

March 2026

Use of Public Conservation Land Report (section 19)

For the referral application: **Ngā Wairau Stage 1 – Auckland
Council – Healthy Waters and Flood Resilience Department
(FTAA-2512-1152)**

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1. Introduction

This report has been prepared for the Director-General of Conservation in accordance with s19 of the Fast-track Approvals Act 2024 (the Act). It provides information in relation to the use of Public Conservation Land (PCL) as part of the consideration of the referral application for Ngā Wairau - Stage 1 lodged by Auckland Council – Healthy Waters and Flood Resilience Department.

Section 19 of the Act requires that the Minister obtain and consider a report prepared by the Director-General of Conservation (D-G). Statutory delegations are in place for the Department to provide the report on behalf of the D-G.

It is noted that the definition of PCL in the Act means land to which either or both of the following apply:

- (a) the land is held, managed, or administered under the Conservation Act 1987, the National Parks Act 1980, the Reserves Act 1977, or the Wildlife Act 1953;
- (b) the land is listed in Schedule 4.

Pursuant to s19(3) of the Act, DOC has liaised with Auckland Council who holds, manages or administers land meeting this definition to inform this report.

2. The referral application - summary

The project (shown in Figure 1) involves the development of flood resilience infrastructure works across some 51 hectares of reserve land within A F Thomas Park, located in Wairau Valley, Auckland.

The project comprises:

- a. flood resilience infrastructure works, including:
 - excavation of the park to increase flood storage capacity
 - creation of a wetland, spillway channel and dry flood storage areas
 - modifications to an existing dam, reclamation and diversion of a stream
 - vegetation removal and ground reshaping
- b. reserve reinstatement, including site stabilisation and landscaping.



Figure 1: Layout Plan - AF Thomas Park Concept Design Option (provided by applicant)

3. Public Conservation Land affected by the project

The project footprint is comprised of 10 parcels, all held under the Reserves Act 1977. In all instances, the owner of these parcels is Auckland Council.



Figure 2: Parcels of PCL located within the subject site (provided by applicant)

4. Existing arrangements for the public conservation land

The below table reports on the matters set out in s19(2)(a) of the Act. As outlined above, all parcels are vested in Auckland Council pursuant to the Reserves Act 1977.

Parcel Identifiers	Administration	Access and uses
21 Northcote Road being Lots 1, 3, 4 and 8 in DP 150598 and Lot 8 DP 101760	Vested in Auckland Council and leased to Takapuna Golf Course Ltd as a combination of Recreation Reserve, Local Purpose (parking and community use) Reserve, Local Purpose (accessway) Reserve, Local Purpose (community building) Reserve	Public access is available to and through these parcels, being used for the Takapuna Golf Course and ancillary activities.
17 Silverfield Lane being Lot 2 DP 150598 and Part Allotment 103 Parish of Takapuna	Vested in Auckland Council and leased to Eventfinda Stadium as Local Purpose (community building and wastewater purposes) Reserve	Public access is available to and through these parcels, being used for the Eventfinda Stadium and ancillary activities.
17A Silverfield Lane being Lot 5 DP 150598	Vested in Auckland Council and leased to Hato Hone St John as Recreation Reserve	Public access is available to and through these parcels, being used for a Hato Hone St John Youth training and community facility and ancillary activities.
17B Silverfield Lane being Lot 6 DP 150598	Vested in Auckland Council and leased to Sunnybrae Bowling Club as Recreation Reserve	Public access is available to and through these parcels, being used for the Sunnybrae Bowling Club and ancillary activities.

Parcel Identifiers	Administration	Access and uses
17C Silverfield Lane being Lot 7 DP 150598	Vested in Auckland Council and leased to Shore Archery Club as Recreation Reserve	Public access is available to and through these parcels, being used for the Shore Archery Club and ancillary activities.

5. Risks and potential liabilities to the Crown

General caveats

This part of the report sets out general comments in relation to risks and potential liabilities to the Crown as required by s 19(2)(b) of the Act and specific comments pertaining to this application where possible.

These reserves are vested in and administered by Auckland Council under the Reserves Act 1977, thereby meeting the definition of PCL for the purposes of the Act. They are not administered by the Department, although they do have underlying Crown ownership. DOC recommends that engagement is undertaken with Auckland Council in relation to the application.

For completeness, DOC notes that the provisions of s 42(4)(f),(l) and (m) of the Act do not apply, as the proposal does not include a land exchange or access arrangements under the Crown Minerals Act 1991. The provisions of s 42(4)(e) do not apply as the proposal does not seek concessions under cl 1 of Schedule 6 of the Act. The proposal does not seek a determination pursuant to s 24(2) or (4), and as such the requirements of s 13(4)(q) and (r) of the Act also do not apply.

Risk of non-completion, failure, inability to remediate land

Partial non-completion or failure of activities on PCL resulting in land disturbance, contamination and sedimentation, hazards, stranded assets and infrastructure can create significant financial, legal, health and safety, and reputational risk for the Crown. It can also create significant demand on DOC resources in terms of staff time and operating budget with respect to Crown land, and upon local authorities in relation to other PCL. For example, if a project fails, the Crown or council will have to manage the land and impacted adjacent lands in accordance with the statutory purpose for which those lands are held, and this may require remediation of the land. In this instance, this risk is considered to be **low**.

There may be reputational risk to the Crown, and for the fast-track process as a whole, if a granted proposal is not technically feasible or there is an inability to progress the proposal or any part of it, particularly if those parts constitute offsetting or compensation for effects. There may also be a reputational risk for the fast-track process if the process is abused, for example if there was no intention to progress the development but approval is used to, for example, inflate land value.

Frustration of pre-existing activities

If the fast-tracked activity frustrates pre-existing actors operating with lawful authority from carrying out activities on the land, the Crown is exposed to legal, financial and reputational risk. If a legal challenge succeeds against the Crown, the remedies a court may order will vary in accordance with the degree of frustration, the type of lawful authority the pre-existing actor was operating under and other contextual factors.

Frustration of concessions in the form of a lease, licence to occupy or easement may lead to an order for specific performance of the lease, licence to occupy or easement and / or monetary damages, and costs. It may also lead to pre-existing lessees suing the operators of the fast-tracked activity for nuisance or trespass. Schedule 6 cl 7(3)(b) of the Act states that approval must be declined if “giving effect to the approval would result in the conferral of an interest in land that is incompatible with an existing interest in land.”

Frustration of the activities of those operating under contracts or agreements with the Director-General of Conservation (entered pursuant to s 53(2)(i) Conservation Act 1987) in respect of the land may lead to an order for injunctive relief, specific performance, damages, and costs. As there is no Conservation Act PCL involved in this project, there is **no risk** to the Crown of this nature.

Frustration of concessions in the form of permits and other statutory authorisations that do not create an interest in land may lead to compensation orders and costs. DOC considers the risk to the Crown of this occurring to be **low**.

6. Outcomes of consultation and Section 19(3) obligations

Section 19(3) of the Act requires the reporting on matters required by s 19(2)(a) and (b) is prepared in consultation with every owner, administrator or manager of the affected public conservation land who is not the Crown. Auckland Council is both the proponent of this application (and therefore the author of the application documents) as well as the owner of the underlying parcels, and has submitted a record of pre-lodgement consultation with each of the lessees listed in the table at Section 4 above in 'Supporting Information for a Referral Application under the Fast-track Approvals Act 2024' dated 2 December 2025, and as such it is considered that the requirement to consult under s 19(2)(a) and (b) have already been satisfied.