

MEMO

Project Number	FTAA-2603-1194
To	Fast-track Panel – Waikanae North Development
Subject	Response to Minute 16 – proposed restructure of the conditions of consent
Date	13 October 2026

Purpose

1. This memorandum responds to the Panel's request for further information at paragraph [5] of Minute 16. It sets out how Waikanae North Developments Limited (WNDL) proposes to restructure its proposed conditions of consent to address the six matters at [5](a) to (f), why the restructured set is best produced after the planning conferencing on 15 October 2026 rather than before it, and a proposed timetable.
2. Appendix A is an indicative schedule showing, for every condition in Version 3 (6 October 2026), where it could sit in the proposed structure and what is proposed for it (sheet A3), together with the proposed allocation of conditions to the twelve regional permits (sheet A2), the treatment of each of the 95 notes (sheet A4) and the approach to the cultural conditions (sheet A5).

Sequencing

3. Three matters bear on the content of a restructured set, of which two are not complete:
 - (a) the section 53 parties have been asked, at paragraphs [10] to [13] of Minute 16, to comment on the 6 October 2026 conditions by 14 October 2026;
 - (b) planning conferencing has now been scheduled for 15 October 2026; and
 - (c) WNDL's responses to Mr Williamson's review and to Minute 15 (Conditions G4, R43, S31 and R137) were provided on 12 October 2026 and are to be carried into the next version.
4. A restructured Version 4 issued on 13 October 2026 would overtake the parties' comments due on 14 October, which address the 6 October version, and leave no time for comment on it before conferencing. WNDL therefore proposes two steps:
 - (a) the proposed structure, provided now so that it can be examined and settled at conferencing; and
 - (b) Version 4, prepared immediately after conferencing against the agreed structure, taking account of the comments received and the outcome of conferencing.

Proposed structure – separate sets for each consent ([5](b) and (d) of Minute 16)

5. Version 3 is organised in four parts: Part A (general conditions applying to all consents), Part B (regional consents), Part C (subdivision consent) and Part D (land use consent). That avoids repetition but requires each consent to be assembled from two parts. WNDL proposes three self-contained sets, each with its own general conditions:
 - (a) Regional consents (Greater Wellington Regional Council).

- (b) Land use consent (Kāpiti Coast District Council).
 - (c) Subdivision consent (Kāpiti Coast District Council).
6. The general conditions (definitions, the management plan framework and certification process, the Construction and Environmental Management Plan, the Ecological Restoration Management Plan and the Kaitiaki Monitoring Strategy) would be repeated in each set so that each consent can be read and enforced on its own. That is the one place where the proposed structure accepts repetition in order to achieve separation.

Subdivision consent – sections 223 and 224 ([5](c) of Minute 16)

7. The subdivision set would be regrouped into four parts:
- (a) Part 1 – General, staging and management plans: the approved plans, staging and sub-staging, and the application of the management plan framework;
 - (b) Part 2 – Requirements before section 223 approval: the e-survey dataset, road naming, easements, vesting and the First Gas easement;
 - (c) Part 3 – Engineering and completion requirements before section 224(c) certification: contributions, engineering plan approval, stormwater, geotechnical certification, wastewater, water supply, firefighting, roading, power and telecommunications, streetscape and reserve planting, and completion documentation;
 - (d) Part 4 – Consent notices and ongoing obligations;
 - (e) Advice notes.
8. The subdivision set carries 37 notes stating that a condition is to be complied with via a consent notice, and 39 conditions that restate the development controls and design review process of the land use consent (S143 to S160, S162 and S164 to S175) or the electricity transmission corridor controls (S177 to S184). Those conditions would be deleted and the controls applied to the lots through the Part 4 consent notice condition, which would cross-refer to the land use conditions rather than reproduce them. Removing this repetition addresses [5](a) and [5](d).

Succinctness and repetition ([5](a) of Minute 16)

9. Sheet A3 of Appendix A records, for each of the 506 conditions in Version 3, one of the following actions: carry forward (379), delete as a duplicate of the land use consent (39), move to the land use consent (16), potential move for discussion (11), replace with a cross-reference (13), consolidate into the consent-notice condition (17), retain but redraft for enforceability (29) or convert to an advice note (2).
10. Version 4 could also consolidate recurring provisions – for example the planting season and irrigation requirements, which appear nine times – and reduce duplication in the design review and certification process.

Notes ([5](e) of Minute 16)

11. Each of the 95 notes in Version 3 would be reviewed: operative notes converted to conditions, defined terms moved to the definitions, consent-notice notes consolidated into the Part 4 condition, and explanatory notes collected as advice notes at the end of the relevant set. Sheet A4 of Appendix A records an initial classification of each note for discussion at conferencing.

Cultural conditions ([5](f) of Minute 16)

12. WNDL's preference is to resolve any enforceability questions through drafting refinement within the consents, so that the commitments made to the iwi entities remain secured by conditions. WNDL has not proposed relocating any of those commitments to an outside agreement.
13. The iwi participation framework at Conditions G2 and G3, which maps the relevant conditions and imposes no obligation of its own, could become an explanatory preface to each set rather than a condition.

Other matters to be carried into Version 4

14. Version 4 would also incorporate the 12 October 2026 amendments to Conditions G4, R43, S31 and R137, the matters agreed at conferencing, the section 53 parties' comments, and the lapse periods for each regional permit, presently shown as placeholders in the permit table.

Conferencing

15. WNDL proposes that the conferencing be structured around paragraph [5](a) to (f) of Minute 16, using Appendix A as the working document, with a joint statement of the planners recording the agreed structure and any points of difference and so defining the scope of Version 4.

Timetable and suspension

16. WNDL would aim to deliver Version 4 within 5 working days of the planners' joint statement and, consistent with paragraphs [9] and [12] of Minute 16, will request a suspension of processing following the conferencing for the period required to complete it.

Conclusion

17. In response to paragraph [5] of Minute 16, WNDL:
 - (a) provides the structure it proposes for a revised set of conditions, addressing each of the matters at [5](a) to (f), and the proposed treatment of every condition and note in Version 3 (Appendix A);
 - (b) proposes that the structure be settled at the planning conferencing on 15 October 2026, taking account of the parties' comments due on 14 October 2026; and
 - (c) will prepare Version 4 against the settled structure within 5 working days of the planners' joint statement, and will request a suspension to allow that to occur.

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