



To: The Expert Panel, Waikanae North Development [FTAA-2603-1194]

From: Melanie McCormick, Kaiwhakahaere Kaupapa Taiao, Ngā Hapū o Ōtaki

Date: 14 October 2026

Ngā Hapū o Ōtaki comments on the proposed consent conditions (Version 3)

1. In accordance with Minute 16 of the Expert Panel, dated 9 October 2026, Ngā Hapū o Ōtaki Incorporated Society (NHoŌ) has been invited to comment on the latest version (Version 3)¹ of the proposed conditions of consent for the Waikanae North Development.

Kaupapa Tuatahi – Concern with timing and process for reviewing conditions and expert planning conferencing

2. NHoŌ is concerned that the timing and process for reviewing and commenting on the updated consent conditions is unreasonably short. While NHoŌ acknowledge the intent of the Fast-track Approvals Act 2024 to provide a streamlined approvals process with statutory timeframes for decision-making, invited parties were provided only four working days to respond to the Expert Panel's request for further comments. This timeframe raises concerns as to whether parties have had a reasonable opportunity to meaningfully engage with the updated consent conditions. Further, expert planning conferencing is scheduled to take place tomorrow, Thursday 15 October, meaning participating experts will not have the benefit of reviewing the other experts' comments ahead of the caucus. The relevant question for the Expert Panel is whether this process has provided sufficient opportunity for invited parties to engage with the updated conditions and whether the Expert Panel has sufficient information for it to make an informed decision, in particularly in relation to the identification and provision for cultural effects.

Kaupapa Tuarua – Ngā Hapū o Ōtaki overall view and position

3. NHoŌ supports the position set out in Ātiawa ki Whakarongotai Charitable Trust's memorandum to the Expert Panel, together with the accompanying tracked-changes version of the Version 3 consent conditions both dated 14 October 2026. NHoŌ continues to support and

¹ For clarity, NHoŌ comments are based on the proposed consent conditions provided by the Expert Panel on 6 October 2026.

uphold the mana whakahaere of Ātiawa ki Whakarongotai in relation to the whenua within which the Waikanae North Development is proposed.

4. Furthermore, in response to Minute 16, at [11](a) NHOŌ considers that the proposed consent conditions do not provide meaningful opportunities for mana whenua² to exercise kaitiakitanga and rangatiratanga in relation to the proposed development. NHOŌ has engaged genuinely and in good faith throughout this process.³ However, it appears that the proposed amendments do not demonstrate that the substantive recommendations have been meaningfully addressed. Rather the changes appear to be largely administrative in nature and do not resolve the underlying concern raised by Ātiawa ki Whakarongotai Charitable Trust and NHOŌ: that the consent conditions must provide for meaningful mana whenua involvement in the implementation, oversight and monitoring of the development, consistent with mana whenua exercising their kaitiakitanga and rangatiratanga.
5. Accordingly, in response to [11](e) and (b), NHOŌ's primary position is the proposed consent conditions do not adequately provide for the cultural values and interests of Mana Whenua, and NHOŌ seek that the proposed cultural conditions suite proposed by Ātiawa ki Whakarongotai on 10 September 2026 (the **Cultural Condition Suite**) or as incorporated in their track changed Version 3 consent conditions are included in the Expert Panel's final set of consent conditions.
6. Reflecting on the expert conferencing on the topic of cultural matters held on 17 September 2026, NHOŌ notes the Applicant's comment that the Version 2 consent conditions represent best practice.⁴ NHOŌ does not agree that either Version 2 or Version 3 consent conditions represent best practice. In NHOŌ's view, they reflect standard practice within a planning system that has not consistently provided for meaningful, Te Tiriti o Waitangi-based participation and outcomes for mana whenua. While the planning system is outside the scope of the Expert Panel's consideration, NHOŌ considers it important to distinguish between what is commonly accepted practice and best practice. The fact that consent conditions reflect well established or commonly applied approaches (as outlined in the Applicant's memorandum dated 16 September 2026 for example) does not necessarily demonstrate that they adequately recognise mana whenua values or provide for meaningful opportunities for mana whenua input and involvement in implementation of consents.

