

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

**RESPONSE BY WELLINGTON INTERNATIONAL AIRPORT LIMITED TO
SECTION 53 COMMENTS AND SECTION 51 REPORTS**

17 March 2026

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INTRODUCTION

1. This document and its appendices comprise the response by Wellington International Airport Limited (**WIAL**) to:
 - (a) comments on WIAL's substantive application for approvals to enable the Southern Seawall Renewal Project (**Project**), provided by persons invited to comment by the Expert Panel (**Panel**) under section 53 of the Fast-track Approvals Act 2024 (**FTAA**);¹ and
 - (b) advice/reports provided, under section 51 of the FTAA, by the Director-General of Conservation (**DOC**) and Heritage New Zealand Pouhere Taonga (**HNZPT**) / the Māori Heritage Council.²
2. The response to comments builds on (and does not seek to repeat) the detailed material in WIAL's substantive application documents.³
3. By way of introduction, WIAL welcomes the feedback provided in respect of the Project and is grateful to all persons and entities who have taken the time to comment.
4. WIAL appreciates the strong support shown for the Project and understands that none of the commenters under section 53 oppose the grant of the approvals sought. The broad recognition of the importance of and need for the Project, and the benefits it will bring in terms of improving the resilience of Wellington International Airport (**Airport**), is notable.
5. WIAL again expresses its gratitude to the people and groups – including in particular Taranaki Whānui ki Te Upoko o Te Ika⁴ (**Taranaki Whānui**) and Ngāti Toa Rangatira⁵ (**Ngāti Toa**), DOC, Wellington City Council (**WCC**), Greater Wellington Regional Council (**GWRC**), and HNZPT – whose fulsome engagement and constructive feedback has been pivotal in WIAL's development of the Project and the suite of conditions. This collaborative approach has enabled there to be a relatively short list of remaining issues, all of which are understood to relate to conditions.
6. In that regard, WIAL reiterates that the conditions it has proffered comprehensively address the adverse effects of the Project. Those

¹ Addressed in Minute 2 of the Panel dated 10 February 2026, [here](#).

² As requested in Minute of the Panel Convener dated 2 December 2025, [here](#).

³ Including WIAL's response to the Panel's requests for further information provided on 13 February 2026, [here](#).

⁴ As represented by Port Nicholson Block Settlement Trust.

⁵ As represented by Te Rūnanga o Toa Rangatira Inc.

conditions have been developed in a considered way and honed over time, based on detailed expert advice and in consultation with Taranaki Whānui, Ngāti Toa, WCC, GWRC, DOC, HNZPT and others. They will not only ensure that the Project's environmental footprint will be minimised as far as practicable, but will also deliver improved habitat for important indigenous species (namely kororā and lizards) at the site over the longer-term.

7. In terms of the remaining matters in dispute, it is vitally important to WIAL (and all those who will benefit from the Project) that the conditions do not compromise the efficient delivery of the Project. The FTAA's purpose provides an important touchstone – and indeed, the key consideration – for the Panel as it works through each of those matters; the Panel must consider how best *"to facilitate the delivery of infrastructure and development projects with significant regional or national benefits"*.
8. There are numerous, compelling reasons for the Panel to facilitate delivery of this Project by imposing conditions that are not unduly onerous. To summarise:
 - (a) As the only international airport in the lower North Island, the Airport provides essential connectivity for communities from Hawke's Bay to Marlborough, supporting both national and international travel.
 - (b) The Airport is a key economic driver, contributing \$3.9 billion to the Wellington region annually and generating \$2 billion in GDP in 2024. It also supports over 14,500 full-time equivalent jobs, reflecting both direct employment at the Airport and wider economic benefits across the region.
 - (c) The Project will help safeguard the long-term operation of the Airport against natural hazards, increase the Airport's resilience to climate change, and reduce the (otherwise increasing) maintenance demands of the existing seawall.
 - (d) The Project has been developed to align strongly with the planning instruments under the Resource Management Act 1991 (**RMA**); the adverse environmental effects that have not been able to be avoided will be comprehensively addressed.

- (e) The FTAA framework requires conditions not to be unduly onerous⁶ and prioritises ease of delivery above all other decision-making criteria.⁷
9. These contextual matters underpin WIAL's response and are addressed in more detail throughout this document.
10. By way of response to the section 51 reports, DOC and HNZPT have raised a small number of matters that can readily be addressed.
11. Against that background, WIAL's response is set out in two parts, **Part A** and **Part B**.
12. **Part A** provides a response to the section 53 comments. In Part A, general responses are provided to comments regarding ecology (specifically marine ecology, lizards, and kororā and other avifauna), being a recurring theme addressed in a number of comments.
13. A specific response is then provided to each set of comments, from:
- (a) the relevant local authorities: WCC and GWRC;
 - (b) DOC;
 - (c) Te Rūnanga o Toa Rangatira Inc;
 - (d) the relevant Ministers, namely the Acting Minister for Infrastructure, Associate Minister for Transport, the Minister for Māori Crown Relations, and the Acting Minister Responsible for RMA Reform;
 - (e) entities the Panel was required to invite to comment because WIAL has applied for concessions and wildlife approvals, namely:
 - (i) Wellington Conservation Board; and
 - (ii) New Zealand Conservation Authority;
 - (f) several owners and occupiers of land identified as 'adjacent land' in Appendix 3 to Minute 2 of the Panel), namely:
 - (i) [REDACTED] who resides at (and owns) 35 Moa Point Road;

⁶ Section 83, FTAA.

⁷ Section 3 and (for example) clause 17(1)(a) of Schedule 5 to the FTAA.

- (ii) [REDACTED], who own the property at 49 Moa Point Road; and
 - (iii) [REDACTED], who owns the property at 50 Moa Point Road; and
 - (g) others invited to comment by the Panel:
 - (i) Wellington Air Noise Management Committee; and
 - (ii) Guardians of the Bays.
14. **Part B** provides a response to the section 51 reports received from:
- (a) HNZPT in respect of the archaeological authority;⁸ and
 - (b) DOC in respect of the wildlife approvals.
15. Attached to this document and forming part of WIAL's detailed response to comments are:
- (a) **Appendix 1:** the evidence of Dr Laureline Meynier responding to comments on marine ecology;
 - (b) **Appendix 2:** the evidence of Chris Wedding and Dr Michael Anderson responding to comments on terrestrial ecology;
 - (c) **Appendix 3:** the evidence of Dr John Cockrem responding to comments on kororā;
 - (d) **Appendix 4:** the evidence of Jennifer Hart and Amy Sheppard responding to comments on coastal processes, engineering and design;
 - (e) **Appendix 5:** the evidence of Sarah Shepherd responding to comments on contaminated land;
 - (f) **Appendix 6:** the evidence of Kirsty O'Sullivan and Ellen Robotham responding to comments on planning;
 - (g) **Appendix 7:** an updated set of the proposed conditions for the resource consents (including the conditions matrix), showing the changes in track;

⁸ HNZPT also provided section 53 comments, but those comments simply refer to the section 51 report and repeat the request for the conditions to the archaeological authority to be amended as sought in the section 51 report.

- (h) **Appendix 8:** an updated set of the proposed conditions for the wildlife approvals, showing the changes in track;
- (i) **Appendix 9:** an updated set of the proposed conditions for the archaeological authority, showing the changes in track;
- (j) **Appendix 10:** an updated version of the proposed Marine Mammals Management Plan;
- (k) **Appendix 11:** an updated version of the proposed Avifauna Management Plan;
- (l) **Appendix 12:** an updated version of the proposed Kororā / Penguin Management Plan; and
- (m) **Appendix 13:** an updated version of Section 2 of the Graphic Supplement to the Landscape, Natural Character and Visual Effects Assessment, which includes an updated Moa Point Landscape Concept Plan in response to comments received from WCC.

PART A – RESPONSE TO SECTION 53 COMMENTS

COMMENTS REGARDING THE SIGNIFICANT NATIONAL AND REGIONAL BENEFITS OF THE PROJECT

Introduction – apparent consensus on the Project's significant benefits

- 16. Again, this Project is highly unusual in that WIAL understands there to be universal acceptance among the commenters of the need for the Project to proceed, in order to safeguard the long-term operation of the Airport.
- 17. This is a central theme of many of the comments,⁹ including those by well-informed participants such as the Minister of Finance Hon. Nicola Willis, who pointed to the key drivers and benefits of the Project:
 - (a) protecting the Airport – a nationally and regionally significant infrastructure asset – particularly its runway and flight operations from the south; and
 - (b) fully reconstructing and upgrading the Southern Seawall, which is nearing the end of its design life, to maintain this protective function.

⁹ Other commenters who emphasise these benefits include the Associate Minister of Transport, and the Acting Minister Responsible for RMA Reform.

18. Numerous other commenters expressly recognise the need for and benefits of the Project, ranging from other Government Ministers to local authorities, mana whenua, the New Zealand Conservation Authority and the Wellington Conservation Board, and the Wellington Air Noise Management Committee.
19. These benefits must weigh strongly in the Panel's decision-making, including by ensuring that the conditions imposed align with the statutory purpose of facilitating the delivery of those benefits.

COMMENTS ADDRESSING ECOLOGY

20. The Panel will be aware that detailed assessments of the potential effects of the Project on ecological values have been carried out, including in light of the Project's coastal location.
21. The ecological values present, and the potential effects of the Project on those values, have been assessed by subject-matter experts. WIAL acknowledges the Project will have adverse ecological effects, but through careful design, and implementing the recommendations of the relevant experts, those effects have been minimised. For the residual effects, fulsome management measures are proposed, again as recommended by the experts. Pre-lodgement engagement with GWRC, WCC, DOC, and mana whenua has also played a key role in shaping WIAL's proposed ecological effects management measures.
22. A number of section 53 commenters address ecology. The comments, by GWRC, WCC, DOC, and Te Rūnanga o Toa Rangatira, in particular, are generally constructive: they recognise the detailed engagement WIAL has carried out on ecology matters, broadly acknowledge that effects will be appropriately addressed, and make targeted comments and recommendations.
23. The specific matters raised in comments relate to marine ecology, kororā, pohowera / banded dotterel, and lizards. WIAL's response in respect of those matters is addressed below.

Marine ecology

24. Dr Meynier responds to the comments on marine ecology in her evidence, filed alongside this overall response to comments. The evidence of Ms O'Sullivan and Ms Robotham on planning and conditions, and of Ms Hart and Ms Sheppard on Project design, is also relevant.

25. By way of summary in respect of the key matters raised in the comments:

Impacts on subtidal habitats

26. WIAL understands that DOC and GWRC are both generally comfortable with WIAL's assessment of subtidal habitat effects. As explained by Dr Meynier, there will be some loss of that habitat during the construction period. In contrast to GWRC's comments, Dr Meynier considers that loss should be considered localised to the Project footprint, rather than representing a significant loss of rocky reef habitat at the scale of the wider South Coast.
27. Moreover, the loss of subtidal habitat will be temporary; it will be addressed through the recolonisation of the southern seawall following construction, likely within three years post-construction. Overall, Dr Meynier considers the effects will be less than minor with time.
28. While DOC has confirmed it is comfortable with the approach and conditions in respect of this issue, GWRC seeks a new condition requiring the preparation of a Subtidal Habitat Monitoring Plan (**SHMP**), to be certified by GWRC. Dr Meynier and WIAL are generally comfortable with that, noting that the SHMP would largely reflect WIAL's proposed approach to monitoring and reporting on recolonisation of the seawall. WIAL is also comfortable providing for three years of monitoring in the conditions, as opposed to the originally proposed two years.
29. However, WIAL does not agree with GWRC's proposed requirement to include in the SHMP *"measures that will be implemented to support or promote the establishment of subtidal habitats at the seawall, if the monitoring outcome has not been achieved or is not on track to be achieved"*. Dr Meynier's clear advice is that this requirement is not necessary; it would not be reasonable or appropriate to require WIAL to develop some unspecified further effects management proposal prior to commencing construction of the Project.

