

11. APPROVALS RELATING TO THE RESERVES ACT 1977

11.1 CONCESSIONS UNDER THE RESERVES ACT

Schedule 6 of the Act sets out the information requirements for approvals required under the Reserves Act, with Part 1 specifically addressing concessions. Reserves Act approvals are defined as ‘concessions’ for the purposes of the Act. Clause 3 sets out the information requirements for applications for concessions. The following section sets out the information requirements for the Reserves Act approvals sought for the Project.

A description of the proposed activity:³⁷⁹

This is addressed in Section 2 and Section 5.3 of this report. In summary, WIAL is seeking concessions in the form of a lease and a licence (and potentially, a permit) for the Project as follows:

- > A lease over local purpose (esplanade) reserve (Lots 3 and 4 DP78304) as shown in Figure 11.1 below, for:
 - > All activities and structures associated with the establishment, operation and use of the Moa Point Yard;
 - > All activities and structures associated with the construction of the Southern Seawall and Eastern Remediation Area;
 - > Site rehabilitation and restoration of the Moa Point Yard (the Reserve Restoration Area), Southern Seawall and Eastern Remediation;
- > A licence over local purpose (esplanade) reserve (Lot 3 and 4 DP78304) as shown in Figure 11.2 below, for:
 - > The ongoing monitoring and maintenance of Southern Seawall and Eastern Remediation Area, including the establishment of temporary construction yards associated with such maintenance;
 - > The ongoing monitoring and maintenance of the Reserve Restoration Area as required by the conditions of consent; and
 - > The ongoing monitoring and maintenance of the Stage 2 Kororā Colony as required by the conditions of consent (noting that this is outside the reserve area, but access to the colony will be required over the reserve land).

³⁷⁹ Schedule 6, Clause 3 of the Act.



> Additional Reserves Act approvals, if needed, [REDACTED]
[REDACTED] as shown in Figure 11.3 below, for:

> Placing rocks around the entrance to the culvert of the Stage 1 Kororā Colony and the associated monitoring and maintenance of these rocks; and

> [REDACTED]
[REDACTED]

Draft lease and licence agreements, including any associated conditions, for the areas shown in Figures 11.2 and Figures 11.3 above are being discussed with WCC and will be provided to the Panel as soon as possible. In the meantime, WCC has provided its standard licence terms which are contained in **Part D** to these application documents.

In respect of the activities shown in Figure 11.3 above, WIAL is working with WCC to confirm whether any Reserves Act approvals are required for these activities. WIAL will update the Panel on this matter as soon as possible. However, in the meantime, the application is for all Reserves Act approvals that may be required to authorise these activities, noting that the form of approval is most likely to be a permit or licence. If it is confirmed that Reserves Act approvals are required, WIAL will work with WCC to confirm the form of approval required and to obtain WCC's written agreement for these activities as required by Schedule 6 of the Act.

For completeness, WCC has confirmed that the area shown in the above figures as 'road reserve' are treated by WCC as 'road' and are therefore not subject to the Reserves Act 1977. WIAL will secure the necessary landowner approvals for activities within the road reserve from WCC separately outside of this application.



Figure 11. 1 Location of activities for which a lease is sought and WCC agreement to use the reserve has been provided.



Figure 11.2 Location of activities for which a licence is sought and WCC agreement to use the reserve has been provided.





Figure 11.3 Location of activities for which additional Reserves Act approvals are sought, if needed.

A description, maps, and GPS co-ordinates identifying the places where the proposed activity will be carried out (including the classification of those places, the ownership and management arrangements, and, if applicable, the name, of the places):³⁸⁰

A description of the activities proposed within the Local Purpose (Esplanade) Reserves is provided in Section 2 and 5.3 of this report. The legal descriptions and ownership/management details of these reserves is provided in Section 3.3.4, with records of title provided in **Part I**. Figures 11.1 to 11.3 also show the location of the various activities described in Section 2 and 5.3, with the legal descriptions shown.

