

Expert Panel – Waikanae North
Development

C/- Environmental Protection
Authority

By email:

[REDACTED]

13 October 2026

Department of
Conservation
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Tēnā koe Ashley

**Re: Waikanae North Development – conditions comments under the Fast track
Approvals Act 2024**

On 12 October 2026 Department of Conservation (DOC) received Minute 16 of the Expert Panel, which invites the s.53 parties including DOC, to provide comment on the applicant's draft conditions dated 6 October 2026.

In the timeframe provided, we have not been able to undertake a full assessment of all proposed conditions and we also note that we have just recently been provided with the 13 October version of draft conditions. We understand things are still evolving and are also mindful that there will be further changes to conditions following more conferencing. There will be the opportunity to comment on the Panel's draft conditions at s.70 stage (if the Panel is minded to approve the application).

As a result, we have tried to focus, this staff level response, on the questions as listed in Minute 16, being:

- a. The adequacy of the proposed conditions;
- b. Any recommended amendments to the proposed conditions;
- c. The implementation and effectiveness of the proposed conditions;
- d. Whether there are any outstanding matters that have not been addressed by the proposed conditions;
- e. Overall view and position.

Our comments are provided in relation to the 6 October condition set.

General matters

Lack of Wildlife Approval conditions

DOC have now seen the draft Wildlife Approval conditions and these appear to be as agreed between DOC and the applicant. DOC will provide the applicant and Panel with some minor typographical type/language corrections when appropriate.

However, DOC has not been provided a copy of the updated Lizard Management Plan as part of this process. The need for this has been raised several times. The updated LMP is important as it needs to demonstrate that the wide range of species sought in the approval are adequately provided for in terms of matters such as relocation habitat creation, survey methods etc. If the updated LMP is not provided prior to the decision on the Wildlife Approval, DOC seeks the removal of several of the species listed in the approval.

Lack of clarity on Lizard Management Plan Certification

For the Wildlife Approval, the Department seeks that any plan required to implement the Wildlife Approval should be certified by DOC as the administering authority. As stated above, DOC has not yet been provided the updated LMP.

Proposed resource consent condition S94 relates to a separate certification of the Lizard Management Plan by the Council. This creates a dual certification process for the LMP (i.e. DOC for Wildlife Approval and GWRC for resource consent purposes). While the dual certification is not opposed, it is important that the provisions are integrated and aligned. It is not appropriate for the Council to be certifying changes to the Lizard Management Plan which will impact on the Wildlife Approval, and the way it may be implemented.

Structure of conditions relating to Management Plans

DOC notes there has been some work on conditions about Management Plans including use of more objectives and outcomes. Further detail is provided in **appendix A** on these conditions.

Deemed certification of Management Plan

The 'deemed certification' conditions appear to have been removed from the draft conditions, which is supported.

Complex Freshwater Fisheries matters

The Department has previously commented on the applicant's decision to not apply for a complex freshwater fisheries activity under the FTAA. DOC also notes the ongoing discussion on the status of the weir (and whether it is indeed a dam) and the comprehensive set of conditions on stream reclamation, realignment, fish passage, fish relocation, dewatering, culvert construction and significant changes to groundwater levels and flows and is still of the opinion, that activities constitute complex freshwater fisheries activities.

Outstanding issues with the proposed conditions – Specific technical matters

In response to the Panel's request, DOC considers there are still outstanding issues relating to conditions.

DOC made a number of specific and detailed comments at S.53 stage on the impacts of the proposal, particularly in relation to the dune swale system and its uniqueness. It also critiqued the way compensation had been calculated in relation to wetlands and the loss of a rare ecosystem. These matters are difficult to summarise within the context of this response, however, generally these comments still stand and have not been fully addressed by the latest set of conditions.

Comments on specific draft conditions are provided in **Appendix A**, noting these may be revisited and amended when new conditions are considered. DOC seeks to emphasise that time has been limited to review the current conditions.

