
MINUTE 15 OF THE EXPERT PANEL

Advance Notice of RFI

Mt Welcome, Pukerua Bay, Porirua Project

FTAA-2603-1181

(24 August 2026)

[1] The Expert Panel has identified issues on which it will seek input from various parties. Rather than wait until processing recommences, this minute sets out the matters concerned in order that the relevant parties have the opportunity to consider their response before a formal request for information is made.

[2] Firstly, in relation to the non-RMA approvals being sought by the applicant, Mr McDonnell has supplied feedback on the Panel's review of conditions. The Panel invites Heritage New Zealand Pouhere Taonga and Department of Conservation to comment on Mr McDonnell's responses as appropriate. We emphasise (again) that the review the Panel undertook was mechanical in nature, assessing the proposed conditions against SMART principles, and we are looking for input on the same basis.

[3] Our second line of inquiry is directed at Greater Wellington Regional Council and the Department of Conservation and relates to the definition of natural inland wetland. Both parties have referred us to Ministry for the Environment Guidelines purporting to explain the purpose of the 'pasture exception'. The thing we are interested in is whether either can point us to materials produced as part of the development of the National Policy Statement for Freshwater Management that could be considered in the implementation of orthodox rules of statutory interpretation and which would support the position set out in the MfE Guideline.

[4] The third line of inquiry arises from the stance of a number of parties in their comments, suggesting that aspects of the project plan be redesigned. Suggestions that additional wetland offsetting or roadside raingardens are required for instance, if accepted, would require that additional areas be identified, land allocated potentially excluding other identified uses, and the relevant works designed. Another example is the urban design input of Mr Wenden on behalf of Porirua City Council suggesting, among other things, relocation of two proposed parks on the Lucas Block, but there are many others. The applicant has accepted some suggestions and rejected others.

[5] The question for the relevant parties (we identify the two councils, Department of Conservation, and Tiaki Wai, but there may be others) is whether we have jurisdiction to impose conditions either directly or indirectly requiring a redesign of the project over the applicant's objection, or whether our only option, assuming one or more of the preconditions in section 85 of the FTAA are met, is to decline the approvals sought.

[6] When processing resumes, the Panel will advise the deadline for providing the information set out above.

A handwritten signature in blue ink, appearing to read 'T. Robinson', with a large, stylized flourish extending downwards and to the right.

Trevor Robinson
Expert Panel Chair