

**BEFORE AN EXPERT PANEL
SOUTHERN SEAWALL RENEWAL PROJECT**

FTAA-2510-1118

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 IN ADVANCE OF PANEL OVERVIEW CONFERENCE**

30 January 2026

BUDDLE FINDLAY

Barristers and Solicitors
Wellington

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

Email [REDACTED]

Tel 64 4 498 7335 Fax 64 4 499 4141 PO Box 2694 DX SP20201 Wellington 6011

MAY IT PLEASE THE PANEL:

1. This memorandum of counsel is filed on behalf of Wellington International Airport Limited (**WIAL**) in advance of the Panel briefing on the Southern Seawall Renewal project (**Project / Application**), scheduled for 10am on Thursday, 5 February 2026.
2. At the conference, WIAL intends to provide a high-level overview of the Application. In particular, WIAL intends to:
 - (a) Speak to a PowerPoint presentation that gives an overview of:
 - (i) the need for and benefits of the Project, by reference to the need to safeguard Wellington International Airport's (**Airport**) runway and thereby protect nationally and regionally significant infrastructure; and
 - (ii) the Project itself, including its history, the existing environment, and WIAL's approach to effects management.
 - (b) Provide an outline of the approvals sought for the Project under the Fast-track Approvals Act 2024 (**FTAA**), and the proposed conditions. Mitchell Daysh has prepared a separate PowerPoint presentation on the conditions and management plans, which Ms O'Sullivan and Ms Robotham will speak to at the conference.
 - (c) Update the Panel on discussions since the Panel Convener's Conference and provide updated conditions and management plans that have been prepared following those discussions.
 - (d) Give an overview of what WIAL considers will likely be the key substantive issues for the Panel to assess.
 - (e) Address arrangements for the Panel's site visit, as necessary.
3. The Panel will be aware that Part A of the Application is an overarching substantive application document, and that appended to Part A is a legal analysis of the FTAA and the Project. Together those documents address the key matters relevant to the briefing. We do not repeat the detailed content of those documents in this memorandum, but refer to those and other Application documents as appropriate.

Attendance at the conference

4. The attendees at the Panel briefing on behalf of WIAL will be:
 - (a) Jo Lester and John Howarth (WIAL);
 - (b) Thad Ryan and Frances Wedde (Buddle Findlay);
 - (c) Kirsty O'Sullivan and Ellen Robotham (Mitchell Daysh);
 - (d) Michael Buckland (McConnell Dowell);
 - (e) Jennifer Hart (Beca);
 - (f) Chris Wedding (Biosearches); and
 - (g) Darran Humpheson (Tonkin and Taylor).¹

The benefits of and need for the Project

5. As noted above, the PowerPoint presentation highlights the need for, and benefits of, the Project.
6. In summary, the Project will renew the existing Southern Seawall to safeguard the long-term operation of the Airport against coastal wave action and extreme weather events, increase the Airport's resilience to climate change, and reduce the (otherwise increasing) maintenance demands of the existing seawall.
7. The Airport is a major contributor to the economy in the Wellington region. It facilitates annual expenditure of \$3.9 billion, supports over 14,500 full-time equivalent (**FTE**) jobs, and contributes around \$2 billion in gross domestic product to the region's economy annually. The Project is a crucial undertaking to ensure the benefits provided by the Airport continue into the future.
8. The Project will deliver its own significant employment and economic benefits for local communities and the wider Wellington region. It is expected to create around 800 FTE jobs over the seven-year construction period.

¹ Mr Wedding (terrestrial ecology expert) and Mr Humpheson (noise and vibration expert) will attend online.

