

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

FTAA-2510-1118

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

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

By **WELLINGTON INTERNATIONAL AIRPORT LIMITED**
Applicant

**MEMORANDUM OF COUNSEL FOR WELLINGTON INTERNATIONAL
AIRPORT LIMITED RESPONDING TO COMMENTS ON DRAFT DECISION AND
CONDITIONS**

8 May 2026

BUDDLE FINDLAY

Barristers and Solicitors
Wellington

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

Email: [REDACTED] /

[REDACTED]

[REDACTED] Fax 64 4 499 4141 PO Box 2694 DX SP20201 Wellington 6011

MAY IT PLEASE THE PANEL:

1. This memorandum of counsel on behalf of Wellington International Airport Limited (**WIAL**) is filed in response to comments made by others on the draft decision and conditions.
2. Most of the comments received are responded to in the body of this memorandum.
3. The exception is WIAL's response to specific amendments to the draft resource consent conditions sought by Greater Wellington Regional Council (**GWRC**), the Director-General of Conservation (**DOC**), and Heritage New Zealand Pouhere Taonga (**HNZPT**), and WIAL's response to specific amendments to the wildlife approval conditions proposed by DOC. Those comments are addressed in the set of updated approvals / condition documents provided alongside this memorandum, each incorporating final changes proposed by WIAL, namely:
 - (a) the draft resource consent conditions;
 - (b) the draft consent conditions / approvals 'matrix';
 - (c) the draft wildlife approvals document; and
 - (d) the draft archaeological authority document (with the only change being to include an expiry date, in response to the comments received from HNZPT).
4. Updates to the documents proposed in response to the comments received are tracked. A comment box is provided in respect of all comments received, either to confirm WIAL's agreement to a proposed condition edit, to explain WIAL's proposed alternative edit, or to record that WIAL does not agree with the proposed condition edit. WIAL is also providing clean versions of the updated proposed condition documents.
5. For completeness, the comments WIAL responds to in this memorandum and accompanying documents are those provided by:
 - (a) GWRC;
 - (b) HNZPT;
 - (c) DOC;

- (d) NZ Conservation Authority (**NZCA**);
 - (e) Wellington Conservation Board (**WCB**);
 - (f) Guardians of the Bays (**GOTB**);
 - (g) [REDACTED]
 - (h) [REDACTED]
 - (i) [REDACTED]
6. Wellington City Council (**WCC**) has provided a letter recording that it supports the minor condition changes set out in Appendix 1 to GWRC's comments, and otherwise supports the Panel's draft resource consent and Reserves Act 1977 (**Reserves Act**) conditions.
7. The Associate Minister of Transport and Minister for Māori Crown Relations confirmed they have no comments on the draft conditions.
8. The responses provided in this memorandum and in the attached approvals / condition documents should be read alongside WIAL's own primary comments on the draft conditions, which were provided to the Panel on 1 May 2026.¹

GWRC: 'numerical targets' for kororā and pohowera

9. GWRC has repeated its request that the Panel impose:
- "numerical targets as a means by which the success of the offset measures proposed by the applicant for the loss of existing kororā and pohowera habitat could be measured as part of the resource consent conditions."*
10. WIAL addressed this matter in its response to GWRC's section 53 comments. Counsel do not repeat that analysis here, but reiterate that:²
- (a) Dr Cockrem's expert advice is that nest 'occupation targets' for kororā are not practicable or appropriate, including because there is no evidential basis for the occupancy numbers proposed by GWRC as enforceable 'targets' in the conditions.

¹ [1_05_2026-WIAL-Memorandum-of-counsel-for-WIAL-Applicant-comments-on-draft-decision-and-conditions_Redacted.pdf](#).

² At [43] – [45], [48], [53] – [61] and [87] of WIAL's response to section 53 comments. [Southern-Seawall-WIAL-response-to-comments_Redacted.pdf](#).