Pāua and rock lobster

30. While DOC is comfortable with the effects assessment and approach to the anticipated loss of pāua and rock lobster during construction, GWRC and Te Rūnanga o Toa Rangatira seek additional clarification and assurances on particular matters.

31. In response to GWRC's comments about the lack of detail / uncertainty in respect of the nature of those effects, Dr Meynier has provided additional analysis in her evidence. Overall, Dr Meynier's advice is that there is no clear ecological basis for direct management actions in respect of pāua and rock lobster, noting that while pāua and rock lobster present within the Project footprint will be lost, once the habitat is reconstructed, recruitment from the surrounding population is expected to occur.
32. Of note, Dr Meynier and WIAL do not support GWRC's proposed condition requiring translocation of pāua and rock lobster to an alternative habitat. Dr Meynier explains her rationale in detail in her evidence; in summary there is no clear ecological basis for or benefit of undertaking translocation. Dr Meynier explains that, from an ecological perspective:
- "Relocation should not be treated as a symbolic mitigation measure; rather, it should only be adopted where there is a sound basis to conclude that it will increase survival or reduce ecological effects."*
33. However, WIAL acknowledges the cultural significance of pāua and rock lobster, as set out in the comments of Te Rūnanga o Toa Rangatira (and noted in DOC's comments). In light of those comments, WIAL considers that it would be appropriate for the Mana Whenua Steering Group provided for under the proposed resource consent conditions to discuss the possibility of gathering of pāua and rock lobster, and the relevant condition has been updated accordingly.

Noise effects on marine mammals, and the Marine Mammal Management Plan

34. WIAL is taking a careful approach to managing potential effects of construction noise – primarily in respect of rock milling at the southern seawall – on marine mammals. The approach taken is based on the advice of Dr Meynier and, following pre-lodgement feedback from DOC, the effects management proposal now includes a Marine Mammal Management Plan (**MMMP**) setting out the processes WIAL will follow in relation to rock milling and marine mammals.
35. DOC's section 53 comments focus primarily on this general issue, and DOC makes a number of specific recommendations in respect of the MMMP. GWRC and Te Rūnanga o Toa Rangatira also comment on the MMMP, though their comments are limited to the 'soft start' procedure in respect of rock milling and the observation methodology to be used.

36. Dr Meynier has carefully considered the comments on the MMMP (including in discussion with the Project construction team), and her responses are set out in her evidence. On her advice, the conditions and MMMP have been updated to address those comments, where needed and Dr Meynier's evidence explains any differences between DOC's, GWRC's and Te Rūnanga's recommendations and WIAL's updated approach.

Kororā

37. The Panel will be aware that Dr Cockrem has comprehensively assessed the kororā / little penguin values present at the Project site, as well as the effects the Project will have on those values. On Dr Cockrem's advice, WIAL proposes a suite of effects management measures to address those effects, in two broad categories:
- (a) measures to address the loss of kororā habitat at and adjacent to the existing southern seawall: most notably including the creation of two purpose-built areas of habitat, the Stage 1 and Stage 2 Kororā Colonies; and
 - (b) measures to address direct disturbance and risk to kororā during construction activities: including careful searches for and relocation of kororā prior to construction starting in existing kororā habitat, combined with the subsequent implementation of exclusion measures during construction.
38. The effects management measures have been subject to detailed engagement with mana whenua (including through Mr Charlie Rudd on behalf of Taranaki Whānui), WCC, GWRC, and DOC in particular, and have evolved as a result of that engagement. WIAL is grateful for the feedback provided, and to WCC for its agreement to the use of reserve land to facilitate access to and thus the delivery of the two kororā colonies.
39. WIAL understands that all those commenters are generally comfortable with the approach taken in respect of kororā, and the effects management measures proposed. In particular:
- (a) DOC's only substantive suggestion is that WIAL seek to provide temporary fencing during construction along Moa Point Road, to prevent kororā accessing the road. Dr Cockrem and WIAL have adopted that recommendation (as per the updated conditions and KPMP).

- (b) No substantive comments have been made in respect of the measures proposed to address direct disturbance and risk to kororā from construction activities during construction, other than DOC's confirmation that it supports WIAL's proposed approach.
- (c) The comments demonstrate overall support for the establishment of the kororā colonies to address the loss of existing habitat. DOC has no concerns in respect of what is proposed, and the conditions, while GWRC seeks additional 'targets' be imposed in respect of occupation of the colonies by nesting kororā.
- (d) The comments made by Te Rūnanga focus on the need for long-term monitoring and the importance of protecting displaced kororā from risk from dogs. Both those matters are already provided for, as discussed later in this response document.
- (e) The two new kororā colonies will provide a total area of 2,930m² of high-quality habitat, specifically designed, enhanced and set aside for kororā, with up to 270 carefully placed nest boxes available. The colonies will be safe from predators, attacks by dogs, disturbance by humans, and inundation / sea level rise. The end result will be a significant improvement over the existing habitat available at the Project site, both in area but also in terms of habitat quality.

40. Dr Cockrem explains that:

"In my opinion, the colonies are likely to become the most significant kororā breeding sites along the Wellington city coastline over the next 50 years."

41. Kororā will be monitored for at least 20 years at the two colonies, with results reported on, and adjustments will be made to the layout of the nest boxes as appropriate.

42. Overall, Dr Cockrem's advice is that the Project:

"(...) will provide the most significant contribution to kororā conservation of any New Zealand coastal construction project."

43. Dr Cockrem's evidence responds in detail to GWRC's recommendation that the Panel impose specific 'occupation targets' in respect of the two kororā colonies. He explains that there are a number of reasons why those targets are not practicable or appropriate, including because:

- (a) there is no evidential basis for the 'occupancy numbers' proposed by GWRC as targets;
 - (b) WIAL cannot in any event force kororā to take up residence at the colonies at any set rate, and occupancy is likely to vary year to year; and
 - (c) the recommended use of targets is based on an incorrect premise, namely that any failure to meet a target would be based on some Project-related reason. The ongoing wastewater crisis at Wellington's South Coast underscores this point.
44. WIAL is comfortable that the kororā colonies will more than adequately address the loss of kororā habitat at the Project site, including in terms of biodiversity offsetting / compensation. However, WIAL does not accept that imposing arbitrary 'occupancy targets' is necessary to ensure that the proposal complies with the principles of biodiversity offsetting / compensation.¹⁰
45. Therefore, WIAL is strongly opposed to the imposition of occupancy targets as proposed by GWRC. Those targets are not supported by the evidence and could not reasonably be imposed by the Panel.

Pohowera / banded dotterel

46. Between one and three pairs of pohowera / banded dotterel nest at the area that will become the Moa Point Yard each year (recent surveys have only observed one pair). The effects of the Project on pohowera have been assessed in the Terrestrial Ecology Assessment, and effects management measures are proposed in conditions and the AMP. In particular:
- (a) The magnitude of effects on pohowera has been assessed as low.
 - (b) Effects will be appropriately addressed through measures to avoid disturbance to nesting birds during construction, and the reinstatement of the habitat following construction (as per the conditions of consent and AMP).
 - (c) The adjacent grassland habitat at the main Airport site contains sufficient area to accommodate additional breeding pairs, and that

¹⁰ WIAL refers to the Residual Effects Technical Effects Assessment Report included in Part B of the Application, which specifically assesses the proposal against the principles of biodiversity compensation.

habitat (unlike the Moa Point Yard habitat) is subject to existing pest control.

47. DOC is comfortable with WIAL's effects assessment and effects management approach. DOC's one suggestion is that the use of nesting cages at the Airport grassland (intended to protect pohowera) may be counterproductive and should not be pursued. As outlined in the evidence of Mr Wedding and Dr Anderson, that recommendation has been actioned in the updated AMP filed with this response to comments.
48. Taking a similar approach to its comments on kororā 'occupancy targets', GWRC recommends that the conditions specify an occupancy target of at least three additional breeding pairs of pohowera at the Airport grassland. Mr Wedding and Dr Anderson reiterate that imposing that target would not be appropriate, because:
- (a) contrary to GWRC's comments, no offsetting or compensation is necessary in respect of pohowera (noting the low level of effects), so GWRC's premise that a target is required on that basis does not hold;
 - (b) even if a target was appropriate, a target of at least three additional breeding pairs of pohowera does not reflect the evidence in terms of the number of affected breeding pairs (between one and three pairs, more recently one pair); and
 - (c) as with kororā, WIAL is not in a position to force pohowera to make use of the Airport grassland, or guarantee that they will do so in any specific numbers. It would be inappropriate, and unlawful, for the occupancy target sought by GWRC to be imposed by the Panel.

Lizards

49. The Terrestrial Ecology Assessment concludes that, once mitigation measures are in place (including salvage and relocation, and habitat enhancement at the relocation site, with associated monitoring), effects on lizards will be very low overall.
50. DOC's section 51 report concludes that it agrees with the effects assessment, and generally that DOC supports the effects management approach. However, DOC seeks clear 'triggers' for when monitoring results constitute 'failure' of relocation efforts.

51. Mr Wedding and Dr Anderson explain why such triggers are not necessary to address the identified effects:

"Given the limited extent and relatively low ecological value of the affected habitats, together with the implementation of these mitigation measures, the Project is not expected to adversely affect the viability of local lizard populations."

52. WIAL agrees with that evidence, and does not support the reference to 'triggers' sought by DOC.

Applying the statutory framework to ecological effects

53. The comments made in relation to ecological values and effects must be considered by reference to the statutory framework that applies to the Application.
54. WIAL appreciates the interest in, and general support for, the ecological effects management work that will be pursued as part of the Project. For example, the Wellington Conservation Board considers the Project should be viewed as an *"opportunity to enhance coastal ecological function and nature capital over the long term"* (similar comments are made by the New Zealand Conservation Authority). WIAL understands that perspective, and indeed WIAL's view, based on the advice of its consultant experts, is that the Project will ultimately deliver enhanced coastal ecological function, particularly in relation to kororā.
55. However, as discussed above it would not be appropriate or necessary for the Panel to impose additional condition obligations relating to aspirational 'targets', or requiring WIAL to anticipate and lock in additional compensation actions before starting construction.
56. Some of the comments (noted above and later in this response document) tend to suggest that the Project should be held to a very high (and in some cases unachievable) standard, in terms of the end result for ecology values, and in doing so do not address the full suite of relevant statutory and policy provisions.
57. GWRC's comments seeking 'occupancy targets' for kororā and pohowera are a key example, as discussed by Ms O'Sullivan and Ms Robotham in their evidence. GWRC relies on its analysis of Policy 11 of the New Zealand Coastal Policy Statement (**NZCPS**), and the related Policy 38 and

Schedules G1, G2 and G3 of the Wellington Natural Resources Plan (NRP). However, and as discussed by Ms O'Sullivan and Ms Robotham, the Project is consistent with those provisions, even when viewed in isolation. In particular:

- (a) effects on pohowera will be low, and those effects will be addressed through avoidance and mitigation measures. Mr Wedding and Dr Anderson have advised that there are no residual effects requiring offsetting or compensation; and
- (b) effects on kororā are being addressed through a comprehensive suite of effects management measures. The habitat loss effects can be conceptualised as being residual effects that require offsetting or compensation. In their report specifically considering the kororā colonies scheme to address that effect, Mr Wedding and Dr Anderson conclude that the approach is consistent with biodiversity offsetting compensation principles (and therefore the policies and schedules cited by GWRC).

