
Under	The Fast-track Approvals Act 2024 ('the Act ')
In the matter of	A substantive application under the Act for approvals for resource consents, a wildlife permit, an archaeological authority and a complex freshwater fisheries approval to develop residential allotments, an allotment and preparatory works to enable a future commercial centre and associated infrastructure in Pukerua Bay, Porirua
By	Pukerua Property Group Limited Partnership Applicant

**Memorandum of Counsel on behalf of Pukerua
Property Group Limited Partnership in relation to
the Ecological Impact Assessment Guidelines**

Dated 11 September 2026

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To the Expert Panel:

1 This memorandum is filed on behalf of Pukerua Property Group Limited Partnership (**PPG** or 'the **Applicant**') in relation to PPG's application for resource consents, a wildlife permit, an archaeological authority and a complex freshwater fisheries approval (collectively, 'the **Approvals**' or 'the **Application**') under the Fast-track Approvals Act 2024 (**FTAA**) for the Mt Welcome Project (**Project**).

2 Minute 18 of the Expert Panel, dated 4 September 2026. Minute 18 stated at paragraph 12:

Mr Payne is requested to provide:

- (a) Maps of the areas on manual lizard survey he undertook;
- (b) A copy of the EIANZ guidelines discussed in the herpetology JWS;
- (c) Confirmation and documentation of the proposed additional area of c.2,.4ha of enhanced lizard habitat discussed in the JWS;
- (d) A discussion of the practicality of fencing lizard relocation areas.

This material should be provided by 5pm on 8 September. If counsel for the applicant has any comment/ submissions as to the weight to be given to threatened status beyond that of Mr Payne, it should be supplied in the same timeframe.

3 Mr Payne's response is provided separately.

4 This memorandum comments on how differing local and national threat levels should be reconciled through the Ecological Impact Assessment Guidelines ('**EclA Guidelines**'),¹ given this matter was also raised at conferencing on the 3 September 2026 and the Applicant, Porirua City Council (**PCC**) and the Department of Conservation (**DOC**) take different views as to the correct approach.

5 The EclA Guidelines have been provided to the Panel with this memorandum.

The Applicant's approach to application of the EclA Guidelines.

6 The Applicant, PCC and DOC experts take a different approach to how the EclA Guidelines are applied to determine the ecological value of lizard species present.

¹ Ecological Impact Assessment (EclA), EIANZ guidelines for use in New Zealand: terrestrial and freshwater ecosystems, 2nd edition, May 2018, available at: <https://www.eianz.org/document/item/4447>.

- 7 The view of each party is summarised in the Herpetofauna Joint Witness Statement (**'JWS'**), dated 18 August 2026.² In summary:
- a Mr Tony Payne, for the Applicant, considers that it is more appropriate to use the national status ('At Risk – Declining') because the regional threat status is overly conservative and does not reflect more recent data. This equates to a 'high' value under the EclA Guidelines.
 - b Ms Nyree Fea (PCC) and Mr Chris Wedding (DOC) consider that the appropriate approach is to apply the regional threat ranking when assessing effects, as the Wellington mainland classification is the most ecologically relevant measure for this development. This would result in a value of 'very high' under the EclA Guidelines. The view of both experts at the conference on 3 September 2026 was also that the most conservative threat ranking should always be applied.

EclA Guidelines

- 8 The EclA Guidelines do not provide a specific methodology for reconciling differing local and national threat levels, and states that in carrying out their work, a professional ecologist should consider facts, professional judgement and personal opinion.³
- 9 The EclA Guidelines provide that, in relation to 'value' which is based in part on threat level:⁴
- The focus of assigning value to plant and animal species is usually 'conservation concern' at the national level since there is an accepted system for assessing this, but the concern at local level should also be considered in an EclA (i.e. addressing locally rare/ uncommon species) where there is sufficient local knowledge to do so.
- 10 The EclA guidelines also note that, in relation to the system for classifying threats to New Zealand species:⁵
- There may be valid reasons to disagree with the threat status of a specific species, such as insufficient or new information.
- 11 We also note the Environment Institute of Australia and New Zealand (**'EIANZ'**) has released an 'explanatory note' on the interpretation of scale in assessment of

² See Issue 3 – Value of lizard species present (including estimates of 'low abundance'), page 10.

³ EclA Guidelines, page 24.

⁴ EclA Guidelines, page 67.

⁵ EclA Guidelines, page 67.

ecological values and magnitude of ecological effects (to support interpretation and understanding of the EclA).⁶ In particular, this explanatory note provides:⁷

The scale applied should be ecologically appropriate and regulatory direction should also be considered (e.g., district, regional, national policy and rules). This approach does not exclude reference to other spatial scales (district, regional or national), which can be influential when considering the context of specific ecological values.

- 12 There is no clear guidance on how to reconcile differing national and regional threat levels when assessing ecological value. That suggests it is a matter for expert judgement.
- 13 As summarised above, and outlined in the Herpetofauna JWS, Mr Payne does not consider that the regional threat levels reflects the most up to date information. Therefore, Mr Payne has exercised his professional judgement to find it appropriate to apply the national risk status.⁸
- 14 Based on the guidance outlined above, it is submitted that Mr Payne's approach is consistent with the approach in the EclA Guidelines.
- 15 It is submitted that always applying the most conservative threat ranking, as suggested by Ms Fea and Mr Wedding, has no basis in the EclA Guidelines.

Caselaw

- 16 Further to the above, the Environment Court has accepted that there is a degree of professional judgement involved when making assessments under the EclA guidelines.⁹

Response to letter by Dr Gary Bramley

- 17 Dr Gary Bramley has prepared a letter which sets out his ecological findings to assist the Panel.¹⁰

⁶ Ecological Impact Assessment (EclA). EIANZ Guidelines for use in New Zealand: terrestrial and freshwater ecosystems. Interpretation of scale in assessment of ecological values and magnitude of ecological effects. August 2026. Available at <https://www.eianz.org/document/item/8955>.

⁷ See also EclA Guidelines, at 5.2.1d.

⁸ Mr Payne's reasoning is also outlined in his Statement of Evidence, dated 7 August 2026, Appendix E in response to comments from invited parties.

⁹ *Grenadier Ltd v Manawatu-Whanganui Regional Council* [2024] NZEnvC 183 at [84]-[85].

¹⁰ ecoLogical Solutions, FTAA-2603-1182 - Mt Welcome, Pukerua Bay, Porirua Fast-track application, dated 7 September 2026.

- 18 Dr Bramley sets out that:¹¹
- a The EIANZ explanatory note¹² (referred to above) clarifies that the magnitude of an effect must be assessed at the same spatial scale as the ecological value assessment;
 - b The Panel can place more reliance on assessments of effect that have explicitly set out the scale of the assessment and maintained the same scale when assessing value and assessing effects than those have not.
- 19 Mr Payne has assessed the magnitude of effects on copper skink at the same level as his assessment of the ecological value and scale of copper skink.¹³

Dated 11 September 2026



Ezekiel Hudspith / Liam Bullen
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¹¹ EcoLogical Solutions, FTAA-2603-1182 - Mt Welcome, Pukerua Bay, Porirua Fast-track application, dated 7 September 2026, at page 4.

¹² Ecological Impact Assessment (EcIA). EIANZ Guidelines for use in New Zealand: terrestrial and freshwater ecosystems. Interpretation of scale in assessment of ecological values and magnitude of ecological effects. August 2026. Available at <https://www.eianz.org/document/item/8955>.

¹³ Herpetofauna Joint Witness Statement, dated 18 August 2026, page 12.