

Technical Memorandum – Fast-track Application

Waikanae North Development Limited Urban Subdivision Development

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Introduction

This memo responds to a request for comment from the expert panel assessing Waikanae North Development Limited's ("WNDL") substantive application to undertake an urban subdivision development at 169-171 Peka Peka Road, Kāpiti, under the Fast-track Approvals Act 2024 (the Act).

This memo provides comments on the effects of the Project on the provision of public reserves and open space, including alignment with Council's relevant policies and requirements.

Pre-lodgement feedback on the draft application

Prior to lodgement of the substantive application, Council's Parks, Open Space and Environment team met the Applicant on several occasions to discuss the provision of public reserves/open space within the development and the protection of the Te Harakeke Wetland, a regionally significant natural wetland system.

The Applicant initially proposed that Council acquire more than 60ha of land, which was unsuitable for housing development, for public open space purposes. This comprised recreational reserves, the Te Harakeke Wetland, the land located below the power pylons, the sand dune area, and a large area of manmade wetlands.

In response, the Applicant was advised that Council does not have the resources to provide for the appropriate level of ongoing management and maintenance of such an extensive network of land and further, that it was not in the public interest for Council to acquire all of

the surplus land, much of which would require costly ongoing maintenance and management.

Council advised the Applicant that its priorities for supporting the provision of an appropriate level of public reserves / open space within the development are two-fold: the provision of appropriate recreational areas for future residents, and the protection of the Te Harakeke Wetland ecological site. As such, Council requested that the scheme plans be updated to show an area of land to vest as Recreation Reserve for the provision of a park in the centre, as well as an additional Recreation Reserve for a dog exercise area. Council also requested that the parcels that make up the Te Harakeke Wetland vest as Local Purpose (Ecological) Reserve for the perpetual protection of this ecological site area.

At a meeting with senior leadership, Council advised that it would not consider taking ownership of the sand dunes system or the man-made wetland areas, at this stage. It was considered that these areas would require a large amount of restoration, maintenance and monitoring and Council does not have the physical or financial resources to do this properly. The Applicant was advised that Council would reconsider vesting these areas of land once the development was completed and these areas were established.

Following that meeting, the Applicant advised that it no longer wanted to vest the Te Harakeke Wetland to Council and instead wanted to include it in a larger package of privately owned open space within the development. They determined that only the two Recreational Reserves (Lots 5400 and 5402) would vest to Council for the provision of public Open Space.

The proposed ownership and mechanism to secure perpetual protection of Te Harakeke Wetland remained unresolved at the time of lodgement.

Council's position is that the appropriate management and protection of this significant wetland is a crucial part of mitigating the adverse effects of the Project and that the values of the wetland are best preserved via Council stewardship. Council must prioritise its limited resources where they are most warranted and the appropriate management of the entire wetland system is critical to its ongoing protection.

Review of application (and regulatory assessment)

The applicant is proposing to vest Lots 5400 and 5402 to Council as Recreation Reserve as the only provision of public open space within the development. While some additional areas of stormwater reserve are also proposed to vest with Council the primary purpose of these areas is not for recreation, environmental or open space values.

Currently it is considered that the public open space provisions are not sufficient to offset the effects of the size of the development.

The total area of public open space proposed to vest is 16,131m². The Kāpiti Coast Open Space Strategy 2022 aims for 17.9 m² of publicly accessible open space to be provided for per dwelling, as well as for open space to be accessible within 400m of every residential dwelling.

With the proposed number of lots in this development, to meet this target 21,480m² of open space needs to be provided. While it is recognised that large areas of land is proposed to be

provided for as “Private Open Space”, the mechanism for the on-going protection for this purpose, access to, and on-going management of this land is unclear. In addition, this space does not align with Council’s policy objectives of providing publicly accessible open space.

In section 4.7 of the application the applicant has suggested several potential scenarios for the future ownership of the areas of “Private Open Space” which includes the Te Harakeke Wetland. However, there is currently no clear plan or requirement for the applicant to provide for these areas as open space in the future, nor any mechanisms for appropriate maintenance, management and monitoring in perpetuity.