58. Perhaps more fundamentally, and again as explained by Ms O'Sullivan and Ms Robotham, GWRC has failed to consider and apply to their analysis of ecological effects the key NZCPS and Wellington NRP provisions that are enabling of the Project, in particular:

- (a) Policy 39 of the NRP, which is a specific and deliberate counterbalance to Policy 38 of the NRP, and requires decision-makers to: *"Consider providing for the operation, maintenance, upgrade and extension of existing Regionally Significant Infrastructure and renewable energy generation activities within a site in the coastal environment that meets any of the criteria in Policy P38(a)(i) - (v) or (b) or included in Schedule F5"*; and
- (b) the even more specific Policy 41 of the NRP, which requires decision-makers *"When considering the effects of airport related activities within a site that meets any of the criteria in Policy P38(a)(i) – (v) or (b) or included in Schedule F5 [to] recognise"*:
 - (i) the need for the Airport to provide for safe and efficient operations, and develop capacity to meet the needs of future generations;

- (ii) the functional need or operational requirement to locate in that area and that there is no practicable alternative location; and
 - (iii) the extent to which any significant indigenous biodiversity values and attributes are enhanced or restored as part of a biodiversity management plan that sets out how the significant indigenous biodiversity values and attributes will be affected by the activity.
59. GWRC acknowledges Policy 39 of the NRP (but not Policy 41) in its comment on Project benefits. However, it fails to acknowledge or apply these directly relevant policies in its specific comments on kororā and pohowera (instead addressing only Policy 38).¹¹ That omission fundamentally undermines the justification given by GWRC for its proposed 'occupancy targets'.
60. Looking beyond the Wellington NRP (as the Panel must do, when considering the comments on ecology matters), Mr O'Sullivan and Ms Robotham record that when setting conditions the National Policy Statement for Infrastructure 2025 (**NPS-I**) and the FTAA both direct a proportionate approach:
- (a) policy 7(1)(e) of the NPS-I requires decision-makers to ensure that mitigation measures and consent conditions are proportionate to the scale of adverse effects generated by the activity; and
 - (b) section 83 of the FTAA specifies that the Panel must not set a condition which is more onerous than necessary to address the reason for which it is set.
61. Applying a proper, contextual analysis of the applicable statutory framework, the ecological effects management measures proposed by WIAL are comprehensive and appropriate. Imposing the additional conditions sought by commenters (but not supported by WIAL) would be inconsistent with the relevant NRP provisions, disproportionate to the scale of adverse ecological effects, and more onerous than necessary.

¹¹ GWRC's comments on marine habitat loss also fail to acknowledge or apply Policy 39 and Policy 41.

COMMENTS BY LOCAL AUTHORITIES

Wellington City Council (WCC)

62. WIAL appreciates WCC's acknowledgement of the meaningful and constructive pre-lodgement consultation period and WIAL's responsiveness and willingness to collaborate on the Project.
63. WCC's comments confirm its technical review did not identify any significant issues with the Project, and that the majority of initial concerns were resolved through pre-lodgement consultation.
64. WIAL notes in particular that:
 - (a) Mr Tevaga considers the relevant statutory provisions have been comprehensively addressed, and that the Project is consistent with the objectives and policies of the Wellington City District Plan 2024 (as well as the 2000 District Plan);
 - (b) the only reserves / open space issue raised relates to a fence shown on the relevant Landscape Concept Plan;
 - (c) no substantive ecology matters are raised by Mr Louw; he raises minor kororā pest control and information provision matters;
 - (d) two minor updates to construction traffic management conditions are proposed, otherwise WCC is comfortable with the Project in transportation terms;
 - (e) WCC is comfortable that the earthworks (including dust) conditions *"are now largely consistent with what was requested"* and WCC supports the conditions, subject to two minor amendments sought relating to *"geotechnical oversight and completion assurance"*;
 - (f) no contaminated land issues are raised in respect of WCC's jurisdiction;
 - (g) WCC raises no issues in respect of climate change and adaptation / coastal processes;
 - (h) WCC supports the proposed conditions relating to construction lighting; and

- (i) WCC supports the noise and vibration assessment, and records that *"the proposed noise and vibration conditions and the Construction Noise and Vibration Management Plan are supported as appropriate for managing the effects of the project"*.

65. The minor issues raised by WCC are addressed below.

Kororā pest control

66. Mr Louw records in his ecology memorandum that WCC had recommended that the provision for pest control at the kororā colonies be replaced with direct funding to WCC for activities to benefit kororā. WIAL did not agree with that recommendation; WIAL's pest control proposal is related directly to ensuring the two kororā colonies provide high-quality and safe habitat for kororā, in line with the overall goal of the colonies.

67. In his memo, Mr Louw records:

"While we do not believe this is the best allocation of funding, we can support this on the basis that the pest control is undertaken in alignment with the work being undertaken by Predator Free Wellington."

68. For the reasons discussed by Ms O'Sullivan and Ms Robotham in their evidence, WIAL does not support WCC's proposed condition that provides an alternative option for WIAL, being to contribute funding of a total of \$6,000 per year to WCC for undefined *"positive kororā outcomes"*.

69. Mr Louw's comments in respect of the provision of information to WCC as landowner are discussed below.

Construction traffic management

70. Appendix 4 to WCC's section 53 comments records that, following the meeting on 25 November 2025, most of WCC's feedback and comments were addressed, with only a minor amendment to Conditions CT.7 and CT.9 outstanding.

71. WCC's suggested amendment to Condition CT.7 directs the outbound route for heavy vehicles through Evans Bay Parade, rather than Kilbirnie Crescent.

72. In consultation with Stantec, WIAL's preference remains to use Kilbirnie Crescent instead of Evans Bay Parade to access SH1. The vehicle tracking included in the Transport Assessment Report shows that both

roads can accommodate turning truck movements, but Kilbirnie Crescent avoids running trucks along a road with a direct school frontage (St Patrick's College).¹²

73. Furthermore, while Kilbirnie Crescent passes recreational and sport facilities, mid-block zebra crossings provide for safe pedestrian crossing points along this route. These midblock crossing facilities are not present along Evans Bay Parade.
74. WIAL proposes adding a sentence to Conditions CT.7 and CT.9 to enable construction traffic to use alternative routes approved by Council, to provide some flexibility in the event of any planned or unplanned road works or other events along the proposed construction routes.

Geotechnical supervision and completion report

75. WCC seeks amended conditions for geotechnical supervision, and a geotechnical completion report in relation to works at the Miramar Golf Course Yard. Ms Hart and Ms Sheppard respond to those requests in their evidence and suggest an alternative to the conditions sought by WCC. WIAL agrees with Ms Hart and Ms Sheppard's recommendations, and WIAL's proposed consent conditions have been updated accordingly.

Reserves Act approvals

76. In Appendix 2 of its comments, WCC records the engagement that has occurred between WCC and WIAL regarding the Reserves Act approvals required for the Project. In particular, WCC confirms that:
 - (a) WCC provided its written agreement on 30 April 2025 for the Reserves Act approval applications to be considered and approved (or declined) by the Panel under the FTAA.
 - (b) WCC has provided feedback on the Moa Point Yard Landscape Concept Plan, which shows how the reserve land will be rehabilitated and planted following the seawall works being carried out. This Plan is generally in line with WCC's feedback, however, the fence labelled '4' is not agreed.

¹² Stantec *Transport Assessment Report* dated 21 October 2025, [here](#).

- (c) WCC and WIAL are currently working on draft lease and licence documents for the Reserves Act approvals.
77. WIAL appreciates the constructive engagement that has occurred between WIAL and WCC on the Reserves Act approvals. Significant progress has been made in developing draft forms of agreement for these approvals. WIAL and WCC have agreed that the most appropriate form for these approvals is as follows:
- (a) A lease for the main construction period, which will provide WIAL with the exclusive right to use and occupy reserve land for the seawall renewal works and following that, to carry out the rehabilitation of the reserves.
 - (b) When the Project has achieved practical completion, the lease will terminate and three licences will commence as follows:
 - (i) a licence authorising WIAL to continue to situate the seawall on the reserves and to monitor and maintain the seawall into the future;
 - (ii) a licence authorising WIAL to continue to monitor and maintain the planting within the Reserve Restoration Area as required by the resource consent conditions; and
 - (iii) a licence authorising WIAL to access the reserves to monitor and maintain the Stage 2 Kororā Colony as required by the resource consent conditions (the colony is situated outside reserve land but can only be accessed via reserve land).
78. WCC has indicated to WIAL that it is generally happy with the draft agreements that have been prepared, does not anticipate any issues and is awaiting final internal approval over the next week or so. WIAL will provide the Panel with the agreed form of these documents as soon as possible and before the Panel is required to issue draft conditions to parties for comment under section 70 of the FTAA.
79. In respect of the fence referred to above, this is a reference to the fence marked '4' in the Moa Point Landscape Concept Plan, which for ease of reference is copied below (as highlighted in purple in **Figure 1**). This fence was provided for in the Concept Plan as there previously had been a fence in this location and WIAL understood that WCC would want this reinstated

(refer **Figure 2** below showing a Google Maps image of the fence posts which remain in situ today). However, given this indication from WCC, WIAL has updated the Moa Point Landscape Concept Plan to remove this fence and attached to this memorandum as **Appendix 13** is an updated version of the relevant section of the graphic supplement to the Landscape, Natural Character and Visual Effects assessment, which contains the various landscape concept plans for the Project. The conditions have also been updated to refer to the updated landscape concept plans.

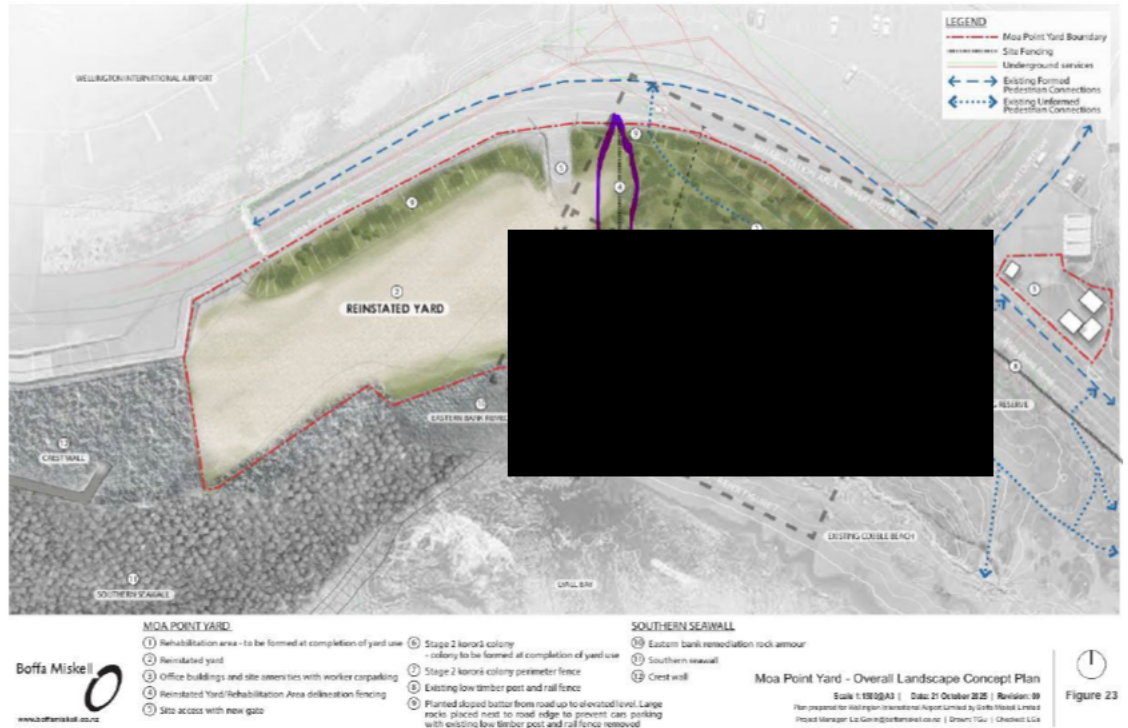


Figure 1: Moa Point Landscape Concept Plan



Figure 2: Google Maps snip showing fence posts associated with fence previously located at Moa Point reserves

Resource consent conditions vs Reserves Act approval terms and conditions

80. WCC has suggested that a number of conditions be amended to require any habitat enhancement or pest control on reserve land to be approved by the 'receiving land manager' (that is, WCC).¹³ These amendments are intended to recognise WCC's role as the landowner of reserve land, rather than being required for effects management reasons. Therefore, WIAL suggests those amendments are not made to the resource consent conditions but instead are addressed, where relevant, through the appropriate Reserves Act approvals. To that end:

- (a) WCC's suggested amendments to ECO.7 and ECO.14 relate to the proposed lizard release site, which will be on reserve land owned by WCC. As noted to the Panel in WIAL's overview presentation, WIAL is not seeking a Reserves Act approval for those activities as part of this application. Instead, WCC has confirmed that it will provide its approval as landowner to those activities by way of letter.¹⁴ Any WCC requirements as to habitat enhancement, pest control and contractors

¹³ See WCC's proposed amendments to ECO.7, ECO.14, ECO.37 and ECO.47.

