

Expert Panel – Waikanae North
Development

C/- Environmental Protection
Authority

By email:

[REDACTED]

27 August 2026

Tēnā koe Alex

Department of
Conservation
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Wellington 6140

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**Re: Waikanae North Development – conditions comments under the Fast track
Approvals Act 2024**

On 24 August 2026 Department of Conservation (DOC) received Minute 7 of the Expert Panel advising participants that processing of the above application had recommenced. The Expert Panel also provided participants with updated applicant conditions of consent and requested that all parties:

- a) Identification of any issues with the updated proposed conditions, or the absence of specific conditions that in their view, should be included;
- b) What experts we would have attend the conferencing on the issues identified, including their qualifications and expertise, and contact details;
- c) The availability of those experts between 31 August and 11 September.

This letter provides a response to this request.

Identification of any issues in the proposed conditions – General matters

DOC is concerned about the following outstanding matters:

- Lack of Wildlife Approval conditions
- Structure of conditions relating to Management Plans
- Lack of clarity on Lizard Management Plan Certification
- Deemed consent of Management Plans

The newly proposed conditions have introduced these concerns and accordingly they were not necessarily covered in the Department's s.51 and s.53 comments. These are concerns outlined in more detail in Appendix A, which may provide useful context.

Identification of any issues in the proposed conditions – Specific technical matters

Given the prospect of expert conferencing, DOC has provided only high-level comments in relation to technical matters, leaving the detail to be further discussed amongst experts. These largely follow on from the S.53 comments provided previously.

Additionally, DOC notes 'comment boxes' in the proposed conditions provided, and it would seem there is still some further drafting taking place for the wetland and stream conditions. It is mentioned that GWRC is seeking further expert advice and further work is to be done. DOC requests any further alterations to the conditions are distributed to parties prior to any conferencing to allow all parties time to consider.

DOC considers there are still outstanding issues relating to conditions on:

GWRC conditions

- The appropriateness of the WEV model and water levels in the Te Harekeke Swamp.
- DOC not being a consultee on the Ecological Restoration Management Plan, for matters DOC has a statutory interest in.
- The need for the conditions to separate wetland enhancement from off-setting (**conditions 70, 71 and 77**).
- The inclusion of the QEII Regional Park could well be a positive outcome, but it does not address the loss of the extent of the naturally uncommon ecosystem.
- DOC notes proposed **condition 107** outlines the extent of reclamation to be undertaken within the Ngārara Stream. As previously advised by DOC, this reclamation work may well trigger the need for an approval or dispensation, which has not been sought as part of the FTAA process.
- DOC sought a larger buffer for the Te Harekeke Swamp, which does not appear to be provided for in the updated conditions

KCDC conditions

- The need for the Landscape Management Plan to recognise the other relevant management plans and ensure that ecological matters are being considered as a whole.
- The issues generated by the combination of enhanced habitat being provided by the application which is welcomed, being potentially undermined by the introduction of hundreds of new pet cats and other predators.
- The manageability and enforcement of pet cat containment; the small size of the cat exclusion area proposed by option C1; the poorly defined 'ecological management areas' for pest control; and the time limited measures.
- DOC are unclear on the extent of the pet control fence as mentioned in condition 90 as potentially being different from the fence described in the ERMP.

Matters for conferencing

Wildlife Approval

It is hoped that new Wildlife Approval conditions and an updated Lizard Management Plan will be provided prior to any conferencing. It is not possible to assess the full appropriateness of the lizard conditions in the absence of this information.

However, these matters have been discussed between the applicant and DOC staff, namely, Lynn Adams. For the most part, DOC understood there was agreement on technical improvements to the conditions and the Lizard Management Plan.

Ms Adams is available for conferencing if required but it is likely her input will be limited, on the assumption, the technical matters have already been discussed and largely agreed.

Resource consent

Any new or under development conditions mentioned in the proposed set relating to wetlands and stream values, should be provided to DOC prior to conferencing.

DOC experts available for conferencing on matters relating to wetlands and streams, terrestrial ecology and avifauna are listed below. DOC staff have noted how helpful a facilitator has been to discuss such matters in the past.

