

Under the **FAST-TRACK APPROVALS ACT 2024**

In the matter of an application by Wellington International Airport Limited for approvals for the Southern Seawall Renewal Project

**MEMORANDUM OF COUNSEL FOR WELLINGTON INTERNATIONAL
AIRPORT LIMITED PROVIDING APPLICANT'S RESPONSE TO DRAFT
DECISION AND CONDITIONS**

1 May 2026

BUDDLE FINDLAY

Barristers and Solicitors
Wellington

Solicitor Acting: **Dave Randal / Thad Ryan / Frances Wedde**

Email [REDACTED]

MAY IT PLEASE THE PANEL:

1. This memorandum of counsel on behalf of Wellington International Airport Limited (**WIAL**) is filed in response to the Panel's Minute 4, inviting comments on the draft conditions.
2. WIAL thanks the Panel for its draft decision and for the opportunity to comment on the draft decision and conditions. WIAL's comments and proposed amendments are provided below.
3. Overall, WIAL supports the Panel's draft decision and is very encouraged by the Panel's adoption of the latest set of conditions provided by WIAL.
4. WIAL will respond as necessary to any comments made by others. As directed by the Panel, that response will be provided by Tuesday 12 May 2026.

Minor corrections to the decision

5. WIAL has reviewed the draft decision and recommends a small number of minor corrections, as set out in **Appendix A** below.

Draft resource consent conditions and management plans

6. In addition to its comments on the draft decision, WIAL also suggests minor amendments to the draft resource consent conditions in relation to references to the management plans in Conditions GC.1 and GC.4, as set out in **Appendix B** below. WIAL is also providing a clean version of the full set of conditions incorporating those amendments.
7. WIAL is also providing with this memorandum final versions of the management plans listed in GC.4 for approval by the Panel.

Condition GC.1

8. Condition GC.1 has been updated to reflect the list of relevant documents (in general accordance with which the consents must be undertaken) and associated details, including the dates of final application documents, further information provided under section 67 of the FTAA, and WIAL's response to comments provided under section 55 of the FTAA.

Conditions GC.4 and GC.5

9. As the Panel is aware, various management plans are provided as part of the application. These are listed in conditions GC.4 and GC.5, which specify whether they will be approved by the Panel now (GC.4) or certified by WCC and GWRC in the future (GC.5).
10. Condition GC.4 has been updated to reflect the dates of the final management plans the Panel is to approve pursuant to that condition. That includes 'final' versions of management plans that the Panel has to date only seen as 'drafts', but are being provided alongside this memorandum:
 - (a) Lizard Management Plan dated 20 January 2026;
 - (b) Kororā / Penguin Management Plan dated 23 April 2026; and
 - (c) Marine Mammal Management Plan dated 17 March 2026.
11. For completeness, WIAL confirms that the only changes made to the above management plans have been the removal of draft watermarks / notations.
12. WIAL records that the Panel has already received final versions of the Contaminated Land Management Plan dated 3 October 2025 and Avifauna Management Plan dated 13 March 2026 (also for certification by the Panel).
13. No changes are proposed to condition GC.5, which lists the management plans to be certified by WCC / GWRC after the Panel makes its final decision on the Application. These management plans will of course remain in draft form until they are certified by WCC/GWRC.

Draft wildlife approvals and Reserves Act approvals

14. The draft wildlife approvals and Reserves Act approvals in the draft decision include some formatting 'glitches' and omissions, which WIAL understands were not intentional and may have occurred when the documents were carried across to the EPA system:
 - (a) In the draft lizard wildlife approval (Appendix B of the draft decision):
 - (i) In Schedule 1, the methodology clause has been omitted from the definition of authorised activity.
 - (ii) In Schedule 3, clause 8.1(f) has been omitted.
 - (iii) In Schedule 3, some text has been omitted from clause 10.1.

