

Attachment B. The Reserves Act 1977 exchange of reserves for other land process.

Section 15 of the Reserves Act 1977 prescribes the process to be followed to undertake a land exchange between reserves and other land.

The process comprises the following four key steps:

1. the administering body publicly notifies its intention to undertake the land exchange and calls for objections in writing, allowing a period of at least one month for objections to be received
2. after a period of at least one month following public notification the administering body considers all received objections to the proposed land exchange
3. the administering body passes a resolution supporting the land exchange if it considers it appropriate to do so in light of all objections received
4. a copy of the resolution supporting the land exchange is forwarded to the Department of Conservation along with all the objections for authorisation under delegation from the Minister of Conservation.

It must be noted that while section 15 of the Reserves Act 1977 does not prescribe undertaking mana whenua consultation the Reserves Act is contained in the First Schedule to the Conservation Act 1987. Section 4 of the Conservation Act requires that the Reserves Act should be interpreted and administered as to give effect to the principles of the Treaty of Waitangi.

This means that relevant mana whenua must be consulted when the administering body of a reserve (in this case the North Shore City Council/Auckland Council) is performing its functions and duties under the Reserves Act 1977.