

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

By **WELLINGTON INTERNATIONAL AIRPORT LIMITED**  
Applicant

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**STATEMENT OF EVIDENCE OF KIRSTY ELIZABETH O'SULLIVAN AND  
ELLEN FRANCES ROBOTHAM (PLANNING) ON BEHALF OF WELLINGTON  
INTERNATIONAL AIRPORT LIMITED**

17 March 2026

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**BUDDLE FINDLAY**

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## **INTRODUCTION**

1. Our full names are **Kirsty Elizabeth O'Sullivan** and **Ellen Frances Robotham**.
2. Our evidence is given on behalf of Wellington International Airport (**WIAL**) in respect of WIAL's proposed Southern Seawall Renewal project (**Project**) in response to comments made under sections 51 and 53 of the Fast-track Approvals Act 2024 (**Act**) by:
  - (a) Wellington Regional Council (**GWRC**);
  - (b) Wellington City Council (**WCC**);
  - (c) Te Rūnanga o Toa Rangatira (**Ngāti Toa**);
  - (d) Department of Conservation (**DOC**);
  - (e) Heritage New Zealand Pouhere Taonga (**HNZPT**);
  - (f) Wellington Conservation Board;
  - (g) New Zealand Conservation Authority;
  - (h) Wellington Air Noise Management Committee;
  - (i) Guardians of the Bays Incorporated;
  - (j) Martyn Howells;
  - (k) Richard and Susan Laurenson; and
  - (l) Matthew Taylor.
3. We prepared the primary substantive application documents for the Project and the proposed approval conditions submitted with the application.
4. Our respective qualifications and experience are set out in Appendix A to this evidence.

### **Code of conduct**

5. We confirm that we have read the Code of Conduct for expert witnesses contained in the Environment Court Practice Note 2023 and have complied with it in preparing this evidence. In particular, unless we state otherwise, the issues addressed in this evidence are within our area of expertise and

we have not omitted to consider material facts known to me that might alter or detract from the opinions we express.

### **Scope of evidence**

6. This brief of evidence responds to the planning matters raised in the comments, with responses categorised by commenter. Where commenters raise similar issues, the response provided to the first commenter is relied upon.
7. Proposed condition amendments are explained primarily through annotations to the sets of proposed conditions, which are included as **Appendices 7 to 9** to WIAL's response, with only substantive or overarching matters addressed in this brief.
8. Unless stated otherwise, condition references in this evidence relate to updated condition references as set out in **Appendix 7** to WIAL's response.

### **GWRC SECTION 53 COMMENTS**

9. With regard to planning matters, the key issues raised by GWRC relate to:
  - (a) identification of the approvals required;
  - (b) stormwater management;
  - (c) seawall maintenance;
  - (d) management of effects in the coastal environment; and
  - (e) winter works.

### **Approvals required and conditions matrix**

10. Mr Banks identifies the regional resource consents he considers are required to authorise the Project and proposes associated changes to the conditions matrix.<sup>1</sup> The key areas of difference relate to discharges authorised under Wellington Natural Resources Plan (**NRP**) Rule R94, particularly:
  - (a) whether or not separate consents should be granted under that rule for discharges of stormwater and cleanfill; and

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<sup>1</sup> Table 4 and paragraph 109 of the GWRC comments.

- (b) whether an additional resource consent is required under that rule for the discharge of contaminants from contaminated land.
11. On the first issue, WIAL proposed an approach which essentially bundled stormwater and earthworks (including cleanfill) discharges into one consent, which we considered appropriate given the highly integrated nature of these activities (and associated effects) for this Project. We are nonetheless comfortable with a separate consent being identified that is specific to the discharge of cleanfill, and have amended the conditions matrix accordingly.
12. However, management of stormwater arising from the Project will be through the imposition of erosion and sediment control (**ESC**) measures, and we note that stormwater discharges may involve the discharge of flocculant. As noted in Part H of the Application, the drafting of stormwater rules in PC1 to the NRP indicates that GWRC treats flocculant as a separate contaminant to stormwater, such that GWRC requires resource consent for the discharge of flocculant under a separate rule to stormwater discharges.<sup>2</sup> We recommend that RC1 as put forward by Mr Banks is amended to reinsert the discharge of contaminants associated with treating stormwater.
13. We do not support the deletion of the resource consent which provides for stormwater discharges associated with the Moa Point Yard. As set out in Part H to the Application, stormwater is expected to be discharged from parts of Moa Point Yard which are within the Airport and authorised under NRP Rule R54. We recommend that resource consent for the discharge of stormwater at the Moa Point Yard is provided for as RC2.
14. We do not agree resource consent is required under Rule R94 for discharges of contaminants from contaminated land at the Southern Seawall and Eastern Bank Remediation. Rule R82 of the NRP provides for discharges from contaminated land where contaminants may enter water as a permitted activity provided:
- (a) a Detailed Site Investigation (**DSI**) has been undertaken and provided to GWRC;