Kaupapa Tuatoru – Detailed comments on proposed consent conditions

7. The table below provides NHOŌ comments on specific consent conditions that may have an actual or potential adverse effect on NHOŌ values or interests, and provides comments on their adequacy, recommended amendments have been provided where appropriate.

² For the purpose of these comments, Mana Whenua refers to Ātiawa ki Whakarongotai and Ngā Hapū o Ōtaki.

³ This 'process' refers to participation as an invited party under section 53(3) of the in the Fast-track Approvals Act 2024.

⁴ The Joint Witness Statement on the topic cultural matters, 17 September 2026, paragraph 15.

8. For the avoidance of doubt, NHoŌ primary position is that the Cultural Conditions Suite be incorporated into the final consent conditions. The comments in the table below are provided as a secondary position, should the Expert Panel be minded not to adopt the Cultural Conditions Suite in part or in full. In that circumstance, NHoŌ seeks that the recommended amendments be considered to strengthen the proposed conditions and better provide for Mana Whenua values, kaitiakitanga and rangatiratanga.
9. NHoŌ acknowledge that the Applicant has removed reference to other iwi who are not mana whenua at the site.

Ngā Hapū o Ōtaki's Comments on Consent Conditions (Version 3)

Proposed Condition	Comments and Recommendations
Mana whenua and the whenua, explanatory statement – this statement is not a condition of consent. The site at Peka Peka forms part of the cultural landscape of Ātiawa ki Whakarongotai and of Ngā Hapū o Ōtaki. Their relationships with the whenua – its dunes, wetlands and waterways and the taonga within them - are deep and enduring. Mana whenua have described the dunes, the wetlands and the wai as one interconnected system, and their aspiration for this whenua as one of regeneration: the restoration and reconnection of the land and its waters, and the continuation of their role as kaitiaki through and beyond the development. Waikanae North Developments Limited acknowledges those relationships and that aspiration. These conditions integrate mana whenua objectives and provide for mana whenua involvement across relevant aspects of all approved consents. The conditions provide for the preparation and implementation of a Kaitiaki Monitoring Strategy (Part A), mana whenua review and comment on relevant management plans before their certification, the transfer of the Peka Peka Road Swamp and a Dune Hilltop site, and kaitiaki roles in wetland open space (Part C), and through site-specific protocols for accidental discovery, mahinga kai access, cultural narrative and naming, plant supply and fill (Parts B and D). Condition G2 and Figure G2 map those conditions to demonstrate visually how mana whenua considerations have been secured through these conditions.	It is preferable that Mana Whenua articulate our relationship to, and aspirations for the whenua ourselves rather than the Applicant determining or re-articulating what has already been described by Mana Whenua. While technically not incorrect, it is a missed opportunity to provide for the rangatiratanga of Mana Whenua. Our desires to be more intimately involved with this application, which includes co-authoring consent conditions has been well traversed with the Applicant.

G2. Iwi participation framework The consent holder shall provide for the participation of the iwi entities in the exercise of these consents in the manner set out in the following conditions, which together form the framework for that participation: (a) engagement and cultural monitoring through the Kaitiaki Monitoring Strategy (Conditions G30 to G33), and the payment of the reasonable costs of the iwi entities in preparing and implementing it;	As it is drafted, only subclause (a) includes a requirement for the Applicant to resource Mana Whenua involvement in implementing conditions G30-33. It is our expectation that where NHoŌ are involved with upholding the consent conditions or our input is provided for, reasonable cost will be agreed with NHoŌ and met by the consent holder. NHoŌ recommend that the following wording (or wording of the same effect) is added to all subclauses of the ‘iwi participation framework’ set out in condition G2: “The consent holder shall meet the reasonable costs of iwi entities in upholding this consent condition”.
G17. At least 20 working days before submitting any relevant management plan listed in Table G1 for certification, the consent holder shall provide the draft management plan to the iwi entities for review and input. The management plan submitted for certification shall be accompanied by a copy of any input received and a statement of how that input has been incorporated and, where it has not been, the reasons why not.	As outlined during expert conferencing, providing NHoŌ with an opportunity to review draft management plans and provide feedback offers only a limited opportunity to influence their development and content. Firstly, the proposed process does not provide for NHoŌ to participate in the co-drafting of the management plans identified in Table G1 that refer to iwi entities. Instead, NHoŌ would receive draft plans for review and comment only 20 working days before they are due to be submitted. This positions NHoŌ at the end of the drafting process, by which time significant time and effort may already have been invested in developing the plans. If NHoŌ recommends substantive amendments, these may have flow-on implications for other parties, requiring further review and revisions and potentially causing delays. There is also a risk that such recommendations may be resisted or dismissed as too substantial at that late stage of the process. This approach limits the practical ability of mana whenua to meaningfully influence the content of the plans and is inconsistent with best practice, which would provide for mana whenua involvement from the outset, including through co-drafting where appropriate. Secondly, the proposed process does not ensure that mana whenua recommendations will be meaningfully considered or incorporated into the management plans. The Applicant is only required to record how mana whenua input has been addressed, including where it has not been adopted. While this provides a record of the consent holders’ response, it does not

