

Fast-track project name	Waikanae North Development
Fast-track application number	FTAA-2603-1194
GW file number	FTA[260420]

To	The Expert Panel
Date	27/08/2026

Response to Minute 7 of the Expert Panel

1. This memorandum is filed on behalf of the Wellington Regional Council (Greater Wellington) in response to the direction of the Expert Panel at paragraph 7 of Minute 7 dated 24 August 2026 to:
 - (a) Identify any issues with the updated proposed conditions, or the absence of specific conditions that should be included;
 - (b) Advise what experts you would have attend conferencing on the issues identified, including their qualifications, area of expertise, and contact details; and
 - (c) Advise the availability of those experts between 31 August 2026 and 11 September 2026.
2. Greater Wellington consider that there remain some outstanding substantive issues that need to be resolved prior to conferencing on the wording of conditions. These include:
 - (a) Classification of the network of watercourses/tributaries connected to the Ngārara Stream.
 - (b) The applicant should demonstrate that the proposal aligns with the requirements of Regulation 57(2) of the National Environmental Standards Freshwater (NES-F).
 - (c) The applicant should demonstrate the effects management hierarchy has been applied and that compensation will only be provided when offsetting is not possible.
3. Notwithstanding the outstanding issues identified in Greater Wellington's comments under section 53, Greater Wellington has reviewed the Appendix 33 – Applicant's Proposed Draft Conditions Version 2 21 August 2026 (Clean and tracked changes versions), and have identified the following issues with the conditions:

Condition Number:	
10 and 12.	Draft conditions 10 and 12 set out that if the Manager has not advised the consent holder in writing within 10 working days of receiving a management plan (or 5 working days for a resubmitted management plan) of either certifying it or providing written reasons for declining to certify it, the management plan shall be deemed to be certified. Greater Wellington consider that deemed certification of management plans is inappropriate, as demonstrated in accordance with New Zealand Transport Agency Waka Kotahi [2024] NZEnvC 133 paragraphs 124 -128.
11.	The current drafting of Condition 11 sets out that <i>“if the consent holder and the Manager cannot agree on the form of the management plan following resubmission, either party may refer the matter to an independent suitably qualified person agreed between the parties (or, failing agreement, appointed by the President for the time being of the New Zealand Dispute Resolution Centre, or equivalent) for a recommendation, which the Manager shall adopt, acting reasonably”</i>. Greater Wellington consider arbitration of disputes on the certification of management plans is inappropriate and is an issue with the current set of conditions. Further, Greater Wellington consider that it is inappropriate for a condition to require the Manager to be bound to the decision of a third party. In forming the view that these requirements inappropriate, Greater Wellington have considered Woodstock Quarries v CRC [2026] NZEnvC 128 at paragraph 222.
Conditions 56, 124, 26, and 109	The current set of conditions has multiple conditions requiring the consent holder to provide the same management plan. For example, condition 56 and condition 124 both require the submission of a final Ecological Restoration Management Plan (ERMP). Condition 56 has requirements for the ERMP in respect to wetlands while condition 124 has requirements in respect to stream restoration. The applicant has explained their decision to split the proposed Ecological Restoration Management Plan (understanding this will be a single document) across a number of condition suites and stated “WNDL intends for one ERMP to span a range of issues, consistent with the draft ERMP provided with the application. By nature of the conditions, the ERMP is referenced in multiple parts.”. Greater Wellington consider one of these plans should be renamed to avoid

	confusion. This could result in an ERMP for wetland restoration (WERMP) and a separate ERMP for Stream Restoration (SERMP) Similarly, as currently drafted conditions 26 and 109 both require the consent holder to submit a final CEMP but the two conditions have alternate requirements. Condition 26 has requirements for the CEMP in respect to earthworks while Condition 109 has requirements for the CEMP in respect to stream works. To address this, the conditions should each require a separate plan. To enable this the required plans should be renamed, become the Stream Construction and Environmental Management Plan (SCEMP) and the Earthworks Construction and Environmental Management Plan (ECEMP).
Management Plan Conditions	Currently the management plan conditions require management plans to have either a purpose or an objective. Management Plan conditions should consistently either require a purpose or an objective.
	Erosion and sediment control
25.	The condition should require that the ESCP needs to be developed in consultation with the contractor carrying out works. Further clarity on the relationship between the ESCP and CEMP can be provided as a note.
26.	The condition detailing requirements of the CEMP should require the CEMP to address: • ESC Principles • Monitoring • Reporting Further clarity on the relationship between the ESCP and CEMP can be provided as a note.
30.	Condition 30 should be amended to require the bench testing be undertaken for each stage to demonstrate whether chemical treatment is or is not required.
34.	The earthworks are proposed to be undertaken over 10 phases ranging from 1.6ha (Phase 1A) – 14.2ha (Phase 5). Condition 34 should be amended to make it clear that the maximum exposed (unstabilised area) is limited to the proposed stage sizes.