Information about whether the project could reasonably be undertaken in another location, or in another conservation area or another part of the conservation area, where the potential adverse effects will be significantly less:³⁸¹

Given that the Southern Seawall is an existing structure that needs renewing, and works must be in close proximity to the seawall for construction efficiency purposes, the Project could not reasonably be undertaken in a different location. However, WIAL has considered a range of alternatives that could minimise the impacts of the Project on reserves including:

- > Avoiding the establishment and use of Moa Point Yard;
- > Not undertaking the Eastern Bank Remediation;
- > Not establishing the Stage 1 Kororā Colony in its proposed location;
- > Construction activities at sea; and
- > Doing nothing.

Given the highly urbanised nature of the surrounding environment and long travel distances for other suitable sites, WIAL concluded that the use and occupation of the reserves to support the Project is the best practicable option.

Information about the extent to which the project is consistent with any management plan approved under section 41 of the Reserves Act 1977;³⁸²

An assessment of the Project against the relevant provisions of the Tātou ki Uta – the Coastal Reserves Management Plan is provided in Section 11.2.2 below.

³⁸⁰ Schedule 6, Clause 3 (1)(b) of the Act.

³⁸¹ Schedule 6, Clause 3 (1)(c) of the Act.

³⁸² Schedule 6, Clause 3 (1)(e) of the Act.

Information about the extent to which the project is in keeping with the purposes for which the land is held, status, ownership and administration:³⁸³

The land for which Reserves Act approval is sought is held as local purpose reserve (esplanade) which was vested as part of the development of the Airport. Part of this land was created via reclamation associated with the development of the Airport.

In 1992, several subdivision consents were granted to rationalise the Airport property boundaries. This included the creation of two lots around the Southern Seawall to be vested in WCC as local purpose (esplanade) reserves. Additionally, a consent notice was registered against the lots transferred to WIAL imposing an ongoing obligation for the landowner (i.e. WIAL) to maintain and renew the Southern Seawall (if needed) to protect the land from erosion and inundation by the sea. Based on a review of the property file, it appears that when imposing the consent notice, WCC intended to arrange a formal lease or similar at that time, however it never eventuated.

Local purpose reserves can be created for utility, road, street, access way, esplanade, service lane, playcentre, kindergarten, plunket room, or other like purpose.

Section 11.2 of this report provides an assessment of the Project against the relevant reserves management plan, which acknowledges and contemplates future developments associated with the Airport. It also contemplates the use of reserves for ecological enhancements. Public access is also acknowledged through this plan. As explained further below, while the Project will temporarily prevent public access (during the construction period), ultimately, it will protect public access to the coast by protecting these reserves from coastal erosion and sea level rise. Based on the above, and the assessment later in this report, it is considered that the Project is entirely consistent with the purposes for which the land is held.

A description of—

- > **The potential effects (positive and negative) of the proposed activity:**
- > **Any actions that the applicant proposes to take to avoid, remedy, mitigate, offset, or compensate for any adverse effects of the proposed activity: and**
- > **Details of the type of concession for which the applicant is applying.**³⁸⁴

³⁸³ Schedule 6, Clause 3 (1)(f) of the Act.

³⁸⁴ Schedule 6, Clause 3 (1)(g) of the Act.



The effects of activities associated with the Project are addressed in detail in Section 7 of this report. Section 8 of this report, the accompanying management plans, and proposed conditions address the actions WIAL are proposing to manage the effects of the Project.

Specifically, while much of the reserve area identified in Figures 11.1 to 11.3 will need to be occupied to support the construction activities associated with the Project, WIAL is proposing several improvements that will be realised throughout the project work. These include:

- > The creation of the Stage 1 Kororā Colony that will be specifically designed by a kororā expert, and will likely comprise of carefully placed rocks and nestboxes for the kororā to live in. The Kororā Colony will include a culvert under Moa Point Road to provide kororā access from the coast.
- > Ecological restoration activities will be undertaken in the northern part of the eastern end of Moa Point Yard, which is in the current WCC local purpose (esplanade) reserve area, to provide improved habitat for birds and lizards following the completing of construction activities;
- > Opportunities to provide improved public access through the rehabilitated reserve on the completion of the works, including provision of a loop track, information boards and the environmental setting of the area and seating;
- > The removal of old informal seawall protections to be replaced with rock which creates a more visually coherent coastal edge that better protects against coastal erosion, particularly factoring in climate change impacts;
- > The implementation of landscaping and ecological enhancements through rehabilitation of the reserves, as informed by landscape and ecological specialists; and
- > [REDACTED]

While the Project will temporarily exclude wider public access and use of the reserves, on the completion of the works, the Project will ensure the long term viability of the reserves and associated habitat, and public access will be enhanced.