	require substantive recommendations to be accepted, nor does it establish a process for resolving disagreements. Consequently, there is no clear mechanism to ensure that NHoŌ's input meaningfully influences the final management plans or that its concerns are adequately addressed. NHoŌ seek the following amendments relevant to the review and input into management plans: GX. The consent holder shall invite the iwi entities to work with the consent holder in partnership to develop the following plans and engineering approvals for certification by the relevant council:⁵ a. Ecological Restoration Monitoring Plan b. Streetscape Planting, Maintenance and Monitoring Plan c. Construction Environmental Management Plan d. Landscape Planting, Maintenance and Management Plan e. Further Wetland Enhancement Plan f. Stream Restoration Monitoring Report g. Stormwater and Wetland Management Plans h. Reserve and open-space management arrangements i. Detailed Landscape plans j. Planting plans k. Decisions regarding imported fill GX. The consent holder shall meet the reasonable costs of iwi entities in upholding this consent condition. GX. Each final plan or approval listed in GX above and submitted to the Council for certification must include documentation demonstrating that: a) The consent holder extended an invitation to iwi entities to participate in the development of the plan;
--	---

⁵ The list of these management plans sourced from the Cultural Conditions Suite.

	b) Any feedback or input provided by iwi entities; and, c) The consent holder's responses to the input received, including an explanation where input was not incorporated into the plan, if applicable. GX. If the iwi entities take up each invitation, the consent holder shall apply all reasonable endeavours to reach agreement with the iwi entities in respect of the final version of each plan and or approval listed in GX above. In the event that agreement is not reached, the consent holder shall identify what the iwi entities have sought and is not agreed to by the consent holder, and why, in its application to Council for certification of the relevant document.
Amendments to Management Plans G20. The consent holder may request amendments to any certified management plan by submitting the amendments in writing for the certification of the relevant Council. The amendments sought shall not be implemented until the consent holder has received notice in writing that the amended management plan has been certified by the relevant Council. All works shall be carried out in accordance with the certified amendments. Works may continue in accordance with the existing certified management plan while a proposed amendment is being certified, unless the relevant Council advises in writing that the works to which the amendment relates must cease pending certification.	As it is drafted, the Applicant could request an amendment to any certified management plan without input from the iwi entities. This could result in undermining input previously provided to certified management plans by the iwi entities. NHoŌ seek that the consent conditions provide a pathway for iwi entities to provide early input into amendments to certified management plans (listed in Table G1) to ensure that amendments do not result an actual or potential adverse effect on identified cultural values. NHoŌ request an amendment to this condition by including wording to the effect: “The consent holder shall provide copies of any proposed amendment to the iwi entities at least 20 working days before the request for amendment is submitted to the relevant council”.
Kaitiaki Monitoring Strategy G30. To inform the cultural monitoring of the exercise of these consents, the consent holder shall invite representatives of the iwi entities to work with the consent holder to develop and implement a Kaitiaki Monitoring Strategy (“KMS”). If the invitation is accepted, the consent holder shall consult with the appointed representatives and prepare a KMS.	Without prejudice to our primary position as outlined earlier in this document (i.e. the Cultural Conditions Suite is inserted in the consent conditions), we seek the following amendments to the Kaitiaki Monitoring Strategy (KMS) conditions G30-G33. These amendments improve the KMS by improving certainty that NHoŌ values and interests in the whenua within which the development is proposed will be appropriately recognised and provided for in the implementation of the consent conditions. NHoŌ request that the KMS

