



Volume B: Reserves Act Approval

Brookvale Green

174 & 176 Brookvale Road, Havelock North

FTAA Substantive Application

30 July 2026

B&A

Urban & Environmental

• Prepared for:
Vermont Street Partners No.4 Limited

Status:

Final

Date:

30 July 2026

Prepared by:



Joanne Sunde

Senior Associate

Barker & Associates Limited

Reviewed by:



David Badham

Partner

Barker & Associates Limited

Contents

1.0	Introduction	5
1.1	Purpose of this Volume	5
1.2	Approval Sought	5
2.0	Statutory Framework	6
2.1	Fast-track Approvals Act 2024	6
2.2	Schedule 6 Information Requirements	6
2.3	Schedule 6 Decision-making Matters	8
3.0	Site Context	8
3.1	Description of the Reserve Land	8
3.2	Existing Reserve Condition and Function	9
3.3	Purpose for which the Reserve is Held	11
3.4	Ownership, Administration and Existing Interests	11
3.5	Neighbouring Land Holdings	11
4.0	Proposal	12
4.1	Proposed Activity	12
4.2	Approval Sought	15
4.3	Duration of Approval	16
4.4	Applicant Information	16
4.5	Future Road Vesting Process	16
5.0	Assessment	17
5.1	District-Wide Reserve Management Plan	17
5.2	Reserve Purpose	17
5.3	Reasons for an Easement	18
5.4	Potential Effects	18
5.5	Conservation Act 1987 Assessment	20
6.0	Consultation	21
6.1	Hastings District Council	21
6.2	Mana Whenua	22
6.3	Department of Conservation	22
7.0	Proposed Conditions	23
8.0	Section 81 Assessment	23
9.0	Summary	25

Referenced Appendices (see Volume A & Appendices)

Volume A:	Planning Report
Appendix 1:	Record of Titles
Appendix 3:	Legal Memorandum
Appendix 4:	Civil Drawings
Appendix 5:	Landscape Drawings
Appendix 8:	Ecological Assessment Report
Appendix 11:	Geotechnical Assessment
Appendix 13:	Landscape Visual Assessment
Appendix 20:	Consultation Report
Appendix 28:	Conditions Suite
Appendix 29:	Fauna Management Plan
Appendix 32:	Subdivision Consent RMA20140325

1.0 Introduction

This Reserves Act approval report has been prepared in conjunction with the substantive application to the Environmental Protection Authority ('EPA') for the Brookvale Green Project ('Project') at 174 and 176 Brookvale Road, Havelock North ('Site').

This volume (Volume B) addresses the Reserves Act 1977 ('Reserves Act') approval required for works within part of the adjoining Arataki Local Purpose (Amenity) Reserve land held in Lots 3 and 4 DP 481968 ('Arataki Reserve'). The wider Project description, assessment of effects, consultation summary, statutory assessment and proposed conditions are contained in the main substantive application Planning Report (Volume A) and appendices. This volume is intended to be read alongside that material.

1.1 Purpose of this Volume

The purpose of this volume is to provide a focused assessment of the Reserves Act approval sought under Schedule 6 of the Fast-track Approvals Act 2024 ('FTAA'). It draws together the information relevant to the affected reserve land, the proposed reserve works, the need for the Reserves Act approval, consultation with Hastings District Council ('HDC'), and the matters relevant to the Panel's decision. This volume should be treated as the Reserves Act approval module for the substantive application.

1.2 Approval Sought

Schedule 6 of the FTAA provides for concessions and Reserves Act approvals that would otherwise be sought under conservation legislation to be included within a substantive application. For the purposes of Schedule 6 (1) a (emphasis added):

concession means:

(a) A concession that would otherwise be applied for under –

(i) The Conservation Act 1987; or

(ii) Section 14AA of the Wildlife Act 1953; or

(iii) Section 49 of the National Parks Act 1980; or

(b) A Reserves Act approval

Reserves Act approval means –

(a) A concession as defined in Section 2(1) of the Reserves Act 1977 that would otherwise be applied for under section 59A of that Act; or

(b) A lease, license, permit, or easement in respect of a reserve other than a Crown-administered reserve.

On that basis, a Reserves Act approval is sought under Schedule 6(1)(b) and (b) of the FTAA to authorise both an **easement** and works **permit** within part of the Arataki Local Purpose (Amenity)

Reserve, comprising Lots 3 and 4 DP 481968 which is administered by HDC and is not a Crown-administered reserve).

The approval is required to enable the construction, use and maintenance of part of a proposed public road corridor and associated reserve integration works, including earthworks, retaining, batter slopes, vegetation removal, landscape reinstatement, infrastructure works, construction access and temporary construction occupation as required.

2.0 Statutory Framework

2.1 Fast-track Approvals Act 2024

This application is made under the FTAA. Section 42(4)(e) enables a substantive application to seek an approval as defined in clause 1 of Schedule 6. The Panel is required to determine the approvals sought in accordance with the FTAA decision-making framework, including the specific requirements for approvals under Schedule 6.

2.2 Schedule 6 Information Requirements

The information requirements for an application for an approval under clause 3 of Schedule 6 of the FTAA are addressed in **Table 1** below. The table identifies the corresponding section of this volume and any material contained in the Volume A Planning Report and appendices.

Table 1: FTAA Schedule 6 Reserve Act Information Requirements

Schedule 6 (3) Information required in application for concession	Where addressed in this Volume
Clause 3(1)(a) Description of activity and concession sought	Section 4.0 Proposal
Clause 3(1)(b): Reserve land affected - A description, maps, and GPS co-ordinates identifying the places where the proposed activity will be carried out, including classification, ownership and management arrangements and, if applicable, the name of the places.	Section 3.0 Site Context
Clause 3(1)(c): Information about whether the project could reasonably be undertaken in another location, or another conservation area, or another part of the conservation area, where potential adverse effects would be significantly less.	Section 4.1.3 Alternatives Considered
Clause 3(1)(d): For approvals within paragraph (a) of the definition of concession or paragraph (a) of the definition of Reserves Act approval, information about consistency with relevant conservation management strategies and plans, including any co-authored, authored or approved by a Treaty settlement entity.	N/A. The approval sought falls within paragraph (1)(b) of the definition of Reserves Act approval, being an easement / permit in respect of a reserve other than a Crown-administered reserve.
Clause 3(1)(e): For approvals within paragraph (b) of the definition of Reserves Act approval, information about consistency with any management plan approved under section 41 of the Reserves Act.	Section 5.1 District-Wide Reserves Management Plan

