



To:	Fast-track Expert Panel – Waikanae North Development (FTAA-2603-1194)
From:	Greg Carlyon – for Ātiawa ki Whakarongotai Charitable Trust
Date:	14 October 2026
Subject:	Waikanae North Development – Response to Minute 16 on the proposed cultural conditions

Tēnā koutou

This memorandum responds, on behalf of Ātiawa ki Whakarongotai Charitable Trust (the Trust), to Minute 16 of the Fast-track Expert Panel (the Panel) dated 9 October 2026. The Trust's comments are directed at the cultural conditions and should be read with its memorandum of 9 September 2026, which advanced cultural landscape conditions CL1–CL10, and the joint witness statement on cultural matters of 17 September 2026 (cultural JWS). Attached is a tracked-change version of the Applicant's Version 3 conditions (12 October 2026), reinserting conditions CL1–CL10.

Timing and process

Minute 16 asks parties to comment on the updated conditions dated 6 October 2026 (paragraphs [4] and [10]). At the same time, it asks the Applicant to provide a revised set by Tuesday 13 October 2026 (paragraph [9]), and requires comments from parties by today, Wednesday 14 October 2026 (paragraph [13]). Parties have been asked to comment on a set of conditions that was always going to be superseded, and to respond to the revised set (Version 3) within a day of it being due.

That is highly problematic. The revision process has only been in play for a few days, and planners' conferencing (proposed for Thursday 15 October 2026) will follow, rather than precede these comments. It is not possible to respond in the considered way the cultural matters warrant. These comments are therefore preliminary, and the Trust asks the Panel for an opportunity to comment further once planners' conferencing has concluded.

A Memorandum of Understanding is not a substitute for conditions

Minute 16 (paragraph [5](f)) suggests that conditions on cultural matters may more appropriately be provided for in a Memorandum of Understanding (MOU). The Trust does not agree. An MOU is a

side agreement. It sits outside the consents, cannot be enforced by the councils, does not bind future owners, and depends on the continuing goodwill of the parties. It is not something the Panel can rely on in its decision to address effects on the relationship of mana whenua with their ancestral lands, water, sites, wāhi tapu and other taonga. The answer to the Panel's concern about enforceability is rigorous and certain drafting of the cultural conditions, not their removal to a side agreement. The Trust supports a relationship agreement alongside the conditions (cultural JWS paragraphs [36] and [37]), but not in place of them.

The revised conditions map the existing conditions but do not change them

The Trust has compared conditions CL1–CL10 with Version 3 (Table 1). Version 3 adds an explanatory statement on mana whenua and the whenua (expressly not a condition), an iwi participation framework (Condition G2 and Figure G2) that maps the existing cultural conditions, and Condition G3, which confirms that nothing in G2 requires the approval of an iwi entity. These are a helpful guide, but they are a map of the conditions rather than a change to them.

The substantive provisions are largely as they were in Version 2. Mana whenua continue to comment on management plans prepared by the consent holder, with reasons recorded where their input is not adopted (Condition G17). The kaitiakitanga framework (Condition S136) now lists most of the matters in CL7, but remains an 'all reasonable endeavours' obligation to be met 'so far as practicable'. The Trust acknowledges the changes made, including extending the Kaitiaki Monitoring Strategy (KMS) to both councils' consents with a facilitation step, iwi review of the Landscape Management Plan (LMP) and the corrected tīmatanga condition (R6). However, there is still no statement of cultural landscape outcomes, despite discussion of CL1 as an overarching purpose statement (cultural JWS paragraphs [22] and [29]), no Cultural Landscape Management Plan (CLMP) and no mana whenua review at detailed design.

Table 1: Comparison of the Trust's conditions CL1–CL10 with the Applicant's Version 3 conditions.

Trust condition (9 September)	Version 3 (12 October)	Trust comment
CL1 Cultural landscape outcomes	Explanatory statement only (not a condition)	Not addressed.
CL2 CLMP	No equivalent	Not addressed.
CL3 Design review	Iwi review of listed management plans, now including the LMP (G17, Table G1)	Partly addressed. No input at detailed design or on recreation reserve plans (S112).

