

BEFORE THE FAST-TRACK EXPERT PANEL

IN THE MATTER of the Fast-track Approvals Act 2024 (“FTAA”)

AND

IN THE MATTER of Waikanae North (FTAA-2603-1194)

JOINT STATEMENT OF EXPERT WITNESSES:

CULTURAL MATTERS

17 September 2026

INTRODUCTION

1. Expert conferencing on the topic of cultural matters took place online via Microsoft Teams from 9am – 12pm on 17 September 2026.
2. The conference was attended by the following members of the Expert Panel:
 - a. Sue Simons (“SS”) (Chair)
 - b. Nigel Mark-Brown (“NMB”) (Panel Member)
 - c. James Whetu (“JW”) (Panel Member)
 - d. Carolyn Wratt (“CW”) (Panel Member)
3. The conference was attended by the following experts
 - a. Susannah Tait (“ST”) (appointed by the Expert Panel)
 - b. Mitch Lewandowski (“ML”) (Applicant)
 - c. Andrew Beatson (“AB”) (Applicant)
 - d. Helena Gerretzen Parata (“HP”) (Ātiawa ki Whakarongotai Charitable Trust)
 - e. Greg Carlyon (“GC”) (Ātiawa ki Whakarongotai Charitable Trust)
 - f. Fleur Maseyk (“FM”) (Ātiawa ki Whakarongotai Charitable Trust)
 - g. Liam McAuliffe (“LM”) (Ātiawa ki Whakarongotai Charitable Trust)
 - h. Angela Hayden (“AH”) (Ātiawa ki Whakarongotai Charitable Trust)
 - i. Kim Tahiwī (“KT”) (Ngā Hapū o Ōtaki)
 - j. Melanie McCormick (“MM”) (Ngā Hapū o Ōtaki)
4. Kerry Andrews assisted the experts to draft the Joint Witness Statement (“JWS”). Ashley Jamieson and Alex Mickleson provided meeting support.

CODE OF CONDUCT

5. The experts confirm that they have read the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2023 and referred to in the Fast-track Approvals Act 2024: Panel Conveners’ Practice and Procedure Guidance 25 July 2025 and agree to comply with it. The experts confirm that the issues addressed in this JWS are within their area of expertise, unless stated otherwise.

SCOPE OF JWS

6. In response to Minute 9 issued by the Expert Panel, a number of outstanding points were identified in relation to this topic. Those outstanding issues form the basis for the structure of this JWS. The Expert Panel took the opportunity to ask questions of the experts to clarify matters in relation to the cultural matters of the project.

7. In this JWS, we report the outcome of our discussions in relation to each item (below), including by reference to points of agreement, disagreement, and unresolved matters or uncertainties. Where we are not agreed in relation to any issue, we have set out the nature and basis of that disagreement.

AGENDA ITEMS

Identified cultural values and effects

8. HG shared Mana whenua's (AkWR) relationship with the cultural landscape and implored that cultural values are enhanced through the project. Cumulative loss does not diminish what remains, it strengthens it. Restoration and reconnection is key. The whenua operates as a whole, it is a system. HG explicitly raised cat ownership and alienation of Mana whenua from the land. HG acknowledges the applicants cultural responses but this does not mean that the issues are resolved. Clarity around Mana whenua involvement is key. Compliance is not enough, the environment needs to flourish.

*HG to supply transcript

9. KT confirms NHO's aspirations align with AkWR and acknowledged the Mana whenua of AkWR. Not opposed to development but important to raise the needs of the whenua above personal gains. The role of Kaitiaki does not pass with the transfer of land. Lack of affordable homes for iwi is problematic. Maintaining connection to the whenua is key. This process is a journey and a partnership.
10. JW queried whether the CIA picks up this korero. GC confirmed yes in part but HG advised that the korero (oral submission) "fattened up" the CIA.

Brief Outline on engagement between WNDL and iwi parties through project life

11. LM advised that high level documentation was provided in 2024. Discussions have been ongoing since then but "engagement" did not start until technical documents were produced. KT advised that meaningful engagement would start when all the information is available. MM confirmed that the applicants summary of engagement is technically correct and there has been "early engagement" but not necessarily "meaningful engagement".
12. AB advised that engagement started in 2021 when the applicant sought identification of key cultural values to integrate into the design. The consultation and design has been an iterative process responding to cultural values. AB confirmed that Mana whenua aspirations align with the applicants and understand the need for reconnection. AB confirmed that the applicant thought that transferring ownership of Peka Peka Road Swamp and the dune highpoint to Mana whenua was a tangible offer showing of intent to work with Mana whenua and to recognise and provide for their ongoing connection to the site. AB also noted that ongoing connection will be provided for through the various management plans and proposed consent conditions.
13. KT clarified that while current land ownership is not untoward it is the initial establishment of how legal title came about through various crown processes and the impacts of that, that is in question.
14. JW suggested addressing specific conditions to understand how the CLMP can be most helpful.