- (b) Mr Wedding's and Dr Anderson's expert advice is that offsetting is not required in respect of pohowera; the effects management measures are not an offset and therefore targets are not necessary or appropriate.
 - (c) The kororā effects management measures are consistent with the offsetting and compensation principles set out in Schedule G2 and G3 of the Wellington Natural Resources Plan (**NRP**). In terms of principle 5(b) cited by GWRC, WIAL is proposing specific, measurable and time bound targets for the kororā colonies, namely the provision of 2,920m² of high-quality new kororā habitat and the provision of at least 170 nest boxes. The conditions require the colonies to be closely monitored, evaluated and reported on, and adjustments will be made as appropriate.
11. As set out in the Panel's draft decision, it is important to consider the applicable statutory framework in its entirety when assessing the effects management measures for kororā and pohowera, including in particular policies 39 and 41 of the NRP, the National Policy Statement for Infrastructure 2025, and the sections 3 and 83 of the Fast-track Approvals Act 2024.
 12. WIAL agrees with the Panel's findings on kororā and pohowera effects management measures,³ and reiterates its opposition to arbitrary nest occupancy targets, which would be inconsistent with the relevant NRP provisions and the NPS-I, disproportionate to the scale of adverse ecological effects, and more onerous than necessary.
 13. In response to GWRC's comments, and as agreed in the JWS – planning dated 9 April 2026, WIAL is providing alongside this memorandum an updated version of the Engineering Plans for Consent dated 8 April 2026. This is reflected in the updated Condition GC.1.

HNZPT: Expiry of archaeological authority

14. WIAL acknowledges HNZPT's support of the proposed archaeological authority conditions. HNZPT's only substantive comment was to recommend an expiry date of 10 years from the determination date.

³ At [245] – [251] and [291] – [293] of [Fast-track-WIAL-Draft-Decision-April-2026.pdf](#).

15. As per the conditions matrix, the lapse period for all resource consents is 10 years.⁴ It would be appropriate for the archaeological authority to expire well after the resource consents lapse, to provide a buffer for earthworks and ground disturbance activities to be completed.
16. Noting that the duration (as opposed to lapse) for all GWRC land-use consents being applied for is 15 years, WIAL considers an expiry date 20 years from the decision date for the archaeological authority would be appropriate to provide a sufficient buffer to ensure that all earthworks and ground disturbance activities can be completed within the duration of the authority. The updated archaeological authority provided alongside this memorandum reflects this, with an expiry date of 15 May 2046.

DOC: Conditions to the wildlife approvals, resource consents and Reserves Act approvals

17. DOC's comments address the conditions to the wildlife approvals, resource consents, and Reserves Act approvals.

Wildlife approvals and resource consents

18. WIAL is comfortable with DOC's suggested, largely minor amendments to the conditions to the wildlife approvals. Those suggested amendments are addressed in the updated wildlife approvals document provided alongside this memorandum.
19. DOC's suggested amendments to the resource consent conditions are addressed in the updated consent conditions provided alongside this memorandum. WIAL is comfortable with the advice note DOC proposes to ECO.20, but does not support DOC's proposed amendments to the conditions addressing marine ecology (ECO.64 to ECO.72). In particular:
 - (a) ECO.66: WIAL does not consider any of the additional text proposed in relation to what the Marine Mammal Management Plan (**MMMP**) must include is necessary, because:
 - (i) The MMMP provides that the pre-start and post-start procedure involves visual monitoring of the Marine Mammal Observation Zone (**MMOZ**) for 20 minutes (which was increased from the original 15 minutes) by Marine Mammal Observers (**MMOs**)

⁴ Table 1 and Table 2 in Appendix A – Resource Consent Conditions (Inc. Attachments and Condition Matrix) to the draft decision.

before rock milling commences. Additionally, regular visual observations of the MMOZ must be carried out by the MMO, and when rock milling ceases for 30 minutes or more, the starting procedures must be repeated.⁵ This is an appropriate level of visual observation; including text in the condition specifically requiring a "*constant visual watch*" would not be appropriate.