- (b) In the draft kororā wildlife approval (Appendix B of the draft decision):
- (i) The clause references in the background section should start at 'A' not 'F'.
 - (ii) In Schedule 2, clause 2.5 has been omitted.
 - (iii) In Schedule 3, clauses 2.4 and 2.5 should instead be clauses 2.3(a) and 2.3(b).
 - (iv) In Schedule 3, clause 4.3(d) should be separated from clause 4.3(c).
 - (v) In Schedule 3, clause 5.3 has been omitted.
- (c) In the Reserves Act approval (Appendix C of the draft decision):
- (i) The numbering of the clauses in the licences, which are schedules to the lease, is sequential, but should instead restart at 'A' or '1' for each licence document. This has also affected some cross-references throughout the documents.
 - (ii) The formatting has corrupted which has affected the formatting of various sub-clauses in the lease and licence documents.
15. WIAL understands that the Panel did not intend to make any changes to the draft wildlife approvals filed by WIAL in its response to section 53 comments; or to the draft Reserves Act approvals filed by WIAL and WCC. WIAL is refileing pdf versions of those documents with this memorandum and respectfully requests the Panel to include these pdf versions with its final decision.¹

Dated this 5th day of May 2026



Dave Randal / Thad Ryan / Frances Wedde
Counsel for Wellington International Airport Limited

¹ The draft wildlife approval filed with this memorandum corrects a numbering error and an incorrect reference to lizards, but is otherwise identical to the version filed with WIAL's response to section 53 comments.

Updated documents provided with this memorandum:

- Final Lizard Management Plan dated 20 January 2026
- Final Kororā / Penguin Management Plan dated 23 April 2026
- Final Marine Mammal Management Plan dated 17 March 2026
- Wildlife approvals (refiling pdf clean versions filed by WIAL with its response to section 53 comments on 17 March 2026)
- Reserves Act approvals (refiling pdf versions filed by WIAL and WCC on 27 March and updated on 31 March 2026)
- Updated Resource Consent Conditions (clean version)

Appendix A – WIAL's comments on the draft decision

Paragraph	Suggested amendment	Reasoning for amendment
402	<i>The Panel has had regard to the updated version (December 2025) of the NPS-IB, which came into effect prior to the Panel's decision but after preparation of some of the supporting technical assessments.</i>	The original (2023) NPS-IB came into effect before the Application and technical assessments were completed; the 2025 amendments were made after the Application was lodged
11	<i>Additionally, the George Bolt Street Construction Yard is located on the eastern western side of Wellington International Airport.</i>	Typo correction
15	Delete the words 'is provided' as this is a double up of the text from the start of the sentence.	Typo correction
17(c)	Update 'MGD Yard' to 'MGC Yard'	Typo correction
26	<i>The National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health requires consent for soil disturbance associated with the Southern Seawall and Moa Point Yard as a controlled activity</i>	Suggest being more specific as to where / why consent is required.
31(a)	<i>A detailed site investigation for contamination in respect of the MGC Yard and GPS coordinates – on 13 November 2025;</i>	Suggest being more specific, noting a DSI for the Southern Seawall and Moa Point Yard was provided with the original Application.

34	Last sentence: ... <i>the Panel met on-line or in person on the following occasions</i>	We understand the Panel met in person on 5 February and therefore suggest this amendment.
35(l)	Add semicolon at end of line	Typo correction
111	Correct '20-tonne Cubipod units' to '15.5-tonne Cubipod units'	Typo correction
117	Correct 'GOBT' to 'GOTB'	Typo correction
138	Correct 'MDC Yard' to 'MGC Yard'	Typo correction
146	Add full stop at the end of this paragraph	Typo correction
147	Delete extra full stop at end of first sentence	Typo correction
184	Correct 'assesses' to 'assess'	Typo correction
194	Delete duplicate of 'the relevant' in the first sentence.	Typo correction
195	Last line: ... <i>that there are likely to be up to 50 sites.</i>	Typo correction
200	Remove quote marks and extra full stop at end of indented quote.	Typo correction
201	Remove extra full stop at end of indented quote.	Typo correction

