
MINUTE 4 OF THE PANEL CONVENER

Decisions on panel and timeframe

Mt Welcome, Pukerua Bay, Porirua Project [FTAA-2603-1181]

11 June 2026

- [1] As recorded in Minute 3, I held a convener conference in respect of this application on 20 May 2026 to discuss with participants a range of matters relevant to the two principal decisions I must make in the exercise of my duties, functions and powers under the Act, namely the appointment of the expert panel and the setting of a timeframe within which a decision on the application must be delivered. The participants at the conference were recorded in Minute 3.
- [2] Minute 3 summarised matters raised at the conference that were particularly relevant to decision timeframe and issued directions to the Applicant and the local authorities (Greater Wellington Regional Council (GWRC) and Porirua City Council (PCC)) in respect of various information sufficiency issues identified in the memoranda filed in advance of the conference.
- [3] Those directions have now been complied with, as follows:
- a. Applicant response to Minute 3 dated 4 June 2026, together with Appendix A (setting out responses in detail) and Appendices B to F, which comprise new, updated or supplementary information. The volume of information involved in the Applicant's response totals some 185 pages. Appendix A also addresses matters raised in completeness check comments provided by the Councils to the EPA, and provides

detailed references to the location of information within the application package (ie the "road map" suggested in Minute 3) as well as commenting where a perceived lack of information may in fact be more accurately characterised as a difference of expert opinion (or an issue in dispute);

- b. GWRC memorandum in response to Minute 3 dated 10 June 2026, attaching a table which succinctly and clearly records the remaining information sufficiency issues that GWRC intends to raise with the Expert Panel when it is invited to comment;
- c. PCC response to Minute 3 dated 10 June 2026, filed by legal counsel for PCC and attaching appendices of Detailed Comments and Consent Requirements (by reference to various District Plan rules and standards). In summary, the PCC response suggests that very few of the information gaps identified by it at the convener conference have been closed as a result of the Applicant's response to Minute 3.

[4] The directions issued in Minute 3 prompted meetings between the Applicant and both Councils in the week following the conference. The outcome of those discussions is recorded in all responses, with acknowledgement by all three participants that some information sufficiency issues have now been appropriately resolved. This is encouraging, but I note that this level of collaboration will need to continue throughout the decision-making period to provide constructive and timely assistance to the Expert Panel in completing its decision-making task.

[5] However, despite the responses to Minute 3, and the recent engagement between the Applicant and Councils, it seems clear that the decision timeframe will need to be substantially longer than that sought by the Applicant. I record my decision on that matter later in this Minute.

Panel composition

[6] On the matter of expertise required for the members of the expert panel, the participants expressed the following views at the conference:

- a. The Applicant sought a 3-member panel with expertise in RMA law, planning and civil engineering.
- b. The GWRC expressed no view on the size of panel, but specifically requested expertise in regional consent decision making in respect of large-scale residential development, and familiarity with the catchment and consenting of urban development within the catchment to date (to enable a good understanding of potential cumulative effects). Both of these matters have informed the Regional Council's nomination.
- c. PCC similarly expressed no view on panel size but sought planning and RMA expertise, civil engineering (particularly three waters infrastructure and water-sensitive urban design) and experience in condition drafting. PCC also expressed support for any request from Ngāti Toa/Te Rūnanga as to the need for te ao Māori and mātauranga Māori expertise.
- d. The Director-General/Department of Conservation advocated for panel members with at least an understanding of effects on wildlife and biodiversity values, if not formal ecological expertise, though it acknowledged that the panel could seek specialist technical advice on those matters.
- e. Ngāti Toa/Te Rūnanga requested tikanga and mātauranga expertise on the panel in view of the cultural issues associated with the ecology, freshwater and stormwater aspects of the proposal, and advised that if the panel does not have a member with significant freshwater or hydrology expertise, they would expect to see appropriate technical experts to be commissioned by the panel to support their decision making.

Decisions

[7] I am appointing the following persons to the Expert Panel to determine the substantive application lodged for the Mt Welcome, Pukerua Bay, Porirua Project:

- a. Trevor Robinson (chair)
- b. Ray O'Callaghan
- c. David McMahon (local authorities' nominee)
- d. Juliane Chetham

[8] I am satisfied that, collectively, the Expert Panel will hold appropriate expertise and experience in relation to decision-making, law, planning & policy, cultural effects, te ao Māori, infrastructure (including wastewater and stormwater systems), residential development, an understanding of freshwater ecology, hydrology and catchment management matters as well as district and regional consent conditions. The Expert Panel will be free to commission further technical specialists to support their decision-making process once they have commenced work.

