

November 2025

Use of Public Conservation Land Report (section 19)

For the referral application for Brookvale Green FTAA-2509-1102



Department of
Conservation
Te Papa Atawhai

**Te Kāwanatanga
o Aotearoa**
New Zealand Government

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Introduction

This report has been prepared by the Department of Conservation (DOC/the Department) in accordance with section 19 of the Fast-track Approvals Act 2024 (the Act). It provides information for the Minister for Infrastructure (the Minister) in relation to the use of public conservation land (PCL) as part of the consideration of the referral application for Brookvale Green by Vermont Street Partners No. 4. Limited.

Section 19 of the Act requires that the Minister must 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 referral application

The project is a residential subdivision and development project that proposes to construct and operate an integrated residential community comprising 189 – 215 new homes across 23.99 hectares on the eastern edge of Havelock North's urban residential boundary. The project site is located at 174 and 176 Brookvale Road. The project will also include:

- a. Supporting infrastructure including on-site stormwater management, onsite transportation networks and any necessary transport upgrades to the wider transport network;
- b. Connection to reticulated water and wastewater services;
- c. Landscape and ecological enhancement, including approximately 4.3 hectares of native planting and pest control, and integration with existing and proposed walking and cycling trails.

The project includes land administered under the Reserves Act 1977, being Lots 3 – 4 DP 481968 as a Local Purpose (Amenity) Reserve. This reserve is owned and administered by the Hastings District Council (HDC).

DOC notes that the project also includes land owned by an adjoining landowner, ('the Grantor'), being Lot 16 and 21 DP 3449 with an Esplanade Strip Instrument (instrument number 11146807.1) pursuant to Section 235 of the Resource Management Act 1991 (RMA) (which affects Lot 21 DP 3449). This esplanade strip is administered by the Hawkes Bay Regional Council (HBRC) ('the Grantee').

DOC's interpretation is that only the local purpose reserve owned and administered by HDC falls within the definition of "public conservation land" in section 2 of the Act. DOC has, however, included information relevant to the esplanade strip at Appendix 1.

Figure 1 illustrates the project area, including the relevant public conservation land (Lots 3 – 4 DP 481968), while **Figure 2** shows the esplanade strip on Lot 16 and Lot 21 DP 3449 as shown in the easement instrument.