To ensure that any nesting kororā are protected on an ongoing basis, it is proposed that the public be permanently restricted from accessing both colonies. Neither colony is within reserve land.

In respect to the type of concessions required, as previously discussed, WIAL is seeking a combination of a lease and licence for the activities shown in Figures 11.1 and 11.2. The



form of approval required for the activities shown in Figure 11.3 is being confirmed with WCC. A lease is being sought for the smallest practicable footprint and only in circumstances where public exclusion is required during construction (for health and safety reasons). In all other circumstances, where WIAL has an ongoing monitoring or maintenance obligation, a licence or permit is the preferred approval mechanism being sought as this confers an approval on WIAL to access and use the reserve, while not excluding wider public access.

A statement of the proposed duration of the concession and the reasons for the proposed duration:³⁸⁵

The lease over the reserves shown in Figure 11.1 is for the duration of construction activities at the Southern Seawall (including the Eastern Bank Remediation) and Moa Point Yard (15 years). The subsequent licence for the activities shown in Figure 11.2 will be for post-construction access to monitor and maintain the Southern Seawall and Eastern Bank Remediation (49 years) and to undertake any necessary maintenance and monitoring activities at the Stage 2 Kororā Colony (20 years) and the wider restoration areas (5 years).

The duration of the Reserves Act approvals required for the activities shown in Figure 11.3 will cover the duration of the construction works associated with the establishment of the Stage 1 Kororā Colony (rock structures only) (15 years) [REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED] these dates do not account for any lag due the commencement of works.

Relevant information relating to the applicant, including any information relevant to their ability to carry out the proposed activity (including whether the applicant or any company director, trustee, partner, or anyone else involved with the application has been convicted of any offence or has any current criminal charges pending before a court):³⁸⁶

Information about WIAL is provided in Section 1.4 of this report, with further information relating to this requirement provided in Section 9.4 of this report.

³⁸⁵ Schedule 6, Clause 3 (1)(h) of the Act.

³⁸⁶ Schedule 6, Clause 3 (1)(i) of the Act.

If the applicant applies for a lease, a licence granting an interest in land, or an easement:

- > **Reasons for the request; and**
- > **Sufficient information to satisfy the panel that it is appropriate under to grant the lease, licence, or easement (as the case may be):**³⁸⁷

As documented earlier, WIAL is applying for a lease and licence for the activities identified in Figures 11.1 and 11.2. The reason for the request is documented in Section 2 of this report, and the information contained in this substantive application in respect of the project rationale, actual and potential effects and effects management measures are considered to be sufficient to satisfy the panel that it is appropriate to grant the concessions sought.

For the activities shown in Figure 11.3, the form of Reserves Act approvals required is being worked through with WCC. For the time being, WIAL applies for any Reserves Act approval that may be required for these activities, noting that a licence and/or permit is the most likely form of approval.

Full details of any consultation undertaken with relevant iwi and with reserve owners and managers:³⁸⁸

The consultation undertaken by WIAL in respect of the Project is addressed in Section 6 of this report. WIAL has had considerable discussion and engagement with WCC regarding these reserves.

Information about financial and legal liabilities and obligations associated with the land;³⁸⁹

A copy of all the legal descriptions and records of titles is provided in Section 3.3.4 **and Part I** of these application documents.

Legal and financial liabilities are to be addressed in the lease/licence documents currently being discussed with WCC, which will be provided to the Panel during this process. Should any further information on the financial and legal liability and obligations associated with the land be required, WIAL can provide this as necessary.

³⁸⁷ Schedule 6, Clause 3 (1)(j) of the Act.

³⁸⁸ Schedule 6, Clause 3 (1)(k) of the Act.

³⁸⁹ Schedule 6, Clause 3 (1)(l) of the Act.



Confirmation that the local authority has provided written agreement for the activity to be undertaken on the reserve:³⁹⁰

As previously noted, WCC has provided its written agreement for the Project to be undertaken within the reserve areas shown in Figures 11.1 and 11.2. A copy of this agreement is included in **Part F** of the application documents.