Schedule 6 (3) Information required in application for concession	Where addressed in this Volume
Clause 3(1)(f): Information about the extent to which the project is in keeping with the purposes for which the land is held, status, ownership and administration.	Section 5.2 Reserve Purpose
Clause 3(1)(g)(i): A description of the potential effects, positive and negative, of the proposed activity.	Section 5.4 Potential Effects
Clause 3(1)(g)(ii): A description of actions proposed to avoid, remedy, mitigate, offset or compensate for adverse effects.	Section 5.4 Potential Effects & 7.0 Proposed Conditions
Clause 3(1)(g)(iii): Details of the type of concession for which the applicant is applying.	Section 4.2 Approval Sought
Clause 3(1)(h)(i): Statement of the proposed duration of the concession.	Section 4.3 Duration of Approval
Clause 3(1)(h)(ii): Reasons for the proposed duration.	Section 4.3 Duration of Approval
Clause 3(1)(i): Relevant information about the applicant, including ability to carry out the proposed activity and any convictions or current criminal charges involving the applicant or relevant persons.	Section 4.4 Applicant Information
Clause 3(1)(j)(i): If the applicant applies for a lease, licence granting an interest in land, or easement, the reasons for the request.	Section 5.3 Reasons for Easement
Clause 3(1)(j)(ii): Sufficient information to satisfy the panel that it is appropriate under section 81 to grant the lease, licence or easement in terms of clause 7.	Section 8.0 Section 81 Assessment
Clause 3(1)(k): Full details of consultation undertaken with relevant iwi and with reserve owners and managers.	Section 6.0 Consultation
Clause 3(1)(l): Information about financial and legal liabilities and obligations associated with the land.	Section 3.4 Ownership, Administration and Existing Interests
Clause 3(1)(m): For an approval under paragraph (b) of the definition of Reserves Act approval where the reserve is owned or managed by a local authority, confirmation that the local authority has provided written agreement for the activity to be undertaken on the reserve.	Section 6.1 Hastings District Council
Clause 3(1)(n): 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 any proposed lease exceeding, or likely to exceed, 50 years and where the grant would trigger that right.	N/A. This application is not for a Lease.
Clause 3(2): If the substantive application is lodged by more than one authorised person, references to the applicant in subclause (1)(g)(ii), (i) and (n) are to be read as references to the authorised person identified as the proposed holder of the concession.	N/A. The substantive application is only lodged by one applicant – VSP.

2.3 Schedule 6 Decision-making Matters

Clause 7 of Schedule 6 requires the Panel to take into account the relevant decision-making matters, giving greatest weight to the purpose of the FTAA. An assessment against Clause 7 is provided in Section 8.0 of this Report.

3.0 Site Context

3.1 Description of the Reserve Land

In accordance with Clause 3(1)(b), the Reserve land comprises Lots 3 and 4 DP 481968 (**Figure 1**).

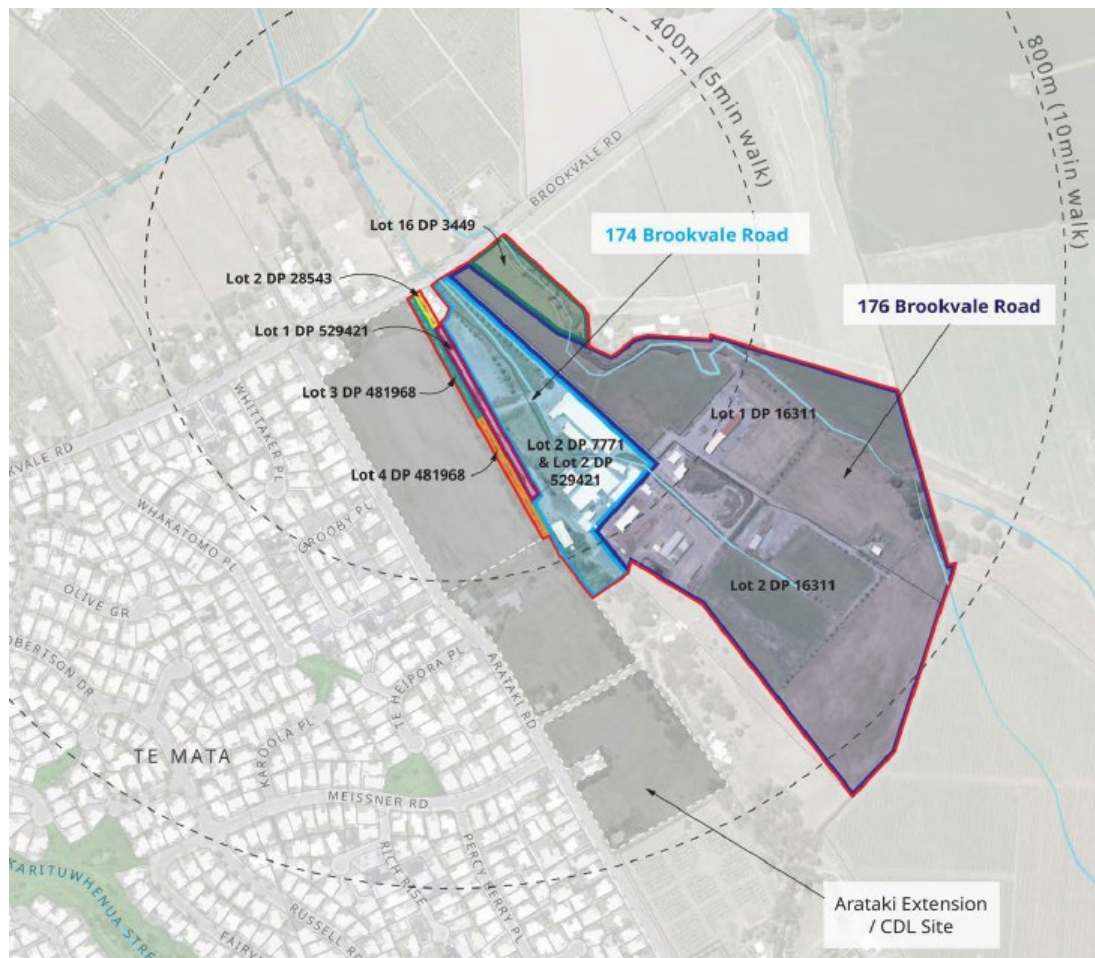


Figure 1: Location of Site & Reserve Land - Lots 3 & 4 DP 481968 (Source: B&A)

The Reserve land has a title area of approximately 0.3624 ha, is owned and administered by Hastings District Council, and is subject to the Reserves Act as Local Purpose (Amenity) Reserve. The Reserve land details are set out in **Table 2**.