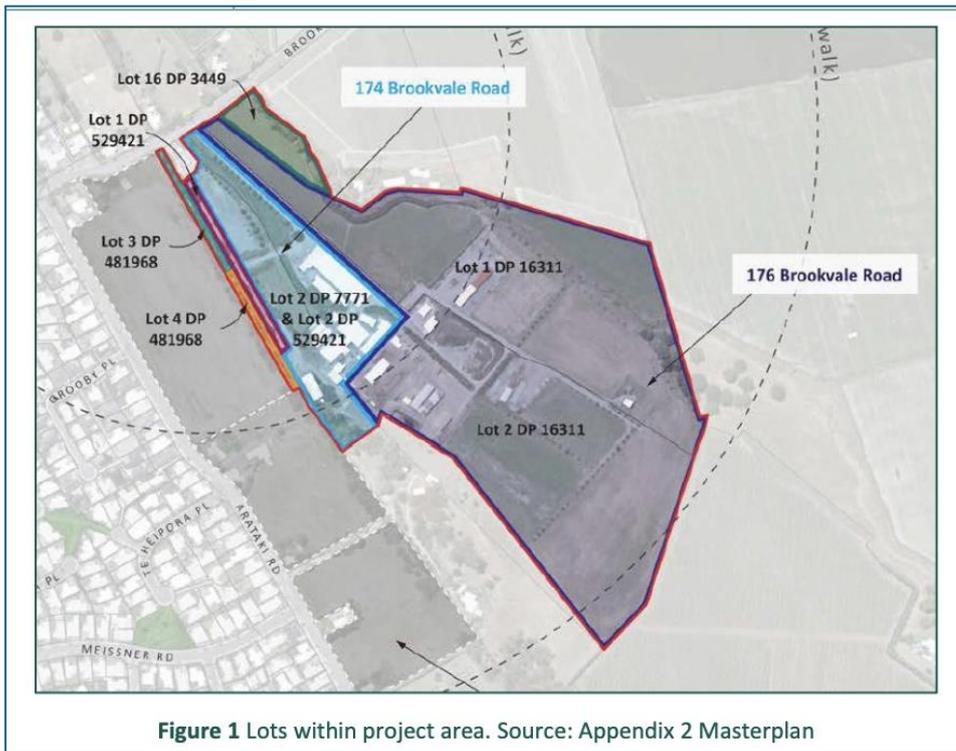


Figure 1 Lots within project area. Source: Appendix 2 Masterplan

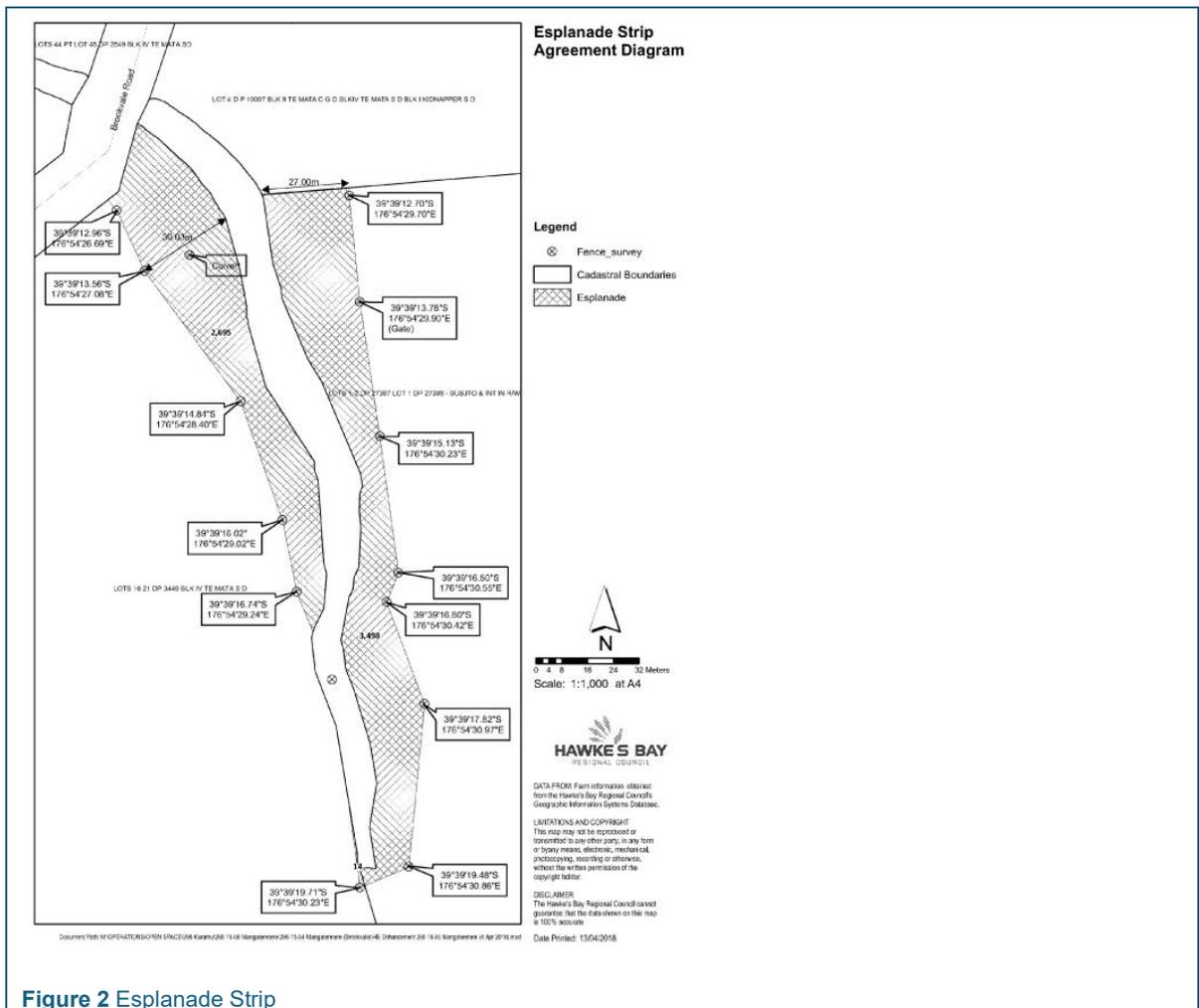


Figure 2 Esplanade Strip

Summary of advice

- While the local purpose reserve meet the definition of PCL for the purposes of the FTAA, it is not owned or administered by the Department and is not Crown-derived.
- No risks to, or potential liabilities of, the Crown relating to the issue of an approval for the PCL are identified as no relevant approval is sought (and if it were, the land is not Crown-derived).
- The purpose of Lots 3 – 4 DP 481968: Local Purpose (Amenity) Reserve is to enhance the visual landscape, provide for casual recreation and to provide linkages between land uses.
- The Applicant has included Lots 3 - 4 DP 481968 within the project area on a preferred but not required basis noting at an indicative roading connection has been proposed across Lots 3 – 4 DP481968.
- HDC is seeking clarification as to whether the Applicant intends to acquire these lots in their entirety or only portions thereof and notes that any acquisition or alteration of this land will be subject to a statutory process under the Reserves Act 1977 and the Local Government Act 2002.
- HDC consider that additional clarification is required regarding the proposed Pedestrian Access and Reserve to Vest, identified as 'K' on the Land Vesting Plan. Specifically, HDC seek to ensure it does not give rise to any safety or CPTED (Crime Prevention Through Environmental Design) concerns.
- Lot 16 and Lot 21 DP3449: Esplanade Strip has been established to protect the margins of the Mangateretere Stream.
- The Applicant has included Lot 3 - 4 DP 481968 within the project area on a preferred but not required basis noting at an indicative roading connection has been proposed across Lot 3 – 4 DP481968.
- The Applicant has included Lot 16 DP 3449 in the project area on a preferred but not required basis noting proposed enhancement planting on this lot.
- DOC does not consider the Esplanade Strip meets the definition of PCL for the purposes of the FTAA, however, has engaged with HBRC and appends their comments for completeness.

Assessment

DOC has used the requirements set out in section 19 of the Act as a framework for providing advice on this application. Existing arrangements for the PCL are as follows:

Lots 3 – 4 DP 481968 is PCL owned and administered by the HDC as a Local Purpose (Amenity) Reserve under the Reserves Act 1977. The 3,624 m² strip of land is managed by the HDC Public Spaces Planning Team.

HDC has advised that linkages through the Reserve need to be considered in the context of other proposals in the area to ensure that the outcomes are well-integrated with the ultimate environment.