¹⁴ Addressed in WIAL's Memorandum of Counsel dated 30 January 2026 at footnote 12, [here](#).

can be stipulated by WCC when it provides its landowner approval letter to WCC. To avoid doubt, an advice note has been added to the relevant conditions confirming that in addition to complying with the resource consent conditions, WIAL will need to obtain WCC's approval as landowner to the lizard release activities.

- (b) WCC's suggested amendment to ECO.37 is to require a pest management plan to be submitted to the WCC Parks Team prior to installing any pest control devices in the reserve land near the culvert entrance to the Stage 1 Kororā Colony. Similarly to the lizard release site, WIAL is not seeking as part of this application a Reserves Act approval for any activities on reserve land that are required to establish and maintain the Stage 1 Kororā Colony. Instead, WCC has confirmed it will provide its approval as landowner to these activities by way of letter. Again, WCC will be able to stipulate any requirements as to pest management or other matters in that letter and, to avoid doubt, an advice note has been added to proposed condition ECO.37.
- (c) WCC's suggested amendment to ECO.47 is to require a pest management plan to be submitted to the WCC Parks Team prior to installing any pest control devices in the reserve land surrounding the Stage 2 Kororā Colony. As noted above, a licence agreement is being drafted to provide WIAL with the right to access reserve land for the ongoing monitoring and maintenance of the Stage 2 Colony in accordance with the requirements of the resource consents. This agreement has been updated to provide that WIAL will provide a pest management plan to WCC for approval prior to undertaking any pest control associated with the Stage 2 Colony in the reserve land. Again, to avoid doubt, an advice note has been added to proposed condition ECO.47.

Greater Wellington Regional Council (GWRC)

81. GWRC's comments acknowledge that:

- (a) the Project *"is likely to result in benefits that include the resilience of regionally significant infrastructure as well as direct and indirect economic and employment benefits"*; and

(b) *"Improving the resilience of regionally significant infrastructure is consistent with the objectives and policies in the [NPS-I], [RPS], and [Wellington NRP]."*

82. WIAL is also grateful for GWRC's active participation in and acknowledgement of the detailed engagement between WIAL and GWRC; GWRC's comments recognise *"that the proactive and well-planned approach taken by the applicant to pre-lodgement consultation has led to a genuine narrowing of issues that need to be addressed by the Panel"*.
83. That narrowing is reflected in the issues raised by GWRC in its comments: many of the nine issues identified can be easily resolved, and none challenge the fundamental merits of the Project. GWRC considers that *"addressing those issues will ensure that the decisions made by the Panel on the resource consents will not be contrary to the provisions of the NRP, RPS, and other relevant planning instruments including the [NZCPS]."*
84. WIAL is able to address the issues raised by GWRC, as summarised below and explained in more detail in the evidence being filed alongside this response document.
85. GWRC's specific proposed amendments to the resource consent conditions are addressed in the updated condition document filed with this application. Comments have been included in that updated document indicating where WIAL accepts a proposed GWRC amendment, or alternatively where a proposed GWRC amendment has not been accepted (with a brief explanation).
86. GWRC has also set out its views in respect of the regional resource consents required for the Project, and the approvals matrix included in the resource consent conditions document. Those comments are addressed by Ms O'Sullivan and Ms Robotham in their evidence, and the approvals matrix has been updated accordingly (refer to the updated resource consent conditions document lodged with this response to comments).

Issue 1: Addressing kororā and pohowera habitat loss

Issues 2, 3 and 4: Marine ecology

87. The issues GWRC raises in respect of ecology, and WIAL's responses to those issues, are addressed above as part of WIAL's overall response to

comments on ecological matters. WIAL does not repeat that response here, but in short:

- (a) does not agree that the 'occupancy targets' sought by GWRC in respect of kororā and pohowera are necessary or appropriate; and
- (b) has carefully considered GWRC's marine ecology comments, and subsequently has made updates to the conditions and MMMP, though not all recommendations made by GWRC have been accepted (for the reasons explained by Dr Meynier in her evidence).

Issue 5: Erosion at the eastern end of the new seawall

88. GWRC seeks additional consent conditions for post-construction monitoring to identify and respond to potential end-effects erosion at Moa Point Beach, based on Dr Dawe's concerns that the design of the eastern edge forms a hard 90-degree junction that could cause substantial wave reflection. The conditions sought would require an annual beach survey monitoring for five years, and (after that five-year period) an assessment report to be prepared that summarises the findings of the monitoring and identifies any remedial action that could be undertaken.
89. In their evidence, Ms Hart and Ms Sheppard explain how the design of the Project, including the proposed Eastern Bank Remediation, addresses any potential concern about erosion. In particular, the design incorporates armour rock and a tapered rock section to provide a smooth transition and minimise end effect erosion.
90. They also note that the proposed consent conditions already require:
- (a) post-construction inspection by a coastal/maritime engineer, annually for the first two years and five yearly thereafter (CA.25), with reports to be made available to GWRC on request (CA.30); and
 - (b) *"Any material erosion, scour, or instability of land in the CMA that is attributable to the structures and works carried out as part of this consent is remedied by the Consent Holder"* (CA.24).
91. WIAL thus considers that the issue raised by GWRC is already addressed in the design, with a contingency built into the conditions. WIAL does not support further change to the conditions as sought by GWRC.

Issue 6: Contaminated land

92. GWRC considers that WIAL requires a permit for discharges from contaminated land at the MGC Yard and from the Southern Seawall works area, for technical reasons relating to the Detailed Site Investigations (**DSIs**) undertaken in each location; permitted activity status under the NRP is contingent on DSIs being prepared.
93. Ms Shepherd has prepared evidence responding to these comments, as have Ms O'Sullivan and Ms Robotham. In short, WIAL does not accept that the DSIs are in any way deficient, such that NRP rule R94 (requiring consent) is triggered. Appropriate sampling was undertaken in respect of the MGC Yard DSI, and ecological effects are properly considered in the Southern Seawall DSI.
94. In any event, GWRC helpfully accepts that the Panel has jurisdiction to grant the consents, if the Panel considers they are required. This must be the correct legal position, because WIAL has properly described the relevant activities in its substantive application and sought all necessary RMA approvals relating to those activities, including expressly seeking "A discharge permit as a discretionary activity for the discharge of cleanfill, water and contaminants to land at the MGC and Moa Point Yards which do not meet the permitted standards" under NRP rule R94.¹⁵

Issue 7: Managing stormwater discharges from the MGC Yard

95. GWRC's comments record that the existing site-wide stormwater discharge permit does not apply to (or authorise) discharges from the MGC Yard. However, GWRC has helpfully confirmed that the Stormwater Management Plan (**SMP**) can appropriately be updated so that it manages stormwater discharges from the MGC Yard, as proposed by WIAL.
96. GWRC has recommended a number of amendments it considers would need to be made to the SMP to that end, and proposes that the consent conditions set those out (with the SMP to be subject to re-certification). Ms O'Sullivan and Ms Robotham have considered those amendments, and generally agree, subject to minor refinements as discussed in their evidence and shown in the updated proposed consent conditions.

¹⁵ Page 183 of the substantive application document:
https://www.fasttrack.govt.nz/_data/assets/pdf_file/0014/14405/A.05-Approvals-Sought.pdf

Issue 8: Conditions relating to seawall maintenance and repair

97. GWRC's comments confirm that it supports Condition CA.24, which requires the structures authorised by the resource consents to be maintained in a good and sound condition. However, GWRC opposes Condition CA.26, on the basis that on its face that condition would 'sidestep' the relevant rules in the Wellington NRP in respect of additions to structures.
98. Ms O'Sullivan and Ms Robotham explain in their evidence that on reflection they agree with GWRC in respect of Condition CA.26. On that basis, WIAL is comfortable with the condition being deleted.

Issue 9: Status of management plans

99. WIAL has proposed that the following management plans be approved as final by the Panel as part of this consenting process, rather than be subject to a later certification process:
- (a) Contaminated Land Management Plan;
 - (b) Lizard Management Plan;
 - (c) Avifauna Management Plan;
 - (d) Kororā / Penguin Management Plan; and
 - (e) Marine Mammal Management Plan.
100. This is reflected in Condition GC.4, as noted in GWRC's comments (with the management plans that would be subject to certification being listed in Condition GC.5).
101. GWRC helpfully confirms that it does not oppose this approach, noting it *"reduces the deferral of the consideration of effects management methods to consent conditions and improves compliance and enforcement certainty"*.
102. However, GWRC notes that in memoranda of counsel, WIAL has referred to the above-listed management plans as being provided in draft form. GWRC have asked for clarification of the proposed approach.
103. To confirm, the reference in previous memoranda to 'draft' versions of the management plans was simply intended to reflect that, until those management plans are approved as final (by the Panel, under WIAL's

proposal), they remain 'draft'. It remains WIAL's position that all management plans listed above can and should be approved by the Panel as final when releasing its final decision.

104. As noted elsewhere in this response document, updated versions of the AMP, KPMP, and MMMP are being filed now, to address the section 51 reports and section 53 comments.¹⁶ The intention is to ensure the Panel has before it the most up-to-date version of the management plans listed in GC.4, so that it can approve those as final.

THE DIRECTOR-GENERAL OF CONSERVATION

105. In addition to its section 51 report to the Panel on the wildlife approvals sought, DOC has provided comments on the other approvals sought under section 53.
106. WIAL is grateful for DOC's acknowledgment in respect of the detailed engagement with WIAL in respect of the Project.
107. DOC's section 53 comments focus primary on potential noise effects on marine mammals. Dr Meynier has carefully considered the comments made by DOC, and the amendments DOC seeks to the MMMP, and provides a detailed response in her evidence. Overall, WIAL is comfortable with the amendments to the protocols that will be followed under the MMMP in relation to potential noise effects, as proposed by Dr Meynier, and a new MMMP is being submitted with this response.
108. In respect of the other matters addressed by DOC:
- (a) WIAL is grateful for DOC's confirmation that it has no remaining concerns in respect of the loss of intertidal habitat (and monitoring to assess habitat recovery), and effects on pāua and kōura. As discussed above, amendments to the monitoring conditions are proposed by Dr Meynier. The minor specific condition amendments sought by DOC have generally been provided for.
 - (b) WIAL is also grateful for DOC's confirmation that it is comfortable with the approach taken to avifauna, including effects management measures. As explained by Mr Wedding and Dr Anderson in their evidence, in response to DOC's concerns, the provision for nesting

¹⁶ For completeness, as per the response to GWRC's issue 6, WIAL does not consider the CLMP needs to be updated.

cages at the Airport grassland has been removed from the MMMP and will not be pursued.

