



FTAA-2510-118 WIAL Southern Seawall Renewal project draft conditions
draft conditions:

Date Tue 5/5/2026 8:12 PM

To Substantive <Substantive@fasttrack.govt.nz>

**Our comme
renewal pro**

First names

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Introduction

We are the o
WIAL fast track application. We submit this Comment pursuant to the minute of the Expert Panel dated 20 April 2026 and the direction and invitation referred to in that minute, and s 70 of the FTAA.

[Redacted] the owner of 50 Moa Point Rd. This comment is made by us without prejudice to all rights we have in respect of WIAL, howsoever, in respect of our Moa Point property.

Our Comment to the fast track application was filed on 10 March 2026. We do not oppose the project itself, and believe that it will serve Wellington city and the wider region well. However, we expect to be treated fairly and reasonably. Our 10 March Comment centred on the condition proffered by the WIAL of a fair value purchase scheme for occupied properties on Moa Point Rd, that the scheme did not extend to 49 and 50 Moa Point Road because these properties were not occupied; and the unfairness of that discrimination.

Our comment emphasised, inter alia, the adverse impact the project would have on 49 and 50 Moa Point Rd, albeit the properties are presently bare land. We also alerted the Expert Panel to the absence of any prior consultation by WIAL with us regarding the project.

WIAL's response

WIAL responded to our comment in its Response dated 19 March 2026. Particularly, its response to our Comment was contained at paragraphs 158 to 169 of its Response. WIAL's position is summarised at paragraphs 162 and 169, and is that WIAL (then) did not wish to purchase 49 and 50; a purchase is not reasonable nor necessary to address the adverse effects of the project on the properties, and the fair purchase scheme condition was offered on an *Augier* basis. At paragraphs 166 to 168 of the Response, WIAL discusses the possibility of amending conditions to manage effects should they apply to 49 and 50, if and when construction of a dwelling on either were to happen. At paragraph 168, WIAL poses whether the WCC District Plan already would achieve this.

The draft decision of the Expert Panel

The draft decision of the Expert Panel issued on or about 20 April 2026, deals with our Comment at paragraphs 38 and 40. At paragraph 40, the Expert Panel accepts WIAL's position and that *Augier* applies, and thereby denies our comments and submissions.

With respect, we submit that in doing so the Expert Panel has not addressed nor recognised the adverse effects that we advanced in our initial Comment dated 10 March 2026, including access, noise and discomfort to the land; and our loss of enjoyment of the land during the extensive period of construction. Adverse effect does not require the presence of an occupied residence on the land. We repeat the reasons set out in our 10 March 2026 Comment. Our ultimate position, therefore, is that it is reasonable and necessary to extend the fair purchase scheme to the owners of 49 and 50 Moa Point Road.

We also submit that if the fair sale scheme is exercised to its end, all other properties along Moa Point Rd will be owned by WIAL leaving 49 and 50 isolated. That in itself is an adverse effect and gives ground to exclude the application of *Augier*, or to allow it to be relaxed. This is particularly so, given that WIAL seeks to have the benefit of the fast track legislation and comes to this Panel without extending any prior consultation to us.

Application of proposed conditions to manage effects

We refer to paragraphs 166 to 168 of WIAL's response. If we remain in a position where we were to undertake the future construction of a dwelling; yes, we do seek for the 'manage effects' conditions to apply to our property to the extent that they ameliorate any relevant provision of the WCC District Plan.

Position sought

That the Expert Panel extend the solatium and fair purchase scheme condition to 49 and 50 Moa Point Road.

That the 'manage effects' conditions apply as per the previous paragraph.

End

please acknowledge receipt.