
MINUTE 3 OF THE PANEL CONVENER

Post-conference decisions on panel appointment and decision timeframe

Waikanae North Development Project [FTAA-2603-1194]

3 June 2026

[1] On 22 May 2026 I held a convener conference in respect of this application.

The conference was attended by the Applicant (Waikanae North Developments Limited), the local authorities (Greater Wellington Regional Council (GWRC), and Kāpiti Coast District Council (KCDC)), the Director-General of Conservation (DG) and Ātiawa ki Whakarongotai Charitable Trust as a relevant iwi authority. In advance of the conference, I received written memoranda or correspondence from all participants.

[2] As summarised by the Applicant in its conference memorandum, the application involves a staged residential subdivision of approximately 1,200 lots over a period of @15 years, including a local centre, local and active mode transport connections, three waters infrastructure including stormwater management devices, realignment and culverting of the Ngārara Stream (involving a loss of stream extent and values with offsets to achieve a net gain outcome), works within wetlands including 1.69ha of wetland loss (with offsets to achieve a net gain outcome as well as additional wetland enhancement), indigenous vegetation clearance and replacement planting. In addition to resource consents, a wildlife approval is required in respect of lizards.

[3] The purpose of this minute is to:

- a. Briefly summarise the views expressed by conference participants on

the matters of panel composition and the timeframe required for the expert panel to deliver its decision; and

- b. Confirm my decisions on those two matters.

[4] Turning firstly to the issue of decision timeframe, the Applicant's memorandum addressed the following matters:

- a. There has been extensive engagement with both councils, iwi and infrastructure providers (including NZTA), including provision of early draft technical assessments for GWRC and KCDC review, with feedback considered and incorporated into lodgement documentation, where appropriate;
- b. Engagement has continued post-lodgement. While there was no opportunity for pre-lodgement review of the proposed consent/approval conditions package, feedback on the conditions is now being actively sought;
- c. The level of complexity is assessed to be low-moderate, with a couple of legal matters requiring careful consideration;
- d. The principal issues in contention from a technical or evidentiary perspective involve the appropriate classification of an existing farm drainage network, Stream Ecological Valuations (SEV) methodology, and the hydrological basis for the proposed wetland offset. The Applicant considers these to be capable of resolution through expert conferencing;
- e. Constructive engagement has occurred with Ātiawa ki Whakarongotai Charitable Trust, including provision of a Cultural Values Assessment and Cultural Impact Assessment by the Trust. The site retains cultural significance, and discussions are ongoing in respect of a range of

matters including conditions. The Applicant acknowledges that Te Ātiawa remains concerned about residual cultural effects.

- [5] Somewhat unusually, the Applicant did not propose a specific working day period for the expert panel to reach a final decision. In the course of the conference, however, counsel indicated that somewhere in the "middle of the range" would be appropriate, ie between 50 and 70 working days following receipt of comments, and ideally 60-65 working days.
- [6] KCDC commented positively on the Applicant's commitment to engagement and expressed confidence that issues in contention can be resolved through consent conditions, noting that it would defer to GWRC on matters of ecology, hydrology and earthworks management. Issues that potentially remain unresolved at this stage from KCDC's perspective include those related to reserve areas, ownership and maintenance of the Te Harakeke wetland area, responsibility for delivery of future road connections, infrastructure matters including easements and a developer agreement, and condition drafting issues.
- [7] KCDC did not express a view on timeframe, other than to sound a note of caution that there would be some complexity in the conditions and, given the limited opportunity to provide feedback on those to date, they may take some time to resolve.
- [8] GWRC likewise commented that pre-lodgement engagement had been constructive and led to a narrowing of issues on certain technical matters. The issues identified as outstanding were largely aligned with those highlighted by both the Applicant and KCDC, but GWRC did raise several queries regarding the availability of information, including contextual information for the SEV calculations, and the absence of a hydrological model to evaluate pre- and post-development groundwater conditions. GWRC noted at the conference that it would be good to reach an aligned position with the Applicant on the availability of or need for this information prior to commencement of the

expert panel. Finally, the conditions as lodged were described as a good starting point; GWRC expressed confidence that they could be resolved although they would require sustained effort.

[9] Other conference participants expressed the following views in relation to matters that may influence decision timeframe:

- a. The Director-General of Conservation sought further information or clarification on a range of matters, including a full set of proposed conditions for the wildlife approval. As I understand it, the Applicant had not previously engaged with the DG/DoC, whose representative at the conference acknowledged that some of the information sought may already have been included in the application package. After hearing from the DG/DoC at the conference, the Applicant offered to provide a briefing paper to assist it with locating answers to these queries. I think that would be very helpful, and I encourage the Applicant to provide that briefing as soon as possible; to that end I have not issued a direction, but if the paper has not been provided by the date on which the expert panel commences, I will recommend that they issue an appropriate direction themselves. Finally, I take this opportunity to note that the DG's responsibilities in respect of the wildlife approval require applicants to take a different approach to the assessment of information than they would take to resource consents under an RMA framework;
- b. Ātiawa ki Whakarongotai Charitable Trust noted that the Applicant has been engaging with it for a number of years and that the engagement has been generally constructive and professional. However, the Trust considers that the application material does not reflect the values and interests of Te Ātiawa and that the consent conditions proposed do not address significant effects on them. The Trust expressed uncertainty regarding the pathway that will enable these issues to be addressed, but

accepted that a short-medium decision timeframe would be acceptable provided there is clarity, focus and disciplined engagement throughout the process.