- (c) WIAL acknowledges DOC's comment that an additional wildlife approval would be required if the handling of (non-kororā) avifauna chicks or nests turns out to be necessary as a contingency measure. As DOC states, the intention is that nest and chick handling will not be needed, given the exclusion zones and nesting dissuasion measures proposed. WIAL's advice to date from its ecologists has been that a wildlife approval is not required. WIAL will continue to discuss this matter with its experts, and with DOC as needed, in advance of commencing Project construction. Any additional approvals required will be sought outside this FTAA process, utilising the standard process as prescribed under the Wildlife Act (for completeness, WIAL does not propose the use of the section 62 FTAA process). WIAL understands DOC is comfortable with this approach.
- (d) DOC's section 51 report contains its detailed analysis in respect of kororā; its section 53 comments reiterate its view that WIAL's approach to kororā, including effects management measures, are appropriate. As discussed above (and in response to the section 51 report), DOC's specific suggestions in respect of kororā have been adopted by WIAL.
- (e) DOC's primary lizards analysis is also in its section 51 report. Those comments are reiterated in the section 53 comments. As discussed above (and in response to the section 51 report), Mr Wedding and Dr Anderson do not consider that additional condition and management plan requirements are necessary, given the assessed 'very low' overall level of effects.
- (f) WIAL has considered the other specific condition recommendations made by DOC. The updated proposed conditions of consent prepared by Ms O'Sullivan and Ms Robotham include a specific response in respect of each drafting suggestion made by DOC.

TE RŪNANGA O TOA RANGATIRA INCORPORATED

109. Part A, section 4 of the application sets out in detail WIAL's extensive engagement with Taranaki Whānui and Ngāti Toa Rangatira, including regarding the proposed conditions. As recorded there, both the Port Nicholson Block Settlement Trust (on behalf of Taranaki Whānui) and Te

Rūnanga o Toa Rangatira Incorporated (on behalf of Ngāti Toa, **Te Rūnanga**) have provided letters of support for the Application subject to identified matters being addressed through conditions.¹⁷ Those matters include kororā management, terrestrial ecology, marine species, kōiwi and accidental discovery, and the establishment of a mana whenua advisory group, all of which are addressed through the proposed conditions.

110. WIAL is grateful for the ongoing effort that both Taranaki Whānui and Ngāti Toa have put into engaging with WIAL on the Project. WIAL is committed to continuing to work closely with mana whenua through the remainder of this consenting process, and beyond. The position expressed by mana whenua weighs strongly in favour of WIAL's substantive application being granted.
111. Te Rūnanga has provided additional comments on some of these matters in response to the section 53 invitation. These comments are addressed below.
112. Te Rūnanga is the mandated iwi authority for Ngāti Toa Rangatira. Its comments:
 - (a) recognise the constructive engagement between WIAL and Te Rūnanga in respect of the Project, and the *"genuine effort to understand and incorporate the cultural values and concerns of mana whenua in relation to the proposed works"*;
 - (b) recognise *"the need to renew and strengthen the southern seawall in order to protect critical infrastructure"* and confirm that Te Rūnanga supports the application; and
 - (c) confirm that in large part its concerns have been addressed, and specifically record that Te Rūnanga *"supports conditions MW.1 to MW.6, which provide for the establishment of a mana whenua advisory group to facilitate ongoing engagement between Te Rūnanga and WIAL regarding the delivery of the project"*.
113. Te Rūnanga then raises four specific matters for consideration by the Panel. Those matters, and WIAL's response, are set out below.

¹⁷ See [here](#) and [here](#). WIAL also received a letter from the Wellington Tenth Trust, which has been considered in developing conditions: see [here](#). The Wellington Tenth Trust has not provided comments under section 53 and neither has Te Atiawa ki te Upoko o Te Ika a Maui Potiki Trust.

Kororā and pohowera

114. Te Rūnanga seeks conditions requiring comprehensive, long-term monitoring to track kororā and pohowera (banded dotterel) displacement effects over time.
115. As discussed in Dr Cockrem's evidence, WIAL proposes long-term monitoring (for at least 20 years) of kororā at the two colonies, and its proposed monitoring approach includes PIT tagging and GPS tracking.
116. Long-term monitoring in respect of pohowera is not proposed, or considered necessary to address the effects of the Project: Mr Wedding and Dr Anderson explain in their evidence and technical assessment that effects on pohowera will be minor, and that the adjacent grassland area at the Airport (which is subject to pest control) will provide appropriate habitat for any displaced individuals.
117. Te Rūnanga specifically notes its concern about displacement of kororā during construction, and the risk of displaced birds attempting to return to former burrows or to seek nesting sites in neighbouring areas where they may be more exposed to other threats (such as dogs). WIAL acknowledges that potential risk, which has been carefully considered by Dr Cockrem and in the application documents. In response, WIAL notes in particular:
 - (a) the two new colonies will provide a significant new area of safe habitat (subject to predator control and fencing);
 - (b) WIAL will be advocating for increased regulation of dog access in the vicinity of the two colonies, as per the KPMP; and
 - (c) as discussed by Dr Cockrem in his evidence, WIAL has agreed to DOC's request that it provide temporary fencing or netting along Moa Point Road (north of the southern seawall, and also between the southern seawall and the Stage 1 Kororā Colony) during the construction period, subject to WCC approval. That measure directly addresses risks (in particular traffic and dogs) already faced by kororā in this area.

Kōura and pāua

118. Te Rūnanga seek further clarity as to whether kōura / rock lobster and pāua can be translocated. As explained above, Dr Meynier's evidence (in response to DOC's comments) is that in ecological terms, it is not necessary to seek to translocate pāua and kōura from the seawall.
119. However, WIAL acknowledges the taonga status and mahinga kai values of pāua and kōura, as referenced by Te Rūnanga. There are potential health and safety issues associated with the gathering of pāua and kōura from the southern seawall. Notwithstanding those potential issues, WIAL considers it would be appropriate for the mana whenua advisory group to consider this matter, and (as discussed by Ms O'Sullivan and Ms Robotham in their evidence), the conditions have been updated to provide for that.

Noise effects on marine mammals

120. Te Rūnanga supports the MMMP as proposed by WIAL, but specifically recommends that it provide for a 'soft start procedure' including a gradual escalation of works over a twenty-to-thirty-minute period. This topic is addressed above, and by Dr Meynier in her evidence, including in response to DOC's and GWRC's comments. In summary, Dr Meynier has proposed updates to the MMMP to provide for a further level of conservatism in ensuring any potential adverse noise effects on marine mammals are avoided, including in respect of the pre-start and soft start procedures associated with rock milling.

Repair and maintenance conditions

121. Finally, and in line with GWRC's comments on this matter, Te Rūnanga's comments indicate it is not comfortable with the maintenance and repair consent condition (CA.26) proposed by WIAL. As discussed in response to GWRC, and in greater detail in the evidence of Ms O'Sullivan and Ms Robotham, WIAL is now proposing to delete that condition, which addresses the concern expressed by Te Rūnanga.

COMMENTS BY MINISTERS

122. A number of invited Ministers provided comments on the Application.
123. The Minister for Māori Crown Relations (Hon. Tama Potaka) recorded that he supported the application subject to any comments received from

relevant Māori rōpū as identified in attachment 3 of the Section 18 Report and as identified in Minute 2 of the Expert Panel.

124. The Acting Minister Responsible for RMA Reform (Hon. Penny Simmonds) provided comments that she supported any projects which deliver positive outcomes for New Zealand, including the Southern Seawall Renewal Project.
125. The Minister of Finance and Acting Minister for Infrastructure (Hon. Nicola Willis) expressed support for the Project as a reflection of the Government's economic growth and infrastructure priorities, noting it is needed to ensure the ongoing protection of the Airport – a nationally and regionally significant piece of infrastructure.
126. The Associate Minister of Transport (Hon. James Meager) supported the Project receiving the substantive approvals it requires and recognised the Airport as critical infrastructure for the Wellington region. The Associate Minister encouraged WIAL to continue to work with WCC and NZTA to manage operational impacts on the local transport network.
127. WIAL is grateful for the comments made by the Ministers, which reiterate the significant benefits the Project will deliver.

THOSE INVITED TO COMMENT BECAUSE THE APPROVALS SOUGHT INCLUDE CONCESSIONS AND WILDLIFE APPROVALS

128. The Panel was required to invite comments from the New Zealand Conservation Authority and the Wellington Conservation Board, because the approvals sought include concessions and wildlife approvals.¹⁸ Neither of those entities has had any previous involvement with the Project.

Comments by the Wellington Conservation Board

129. The Wellington Conservation Board acknowledges the detailed assessments relating to effects on wildlife, and the *"careful consideration given to kororā, banded dotterel, native lizards and other coastal avifauna"*.
130. The Board goes on to refer to the Wellington Conservation Management Strategy and DOC's Lower North Island Strategy. By reference to those documents, the Board considers that the Project *"should be framed not only*

¹⁸ The Panel was also required to invite the New Zealand Fish and Game Council and NZ Game Animal Council to comment for the same reason. Neither entity has provided comments.

as an infrastructure resilience measure but also as an opportunity to enhance coastal ecological function and nature capital over the long term".

131. In their evidence, Ms O'Sullivan and Ms Robotham note that:
- (a) the Project has specifically been assessed in the Application as being aligned with the Wellington Conservation Management Strategy;¹⁹ and
 - (b) DOC's Lower North Island Strategy "*appears to be an internally focussed strategy document*".
132. More broadly, the Panel will be aware that its assessment of the Project must be carried out against the FTAA framework. That framework does not require the Project to deliver an enhanced ecological position.
133. That said, WIAL considers that the Project will in fact result in coastal ecological function and 'nature capital' being enhanced, in particular through the establishment of the two proposed kororā colonies (which, as advised by Dr Cockrem, will provide world-class habitat for kororā).
134. WIAL's position in respect of demonstrating net gain for kororā, and more generally appropriately managing actual and potential adverse effects, is set out above. The evidence of Dr Cockrem, Mr Wedding and Dr Anderson, and Dr Meynier appended to this response document also directly address those matters.
135. Ms O'Sullivan and Ms Robotham address how the conditions provide for monitoring, and specify outcomes that must be met; while Ms Hart and Ms Sheppard's evidence specifically address monitoring of the southern seawall itself.
136. Overall, WIAL considers that the matters raised by the Wellington Conservation Board are appropriately addressed in the application and the proposed conditions.

Comments by the New Zealand Conservation Authority

137. The NZCA makes comments which it says focus "*on matters within the conservation portfolio*". WIAL addresses those matters below, generally in the order they appear in the NZCA comments.

¹⁹ Refer to Part A.10, Section 10.3.13 of the Application.

138. NZCA's comments include a general focus on 'adaptive management and monitoring' in respect of ecological and coastal outcomes. That general focus is addressed below in response to the specific matters raised by NZCA (kororā, lizards and the impact of the seawall on coastal processes).

Treaty Settlement and Taonga Species Considerations

139. NZCA refer to mana whenua support for the Project, stating that the support expressed by Taranaki Whānui and Ngāti Toa is "*explicitly conditional*" on a number of matters.
140. As explained above, Taranaki Whānui has not made any section 53 comments, while the comments made by Ngāti Toa have been addressed (and adjustments made to the proposed conditions accordingly). Both iwi are clear that they support the approvals being granted for the Project. NZCA's comment that its recommendations "*seek to reinforce*" the importance of giving effect to the principles of Te Tiriti o Waitangi should be viewed in that context; mana whenua are of course best placed to advise what is required to give effect to Te Tiriti.