Trust condition (9 September)	Version 3 (12 October)	Trust comment
CL4 Integration with plans	Participation framework and map (G2, Figure G2)	Not addressed. Shows where iwi are involved; does not integrate cultural outcomes.
CL5 Indicator framework	KMS identifies tohu and monitoring methods (G30)	Partly addressed. KMS applies through construction only (G33).
CL6 Monitoring and adaptive management	KMS reporting; long-term wetland reviews with no iwi role (R64–R70)	Not addressed beyond construction.
CL7 Ongoing kaitiaki role	Kaitiakitanga framework, all reasonable endeavours (S136)	Content largely addressed; obligation remains best endeavours.
CL8 Mahinga kai and access	Mahinga Kai Access Protocol (LU129–LU131)	Largely addressed. Not secured after transfer; tikanga and education not listed (LU130).
CL9 Identity and interpretation	Interpretation panels, pou and tohu, road naming input (LU132, LU133, S15)	Partly addressed. Does not extend to landscape and public-realm design.
CL10 Resourcing and reporting	Reasonable costs of the KMS only (G31)	Partly addressed. No costs for participation in other processes.

Kaitiakitanga and rangatiratanga beyond construction

The Trust has consistently expressed its desire to exercise kaitiakitanga and tino rangatiratanga over the dune system and Te Harakeke Swamp, through active management or ownership, in perpetuity and not only for the construction phase. The Applicant accepted at conferencing that the KMS is directed at construction and that other mechanisms will be needed for long-term outcomes (cultural JWS paragraph [41]).

The Trust has checked how long each form of kaitiaki involvement in Version 3 lasts. The KMS is expressly intended to apply through the construction phase (Condition G33). The long-term wetland reviews at 3, 5, 10 and 15 years, any Further Wetland Enhancement Plan and the mechanisms protecting restored areas in perpetuity (Conditions R64 to R71 and S107) make no provision for mana whenua. Beyond construction, involvement rests on the kaitiakitanga framework (S136, best endeavours), mahinga kai access that is secured only while the consent holder owns the land, then on a reasonable endeavours basis (LU131), and the offer to transfer the Peka Peka Road Swamp and the 2,350 m² Dune Hilltop site (S128–S135). Nothing secures an enduring role across the wider dune system or Te Harakeke Swamp. Conditions CL6 and CL7 are intended to close that gap.

Certainty for biodiversity and landscape values

Cultural values in this landscape are bound up with its wetlands, dunes, and the Ngārara Stream, so uncertainty in the biodiversity and landscape conditions is also uncertainty for mana whenua. For example, the purpose of the LMP is limited to amenity, buffer, and batter planting (LU74), and further wetland works depend on 'agreed' additional works (R65) and a plan prepared in consultation with the Council only (R69). The Trust acknowledges the work Greater Wellington Regional Council (GWRC), and Kāpiti Coast District Council (KCDC) are doing to obtain certainty in these conditions and supports them in it.

Iwi in decision making, without displacing the councils

The Trust's interest is that mana whenua have a real part in the decisions that shape their cultural landscape, not only an opportunity to comment on documents prepared by others. The Trust has not sought a veto. Under its conditions, the Panel sets the outcomes, and the councils certify and enforce. Under CL2, KCDC certifies the CLMP, and where mana whenua and the consent holder do not agree, a summary of the differences goes to KCDC. Under CL3, the consent holder reports to KCDC on how mana whenua recommendations have been incorporated and, where they have not, why. What the CL conditions add is a defined role for mana whenua in preparing the CLMP, a single 'home' for cultural outcomes against which the councils can certify, and mechanisms that last beyond the Applicant's involvement. The Trust accepts the drafting can be tightened for certainty and will work through that at planners' conferencing.

Overall position

In response to the matters the Panel raised in paragraph [11] of Minute 16:

- a. **Adequacy** – The Version 3 cultural conditions are not adequate. They do not provide for mana whenua in decision making or for kaitiakitanga beyond construction.
- b. **Recommended amendments** – Conditions CL1–CL10 should be reinserted, as shown in the attached tracked-change version.
- c. **Implementation and effectiveness** – The conditions rely on comment and best endeavours, depend on the consent holder's goodwill, and fall away as the Applicant's role ends.
- d. **Outstanding matters** – Cultural landscape outcomes, the CLMP, review at detailed design, long-term cultural monitoring, and the ownership and management of the dune system and Te Harakeke Swamp (cultural JWS paragraph [43]).
- e. **Overall view** – The Trust does not support the Version 3 cultural conditions in their current form, or cultural matters being moved to an MOU, and seeks the reinstatement of conditions CL1–CL10, refined through planners' conferencing.

The Trust looks forward to working these conditions through with the Applicant and the councils, and to assisting the Panel.

Nāku iti noa, na

A handwritten signature in black ink, appearing to be 'G. Carlyon', written over the printed name.

Greg Carlyon
Director