	Further, the progressive stabilisation condition should require that the stabilisation techniques implemented are suitable for the soil types, time of year and climatic conditions.
37.	The phrase 'and daily' should be reworded to 'and at a minimum of once daily'.
38.	The note on this condition " <i>The monitoring required by this condition may only cease once the catchment has been completely stabilised and sediment control measures decommissioned, unless otherwise approved by the Manager.</i> " should form part of the body of the condition rather than being a note. This is so that the requirement has regulatory weight.
39.	The proposed condition requires that the consent holder take investigative and corrective actions in the case of: - the rainfall triggered monitoring required under Condition 37 shows that, at the outflow of the device: - The NTU value is 170 NTU or greater; - The NTU value at the downstream site is more than 20% above the NTU levels measured at the control site (any approved upstream monitoring site), and/or; (for any chemically treated device) the pH is at or below ($\leq$) 5.5 or above ($\geq$) 8.5, or - there is a failure of any erosion and sediment control measure, or any other unauthorised discharge of contaminants, that has resulted in a discharge either directly or via land to a surface water body, the coastal marine area or local authority stormwater network. Greater Wellington consider that the triggers for investigative and corrective action may be too onerous, particularly "The NTU value at the downstream site is more than 20% above the NTU levels measured at the control site". At low NTU levels the 20% increase could represent a negligible increase in actual NTU. For example, if control site NTU is 10, and discharge NTU is 13, this would be an exceedance. Greater Wellington consider that further conferencing on this condition could result in a more realistic and workable condition.
	Stormwater
87.	The Stormwater Management Plan (SMP) Condition should be amended to require the SMP to address: Clear guidance on access for maintenance requirements

	• The minimum depth to seasonally high groundwater level that must be achieved by the finished ground levels reviewed by Greater Wellington in the GMR. This should inform the SMP as runoff must be treated before discharge to the receiving environment. • Operation and Maintenance Requirements to address the staged development and the responsibilities of each party during progressive transfer of the consent to KCDC as each stage proceeds.
88.	Condition 88 should be amended to: • Instead of referring to Kāpiti Coast District Council, the condition should refer to the “stormwater network utility operator” • Only require the consent holder to provide information, not obtain a 3rd party approval. The requirement to “obtain written confirmation” could be amended to require “For any stormwater management device or stormwater network that will be vested to a stormwater network utility operator, confirmation from the stormwater network utility operator that the detailed design of the device or network meets the stormwater network utility operator’s requirements for vested stormwater assets”. • The condition can only require the consent holder to do something. The line “Certification shall not be withheld if the submitted design achieves the requirements of this condition”, should be deleted as this requires the regulator to comply with the condition.
90.	Should be amended to require the results of the monitoring shall be assessed by an SQE Person to establish a design seasonally high groundwater level and provided to the Manager to inform the Stormwater Management Plan required by condition 87.
	Hydrology
54-55	In Greater Wellington’s initial comments on conditions, James Blyth recommended that the Environment Court decision NZEnvC 284 and Plimmerton Farms was referenced when preparing the Groundwater Monitoring Report. Note that for NZEnvC 284, the applicant had data for 30 years to inform trigger levels, and in the absence of data, a model was used to develop a long-term record. In the absence of a model, triggers would have been based on the short-term record only. If trigger levels are taken from 12 months of monitoring only, trigger levels may not reflect long-term trends, and may be more likely to trigger during works and post development.

	When developing the Groundwater Monitoring Report, baseline data, and trigger levels, the applicant needs to choose between: - Making informed decision making during the application process, which requires increased costs up-front but results in triggers that are less likely to be breached, or; - Adopting triggers from baseline monitoring (currently proposed at 12 months only) which are more likely to be breached, therefore leading to greater reporting and/or standby requirements on the project. Note there is a precedent for these triggers being breached due to climatic and not development effects, but without long-term data or modelling this will need to be demonstrated during works.
54-55	Further clarity about whether the Groundwater Monitoring Report is separate from the ERMP should be included in conditions.
54-55	There is still a lack of baseline (pre-works) monitoring to inform the Groundwater Monitoring Report. This contributes to uncertainty when assessing the effectiveness of the Groundwater Monitoring Report, including trigger levels and informing baseline monitoring during restoration. Greater Wellington would also like to see required outcomes for groundwater levels to avoid deferring this matter to monitoring.
54-55	The Groundwater Monitoring Report does not contain conditions prohibiting certain works from starting until the report has been certified; and/or requiring all works to be carried out in accordance with the report, as is standard for report conditions. Greater Wellington requests that these are included in the condition suite for the Plan. Additionally, there should be a cross reference to the ecologist who has prepared the EMRP having input / being consulted on the GMR.
56-61	In Greater Wellington's pre-application comments, James Blyth stated that conditions should clearly state the environmental outcomes sought for streams and wetlands as part of the development. While the applicant has included a maximum wetland and stream reclamation area, outcomes have been deferred to post-consenting in the Ecological Restoration Management Plan. Greater Wellington would like to see outcomes required to offset/compensate for environmental impacts clearly stated in consent conditions to avoid deferring this matter to monitoring. From a hydrological perspective, outcomes should describe proposed wetland conditions (i.e., a naturally restored wetland that is periodically inundated by Ngārara Stream and has a minimum groundwater level that does not drop below 0.5 mbgl for >3 months of the year, resulting in hydric soil conditions if these do not already exist). Plimmerton Farms had a minimum groundwater level condition for reference – note that the duration