The current proposed public open space provision falls short of the targets set in the Kāpiti Coast Open Space Strategy and does not provide adequately for the public open space network at this location given the number of proposed dwellings, nor does it ensure the appropriate level of ecological protection for the natural wetland system, with future ownership and management not certain.

Council’s position is that vesting of the Te Harakeke Wetland to Council as a reserve under the Reserves Act 1977, further protecting this area with a Reserve Act classification, would provide for an appropriate level and variety of public open space to offset the effects of the intensity of the development, while ensuring the on-going protection of the ecological values of the area. It will also result in the development meeting the requirements of the Council’s Open Space Strategy 2022.

Post-lodgement work with the applicant

Council representatives have met with the Applicant to further discuss this matter with a view to resolving it by way of confirming the proposed details of the perpetual protection mechanisms. The Applicant has not advanced the details of potential mechanisms in this regard and remained of the view that this matter can be worked through at a future date, once ‘market conditions’ are better known.

Council have also met with Te Ātiawa ki Whakarongotai where this matter was discussed, and who expressed support for Te Harakeke Wetland to be vested in Council as ecological reserve.

Outstanding matters

Ownership of Te Harakeke Wetland and Walkway

Council is of the strong opinion that to offset the adverse effects of the proposed development on the natural environment that the Te Harakeke Wetland (Lots 5310, 5311 and 5314 should vest to Council as Local Purpose (Ecological) Reserve to ensure its on-going management and perpetual protection. This will also ensure that the development has an appropriate level of publicly accessible open space provided for as a certainty both now and in the future.

Te Harakeke Wetlands are listed as Schedule A3: Wetlands with outstanding indigenous biodiversity values in the Greater Wellington Natural Resources Plan.

Wetlands listed in Schedule A3 as having outstanding indigenous ecosystem values meet the following criteria:

- are highly representative and either
- have high rarity values or
- are highly diverse.

Te Harakeke meets all three criteria. Given there is less than 3% of wetlands remaining in the Wellington region, it is of utmost importance to ensure the protection and proper management of those remaining, especially one as important, large and relatively intact as Te Harakeke. It is Council's view that this important wetland is most appropriately managed by a public organisation with the resources and expertise to ensure that there are not further adverse effects on this important ecosystem.

A new walkaway through the Te Harakeke Wetland, as proposed, would increase disturbance within the wetlands.

If the walkway did go ahead, the majority of the pathway is through wetland so we would be looking at 400-500m of boardwalk to connect the two sides built high enough to avoid future inundation. There is currently no plan on managing water levels in the wider catchment so if this isn't designed properly, we could end up with a stranded asset.

While we are not opposed to the idea of a walkway through the wetland, we would only accept ownership of it if the entire natural wetland extent was in Council ownership so as the above issues can be managed appropriately, rather than left to a resident's group to provide on-going management of this complex system. Therefore:

- Council strongly believes that to offset the adverse environmental effects of development occurring at this site, near this important natural wetland, that Lots 5310 should and 5311 vest to Council.
- Council's position is that the current provision of open space within the development is not adequate given the intensity of the development, the proposed number of dwellings and the uncertainty over the future status of the proposed "private open space".
- Council **does not** accept the vesting of Lot 5003 as proposed by the applicant, unless Lots 5310 and 5311 vest to Council as Local Purpose Reserve (Ecological Site).

Taking of land in lieu of Financial Contributions

The applicant's proposed condition 6 suggests that Council apply a credit to the financial contributions to the value of a number of parcels of land that are to be vested with Council. Council is only able to accept land in lieu of financial contributions where it is vested for open space and environmental purposes and not for stormwater or other utilities. Only the following lots would be eligible for a financial contribution credit:

- Lots 5310, 5311, 5314, 5400 and 5402

For the avoidance of doubt Lot(s) 5000–5006, 5100–5124, 5200–5204 are not able to be taken in lieu of financial contributions and no credit will be applied for these lots.

Proposed conditions

Council's feedback will be provided on the proposed consent conditions when the updated set is received, as per Minute 1 from the Expert Panel.

Other matters (if relevant)

There are no other matters to note.