The Reserve currently functions as a planted buffer with mature gum trees. However, HDC has not made any formal decisions regarding the future use of the Reserve. Under the Hastings District Council District-Wide Reserves Management Plan, the parcel is called the Arataki Buffer Strip and is classified as an Open Space Reserve. Open Space Reserves are designated to 'enhance the quality of the visual landscape and provide for a range of casual recreation activities.' Open Space Reserves also provide walkway linkages between spaces such as neighbourhoods or between reserves.

Risks and potential liabilities to the Crown (s19(2)(b))

Section 19(2)(b) requires advice be provided on the risks to, and potential liabilities of, the Crown that relate to any proposed concession, land exchange or access arrangement approval sought. DOC understands none of these approvals are sought, therefore no risks or liabilities arise.

Section 19(2)(c)

Section 19(2)(c) relates to information required to be provided under paragraph (q) or (r) of section 13(4). This is not relevant for this application.

Section 19(3) consultation

Section 19(3) of the FTAA requires that reporting on matters under sections 19(2)(a) and 19(2)(b) be prepared in consultation with every owner, administrator, or manager of the affected public conservation land who is not the Crown.

In accordance with this requirement, DOC has consulted with HDC being the relevant owner and/or administrators of the land. The outcomes of this consultation are set out below:

- The HDC Public Spaces Team is the Asset Owner and Manager of Lots 3 - 4 DP 481968 (Local Purpose (Amenity) Reserve). This area currently functions primarily as a reverse sensitivity buffer due to its topography and existing planting. For reference below – Streetview image looking to site (containing large gum trees / steep topography):



- HDC's response notes clarification is needed from the Applicant in relation to whether it is intended to acquire the entirety of Lots 3 – 4 DP 481968, or only a portion thereof.
- While Lots 3 - 4 DP 481968 are zoned Plains Production, they are vested as Local Purpose (Amenity) Reserves and are managed as Open Space under the District Wide Reserve Management Plan. It is noted that these titles are subject to the provisions of the Reserves Act 1977. Any acquisition or

alteration of the reserve land would be subject to separate statutory processes. Noting that any proposal to dispose of, or change the status of, this reserve land would be subject to the full statutory processes and legislative requirements under both the Reserves Act 1977 and the Local Government Act 2002. This includes the need for public notification, consultation, and the opportunity for submissions and objections.