Kororā and lizards

141. NZCA recognises the intent behind the kororā colonies is to "*improve long-term habitat resilience*", and that the Project:
- "(...) represents an opportunity to provide ecological uplift relative to the existing nest environment, which is exposed to overtopping and long-term sea level rise. In particular, relocating the colony to a higher and more secure location may reduce climate-related mortality and risk over time."*
142. However, NZCA goes on to request "*defined performance thresholds, such as minimum occupancy rates, breeding pair numbers, chick survival rates, or fledging success*". As explained above, as well as in the evidence of Dr Cockrem, and of Ms O'Sullivan and Ms Robotham, there are a number of defined requirements set for the kororā colonies, which relate to the provision and ongoing maintenance and monitoring of significantly higher habitat than is currently present at the seawall. Further thresholds related to kororā numbers are not necessary, or appropriate.
143. In respect of lizards, NZCA recognises WIAL's proposed salvage approach to reflect "*established best practice for short-term mitigation of construction effects*", but seeks longer term requirements and conditions guaranteeing

long-term conservation benefit. As discussed above, and by Mr Wedding and Dr Anderson in their evidence, the post-salvage requirements in respect of relocated lizards – including provision of enhanced habitat through planting and pest control – are appropriate, including in light of the assessed 'very low' overall level of effect. Imposing further performance measures would not be necessary or appropriate.

Reserves Act considerations including public access and amenity

144. The NZCA has made a number of recommendations regarding the 'concession conditions' (ie the terms and conditions of the Reserves Act approvals) to ensure that reserve land is managed consistently with the purposes of the Reserves Act 1977 and, in particular, that public access and amenity values are properly considered.²⁰
145. The Reserves Act approvals required for the Project are for activities on local purpose reserve vested in WCC. As noted above, in respect to comments received from WCC, WIAL has been working constructively with WCC to develop agreed lease and licence documents for those activities and understands that WCC is comfortable with the draft documents that have been prepared (subject to final internal approval). WIAL intends to provide the Panel with agreed documents very soon, and before the Panel must invite comments on the draft conditions under section 70 of the FTAA.
146. The Reserves Act approval documents and the proposed resource consent conditions address the matters of concern to the NZCA, in particular:
 - (a) There is a clear differentiation between exclusive occupation and non-exclusive maintenance rights. A lease is proposed for the construction period, which will provide WIAL with exclusive occupation rights to construct the Project safely. The lease will provide that when the Project achieves practical completion, the lease will terminate and the licence providing WIAL the non-exclusive right to situate the seawall on the reserve land and to continue to monitor and maintain the seawall into the future will also commence on that date. This means that following the lease term, public access across the full extent of the reserves will be reinstated.
 - (b) The spatial extent of occupation has been carefully defined. In particular, the spatial extent of the lease (which provides exclusive

²⁰ Refer to NZCA s53 comments, sections 7 and 10.

occupation rights) has been carefully defined to ensure it only covers land necessary to construct the Project.

- (c) Following completion of the seawall renewal works, the reserve land will be rehabilitated in accordance with the proposed resource consent conditions. This work is also provided for in the Reserves Act approval documents. The resource consent conditions require WIAL to landscape and replant the Reserve Restoration Area in accordance with the Moa Point Yard Landscape Concept Plan following completion of the seawall works. The resource consent conditions also require WIAL to monitor and maintain any planting for five years to ensure that it establishes successfully. These measures will ensure that following the seawall works, the reserves are rehabilitated in a way that restores and enhances their amenity values.

- 147. Following completion of the Project, the landscape expert has assessed the landscape, natural character and visual effects on the Moa Point reserves area to be neutral to beneficial/positive.²¹
- 148. Accordingly, the Project, as provided for through the Reserves Act approval documents (which will be provided to the panel as soon as possible) and the proposed resource consent conditions, will be consistent with the purpose of the Reserves Act 1977 and, in particular, appropriately manage the public access and amenity values associated with the reserves.

Coastal environment and hard protection structures

- 149. NZCA refers to the importance of "*careful consideration of natural hazard management, natural character, and the effects of hard protection structures on coastal processes*", including in the context of NZCPS Policies 24 – 27. Those matters have been carefully considered in the design of the Project, as explained in detail in the Application; the Application confirms that the Project is entirely consistent with the NZCPS (including Policies 24 – 27).
- 150. As explained in the evidence of Ms Hart and Ms Sheppard, and of Ms O'Sullivan and Ms Robotham, post-construction monitoring of the seawall's performance and coastal process impact is provided for; adjustments have been made to the conditions in response to GWRC's comments. On that

²¹ Landscape, Natural Character and Visual Effects Assessment, sections 6.6, 7.6 and 8.5.

basis, WIAL is comfortable that the matters raised by NZCA are appropriately addressed.

COMMENTS BY OWNERS AND OCCUPIERS OF LAND ON WHICH THE PROJECT WILL BE UNDERTAKEN, ADJACENT LAND AND THE GENERAL AREA

██████████ (35 Moa Point Road)

151. ██████████ has provided brief comments, addressing the Community Liaison Group (CLG) that WIAL proposes, noise and vibration, and coastal erosion.
152. As explained by Ms O'Sullivan and Ms Robotham in their evidence, WIAL is happy to specifically invite a resident of Moa Point to join the CLG. That is reflected in the updated consent conditions proposed by WIAL. Ms O'Sullivan and Ms Robotham also explain that the CLG is not limited to five members.
153. The Noise and Vibration Assessment included in Part B of the Application details the anticipated noise levels to be experienced by residents on Moa Point Road (including ██████████), and the measures proposed to address those effects. Those measures are comprehensive, and include:
 - (a) operating hours restrictions (acknowledging that works on the southern seawall itself must be carried out at night);
 - (b) noise barriers, noting that the Noise and Vibration Assessment records that a noise barrier is most likely to be effective in respect of 35 Moa Point Road;
 - (c) adhering to general noise management best practices; and
 - (d) regular communications with residents of Moa Point Road, and discussion with those residents of possible alterations to construction methodology where relevant and practicable.
154. ██████████ and other residents on Moa Point Road (and Kekerenga Street) will be offered a mechanical ventilation package, which will allow for windows to be kept closed during noisy periods. WIAL will also offer to purchase the remaining privately-owned residences along Moa Point Road, applying the terms of the 'Moa Point Fair Purchase Offer'.

155. These measures are set out in the comprehensive construction noise management conditions (CN.1 - CN.20), with the details to be addressed in the Construction Noise and Vibration Management Plan that will be subject to certification by WCC. For completeness, WIAL notes that WCC (as regulator in respect of noise effects on residents) has confirmed it is comfortable with the noise management approach and conditions proposed by WIAL.
156. The conditions do not specifically provide for complaints by residents to result in work being stopped. That would not be a necessary or appropriate requirement, in light of the management measures proposed and the position expressed by WCC.
157. ██████████ refers to the continuing erosion at Moa Point Beach, adjacent to the eastern edge of the southern seawall. As noted in response to GWRC's comments, Ms Hart and Ms Sheperd have provided evidence that reiterates that this issue has been carefully taken into account in the design of the Project, and that the conditions provide for post-construction monitoring in terms of any unexpected additional impact arising.

██████████ (49 Moa Point Road) and ██████████ (50 Moa Point Road)

158. WIAL acknowledges the comments provided by ██████████ and by ██████████, the owners of 49 and 50 Moa Point Road respectively.
159. Of the Moa Point Road properties determined by the Panel to be 'adjacent' to the Project by the Panel, 49 and 50 Moa Point Road are the furthest away from the Southern Seawall. They are both 'bare land', residential-zoned properties. While the comments are somewhat unclear in this regard, WIAL is not aware of there being any current resource consents or building consents applying to either property²² (although WIAL assumes that it is possible to undertake a residential development on each site that is permitted under the District Plan).
160. These landowners explain that they have not been able to realise their aspirations in respect of their properties (due to reasons unrelated to WIAL or the Project) and seek that they be included in the proposed RMA

²² The Laurensens' comments refer to consents being granted but the development not proceeding, and Mr Taylor's comments also appear refer to an earlier resource consent lapsing.

conditions (CN.13 and 14) requiring WIAL to offer to purchase their properties.

161. They also seek that 50 Moa Point Road be added to condition CN.12 and thereby subject to notification prior to micro-piling commencing at the Southern Seawall.
162. WIAL has no issue notifying an additional landowner of micro-piling if they wish (and the Panel considers that necessary).²³ However, as an overall response:
 - (a) WIAL does not wish to purchase the two parcels of land;
 - (b) it is not necessary for WIAL to do so to address the adverse effects of the Project; and
 - (c) respectfully, the Panel does not have the power to compel WIAL to purchase private property; in this regard, WIAL has clearly (albeit impliedly) proffered conditions CN.13 and 14, requiring offers of purchase to be made in respect of other nearby properties, on an *Augier* basis.
163. The landowners note that these properties were previously subject to a Fair Purchase Scheme condition (among others along Moa Point Road, including one vacant parcel of land), when WIAL was intending to extend the runway at the southern end of the Airport. In that context, WIAL confirms that it did make offers to purchase both properties (which obviously were not accepted, despite remaining open for some time). WIAL also made a solatium payment to the [REDACTED] (noting that there was a dwelling at 49 Moa Point Road at that time) and to [REDACTED].
164. There are a number of reasons why WIAL's current proposed conditions differ from those in play when its plans were to extend the runway, but the short point is that that proposal would have had considerably greater impacts (than the current Project) on the properties concerned.
165. For this Project, WIAL's focus has been on devising conditions that will ensure that the Project's effects on people living along Moa Point Road are acceptable, including effects arising from construction traffic, noise, and

²³ Notification could be by email, given the current lack of post boxes at the properties.

lighting. The Fair Purchase Offer conditions are proffered (effectively on an *Augier* basis) to residents in that context, as a 'belt and braces' measure.

166. It would be possible to amend the proposed conditions to manage effects so they would apply to 49 and 50 Moa Point Road if and when dwellings are erected on those properties; WIAL understands that if constructing and using a residential dwelling on each site is a permitted activity under the District Plan (and not a 'fanciful' development), then legally speaking the Project can be considered as having adverse effects on any (future) residents.
167. In this case, however, the landowners have not asked for the other conditions to apply to their properties; they simply wish to sell their properties to WIAL.
168. Moreover, those properties are located within the 'Inner Air Noise Overlay' and in 'High Noise Areas' categorised in WCC's District Plan. As such, if dwellings are constructed on those properties, specific District Plan standards regarding acoustic insulation and ventilation already apply and must be met, so this may reduce the importance of imposing the various noise and lighting conditions.
169. In conclusion, WIAL does not consider it reasonable or necessary for these properties to be added to the conditions relating to WIAL's Moa Point Fair Purchase Offer.

COMMENTS FROM OTHER PERSONS INVITED TO COMMENT BY THE PANEL

Guardians of the Bays

170. WIAL acknowledges a number of positive comments from Guardians of the Bays (**GOTB**) on the Project:
 - (a) GOTB recognises the need for the Project to improve resilience against extreme weather events and climate change, reduce maintenance and protect council infrastructure.
 - (b) GOTB supports the proposed Stakeholder Communication and Engagement process and the establishment of a Community Liaison Group (**CLG**).

- (c) GOTB supports the provision of black-out blinds for bedrooms affected by construction lighting.
 - (d) GOTB supports the Construction Traffic Management Plan (**CTMP**) conditions.
 - (e) GOTB supports the objectives of the Construction Noise and Vibration Management Plan (**CNVMP**).
 - (f) GOTB supports the two-layer Cubipod system as the option with the least environmental effects of the seawall overlay options considered by WIAL.
171. GOTB has nonetheless raised various concerns, which are addressed in turn below.