209	<i>... Reserves Act approval is therefore needed for in relation to the eastern western end of the penguin underpass</i>	Typo correction
211	Remove comment bubble.	Formatting correction
251	<i>...with residual effects adequately offset / compensated for ...</i>	This addition would reflect that the two kororā colonies have been described in the Residual Effects Assessment Report (B.12 in the Application) as compensation rather than offsetting.
264	Remove comment bubble.	Formatting correction
274	Add full stop at end of paragraph.	Typo correction
306	<i>... The Panel anticipates that this recommendation can be addressed via the Community Liaison Group conditions as proposed by the Applicant.</i>	To confirm that the recommendation is addressed by WIAL's proposed conditions (and no further amendments are required).
327	<i>The natural character effects for both the current and modified environments is considered to be low and very low accordingly.</i>	Typo correction
328	Correct 'neural' to 'neutral' (x2)	Typo correction
337	<i>The Applicant proposed made two minor updates to construction traffic management conditions are proposed...</i>	Typo correction

360	Delete 'To' at the start of second sentence	Typo correction
398	Suggest moving this paragraph out of the NPS-FM section, to the NES Freshwater section (to be a new paragraph 458), and amending as follows: <i>The Project is "specified infrastructure" and therefore exempt from the NPS, subject to assessment under Regulation 45 of the NES-F.</i>	As per paragraph 397, the Project is consistent with (rather than exempt from) the NPS-FM. The paragraph relates more to the Project's status under the NES-F.
464	<p><u><i>Difference of interpretation – Applicant and GWRC /WCC</i></u></p> <p><i>In its section 53 comments, WCC stated that it "agrees with the applicant's position that the effects on human health from disturbance of contaminated land are likely to be low and supports the proposed conditions on this matter."</i></p> <p><i>GWRC, also acting for WCC in relation to contaminated land matters, expressed a different preliminary view in its section 53 comments, particularly in relation to perceived gaps in sampling coverage at the MGC Yard and exceedances of indirect ecological guideline values (including PFAs) with the seawall footprint.</i></p>	<p>GWRC and WCC both engaged the same consultant advisor (Ms Rhodes of PDP) to consider contaminated land matters, but separately and in respect of their own matters of interest: human health and the NES-CS for WCC, and ecological health and the Wellington NRP for GWRC.</p> <p>In its section 53 comments, WCC confirmed it was comfortable with the position reached on contaminated land in respect of human health and the NES-CS.</p> <p>The issues raised, and flagged in this paragraph of the draft decision, were specific to GWRC's section 53 comments (and ecological health and the NRP).</p>
465	Based on that preliminary view, GWRC /WCC considered that ...	As above – the concerns raised were specific to GWRC.

467	The Panel notes that the Applicant and GWRC WCC have resolved these matters through expert conferencing...	As above – the concerns raised were specific to GWRC.
522	Add full stop at end of this paragraph.	Typo correction.
558	The Panel notes that controlled activity pathways under the NES-CS are engaged, and the agreement reached between the Applicant and GWRC WCC that the standards in NRP Rule 82 have been met.	As per previous contaminated land comments: the agreement re the NRP standards is specific to the Applicant and GWRC.
586	Delete \ at the end of this paragraph.	Typo correction.
589	Add a new paragraph to the list: <i>Port Nicholson Block Settlement Trust supports the Project in its role as post settlement governance entity for Taranaki Whānui, subject to the full and ongoing implementation of the agreed conditions and management plans.</i>	This addition would ensure that the position of both Ngāti Toa Rangatira and Taranaki Whānui is recorded in the Panel's summary of findings in the Treaty settlements section of the decision. The suggested new paragraph reflects the PNBST letter included in Part F of the Application: 5095142abc60d9e78f0b776f9148ed1d09d9154e.pdf
612 and 613	Remove references to WCC in both paragraphs.	As discussed above, only GWRC raised contaminated land issues in its section 53 comments.