- (ii) DOC's section 53 comments requested that underwater noise measurements be undertaken concurrently with the beginning of works. WIAL accepted this request, which was reflected in the updated MMMP dated 17 March 2026.⁶ WIAL does not consider it necessary for this to be reflected in the conditions.
 - (iii) The MMMP also includes a requirement to provide an annual summary report of marine mammal sightings to GWRC and DOC.⁷
- (b) ECO.68: As outlined in the evidence of Dr Laureline Meynier, the MMMP dated 17 March 2026 was updated in response to DOC's section 53 comments to include clear, unambiguous requirements for rock milling activities, including stopping rock milling activities when a marine mammal is seen in the shutdown zone. WIAL does not consider the minor amendments requested by DOC add any further clarity to these requirements.⁸
- (c) WIAL does not support the renaming of the biota growth survey and Subtidal Habitat Monitoring Plan (**SHMP**) in ECO.69 – ECO.72. As reflected in the Marine Ecology JWS dated 9 April 2026, the experts for GWRC and WIAL recognised the need for robust post-construction monitoring surveys to assess the biota colonisation on the new seawall, including the presence and abundance of pāua and rock lobster.⁹ Measures of ecological recovery success will be outlined in the SHMP, which WIAL considers addresses DOC's primary concern. WIAL does not consider the renaming of the survey and management plan is necessary to achieve this.

⁵ At [77] – [82] of the evidence of Laureline Meynier. [Appendix-6-Statement-of-evidence-of-Laureline-Meynier_Redacted.pdf](#).

⁶ At [71] – [72] of the evidence of Laureline Meynier.

⁷ At 4.3 of MMMP. [Appendix-10-Updated-Marine-Mammal-Management-Plan_Redacted.pdf](#).

⁸ At [70] of the evidence of Laureline Meynier.

⁹ At [20] – [21] of the Marine Ecology JWS. [JWS-paua-and-lobster-final.pdf](#).

Reserves Act approvals

20. DOC's comments on the Reserves Act approvals raise the application of Part 1 of Schedule 6 of the FTAA to non-Crown concessions, such as the Reserves Act approvals which WIAL has applied for in this application. Accepting that the matter is "*not straightforward*", DOC has asked the Panel to more explicitly / directly address the application of Part 1 of Schedule 6 in respect of the agreed term of the Seawall Occupation Licence,¹⁰ and the agreed fee/rent in all of the proposed Reserves Act approvals, including whether these should include rent review conditions.
21. As explained in the joint memorandum of counsel filed by WIAL and WCC,¹¹ the proposed Reserves Act approval documents were developed jointly by WIAL and WCC, which is the owner and administering body of the affected local purpose reserves. WCC has confirmed that it is comfortable with the proposed terms and conditions of these documents.
22. The agreement of WCC, as owner and administering body of the reserves, should give the Panel comfort regarding the appropriateness of the Reserves Act approval documents that have been provided and the specific terms and conditions of those documents. However, for completeness, we address the application of Part 1 of Schedule 6 below.
23. Part 1 of Schedule 6:
 - (a) defines 'Reserves Act approvals' as a type of 'concession';¹² and
 - (b) in clause 7, requires the panel to "*take into account*" Part 3B of the Conservation Act 1987 (**Conservation Act**) when considering an application for this type of approval.¹³
24. In this respect, the FTAA differs from the standard approach under the Reserves Act, where only Reserves Act approvals applied for over Crown-administered reserves are defined as 'concessions'¹⁴ and are subject to Part 3B of the Conservation Act.¹⁵

¹⁰ The Seawall Occupation Licence is included as Schedule 2 of the Deed of Lease, at Appendix C of the Draft Decision.

¹¹ Joint memorandum of counsel for WIAL and WCC regarding Reserves Act approvals, dated 27 March 2026. [Memorandum-of-counsel-for-WIAL-Reserves-Act-approvals.pdf](#)

¹² FTAA, Sch 6, cl 1, definition of 'concession'.

¹³ FTAA, Sch 6, cl 7(1)(a)(ii).

