

Response to Minute 7 of the Expert Panel issued in relation to a substantive application made under the Fast-track Approvals Act 2024 – Waikanae North Development

Fast-track application no.	FTAA-263-1194
KCDC reference no.	250099FT
Project name	Waikanae North Development
Project address	169-171 Peka Peka Road, Kāpiti
Applicant	Waikanae North Development Limited
Issued to	Sue Simons, Expert Panel Chair substantive@fasttrack.govt.nz
Date	31st August 2026

Prepared by	Monique Leith	Consultant Resource Management Planner	
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	Brendan Owens	Group Manager, Customer and Community	

Kāpiti Coast District Council received Minute 7 from the Expert Panel, dated 24 August 2026, which requests Council and other parties to provide comments on the updated proposed conditions along with details of the experts who will attend conferencing on outstanding issues.

Council understands the purpose of providing comments to is inform what topics have key outstanding issues to be resolved through expert conferencing. Council's comments below are therefore made on this basis with comments focusing on key issues per subject matter. On this basis, these comments do not include all suggested changes Council will be proposing for the draft conditions' suite.

Paragraph 7 of the Minute seeks:

[7] To help the Panel determine which matters may warrant expert conferencing on the conditions, the Panel requests the following information from all parties that provided comments under section 53 of the Act:

- 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 you would have attend conferencing on the issues identified, including their qualifications, area of expertise, and contact details; and*
- c) The availability of those experts between 31 August 2026 and 11 September 2026.*

These matters are now addressed in turn.

a) Identification of any issues with the updated proposed conditions, or the absence of specific conditions that in their view, should be included

Condition #	Comments	Subject Matter
18	<i>A Reserve Contribution for the 1,184 additional lots is payable and has been assessed at \$[XXXXXX] including GST per lot (total to pay \$[XXXXXX]). A credit shall be applied to this contribution for the value of Lots 5400–5402 proposed to be vested. A further credit shall be applied to this contribution for the value of Lots ~~5300–5302, 5305, 5000-5005,~~ 5310, 5311, 5314 for any of those lots that are <u>if these lots are</u> vested by agreement with KCDC.</i> Only lots that have an open space or recreational purpose will be eligible for a credit against the financial contributions, not lots that have a stormwater management purpose.	Reserves Management
122	Add in: (e) Lots 5310 and 5311 (Total: 2 lots) shall vest in Council as Local Purpose Reserve (Ecological Site and Wetland). Council is agreeable to taking the walkways around and through Te Harakeke if the Te Harakeke Wetland is also vested.	Reserves Management

Condition #	Comments	Subject Matter
	Which lots need to be vested and for what purpose remains a key reserves management outstanding matter.	
Mahina Kai Access Protocol	This protocol should exclude reserve land held under the Reserves Act 1977 vested to Council.	Reserves Management
Various	There are a number of conditions which impose burdensome requirements or timeframes on Council, or which are conflicting. These will almost certainly lead to interpretation and implementation ambiguity, and potentially frustrate the ability for the consent to be exercised. Resolution of these matters and conditions where possible, and highlighting anything residual for determination by the Panel is considered to be a critical outstanding issue. For example, current conditions require Council to stand up the Urban Design Panel and others impose 10wd or 5wd timeframes to approve comprehensive Management Plans. There is a condition stipulating only one dwelling per residential lot and another attempting to allow the construction of dwellings ahead of allotments being created. There are ecological-related conditions included on the GWRC consent that need to be included on the KCDC consent. There is a condition requiring the perpetual protection of ecological planting via Consent Notice Condition or Covenant and there are conflicting conditions requiring lots containing planting to be vested for stormwater disposal purposes.	Planning
Missing	Condition needed requiring the submission of a Combined Services Corridor and Trenching Package for certification. The package must include typical and constrained road corridor cross-sections, service locations, utility locations, stormwater devices, street trees, footpaths, berms, minimum NZS 4404 clearances, trench depths, groundwater levels, trench support requirements, bedding/backfill details, dewatering requirements, trenchless works, service crossings, easements and maintenance access. The package shall demonstrate that all services can be constructed, maintained and renewed without unacceptable clashes or access constraints.	Development Engineering
Missing	Condition needed requiring the submission of a Trenching and Excavation Methodology to KCDC for certification. This must address trench stability, temporary support, groundwater control, dewatering, bedding, backfill, compaction, settlement risk, adjacent asset protection, trenchless entry/exit pits, reinstatement and inspection/hold points.	Development Engineering
Missing	Condition needed requiring the submission of a project-specific Earthworks / Engineered Fill Specification and Inspection and Test Plan for certification by Council. This must address material acceptance, unsuitable material removal, peat management, lift thickness, moisture conditioning, compaction targets, testing frequency, test	Development Engineering