621	<i>i. For a resource consent clause 18 of Schedule 5 apply applies.</i>	Typo correction
639	Add full stop at end of this paragraph.	Typo correction

Appendix B – Excerpt of conditions GC.1 – GC.5 in tracked changes

[See page below]

Ref	Conditions
	<p>4. Only commencing earthworks in a subsequent stage after the preceding stage is stabilised;</p> <p>For the avoidance of doubt, earthworks that are planned or undertaken in a single stage are not staged for the purposes of this definition.</p>
TSS	Total Suspended Solids
Winter Works Period	In relation to the Erosion Management and Sediment and Dust Control Conditions, means the period between 1 June and 30 September (inclusive).
Working Day	Has the same meaning as in section 2 of the Resource Management Act 1991

GENERAL CONDITIONS APPLYING TO ALL RESOURCE CONSENTS

Ref	Conditions
GC.1.	<p>Except as provided for in the conditions below, the Project must be undertaken in general accordance with:</p> <p>(a) The plans and information submitted with the application titled “Wellington International Airport Limited, Southern Seawall Renewal Project, dated 23rd October 2025, and the supporting technical documents submitted by the Consent Holder to the Environmental Protection Authority in support of its application for authorisation of the Southern Seawall Renewal Project under the Fast-track Approvals Act 2024;</p> <p>(b) fThe Applicant’s responses to comments provided under section 55 of the Fast-track Approvals Act 2024, <u>dated 17 March 2026;</u> and</p> <p><u>(c) f</u>The further information submitted pursuant to section 67 of the Fast-track Approvals Act 2024, <u>dated 13 February 2026; and</u></p> <p>(e)(d) <u>The further information submitted pursuant to section 67 of the Fast-track Approvals Act 2024, dated 10 April 2026.</u></p>
GC.2.	Where there is a conflict or inconsistency between the documents listed in Condition GC.1(a) and the information listed in Condition GC.1(b) and (c), the most recent plans and information must prevail.
GC.3.	In the event of any conflict or inconsistency between the documents listed in Condition GC.1 and the conditions of this consent, the conditions must prevail.
Management Plans	

Ref	Conditions
GC.4.	<p>This consent must be exercised in accordance with the following management plans:</p> <ul style="list-style-type: none"> (a) Contaminated Land Management Plan (CLMP) dated insert <u>3 October 2025</u>. (b) Lizard Management Plan (LMP) dated <u>20 January 2026</u>insert. (c) Avifauna Management Plan (AMP) dated insert <u>13 March 2026</u>. (d) Kororā / Penguin Management Plan (KPMP) dated <u>23 April 2026</u>insert. (e) Marine Mammal Management Plan (MMMP) dated <u>17 March 2026</u>insert. <p>Where a management plan is amended under Conditions GC.9 or GC.10, the consent must be exercised in accordance with the amended management plan.</p>
GC.5.	<p>The following management plans must be submitted to the relevant Manager(s) for certification:</p> <p>To be certified by the Manager WCC:</p> <ul style="list-style-type: none"> (a) Construction Noise and Vibration Management Plan (CNVMP) (b) Construction Traffic Management Plan (CTMP) (c) <u>(c)</u> Erosion, Sediment, and Dust Control Monitoring Plan (ESCDMP) (e)(d) <u>(d)</u> Site Specific Erosion, Sediment, and Dust Control Plans (SSESDCPs) (d)(e) <u>(e)</u> Chemical Treatment Management Plan <p>To be certified by the Manager GWRC:</p> <ul style="list-style-type: none"> (e)(f) <u>(f)</u> With regard to noise in the CMA, Construction Noise and Vibration Management Plan (CNVMP) (f)(g) <u>(g)</u> Erosion, Sediment, and Dust Control Monitoring Plan (ESCDMP) (g)(h) <u>(h)</u> Site Specific Erosion, Sediment, and Dust Control Plans (SSESDCPs) (h)(i) <u>(i)</u> Chemical Treatment Management Plan (i)(j) <u>(j)</u> Subtidal Habitat Monitoring Plan (j)(k) <u>(k)</u> Updated Site-wide Stormwater Management Plan <p>Where a management plan is amended under Conditions GC.9 or GC.10, the consent must be exercised in accordance with the amended management plan.</p>
GC.6.	<p>The Consent Holder must follow the process set out below for any management plans requiring certification under Condition GC. 5 or Condition GC.10:</p> <ul style="list-style-type: none"> (a) Documents requiring written certification must be submitted to the relevant Manager(s) in an electronic format.