- HDC records that the project identifies potential connectivity through the HDC reserve strip to the adjacent Arataki project site (a Fast-track residential application to develop approximately 150 – 200 residential allotments), being advanced by CDL Land New Zealand Limited (CDL), which is supported in principle. HDC recommend this be explored further by the Applicant in consultation with CDL and the HDC Parks Planning Team, as adjoining landowners and stakeholders. While the reserve currently functions as a planted buffer with mature gum trees, HDC notes that no formal decisions have been made regarding its future use. If development occurs outside of HDC's planned growth sequence and a change in landscape character justifies removal, HDC record that an arborist assessment must be prepared for detailed evaluation including against HDC's tree removal policy and the Reserves Act. Further, HDC notes that any linkages would need careful coordination across parties, including consideration of the neighbouring Arataki Fast-track application, to ensure a well-integrated outcome.
- HDC consider that additional clarification is required regarding the proposed Pedestrian Access and Reserve to Vest, identified as 'K' on the Land Vesting Plan. Specifically, HDC seek confirmation on the proposed width, cross section details and treatment of this link reserve to ensure it is appropriate and does not give rise to any safety or CPTED (Crime Prevention Through Environmental Design) concerns.

Appendix 1: Esplanade strip and HBRC comments

Lot 16 and Lot 21 DP 3449 contains land registered as an esplanade strip pursuant to section 235 of the RMA. The esplanade strip is on property owned by an adjacent landowner and is administered by the HBRC. The esplanade strip was established in 2018 as a part of the HBRC Karamu Enhancement Programme. It is noted that the esplanade strip easement is only on Lot 21 DP 3449 and the project appears to only affect Lot 16 DP 3449. Regardless, as both lots are on one title, the effects on instrument 11146807.1 have been assessed.

No public access to the esplanade strip is allowed without the prior consent of the landowner. Employees of the HBRC and those contracted by the HBRC are to be given reasonable access to the strip, during daylight hours and following notice to the property owner for the purpose of monitoring unless the property owner restricts access for one of the following reasons:

- Access to the strip may adversely affect the land due to extremely wet conditions;
- Access to the strip may adversely affect the land due to extremely dry conditions;
- Access to the strip may adversely affect the Grantor's seasonal farming operations (such as lambing and calving).

The esplanade strip is established for the purpose of the protection and/or enhancement of natural values of the Mangateretere Stream, including (but not limited to) the improvement of water quality and bank stability. This is noted in easement agreement instrument 11146807.1 between the property owner and the HBRC. The following restrictions apply to the strip:

- The wilful damaging or removal of any plant (unless acting in accordance with the Biosecurity Act 1993 or in performance of a party's obligations within the instrument) is prohibited within the esplanade strip;
- No grazing or browsing is permitted within the esplanade strip;
- No deposition or removal or any organic or inorganic material on or from the strip is permitted unless:
 - There is prior agreement between both parties; or
 - In a performance of a party's obligations elsewhere in the Agreement.

Under 2.1 of Schedule B of the instrument, the esplanade strip moves with any change in the watercourse of the Mangateretere Stream.

Hawkes Bay Regional Council:

- HBRC indicates that the management approach outlined in instrument 11146807.1 was put in place as a part of the Karamu Enhancement Programme.
- The managed area consists of a total area of 2,700 m² on the left bank side and 3,500 m² on the right bank side.
- HBRC note that the Applicant should be aware of the catchment area serviced by the unnamed streams between Brookvale Road and Te Mata Road, which have channels through the area.
- HBRC note that spring-fed groundwater is present in the area.
- HBRC states that stream outflow into the Taco drain can likely be managed responsibly without overwhelming downstream channel capacity through standard development regulations established by HDC.