Expert availability:

The credentials and relevant experience of DOC's Technical experts is provided in the Appendices to the Departments S.51 and S53 comments respectively. However, in summary these are:

Tayla Hooker – BSc – DOC Technical Advisor Flora and Ecosystems

Aidan Mora-Teddy – PhD and BSc – DOC Technical Advisor Freshwater Ecosystems

Lynn Adams – BSc and MSc – Senior Technical Advisor Biodiversity

Tertia Thurley – BSc and MA – Technical Advisor Ecology

These staff would also be accompanied by Annabel Averill (Planner) who would be advising on matters of condition drafting.

Availability varies amongst staff. If the conferencing were to be separated into topic areas, this may help open up more availability for each individual but collectively, these dates work with the most staff:

- 2 September
- 3 September

As a Fast Track project lead within DOC, I am happy to be the main point of contact and facilitate availability and contact with the relevant staff should conferencing be progressed. My contact details are below.

Nāku noa, nā
Loren

Loren Brown

Fast Track Project Lead

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[REDACTED]



Department of
Conservation
Te Papa Atawhai

**Te Kāwanatanga
o Aotearoa**
New Zealand Government

APPENDIX A:

DOC general concerns with the drafting of conditions

Lack of Wildlife Approval Conditions

The Department has not received any *formally* updated conditions relating to the Wildlife Approval application. The Department and the Applicant undertook useful workshopping on this element of the application and the Department provided extensive comments during s. 51 reporting stage. For brevity we will not repeat those comments, as they remain unchanged.

The Wildlife Approval including updated conditions and the updated Lizard Management Plan should be circulated in advance of any conferencing. It is particularly important, as new proposed conditions relating to lizard management have been added to the resource consent, to consider the entire condition package as a suite, not in isolation.

Structure of conditions relating to Management Plans

DOC is concerned about the lack of certainty and clarity on the proposed conditions on management plans, for example, proposed **conditions 58** (ERMP); **135** (fish salvage); **100-101** (Lizard Management Plan). These conditions list of relatively broad outcomes that are sought. These are not directive enough to steer the management plan to a particular 'result' or 'outcome and do not always allow the success of any mitigations to be measured. The matters listed in the condition at present perhaps read more like guidance or parameters.

It is DOC's preference and best practice that conditions should be more directive, the 'what' is going to be done/achieved. For example, what is the extent of wetlands to be retained that is acceptable (e.g. a % or a map); what are the areas of wetland and buffers to be enhanced (a map or a description). The management plans would then provide the methods or the way the matters will be managed to meet the condition.

Lizard Management Plan Certification

For the Wildlife Approval, the Department seeks that any plan required to implement the Wildlife Approval should be certified by DOC as the administering authority. It is noted there are new **condition 99** within the proposed resource conditions which provides for certification of the Lizard Management Plan. It is unclear how this will work in practice but it potentially creates a dual certification process for the LMP (i.e. DOC

for Wildlife Approval and GWRC for resource consent purposes). While the dual certification is not opposed, it emphasises the point made above about the difficulty of not having the formally updated Wildlife Approval conditions to ensure the provisions are integrated and aligned. It is not appropriate for the Council to be certifying changes to the Lizard Management Plan which will impact on the Wildlife Approval.

Deemed consent of Management Plans

Several new conditions, including **conditions 6 and 10** of the GWRC conditions and **condition 6** of the KCDC conditions propose deemed certification of a management plan should no response be received within 10 working days. The initial requirement for management plans as part of the conditions, has been included to ensure protection of the environment and natural resources. An independent, regulatory check of the management plans as a necessary step to ensure the applicant is adhering to all protective requirements before work commences. The proposed approach of 'deemed certification' removes the primary protection mechanism and degrades the overall purpose of the management plan. DOC believes it is the Council's that should be determining the adequacy of a management plan, not the applicant who is submitting it. This would allow Council adequate time, if necessary, to seek external expertise from iwi and DOC, to consider the appropriateness of the management plan.