	for Plimmerton Farms was set from modelling, as the site could demonstrate the recession rate during dry periods.
56-61	The Ecological Restoration Management Plan does not contain conditions prohibiting certain works from starting until the plan has been certified, as is standard for management plan conditions. Greater Wellington requests that this is included in the condition suite for the Plan.
121-122	For clarity, it would be useful to have the Ngārara Stream (Eco-Hydrological) Monitoring Report clearly defined in consent conditions. Alternatively, this could be incorporated into the Groundwater Monitoring Report above.
122	Point (f) requires “consideration of how this hydrology monitoring [will] incorporated into the Ecological Restoration Management Plan”. Great Wellington acknowledges that this wording was suggested by James Blyth. This requirement should be brought through into the Ecological Restoration Management Plan instead of being in the Ngārara Stream (Eco-Hydrological) Monitoring Report condition only.
123	Condition 123 requires that sedimentation in the Ngārara Stream is monitored to study sediment levels and sediment removal over time, including post-restoration. Greater Wellington acknowledges that this condition was suggested by James Blyth. However, there are no trigger levels for action, additional monitoring, or remediation. Additionally, there is no baseline data to inform monitoring, or required outcomes for the site. Similarly, although monitoring of sediment in wetlands is proposed in the Ecological Restoration Management Plan (conditions 56-61), this is also not informed by baseline data and there are still no trigger levels for action, additional monitoring, or remediation. The NPS-FM contains deposited sediment attribute tables, and Greater Wellington suggests that these are considered as a trigger. Assessments of sediment deposition in wetlands can be done when carrying out condition assessments (a qualitative effects assessment, i.e., plants smothered by deposited sediment during a flood require enrichment planting).
123	This condition should be amended to ensure that sufficient monitoring is carried out until vesting with the stormwater network utility operator.
	Wetland Ecology:
68.	This condition should be amended to specify the wetland types that will be created and enhanced.

86.	This condition should be updated to confirm minimum management requirements e.g. ongoing pest and weed and pest control, hydrological maintenance such as removal of any sediment build-up). A note should be added to this condition to specify: <i>management includes (as a minimum) maintaining any fencing and the regular ongoing control of invasive pest plant species as well as mustelids.</i> The condition should also refer specifically to the Pekapeka Swamp.
	Stream Ecology:
New Condition.	There should be a condition requiring the consent holder monitors and reports on the success of the realigned Ngārara Stream against the target SEV outcomes. The condition would have an adaptive management component for where SEV outcomes cannot be achieved.
139.	The Ecological Report which indicates all culverts will be designed in accordance with the NES-FM which gives greater certainty of outcome for fish passage and effects. Condition 139 should be amended to include a requirement that all culverts will be designed in accordance with the NES-FM.
152.	This condition should be amended to require that the detailed design for culvert construction in the Ngārara Stream demonstrates consideration of achieving the target SEV.
New Condition	A new condition should be added to specify the required bed length and area of the realigned section of the Ngārara Stream.
Note:	The proposed definition for the Ngārara Stream relates only to the realigned watercourse. This is problematic because some conditions (for example condition 107) refer to the Ngārara Stream prior to realignment.
	Flooding and erosion and Scour
151.	This condition requires the detailed design and construction methodology for the construction of culverts to be provided to Greater Wellington for certification. This condition should be amended to require that detailed design considers: • a blockage scenario with increased risk of blockage due to debris and sediment accumulation in the upstream wetland, including the potential for both sediment and debris accumulation. • how flow velocities will be dissipated once water passes over or through the culvert arrangement, and whether any erosion protection or structural mitigation is required.

	• maintenance requirements (including design life) and how maintenance will be carried out (for example, where sediment and debris can be removed).
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Table 1 Issues identified in the proposed conditions.