The mitigation package for the Project has evolved since this agreement was originally sought, requiring additional areas of reserve to be used for ecological restoration and enhancement. These areas are shown in Figure 11.3. WIAL has been actively engaging with the WCC Parks, Sports and Recreation team and is in the process of confirming what Reserves Act approvals may be required for these activities and, if such approvals are required, seeking a separate and second agreement from WCC for the use of the additional areas of reserve for such purposes. It is anticipated this will be received prior to the Panel being required to make a decision on the substantive application.

Confirmation that the applicant has written agreement from the holder of a right of first refusal or right of offer or return to waive that right for the purposes of any lease proposed in the application if—

- > The proposed lease will be for a term (including any renewals) that will or is likely to be more than 50 years; and
- > The granting of the lease will trigger the right of first refusal or right of offer or return.³⁹¹

Any lease sought to enable the Project on parts of reserve land held by WCC will not be for more than 50 years and therefore will not trigger a right of first refusal under a Treaty settlement.

11.2 RESERVES MANAGEMENT PLANS

11.2.1 Overview

Clause 3(1)(e) of Schedule 6 of the Act requires applications for concessions under the Reserves Act to include information about the extent to which the project is consistent with any management plan approved under the Reserves Act.

The following section addresses the sole management plan applicable to the Project made under the Reserves Act.

³⁹⁰ Schedule 6, Clause 3 (1)(m) of the Act

³⁹¹ Schedule 6, Clause 3 (1)(n) of the Act.

11.2.2 Tātou ki Uta – the Coastal Reserves Management Plan

On 4 September 2025, Tātou ki Uta – the Coastal Reserves Management Plan (“**Tātou ki Uta**”) was adopted by the WCC Social, Cultural, and Economic Committee. Tātou ki Uta replaces the South Coast Management Plan (2002) and brings the majority of Wellington's coastal areas into one integrated management plan.

The assessment in this section of this report has addressed the version of Tātou ki Uta appended to the 4 September 2025 agenda of of Kōrau Mātinitini - WCC Social, Cultural, and Economic Committee.³⁹² This version of the plan was agreed to be adopted by the committee with two changes that are not relevant to the Project.

Tātou ki Uta contains four parts:

- > Introduction and context, which sets out the purpose of the plan, sets out how the plan will be used and how it integrates and aligns with other strategic documents;
- > Values and pathways, which sets out the five underpinning values of the plan (active partnership with mana whenua, access to the coast for recreation and enjoyment, enduring connection to the landscape, protection and restoration of coastal ecosystems and nature-first approach to resilience) with pathways that set out how each value will be delivered;
- > Land administration, which sets out how WCC will manage the coastal reserves; and
- > Sector plans, which provide specific direction for the eight coastal management sectors in the WCC area. The components of the Project that impact coastal reserves are largely located within the Hue te Para (Lyll Bay) sector. The Stage 1 Kororā Colony is located within the Rangitatau (Moa Point to Breaker Bay) sector.

The role of Tātou ki Uta is to direct or manage the use of land classified as reserves under the Reserves Act. The objective of the management plan is to guide the care and management of Wellington's coastal reserves.

The legal descriptions of the sites associated with the Southern Seawall Renewal that are covered by the South Coast Management Plan are set out in Table 11.1.

³⁹² The agenda can be found using this link - <https://wellington.govt.nz/-/media/your-council/meetings/Committees/Social-Cultural-and-Economic-Committee/2025/2025-04-09-Agenda-SCEC>

Table 11.1: Sites Covered by the Tātou ki Uta Coastal Reserves Management Plan

Site Name	Map Reference	WCC Site No.	Legal Description	Description	Sector	Project Works
Lyall Bay and Airport Reclamation	3.12	2253	Lot 3 DP 78304	Local Purpose (esplanade) Reserve. Vested as part of airport development.	Sector 3 - Hue te Para (Lyall Bay)	See Figures 11.1 and 11.2: Activities and structures associated with Moa Point Yard, Southern Seawall, Eastern Bank Remediation, Reserve Restoration area and Stage 2 Kororā Colony
Te Taka Peninsula / Moa Point	4.01	0509	Lot 4 DP 78304	Local Purpose (esplanade) reserve. Vested as part of airport development.	Sector 4 - Rangitatau (Moa Point to Breaker Bay)	See Figures 11.1 and 11.2: Activities and structures associated with Moa Point Yard and access to Southern Seawall, Eastern Bank Remediation and Stage 2 Kororā Colony. See also Figure 11.3: Activities associated with Stage 1 Kororā Colony (ie placing rocks around culvert entrance) and lizard habitat enhancement