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<sup>2</sup> Refer to Part H of the Substantive Application (p11) for a discussion of rules R94 of the NRP and WH.R25 of PC1 to the NRP ([https://www.fasttrack.govt.nz/\\_\\_data/assets/pdf\\_file/0018/14481/H-Rules-Assessment-for-RMA-Approvals.pdf](https://www.fasttrack.govt.nz/__data/assets/pdf_file/0018/14481/H-Rules-Assessment-for-RMA-Approvals.pdf)). Based on pre-application discussions with GWRC, approval for the use of flocculant is required under Rule R94 because Rule WH.R25 provides only for stormwater and sediment (whereas Rule WH.24 specifies stormwater, sediment and/or flocculant).

- (b) the DSI indicates that the discharge does not pose unacceptable risk to human health or the environment; and
  - (c) if the discharge is from SLUR Category III or IV land, certain water quality limits are met.
15. The Southern Seawall and Eastern Bank Remediation area is not located within SLUR Category III or IV land, a DSI has been provided to GWRC, and as Ms Shepherd concludes, the DSI indicates that the contaminated soils detected at the sites do not pose unacceptable risks to human health or the environment.<sup>3</sup> We therefore consider the disturbance of contaminated land at the Southern Seawall complies with the relevant permitted standards and is a permitted activity in accordance with NRP Rule R82.

### **Stormwater management conditions**

16. WIAL holds a 'site-wide' stormwater discharge permit (WGN230119[38649]) that authorises stormwater discharges from specified land owned by or associated with the Airport. Through his review, Mr Banks has identified that the stormwater discharge permit does not authorise stormwater discharges from the MGC Yard. Mr Banks acknowledges however, that the Stormwater Management Plan (**SMP**) certified under the 'site wide' stormwater discharge permit can be appropriately adapted to manage stormwater from the MGC Yard, subject to the following amendments to the SMP:
- (a) amendments to the risk assessment for stormwater discharges set out in the SMP;
  - (b) amendments to Table 7 within the SMP, to recognise the new discharge;
  - (c) identification of appropriate stormwater management methods for the discharge under Table 8 in the SMP; and
  - (d) amendments to Attachment 3 in the SMP (higher priority treatment assessment table and maps) to incorporate the new discharge.
17. On further review of the site wide stormwater discharge permit, the confusion arises from the street address being listed on the permit but not

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<sup>3</sup> Evidence of Sarah Shepherd.

the legal description. We therefore agree with Mr Banks that the MGC Yard is not covered by the permit.

18. In light of the above, we generally support the drafting amendments Mr Banks has made to Conditions ESC.25-ESC.27 in GWRC's comments (numbered ESC.25, ESC.26 and ESC.28 in **Appendix 7**). We have recommended some slight refinements however, to ensure that it is clear that the risk assessment required to be undertaken is done in accordance with process set out in the SMP, and not as an alternative risk assessment that could give rise to inconsistency in the way the SMP is applied between the two sites.

### **Seawall maintenance conditions**

19. Condition CA.26 is intended to provide clarity for the physical extent of future maintenance activities. The need for this clarity is primarily driven by rules under the 2024 District Plan for Wellington City (**District Plan 2024**), which provide for maintenance and repair works as permitted activities provided they do not increase the height of the seawall as it was on 7 July 2025.<sup>4</sup> Given the Project will result in a larger seawall, no future maintenance or repair works could comply with permitted rules.
20. Through its appeal on the Wellington City District Plan 2024, WIAL is seeking changes to the future maintenance and repair provisions to address the above matter. WIAL anticipates this will be resolved in due course.
21. Against this backdrop, and on further reflection, we agree with Mr Banks that the condition has the unintended consequence of enabling activities which go beyond maintenance and repair activities permitted by NRP Rule 169, and side-steps NRP Rule 185 without applying sufficient scrutiny to the potential effects arising from those activities. We therefore agree with Mr Banks' recommendation to remove Condition CA.26 from the condition set.