Condition #	Comments	Subject Matter
	methods, hold points, non-conformance procedures and reporting. Compaction testing shall be reported with test location, reduced level, fill layer, test method, target and result.	
Add condition	Given the project scale and risk profile, Council will require the detailed geotechnical design and specification to be independently peer reviewed before EPA approval/construction. Thus a specific condition requiring this is needed.	Development Engineering
Peat Management and Reuse	Add Note to require a Peat Management Schedule before works commence for any stage involving peat excavation: Prior to earthworks commencing for any stage involving peat excavation, the consent holder shall submit a stage-specific Peat Management Schedule to Council's Development Engineer for certification. The schedule shall be prepared or reviewed by the project geotechnical professional and shall identify expected peat excavation volumes, excavation methodology, drying/conditioning, stockpile locations, reuse/disposal criteria, testing requirements, daily cell excavation and backfill methodology, dewatering controls, volume tracking and reporting.	Development Engineering
Construction Monitoring and Certification	Add note: The construction monitoring and certification shall also include, where relevant, peat excavation and replacement, ground improvement, high-risk service trenching, pump station excavations, trenchless entry and exit pits, service trench bedding/backfill, and works adjacent to dune faces or slope stability risk areas.	Development Engineering
Missing	[With reference to I5 of Applicant's response] - sea level rise is likely to result in raised groundwater levels. This is likely to be noticeable within the western wetland which may result in an increase in the frequency of inundation to properties in the vicinity of Paetawa Ave. While sea-level rise is expected to occur irrespective of this development and may result in the increased frequency of inundation to coastal properties, Council need to be mindful of not worsening the existing situation. Having a trigger level and mechanism to support drainage of this wetland when water levels are elevated should be considered. This could involve an extension of Black Drain through to the wetland. In addition, the stormwater management response needs to account for how sea-level rise may impact water levels within the stormwater treatment and detention systems including the wetlands and function of treatment including proprietary treatment devices.	Stormwater, Flooding, Hydrology
Missing	[With reference to H7 of Applicant's response] - uncertainty remains regarding the hydrogeological regime. Increasing the water level in the eastern wetland through the construction of the control structure and raising of water levels within the Ngarara Stream has the potential to adversely impact	Stormwater, Flooding, Hydrology

Condition #	Comments	Subject Matter
	groundwater inundation. An assessment by a suitably qualified and experienced hydrogeologist is still considered necessary. The comment that groundwater modelling has not been required at other large-scale development in Waikanae in the past is irrelevant and should not form precedence. This site has known groundwater issues. Council is continually learning from these experiences to reduce the potential for adverse effects on their community.	
Missing	[With reference to I14 of Applicant's response] - this is risky for Council. If the wetland system does not meet Policy P83 (e), GWRC may require changes to the hydrological regime to achieve the required hydrological state. It is uncertain whether this will become KCDC's problem to address. If Council is being vested the stormwater detention infrastructure, they need to have input into the planting plan, including the opportunity to review and approve this plan. Council need to ensure stormwater assets are accessible for maintenance and that the planting plan doesn't place undue burden on Council to maintain the stormwater network.	Stormwater, Flooding, Hydrology
14	Clarify that some of the SW/Hydrological mitigations may not be located within the staged area - downstream mitigations may need to be in place prior to staging.	Stormwater, Flooding, Hydrology
38(a)	Include maintenance of the water features/wetlands, especially the western northern Te Harekeke wetland. Noting that wetlands fill in over time and the slow build up of water/groundwater associated with those wetlands/features. Disagree with the inclusion of a Consent Notice.	Stormwater, Flooding, Hydrology
40	Needs to include the wetlands as they will naturally fill in over time.	Stormwater, Flooding, Hydrology
42	Needs to consider and plan for a situation where the GWMP indicates a problem requiring a solution that will fundamentally impact the development as consented (or illustrates offsite effects). This also has the potential to effect other parts of the consent that have not been determined at this point in time. I.e. If the groundwater monitoring picks up an issue with groundwater levels being too high or too low to sustain the wetlands or will have an impact on driving groundwater into areas outside the application site. How can a monitoring plan take place before it has been established that the geohydrology will work in the area and will not require modification that will impact fundamental parts of the development, i.e. soakage, wetland water levels etc, or that services are going to be located within GW levels, i.e. groundwater in the area is likely to be acidic and what impact will it have on concrete pipes.	Stormwater, Flooding, Hydrology
122	Confirmation on which lots are proposed to be vested in Council, and for what purpose, is required.	Stormwater, Flooding, Hydrology
132	We do not know if there is a conflict with any planting in this area due to the lack of geo-hydrological assessment. The ecological restoration plan needs to be finalised in	Stormwater, Flooding, Hydrology