9. Overall, the Project has an estimated benefit-cost ratio of 2.6, with gross benefits of \$690 million in the high-benefit scenario or \$553.6 million in the median scenario.²
10. The benefits of and need for the Project are set out in detail in the Application documents, including in particular:
 - (a) Part A of the Application³ and the attached legal analysis document;⁴ and
 - (b) The technical assessments prepared by consultant experts and included in Part B to the Application, including in particular:
 - (i) Technical Assessment B.01 – Economic Assessment of Southern Seawall Renewal (prepared by Hugh Dixon and Connor McIndoe of BERL);⁵ and
 - (ii) Technical Assessment B.02 – Economic contribution of Wellington International Airport (prepared by Connor McIndoe, Hugh Dixon and Hillmarè Schulze of BERL).⁶
11. WIAL is mindful of the values in this coastal environment, and of the potential impacts of the Project on nearby residents. The Project has been carefully developed to ensure that adverse effects on these values will be minimised through comprehensive management measures.

Overview of the Project

12. WIAL's PowerPoint presentation also provides an overview of the Project itself, including the seven key elements described in Part A.02 of the Application:⁷
 - (a) establishment and use of the Miramar Golf Course Construction Yard (**MGC Yard**) for the storage of rock and concrete armour units;
 - (b) clearance and use of the George Bolt Street Construction Yard (**George Bolt Yard**) for the storage of materials and plant;

² As assessed in terms of net present value over a 50-year timeframe.

³ See in particular [A.01 Introduction](#) and [A.07 Assessment of Environmental Effects](#) at 7.2 Positive Effects.

⁴ [Appendix A Analysis of Legal Framework](#).

⁵ [B.01 BERL - Economic Assessment WIAL](#).

⁶ [B.02 BERL - Economic Assessment](#).

⁷ [A.02 Description of Proposal](#).

- (c) establishment and use of the Moa Point Construction Yard (**Moa Point Yard**) and site facilities at the corner of Stewart Duff Drive and Moa Point Road;
 - (d) renewal of the Southern Seawall, including overlaying the existing seawall with rock and reused-concrete units, adding armour units, constructing the seawall toe and associated works;
 - (e) remediation of the Eastern Bank, providing rock protection between the Southern Seawall and unprotected coastline to the east, and to help reduce the active erosion of the existing bank;
 - (f) creation of high-quality kororā habitat on the landward side of Moa Point Road (**Stage 1 Kororā Colony**) and on part of the Moa Point Yard (**Stage 2 Kororā Colony**) to support kororā habitation and breeding; and
 - (g) supply of rock and armour units.
13. An overview of the 'core' construction work to renew the Southern Seawall is provided in a short video, available at:
[WIAL Presentation Animation 251009.mp4](#).⁸ Notably, many of the construction activities associated with reconstructing the Southern Seawall must take place at night to avoid equipment breaching the "Obstacle Limitation Surface" while the Airport is operating and to ensure uninterrupted airport operations as a "lifeline utility".
14. The Project Maps included as Part C of the Application provide a useful visual overview of the Project.⁹

Approvals sought and proposed conditions / terms

15. The FTAA Application is for the necessary approvals to enable the Project, as set out in Part A.05 of the Application.¹⁰
16. Parts A.07 and A.08 provide the assessment of the Project's environmental effects and describe how effects will be managed. Parts A.10 to A.13 then provide specific analysis for each category of approval sought.
17. The approvals sought include:

⁸ The link to the video was also provided at page 6 of Part A.01 of the substantive application.

⁹ [C.01 Engineering Plans for Consent](#) and [C.02 Project Wide Maps](#).

¹⁰ [A.05 Approvals Sought](#). Part A is the overall substantive application for the Project.

- (a) Resource consents that would otherwise be applied for under the RMA. They include regional discharge, land use and coastal permits that would otherwise be sought from Greater Wellington Regional Council, and land use consents that would otherwise be sought from Wellington City Council. Part A.10 of the Application provides specific analysis in respect of the resource consents.¹¹
- (b) Reserves Act approvals that would otherwise be applied for under the Reserves Act 1977 (**Reserves Act**). The Reserves Act approvals are to provide for:
 - (i) a lease over local purpose (esplanade) reserve (Lots 3 and 4 DP78304), for:
 - (1) all activities and structures associated with the establishment, operation and use of the Moa Point Yard;
 - (2) all activities and structures associated with the construction of the Southern Seawall and Eastern Remediation Area; and
 - (3) site rehabilitation and restoration of the Moa Point Yard (part of which then becomes the Reserve Restoration Area), Southern Seawall and Eastern Remediation Area.
 - (ii) licences or easements over local purpose (esplanade) reserve (Lots 3 and 4 DP78304), for varying durations, for:
 - (1) the ongoing monitoring and maintenance of the Southern Seawall and Eastern Remediation Area, including the establishment of storage and staging areas associated with such maintenance;
 - (2) the ongoing monitoring and maintenance of the Reserve Restoration Area as required by the conditions of consent;
 - (3) access across reserve land to provide for the ongoing monitoring and maintenance of the Stage 2 Kororā Colony as required by the conditions of consent; and