General conditions

- DOC's involvement in certification should be clarified in relation to the Lizard Management Plan. As the LMP implements the Wildlife Approval, DOC should be the certifying agency for the LMP, or any subsequent variations to it.
- DOC supports being a party to the certification of the Ecological Management Plan.

Wetland matters

- DOC has consistently raised concerns about the appropriateness of the WEV model and water levels in the Te Harekeke Swamp, and as a result, the conditions should go further to address mitigation of the impacts of the development.
- DOC considers and suggests improvements to the conditions to separate wetland enhancement from off-setting.

- DOC believes the wetland buffer areas should not be included within the compensation calculations, when such areas are a requirement for all such development and has suggested improvements to conditions to address this.
- DOC continues to seek a larger buffer for the Te Harekeke Swamp, which does not appear to be provided for in the updated conditions. The environmental effects of the subdivision would be greatly reduced if the wetland, wetland buffer, SNA, stream corridor, or restoration planting areas were excluded from development. The wetland buffer areas should not be incorporated into residential lots.
- While there are conditions relating to hydrological and wetland monitoring, there does not appear to be any specific condition relating to monitoring of mudfish and water levels in the Te Harekeke wetland and there are not adequate provisions for contingency planning.
- The conditions on hydrological conditions and wetland outcomes should be amended to better provide for monitoring and to include adaptive management clauses to require action to be taken should outcomes not be achieved and/or if there is ecological decline.

Cats and dogs

- DOC's previous comments remain unchanged on the matter of domestic cat predation. Cat exclusion is the preferred option.
- In terms of other options, concerns include:
 - o The significant manageability and enforcement issues related to pet cat containment;
 - o the unclear wording on the cat exclusion area proposed by option C1;
 - o the limited effectiveness of the fence proposed by option A;
 - o the poorly defined 'ecological management areas' for pest control; and
 - o the time limited measures.
- DOC are unclear on the extent of the pet control fence as mentioned in condition LU96 as potentially being different from the fence described in the ERMP.
- Proposed condition 127 includes provisions relating to excluding dogs from wetland buffer areas, however, it is noted that appear to be wetland buffer areas within the residential allotments. This does not seem enforceable or manageable.

Lizard Management Plan – resource consent conditions

- The proposed conditions relating to the Lizard Management Plan certification create some uncertainty as to DOC's understanding that the applicant was going to submit an updated LMP for approval as part of the Wildlife Approval.

Overall position

The adequacy of the proposed conditions – DOC supports improvements to the conditions made through the process thus far but believes there are a variety of conditions which are inadequate to protect DOC's interests in the management of threatened species and ecosystems.

Any recommended amendments to the proposed conditions – these are outlined in appendix A.

The implementation and effectiveness of the proposed conditions – DOC has particular concerns about the implementation and effectiveness of the conditions relating to cat management.

Whether there are any outstanding matters that have not been addressed by the proposed conditions – We have highlighted these in this document and appendix A and include: the provision and certification of the Lizard Management Plan and therefore the appropriateness of the species covered by it; the threat to wetland birds and fish; the level of compensation; the adequacy of the wetland buffer areas and the scale of the impacts on the wetland and dune ecosystem.

Overall view and position - Overall, DOC believes the conditions could still be further improved and would appreciate further work to address concerns raised. The proposal will result in the loss of a rare ecosystem; have significant hydrological effects which has the potential to impact on wildlife; will involve loss and disturbance to habitat and will introduce large amounts of predators into existing and new wetland areas. While DOC haven't had the opportunity to undertake a full review of all conditions, we have attempted to address the matters a)- e) from Minute 16.

We hope the applicant and the Panel find these comments useful in the further refinement of the conditions to ensure environmental and ecological concerns are more thoroughly addressed.

Nāku noa, nā
Loren Brown

Fast Track Project Lead

APPENDIX A:



Department of
Conservation
Te Papa Atawhai

**Te Kāwanatanga
o Aotearoa**
New Zealand Government