(a) ***Proposed conditions for CLMP and associated matters***

(b) ***Connection between CLMP and other management plans***

15. AB confirmed that the applicants preference is to retain the current management plan structure and integrate iwi objectives rather than adopt a CLMP with overarching control of the project. AB considers that this is a tried and true approach. GC acknowledged the concern around ceding control but advised he has been involved in a number of projects where an augier condition has ceded control and it has worked well and there seems to be a lot of commonality that can support project outcomes. GC considers that iwis version of the conditions align with the applicants wording but uses language that is meaningful to iwi. MM agrees with GC. AB considers ceding control is unorthodox and introduces considerable uncertainty – that the condition set advanced by the applicant represents best practice.
16. CW sought clarity that there are two options on the table. 1 a CLMP with all iwi objectives and involvement in one place or 2 a peppering of iwi objectives and involvement through conditions (as proposed by the applicant).
17. AB suggested preparing a roadmap for iwi involvement to make it clear to all how the set works but is concerned that as drafted by GC this CLMP has the potential to cut across all other project objectives and outcomes including commercial outcomes.
18. GC advised that the proposed structure gives time to Mana whenua to review and contribute. FM considers that CL1 reflects existing project objectives.
19. ML considers that some of the iwis proposed conditions lack detailed outcomes compared to the applicants proposed conditions (including revisions discussed in conferencing to date).
20. GC considers that CL1 “sets the scene” and following GL2 etc provide the detail.
21. SS confirmed that conditions need to ensure certainty of outcomes.
22. AB advised that the intent of the development is to achieve the outcomes stated in CL1. GC queried whether CL1 could form an overarching condition. AB confirmed possibly but is concerned that the project has already delivered on these (to date). GC advised that the experts on cultural matters do not consider the project does (yet). The applicant is concerned that these are general concepts and handing over confirmation about whether they have been achieved could lead to significant uncertainty, leverage and potentially frustrate the consent. AB indicated that a key concern of the applicant is to understand what aspects of CL1 are not currently given effect to. Those matters need to be identified and discussed now so that the need for, extent of and appropriateness of specific conditions can be resolved. ML queried how the TAs administer CL1 if it is an overarching condition. AB would like to understand how the conditions can be amended to address iwi concerns. GC identified a number of consents where the material contained in CL1 is utilised as a purpose or principles statement.
23. MM confirmed that Mana whenua would like the conditions to enable meaningful delivery of iwi outcomes within the context of an 1,100 home development. HG would like a close relationship with the applicant to support an exchange of ideas. AB advised that the applicants condition set is intended to provide opportunity for iwi to contribute.
24. SS noted the conditions need to provide certainty and that the conditions can be interpreted by reading the decision which will provide clarity on the long-term intent of the conditions. The conditions form part of the decision.

25. JW sought clarity on the applicants position on the iwi proposed conditions. AB confirmed that the concern is primarily that the CLMP will cut across other project outcomes and management plans but the applicant is happy to adopt some of the specific recommendations in the iwis proposed conditions into the applicants condition framework.
26. AB advised that the applicant will suspend the processing of the application while they prepare a revised condition set.
27. GC confirmed that Mana whenua would like to see a consolidation of conditions utilising the provided CL suite as a “home” for their interests. He identified this as a common practice in consents.
28. ML advised that CL7 can be incorporated on a best endeavors basis. Also that the KMS condition will be amended to span district and regional processes. AB reiterated that the intended outcomes from iwi’s proposed conditions can be largely integrated into the existing proposed conditions.
29. ML and AB noted, and it was discussed, that the next iteration of conditions would include an introductory statement concerning iwi aspirations and interests for the site the proposal, and would map how the conditions speak to that. GC to provide some potential wording as a starting point for that exercise, or it could be taken from the circulated conditions proposed, in particular CL1.

Responses to iwi engagement and matters identified by iwi in CIA reports (includes changes to project scope and mitigation as a response to):

GWRC condition 18 - Timatanga Ceremony

30. GC raised concerns with the absence of KCDC and GWRC from the conferencing.
31. ML and AB considered this is a matter for the councils and not for the applicant.
32. MM advised that the consent conditions should refer to the appropriate Māori entity and for this condition that should be NHoŌ as outlined in our CIA. KT queried why Muaūpoko Tribal Authority are included. AB advised that they had been included in another nearby FT process and that the applicant did not want to get caught in any crossfire on this issue. HG and KT confirmed Muaūpoko Tribal Authority and Te Rūnanga o Toa Rangatira should not be included in the condition. MM confirmed that inclusion of other Māori entities in the consent conditions despite NHoŌ previously advising the Applicant that NHoŌ is the appropriate entity was disrespectful. AB advised that the applicant will take Mana whenua’s advice on this issue.
33. GC to provide updated drafting of condition. Applicant and Mana whenua agree to adopt revised wording.

