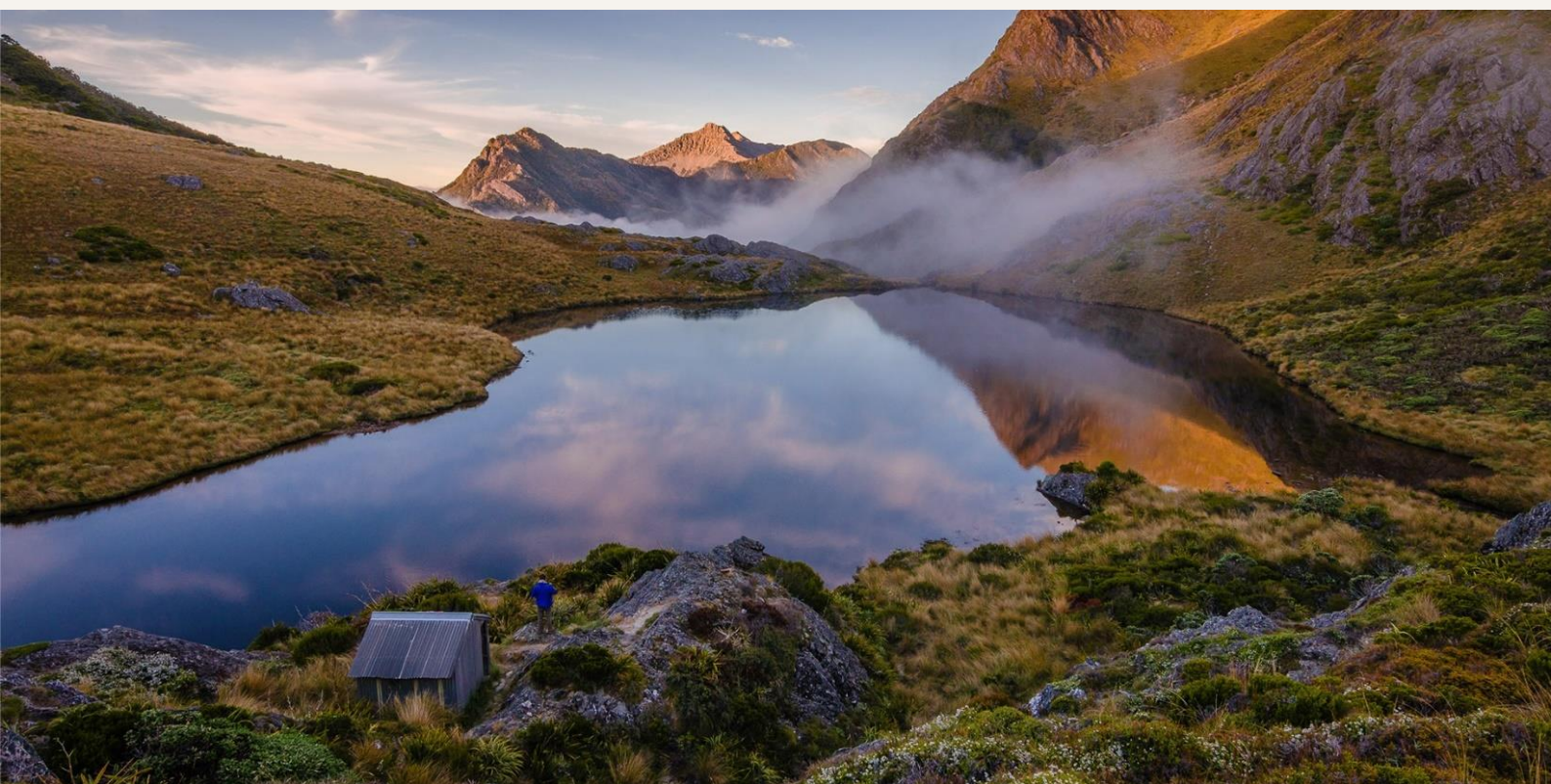


20 May 2026

Use of Public Conservation Land Report (section 19)

For the referral application for Te Pūtahi Ladies Mile FTAA-2603-1203



Department of
Conservation
Te Papa Atawhai

**Te Kāwanatanga
o Aotearoa**
New Zealand Government

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Introduction

This report has been prepared for the Director-General of Conservation in accordance with s 19 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 Te Pūtahi Ladies Mile lodged by Simplicity Living.

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.

The Act defines “public conservation land” as 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*

This report addresses the information that must be contained in a report in relation to PCL as set out in s 19(2)(a) and (b) of the Act. In this instance, no consultation is required by s 19(3), as outlined in the sections below.

The referral application

The project comprises a master-planned neighbourhood located along Te Pūtahi Ladies Mile and will deliver approximately 1,100 new homes supported by community facilities, transport infrastructure, open space, and a local commercial centre. Infrastructure works (a replacement water pipe on the southern side Te Pūtahi Ladies Mile) are proposed within a parcel of PCL, being the *Marginal Strip – Kawarau River*.