Matter	Details
Reserve land	Lots 3 & 4, DP 481968 (refer to titles in Appendix 1)
Common reference	Arataki Reserve
Title area	Approximately 0.3624 ha

Matter	Details
Owner / administering body	Hastings District Council
Reserve classification	Local Purpose (Amenity) Reserve
Relevant interests	• Subject to the Reserves Act 1977 • Section 168A Coal Mines Act 1925 • Section 241(2) RMA • Section 8 Mining Act 1971
Reserve Management Plan	Hastings District Wide Reserves Management Plan – Not an identified Reserve
GPS Coordinates	-39.658375, 176.903108

3.2 Existing Reserve Condition and Function

The Reserve land forms the western boundary of the Brookvale Green site. In its current form, the reserve functions as a landscape buffer between the existing consented urban area (CDL land) and adjoining rural land (Brookvale Green site) (**Figure 2**).

The Reserve land was originally established through the subdivision (RMA20140325 – **Appendix 32**) of the adjoining property at 160 Arataki Road as a 10m wide 363m long vegetated rural urban interface to the Site which was historically occupied by the Te Mata Mushrooms operation.



Figure 2: Aerial Photo of the Reserve Land (Source: CoreLogic Emap)



Figure 3: Photo of Reserve Land taken looking southwest (Source: LA4)

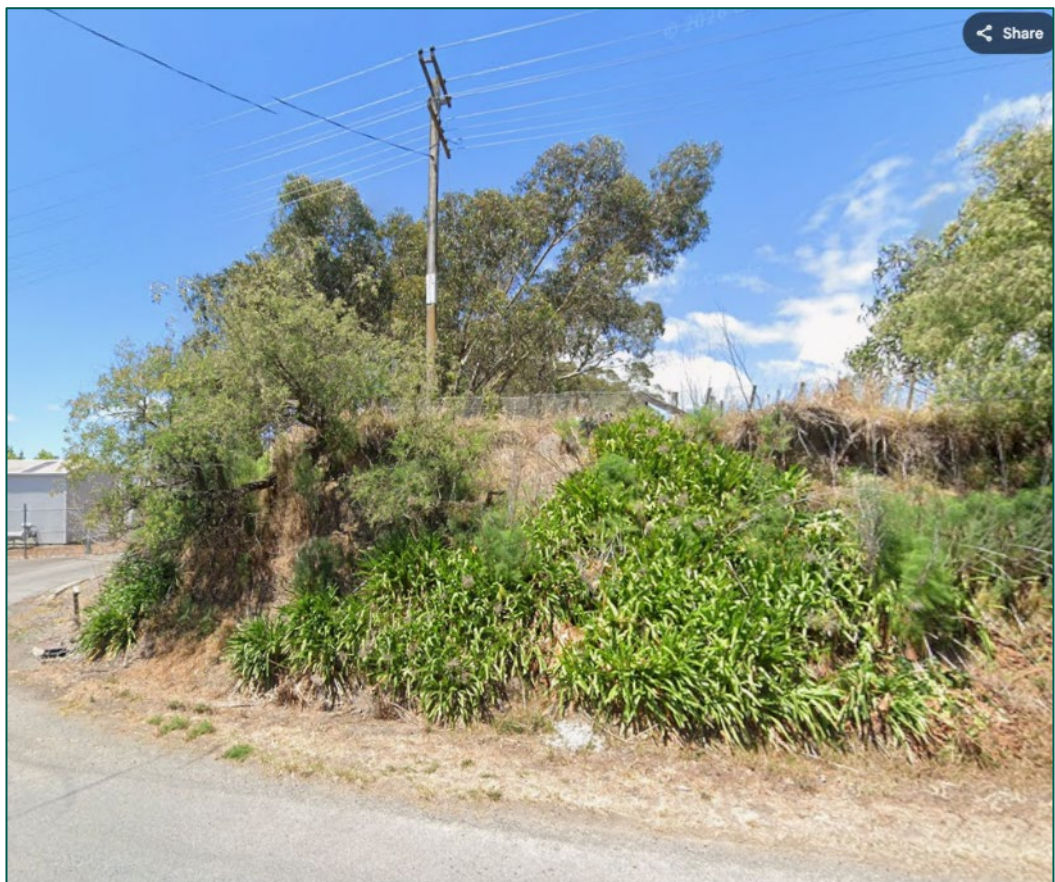


Figure 4: Photo of Reserve Land taken from Brookvale Road looking south (Source: Google Streetview)

The Reserve land (**Figure 2**) includes a stand of mature exotic gum trees and scrub undergrowth, which contributes to the vegetated character of the reserve corridor (**Figure 3**). The Reserve land is elevated above the Brookvale Green development area by approximately 4m - 6m, with the interface formed by a steep slope (**Figure 3**). The surrounding environment is highly modified, and terrestrial vegetation values within the Reserve and across the wider site have been assessed as very low. Further description of the Reserve land is provided in the **Volume A** Planning Report and the Ecological Assessment Report prepared by Wild Ecology (**Appendix 8**).

3.3 Purpose for which the Reserve is Held

The Reserve is held as Local Purpose (Amenity) Reserve. Its existing and intended function is principally amenity and landscape buffer related, rather than formal recreation. Public access is currently limited by the steep slope and adjoining private property boundaries to the east (363m), south (10m) and west (363m). Existing vegetation and fencing restrict physical access to the only feasible 10m wide elevated public access point adjoining Brookvale Road, as shown in **Figure 4**. There is also no obvious public access point or signage identifying the land as public reserve. As a result, the Reserve is not currently used or readily accessible by the public. Its practical function is limited to providing a visual and landscape buffer, rather than delivering publicly accessible open space or recreation opportunities.

Reserves in the Hastings District Council jurisdiction are subject to the District-wide Reserves Management Plan¹ ('RMP'). Notably, the Reserve is not identified in Appendix 4 of the RMP, nor is it specifically shown or described on the reserve maps contained within the RMP. This indicates that the Reserve is not recognised as a reserve of particular significance or subject to any site-specific management objectives beyond its general reserve classification.

3.4 Ownership, Administration and Existing Interests

HDC owns and administers the Reserve land. In accordance with Clause 3(1)(l), the Applicant is not aware of any existing financial or legal interests, liabilities and obligations that would be incompatible with the proposed request.