¹¹ [A.10 Approvals relating to the RMA.](#)

- (4) if required, for:¹²
- A. placing rocks around the entrance to the culvert of the Stage 1 Kororā Colony and associated monitoring and maintenance; and
 - B. lizard habitat enhancement planting, lizard release and subsequent monitoring and maintenance.

Part A.11 of the Application provides specific analysis in respect of the Reserves Act approvals;¹³ and the location of the approvals sought is shown in Figures 11.1 to 11.3.¹⁴

- (c) Wildlife approvals that would otherwise be applied for under the Wildlife Act 1953:
- (i) to catch, handle, salvage, and relocate native lizards from the Moa Point Yard and MGC Yard to suitable adjacent habitats;
 - (ii) to catch, handle and relocate kororā from the Southern Seawall to the Stage 1 Kororā Colony;
 - (iii) to monitor kororā in nestboxes in the colonies and undertake tracking studies to determine foraging areas and diving behaviours;
 - (iv) to mark kororā, for the purposes of species management and research; and
 - (v) to incidentally harm or kill lizards and kororā.

Part A.12 of the Application provides specific analysis in respect of the wildlife approvals.¹⁵

- (d) An archaeological authority that would otherwise be applied for under the Heritage New Zealand Pouhere Taonga Act 2014 (**HNZPT Act**). WIAL is seeking a 'site-wide' authority, on a precautionary basis.

¹² WCC has now confirmed that landowner approval for these activities can be through a letter from WCC to WIAL confirming its agreement to the two activities, and that more specific / formal Reserves Act approvals for those activities are not required.

¹³ [A.11 Approvals relating to Reserves Act](#).

¹⁴ [A.11 Approvals relating to Reserves Act](#) at 402-404.

¹⁵ [A.12 Approvals relating to Wildlife Act](#).

Part A.13 of the Application provides specific analysis in respect of the archaeological authority.¹⁶

18. Technical assessments in support of the Application are included in Part B of the Application.
19. Conditions are proposed to apply to the resource consents, wildlife approvals and archaeological authority. The conditions are provided as Part D of the Application, with a specific condition document addressing each category of approval sought.
20. As discussed below, updated resource consent conditions have been prepared following detailed discussions with the Councils and DOC, and are provided with this memorandum.
21. WIAL is continuing to engage with WCC on the necessary Reserves Act approval documentation (lease, licence and/or easement), including appropriate terms and conditions. The intention is to provide those documents to the Panel in due course, ideally on an agreed basis.
22. A suite of management plans is proposed to implement the requirements of various conditions. They relate to archaeology, sediment and erosion control, contaminated land management, construction traffic management, construction noise management, and ecology matters.¹⁷ All of the management plans have been provided in draft form in Part G of the Application. Most are well-advanced drafts that have considered and implemented feedback from key participants in the process.
23. As discussed below, a number of the management plans have been updated following further discussion with GWRC, WCC and DOC. Those updated management plans are provided with this memorandum.

Update following the Panel Convener's Conference

24. The Panel Convener's Conference was held on 17 December 2025. The memorandum of counsel filed on behalf of WIAL ahead of the Panel Convener's Conference (**Convener's Conference Memorandum**) set out:
 - (a) WIAL's position in terms of the complexity of the Application;

¹⁶ [A.13 Approvals relating to Heritage NZ Pouhere Taonga.](#)

¹⁷ There are specific management plans for kororā, lizards, avifauna and marine mammals.