[9] The date on which the Expert Panel is appointed is **11 June 2026**, and it will commence work on **18 June 2026**.

[10] After careful consideration of the matters raised both at the conference, and in the memoranda and information filed by the Applicant, GWRC and PCC in response to the Minute 3 directions, I consider that a timeframe of **70 working days** following receipt of invited comments is appropriate. The Expert Panel decision will therefore be due on **9 November 2026**, subject to the application being suspended for any of the reasons outlined in section 60 of the Act, and to comments on the application being invited on **2 July 2026**.

[11] In setting this timeframe I have had regard to the following relevant matters:

- a. The conditions themselves will require a concerted effort, particularly in light of the Applicant's stated desire to see a more succinct and outcomes-focused set of conditions than that which appears to be expected by the local authorities, that expectation having been set by the Plimmerton Farms development consented under an earlier fast track process.
- b. Notwithstanding the information provided in response to the Minute 3 directions, there remain a significant number of unresolved issues, particularly from the perspective of PCC. Some of those issues may require the Expert Panel to procure advice from technical experts, to arrange conferencing sessions or the empanelment of experts, or to schedule issues-based hearings as other panels have done.
- c. I am not confident that the Expert Panel will have the freedom to utilise all of the procedural mechanisms available to it to resolve both the outstanding technical issues and condition drafting challenges within the timeframe proposed by the Applicant. 40 working days following receipt of conditions would require a draft decision and condition sets to be ready for release and comment barely 3 weeks following receipt of comments.¹ In view of the detailed responses provided by the Applicant and by both local authorities, that timeframe is patently unworkable. While the Expert Panel has control over matters of procedure that will enable it to deliver the decision in the timeframe set, I need to allow appropriate time for those to be utilised to the extent necessary.
- d. In view of the matters raised by Ngāti Toa/Te Rūnanga, the Expert

¹ The Applicant has reiterated, in its response to directions, that 40 working days post-comments remains appropriate.

Panel will need to gain an understanding of relevant tikanga and mātauranga and the values held by Ngāti Toa in respect of the Project site and relevant freshwater bodies and that may involve a hui or other opportunity for relevant iwi, hapū and marae, to speak directly to the Expert Panel regarding their views and concerns.

- e. I have allowed time for section 67 further information requests to be issued by the Expert Panel, and for the Councils and DoC to assess any information provided in response to those requests by the Applicant. The Applicant of course is able to request suspension of processing of the application at any time, but other parties are generally at the mercy of the time frame once set.

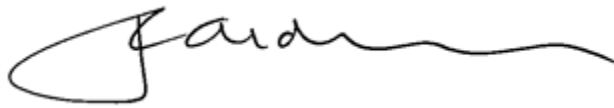
[12] With regard to the unresolved issues referred to above, it may be timely at this point to remind the Councils, and PCC in particular, that they are not decision makers under the FTAA, and that this is not a traditional RMA-based consenting process. Many of the matters on which PCC insists that information remains insufficient appear to be technical matters that can be effectively managed by conditions, rather than those that could potentially give rise to adverse impacts of such significance that section 85(3) is engaged. Further, PCC's commentary on the Applicant's response often tends to conflate the matter of information sufficiency with that of issue resolution; although those two matters may overlap, they are not the same.

[13] Under the FTAA, the key objective for all participants in the process should be to ensure the Expert Panel has sufficient information or evidence on which it can make the decision to grant or decline the approvals sought in accordance with a specifically directed and weighted process. Councils need to be cognisant of that process when considering their comments and responses, and are encouraged to focus on those issues on which the Expert Panel is likely to require the greatest assistance, including the robustness and workability of conditions that may be critical to enabling a decision to grant the approvals

sought.

[14] I recommend that the Applicant make early arrangements for the Expert Panel to undertake a site visit as soon as possible.

[15] In terms of next steps, the participants will be contacted by the Expert Panel.

A handwritten signature in black ink, appearing to read 'J. Caldwell', with a long, wavy horizontal line extending to the right.

Jennifer Caldwell

Associate Panel Convener for the purpose of the Fast-track Approvals Act 2024