### **Management of effects in the coastal environment**

22. GWRC has raised concerns regarding:
  - (a) the effectiveness of offsetting effects on kororā and pohowera (dotterel);

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<sup>4</sup> Refer to Rule INF-CE-R3.1 of the District Plan 2024.

- (b) the effectiveness of methods for managing the loss of subtidal habitats; and
- (c) the potential for seawall end effects on erosion and scour.

*Effectiveness of managing ecological effects*

23. Dr Cockrem (kororā), Mr Wedding and Dr Anderson (avifauna) and Dr Meynier (marine ecology) respond to these concerns from a technical perspective. Of relevance to this discussion:
- (a) Dr Cockrem confirms that the Project will provide significant long-term benefits to kororā, there is no evidential basis for the targets recommended by GWRC, and monitoring and adaptive management are incorporated into the proposed management approach. Dr Cockrem considers such that offsetting targets cannot be met and should not be included.<sup>5</sup>
  - (b) Mr Wedding and Dr Anderson confirm that effects on pohowera are temporary, of low magnitude, and are appropriately mitigated. In their view, there are no residual adverse effects requiring biodiversity offsetting or compensation such that suggested monitoring and targets are not required.<sup>6</sup>
  - (c) Dr Meynier confirms that the loss of subtidal habitat within the seawall footprint represents temporary loss followed by natural ecological succession, and does not represent a significant loss of rocky reef habitat in the context of the wider South Coast. Dr Meynier is confident that the seawall will be colonised within three years and it is not necessary to include alternative compensation if that recolonisation does not eventuate.<sup>7</sup>
24. In assessing ecological effects against the relevant statutory provisions, Mr Banks provides an assessment of Policy 11(b) of the NZCPS, Policy 38 of the NRP, and Schedules G1, G2 and G3 of the NRP.<sup>8</sup> In summary:
- (a) Policy 11(b) of the NZCPS requires the avoidance of significant adverse effects on indigenous biodiversity values, and the avoidance, remedy or mitigation of other adverse effects.

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<sup>5</sup> Evidence of John Cockrem.

<sup>6</sup> Evidence of Chris Wedding and Michael Anderson.

<sup>7</sup> Evidence of Laureline Meynier.

<sup>8</sup> GWRC comments, paragraph 28, 43.

- (b) Policy 38(c) provides more detail on the management of non-significant effects on indigenous biodiversity values and requires biodiversity offsetting where residual adverse effects cannot be avoided, minimised or remedied.
  - (c) Schedules G1, G2 and G3 of the NRP detail the principles that will be used to guide the development of biodiversity mitigation, offsets and compensations respectively.
25. In Mr Banks' view, changes are required to the conditions to ensure consistency with Policy 11 of the NZCPS and Policy 38 of the NRP, and to align with Schedules G1, G2 and G3.<sup>9</sup> We do not agree with Mr Banks' position.
26. WIAL, along with its experts, have gone to considerable effort to ensure that any significant adverse effects on indigenous biodiversity have been avoided, and other adverse effects have been appropriately managed. The Project therefore does not offend Policy 11(b) of the NZCPS or the attendant policies of the NRP that seek to give effect to it.
27. Additionally, in our view there are a wider range of relevant provisions which should be given equal or greater weighting to those identified by Mr Banks, and warrant a different approach to setting conditions than that suggested by Mr Banks. In addition to the policies assessed by Mr Banks, we consider the following additional provisions are of particular relevance to assessing the effects of the Project on ecology in the coastal environment:
- (a) Policy 6 of the NZCPS, which anticipates activities in the coastal environment and recognises some infrastructure and development may be required to support the social, economic and cultural wellbeing of people and communities;<sup>10</sup>
  - (b) Policy 39 of the NRP, which provides for the upgrade and extension of existing regionally significant infrastructure in the coastal environment that meets any of the Policy 38(a) or (b) criteria.<sup>11</sup> This policy requires that:
    - (i) there is a functional need or operational requirement for the activity to locate in that area;

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<sup>9</sup> Paragraphs 33, 43, and 52 of the GWRC comments.