These sites are shown in the following figures (use the map reference in the table above to identify the sites):

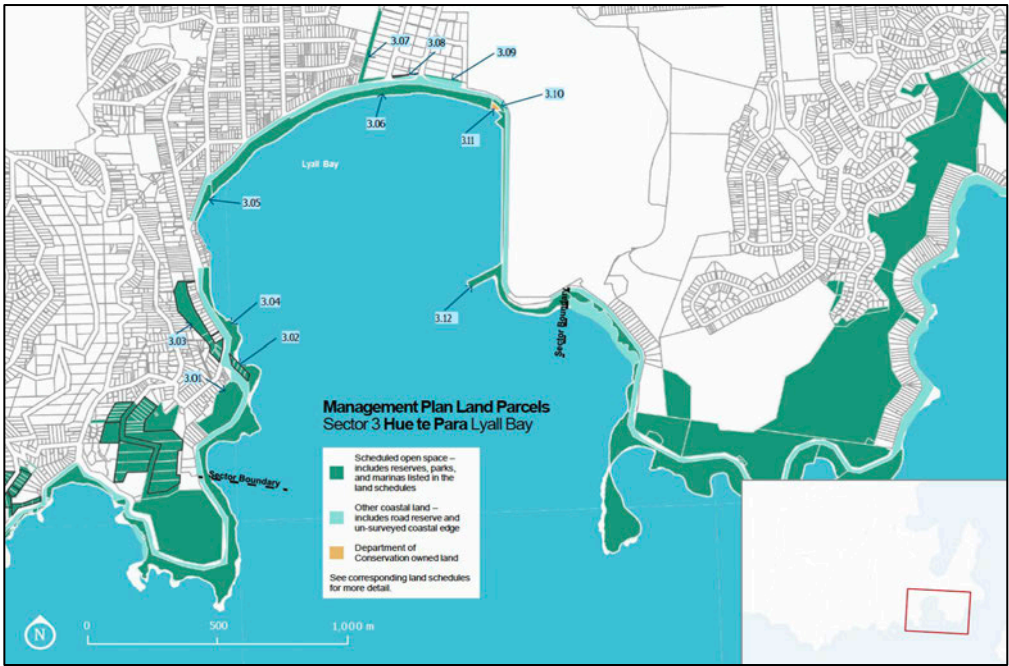


Figure 11. 4 Management Plan Land Parcels – Sector 3 Hue te Para (Lyall Bay)

