

LIST OF RESERVES, PARKS AND OTHER SENSITIVE AREAS UNDER SECTION 37 OF THE OVERSEAS INVESTMENT ACT 2005

Classes of Land

Any land that exceeds 0.4 hectares and is one of the following types of land:

1. Land that a regional planⁱ, a district planⁱⁱ or proposed district planⁱⁱⁱ provides is to be used as a reserve, or as a public park for the purposes of:
 - (a) protecting natural and physical resources^{iv} or historic heritage^v; or
 - (b) providing public access to natural and physical resources or historic heritage.
2. Other land that a regional plan, a district plan or proposed district plan provides is to be used for recreation purposes or as open space, if that land is
 - (a) held under statute; and
 - (b) has a primary purpose, by or under statute, relating to:
 - (i) protecting natural and physical resources or historic heritage; or
 - (ii) providing public access to natural and physical resources or historic heritage;
3. Land that is a national park held under the National Parks Act 1980.

However, any reserve that a regional plan, a district plan or proposed district plan provides is to be used for purposes other than those noted above (e.g. a drainage reserve) is excluded from this list.

Transitional provisions

This list applies to all transactions entered into on or after 11 May 2017, and all transactions entered into before 11 May 2017 that are settled on or after 11 May 2017.

ⁱ Defined under the Resource Management Act 1991 as meaning an operative plan (including a regional coastal plan) approved by a regional council or the Minister of Conservation under Schedule 1; and includes all operative changes to such a plan (whether arising from review or otherwise).

ⁱⁱ Defined under the Resource Management Act 1991 as meaning an operative plan approved by a territorial authority under Schedule 1, and includes all operative changes to such a plan (whether arising as a review or otherwise).

ⁱⁱⁱ Under the Resource Management Act 1991, "proposed plan" means a proposed plan, or variation to a proposed plan, or change to a plan that has been notified under clause 5 of Schedule 1 but has not become operative in terms of clause 20 of Schedule 1; but does not include a proposed plan or change originally requested by a person other than a local authority or a Minister of the Crown, unless the proposed plan or change is adopted and notified by the local authority under clause 25(2)(a) of Schedule 1.

^{iv} "Natural and physical resources" includes land, water, air, soil, minerals, and energy, all forms of plants and animals (whether native to New Zealand or introduced), and all structures: see section 6(1) of the Overseas Investment Act 2005 and section 2(1) of the Resource Management Act 1991.

^v historic heritage is defined in section 6(1) of the Overseas Investment Act 2005 and means those natural and physical resources that contribute to an understanding and appreciation of New Zealand's history and cultures, deriving from any of the following qualities:

- (i) archaeological;
- (ii) architectural;
- (iii) cultural;
- (iv) historic;
- (v) scientific;
- (vi) technological; and

includes—

- (i) historic sites, structures, places, and areas; and
- (ii) archaeological sites; and
- (iii) sites of significance to Maori, including wahi tapu; and
- (iv) surroundings associated with the natural and physical resources.