<sup>10</sup> NSCPS Policy 6, as amended in 2025.

<sup>11</sup> Note that the criteria of Policy 38 of the NRP align with the criteria of Policy 11 of the NZCPS.

- (ii) there is no practicable alternative for the activity to be located; and
  - (iii) the activity maintains and, where practicable, enhances or restores the affected significant indigenous biodiversity values and attributes at, and in proximity to, the affected area.
- (c) Policy 41 of the NRP, which relates specifically to the Wellington Airport South Coastal Environment. It requires recognition of:
- (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 for activity to locate in that area and 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.

28. These additional provisions are of particular relevance as they provide guidance around how the Policy 6 and Policy 11 directives of the NZCPS are to be given effect to at a regional level. Part A, Section 10.3.7 of the Substantive Application,<sup>12</sup> provides a detailed assessment of these provisions which we consider remains relevant and we do not repeat it here. What is apparent is that:

- (a) Policy 6 of the NZCPS and Policies 39 and 41 of the NRP provide direction that is directly relevant to assessing the effects of the Project on non-significant effects on indigenous biodiversity values; and
- (b) WIAL have taken care to manage adverse effects on indigenous species and their habitats in accordance with the relevant policies.

29. When considering the setting of conditions, the National Policy Statement for Infrastructure 2025 (**NPS-I**) directs a proportionate approach to the management of the adverse effects of infrastructure.<sup>13</sup> In particular, Policy

<sup>12</sup> Refer to pages 320-325 for an assessment of Policy 11 of the NZCPS and Policies 38, 39 and 41 of the NRP, and to pages 331-332 for assessment of Objective 6 and Policy 6 of the NZCPS.

<sup>13</sup> As noted in the Memorandum of Counsel for Wellington International Airport Limited in response to requests for further information from the Expert Panel, 13 February 2026.

7(1)(e) requires decision makers to ensure that mitigation measures and consent conditions are proportionate to the scale of adverse effects generated by the activity. The FTAA also directs that the Panel must not set conditions which are more onerous than necessary to address the reason for which it is set.<sup>14</sup>

30. Based on the evidence of Dr Anderson and Mr Wedding, Dr Cockrem, and Dr Meynier, and when considering the broader statutory framework which provides for and recognises the unique needs of regionally and nationally significant infrastructure, we consider the management of effects on pohowera and kororā and subtidal habitats as proposed by WIAL is proportionate to the scale of those effects.
31. In our experience, best practice requires all conditions to be enforceable. For a consent condition to be enforceable it must be reasonably within the consent holder's technical and physical ability to achieve the condition. In this case, it is within WIAL's ability to create high-quality habitat, but it is not within WIAL's ability to ensure a specific number of wild animals utilise that habitat. In our opinion, the setting of occupation targets is not enforceable and therefore cannot be the basis for a resource consent condition.
32. We therefore do not consider that the amendments to conditions are required to provide consistency with the relevant national and regional statutory provisions, would be considered more onerous than necessary to address the reason for which it is set, and are not enforceable.

#### *End-effects erosion*

33. With regard to coastal processes, GWRC has sought the inclusion of additional consent conditions for post-construction monitoring to identify and respond to potential end-effects erosion 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.
34. As discussed by Ms Hart the conditions are not necessary because:
  - (a) The Eastern Bank Remediation design includes armour rock and a tapered rock section to provide a smooth transition and minimise end effect erosion;<sup>15</sup> and

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<sup>14</sup> Section 83 of the FTAA.

<sup>15</sup> Evidence of Jennifer Hart and Amy Sheppard.

- (b) The conditions proposed by WIAL include post-construction inspection by a coastal/maritime engineer.<sup>16</sup>
35. We do not agree with the inclusion of conditions sought by GWRC's comments as the consent conditions already provide for a post-construction inspection regime and the additional conditions put forward by GWRC would be more onerous than necessary to address the reason for which they are set.

