classification to be Managed?**

Reserves which do not get automatically classified (see below) must be held and administered under the appropriate provisions of the Reserves Act 1977 for the purposes they had before 1 April 1978, until they are classified [s.16(6)].

**Which Reserves Have Been Automatically Classified?**

This table shows how some classes/types of reserves existing before 1 April 1978 have been automatically classified under the Reserves Act.



Old purpose @ 1.4.78	New class/type after 1.4.78
racecourse	recreation s.16(11)(a)
reserve contribution on early subdivisions <sup>6</sup>	recreation, historic, scenic, or local purpose as appropriate s.16(11)(b)
preservation of flora and fauna	nature s.16(11)(c)
Marlborough Sounds foreshore ( <i>Gazette</i> 1978 p.8)	local purpose (sounds foreshore) s.16(11)(d)
railway purposes	Government purpose (railway) s.16(11)(e)

Also, in the following situations, reserves are automatically classified without going through a further process; namely when:

- local authority land is declared under s.14 Reserves Act to be a reserve (s.16(2))
- a conservation area is declared to be reserve (s.8(1A) Conservation Act 1987)
- harbour boards dry land is declared to be a reserve (s.4(1)(a)(ii) Harbour Boards Dry Land Endowment Revesting Act 1991).

The class of reserve is selected at the time the land is declared to be a reserve.

Other reserves have to be (or have been) classified through the processes set out in the following sections of this Chapter.

### Is There a Deadline for Classifying Reserves?

The Act does not specify a deadline for classifying reserves which do not receive automatic classification. Certain land transactions cannot however be undertaken before a reserve is classified as follows:

- public notice of a proposal to establish a national reserve (s.13)
- change of classification or purpose (s.24)
- vesting of a reserve (ss.26 or 26A)
- appointment to control and manage (ss.28 to 30, 35 or 36)
- public notification of a draft management plan (s.41) – see Chapter 6
- union of reserves (s.52).



<sup>6</sup> Only applies to those reserves contributed under Part XXVIII Municipal Corporations Act 1933, Part XXV of the Municipal Corporations Act 1954 or Part II Counties Amendment Act 1961.

It is also desirable to classify a reserve before:

- an exchange of land (s.15(6)) so that the area acquired ends up being held for the most appropriate purpose
- prescribing bylaws (ss.106-108) so that they match the principal purpose(s) of the reserve(s) affected
- granting a major concession with significant protection/development implications (see Chapter 7) so that the appropriate principal purpose of the reserve is decided first
- authorising a major Council work with significant protection/development implications so that the appropriate principal purpose of the reserve is decided first.

### **What Rules Apply to Reserve Classification?**

The following rules (other than those of a procedural nature) apply to classifying reserves:

- the land must have the status of reserve subject to the Reserves Act 1977 (s.2)
- the reserve must be given a class according to its intended primary purpose
- if it is to be a reserve in the scenic (s.19), local purpose (s.23) or government purpose (s.22) class, it must be given a type according to its intended primary purpose
- it must not have more than one class applying to any one part, but different parts may have different classes (s.16(1))
- once classified, its class/type cannot be changed except by proper process (s.24 or s.24A as appropriate – see Section 8.4 of this Chapter).

### **Does the Resource Management Act Apply?**

The action of classification may not itself be caught by the requirements of a district plan, and no RMA consent will be needed. However, a use or change of use of the reserve, which may result from the classification, could be caught and a RMA consent may be needed.

Advice from Council specialists about relevant district plan designations and rules is desirable for classification, and essential if a change of use will follow.

### **Can a Reserve be Given a Name at the Point of Classification?**

If appropriate, a reserve can be named at the point of classification (s.16(10)) or by a separate action at a later stage after further consultation with the community it is easier and more efficient to name the reserve at the time of classification eg when



research has been completed on the history of the land. Note that under s.4, there are clear obligations to consult with Maori and consider their views over names.

## 8.2 Classification of Reserves by a Territorial Authority

### What is the Background to Reserve classification?

Refer to Section 8.1 of this Chapter. As well as giving background, it sets out some classification rules which must be followed.

### In What Circumstances Can a Territorial Authority Classify a Reserve?

A territorial authority can classify a reserve as long as the reserve is not already classified in any of the following circumstances:

- the reserve remains vested in the Council and was either:
  - not derived from the Crown
  - or was created or purchased under any of the statutory provisions specified in s.16(2A) Reserves Act<sup>7</sup>
- the Council has delegated authority under s.16(1)
- the classification is made by resolution under s.14(1) when the land is declared to be a reserve (s.16(2)).