Condition #	Comments	Subject Matter
	conjunction with the Stormwater Maintenance Plan as we do not know yet if there may need to be an extension of the black drain in order to manage the waterlevel in the wetland in order to prevent offsite impacts of increased waterlevels in this area.	
135	What appropriate provisions are proposed to ensure legal access is in place at s233 stage if these areas are not being vested? Need to confirm the stormwater maintenance and management plans have provision to be able to manage this in order to prevent offsite impacts of raised groundwater levels in this area.	Stormwater, Flooding, Hydrology
143	Need confirmation that these will not conflict with future management plans, especially around the potential for increased water levels which are directly connected to the residents on the other side of Paetawa Road.	Stormwater, Flooding, Hydrology
Land Use Consent Condition 75	This needs to align with the SW/Wetland maintenance plan so that it is not restricting access for maintenance.	Stormwater, Flooding, Hydrology
GWRC Consent Condition 106	This condition is potentially <i>ultra vires</i> as it places a requirement on Council which it does not agree to. Council is not open to taking on the monitoring, maintenance and reporting requirements currently outlined in the Stormwater Management Plan and Stormwater Operations and Maintenance Plan. If vested, it is expected that maintenance and reporting would be incorporated within Council's global discharge consent. In addition, Council need to understand the long-term maintenance requirements to agree to vesting the assets. Condition 13 is risky for Council – Management Plan Review.	Stormwater, Flooding, Hydrology
Missing	Te Moana Road/Expressway Interchange capacity - further SIDRA modelling. This will involve agreeing the scope of the SIDRA modelling with Council and NZTA on issues including base flows, calibration/validation, future year assessments methodology (including agreeing KTM4 model assumptions and interpretation/use of the outputs from the KTM4 model) and SIDRA network coding. This modelling will need to assess the with and without WNDL and identify any operational/ capacity issues.	Traffic
Missing	Te Moana Road/Expressway Interchange capacity - mitigation measures arising from the SIDRA modelling. Mitigation measures and triggers for implementation (and mechanisms to secure mitigation implementation before development proceeds beyond the applicable trigger) to address these issues will need to be discussed and agreed with Council and NZTA and implemented and funded (fully/partially) by the Applicant (taking into account any cumulative effects of other developments).	Traffic
Missing	Te Moana Road/Expressway Interchange safety assessment - safety. Assess crash risk at the Te Moana Road/Expressway interchange arising from WNDL development traffic and identify and agree with Council and NZTA measures to avoid	Traffic