### **Winter works**

36. For completeness and clarity, we note that substantive changes to adopt GWRC's suggestion of managing winter works through the Site-Specific Erosion, Sediment and Dust Control Plans were made in the version of conditions provided to the Panel on 30 January 2026.<sup>17</sup> We therefore accept GWRC's request to insert relevant terms to the definitions. No further changes are required to conditions in this respect.

### **WCC SECTION 53 COMMENTS**

37. In Mr Tevaga's planning memorandum, he confirms that all relevant resource consents within the WCC jurisdiction have been identified, and agrees with WIAL's assessment of relevant objectives and policies of the District Plan 2024 and District Plan 2000.<sup>18</sup>
38. In undertaking a section 104 assessment, Mr Tevaga considers effects to be appropriately managed, on the basis that amendments to conditions are made to reflect the recommendations of WCC's other technical experts.
39. We have reviewed these amendments to conditions and have generally accepted these, with the following exceptions:
- (a) Amendments to Conditions ECO.37 and ECO.47 which seek a total of \$6,000 per year to fund positive kororā outcomes (as an alternative option to carrying out pest control at the kororā colonies); and
  - (b) Amendments to Condition CT.7 regarding the use of Evans Bay Parade instead of Kilbirnie Crescent by outbound heavy vehicle traffic.
40. WCC states that changes to Conditions ECO.37 and ECO.47 reflect Council's preference for direct funding towards kororā outcomes as an

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<sup>16</sup> Evidence of Jennifer Hart and Amy Sheppard.

<sup>17</sup> In particular, refer to Condition ESC.8(l).

<sup>18</sup> Technical Memorandum: Planning, Mr Cedric Tevega, 3 March 2026 pages 2 and 3.

alternative to pest management programmes, which would potentially duplicate the existing pest management on the Miramar Peninsula.<sup>19</sup>

41. We do not support the proposed amendments to Conditions ECO.37 and ECO.47 because the proposed amendments fail to meet any of the relevant tests for imposing consent conditions. In particular:
- (a) Best practice condition drafting requires conditions to be related to an actual or potential adverse effect on the environment. Mr Louw states that “*While we do not believe this is best allocation of funding, we can support this on the basis that the pest control is undertaken in alignment with the working being undertaken by Predator Free Wellington*”.<sup>20</sup> It is therefore not clear what the effects basis of the conditions condition providing for a financial contribution is.
  - (b) Financial contributions may only be imposed in accordance with the purposes specified in the plan or proposed plan, and the level of contribution must be determined in the manner described in the plan or proposed plan.<sup>21</sup> The District Plan 2024 and the District Plan 2000 do not contain provisions specifying financial contributions for ecological outcomes, and do not describe the manner for setting such contributions.
  - (c) As noted above, the Panel is directed to ensure that conditions are proportionate to the scale of the effect and must not set conditions which are more onerous than necessary to address the reason for which it is set. Given there is no clear effects basis and there is no prescribed process for the setting of such contributions, we consider the financial contributions to be disproportionate to the scale of effect and more onerous than necessary to address the reason for which it is set.
42. In our view, pest management programmes can be developed to be complementary to existing pest management controls and the draft conditions provide for this.
43. With regard to the use of Kilbirnie Crescent by outbound heavy vehicle traffic, we note that the vehicle tracking included in the Transport

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<sup>19</sup> WCC comments, page 5.

<sup>20</sup> Technical Memorandum: Native wildlife feedback (Kororā and Lizards), Mr Henk Louw, 23 February 2026, page 2.

<sup>21</sup> Section 108(10) of the RMA.

Assessment Report prepared by Stantec<sup>22</sup> demonstrates that both roads can accommodate turning truck movements, however, Evans Bay Parade directly fronts a school (St Patrick's College) and does not provide mid-block crossing facilities. It is acknowledged that Kilbirnie Crescent passes by recreational and sport facilities, but mid-block zebra crossings provide for safe pedestrian crossing points along this route.

44. We do acknowledge that a small portion of Evans Bay Parade is utilised between the northern end of Onepu Road and the southern end of Kilbirnie Crescent. We recommend the route description in Condition CT.7 is updated to reflect this.
45. I note that Mr Gaona also identified the potential for future road works or special events to impact traffic movements.<sup>23</sup> While Mr Gaona is satisfied these matters can be addressed through annual reviews of the Construction Traffic Management Plan (**CTMP**), we consider amendment to the conditions is also required to enable future flexibility. In this respect, we recommend amendments to Conditions CT.7 and CT.9 which enable the use of alternative routes approved by WCC.