The delegation under s.16(1) (see Chapter 2 of this Guide) applies only when the Council is the administering body and the classification is to be for the same purpose as the reserve currently holds under s.16(6), whether created before or after 1 April 1978.

For example, if the current purpose is “recreation” then as a result the Council could classify the reserve as a recreation reserve under S.17 of the Act).

If a reserve is not covered by the circumstances listed above then the Minister of Conservation will classify the reserve (refer to part 8.3 of this Chapter).



**7** The provisions are:  
s.17 Land Laws Amendment Act 1920, s.16 Land Act 1924, s.13 and s.14(2) Land Subdivision in Counties Act 1946, Part XX Local Government Act 1974, Part X Resource Management Act 1991.

### What Classification Can the Council Give to a Reserve?

The Council can, in the above circumstances, classify a reserve or group of reserves according to its/their principal or primary purpose(s), as defined in ss.17 to 23 of the Reserves Act (s.16(1) & (2A)). These sections of the Act deal with the following classes:

- s.17 – recreation
- s.18 – historic
- s.19 – scenic
- s.20 – nature
- s.21 – scientific

- s.22 – Government purpose
- s.23 – Local purpose.

The Council must follow the rules set out in Section 8.1 of this Chapter when giving a classification.

In classifying a reserve the Council may choose to consult with the Department of Conservation, or other external experts. The Council must also consult with any party likely to be adversely affected, and with iwi unless it can otherwise make an informed decision (see Chapter 4).

### What Types of Local Purpose Can a Council Use?

The Act does not specifically restrict the types of local purpose. In general they should be:

- consistent with the general purposes of the Act
- not duplicate any of the primary purposes in ss.17 to 21
- allow flexibility of community use as far as possible.

The following types are suggested as the ones a Council would mainly use: aerodrome, environmental and landscape protection, cemetery, community buildings, esplanade, health, plantation, public hall, public utility, soil conservation and river control.

Proliferation of types should be avoided if at all possible.

### What Pre-Check Should be Undertaken Before the Council Begins the Classification Process for a Reserve?

The responsible Council Officer(s)<sup>8</sup> must undertake the following pre-check, namely that the reserve is:

- subject to the Reserves Act 1977 (s.2)  
NB If not, then classification under the Act is not required or appropriate.
- not automatically classified (see Chapter 8.1) or not previously classified by the Minister of Conservation (s.16(1))  
NB If it is, then classification is unnecessary.
- able to be classified under s.16(2A) or able to be classified for its existing purpose under s.16(1)  
NB If not, then classification will need to be arranged with the Department of Conservation (see Section 8.3).

Refer to Chapter 5 for status checking for reserves and recording of information.



**8** "Officer" means the employee or contractor of the Council authorised (subject to whatever legal checks are required) to undertake the action. "Council" refers to the full Council.



### What Process Should the Council Follow to Classify a Reserve?

There are three potential processes the Council may follow to classify a reserve, as appropriate:

- an integrated process with management planning (see Chapter 6) if a management plan is being prepared
- the process under s.16(2A) (see Appendix 8b) if the reserve is in the group covered by that provision
- the process under s.16(1) (see Appendix 8c) if the Council is acting under delegated authority.

A practice note illustrating how a council may approach determining the correct classification to recommend for a piece of land is contained in Appendix 8d. The example is the Wellington City Council Officers guideline for classifying reserve land.

## 8.3 Classification of Reserves by the Minister of Conservation

### When Will the Minister Classify Reserves?

The Minister will classify reserves held by the Council as administering body when they are not covered by the situations listed in s.16(2A) Reserves Act and where either:

- a classification is outside the delegated authority of the Council under s.16(1) Reserves Act – see Section 8.2 of this Chapter [this is the most common circumstance under which the Minister will do the classification] or
- the Minister has decided under s.10(6) Reserves Act to exercise the s.16(1) Reserves Act power himself in any particular case and has notified the Council accordingly [this would happen rarely, if at all].

### Can the Council Request the Minister of Conservation to Classify Reserves?

The Council (as administering body) can request the Department of Conservation to classify a reserve or reserves in the circumstances listed in the first two bullet points above. Otherwise, the Department will take the action in due course.