The KMS shall include the following: (a) identification of tohu (attributes) and methods to monitor them; (b) identification of mahinga kai and Māori customary use and methods to monitor them; (c) identification of tikanga and how it influences cultural monitoring methods; and (d) a monitoring and reporting structure that enables kaitiaki to contribute to the consent holder's environmental monitoring and reporting. Note: cultural monitoring should be proportionate and related to potential adverse effects on cultural values. The Archaeological Assessment does not identify significant risk of potential discovery of human remains. It is not envisaged that cultural monitors will need to be on site at all times. Particular activities and areas of the site that are considered sensitive shall be identified, and on-site monitoring should relate to these. Areas of particular cultural sensitivity include: ▪ stream diversion works ▪ works within or directly adjacent to the bed of a stream ▪ earthworks within or adjacent to wetlands ▪ activities that could disturb archaeological sites. G31. If a KMS is prepared, the consent holder shall provide the KMS to both Councils within six months from the grant of consent. The KMS shall be reviewed by the consent holder every year in consultation with the iwi entities. Any updated KMS shall be provided to both Councils 5 working days after finalisation. The consent holder shall pay the reasonable costs of the iwi entities in preparing the KMS and for monitoring undertaken in accordance with it. The KMS provided to the Councils shall include evidence that the KMS has been accepted by the iwi entities. If the KMS (or any part thereof) has not been accepted by either of the iwi entities the consent holder shall use its best endeavours to reach agreement on such matters. If, following this process, any recommendations of the iwi entities have still not	conditions G30-31 are replaced with the conditions outlined below, we also seek that G32-G33 are retained as drafted. GX: The consent holder shall invite the iwi entities to work with the consent holder in partnership to develop a Kaitiaki Monitoring Strategy for certification by both councils. If the one or both of the iwi entites take up this invitation, the Kaitiaki Monitoring Strategy shall include as a minimum: a) identification of important tohu (attributes), mahinga kai and any other Māori customary uses, and indicators, and methods to monitor them, this may include identifying tikanga and how it influences monitoring methods; b) identification of any monitoring in respect of the matters identified at (a) that needs to be undertaken prior to works commencing, to establish a baseline; c) identification of construction methodologies (including through the management and other plans identified in Table G1), proposed in order to avoid, remedy or mitigate effects on cultural values; d) the timing, frequency, and duration of the cultural monitoring proposed during the various phases of works authorised by this consent; e) the identification of likely responses that may need to be taken should the cultural monitoring identify adverse effects on cultural values that are attributable to works authorised by this consent; f) a reporting structure that enables the cultural monitoring undertaken to contribute to the consent holder's environmental monitoring and reporting; and g) a process for updating the Cultural Monitoring and Response Plan, where necessary to address or better respond to a cultural matter arising.
---	--