GWRC condition 19 – Kaitiaki Monitoring Strategy

34. ML advised that the wording is sufficiently open to enable the applicant and Mana whenua to arrive at the “right” solution and that this condition offers a wide scope for customisation of an eventual strategy. The condition does not assume the “right” solution. This condition has been picked up from previous decisions.
35. GC agreed that this may be the right place to capture aspirations but Mana whenua is limited because they are not the administering body for the consent conditions. GC advised that Mana whenua are the only people that can produce this strategy and does this need to be codified. AB agreed but advised that the condition will need to have “circuit breakers” in the event that there are disagreements. AB advised that legally the

conditions can't require a third party approval but a detailed condition will provide the certifier with the basis to certify or not. GC identified that there are more nuanced conditions within recent consents that provide additional mechanisms for resolution prior to advancing positions to the certifying authority.

36. KT advised that the proposed conditions are relatively proforma but typically a partnership agreement would be in place with Mana whenua which gives Mana whenua a permanent "seat at the table". The conditions cannot capture good faith behaviours.
37. AB confirmed that the applicant is open to a partnership agreement but that sits outside this process. AB considers that condition 19 does have value and is not meaningless (but may need to be refined).
38. GC advised that there are a number of ways to manage tension/conflict including augier conditions, Tikanga practices or independent mediators.
39. FM considers further detail is needed in the condition e.g. ecological monitoring AB advised that there are other management plans in place. FM clarified that "other" plans do not focus on cultural outcomes specifically. ML noted that the KMS will link to monitoring requirements in other plans.
40. GC queried how the KMS resolves disagreement acknowledging that Kaitiaki responsibilities will likely outlive the applicant's responsibilities. ML advised that the KMS will have relative finality concluding with the delivery of the project. AB considers that the community (in the broad sense) is invested in development success (e.g. pest control). AB and GC agreed there are tensions throughout the project that need consideration (e.g. flooding versus biodiversity values). GC reconfirmed the need for certainty beyond a period which an original party developer may be involved, in order to provide for the agreed outcomes.
41. AB clarified that the KMS is intended to manage the construction phase and other mechanisms will be needed to manage long term outcomes and aspirations. GC agreed.

GWRC conditions 22 and 23 - Discovery of Artefacts

GWRC conditions 6 to 17 – Management Plans (CEMP and ERMP)

GWRC conditions 130 to 133 – Streamworks – Restoration Planting Monitoring Report

KCDC subdivision consent conditions 2 to 13 – Management Plans (CEMP, ERMP (BMP/LizMP), SPMMP (LMP))

KCDC subdivision consent condition 26 – Road Naming

KCDC subdivision consent condition 131 to 135 – Transfer of Peka Peka Road Swamp (LOT 5314)

KCDC subdivision consent condition 139 – Kaitiaki role in Wetland Open Space Areas

KCDC land use consent conditions 121 to 123 – Mahinga Kai Access Protocol

KCDC land use consent conditions 124 and 125 – Cultural Narrative, Interpretation and Naming

KCDC land use consent conditions 126 to 129 – Plant Supply and Restoration Planting

KCDC land use consent conditions 130 to 134 – Fill and Metal Approval Protocol

KCDC land use consent condition 135 – Accidental Discovery

42. The attendees agreed that the preceding discussions would inform a response to these conditions.

Ownership/ governance of sites of significance

43. GC advised that Mana whenua need to regroup on this issue in order to provide clear advice to the panel. He confirmed the intimate connection between ownership and governance but acknowledged that these are separate functions with separate challenges to them. HG advised that AkWG need to contemplate how this fits with their KCDC partnership. AB confirmed that if the applicant retains ownership on significant sites they will ensure AkWGs involvement and Kaitiaki role. The two sites offered to AkWG are still on the table. AB confirmed WNDL is committed to further discussions with AkWG on ownership and kaitiaki matters

Process for certification of management plans

Securing certainty for project outcomes

Kaitiaki obligations through project life

Resourcing iwi participation in project

44. AB advised that the applicant will cover reasonable costs. GC confirmed that “reasonable costs” is appropriate.

Unresolved/ outstanding issues

45. MM queried whether there had been any resolution on the proposed dog park. AB advised that the applicant will amend to an open space which will provide for dogs on a leash. MM supports this approach.
46. HG would like to see provision for Mana whenua to supply endemic and indigenous plant species. AB advised that this would be the applicant’s preference but does not want to be locked into a commercial arrangement.

*Further conferencing between planners is to take place once the revised conditions have been circulated.

SIGNATURES OF EXPERTS



Mitch Lewandowski



Andrew Beatson



Helena Gerretzen Parata



Greg Carlyon



Angela Hayden



Fleur Maseyk

A stylized, cursive handwritten signature in black ink, featuring a large initial 'L' and a trailing flourish.

Liam McAuliffe

A cursive handwritten signature in black ink, with the name 'Melanie McCormick' written in a fluid, connected script.

Melanie McCormick

A cursive handwritten signature in black ink, featuring a large, looping initial 'K' and a trailing flourish.

Kim Tahiw