To the north of Te Pūtahi Ladies Mile lies the *Marginal Strip – Shotover River*. The management and discharge of stormwater runoff towards the Shotover River is currently being developed by the applicant’s infrastructure servicing engineer (Appendix 6). The *Marginal Strip – Shotover River* has been included in the potential footprint of this overland flowpath as a precaution, as the exact runoff path is not yet known. Both parcels of PCL are held under the Conservation Act 1987 and administered by DOC.



FIG 1: PROJECT SITE, INCLUDING INFRASTRUCTURE WORKS ON PCL DENOTED IN YELLOW, DERIVED FROM APPLICATION (APPENDIX 1)

Existing arrangements for the public conservation land

This part of the report sets information in relation to existing arrangements (whether formal or informal) for the administration, access to, or use of public conservation land within the project area, as required by Section 19 (2)(a) of the FTAA.

As outlined above, the parcels identified as *Marginal Strip – Kawarau River* and *Marginal Strip – Shotover River* are both Fixed Marginal Strips pursuant to s24(3) of the Conservation Act 1987 and administered by DOC. The Queenstown Trails Trust and Queenstown Lakes District Council manage the tracks along and through these parcels. The Tucker Beach Wildlife Trust has a Community Management Agreement with DOC which appears to apply to both parcels of PCL.

Public access is available to and through these parcels to the Shotover Riverbed and environs, with pedestrian and vehicular access afforded via a gravel track from Old School Road in both instances.

A summary of all active DOC administered concessions for the Marginal Strip – Kawarau River and Marginal Strip – Shotover River are attached at Appendix 1, below. These include the operation of recreational activities, filming and wildlife capture and handling, as well as an easement for the existing stormwater infrastructure proposed to be upgraded as part of this fast-track application.

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 Section 19 (2)(b) of the FTAA and specific comments pertaining to this application where possible.

It has not been possible to undertake an overly detailed analysis of all the risks and potential liabilities to the Crown that the project poses given the high-level nature of the information provided by the applicant and the statutory timeframes for this assessment.

As the proposal includes application for concessions (as defined by cl 1 of Schedule 6 of the Act), section 42(4)(e) is relevant, and risks to, and potential liabilities of the Crown are outlined below.

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 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.

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.” The drainage easement identified in Appendix 1 below (Ref 87566-OTH) is being upgraded/ replicated in consultation with, and on behalf of, the Concessionaire, being QLDC. As such, it is **unlikely to fall afoul** of the provisions of Schedule 6 cl 7. The remaining concessions listed in Appendix 1 have been granted for large portions of Central Otago, and in some instances all of the South Island. Given the nature of these concessions (being for filming, wildlife capture and recreational activities) and the fact that they do not relate solely to the parcels of PCL, it is considered that they **should not cause the approvals sought to be declined** pursuant to Schedule 6 cl 7 of the Act.

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. **DOC considers this risk to be low.**

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. Again, **DOC considers the risk of this occurring to be low.**

Section 19(3) obligations

Section 19(3) requires the reporting on matters required by sections 19(2)(a) and 19(2)(b) is prepared in consultation with every owner, administrator, or manager of the affected public conservation land who is not the Crown. No such parties have been identified for the Marginal Strip – Kawarau River or Marginal Strip – Shotover River PCL parcels.

Appendix 1 – Active DOC administered concessions relating to Marginal Strips – Kawarau River and Shotover River

Permission Number	Concessionaire Name	Start Date	Term	Description	Permission Type
87566-OTH	Queenstown Lakes District Council	20/06/2020	31/12/2080	Right to drain storm water from discharge pipe	Easement
114884-FIL	Central Otago District Council	1/06/2025	3/05/2030	Filming/Photography	Concessions
119720-FIL	Destination Queenstown Incorporated	1/08/2025	31/07/2035	Filming/Photography	Concessions
119772-GUI	Canyoning New Zealand Limited	1/09/2025	31/08/2035	Guiding	Concessions
81921-GUI	Little Meg's Limited	1/10/2020	30/09/2030	Guiding	Concessions
94716-GUI	New Zealand Professional Fishing Guides Association	1/06/2022	31/05/2032	Guiding	Concessions
119044-GUI	Salt Queenstown Limited	1/08/2025	31/07/2035	Guiding	Concessions
92933-GUI	Real Journeys Ltd	01/07/2021	26/01/2027	Guiding	Concessions
87566-OTH	Queenstown Lakes District Council	1/01/2021	31/12/2080	Structures	Concessions
117164-FLO	Springburn Nursery Limited	1/02/2025	31/01/2035	Collecting Flora Activities	Research and Collection
118035-FAU	e3Scientific Limited	8/05/2025	31/05/2035	Permits to collect, capture, handle release or kill	Wildlife Permits
71046-FAU	Individual	20/02/2019	19/02/2029	Permits to collect, capture, handle release or kill	Wildlife Permits
93529-FAU	Individual	18/06/2021	17/06/2031	Permits to collect, capture, handle release or kill	Wildlife Permits
64146-FAU	Ospri New Zealand Limited	11/05/2018	10/05/2028	Permits to collect, capture, handle release or kill	Wildlife Permits