The Council might make such a request in order to allow any of the actions to be taken which are set out in Section 8.1 of this Chapter (where prior classification is mandatory). Such a request is allowed for, for example, in the management planning process in Chapter 6.

The decision on classification will generally be made by an officer of the Department holding delegated authority from the Minister.

### Will the Council be Consulted About the Classification?

Whether the classification action is taken at the request of the Council or initiated by the Department, the Department is required to consult the administering body before making a decision (s.16(1)).

The Department will propose the class (and type if required) to be assigned to the reserve. The Council will be able to give its views before the Department gives any public notice (if required) (s.16(4)).

The Council will be provided with a copy of the *Gazette* notice setting out the classification of the reserve. This notice will provide the basis for entry in the Council's records of the new legal trust under which the reserve is held (see Chapter 5).

Note that, under s.26A Reserves Act, certain reserves vest automatically at the point of classification (see Chapter 10).

### Who Will Register the *Gazette* Notice?

If the reserve is vested in the Council and not derived from the Crown then the Council is responsible for registering the *Gazette* notice with the District Land Registrar.

If the reserve was set apart or reserved by the Crown, the Department will be responsible (see Chapter 5).

## 8.4 Changes of Purpose or Classification

### What Reasons Are There For Changing the Classification or Purpose of a Reserve?

The classification or purpose of a reserve (or part of a reserve) can be changed for any reason considered advisable in terms of the purposes of the Reserves Act (s.24).

The most common reasons are to:

- emphasise one set of features of a reserve relative to another (eg to emphasise historic values instead of natural ones)
- allow a new activity or use which would not be consistent with the present class/type<sup>9</sup>
- better specify or alter the statutory objectives of management
- make an existing, improper use consistent.<sup>10</sup>



**9** A use not consistent with the classification or purpose of a reserve, which is allowed by the administering body, is a breach of trust (s.27 and s.40 Reserves Act; s.129 Land Transfer Act 1952).

**10** A use not consistent with the classification or purpose of a reserve, which is allowed by the administering body, is a breach of trust (s.27 and s.40 Reserves Act; s.129 Land Transfer Act 1952).



### **When Can the Classification or Purpose of a Reserve be Changed?**

The Reserves Act sets out statutory limitations to changing the classification of a scenic, nature or scientific reserve (s.24(3)) or a historic reserve (s.24(5)).

The classification or purpose of a reserve (class/type) can only be changed (in whole or part) under s.24 Reserves Act after the reserve has first been classified.

That does not, however, prevent a reserve (or part of a reserve) being classified for the first time under s.16(1) by the Minister of Conservation or s.16(2A) by the Council (as appropriate) for a different purpose from its existing one, **provided it is being used for that different purpose** at the time of classification.

If, instead, a **change of use is proposed**, then the reserve must first be classified in accordance with its existing use. A change of purpose action can be initiated afterwards.

### **Can a Council Approve the Change of Purpose of a Reserve?**

A Council (if a territorial authority) has a power under s.24A Reserves Act only over a reserve vested in it which has been classified in the local purpose class. That power is to subsequently change the type of the reserve within the local purpose class.

Councils do not hold any statutory or delegated power to approve the change of purpose of a reserve in any other circumstance.

### **Can a Council Initiate a Change of Classification or Purpose?**

The Council can initiate the process for a change of classification or purpose under the following provisions in the Reserves Act:

- S.24A – as a territorial authority in whom a classified local purpose reserve is vested (as above). The process is set out in the table on pages 8/24.
- S.24(1)(b) – as a local authority for any classified reserve in its district for which it is not the administering body. It would be unusual for a Council to exercise this power. It may want to do so in association with its wider district planning responsibility.
- S.24(1)(b) – as the administering body of any classified reserve.

### **If the Council Initiates the Action, What Information Should it Send to the Department of Conservation?**

Note that this information only needs to be sent for a s.24(1) action. The above question does not apply to a s.24A action.

The Council should send the following information to the Department at the appropriate stages of the processes illustrated in the Appendices:



- a copy of the Council's resolution, together with any supporting information (eg justification for the change)
- a photocopy of the instrument by which the reserve was classified (if not automatically classified); if automatically classified, then the legal description of the land
- if the Council is the administering body, then a copy of the instrument of vesting or appointment to control and manage; if it is not, then evidence that the administering body has been notified (s.24(2)(d))
- a description of the current use of the reserve (or part) and a physical description of the land
- information about any action taken by the Council under s.4 Conservation Act (Chapter 4) (eg consultation with iwi)
- a copy of any lease, licence, permit or easement current over the land affected.