#### **Te Rūnanga o Toa Rangatira section 53 comments**

46. Ngāti Toa raise three main issues related to planning or conditions matters in their comments:
  - (a) a request for comprehensive, long-term monitoring to track kororā and pohowera populations and displacement effects over time;
  - (b) protection of mahinga kai values along the Southern Seawall; and
  - (c) concern that Condition CA.26 would enable works beyond routine maintenance that are not subject to further assessment and mana whenua engagement.
47. With regard to kororā and pohowera monitoring conditions, we have considered the technical evidence and summarised our position above. For those reasons, we do not consider a change to the monitoring conditions is required (noting that long term monitoring is already proposed for kororā).
48. For the reasons set out by Dr Meynier, translocation of pāua and kōura is not required from an effects management perspective, however, she

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<sup>22</sup> Part B.15 of the Substantive Application.

<sup>23</sup> Technical Memorandum: Transport effects, Mr Carlos Gaona, 25 February 2026, pages 5 and 6.

recognises the value of these species as mahinga kai.<sup>24</sup> We therefore propose a new condition MW.7 to facilitate the gathering of mahinga kai before works begin on the Southern Seawall.

49. GWRC raised similar concerns to Ngāti Toa with regard to Condition CA.26. As discussed above and as reinforced by the concerns raised by Ngāti Toa, we agree that Condition CA.26 extends beyond maintenance and recommend it be deleted.

### **Wellington Conservation Board section 53 comments**

50. The Wellington Conservation Board seeks:
- (a) Consistency with the Wellington Conservation Management Strategy (CMS) and DOC's Lower North Island Strategy; and
  - (b) Long-term monitoring and maintenance to deliver meaningful and lasting conservation benefits.
51. While the Lower North Island Strategy appears to be an internally focussed strategy document, the Project aligns with the Wellington CMS, as assessed in Part A.10, Section 10.3.13 of the Substantive Application. We do not repeat that analysis here.
52. Resource consent conditions relating to indigenous biodiversity have been informed by technical experts to address the actual and potential adverse effects. As discussed above, these conditions are drafted in accordance with best practice under the RMA.
53. We are of the view that the conditions set already provide for the relief sought by the Wellington Conservation Board, particularly in that they provide for the provision of higher quality penguin habitat than currently exists, a net gain in penguin habitat of 1725m<sup>2</sup>, and 20 years of maintenance, monitoring and pest control at each of the Kororā Colonies.<sup>25</sup>
54. In addition, the conditions set provides for management and monitoring in respect of lizards, pohowera, kārearea, and marine mammals specifically, and marine ecology and coastal processes effects generally.

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<sup>24</sup> Evidence of Laureline Meynier.

<sup>25</sup> In particular, refer to Conditions ECO.37, ECO.38, ECO.47, ECO.48, ECO.61 and ECO.62.

## **New Zealand Conservation Authority section 53 comments**

55. The New Zealand Conservation Authority sets out a number of recommendations seeking changes to conditions. These broadly relate to:
- (a) Long-term monitoring, maintenance and predator control obligations for kororā and lizards; and
  - (b) Post-construction monitoring and review of the seawall and coastal processes.
56. As noted above, the proposed conditions have been drafted in accordance with best practice under the RMA and already provide for these matters. Of particular relevance to the New Zealand Conservation Authority's comments:
- (a) ECO.14 and ECO.15 set requirements for lizard habitat enhancement and pest control, which must be maintained for the duration of works and a minimum of 5 years thereafter;
  - (b) ECO.17 sets a requirement for annual monitoring of lizard release sites to occur annually for the duration of works and 5 years thereafter;
  - (c) ECO.38 and ECO.48 set requirements for maintenance and pest control at each of the Kororā Colonies for 20 years following their establishment;
  - (d) ECO.61 and ECO.62 set requirements for monitoring, maintenance and reporting for 20 years following establishment of each of the Kororā Colonies;
  - (e) ECO.63 sets requirements for WIAL to meet with WCC, GWRC and DOC on a prescribed basis over 20 years to discuss the progress and uptake of the Kororā Colonies;
  - (f) CA.24 and CA.27 requires the Southern Seawall to be maintained in good and sound condition, and the remedy of any erosion, scour or instability attributed to the structure, with visual inspections of the structure to occur annually for the first two years and five yearly thereafter.
57. The kororā and lizard monitoring requirements and standards are not directly related to 'occupancy' as sought by NZCA. Targets of that sort are

not necessary or appropriate, for the reasons discussed above in response to GWRC's comments, and in the evidence of Dr Cockrem (kororā) and Mr Wedding and Dr Anderson (lizards).