3.5 Neighbouring Land Holdings

The Reserve land forms part of a constrained HDC-owned land interface at the northwestern edge of the Brookvale Green site (refer to **Figure 1**). This interface includes the Arataki Reserve land and the HDC water asset facility at 170 Brookvale Road (Lot 2 DP 28543), and the associated HDC owned water asset access corridor (Lot 2 DP 28543 & Lot 1 DP 529421) which sits between those two landholdings.

HDC has provided landowner approval for the use of the existing water asset access corridor in the Brookvale Road design to form a new public road connection for the development (Road 3). The water asset access corridor is approximately 10.5m legal width between the Reserve land and the water asset facility at its narrowest point near Brookvale Road, and extends to 13.3m legal width further into the Site.

¹ <https://www.hastingsdc.govt.nz/assets/Document-Library/Reserve-Management-Plans/District-Wide-Reserve-Management-Plan/District-Wide-RMPlan.pdf>

The Arataki Extension / CDL landholdings are located to the west of the Reserve land (**Figure 1**) and this Site has recently received FTAA approval for urban residential development. The Applicant has undertaken consultation with CDL and their feedback is included as **Appendix 20** to the application.

4.0 Proposal

By way of overview, Brookvale Green is a comprehensively master planned residential neighbourhood proposed on approximately 24 ha of land at 174 and 176 Brookvale Road, Havelock North. The Project will provide approximately 203 residential lots together with associated transport, three waters and stormwater infrastructure, ecological restoration, and landscaping. A full description of the proposal is provided within the **Volume A** Planning Report.

This volume addresses the Reserves Act approval required for works within the adjoining Reserve land. The Reserves Act approval forms part of a wider coordinated access and Reserve interface solution involving the wider HDC administered and owned land at the north-western interface of the Brookvale Green development.

4.1 Proposed Activity

In accordance with Clause (1)(a) of Schedule 6, the Brookvale Green Project requires works to occur within the adjoining Reserve land to integrate the development with the western interface of the development and to construct a public road into part of the Reserve Land. The works will provide for a secondary road connection to the Brookvale Green site and associated works to integrate the Reserve land with the development.

The proposed activity has two related components:

- (1) Use of a small portion of the Arataki Reserve land, approximately 275m², to facilitate a new public road and associated works adjacent to the HDC water asset facility lot; and
- (2) Physical integration and enhancement works across the balance of the Reserve land, including earthworks, retaining, batter tie-ins, vegetation removal, replanting and landscape reinstatement.

The wider access solution also includes use of the adjoining HDC water asset access corridor for the proposed public road. That access corridor is not part of the Reserve land, but forms part of the overall coordinated transport and infrastructure solution for the north-western access to Brookvale Green.

In summary, the proposed works and use of the Reserve land are required because they enable a practical road alignment, footpath connection, land modification, contouring and landscape integration solution that responds to the existing level differences between the Brookvale Green site, the Reserve land and adjoining landholdings. Subject to the substantive application being approved, the proposed works also respond to the changing function of the Reserve land. While the Reserve was originally established as a rural urban buffer strip, that function will no longer be relevant once Brookvale Green is developed and the rural interface shifts to the eastern side of the site. The proposed solution will provide a safe, legible and compliant public movement network, while supporting a more integrated and comprehensive development outcome for this interface.

4.1.1 Location of Works

In accordance with Clause (1)(b) of Schedule 6, the Reserve land is located on the titles identified as Lots 3 and 4 DP 481968 which are located between 122 Arataki Road and 170 Brookvale Road (**Figure 1**). GPS coordinates for the centre of the Reserve landholdings are -39.658375, 176.903108.

The works will take place on the Reserve land as shown on **Figure 5**. The road construction works and associated easement described in Section 4.2.2 below will take place on a triangular 275m² of land at the northern extent of the Reserve land (shown as pink). The physical integration works for the development described in Section 4.2.2 below will take place along the full 3,624m² extent of the Reserve land holdings (red outline).



Figure 5: Reserve Land Proposed Works Extent

4.1.2 Reserve Land Works

In accordance with Clause (1)(b) of Schedule 6, the works for which the approval is sought involves two parts.

Easement & Permit: Road Corridor Works

The first component relates to the use of approximately 275m² of the Arataki Reserve land to facilitate the proposed public road corridor. This component includes:

- construction of part of the proposed public road corridor (Road 3) within the Reserve land;

- footpath connection to Brookvale Road associated with the road corridor;
- retaining wall works and associated earthworks, with the retaining wall currently anticipated to be up to approximately 2.9 metres in height, reducing to approximately 0.3 metres over a length of approximately 110 metres, subject to final design;
- safety fencing associated with the retaining wall, subject to final design coordinated with HDC;
- associated batter tie-ins and landform modification required to support the road corridor construction;
- development servicing within the road corridor; and
- ongoing access, operation and maintenance of the road corridor, retaining structures, batter slopes, safety fencing and related infrastructure.

This part of the approval is required because the existing legal boundaries of the Arataki Reserve land and adjoining Council water asset title constrain the available road width at the northern extent of the access. Without use of this part of the Arataki Reserve land, the proposed secondary access would not achieve the road width required for ECoP compliance and future vesting as public road.

Permit: Reserve interface and landscape integration works

The second component relates to physical integration and landscape reinstatement works across the wider Reserve land area of approximately 3,624m². This component includes:

- earthworks (approximately 5700m³ over 3,624m²), and recontouring including batter slopes across the full Reserve land extent to integrate the Reserve land with the proposed Road 3 road corridor;
- removal of all existing vegetation, including predominantly mature exotic gum trees and scrub undergrowth;
- replacement indigenous planting and landscape reinstatement across the full Reserve land extent (with the exception of the 275m² road easement area) in accordance with the Landscape Plans prepared by LA4 (**Appendix 5**);
- stormwater, utility and associated servicing infrastructure, where required;
- construction access, temporary occupation and site establishment activities within the works footprint; and
- ongoing access, operation and maintenance of retaining structures, batter slopes, planting and related infrastructure.

In the event that the substantive application is granted, the proposed works are intended to achieve a coordinated long-term outcome for the interface between Brookvale Green and the CDL landholdings, and the Council water asset land. The Reserve will no longer need to perform its current rural urban landscape buffer role.