Condition #	Comments	Subject Matter
	or mitigate these risks and implemented and funded (fully/partially) by the Applicant (taking into account any cumulative effects of other developments).	
74-84	The detailed design plans must allow for Council to have discretion over approval of all roading (including all internal pedestrian and cycle routes) details. The plans must include demonstration of vehicle tracking, and independent Safe System Audits. The plans must also include designs for bus stops including accessibility requirements, footpath connections, footpath and berm space for shelters and sufficient room for bus manoeuvring. The plans must also include design drawings indicating a clear bus route spine or loop through the development with characteristics that support future bus services (such as internal and external road connections and footpath and road layouts that can potentially accommodate accessible bus shelters and bus manoeuvring). Draft subdivision conditions will need to be amended. The condition must also include that for JOAL's, agreement on parking and access and servicing of utilities will be required. For the Commercial Centre, the conditions must include that agreement will be required on the location of traffic calming and reduced speed limits.	Traffic
74	The detailed design drawings must include vehicle tracking and independent Safe System Audits of the site accesses on Peka Peka Road (incorporating the Council's on-road cycle lane) and Paetawa Road. This may have consequential implications for condition 76 – the Peka Peka Road intersection design.	Traffic
Missing	A condition is required to address external road connections - details of future connections to Ngarara Road and Kensington Drive, and potential road links to the southeast, south and west of the site. Details should include location and alignment, implementation triggers and delivery mechanisms.	Traffic
87-88	Conditions require amendment to ensure safe and direct walking and cycling links are provided to the satisfaction of the Council within WNDL and also to the surrounding network (e.g. Peka Peka Road, Paetawa Road, Expressway path and the potential road connections (e.g. to Kensington Drive, Ngarara Road and potential connections south-east, west and south).	Traffic
Missing	The updated conditions now bring batter planting within the LMP and retain geotechnical controls for steep or tall cuts. However, they do not set explicit maximum cut and fill limits, require exposed cut faces to be plantable, cap unplanted cut faces at 1.5 m, include any requirement to plant in front of unplanted cut faces to achieve screening or require dune earthworks and final contours to achieve naturalised dune forms and avoid geometric or engineered appearances. These outcomes were either outlined as outcomes to be achieved in the LVA, or were recommended as a way to limit	Landscape and Visual Amenity

Condition #	Comments	Subject Matter
	landscape and visual effects through the subsequent peer review process. This could be addressed through a specific landscape earthworks condition, supported by measurable design criteria, and the requirement for landscape architect certification of completed dune shaping.	
Conditions 43 and 59 notes that Retaining walls for “Dune lots” shall have a maximum height of 1m.	The LVA has been prepared on the assertion of the Applicant that retaining heights of not more than 1m would apply to the entire site. The current condition only applies this to the limited area of identified “dune lots” with specific controls. It is recommended there is a site wide requirement for this to reflect the outcomes anticipated in the LVA.	Landscape and Visual Amenity
69-74	It is recommended to amend the LMP condition to state that the content of the LMP should include planting locations, plant grades, numbers, densities, spacing and details of eco-sourcing for each LMP area, measurable establishment and survival targets, replacement triggers, the maintenance period for planting, reporting frequency, and the timeframe for achieving specified screening heights and/or canopy closure (noting that 5 years is stated in the memo by Local Ltd dated 15 July 2026). Clarify that the LMP covers all amenity, rural interface, dune/batter and other landscape mitigation relied on in the LVA that is not covered by the ERMP or SPMMP.	Landscape and Visual Amenity
159	LRV wording for Condition 159 should be amended to read “a maximum LRV of 30%” or “LRV not exceeding 30%”. Add a requirement for visually recessive colours (e.g. colours in a range of browns greens, greys etc) and materials. The controls still do not clearly require dune-lot building platforms, retaining and building forms to respond to existing dune topography and minimise uniform suburban landform modification. Either extend design review to identified sensitive dune lots or add objective, certifiable design standards to address this matter.	Landscape and Visual Amenity
Subdivision Conditions 19-20 and Land Use Conditions 2-3	The new LMP addresses ongoing planting monitoring in principle, but there is no explicit requirement for a landscape architect to inspect and certify completed dune landform shaping, retaining, batter treatment, rural interface buffers and all LMP planting against the approved landscape drawings and mitigation outcomes. Potential to add hold points and certification before section 224(c), or before occupation where relevant.	Landscape and Visual Amenity
92	The Applicant has rejected Council’s comment that Table 5 of the ERMP needs to be updated to include monitoring of the proposed ‘nodes’ of indigenous encroachment wetland planting. Council remains of the view that this needs to be included. The evaluation states that the application will have a high residual level of effect as a result of the loss of wetland extent and value, and <i>“for these effects, biodiversity offsetting or compensation or both is proposed”</i> .	Ecology