Footprint of the seawall

172. While noting GOTB's support for the Cubipod system, WIAL acknowledges that the Project leads to an increased footprint (compared to the current structure).
173. As set out in the Option Assessment & Design Summary Report (Application Document B.04), sixteen options for a seawall concept were considered.²⁴ The scale (footprint, height, volume) of each option was considered during the options assessment in relation to the assessment criteria. Options such as an artificial reef, emerged berm breakwater and berm seawall were ruled out in part because they had large seabed footprints and required substantial amounts of rock and/or concrete armour units.
174. By comparison, the seawall overlay option selected involves placing new concrete armour units over the existing seawall (other than the crest and upper slope), which retains most of the existing structure and minimises removal of material. Retaining most of the existing armour reduces the risk of smaller rock and fine core material being washed out of the seawall during construction. The overlay option also confines the proposed works to the shoreline of Lyall Bay and avoids the construction of a new structure, for example a caisson, rubble mound or berm breakwater, in outer Lyall Bay

²⁴ See page 5 of the WIAL Southern Seawall Design Summary Report: fasttrack.govt.nz/data/assets/pdf_file/0012/14421/B.04-Beca-Engineering-and-Design.pdf

(noting the smallest of these options would have a similar footprint to the seawall overlay option).

175. As described in the Option Assessment & Design Summary Report, while the overlay option involves some footprint increase it was selected considering its favourable ranking for environmental and social impacts, local construction capability, sustainability, performance and cost compared to other options.

Effects on Lyall Bay and Moa Point beach

176. GOTB expressed concern that the application did not assess effects on Lyall Bay and Moa Point beach. In particular:
- (a) whether wave effects and combined storm-wave and rainwater runoff from the wave trap will increase erosion at the western end of Moa Point beach; and
 - (b) whether the proposed Cubipod system will reduce gravel entering Lyall Bay from seawall erosion.
177. As outlined in the evidence of Ms Hart and Ms Sheppard, these matters have been assessed in detail, and the Project includes measures to mitigate coastal erosion from wave effects, including aligning the Eastern Bank remediation with the existing shoreline (and incorporating a tapered rock section), and reinstating breach material over the lower section of the Eastern Bank Remediation.
178. The proposed design removes the wave trap and uses a reservoir without an outlet. Water will drain seaward through the reservoir through the Cubipod armour and rock underlayer, so no separate outlet pipe is needed. This avoids the risk of erosion from a new outlet discharging onto Moa Point Beach.
179. The existing Southern Seawall does not contribute discernible gravel to Lyall Bay Beach, as it is 700 m away and separated by the breakwater and underlying greywacke reef. Furthermore, modelling shows that inner and outer Lyall Bay does not have the high energy wave conditions needed to transport sediment between them. As the proposed seawall will not alter sediment transport, the proposed Cubipod system is not expected to contribute gravel to Lyall Bay Beach.

Community Liaison Group

180. GOTB supports the establishment of a CLG and the CLG conditions in SC.1 – SC.4, but recommends several changes to the proposed conditions:
- (a) increasing the number of community representatives from five to ten and including additional representatives from several community and interest groups; and
 - (b) including Moa Point and Breaker Bay as affected communities.
181. In addition, GOTB requests the Terms of Reference prepared under condition SC.2 include:
- (a) CLG meetings to be held via video conferencing;
 - (b) the first meeting to take place at least four weeks prior to commencement of construction;
 - (c) meetings to be held at least every three months instead of every six months; and
 - (d) monthly meetings during periods of peak or significant construction activity.
182. GOTB has further requested that the MMMP marine ecologist introduce themselves to the CLG, and that the CLG be kept informed about construction and maintenance within the common coastal and marine area (**CMCA**).
183. As outlined in the evidence of Ms O'Sullivan and Ms Robotham, GOTB's suggested changes would create a CLG of approximately 19 members. WIAL does not consider this level of representation would be effective or necessary.
184. WIAL considers changes to the timing, duration and accessibility of CLG meetings most appropriate for the Terms of Reference and does not recommend changes to the conditions.
185. WIAL accepts, however, that it is appropriate to include a representative of residents of Moa Point Road in the CLG as parties who may be directly affected by construction effects. WIAL has proposed a change to Condition SC.4(d) to reflect this.

186. WIAL also considers that GOTB's request for the MMMP marine ecologist to introduce themselves to the CLG, and for the CLG to be kept informed about activities within the CMCA, are matters most appropriately addressed in the Terms of Reference.

Publication of management plans and pre-construction advice

187. GOTB requests that GC.8 be amended to require publication of all certified management plans and amendments within five working days of certification.
188. GOTB also recommends that pre-construction information, including the construction start date and other relevant matters (such as complaints procedures) be made available to the public.
189. As outlined in the evidence of Ms O'Sullivan and Ms Robotham, the CLG is a forum for relaying information between the Project and the community. As such, the CLG has the ability to determine how relevant information, including Management Plans, pre-construction advice, commencement of work notices, and complaints, is shared with the broader community.
190. WIAL accepts GWRC's suggestion to include an Advice Note clarifying that the purpose of the CLG is to be an ongoing point of contact between WIAL, their construction team and the community. For clarity, WIAL also recommends amending SC.6 to confirm that complaints received in accordance with SC.5 are shared with the CLG.

Lighting effects – black-out blinds

191. GOTB supports the provision of black-out blinds for bedrooms affected by construction lighting. However, GOTB also proposes that black-out blinds be offered for all windows with a direct line of sight to the Project, including WIAL-owned properties.
192. WIAL does not agree to that proposal, because the purpose of the black-out blinds for bedrooms is to prevent sleep disturbance effects from night-time construction lighting. The LDP Lighting Assessment recommended this measure and found that, with it in place, any additional effects in terms of sleep disturbance arising from the work site will be very low (noting the

various other operational lighting requirements designed to minimise effects, as acknowledged by WCC in its comments).²⁵

Management of construction traffic and noise

193. GOTB supports the measures in the CTMP conditions, but recommends several changes:
- (a) a new condition requiring the rapid removal of mud, dirt and gravel on roads;
 - (b) a new condition allowing the CLG to formally notify WIAL to review, respond to and update the CTMP;
 - (c) temporary reductions in speed limits along certain construction traffic routes;
 - (d) a new condition requiring the contractor to consult with the Moa Point Sludge Minimisation facility operators on heavy vehicle routing; and
 - (e) a new condition for road damage caused by the Project to be identified and repaired promptly.
 - (f) amending CC.2 to require roads around the Southern Seawall construction site and yards to be kept clean and free of off-site mud and gravel from the construction sites.
194. GOTB supports the objectives of the CNVMP, but recommends several changes:
- (a) enable changes to the CNVMP if further unidentified properties are affected by noise;
 - (b) include electronic methods of notifying owners and occupiers of the piling schedule;
 - (c) offer double glazing to property owners;
 - (d) correct erroneous reference to CT.15 in CN.16; and
 - (e) provision of black out curtains, mechanical ventilation and double glazing to night workers.

²⁵ WCC lighting comments: [Appendix-8 Lighting-memo WCC-comments_020326.pdf](#)

195. As outlined in the evidence of Ms O'Sullivan and Ms Robotham, the CLG's purpose also includes developing management responses to community concerns and reviewing the implementation of those measures. Through the CLG, members will have the opportunity to work with WIAL and the construction team, raise issues directly and discuss community-led solutions to resolve them.
196. This will ensure that issues raised by the community are identified and addressed in a structured and responsive way, including the concerns raised by GOTB above, such as street cleanliness, construction noise, pothole maintenance, construction traffic movements and speed. WIAL does not consider that the changes proposed by GOTB to the CTMP and CNVMP are necessary.

Lizard Management Plan

197. GOTB supports the identification and removal of lizards in the LMP, but recommends two changes:
 - (a) cat control and engagement with the local community on their domestic cats; and
 - (b) implementation of a robust monitoring programme to assess lizard presence and population response, including visual encounter surveys and tracking tunnels using ink cards with a banana lure.
198. As outlined in the evidence of Mr Wedding and Dr Anderson, cat control is not proposed as part of the LMP. The lizard species potentially present at the site, including northern grass skink, are widespread and commonly found in modified environments where cats are also present. Cat control is therefore unnecessary, as the Project is expected to result in a very low level of effect on native lizards after mitigation.
199. The additional monitoring suggested by GOTB is also not considered necessary. The LMP focuses on lizard relocation and habitat enhancement. Given the low to moderate ecological value of the affected habitats, the limited and temporary scale of habitat loss, and the overall very low level of effect, the measures in the LMP are considered sufficient to manage the Project's effects.

Avifauna and terrestrial avifauna management

200. GOTB recommend a single 50-metre setback distance to apply to all nesting avifauna, both coastal and terrestrial.
201. As outlined in the evidence of Mr Wedding and Dr Anderson, the AMP provides species-specific buffer distances tailored to each species' ecology and nesting behaviour. For coastal species, a 50-metre exclusion zone is specified for banded dotterel and variable oystercatcher. For other native birds, species-specific setbacks are provided where relevant. Where additional native species are identified, appropriate protection measures would be included in the AMP.
202. This species-specific approach is consistent with best practice. It sets buffers proportionate to the level of potential disturbance, recognising different bird groups have varying sensitivity to disturbance and nesting ecology. Buffer sizes will be communicated to the Project contractors to minimise any confusion.

Kororā management

203. GOTB had several queries relating to kororā management:
- (a) whether an alternative kororā colony site could be found along the coastline;
 - (b) whether fencing along the sea entrance to the underpass has been considered;
 - (c) a map showing the Moa Point sewage outfall pipes and how maintenance of these pipes would affect the Stage 1 colony;
 - (d) whether the viewing public has been considered in the design of the Stage 1 colony; and
 - (e) whether a mana whenua appropriate fence design has been considered.
204. Kororā management concerns are addressed above and in the evidence of Dr Cockrem, Ms Hart and Ms Sheppard. WIAL is comfortable with the proposed conditions and the KPMP, as updated and provided with this application.

205. GOTB raised a further safety concern about predators entering the kororā underpass. WIAL does not consider additional cat or predator control for the underpass to be necessary. The proposed site fencing of the colonies, screen planting, rock placement and targeted pest control measures are proportionate and effective in protecting the kororā passage and colonies.

Layout of the MGC Yard – potential landscape and visual effects

206. GOTB expresses concern that the proposed layout of the MGC Yard will increase the visibility of the stockpiles of rock, topsoil and other materials to the residents of Strathmore Park.²⁶ They recommend that more detailed assessment is required in order to reduce or improve views from Strathmore Park.

207. This matter is addressed in the Landscape, Natural Character and Visual Effects Assessment submitted with the application.²⁷ In summary, that assessment records that the potential adverse landscape and visual effects associated with use of the MGC Yard have been considered and are proposed to be mitigated by the following:

- (a) Built form is sited at the southern end of the Yard to reduce both visual and landscape character effects.²⁸
- (b) Landscape mitigation planting will be planted within the first planting season after the Yard has been formed.²⁹ This will assist to screen the MGC Yard from views and will eventually integrate with planting required as part of the landscape buffer zone under WIAL's East Side Area Designation.
- (c) Materials and built form are located in visually discrete and less prominent areas of the site.³⁰
- (d) The exterior treatment of built form and structures will assist to integrate these structures into the landscape.³¹ In particular, condition LV.24 requires exterior treatment to use recessive colours with a RV value no higher than 20%.

²⁶ Page 19.

²⁷ Provided at section B.13 of the application, [here](#). Section 7.5 of the report addresses the landscape effects; and sections 8.1 to 8.4 address visual effects.

²⁸ Page 35.

²⁹ Page 35.

³⁰ Page 35.

³¹ Page 35.

- (e) The MGC Yard Landscape Concept Plan also identifies the proposed locations and heights of the stockpiles of topsoil and rocks.³² Given that the MGC Yard will be situated below the current ground level, the tops of these stockpiles will generally be below or at a similar height to the existing ground level.³³
208. In summary, the proposed layout of the MGC Yard has already been carefully considered to ensure that potential landscape and visual effects are mitigated. The proposed layout is set out in the MGC Yard Landscape Concept Plan, with which landscaping and planting must be in general accordance.³⁴
209. Notwithstanding this, the assessment acknowledges that the Project will have moderate adverse effects on landscape values during construction (reducing to low moderate adverse on completion), and very low to moderate adverse effects on both public and private views (reducing to very low to low moderate on completion). This assessment is conservative as it does not assume that the East Side Area Designation has been fully implemented as part of the existing environment. However, for completeness, the assessment also notes that those effects ratings improve measurably when compared to an existing environment with the East Side Area Designation fully implemented.³⁵
210. In summary, the potential adverse landscape and visual effects of the MGC Yard on surrounding residences have been appropriately considered and addressed through the MGC Yard Landscape Concept Plan and any residual effects are not an impediment to the panel granting the approvals sought.