Given the Reserve's narrow width, steep topography and limited access, there is limited alternative reserve function for the land and the proposed works provide a feasible long-term outcome by stabilising and replanting the land, and retaining it as a low maintenance and attractive indigenous

vegetation strip. Further, the proposed works, use and activities will ensure that the Reserve land will retain its full public use with no private use of the Reserve land proposed.

4.1.3 Alternatives Considered

In accordance with clause 3(1)(c) of Schedule 6 of the FTAA, alternative road alignments, subdivision layouts and reserve interface options have been considered through the design process.

The Brookvale Green development has a constrained frontage to Brookvale Road given the location of two streams, a HDC owned water asset facility title and associated access corridor, and the adjacent Reserve land. The existing HDC-owned water asset access corridor was identified through the referral process as a potential location for Road 3, to provide a secondary access to Brookvale Road and improve transport network resilience. However, the corridor narrows to approximately 10.5 metres between the Arataki Reserve land and the HDC water asset facility title. This is insufficient to achieve the minimum 15 metre road corridor width required by the HDC Engineering Code of Practice 2020 ('ECOP'). A small portion of the Reserve land is therefore required to achieve an ECoP compliant public road connection capable of vesting in HDC.

A "do nothing" option has also been considered. However, if the Brookvale Green substantive application is granted, the Reserve will no longer need to perform the rural/urban buffer function for which it was originally established under subdivision consent RMA20250374. The rural interface will instead shift to the eastern boundary of the Site. Retaining the Reserve in its current form would leave a narrow, steep and difficult to access strip of mature exotic gum trees and scrub between two urban residential areas. Given its limited 10m width, topography and constrained access, there is no realistic alternative use for the Reserve land. The proposed works therefore provide a more appropriate long term outcome by enabling the land to be stabilised, replanted and integrated with the surrounding urban environment.

The proposed option has been selected because it resolves the road width constraint while enabling the wider Reserve land to be integrated, stabilised, replanted and managed as an improved landscaped amenity corridor in keeping with the changing urban uses on either side. The removal of the mature exotic gum trees and replacement with indigenous planting will also improve long-term landscape, ecological and maintenance outcomes.

Overall, no viable alternative location or "do nothing" option has been identified that would achieve the same compliant public road, water asset access, reserve integration, landscape reinstatement and long-term maintenance outcomes with lesser adverse effects.

4.2 Approval Sought

In accordance with Clause (3)(g)(iii) of Schedule 6, the approval sought by this application is a Reserves Act approval under Schedule 6 of the FTAA to authorise:

- an easement and works permit over approximately 275m² of the Arataki Reserve land to enable the construction, use and maintenance of part of Road 3 as public road;
- a works permit to undertake physical integration works across the full extent of the 3,624m² area of Arataki Reserve land, including earthworks, contouring, retaining, battering, vegetation removal, landscape replanting, infrastructure works, construction access and temporary occupation.

4.3 Duration of Approval

In accordance with Clause 3(1)(h) of Schedule 6, the approval is sought for the following duration:

- the easement is sought on a **permanent basis**, as the affected part of the Reserve land is required to accommodate the ongoing public road²; and
- the works permit is sought for the duration of construction and establishment works within the Reserve land, including earthworks, retaining, battering, vegetation removal, construction access, temporary occupation, landscape reinstatement and any required planting establishment period. A period of **10 years** is sought to align with the proposed substantive application works programme.

The proposed duration reflects the long-term public road and infrastructure function of the affected land, while ensuring the temporary construction and reinstatement works are authorised for the period required to complete and establish those works.

4.4 Applicant Information

In accordance with Clause (1)(i) of Schedule 6, the Applicant is Vermont Street Partners No.4 Ltd ("VSP"). VSP is a New Zealand based property investment and development entity with a track record of delivering residential development projects throughout New Zealand.

VSP has the relevant project experience, consultant expertise and delivery capability to undertake the proposed activity, including through ongoing coordination with HDC, contractors and the wider project team.

VSP confirms that the Applicant, and any company director, trustee, partner or other person involved with the application, has not been convicted of any offence and does not have any current criminal charges pending before a court.

4.5 Future Road Vesting Process

HDC has indicated through consultation that, in the long term, it may seek to reclassify or otherwise legalise the affected Reserve land as road. This reflects both the proposed public road function of part of the land and the fact that the Reserve's original rural / urban buffer purpose will no longer operate in the same way once Brookvale Green is developed and the urban / rural interface effectively will shift to the eastern side of the site.

That process is not available through the current FTAA approvals pathway and would need to be progressed separately by HDC under the relevant statutory and property processes.

The Reserves Act approval sought through this application provides the necessary approval pathway to authorise the proposed works, occupation, use and maintenance of the affected Reserve land for the Brookvale Green Project. It is therefore an appropriate mechanism to enable the Project to proceed, without precluding any future road vesting, legalisation, reserve revocation or reclassification process that HDC may elect to progress at a later date.

² If HDC elects to reclassify or otherwise legalise the affected Reserve land for road purposes as part of a future approvals process, it is anticipated that the easement function would fall away to the extent that the relevant land is no longer held as reserve land and is instead incorporated into the public road corridor.

5.0 Assessment

5.1 District-Wide Reserve Management Plan

In accordance with Clause 3(1)(e) of Schedule 6, the Reserve is not specifically identified in, or subject to site-specific provisions within, the Hastings District Wide Reserve Management Plan.

Notwithstanding that, the proposal is not inconsistent with the broader management outcomes anticipated for local purpose reserves. The works will retain the land in public ownership, provide for continued (and improved) public access, and improve the usability and legibility of the reserve interface through the formation of a public road and footpath connection to Brookvale Road. The existing reserve corridor will also be recontoured, stabilised and replanted with indigenous landscaping, improving its amenity, landscape and long-term maintenance outcomes.

Overall, the proposed works will continue to provide green space and amenity value, while improving public access and integration between Brookvale Green, Brookvale Road and the adjoining Arataki Extension area.

5.2 Reserve Purpose

In accordance with Clause 3(1)(f) of Schedule 6, the proposal will change the way the Local Purpose (Amenity) Reserve functions. The Reserve was originally established as a narrow landscape buffer between the Arataki Extension future urban landholdings and the rural land to the east, which was formerly occupied by the Te Mata Mushrooms operation. With the Brookvale Green development, that rural urban buffer purpose will no longer apply in the same way, as the Reserve will instead sit between two urban development areas.