- (b) the likely key issues to be worked through in this FTAA process; and
 - (c) the status of discussions with the other participants in the Panel Convener's Conference.
25. As explained at the Panel Convener's Conference:
- (a) the Application and effects management measures for the Project are well advanced and understood by the key participants; and
 - (b) the anticipated issues between the Convener's Conference participants are relatively narrow.
26. To assist the Panel, counsel provide the following update in terms of key issues, and (where relevant) the status of discussions with others invited to attend the Panel Overview Conference.

Key issues

27. WIAL remains of the view that the key issues to be worked through in the FTAA process are:
- (a) Effects on ecological values, and in particular the details of the resource consent and wildlife approval conditions to address effects on kororā, other avifauna (ie dotterel), lizards and marine mammals.
 - (b) Noise and other residential amenity effects, noting in particular WCC's agreement with the noise and vibration assessment approach, and its general support for WIAL's proposed draft noise and vibration conditions.
 - (c) Construction management measures generally, noting the well-advanced discussions between WIAL, the Councils and others on those matters.

Update on discussions

28. The position as between WIAL and the participants in the Convener's Conference remains largely as reported in the Convener's Conference Memorandum. In particular:
- (a) PNBST (on behalf of Taranaki Whānui) and Te Rūnanga o Toa Rangatira Incorporated (on behalf of Ngāti Toa Rangatira) have

provided letters of support for the Project, and there are no outstanding issues between the parties.¹⁸

(b) WIAL understands HNZPT has no concerns in respect of the Project, or the application documents. After the Convener's Conference, HNZPT provided its updated 'standard form' conditions to WIAL. The proposed conditions to apply to the Project archaeological authority have been updated to reflect those updated standard form conditions and are provided alongside this memorandum (with changes tracked). None of the changes proposed are substantive.

(c) Detailed engagement with DOC, WCC and GWRC on a range of issues led to updates to the application documents in advance of lodgement. The issues that remain under discussion relate generally to matters of detail in terms of:

(1) the measures / conditions proposed to address ecology and construction-related effects; and

(2) the wildlife approvals (DOC) and Reserves Act approvals over WCC land required for the Project.

29. WIAL has continued to engage with DOC, WCC and GWRC following the Convener's Conference, including through meetings between experts and in respect of condition drafting. WIAL has made it clear to those entities that it remains available and willing to discuss issues, in advance of formal section 51 reporting and section 53 comment deadlines.

30. GWRC and WCC have provided comments on the draft resource consent conditions as lodged.¹⁹ Those have been carefully considered by WIAL, and an updated set of consent conditions has been prepared accordingly.

31. The updated consent conditions are provided with this memorandum. To assist the Panel, WIAL is providing:

(a) a 'clean' updated consent conditions document; and

¹⁸ See: [F.12 Taranaki Whānui - Section 29 response letter - 17 October 2025](#) and [F.14 Ngati Toa - Section 29 response letter - 25 August 2025](#). In addition, WIAL has sought comment from Wellington Tenth Trust, which provided a letter addressing matters of detail. Those matters were considered in the drafting of the proposed conditions. WIAL also sought comment from Te Ātiawa ki te Upoko o Te Ika a Māui Pōtiki Trust prior to lodging the application, and understands the Trust is still considering the application.

¹⁹ DOC provided preliminary feedback on the resource consent and wildlife approval conditions on 30 January 2026, and indicated any further comments would be provided in its section 51 report and section 53 comments. DOC's preliminary feedback has not been addressed in the updated resource consent conditions.