Condition #	Comments	Subject Matter
	A wetland accounting model was used to assess the minimum wetland offset extent and value needed to achieve a no-net-loss outcome for wetland extent and value adversely affected by the project. Section 4.3 explains the model approach and notes that <i>“an area of wetland totalling 1.79 ha will be created to offset the loss of wetland extent and much of the lost wetland value at the site (a seven (7) % net gain in wetland extent)”</i> c.f. 1.67 ha in Table 14, which appears to be a direct 1:1 replacement. It is agreed that the modelling approach meets the NPS-FM requirements for demonstration of no net loss using a loss: gain calculation, however the outcome presented in Table 14 represents the bare minimum required. The narrative in the ecological impact assessment reinforces the “net gain” benefits of the proposal over and above this minimum threshold i.e., it refers to “restoration of existing degraded wetlands on the eastern parts of the site as one of the project outcomes, and specifies <i>“Enrichment planting of indigenous species will take place in the degraded wetlands in Wetland Clusters 2, 4, and 5 to enhance diversity and cover of native vegetation and to create or improve habitats of indigenous fauna, such as wetland birds (particularly fernbird, marsh crake, spotless crake and bittern) and fish (including mudfish). This enhancement constitutes a strong net positive effect in addition to the required mitigation and offset package for wetlands”</i>. While the proposed enrichment planting approach is to limit the extent of active planting to nodes, the planting programme nevertheless has a stated <u>planting target</u> <i>“to reach 80 % canopy cover, or continue maintenance for five years, whichever comes first”</i>. In my view, there is a real risk that the 80 % canopy cover threshold will not be achieved, tacitly acknowledged by the rather less <u>monitoring</u> target for these features (<i>“no deterioration in value or extent”</i>). In essence, if the Applicant isn’t prepared to commit to delivery of ecological benefits described in the report, the claims of “strong net positive effect” which makes up a key part of the narrative of the ecological assessment are overstated.	

b) What experts you would have attend conferencing on the issues identified, including their qualifications, area of expertise, and contact details

Name & Contact Details	Qualifications	Area of Expertise
Yolanda Morgan [REDACTED]	MSc (Hons)	Parks & Reserves Management
Monique Leith [REDACTED]	BREP (Hons), MNZPI	Planning

Name & Contact Details	Qualifications	Area of Expertise
Rakshit Vij [REDACTED]	NZDE (Civil), BEngTech (Civil), MEngNZ	Development Engineering
Charlotte Lockyer [REDACTED]	BSc (Hons) in Physical Geography, BCA	Stormwater, Flooding, Hydrology
Colin Shields [REDACTED]	MSc (Transport Engineering) CPEng, CMEngNZ, IntPE (NZ), APEC	Traffic & Transportation
Emma McRae [REDACTED]	BDes (Hons) in Landscape Architecture, NZILA Registered Landscape Architect	Landscape & Visual Amenity
Sarah Flynn [REDACTED]	PhD Philosophy, Environmental Science, MSc (Hons, 1 st) in Botany	Ecology

c) The availability of those experts between 31 August 2026 and 11 September 2026

Name	Availability
Yolanda Morgan Parks & Reserves Management	31 Aug: not available 1 Sept: not available 2 nd Sept: not available 3 rd Sept: available all day 4 th Sept: available all day 7 th Sept: available all day
Monique Leith Planning	31 Aug: not available 1 Sept: available after 9:30am 2 nd Sept: not available 3 rd Sept: available after 9:30am 4 th Sept: available after 9:30am 7 th Sept: available all day
Rakshit Vij Development Engineering	31 Aug: not available 1 Sept: not available 2 nd Sept: not available 3 rd Sept: available after 12pm 4 th Sept: available all day 7 th Sept: available all day
Charlotte Lockyer Stormwater, Flooding, Hydrology	31 Aug – 4 th Sept: not available, away on leave 7 th Sept: available 11am-3:30pm <i>Due to being away on leave, below is an indication of some additional availability:</i>

Name	Availability
	8 th Sept: available 9:30am-11am 9 th Sept: available 1:30-4pm 10 th Sept: available 9:30am-5pm 11 th Sept: not available
Colin Sheilds Traffic & Transportation	31 Aug: available after 10am 1 Sept: available until 12noon 2 nd Sept: available all day 3 rd Sept: not available 4 th Sept: available all day 7 th Sept: available all day
Emma McRae Landscape & Visual Amenity	31 Aug: not available 1 Sept: available all day 2 nd Sept: available all day 3 rd Sept: available after 1.30pm 4 th Sept: not available 7 th Sept: not available
Sarah Flynn Ecology	31 Aug – 4 th Sept: not available 7 th Sept – 11 th Sept – available all day