### **Guardians of the Bay section 53 comments**

58. The Guardians of the Bay seek a number of amendments to the conditions, including:
- (a) Requiring the provision of project information to the public and the role of the CLG; and
  - (b) Changes to structure of the Community Liaison Group (**CLG**) and its meetings.
59. One of the key purposes of the CLG is to act as a forum for relaying information between the Project and the community.<sup>26</sup> We are of the view that it is within the CLG's ambit to determine how project information, including Management Plans, pre-construction advice, commencement of work notices, and complaints, is shared with the broader community. For clarity, we recommend amending SC.6 to confirm that complaints received in accordance with SC.5 are shared with the CLG.
60. The CLG's purpose also includes development of management responses to community concerns and reviewing the implementation of those measures.<sup>27</sup> The CLG provides a forum for members to raise a wide range of concerns, and work with WIAL and their construction team to resolve them. This includes the opportunity to identify and address the concerns raised by Guardians of the Bay, such as street cleanliness, construction noise, pothole maintenance, construction traffic movements and speed, and to meet and discuss issues with WIAL's technical experts.
61. Guardians of the Bay considers the CLG should include up to 10 representatives from the local community, including members from Moa Point and Breaker Bay, and representatives from 6 community and interest groups. We note that this would create a CLG of approximately 19 members. We do not agree that this level of representation would be effective or necessary. We do however acknowledge that it is appropriate for residents of Moa Point to be included in the CLG as parties who may be

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<sup>26</sup> Condition SC.2(a).

<sup>27</sup> Condition SC.2.

directly affected by construction effects. We recommend an amendment to Condition SC.4(d) to reflect this.

62. Guardians of the Bay also seeking flexibility and amendments to the timing, duration and accessibility of CLG meetings. We note that these matters are not specified in the conditions and are anticipated to be determined through the development of a Terms of Reference by the CLG. We consider it is most appropriate for the CLG to agree timing, duration, or accessibility requirements as part of the Terms of Reference process and do not recommend any changes to conditions in this regard.

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63. ██████████ in his submission requested the CLG include representative from Moa Point Road. As discussed above, the consent conditions have been amended to include a representative from Moa Point Road.

## CONDITIONS

64. The section 51 reports prepared by DOC in respect of the wildlife approvals sought and by HNZPT regarding the archaeological authority included comments on the proposed conditions for each of these approvals.
65. In addition, the section 53 comments received from GWRC, WCC, Ngāti Toa, DOC, Wellington Conservation Board, New Zealand Conservation Authority, Wellington Air Noise Management Committee, Guardians of the Bays Incorporated, M ██████████ ██████████ included comments on the resource consent conditions.
66. We have considered the comments and suggested amendments made by the various commenters and prepared an updated set of proposed conditions for each of the approvals sought, included as **Appendices 7 to 9** to WIAL's response. Where we agree with the suggested amendments, we have included these as tracked changes and have stated why. Where we disagree with the suggested amendments we have stated why.
67. Where the comments relate to technical matters, our responses are informed closely by our consideration of the relevant section 51 report or section 53 comments, and the advice received from WIAL's technical experts (including in particular the technical evidence provided with WIAL's response to comments). We note in particular that the evidence of Ms Hart and Ms Sheppard, Dr Cockrem, Mr Wedding and Dr Anderson, Dr Meynier,

and Ms Shepherd specifically respond to comments made on conditions. Our updated conditions reflect that evidence.