- (b) a version showing the updates made to the lodged version as 'tracked'. Comment boxes indicate the basis for each change, and also indicate where GWRC, WCC or DOC suggested changes that have not been adopted by WIAL.
32. The following management plans have also been updated following discussions, and are provided with this memorandum:
- (a) Lizard Management Plan: updated to refer to the new proposed lizard release site (as proposed by WCC and agreed by WIAL);²⁰
 - (b) Avifauna Management Plan: updated to provide details in respect of pre-construction visual inspections for the presence of banded dotterels (as requested by GWRC and agreed by WIAL);
 - (c) Kororā / Penguin Management Plan: updated in relation to various matters of detail following feedback from DOC and GWRC;²¹ and
 - (d) Erosion and Sediment Control Monitoring Plan, MGC Yard Site-Specific Erosion and Sediment Control Plan, and Moa Point Yard Site-Specific Erosion and Sediment Control Plan: updated including to provide for dust management as requested by GWRC, so that the plans become the Erosion, Sediment and Dust Control Monitoring Plan and the Site-Specific Erosion, Sediment and Dust Control Plans.
33. The Erosion and Sediment Control Assessment Report has also been updated, and renamed as the Erosion, Sediment and Dust Control Assessment Report.
34. The Detailed Site Investigation for the MGC Yard has also been updated following discussions with GWRC and its advisors, and is provided with this memorandum.
35. WIAL considers it would be appropriate for these updated documents to be uploaded to the Project website, so that those invited to comment on the Project have the latest available information to hand.

²⁰ This new release site replaces the original proposed release site. Note that, in line with advice from DOC, WIAL is not referencing the specific location of the lizard release site in this memorandum.

²¹ Including to: Add additional information re the underpass to the Stage 1 Kororā Colony (page 34); provide for WIAL to engage with WCC re the prohibition of dogs near the underpass entrance (page 35); add a procedure for moving nest boxes if natural hazard risks arise (page 35); provide for the installation of low-intensity lighting along paths in the Stage 1 Kororā Colony (page 36); add details re pest control at the Stage 1 Kororā Colony; provide for a soft release site at the Stage 1 Kororā Colony; amend the procedure for managing moulting penguins (page 46).

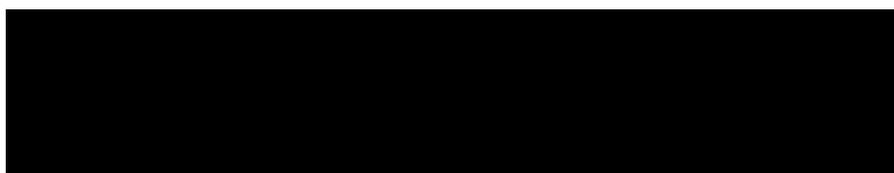
Site visit

36. Counsel understand that a site visit is being arranged for the Panel for the day of the overview conference.
37. As requested, a suggested agenda / map for the site visit has been prepared and provided to the EPA. Any outstanding details in respect of the site visit can be discussed and confirmed at the briefing.

Conclusion

38. As described in the substantive application, the Project has been carefully developed to protect sensitive values, and to minimise adverse effects on people and the natural environment. The benefits the Project will deliver, and its limited adverse effects, mean the Project would strongly merit approval under traditional RMA and other statutory processes.
39. The Project is very strongly aligned with and will promote the purpose of the FTAA, being to "*facilitate the delivery of infrastructure and development projects with significant regional or national benefits*".²² There is no lawful basis for declining the approvals sought,²³ and it will be important for the Panel to ensure that the conditions imposed are reasonable, and no more onerous than necessary to address the purpose for which they are set.²⁴

Dated this 30th day of January 2026



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

²² Section 3 of the FTAA.

²³ There are certainly no effects that, taking into account WIAL's proposed effects management measures, are sufficiently significant to be out of proportion to the Project's regional / national benefits in terms of section 81(2) of the FTAA.

²⁴ As per section 83 of the FTAA.

Documents provided with this memorandum of counsel:

- **Updated draft resource consent conditions:**
 - Tracked version with explanatory comments
 - Clean version
- **Updated draft archaeological authority conditions:**
 - Tracked version
 - Clean version
- **Updated management plans:**
 - Lizard Management Plan
 - Avifauna Management Plan
 - Kororā / Penguin Management Plan
 - Erosion, Sediment and Dust Control Monitoring Plan
 - MGC Yard Site-Specific Erosion, Sediment and Dust Control Plan
 - Moa Point Yard Site-Specific Erosion, Sediment and Dust Control Plan
- **Updated technical assessments / reports:**
 - Erosion, Sediment and Dust Control Assessment Report
 - Detailed Site Investigation for the MGC Yard.