Fencing of the Southern Seawall

211. GOTB has requested information on fencing on either side of the seawall after construction works are finished.
212. As outlined in the Landscape, Natural Character and Visual Effects Assessment, security fencing and gating of the worksite will be installed as part of the construction works at the Southern Seawall, Moa Point Yard and

³² See MGC Yard Landscape Concept Plan at Figure 35 of the Graphic Supplement to the Landscape, Natural Character and Visual Effects Assessment.

³³ Page 40 of the Landscape, Natural Character and Visual Effects Assessment.

³⁴ Condition LV.1.

³⁵ See summary tables at page 38 of the Assessment (for landscape effects) and page 45 (for visual effects).

MGC Yard. This is to control access during the construction period and protect both workers and the public.

213. Once construction works are completed, there is no permanent fencing proposed on either side of the Southern Seawall. Permanent 1 to 1.5m tall fencing is proposed around the kororā colonies to protect kororā from dogs, wind and human disturbance.

Wellington Airport Noise Management Committee (ANMC)

214. The ANMC's comments set out the background to, make-up of and roles of the ANMC. The comments fairly record that *"the membership of the ANMC is diverse, representing local residents, airport regulators, Airport users and WIAL as the Airport operator"*, and that: *"By consensus of the group these comments are necessarily neutral"*.
215. WIAL is grateful to all members of the ANMC for the *"recognition of the Airport's significance to the city and region and the need to maintain and future proof the asset"*.
216. WIAL acknowledges the comment that: *"Residents in particular are concerned with the land transport disruption and noise from vehicles needing to transport materials to the site"*.
217. WIAL agrees that it is important to minimise noise and other disruption arising from construction and the transport of materials. Detailed assessments have been carried out in that respect,³⁶ and subsequently comprehensive effects management measures have been proposed by WIAL's consultant experts, and reflected in the proposed conditions and draft management plans (in particular the draft CNVMP and CTMP). WIAL again notes the support expressed for those management measures by WCC in its comments, which should provide comfort to the members of the ANMC.
218. Finally, WIAL acknowledges the ANMC's comment in respect of consultation and communication:

There is strong support for effective, meaningful and ongoing consultation and communication required in conditions proposed by WIAL before and during construction the phase. The Residents Representatives on the Committee are

³⁶ Refer in particular to the Noise and Vibration Assessment and the Transportation Assessment included in Part B of the Application.

more than willing to provide assistance in respect communication processes with potentially affected residents as the project progresses.

219. WIAL is committed to continuing its established practice of effective and meaningful communication, including as required by the proposed conditions of consent. WIAL refers to its responses to Mr Howells and to the Guardians of the Bays in respect of the CLG, in particular.
220. In addition, WIAL will continue to engage with the ANMC specifically, as per its existing practice and the terms of reference for the ANMC.

PART B – RESPONSE TO SECTION 51 REPORTS

SECTION 51 REPORTS

221. Since lodgement of the substantive application, WIAL has continued discussions with DOC and HNZPT, including in respect of the approvals for which they would be the administering agencies.
222. Given the comments from DOC and HNZPT in the section 51 reports, the Panel can be satisfied that the wildlife approvals and archaeological authority can be granted.

Archaeological authority

223. WIAL is seeking 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.³⁷
224. HNZPT confirms in its section 51 report that it agrees with the Archaeological Assessment prepared by Ms Howitt and lodged with the Application, including:
- (a) in respect of the identified values;
 - (b) in terms of the potential effects of the Project on archaeological values; and
 - (c) that archaeological monitoring, recording and (if sites are encountered) archaeological investigations will mitigate those effects.³⁸

³⁷ Part A.13 of the Application provides specific analysis in respect of the archaeological authority.

³⁸ Refer to B.03 of the Application documents, and paragraph 10 of HNZPT's section 51 report.

225. The section 51 report concludes that:
- (a) granting the archaeological authority would be consistent with section 59(1)(a) of the HNZPT Act;
 - (b) *"the systematic recording and investigation of archaeological material (if encountered) will contribute to our understanding of Maori settlement of Te Motu Kairangi / the Miramar Peninsula"*; and
 - (c) The conditions proposed by WIAL, with the amendments suggested by HNZPT, will (together with the relevant resource consent conditions) effectively manage the identification and recovery of archaeological information within the site.
226. HNZPT recommends relatively minor amendments to the proposed conditions to the archaeological authority.³⁹ WIAL has considered those recommended conditions, and agrees to them (subject to minor further edits).
227. An updated version of the proposed archaeological authority and conditions is provided with this memorandum as **Appendix 9**. Changes to the conditions lodged with the application are shown as tracked; except where indicated with comment boxes, the changes reflect the recommendations by HNZPT.

Wildlife approvals

228. WIAL is seeking wildlife approvals that would otherwise be applied for under the Wildlife Act 1953, in respect of kororā, and native lizards:⁴⁰
- (a) to catch, handle, salvage, and relocate native lizards from the Moa Point Yard and MGC Yard to suitable adjacent habitats;
 - (b) to catch, handle and relocate kororā from the Southern Seawall to the Stage 1 Kororā Colony;
 - (c) to monitor kororā in nestboxes in the colonies and undertake tracking studies to determine foraging areas and diving behaviours;

³⁹ Appendix B of the section 51 report shows the recommendations in track with comment boxes; Appendix C is a clean version of the archaeological authority and conditions reflecting HNZPT's recommendations.

⁴⁰ Part A.12 of the Application provides specific analysis in respect of the wildlife approvals.

- (d) to mark kororā, for the purposes of species management and research; and
 - (e) to incidentally harm or kill lizards and kororā.
229. DOC's section 51 report addresses both lizards and kororā, informed by its subject-matter experts.⁴¹ Its key overall conclusion is that:⁴²

"(...) subject to recommended conditions, the proposed activities are broadly consistent with the purpose of the Wildlife Act. The relevant species management plans include appropriate methodologies for salvage and relocation, identify suitable release sites, and propose appropriate habitat enhancement measures."

230. WIAL understands DOC is comfortable with the 25-year term WIAL is seeking for the wildlife approvals.

Lizards

231. Specifically in respect of lizards, DOC:
- (a) is comfortable with WIAL's survey methods and description of lizard values, and *"agrees that the overall level of effect has been appropriately assessed as low"*;
 - (b) supports the proposed effects management measures, including searching and salvage, and the proposed relocation of salvaged lizards.
 - (c) considers the proposed conditions are generally appropriate, and that the draft Lizard Management Plan provides *"a high level of detail consistent with DOC guidelines for lizard salvage and management."*
232. DOC recommends relatively minor amendments to the proposed conditions to the wildlife approval for lizards. WIAL has considered DOC's recommended condition updates, and agrees to them (subject to minor further edits).
233. The exception is respect of DOC's recommendation that there be *"further refinement of contingency actions where significant numbers of lizards are salvaged but not subsequently detected, to ensure monitoring outcomes are linked to clear management responses."* In their evidence in response

⁴¹ Jacqui Wairepo in respect of lizards; Dave Houston in respect of kororā.

⁴² At 3.2 of the section 51 report.

to this recommendation, Mr Wedding and Dr Anderson explain that contingency actions are not required in these circumstances.

Kororā

234. DOC acknowledges the overall scheme to *"minimise adverse effects on kororā during construction activities by ensuring their safety and providing secure replacement habitat"*. DOC is clear in its view that the proposed effects management measures are appropriate. In particular, DOC considers that:
- (a) *"the proposed timing of works, penguin exclusion measures, nest buffers, rock removal protocols, kororā extraction/relocation techniques, and daily site checks are considered to be consistent with best practice from comparable projects. DOC acknowledges that these measures will reduce, but cannot eliminate, the risk of injury or mortality to kororā during construction";* and
 - (b) *"the overall package of new habitat, nestboxes, predator exclusion fencing and supporting advocacy is sufficient to offset the interim loss of kororā habitat"*.
235. DOC makes a small number of specific recommendations in respect of the effects management measures, addressing PIT tagging / GPS tracking of kororā, and fencing along the road in the vicinity of the Southern Seawall.

PIT tagging / GPS tracking

236. DOC recommends that the conditions of consent of the KPMP specify that current best practice protocols for PIT tagging will be used. That recommendation has been reflected in the updated KPMP being filed alongside this memorandum (on the basis that Dr Cockrem's specific method represents best practice).
237. DOC also seeks clarification in respect of the position of Taranaki Whānui in respect of PIT tagging. Dr Cockrem has been discussing the PIT tagging with Mr Rudd (who is advising Taranaki Whānui in respect of kororā matters). Those discussions are progressing well, however WIAL and Mr Rudd have agreed that the current text in the KPMP, specifying that the microchipping proposal remains subject to discussion with mana whenua, should be retained. In advance of kororā being relocated to the Stage 1

Kororā Colony, WIAL will be able to confirm the position of mana whenua in respect of PIT tagging.

238. DOC recommends a limit of up to 30 deployments of GPS devices annually, with each bird tagged no more than once per year. For the reasons given by Dr Cockrem in his evidence, the KPMP has been updated to reflect the 30 deployments per year limit, but with provision for each bird to be tagged up to two times per year.

Fencing / netting along the roadside

239. DOC considers that:

"birds displaced from the construction area and relocated to the Stage 1 colony may attempt to return to their former burrows, and upon finding access prevented, may search for nest sites in neighbouring areas. DOC considers that birds prospecting north of the Southern Seawall or between Areas E/F and the Stage 1 colony may face increased risks from vehicles and dogs."

240. DOC subsequently:

"recommends additional measures such as the installation of temporary low fencing (40 cm) and netting along sections of road adjacent to these movement corridors to reduce penguin mortality risk. DOC acknowledges that this land is managed by Wellington City Council and lies outside the Project site but considers WIAL's engagement appropriate."

241. In response, WIAL notes that there is currently no fencing or netting along the road in the vicinity of the Southern Seawall. The risk of penguin mortality associated with attempts to cross the road already exists (and WIAL notes the long-standing signage along Moa Point Road advising drivers to take care of penguins). That said, WIAL is comfortable with the recommendation that it install temporary low fencing or netting along the roadside in these areas. As DOC acknowledges, the relevant land is managed by WCC, and as such WIAL is not in a position to guarantee that it will be able to install such fencing or netting.

242. WIAL has therefore updated the conditions and KPMP to require WIAL to use reasonable endeavours to secure the necessary approvals / access rights from WCC to install low fencing or netting in the relevant areas, and (subject to those approvals / rights being granted), to maintain that fencing/netting for the duration of the Project construction period.

Updated wildlife approval and conditions documents

243. Updated versions of the proposed wildlife approvals and conditions are provided with this memorandum as **Appendix 8**. Changes to the versions lodged with the application are shown as tracked; except where indicated with comment boxes, the changes reflect the recommendations by DOC.

CONCLUSION

244. WIAL again expresses its gratitude for the comments received, and to the Panel for considering this response.
245. The further changes now proposed to be included in the conditions, including in response to the comments, further reinforce that the Project merits approval under the FTAA; its significant benefits vastly outweigh the residual adverse effects.
246. Again, it is important that the Panel give meaningful expression to the FTAA's purpose as it decides on the few residual matters in dispute relating to conditions. This is an important Project for Wellington and New Zealand and its delivery should be facilitated, subject to the careful environmental management provided for through the conditions proposed by WIAL.

DATED the 17th day of March 2026



D Randal / T Ryan / F Wedde
Counsel for WIAL