

**Ngā Hapū o Ōtaki's Response to Minute 7 of the Expert Panel
Waikanae North Development [FTAA-2603-1194]**

1. As per Minute 7 of the Expert Panel, Ngā Hapū o Ōtaki (NHoŌ) has set out below our response to the Applicant's proposed conditions of consent for the Waikanae North Development [FTAA-2603-1194], including identification of issues and recommendations to address these matters. This response also outlines our approach to expert conferencing.
2. NHoŌ was invited to provide comments on the Application under section 53(3) of the Fast Track Approvals Act 2024 (FTAA). NHoŌ provided comments to the Expert Panel on 28 July 2026.
3. Ngā Hapū o Ōtaki acknowledge that the purpose and nature of the FTAA, is to provide an expedited pathway for applicants to seek the appropriate approvals for a proposal. NHoŌ also acknowledges the importance of responding to the invitation to comment on the proposed consent conditions within the timeframe period. However, NHoŌ notes that the timeframe provided to mana whenua to consider the proposed consent conditions has been particularly limited. Given the long-term implications of the proposal for the whenua and those who hold mana whenua relationships with it, NHoŌ considers it important that sufficient opportunity is provided to meaningfully consider and responds to any invitation to participate in the process.

Kaupapa Tuatahi - Reference to Ngā Hapū o Ōtaki rather than Ngāti Raukawa

4. A key matter identified by NHoŌ in the Applicant's proposed consent conditions is that there are multiple references to Ngāti Raukawa ki te Tonga, where NHoŌ considers that reference should instead be made to Ngā Hapū o Ōtaki. NHoŌ is the representative body for the five hapū of Ngāti Raukawa ki te Tonga that maintain mana whenua relationships across Ōtaki: Ngāti Kapu, Ngāti Pare, Ngāti Huia ki Katihiku, Ngāti Maiōtaki and Ngāti Korokī. NHoŌ's responsibilities include supporting the collective aspirations of the five hapū to protect and enhance the wellbeing of our people, whenua and taiao for present and future generations. This purpose is grounded in the shared whakapapa of the five hapū, and in recognition of the mana and rangatiratanga retained by each hapū. NHoŌ undertakes this representative role on behalf of the five hapū of Ngāti Raukawa ki te Tonga within the Ōtaki rohe.
5. NHoŌ clearly outlined the relationship and distinction between NHoŌ and Ngāti Raukawa ki te Tonga in our comments provided to the Expert Panel. This distinction was also reflected in the Applicant's response to NHoŌ's comments. NHoŌ was therefore surprised to see that the proposed consent conditions continue to refer predominantly to Ngāti Raukawa ki te Tonga, rather than to NHoŌ. While NHoŌ is a collective entity representing the five hapū of Ngāti Raukawa ki te Tonga in Ōtaki, it is important that the consent conditions accurately identify the appropriate entity where specific engagement, monitoring or other functions are contemplated. In particular, where the conditions require practical implementation of kaitiakitanga on the ground, NHoŌ considers it important that the relevant functions and responsibilities are clearly directed to the appropriate representative body.

6. While NHoŌ acknowledges that these references may have arisen as an oversight, it is important that the consent conditions accurately reflect the mana whenua structure and the respective roles of Ngāti Raukawa ki te Tonga and NHoŌ within the Ōtaki rohe. Clear and accurate identification is particularly important where consent conditions provide for ongoing engagement, monitoring or other activities, to ensure that there is clarity for all parties regarding who should be contacted and involved in their implementation.
7. *NHoŌ recommend that all consent conditions that currently refer to Ngāti Raukawa ki te Tonga are amended to refer to Ngā Hapū o Ōtaki, including contact details which should be provided to taiao@nhoo.nz.*