On receipt of the information the Department will review and assess the proposal on its merits. The Department will also look at the public consultation and to see that the Council is reflecting the views of the community in seeking to change the purpose of the reserve.

#### **Will the Department Recover its Costs?**

Note that this does not apply to an action under s.24A of the Act, as the Department is not involved.

In accordance with s.60B Conservation Act, the Department may recover from the Council the cost of considering whether to approve the change of purpose proposed by the Council. The Department's standard operating procedure on cost recovery is available on request.

The Council can ask for these costs to be estimated before the action is taken. However, the Department is not bound by the estimate.

#### **What Process Could be Followed by the Council Under S.24A Reserves Act?**

The table below sets out a model process consistent with s.24A of the Act, for the change of purpose (type) of a vested local purpose reserve.



Stage	Who Does It	What Happens
1.	Officer <sup>11</sup>	<ul style="list-style-type: none"> <li>Makes a decision to begin the process (eg at the request of the Council).</li> <li>Determines the following: <ul style="list-style-type: none"> <li>That the land is a reserve subject to the Reserves Act <i>NB If it is not then this process is not appropriate</i></li> <li>Who the administering body of the reserve is And whether it is held under a vesting or not <i>NB If Council is not the administering body or the reserve is not vested then this is not the correct process</i></li> <li>Whether or not the reserve has been classified as a local purpose reserve <i>NB If not, then this is not the correct process.</i></li> </ul> </li> </ul>
2.	Officer	<ul style="list-style-type: none"> <li>Develops a proposal for change of purpose (type) of the local purpose reserve vested in the Council.</li> <li>Determines whether or not to undertake internal or external consultation on the proposal (before public notice) in accordance with Council practice and the guidelines in Chapter 5. Consultation with the Department of Conservation is not mandatory.</li> <li>If consultation takes place, determines how to have regard to views received from the consulted party(s).</li> </ul>
3.	Officer	<ul style="list-style-type: none"> <li>Makes a recommendation to the Council on the change of purpose and public notice.<sup>12</sup></li> </ul>
4.	Council	<ul style="list-style-type: none"> <li>Makes a decision in principle about the change of purpose and authorises public notice where appropriate.<sup>13</sup></li> </ul>
5.	Council	<ul style="list-style-type: none"> <li>If the decision is to decline, then takes appropriate action.</li> <li>If the decision is to approve and publicly notify, then proceeds to Stage 6.</li> <li>If the decision is to approve in a situation where public notice does not apply (s.24A(3)) then proceeds to Stage 8.</li> </ul>



**11** "Officer" refers to the employee or contractor of the Council authorised to undertake the action (subject to whatever legal checks are required).

**12** Public notice is mandatory except in the circumstances set out in s.24A(3) of the Act.

**13** Public notice is mandatory except in the circumstances set out in s.24A(3) of the Act. A council has discretion to decide whether or not to advertise in additional newspapers, although it may have delegated its s.119(1)(b)(ii) Reserves Act power to an officer

Stage	Who Does It	What Happens
6.	Officer	<ul style="list-style-type: none"> <li>• Arranges public notice (s.24A(2)).</li> <li>• Reports to the Council on any objections.</li> </ul>
7.	Council	<ul style="list-style-type: none"> <li>• Considers all objections (s.24A(2)).</li> <li>• Makes a final decision on the change of purpose.</li> </ul>
8.	Officer	<ul style="list-style-type: none"> <li>• Records the details of the change of purpose in Council records.</li> <li>• Notifies the Department of Conservation.</li> <li>• Notifies the Registrar (see Chapter 5).</li> <li>• Arranges publication of Council decision in the NZ Gazette.</li> </ul>

#### **What Procedure is Followed by the Department of Conservation Under S.24(1) Reserves Act?**

Appendices 8g and 8h are extracts from the Department's standard operating procedure for considering the change of classification or purpose of a reserve. They also show the role the Council has in the processes. [Appendix 8h is the one under which most Council proposals will be dealt with by the Department.]

For an expansion of the Council process under s.24, where the Council initiates the action as administering body, refer to the process table in Chapter 9 under "What process should the Council follow?" page 9/4. The statutory processes of revocation and change of classification or purpose are basically the same.