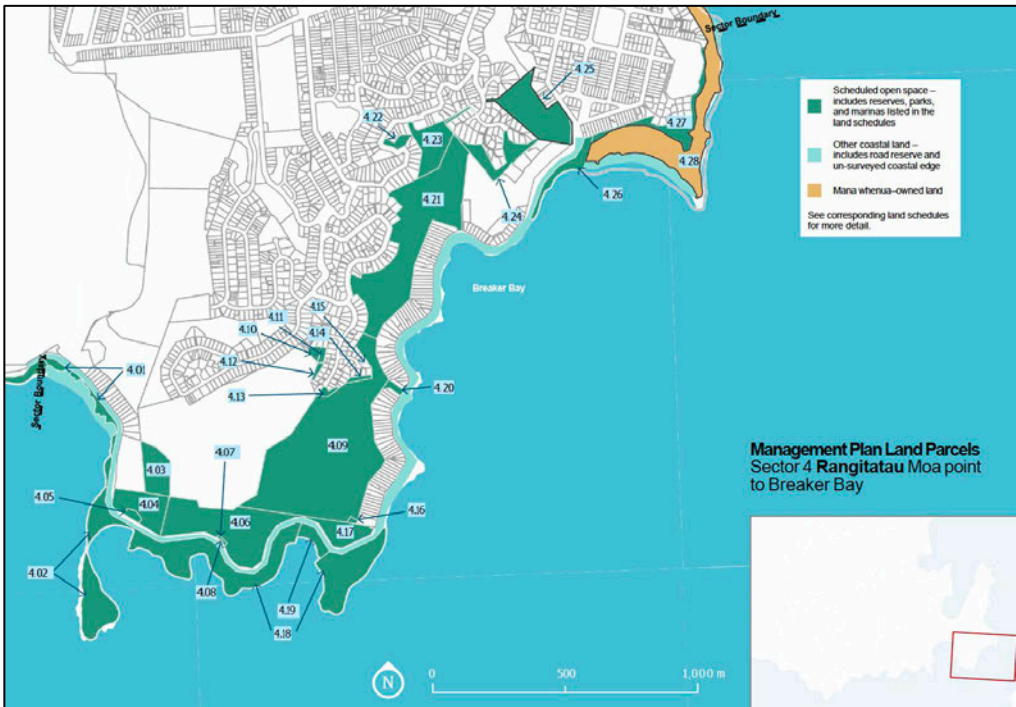


Figure 11. 5 Management Plan Land Parcels – Sector 4 Rangitatau (Moa Point to Breaker Bay). Values and Pathways

Several of the values and pathways are of relevance to the Project, with many following a similar theme to the direction of the RMA planning documents that direct the management of the coastal environment (which are addressed in Section 10 of this report). The key values and pathways in Tātou ki Uta of relevance to the Project are set out below:

- > Supporting the direct involvement of mana whenua in coastal management and recognising and embedding mātauranga (Pathway 1.1);
- > Ensuring that statutory acknowledgement areas are managed in a way that respects cultural and environment significance and recognises mana whenua interest (Pathway 1.2);
- > Considering potential effects on surf breaks and aquatic recreation areas when planning or upgrading coastal infrastructure (Pathway 2.3);
- > Protecting wildlife by managing dogs on the coast, including prioritising wildlife sensitive areas for stronger protections (Pathway 2.7);
- > Limiting new structures on the seaward side of the road (only allowing essential infrastructure that cannot be located elsewhere), minimising artificial lighting and minimising infrastructure impacts on coastal ecosystems by ensuring that development avoids further degradation (Pathway 3.1);
- > Undertaking targeted ecosystem restoration, including protecting kororā and other ground nesting bird. These management policies promote designating kororā sanctuaries areas (Pathway 4.1);
- > Prioritising nature-based solutions for coastal protection, including by seeking coastal engineering advice when altering coastal environments or infrastructure (Pathway 5.1); and
- > Utilising adaptive planning for sea level rise (Pathway 5.2).

The Project will not impact upon the ability for these values and pathways to be achieved.

Sector 3 Hue te Para – Lyall Bay

The Hue te Para sector spans approximately 5 km between Te Raekaihau Point (west) and the Airport runway (east). This sector acknowledges that the construction of the Airport involved significant reclamation which has altered its natural landscape. The reclamation reshaped the bay, and has impacted wave dynamics, leading to changes in erosion and accretion patterns that continue to influence the bay and infrastructure.



Importantly, one of the management approaches (3.4 natural first approach to resilience) explicitly provides for runway seawall maintenance by enabling WIAL to maintain and upgrade the seawall.

Other key management approaches set out in this sector include:

- > Acknowledging and sharing the evolving nature of Lyall Bay's coastline;
- > Supporting Lyall Bay as a key surfing destination;
- > Collaborating with stakeholders to guide future planning, ensuring that commercial activity, climate adaptation and coastal protection are considered in an integrated manner;
- > Working with the Airport to support safe, low impact recreational use along the coastal edge of the airport seawall for activities like fishing, plane watching and walking – while managing environmental impacts and respecting operational constraints;
- > Enabling the Airport to provide clear safety signage and other protection measures near the Airport to warn of hazards associated with aircraft operations and to support public safety;
- > Supporting improved stormwater management along Lyall Bay;
- > Protecting and supporting kororā populations by managing nesting areas around the riprap seawall, incorporating public education efforts and minimising disturbance;
- > Balancing dog access and wildlife protection; and
- > Protecting the southern foreshore of the Airport as a pohowera (banded dotterel) nesting site, while considering Airport operational safety and bird strike risk.