The proposed works respond to that changed context. Part of the Reserve land will accommodate Road 3 and associated infrastructure, while the balance of the Reserve corridor will be recontoured, stabilised and replanted. Given its limited width, sloping topography and constrained relationship with adjoining urban land, this part of the Reserve has limited practical utility for other reserve activities. HDC has recommended that the area is instead integrated with the adjoining road corridor and treated as a landscaped amenity treatment. The removal of the existing mature gum trees provides an opportunity to replace ageing exotic vegetation with a more appropriate indigenous landscape treatment, which will contribute to amenity and provide a better interface between the adjoining urban areas.

Public use of the Reserve will improve when compared with the existing situation. At present, the Reserve is difficult to access and is not readily identifiable as public land. The proposal will provide a formed public road and footpath connection, improving public access and legibility.

Further, the Applicant is proposing to vest 6.2ha of land as Local Purpose (drainage) Reserve through the substantive application. Whilst part of this land will be for stormwater management purposes, a significant portion includes restoration of two stream networks and wetland areas involving a significant area indigenous planting and amenity for the Site and wider areas benefit.

Overall, while the proposal will alter the Reserve's original landscape buffer purpose, the proposed outcome reflects the Reserve's future urban context, including the consented CDL development to the west and the proposed Brookvale Green development to the east should it be approved by this substantive application. In this context, HDC in their feedback (**Appendix 20**) has acknowledged

the need for the interface works to occur so that the Reserve land can be appropriately integrated with the urban development outcomes. The Reserve does not currently have a functional public relationship, given its limited access, steep topography and lack of public visibility. While the works will not materially improve public access through the Reserve itself, they will create a longer and more visible public frontage, with the land stabilised and replanted as an attractive slope between the two developments.

5.3 Reasons for an Easement

In accordance with Clause 3(1)(j) of Schedule 6, an easement is required because it is the appropriate approval pathway to authorise the use of part of the Reserve land for Road 3 and associated public road infrastructure.

At the northern end of Road 3, the existing legal width of the HDC-owned access corridor is insufficient to achieve an ECoP compliant public road corridor without using approximately 275m² of the Reserve land. The easement provides the necessary legal mechanism to authorise the construction, use, operation and maintenance of that part of Road 3 and associated infrastructure within the Reserve land. The easement is therefore required to enable the road to function as part of the public transport network.

5.4 Potential Effects

In accordance with Clause 3(1)(g) of Schedule 6, the following sections assess the potential positive and adverse effects of the proposal, and the measures proposed to avoid, remedy or mitigate adverse effects.

5.4.1 Public Access

The proposed works will not change public access to, and through, the Reserve land. In its current form, the Reserve is not readily accessible or legible as public land due to the steep landform, existing vegetation, fencing, private ownership shared boundaries, and lack of a clear public access point.

The Project will enable the formation of part of Road 3 and the associated footpath connection to Brookvale Road. This will provide a formed, safe and legible public movement route through the north-western interface of the development linking Brookvale Green and the CDL development. The public visibility of the Reserve will be materially improved. At present, the adjoining water asset access corridor is not available for general public access, and the Reserve is not readily identifiable or accessible as public land. Once Road 3 is formed, the Reserve will have a substantial new public road frontage along its eastern edge, creating a more visible public interface than currently exists.

The entirety of the Reserve land will remain in HDC ownership (once Road 3 is vested).

5.4.2 Landscape and Visual Effects

The works will result in a visible change to the Reserve corridor, including removal of the mature eucalyptus trees, earthworks, retaining, battering and landscape reinstatement. This will alter the existing vegetated character of the Reserve, particularly during the construction and establishment period.

However, the existing gum trees are exotic and their existing screening function will be less relevant once Brookvale Green is developed and the Reserve sits between two urban development areas and the new rural urban buffer shifts to the eastern extent of the Brookvale Green development area.

The LA4 landscape strategy specifically provides for removal of the eucalyptus trees within the Council Reserve Strip and massed planting with indigenous tree and shrub species (**Appendix 5**). Following establishment, the proposed planting, batter slopes and landscape treatment will provide a managed green edge and improved amenity outcome for the Reserve corridor consistent with its proposed urban / urban interface. The works will replace the current narrow strip of ageing exotic trees and scrub with a more deliberate landscaped amenity interface between Brookvale Green, Road 3 and the adjoining Arataki Extension area.

5.4.3 Ecological Effects

As assessed in the Ecological Assessment Report (**Appendix 8**), the ecological effects of the Reserve works are assessed as low. The Reserve strip does not support indigenous vegetation of ecological significance, with vegetation cover limited to exotic eucalyptus stands. Removal of that vegetation therefore presents a low risk to indigenous biodiversity. The key ecological consideration is the potential for mature eucalyptus trees to provide fauna habitat, particularly for long-tailed bats and nesting birds. These matters will be managed through the Fauna Management Plan (**Appendix 29**), which covers vegetation removal and associated fauna management works within the Arataki Reserve land.

The Reserve works are located outside the bed and margins of Watercourses 1 and 2 and outside the mapped natural inland wetland areas. No direct effects on freshwater habitats are anticipated. Earthworks, battering and retaining wall construction will be managed through standard erosion and sediment control measures.

The wider Brookvale Green Project also includes the vesting of approximately 6.2ha of land as Local Purpose (Drainage) Reserve. While part of that land will provide for stormwater management, a significant component includes restoration of the two stream networks and wetland areas, supported by extensive indigenous planting. This will provide ecological, amenity and landscape benefits for the site and wider area.

Overall, replacement of the exotic eucalyptus stand with indigenous tree and shrub planting will improve indigenous vegetation cover and habitat value over time.

5.4.4 Transport and Connectivity Effects

The approval will enable a safer and more integrated road and pedestrian connection between Brookvale Green, Brookvale Road, Arataki Reserve and the adjoining Arataki Extension development. This is a positive public connectivity outcome and supports an integrated urban structure for the wider area.

The proposed road corridor responds to HDC officer feedback on the need for a coordinated interface outcome, including an ECoP compliant road connection, retention of access to the HDC water asset, geotechnical and batter stability matters, and reserve landscaping.

5.4.5 Construction Effects

Construction effects associated with the reserve works will include temporary occupation, earthworks, retaining wall construction, vegetation removal, construction traffic, noise, dust, erosion and sediment control, public safety and site reinstatement.

The construction works within the Reserve land will be temporary. While the Reserve land will be occupied during construction, this will not materially restrict existing public use of the Reserve, as public access is not readily available in its current form due to the steep slope, fencing, vegetation and absence of a clear public access point.