4. Greater Wellington notes there may be additional issues with the proposed conditions beyond those identified in the table above. Additional issues may be raised in the conferencing on conditions.
5. To progress and resolve the issues identified above Greater Wellington consider that the following technical experts should attend conferencing:
 - (a) Joshua Knowles, Senior Resource Advisor, Environmental Regulation, Greater Wellington. Specialising in Planning. Bachelor of Resource and Environmental Planning (Honours) from Massey University. Has held Resource Advisor roles that include the processing of resource consents for Greater Wellington since October 2020. [REDACTED]
 - (b) Katherine Greenaway, Resource Advisor, Environmental Regulation, Greater Wellington. Specialising in Planning. Bachelor of Science (Physical Geography, minoring in Environmental Studies) and Master of Science (Physical Geography) (First Class Honours) from Te Herenga Waka Victoria University. Has held a Resource Advisor role that includes the processing of resource consents for Greater Wellington since April 2024. [REDACTED]
 - (c) James Blyth, Water Scientist and Director, Collaborations. Mr Blyth specialises in Hydrology. Mr Blyth can be contacted at [REDACTED]. Mr Blyth holds a BsC and MsC (First Class Honours) in Earth Sciences. Mr Blyth has 16 years' experience in a range of local and international projects with a focus on water science, covering the fields of hydrology, hydraulics, groundwater, environmental and water quality investigations. Mr Blyth can be contacted at [REDACTED]
 - (d) Melanie Dixon, Principal Ecologist, Collaborations. Ms Dixon is an ecologist with more than 25 years of professional experience, having worked initially in local government before moving into consultancy, where she has advised both public and private sector clients. She has extensive resource management expertise and a broad understanding of terrestrial and riparian ecosystems, with particular interest and specialist skills in wetland ecology. Melanie holds a Bachelor of Science and a Diploma in Environmental Management from the University of Auckland. Ms Dixon can be contacted at [REDACTED]

- (e) Dr Gareth Taylor, Environmental Projects Consultant and Director. Dr Taylor specialises in Stream Ecology. Dr Taylor's qualifications are BSc, PgDIPSci, PhD in Environmental Science. Dr Taylor can be contacted at [REDACTED]
- (f) David Wilson, Principal Engineer and Director, The Urban Engineers. Mr Wilson specialises in water infrastructure and particularly stormwater treatment. Mr Wilson has a Bachelor of Natural Resources Engineering (Hons); and is a Chartered Professional Engineer in Civil and Environmental Engineering; Chartered Member of Engineering New Zealand; and Member of the New Zealand Water and Wastes Association. Mr Wilson has over 30 years of experience in stormwater management. Mr Wilson can be contacted at [REDACTED]
- (g) Gregor McLean, Director/ Environmental Consultant, Southern Skies Environmental. Specialising in erosion sediment control. Mr McLean specialises in Erosion and Sediment Control. Mr McLean has a BA (Geography/ Environmental Planning) and PG Diploma Natural Resources. Mr McLean is a Certified Professional in Erosion and Sediment Control and a Registered Soil Practitioner. Mr McLean can be contacted at [REDACTED]
- (h) Kirsty Duff, Senior Engineer, Flood Advisory, Greater Wellington. Mx Duff specialises in flooding effects. Mx Duff holds a BSc in Environmental Sciences and MSc in Environmental Sciences specialising in river processes from the University of Otago. Mx Duff has over 10 years' experience in hydrology, river geomorphology, river management and emergency management. Mx Duff can be contacted at [REDACTED]

6. The availability of these experts between 31 August and 11 September 2026 is set out in table 2 below:

Joshua Knowles, Senior Resource Advisor, Environmental Regulation, Greater Wellington.	Available 31 August - 11 th of September.
Katherine Greenaway, Resource Advisor, Environmental Regulation, Greater Wellington.	Available 31 August - 11 th of September.
James Blyth, Water Scientist and Director, Collaborations.	Available 11 th of September (online only).
Melanie Dixon, Principal Ecologist, Collaborations.	Available 31 August - 11 th of September.

Dr Gareth Taylor, Environmental Projects Consultant & Director.	Available 31 August - 11 th of September.
David Wilson, Principal Engineer & Director, The Urban Engineers.	Available 31 August - 11 th of September.
Gregor McLean, Director/ Environmental Consultant, Southern Skies Environmental.	Available 3 rd of September – 11 th of September.
Kirsty Duff, Senior Engineer, Flood Advisory, Greater Wellington.	Available 31 August – 3 rd September and 5 th September -11 th September.

Table 2 Availability for Conferencing

Memorandum prepared by:	Joshua Knowles	Senior Resource Advisor, Environmental Regulation	
Memorandum prepared by:	Katherine Greenaway	Resource Advisor, Environmental Regulation	
Memorandum approved by:	Richard Percy	Team Leader, Environmental Regulation	