[10] On the matter of expertise required for the members of the expert panel:

- a. the Applicant recommended a 3-member panel with expertise in law, planning (particularly conditions drafting), civil and project engineering including familiarity with stormwater management, hydrological matters and infrastructure delivery. The Applicant does not consider that the panel needs to include a member with specialist expertise in ecology, given the number and calibre of experts already engaged across all participants;
- b. KCDC and GWRC were aligned on the expertise required and were supportive of a 3- or 4-person panel, with GWRC seeking a panel member experienced with regional resource consent decision making for large-scale urban development. GWRC acknowledged that the panel, once appointed, could seek its own expert ecology advice;
- c. The DG/DoC said it would be desirable for the panel to have ecological expertise or otherwise an understanding of effects on wildlife, wetlands and biodiversity values;
- d. Ātiawa ki Whakarongotai Charitable Trust advised that the panel would benefit from expertise in both ecology and cultural matters, with the latter able to ensure that tikanga matters are addressed and that the mātauranga to be articulated by the Trust will be received respectfully. I encouraged the Trust to convey its views on an appropriate nominee to the GRWC.

[11] I record my thanks to all conference participants for their attendance and thoughtful participation.

Decisions

[12] I am appointing the following persons to the Expert Panel to determine the substantive application lodged for the Waikanae North Development Project:

- a) Sue Simons (chair);
- b) Nigel Mark-Brown;
- c) Carolyn Wratt;
- d) James Whetu (local authority nominee).

[13] I am satisfied that, collectively, the Expert Panel will hold appropriate expertise and experience in relation to decision-making, law, planning & policy, cultural effects, infrastructure, residential development, an understanding of ecology (including offsetting) and hydrology matters as well as district and regional consent conditions. The Expert Panel will be free to commission further technical specialists to support their decision-making process once they have commenced work.

[14] The date on which the Expert Panel is appointed is **8 June 2026**, and it will commence work on **15 June 2026**.

[15] After careful consideration of the matters raised at the conference, I consider that a timeframe of **70 working days** following the receipt of invited comments is appropriate. The Expert Panel decision will therefore be due on **4 November 2026**, subject to the application being suspended for any of the reasons outlined in section 60 of the Act, and to comments on the application being invited on 29 June 2026.

[16] In setting this timeframe I have had regard to the following relevant matters:

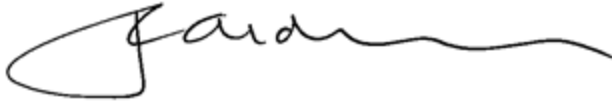
- a. The issues in contention appear to be well understood and to have been helpfully narrowed by virtue of the constructive pre-lodgement

engagement undertaken by the Applicant with the Councils and Te Ātiawa. Engagement is continuing, and the Applicant is taking active steps now to engage with DoC, which did not occur prior to lodgement;

- b. While expert conferencing or issues-based caucusing appear to offer constructive opportunities to resolve issues and assist with condition drafting, there are a number of issues to address and these sessions may take time to arrange and facilitate. These are all matters of procedure that fall within the Expert Panel's jurisdiction, but I need to allow appropriate time for them to be utilised;
- c. The conditions themselves involve some complexity, and will take some time and concerted effort to resolve, given the limited opportunity for engagement on the draft condition set prior to lodgement;
- d. I have allowed time for section 67 further information requests to be issued by the Expert Panel, and for the Councils and DoC to assess any information provided in response to those requests by the Applicant. The Applicant of course is able to suspend processing of the application at any time, but other parties are generally at the mercy of the time frame once set;
- e. In view of the concerns held by Te Ātiawa via the Trust, cultural matters will require the Expert Panel to gain an understanding of relevant tikanga and mātauranga and the values held by Te Ātiawa in respect of the site, and that may involve a hui or other opportunity for relevant iwi, hapū and marae, to speak directly to the Expert Panel regarding their views and concerns.

[17] I recommend that the Applicant make early arrangements for the Expert Panel to undertake a site visit as soon as possible.

[18] In terms of next steps, the participants will be contacted by the Expert Panel upon their commencement.

A handwritten signature in black ink, appearing to read 'J. Caldwell', with a long, wavy horizontal line extending to the right.

Jennifer Caldwell

Associate Panel Convener for the purpose of the Fast-track Approvals Act 2024