Overall, construction effects will be temporary and can be appropriately managed through the proposed construction management plans and consent conditions. Final engineering design, retaining wall certification, planting implementation and maintenance requirements will also be addressed through the proposed conditions and HDC engineering approval processes.

5.4.6 Geotechnical Effects

The Geotechnical Assessment Report prepared by Hawkes Bay Geotech (**Appendix 11**) has identified no fundamental geotechnical constraints to the proposed works occurring on the Reserve slope, subject to detailed design and appropriate construction methodology. Appropriate conditions are proposed in the Conditions Suite (**Appendix 28**) to address works in accordance with the Geotechnical Assessment Report and geotechnical completion reporting requirements.

5.4.7 Effects Assessment Summary

Overall, the Project will result in the physical modification of the Reserve, including a permanent easement over a small corner of the Reserve land to accommodate part of Road 3 and associated infrastructure.

While the works will change the existing reserve condition and its former rural / urban landscape buffer role, the effects are appropriately managed by the limited area required for the road corridor, the integrated road and reserve design, replacement indigenous planting, construction management measures and proposed conditions. Visibility and legibility at the northwestern interface of the Site will be improved through the new road and footpath frontage, and the wider Reserve corridor will be recontoured, stabilised and replanted with indigenous vegetation to provide a more appropriate landscaped treatment between two urban development areas.

On balance, the Project will enable the integration of consented and proposed land uses and better functional use, landscape response, and maintenance outcome for the Reserve land, while supporting the integrated delivery of Brookvale Green and its connection to Brookvale Road and the adjoining CDL development.

5.5 Conservation Act 1987 Assessment

In accordance with Clause 7(1)(a)(ii) of Schedule 6, an assessment of the application as if it were an application for a concession under Part 3B of the Conservation Act 1987 is required. The relevant Part 3B matters are addressed below:

- Section 170 - Application of Part 3B: Part 3B applies to activities undertaken in conservation areas where a concession is required. For the purposes of this assessment, the proposed works within the reserve land have been assessed as if a concession is required.

- Section 17P - Relationship with the RMA: The Reserves Act approval sits alongside the approvals sought under the substantive application.
- Section 17Q - Power to grant concessions: A concession may be granted in the form of a lease, licence, permit or easement, noting that an easement may not be granted if a lease, license or permit is more appropriate. As set out in the Legal Memo at **Appendix 3**, an easement is required over a very small portion of the Reserve land to provide ongoing access through the reserve for vehicles and pedestrians.
- Section 17S - Information requirements: Volume A, Volume B and appended technical material provides the necessary information set out in Section 17S.
- Section 17U - Matters to be considered: This Volume B assessment, and in particular Section 5, provides a comprehensive assessment of the necessary matters to be considered by the Panel in determining their assessment.
- Section 17W - Conservation management strategies and plans: There are no relevant conservation management strategies or conservation management plans for this Reserve land.
- Section 17X - Conditions: Conditions are proposed to give effect to the proposal. Refer to Section 7.0 of this Volume.
- Section 17Y – Rents, fees and royalties: It is not considered necessary to pay any rents, fees or royalties given that the land involved will remain in HDC ownership and use once the Road 3 corridor is vested.
- Section 17Z - Term: The term of any concession is limited to 10 years for the works permit to align with the proposed construction period of the Brookvale Green Project.
- Section 17ZA – Registration of easements: The Applicant’s surveyor will follow due process for registering an easement on the Reserve land title in accordance with the agreed approval of this application.

Overall, the proposed works are considered capable of satisfying the relevant Part 3B assessment matters, subject to appropriate conditions.

6.0 Consultation

In accordance with Clause 3(1)(k) of Schedule 6, the following section outlines consultation undertaken with relevant iwi and reserve owners and managers.

6.1 Hastings District Council

Engagement with HDC has included extensive discussion regarding the use of, and interface with, the Arataki Reserve land and adjacent HDC water asset access corridor land. A key focus of that engagement has been the proposed use of part of the Reserve land to facilitate an ECoP-compliant Road 3 connection to Brookvale Road. This road connection is constrained by the narrow width of the existing water asset access corridor, which sits between the HDC water asset facility title and the Reserve land boundaries.

Engagement with HDC has addressed the following matters:

- the constrained width of the existing water asset access corridor and the need to use part of the Reserve land to achieve a compliant Road 3 corridor;
- the changing role of the Reserve, noting that its original rural / urban buffer function will no longer operate in the same way once Brookvale Green is developed;
- the long-term maintenance and safety considerations associated with the steep slopes and mature exotic gum trees within the narrow Reserve strip;
- revised road design and geotechnical input to confirm the feasibility of the proposed interface works;
- proposed tie-in works, including earthworks, retaining, batter slopes, vegetation clearance, removal of the mature gum trees and replacement indigenous planting; and
- establishment costs, maintenance responsibilities and an appropriate maintenance period.

HDC officers have confirmed support in principle for the proposed road corridor works, use of part of the Reserve land, removal of the mature exotic trees and revegetation of the Reserve corridor.

HDC has also indicated that it may investigate future reclassification or legalisation of the affected Reserve land as road through a separate approvals process. That process is not available through the FTAA pathway and would be have to be progressed separately by HDC. The Reserves Act approval sought through this application provides the necessary approval pathway for the works, occupation, use and maintenance of the affected Reserve land in the interim.

HDC's written agreement, in its capacity as administering body for the Reserve, is required before the Panel may grant an approval under Schedule 6 of the FTAA. In accordance with clause 3(1)(m) of Schedule 6, HDC has provided its written agreement in principle to the proposed integration works within the Reserve, including the Road 3 alignment, noting that the approvals pathway requires finalisation (refer to letter dated 28 July 2026 in **Appendix 20, Attachment 3**). HDC's response identifies a future intention for the affected Reserve land to ultimately become legal road. However, the FTAA has no jurisdiction to revoke the Reserve status or change its purpose under the Reserves Act. Those actions remain matters for HDC under the Reserves Act following completion of the Fast-track process. Accordingly, the Applicant has sought an approval under Schedule 6 of the FTAA to authorise the proposed works and ongoing access arrangements pending any future reserve revocation or reclassification. This approach is consistent with the legal advice provided in **Appendix 3**.

6.2 Mana Whenua

Mana whenua engagement is addressed in the main Consultation Report (**Appendix 20**). No feedback has been received from mana whenua on the substantive application. If any reserve-specific feedback is received through the FTAA process, it will be considered and responded to as part of the application process.