been accepted by the consent holder, the KMS shall set out those recommendations and the reasons they have not been accepted. G32. If the consent holder and the iwi entities have not reached agreement on the KMS, or on any annual review of it, within three months of the consent holder's invitation under Condition G30 (or of the commencement of the review), the consent holder shall invite the iwi entities to refer the matters not agreed to an independent facilitator agreed between them or, failing agreement within 10 working days, nominated by the Māori Land Court. The consent holder shall meet the reasonable costs of the facilitator, shall participate in the facilitation in good faith, and shall have regard to the facilitator's recommendations. Following the facilitation the consent holder may provide the KMS to the Councils in accordance with Condition G31, recording any recommendations not accepted and the reasons. G33. The KMS shall be implemented for the duration of the activities to which it applies, and the consent holder shall report to the iwi entities and the Councils on its implementation as part of the reporting structure it provides for. The KMS is intended to apply through the construction phase of the development.	If one or both iwi entities take up the invitation in respect of the Kaitiaki Monitoring Strategy, the consent holder shall apply all reasonable endeavours to reach agreement with the iwi entities as to the Kaitiaki Monitoring Strategy to be submitted to the councils for certification. In the event that agreement is not reached, the consent holder shall identify what the iwi entities have sought and is not agreed to by the consent holder, and why, in its application to Council for certification of the relevant document. GX. The consent holder shall pay the reasonable costs of iwi entities in: a) developing the Kaitiaki Monitoring Strategy; and b) undertaking the monitoring and reporting required under the Kaitiaki Monitoring Strategy, to the extent that iwi authorities undertake any such monitoring and reporting directly. Additionally, NHoŌ oppose the advice note. In particular, the wording that refers to the Applicant's Archaeological Effects Assessment. The proposed advice note states that "the Archaeological Assessment does not identify significant risk of potential discovery of human remains", however NHoŌ note that the wording included in the assessment states "there is also potential for the discovery of kōiwi (human burials)".⁶ In this context, the wording in the advice note is potentially misleading and pre-emptive. Further, the Applicant indicated that it would soften the wording in the bullet-pointed list in the advice note by changing it to "may include". However, this amendment does not address NHoŌ's underlying concern. The issue is not simply whether the wording is definitive, but whether it is appropriate for the Applicant to prescribe or anticipate matters of cultural sensitivity on behalf of mana whenua. The wording is important, as it concerns the recognition and expression of mana whenua values and tikanga. NHoŌ therefore seeks that the advice note be deleted. As this is an advice note, its removal should not materially affect the operation of the consent conditions.
--	--

⁶ Waikanae North Development: Archaeological Assessment of Effects, prepared by Emily Howitt Archaeology at page 29.

Tīmatanga Ceremony R6. The Consent Holder shall invite, with a minimum of 10 working days' notice prior to works authorised by this consent commencing, the iwi entities for the purposes of a tīmatanga (karakia) ceremony. This tīmatanga ceremony shall be undertaken once at the outset of the project. Note: In the case that a representative of an iwi entity does not attend, or no response to the invitation is received after 10 working days, the consent holder will have complied with this condition, provided the invitation requirement is met.	Tīmatanga rites and rituals are an important aspect of kaitiakitanga; however they form part of a much broader and ongoing set of obligations held by mana whenua. NHoŌ acknowledges the importance of undertaking these ceremonies prior to works commencing. However, it is equally important that these ceremonies form part of the broader package of kaitiaki obligations sought through this process (i.e. the Cultural Conditions Suite). Without wider recognition and meaningful provision, there is a risk that whenua are positioned as performing cultural ceremonies, without the corresponding opportunity to exercise their broader kaitiaki responsibilities. This risks reducing ceremonies of deep cultural significance to a tokenistic function, divorced from the wider tikanga and responsibilities they represent.
Freshwater Fauna / Fish Passage R122. The Consent Holder shall undertake freshwater fauna rescue in accordance with the certified NFFSRP authorised under Condition R119. All freshwater fauna rescues shall be undertaken by a suitably qualified person with the required permits, such as an ecologist. Note: It is the responsibility of the Consent holder to ensure that they secure any necessary authorisations from the Department of Conservation, the Ministry of Primary Industry and Fish and Game New Zealand, prior to the commencement of any freshwater fauna rescue.	Freshwater fish salvage was discussed during expert conferencing on ecology on 11 September 2026. NHoŌ sought that the consent conditions appropriately provide for iwi entities to undertake freshwater fauna salvage where they have the relevant expertise, experience and any necessary authorisations. While the Applicant has amended Condition R120(c) to reflect the agreed record, Condition R122 continues to refer to an ecologist in the context of undertaking freshwater fauna salvage. NHoŌ does not oppose an ecologist undertaking this work, and acknowledges that the current wording does not expressly preclude iwi entities from doing so. However, retaining the reference to an ecologist, particularly through the wording "such as an ecologist", risks implying that an ecologist is the expected or preferred person to undertake the salvage. This may also be narrowly interpreted by the consent authority as indicating a requirement for an ecologist. NHoŌ therefore seeks that the words "such as an ecologist" be deleted from Condition R122, so that the condition remains focused on the requirement for a suitably qualified person with the necessary expertise, experience and authorisations to undertake the freshwater fauna salvage. This would ensure that iwi entities are not inadvertently excluded from undertaking this work.