Kaupapa Tuarua – Shared interests and responsibilities

8. NHoŌ acknowledge the mana of Ātiawa ki Whakarongotai. This whenua (land) and the surrounding taiao is imbued with deep and enduring whakapapa and history; the whenua is culturally, spiritually and environmentally significant to three iwi of the ĀRT Confederation (Ātiawa ki Whakarongotai, Ngāti Raukawa ki te Tonga, and Ngāti Toa Rangatira). The site of the development straddles the shared boundary between Ngāti Raukawa ki te Tonga and Te Ātiawa ki Whakarongotai, who continue to maintain ahi kā roa, rangatiratanga and kaitiakitanga in our respective rohe.
9. NHoŌ tautoko (support) Ātiawa ki Whakarongotai Charitable Trust's (AkWCT) aspirations in relation to the development, in particular the transfer of land including Peka Peka Swamp, the dune hilltop, and the provision for AkWCT to exercise kaitiakitanga in relation to these areas. NHoŌ considers the return of whenua to mana whenua to be a significant and positive outcomes that is not achieved often enough. NHoŌ wish to celebrate and acknowledge the return of whenua to mana whenua
10. NHoŌ would like to highlight that these Crown processes can present challenges in creating space for tikanga Māori and for iwi and hapū to engage with matters according to our own tikanga and relationships. NHoŌ therefore supports tikanga-based, iwi / hapū led kōrero occurring alongside, and where appropriate informing these processes. This is particularly important in relation to shared areas of interest and matters affecting the ĀRT Confederation, and provides an opportunity for iwi and hapū to uphold their respective tikanga and relationships while working towards positive outcomes for te taiao and uri
11. NHoŌ requests that the Applicant provide for NHoŌ to work collaboratively with ĀkWCT in relation to the erection of pou or tohu within the site, as provided for under proposed consent condition 125. NHoŌ considers that a collaborative approach would appropriately reflect the shared interests and relationships associated with this whenua. More broadly, where consent conditions provide for the involvement of mana whenua, NHoŌ requests that sufficient flexibility be incorporated into the conditions to enable mana whenua to first undertake appropriate tikanga-based, iwi/hapū-led kōrero where this is necessary to determine an appropriate approach to achieving the intent of the relevant condition. This could include

providing appropriate timeframes for mana whenua to engage with one another and agree on how the relevant condition should be implemented.

Kaupapa Tuatoru – Reference to Muaūpoko Tribal Authority

12. NHoŌ acknowledge the historical association of Muaūpoko with the wider Ōtaki rohe and recognising the importance and sensitivity of whakapapa and historical relationships with this whenua. In NHoŌ's view, where consent conditions provide for ongoing mana whenua engagement, kaitiakitanga, monitoring or other activities associated with the management of the site and its effects, it is important that the conditions clearly identify the appropriate mana whenua entity for the Ōtaki rohe. NHoŌ therefore considers that references to Muāupoko Tribal Authority should be reviewed to ensure that the consent conditions accurately reflect the current mana whenua relationships and responsibilities associated with the site, and provide clarity as to the appropriate entity to undertake any functions contemplated by the conditions. NHoŌ considers that the inclusion of an entity that does not currently undertake these functions within the Ōtaki rohe creates uncertainty regarding the implementation of the consent conditions and the parties responsible for ongoing engagement and kaitiakitanga.

Kaupapa Tuawhā – Fish Rescue and Relocation

13. The Applicant has not accepted NHoŌ's recommendation in relation to freshwater fauna salvage and relocation, on the basis that "capture and relocation of fish needs to be undertaken by qualified ecologists".¹ NHoŌ considers that the Applicant's response does not fully recognise the relevant qualifications, professional experience and technical capability available within NHoŌ.
14. NHoŌ has significant practical experience in freshwater fish rescue and relocation, having led approximately 15–20 fish rescue and relocation exercises associated with full channel realignments and large-scale works. This has included, where required, securing the relevant authorisations from agencies including the Department of Conservation and Fish & Game. NHoŌ also undertook all the freshwater fish salvage work associated with the entire Peka Peka to Ōtaki (PP2Ō) Expressway for Waka Kotahi, on behalf of Tonkin + Taylor.
15. Importantly, NHoŌ has access to uri with formal qualifications in freshwater and ecology, together with approximately 30 years' professional experience in freshwater fish ecology. NHoŌ therefore considers that it has both the practical experience and appropriately qualified technical expertise to undertake and/or support freshwater fauna salvage and relocation activities.
16. NHoŌ also considers it important that mana whenua capability is not characterised solely in terms of mātauranga Māori or cultural knowledge. Mana whenua practitioners bring a range of expertise to these processes, which may include tertiary qualifications, professional experience and technical expertise alongside mātauranga and an understanding of the cultural values and relationships associated with the whenua and wai. In this instance, NHoŌ's recommendation is

¹ Refer to the Applicant's response to Ngā Hapū o Ōtaki's comments.

intended to bring these areas of expertise together, rather than substitute mana whenua involvement for appropriately qualified ecological expertise.

