

Process of revocation of reserve status and disposal

The statutory process for reserve revocation is laid down in section 24 of the Reserves Act 1977 (the Reserves Act).

The information below is intended to assist Councils, outlining the process which meets the requirements of the Reserves Act. It applies where a Council, as an administering body of a reserve, initiates the reserve revocation process under s24(1)(b) of the Reserves Act.

Make decision to begin process

1. Council to consider if there is little or no reserve values of land pursuant to the purposes set out in section 3 of the Reserves Act.
2. Complete a land status check to determine the land is a reserve under the Reserves Act and if it was acquired by Council or if ownership was derived from the Crown.
3. Is the property leased? What are the terms and is there a right to cancel?
4. Determine that the Council is the administering body of the reserve
5. In the case of a reserve not derived from the Crown, Council may dispose of the land after revocation is approved and gazetted (and subject to any conditions therein). If the reserve is derived from the Crown, disposal will be undertaken subject to statutory process and the provisions of the Land Act 1948.
6. Council should consult with iwi/mana whenua at this stage.

Note; if iwi has a right of first refusal as per treaty settlement legislation, make a note of this and advise the Department of Conservation at the application stage (step 13). The Crown will make an offer to iwi at a later date, if the revocation proceeds and the land becomes available for disposal.

Following decision to proceed

7. If Council decides to proceed with revocation, consult the Commissioner as required (s24(1)(b) and (if required) work with DOC on the proposal and process moving forward before proceeding with public notification. The following information should be provided to DOC:

- Location and Land status check/report
- Reason for revocation, assessment of reserve values and Councils reasoning that it is surplus to the purposes of the Reserves Act.
- If Council derived, identify the intended manner and purpose of disposal (s25(1)) – this being a decision under the current MOC delegations to Council.



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8. After response received from the Commissioner, make a recommendation to the Council on the revocation and seek approval to give public notice (s24(2)).
9. Council to resolve as administering body that, for the reasons stated in the resolution, the reservation of the reserve should be revoked (s24(1)(b)) subject to the outcome of public notification.
10. Carry out additional iwi/mana whenua consultation if further consultation is required.
11. Arrange public notice – at least one month (s24(2)(c)).

Note; public notice must be in accordance with s119 of the Reserves Act (in at least one newspaper circulating in the area that the reserve is located). Best practice to also include notice on Council website.

Consideration and disposal process

12. Under s24(2)c) Council is to consider feedback from iwi and content of the objections based on Council Officer recommendations and make a resolution.

Note: When considering a reserve revocation application, the Department of Conservation needs to see evidence that the objections have been given fair and reasonable consideration, such as a report or table with objections and responses from a Council Officer or an independent committee to the Council.

13. If Council resolves to proceed with the revocation, fill in Department of Conservation's Statutory Land Management Application Forms. These can be found on Department of Conservation's website: Statutory land management application forms ([doc.govt.nz](https://www.doc.govt.nz))

Note; there are two forms to complete:

- General application form: <https://www.doc.govt.nz/globalassets/documents/about-doc/slm/statutory-land-management-application-form.docx>
- Reserves Act consent form: <https://www.doc.govt.nz/globalassets/documents/about-doc/slm/statutory-land-management-application-form-1b.docx>

Along with application forms, provide Department of Conservation with the relevant documentation including iwi consultation, a copy of public notification, resolution, any submissions and objections received and a copy of Council's consideration of objections

14. Under s24(2)(e), the Minister is required to consider content of any objections and be able to conclude the administering body has given fair and reasonable consideration to the subject matter, with regard given to the classification and purpose of the reserve and considering the wider function and purposes of the Reserves Act.

15. Receive Department of Conservation's decision. Notify affected parties. If revocation is approved, Department of Conservation arranges for a Gazette Notice and will provide a copy to Council.

Note; if the reserve is Crown derived, the Department of Conservation may wait until further along the LINZ Crown disposal process before publishing the Gazette Notice.

16. If the reserve is Crown derived, the Department of Conservation will engage a LINZ accredited supplier to manage the disposal.

17. If the reserve is Council derived, Council to arrange disposal (if appropriate) in accordance with Council practice and in compliance with the manner and purpose of disposal as specified by MOC or delegated authority in the Gazette Notice.