6.3 Department of Conservation

The Department of Conservation ('DOC') has acknowledged through pre-lodgement engagement that the Project area includes land administered under the Reserves Act, being Lots 3 and 4 DP 481968, and that this reserve land is owned and administered by HDC (**Appendix 20**).

Specific feedback has not been sought from DOC in relation to the proposed Reserves Act approval, as the Arataki Reserve land is not a DOC-administered reserve. Engagement on the proposed use of the Reserve land has therefore been undertaken with HDC as the owner and administering body of the affected land. If any reserve-specific feedback is received through the FTAA process from DOC, it will be considered and responded to as part of the application process.

7.0 Proposed Conditions

In accordance with Clause 8 of Schedule 6, a set of conditions is proposed for the Reserves Act approval and is included in the overall Conditions Suite (**Appendix 28**) for the substantive application as RAC-XXX.

The conditions are intended to provide clear controls for the works and use of the Arataki Reserve land, while avoiding unnecessary duplication with the wider project conditions associated with the resource consent approvals. In particular, the specific conditions will address:

- the approved works and easement areas;
- the activities authorised within the Reserve land;
- construction management and public safety;
- geotechnical certification; and
- responsibility for costs and maintenance.

8.0 Section 81 Assessment

For the purposes of Section 81 determination, Clause 7 of Schedule 6 sets out the matters the Panel must take into account when considering an application for a Reserves Act approval, noting that the greatest weight in their assessment must be given to the purpose of the FTAA. It is considered that the proposed approval should be granted for the following reasons:

- **(1)(a)(i) Purpose of the FTAA:** The works and easement is necessary to facilitate the integrated delivery of the Brookvale Green Project, which will provide significant regional benefits through the delivery of approximately 203 new dwellings and economic stimulus. The Project enables the safe, efficient and compliant connection of the internal road network to Brookvale Road and adjoining urban development.
- **(1)(a)(ii) & (iii) Purpose of the Conservation Act and Reserves Act:** Refer to the assessment in Section 5.5 of this Report. This Project is able to adhere to all obligations and requirements of Part 3B of the Conservation Act 1987.
- **(1)(a)(iv) Section 14AA of the Wildlife Act:** Not applicable. Granting of concessions in wildlife sanctuaries, wildlife refuges, and wildlife management reserves is not proposed.
- **(1)(a)(v) Section 14AA of the National Parks Act:** Not applicable. Granting of concessions in a National Park is not proposed.
- **(1)(a)(vi) Purpose for which the reserve is held:** The reserve is classified as a Local Purpose (Amenity) Reserve and was originally established as an amenity and landscape buffer between

the Arataki urban area and adjoining rural land. With Brookvale Green, the reserve will sit between two urban development areas and its original rural / urban buffer role will change. The proposal responds to that changed context by enabling the Road 3 connection, while maintaining the reserve's amenity function through recontouring, stabilisation and replacement indigenous planting. The rural interface function will instead be provided along the eastern and southern edges of Brookvale Green through stream restoration, riparian planting and landscape buffers and will be vested as public land to the HDC as part of the substantive application.

- **(1)(a)(vii) Concessions under the Conservation Act or Wildlife Act:** Not applicable. The concession sought is not for Clause 1(1)(a)(i) or (ii) of Schedule 6.
- **(1)(a)(viii) Concessions under the National Parks Act:** Not applicable. The approval sought is not for Clause 1(1)(a)(iii) of Schedule 6.
- **(1)(a) (ix)(A) Treaty Settlement Reserve Management Plans:** No feedback has been received from mana whenua to the substantive application.
- **(1)(a)(ix)(B) Treaty Settlement entity views:** Not required. There are no Reserve Management Plans that apply to the Arataki Reserve land that have been authored or approved by a Treaty Settlement entity.
- **(1)(a)(x) Status, ownership and administration of land:** The affected land comprises Lots 3 and 4 DP 481968 and is classified as Local Purpose (Amenity) Reserve. The reserve land is owned and administered by HDC and is subject to the Reserves Act.
- **(1)(a)(xi) Existing arrangements or obligations:** The Applicant is not aware of any existing legal interests that would be incompatible with the Project.
- **(1)(a)(xii) Status, ownership and administration of land:** The land will remain in HDC ownership and administration unless and until HDC progresses any future road legalisation, reserve reclassification or related statutory process. The proposal provides the appropriate approval pathway to authorise the proposed works, occupation, use and maintenance of the affected reserve land in the interim.
- **(1)(b)(ii) Reserve Management Plan:** The Arataki Reserve land is not subject to specific provisions within the Hastings District Wide Reserve Management Plan. In any case, the proposal is not inconsistent with the broader management outcomes for local purpose reserves, as it retains the land in public ownership, maintains an amenity function, improves public access and legibility, and provides for reinstatement planting and long-term integration with the adjoining urban area.
- **(2) Decline an Application:** Not applicable. This approval is not sought under the Conservation Act or National Parks Act.
- **(3)(a) Written approval of the local authority:** The Applicant has obtained the written approval of the HDC to undertake the works and exercise the easement sought by this approval (letter dated 28 July 2026 at **Appendix 20, Attachment 3**).
- **(3)(b) Existing interests in the land:** Not applicable. There is no incompatibility issue associated with this request.
- **(3)(c) Lease Term:** Not applicable. This approval is not for a lease arrangement.

Accordingly, having regard to the matters set out in Section 81 and Clause 7(1)(a)(ii) of Schedule 6 of the FTAA, it is considered that the Panel is able to grant the approval sought, subject to the proposed conditions.

9.0 Summary

In summary, a Reserves Act approval is sought to authorise works and an easement within the Local Purpose (Amenity) Reserve land, including road construction, retaining, earthworks, batter slopes, vegetation clearance, replacement planting, infrastructure works and associated access, occupation and maintenance activities.

It is considered that:

- the information required under Schedule 6 of the FTAA has been provided;
- the approval is necessary to enable the integrated delivery of the Brookvale Green Project;
- the easement area has minimised the extent of reserve land affected while achieving a safe and connected public road and pedestrian network;
- the proposed works will provide landscape reinstatement, indigenous planting and slope stability to reflect the urban – urban interface proposed through the substantive application;
- The proposal will maintain full public access to the Reserve land except during the temporary works phase;
- HDC, as administering body, has been consulted and written agreement to the proposed activities has been provided; and
- the actual and potential effects of the approval can be appropriately managed through the proposed conditions.

It is therefore concluded that the Reserves Act approval to the requested approval can be granted under Schedule 6 of the FTAA.