Sector 4 Rangitatau - Moa Point to Breaker Bay

The Rangitatau sector spans approximately 4 km along Wellington's southern coastline, stretching from Moa Point to Breaker Bay. As has previously been described, the only components of the Project proposed to be undertaken in reserves in this sector is the Stage 1 Kororā Colony [REDACTED].

The key management approaches for this sector include:

- > Recognising and protecting the areas cultural and historic significance;
- > Protecting the area's natural character by limiting man-made structures;
- > Protecting and restoring indigenous biodiversity in the Rangitatau sector, by maintaining SNAs and minimising disturbances to sensitive coastal habitats;



- > Managing the Moa Point to Wahine Reserve coastal area as an urban kororā sanctuary, prioritising habitat restoration, public awareness and minimising human and animal disturbances;
- > Using nature-based solutions where appropriate to support coastal resilience; and
- > Working with stakeholders, including Wellington Airport, to support erosion management strategies at Moa Point.

Summary

It is considered the proposed works will be consistent with the provisions of the Tātou ki Uta Coastal Reserves Management Plan for the following reasons:

- > The Project is necessary to ensure the ongoing protection and long-term viability of the Airport and a range of WCC assets;
- > The proposed seawall design takes into account predicted sea level rise;
- > The Project will improve the long-term amenity of the coastline through the Eastern Bank Remediation by stabilising the informal seawall / rubble area with rock;
- > The Project will result in a net increase in habitat for kororā along the coast at Moa Point, as has been described throughout this report; and
- > The Project is anticipated to bring about the broader restoration of the reserve behind Moa Point, extending from Moa Point Beach to Moa Point Road.

11.3 DECISION MAKING CONSIDERATIONS FOR CONCESSIONS

Section 81 of the Act, and Clause 7 of Schedule 6, set out the matters for consideration by the panel on a Reserves Act approval. These matters are summarised below:

- > A panel must, for each approval sought in a substantive application, decide whether to grant the approval (and set conditions) or decline the approval;³⁹³
- > The panel must consider the substantive application, and any advice, report comment or other information received by the panel,³⁹⁴ including advice from administering agencies, local authorities, iwi authorities, treaty settlement entities, DOC and HNZPT;

³⁹³ Section 81 (1) of the Act.

³⁹⁴ Section 81 (2) of the Act.



- > A panel may only decline the approval in accordance with section 85 of the Act, which set out where panels must decline approvals (not applicable in the case of this Project) and where panels may decline an approval – if the panel forms the view that:
 - > There are 1 or more adverse impacts in relation to the approval sought; and³⁹⁵
 - > Those adverse impacts are sufficiently significant to be out of proportion to the project’s regional or national benefits that the panel has considered, even after taking into account:³⁹⁶
 - > any conditions that the panel may set in relation to those adverse impacts; and³⁹⁷
 - > any conditions or modifications that the applicant may agree to or propose to avoid, remedy, mitigate, offset, or compensate for those adverse impacts.³⁹⁸
- > A panel may not form the view that an adverse impact of a project is sufficiently significant to be out of proportion to the regional or national benefits solely on the basis that the adverse impact is inconsistent with or contrary to a provision of a specified Act or any other document that a panel must take into account or otherwise consider;
- > In its decision, the Panel must take into account, the following matters of relevance to the Reserves Act approval sought as part of the Project (giving greatest weight to the purpose of the Act):³⁹⁹
 - > The purpose of the Act;⁴⁰⁰
 - > Part 3B of the Conservation Act 1987 (except sections 17SB and 17U(3) of that Act) as if the application were an application for a concession under Part 3B and any other relevant provisions of the Conservation Act;⁴⁰¹
 - > The purpose for which the land is held, taking into account Parts 1, 2, 3 and section 122 of the Reserves Act (noting that section 122 of the Reserves Act is not applicable to the Project);⁴⁰²

³⁹⁵ Section 85 (3)(a) of the Act.

³⁹⁶ Section 85 (3)(b) of the Act.

³⁹⁷ Section 85 (3)(b)(i) of the Act.

³⁹⁸ Section 85 (3)(b)(ii) of the Act.