17. *NHoŌ therefore recommends that the condition be amended to provide for NHoŌ involvement in the development and implementation of the Native Freshwater Fauna Salvage and Relocation Plan, alongside any appropriately qualified freshwater ecologists engaged for the works.*

Kaupapa Tuarima – Kaitiaki Monitoring

18. As set out in our comments provided to the Expert Panel, NHoŌ requested that a NHoŌ Kaitiaki Monitor is onsite to observe earthworks. The purpose of Kaitiaki Monitoring is to ensure that mana whenua are appropriately represented onsite and readily able to respond to any accidental discoveries, while also supporting the exercise of kaitiakitanga and maintaining cultural safety throughout the works.
19. For clarity, NHoŌ is not proposing that a Kaitiaki Monitor be required onsite at all times. This clarification is made in response to the Applicant's comment at consent condition 19 (Kaitiaki Monitoring Strategy). Rather, NHoŌ considers that Kaitiaki Monitoring should be required at particular stages of the works where there is an increased potential for effects on taonga tuku iho or other archaeological material. For example, this would include cut earthworks in areas where known archaeological sites may be affected.
20. NHoŌ also notes that the consent condition 19 states "The Archaeological Assessment does not identify significant risk of potential archaeological discoveries". NHoŌ considers that this statement appears difficult to reconcile with the findings of the Applicant's Archaeological Assessments, which identifies "A total of 21 archaeological sites have been recorded within the proposed Project Area, and there is robust data on Kāpiti Coast archaeological site distribution to predict a high probability of further archaeological sites being exposed during earthworks in the hilly sand dune landscape. The low-lying flat (probable former wetland) areas have a lower probability of containing archaeological features. Archaeological sites will most likely be associated with pre-European Māori use of the landscape and will probably be almost exclusively middens and fire hearths. There is also potential for the discovery of kōiwi (human burials)."²
21. The Archaeological Assessment also acknowledges that the "Earthworks required to develop the land will adversely affect both recorded archaeological sites and unrecorded subsurface archaeological features. The property has not previously been developed, with the exception of minor farming activities, and it is likely that any archaeological sites present will mostly be in good condition and will be able to contribute information about the human history of the area through archaeological recording and analysis. The sites recorded within the Project Area are

² Waikanae North Development: Archaeological Assessment of Effects. (18 March 2026, p.29). Emily Howitt Archaeology.

almost all shell middens, these site types have been recorded and investigated across numerous locations along the Kāpiti Coast, and typically hold moderate to low archaeological values.”³

22. In this context, NHOŌ considers that targeted Kaitiaki Monitoring during higher-risk earthworks is a proportionate and appropriate measure. In particular, the presence of a Kaitiaki Monitor during cut earthworks in areas where archaeological material may be encountered would provide an opportunity for mana whenua to respond promptly to accidental discoveries, support appropriate cultural protocols, and ensure that the exercise of kaitiakitanga is incorporated into the management of the works.

Kaupapa Tuaono – Funding

23. The Applicant has included that the consent holder will pay mana whenua for the reasonable costs for preparation of, and monitoring required in accordance with a Kaitiaki Monitoring Strategy. NHOŌ are supportive of this approach. However, NHOŌ considers it important that the consent conditions also provide clarity regarding resourcing where Ngā Hapū o Ōtaki are required to undertake or support other functions associated with the implementation or monitoring of the consent conditions, for example review and input into management plans. Where such involvement is required, the scope and reasonable costs of that mahi should be agreed with Ngā Hapū o Ōtaki and met by the consent holder. This would provide greater certainty for all parties and avoid the need to revisit or renegotiate resourcing arrangements each time additional mana whenua involvement is required during the implementation of the consent conditions.

Kaupapa Tuawhitu – Housing Opportunities

24. NHOŌ’s comments provided to the Expert Panel sought that opportunities be explored to provide mana whenua with access to housing within the development, including consideration of mechanisms that could provide for mana whenua to have priority access to homes. NHOŌ considers that this would support mana whenua aspirations for ūkaipōtanga and enable whānau to maintain and strengthen their connection to the whenua. The Applicant’s response was that these matters are not capable of being addressed through consent conditions and, on that basis, the recommendation was not accepted. NHOŌ notes that it has been involved in another process where provision for a right of first refusal for mana whenua to purchase homes was incorporated into consent conditions. NHOŌ therefore remains interested in exploring, with the Applicant, whether similar opportunities or other appropriate mechanisms could be considered as part of this development to support mana whenua access to housing and the broader aspirations for ūkaipōtanga.

Expert Conferencing

25. Should the Expert Panel consider that expert conferencing would assist its consideration of the application, NHOŌ would like to participate in matters relevant to mana whenua cultural values and interests in the application.

³ Waikanae North Development: Archaeological Assessment of Effects. (18 March 2026, p.31). Emily Howitt Archaeology.

26. NHoŌ considers that mana whenua participation in this context is distinct from the role of an independent technical expert. The role of NHoŌ representatives would be to provide relevant cultural expertise, mātauranga-ā-hapū and to articulate the interests, values and responsibilities of NHoŌ in relation to the application.
27. NHoŌ has not yet determined appropriate representation should conferencing be required. This would be determined through appropriate internal kōrero, having regard to the matters identified for conferencing. NHoŌ welcome the opportunity to discuss with the Expert Panel whether a dedicated mana whenua/cultural values conferencing process would be appropriate.