

MEMO

Project Number	FTAA-2603-1194
To	Fast-track Panel – Waikanae North Development
Subject	Updated consent conditions
Date	21 August 2026

Background

1. The Applicant (WNDL) provided a set of draft proposed conditions as part of its substantive application (Appendix 33).
2. Following lodgement, Greater Wellington Regional Council (GWRC) has provided comments on those conditions. The GWRC comments were mirrored in the section 53 comments GWRC provided to the Panel.
3. WNDL has been seeking comments on the first iteration of consent conditions from both Kāpiti Coast District Council (KCDC) and Ātiawa ki Whakarongotai Charitable Trust (AKWCT). None of these has provided comments on the Appendix 33 draft conditions to date, with KCDC signalling through its section 53 comment that it will comment on an updated set of consent conditions.
4. The Panel, as part of its first Minute, noted that WNDL was preparing an updated set of draft conditions and that the Panel will provide a further timeframe to allow stakeholders to respond to the updated conditions.
5. Two documents are now provided, one showing changes tracked from the Appendix 33 conditions set, and the other being a clean copy of the updated proposed conditions.

Updated Draft Conditions

6. The updated consent conditions make a range of amendments addressing:
 - a. Changes following feedback received from GWRC;
 - b. Changes resulting from section 53 comments received, including changes suggested by the Department of Conservation (DOC), Kāpiti Coast District Council and Transpower, as summarised and foreshadowed in the WNDL covering response to section 53 comments; and
 - c. A range of minor changes relating to errors and formatting.
7. Further detail is provided on the changes in the following sections.

Greater Wellington Regional Council
8. GWRC provided both track changed and non-track changed comments directly to the applicant, with the same comments provided as part of GWRC's section 53 comments.

9. The applicant has accepted most of the changes suggested by GWRC as shown in the updated conditions set. The track changes version shows where GWRC's suggested amendments have been accepted either entirely, in part, or are not agreed.

Department of Conservation

10. DOC made a small number of suggestions to a range of conditions.
11. DOC suggested a new condition regarding supervision by an ecologist during the construction and installation of culverts and this suggestion has been accepted and incorporated into the now proposed condition set.
12. DOC sought the deletion of a range of conditions relating to cat ownership / management – essentially requesting the selection of the preferred option now. DOC did not otherwise engage on the merits of the management approach associated with each option. These suggestions have not been agreed to, however, the applicant proposes to split Option C into two parts (Option C1 and Option C2) with Option C2 proposing the management approach if there is a complete prohibition on cat ownership. This, in part, goes to DOC's concern - as it provides a live option that the consent holder can consider. Nevertheless, the applicant maintains its position that any cat management option selected will achieve an appropriate ecological outcome.
13. The applicant has not accepted DOC's suggested change that it be responsible for pest animal control in perpetuity. Such a request goes beyond what is required to address the effects of the proposal (particularly when the ecological restoration package is viewed in its entirety). The request is therefore ultra vires section 83 of the FTAA, unreasonable and is not supported on the basis of ecological advice to the applicant.
14. DOC sought an amendment to Condition 53 (numbered in accordance with the submitted Appendix 33) to address water level management in Te Harakeke Swamp for the protection of mudfish. For the reasons that have been extensively canvassed already (including with DOC), the water level in Te Harakeke Swamp is controlled by downstream management activities undertaken by KCDC and sits outside of the applicant's control. This suggested change has therefore not been accepted (and it cannot lawfully be imposed).
15. DOC has suggested deletion of reference to enhancement works in conditions 50 and 51. Such an amendment would lead to a worse ecological outcome, by appearing to exclude the need to undertake proposed enhancement works, and are not accepted.
16. Lastly, DOC seeks to be included as a party to be consulted, alongside iwi, in formalising the Ecological Restoration Management Plan. The applicant does not accept this request – the ERMP is to be prepared by a suitably qualified person and then certified by GWRC and KCDC, relevant to their functions, and it also provides for iwi input on cultural grounds. There is no need to include DOC in this process, having regard to its statutory functions. The request is more onerous than is necessary to address the reason for which the ERMP is being prepared.

Transpower

17. Transpower has requested a range of conditions or changes to proposed conditions that have, in the main, been accepted and are reflected in the updated conditions set. The National Grid related conditions are spread across the subdivision and land use sections of the proposed KCDC conditions.

18. The applicant, in its response to section 53 comments, detailed where it was proposing to depart from the suggested Transpower wording, and why, and those aspects have been carried over into the conditions now proposed.

Kapiti Coast District Council

19. As noted above, KCDC has not yet provided a review of conditions but has indicated it will do so following the provision of this updated condition set.
20. Nevertheless, a range of matters, principally relating to infrastructure, were identified in KCDC's section 53 comments. The applicant has made a range of changes to relevant conditions to address those comments.

Ātiawa ki Whakarongotai Charitable Trust and Ngā Hapu ō Ōtaki

21. The proposed conditions of consent have been updated to provide for the matters outlined in the applicant's section 53 comments response for these parties.

Updated Scheme Plan

22. As part of the response provided in respect of comments from Ātiawa ki Whakarongotai Charitable Trust (the Trust), WNDL has proposed the transfer of a Dune Hilltop site to the Trust. Conditions of consent included as part of this updated set provide for that occurrence.
23. In order to allow for that to occur, a new allotment must also be created.
24. Attached to this memorandum is an updated scheme plan that shows this proposed allotment. WNDL requests that the scheme plan, as provided with the substantive application, is replaced by this updated set.
25. While in practice the change only affects a select number of sheets, full copies of Appendices 2, 4A, 4D and 5 are provided. The affected sheets are renamed as Revision D. All other sheets remain as Revision C. The specific sheets affected are Sheets 1 and 2 showing the overall masterplan / scheme overview, and sheets 34, 45 and 46 of the detailed scheme plan sheets.
26. WNDL has also taken the opportunity to correct a small number of allotments that were unlabelled in the original scheme plan. There has been no change to their size or shape, or the lot numbers, rather the change simply corrects the inadvertent absence of a lot label.
27. The affected sheets / lot numbers are:
 - a. Sheets 29 and 30 – Lot 852
 - b. Sheet 36 – Lot 1059
 - c. Sheet 42 – Lot 787
 - d. Sheets 47 and 40 – Blocks 2005 and 2006
 - e. Sheet 51 – Lot 782
 - f. Sheet 52 – Lots 787 and 782
 - g. Sheets 54 and 55 – Lots 453 and 456
 - h. Sheet 57 – Lot 1104
 - i. Sheet 58 – Lots 1104, 264 and 265
 - j. Sheet 64 – Lot 197
 - k. Sheet 65 – Lots 255 and 1105
 - l. Sheet 66 – Lots 255, 264 and 265.

Conferencing

28. WNDL anticipates that the Panel will direct conferencing on the draft conditions following receipt of any further comments. WNDL is willing to participate in any conferencing that the Panel may direct and considers such a process will assist in further refining, and ultimately confirming, a final set of conditions.

On behalf of Waikanae North Developments Limited

A handwritten signature in blue ink, appearing to read 'ML', with a horizontal line extending to the right.

Mitch Lewandowski
Resource Management Consultant
Director
Building Block Planning Limited