³⁹⁹ Schedule 6, Clause 7 (1) of the Act.

⁴⁰⁰ Schedule 6, Clause 7 (1)(a)(i) of the Act.

⁴⁰¹ Schedule 6, Clause 7 (1)(a)(ii)-(iii) of the Act.

⁴⁰² Schedule 6, Clause 7 (1)(a)(vi) of the Act.



- > Any reserve management plans that have been co-authored, authored, or approved by a Treaty settlement entity, and the views of the treaty settlement entity;⁴⁰³
- > The status, ownership, and administration of the land that would be subject to a concession;⁴⁰⁴
- > Whether the land is subject to any existing arrangements that create obligations in relation to the land;⁴⁰⁵
- > The legal and financial liabilities associated with decisions on leases, licences to occupy land, and easements;⁴⁰⁶ and
- > The Panel may also consider any reserve management plan of the administering body.⁴⁰⁷

In respect to these matters:

- > Sections 1 and 7.2 of this report addresses how the Project demonstrably achieves the purpose of the Act;
- > The purpose for which the land is held is detailed in Section 3 of this report;
- > It is arguable whether Part 3B of the Conservation Act 1987 is directly relevant to consider in respect of an application for a concession under the Reserves Act (as opposed to under the Conservation Act). In any event, the matters in Part 3B substantially overlap with the other criteria in clause 7 discussed in this list and elsewhere
- > There is no applicable plan co-authored or approved by a treaty settlement entity to consider. However, it is noted that the provisions of the relevant treaty settlements are addressed in Sections 4 and 10.3.13 of this report, and the engagement had with mana whenua in respect of the Project is addressed in Section 4;
- > The status, ownership, and administration of the reserve is addressed in Section 3 of this report;

⁴⁰³ Schedule 6, Clause 7 (1)(a)(ix) of the Act.

⁴⁰⁴ Schedule 6, Clause 7 (1)(a)(x) of the Act.

⁴⁰⁵ Schedule 6, Clause 7 (1)(a)(xi) of the Act.

⁴⁰⁶ Schedule 6, Clause 7 (1)(a)(xii) of the Act.

⁴⁰⁷ Schedule 6, Clause 7 (1)(b)(ii) of the Act.



- > It is understood that the land is not subject to any existing arrangements that create obligations in relation to the land aside from an obligation on WIAL to maintain the Seawall;
- > Legal and financial liabilities are to be addressed in the lease and licence documents; and
- > The Tātou ki Uta – the Coastal Reserves Management Plan is addressed in Section 11.2.2 of this report.

In addition, the panel must decline an approval under the Reserves Act if:⁴⁰⁸

- > In the case of an application for an approval referred to in paragraph (b)⁴⁰⁹ of the definition of Reserves Act approval where the reserve is owned or managed by a local authority, the panel is not satisfied that the local authority has provided written agreement for the activity to be undertaken on the reserve; or
- > Giving effect to the approval would result in the conferral of an interest in land that is incompatible with an existing interest in land; or
- > The granting of the proposed concession would involve a lease for a term (including any renewals) that will, or is likely to, be more than 50 years; and
- > The granting of the lease would trigger a right of first refusal or a right of offer or return; and
- > The panel is not satisfied that the holder of the right of first refusal or right of offer or return has provided written agreement to waive that right for the purpose of the granting of the lease.

In respect to these matters:

- > WCC has provided written agreement for the activities to be undertaken on the areas of reserve shown in Figures 11.1 and 11.2, as documented in **Part F** of the application documents. A second agreement is being sought for the areas shown in Figure 11.3.
- > The approvals as sought will not result in a conferral of an interest in land that is incompatible with an existing interest in land; and

⁴⁰⁸ Schedule 6. Clause 7 (3) of the Act

⁴⁰⁹ (b) “a lease, licence, permit, or easement in respect of a reserve other than a Crown-administered reserve” as defined by Clause 1, Schedule 6 of the Act



- > The lease sought will not exceed a term greater than 50 years and will not trigger any right of first refusal under any Treaty settlement.

Accordingly, there is no impediment to the granting of this approval.

11.4 SUMMARY

In summary, the information provided in the preceding sections satisfies the information requirements for approvals required under the Reserves Act, in accordance with Schedule 6 of the Act.