68. We have also provided an updated Conditions Matrix to accompany the conditions set. We recommend the Conditions Matrix be updated to relate only to resource consent conditions because:
- (a) Wildlife Permit conditions have been amended such that these documents now contain more unique conditions, such that they stand-alone from resource consent conditions; and
  - (b) lease and license agreements remain subject to ongoing discussions with WCC and contain unique conditions, such that they stand-alone from resource consent conditions.
69. Other amendments to the Conditions Matrix relate to providing unique identifiers for each resource consent, ensuring resource consents accurately capture the activities provided for by each, and updating condition cross-references.

## **CONCLUSION**

70. Having considered the comments provided under sections 51 and 53 of the FTAA, the technical evidence, and the relevant statutory provisions, it is our opinion that the Project will deliver improved resilience and safety outcomes for the airport and wider community, while appropriately managing effects on the environment.
71. We recommend amendments to conditions in response to comments where these would improve the clarity, workability, or proportionality of conditions. Conversely, we do not recommend the adoption of changes to conditions where they do not relate to an actual or potential effect, are not necessary to give effect to the relevant statutory framework, or are more onerous than necessary to address the effect.
72. The updated conditions provide a clear and comprehensive framework for implementation and monitoring, and adequately address the matters raised by commenters.

**Kirsty Elizabeth O'Sullivan and Ellen Frances Robotham**

**17 March 2026**

## APPENDIX 1

### QUALIFICATIONS AND EXPERIENCE OF KIRSTY O'SULLIVAN

1. My full name is Kirsty Elizabeth O'Sullivan.
2. I hold a degree in Physical Geography and Geographic Information Systems from the University of Otago, and a postgraduate (Masters with Distinction) degree in Planning from the University of Otago.
3. I am a Partner with Mitchell Daysh Limited, and have over 18 years' experience in environmental resource planning and management consultancy. My professional experience includes a mix of central government, local authority, and consultancy resource management work. Over the past 13 years, I have focused on providing consultancy advice to a broad range of clients with respect to regional and district plans, plan changes, resource consents, designations, and environment effects assessment. Below is a selection of key clients and projects I have been involved with:
  - (a) Wellington International Airport Limited – Southern Seawall Renewal Project; Airport Runway Extension resource consents; planning advice and expert evidence regarding changes to the Wellington Regional Policy Statement and Wellington Natural Resources Plan, and the Wellington District Plan Review.
  - (b) Otago Regional Council - Preparation of resource consents and outline plan of works with respect to the upgrade and renewal of flood protection infrastructure on the Taieri Plains.
  - (c) Napier Port – planning advice and expert evidence regarding changes to the Napier City Council District Plan.
  - (d) Hawke's Bay Airport Limited – preparation of the Notice of Requirement for a new Airport Purposes designation, strategic advice and oversight of various resource consents and development proposals, planning advice and expert evidence regarding changes to the Napier City Council District Plan.

## QUALIFICATIONS AND EXPERIENCE OF ELLEN ROBOTHAM

4. My full name is Ellen Frances Robotham.
5. I hold a Bachelor of Arts in Development Studies and Political Science, and a Postgraduate Certificate in Public Policy from Victoria University of Wellington obtained in 2016 and 2017 respectively, and I hold membership with the New Zealand Planning Institute.
6. I am an Associate at Mitchell Daysh Limited and have approximately 8 years' experience as a practicing planner. My professional experience includes a mix of central government, local authority, and consultancy resource management work.
7. My experience includes airport and port infrastructure, freshwater and geothermal policy, community water storage projects, and coastal resilience projects. Below is a selection of key clients and projects I have been involved with:
  - (a) Wellington International Airport Limited – Southern Seawall Renewal Project; planning advice and expert evidence regarding changes to the Wellington Regional Policy Statement and Wellington Natural Resources Plan, and the Wellington District Plan Review.
  - (b) Heretaunga Water Storage Limited – consenting a community water storage scheme under the Fast-track Approvals Act 2024.
  - (c) Hawke's Bay Airport Limited – planning advice and expert evidence regarding the Napier District Plan Review; various consenting activities relating to ancillary airport activities.
  - (d) Port of Napier Limited – planning advice and expert evidence regarding the Napier District Plan Review.
  - (e) Glen Isla Protection Society – consenting a coastal protection structure and expert planning evidence for a publicly notified resource consent application.
  - (f) Kāpiti Coast District Council – Editor of the Takutai Kāpiti Coastal Hazard Adaptation Project: Report of the Independent Coastal Advisory Panel.