¹⁴ See Reserves Act 1977, s 2, which defines 'concession' as a lease, licence, permit or easement granted under section 59A. Section 59A only applies to reserves administered by the Crown.

¹⁵ Reserves Act 1977, s 59A. Section 59A(7) explicitly disapplies section 59A to reserves vested in an administering body under s 26 of the Reserves Act.

25. It would be contrary to the overarching purpose of the FTAA¹⁶ to apply strictly Part 3B of the Conservation Act to the Reserves Act approvals for the Project, given those provisions would not normally apply to a council-owned reserve. Again, under clause 7 of Schedule 6, the Panel is only required to *"take into account"* Part 3B.
26. Clause 7 also requires the Panel to take into account *"the status, ownership, and administration of the land that would be subject to a concession"*. In this context, the reserves being owned and administered by WCC, which is comfortable with the agreed terms, weighs strongly against a strict application of Part 3B of the Conservation Act.
27. DOC raises three specific matters, in terms of the application of Part 3B of the Conservation Act to the Reserves Act approvals for the Project:
 - (a) the rent / fee payable;
 - (b) periodic review of the rent / fee payable; and
 - (c) the term of the Seawall Occupation Licence.

Rent/fee payable and review

28. Clause 8 of Schedule 6 provides that section 17X of the Conservation Act applies with any necessary modifications to conditions for a "concession" (ie a concession as defined by the FTAA, so including Reserves Act approvals). Section 17X provides that conditions *"may"* be imposed for a range of matters, including:
 - (a) the payment of rent, fees, and royalties as provided in section 17Y. Section 17Y further provides that the rent, fee, or royalty *"may"* be fixed at the market rate, having regard to a range of factors;
 - (b) the waiver or reduction of any rent, compensation, or bond in particular circumstances; and
 - (c) periodic reviews.
29. These provisions are non-directive, using the word *"may"*. Therefore, the Panel retains a discretion as to whether to impose a market rent/fee, whether

¹⁶ Which is of course to facilitate the delivery of infrastructure and projects with significant benefits.

to waive the requirement of the concessionaire to pay a rent/fee and/or whether to impose conditions requiring periodic reviews.

30. The matter of rent/fee was discussed by WIAL and WCC. Both parties are comfortable that a market rent/fee is not appropriate in these circumstances. This is because the Project is of direct benefit to the reserves in that it:
- (a) protects the reserves from coastal erosion; and
 - (b) will ultimately lead to the improvement of the reserves because, at the end of the Project, the reserves will be rehabilitated with landscaping and planting that will improve the current condition and amenity of the reserves.
31. Accordingly, given the agreement between WIAL and WCC on this matter, the Panel does not need to require a market rent/fee in these circumstances and similarly does not need to provide for periodic review. For completeness, we note that WIAL will be making a contribution to the management of the reserves and will be delivering non-commercial public benefit (in terms of section 17X(f) Conservation Act), in that it will be protecting the reserves from erosion and contributing to their betterment, by way of landscaping and planting, at the conclusion of the Project.
32. On that basis, WIAL submits that no changes are required to the Reserves Act approval documents in respect of rent/fee or periodic reviews.

Term

33. Clause 13 of Schedule 6 to the FTAA provides:

Section 17Z of the Conservation Act 1987 applies to the duration of a concession granted by a panel under this Act as if the references in that section to the Minister were references to a panel.

34. Section 17Z of the Conservation Act in turn provides:

(1) A lease or a licence may be granted for a term (which term shall include all renewals of the lease or licence) not exceeding 30 years or, where the Minister is satisfied that there are exceptional circumstances, for a term not exceeding 60 years.

35. WIAL accepts that, on its face, clause 13 of Schedule 6 is directive, and in particular would require the term of the Seawall Occupation Licence as agreed between WIAL and WCC to be amended.¹⁷
36. However, there is a more appropriate, purposive interpretation available to the Panel, namely that section 17Z is not in this case a 'bottom line' requirement, and that the Panel is entitled to confirm the term agreed between WIAL and WCC, because of the following:
- (a) Given the purpose of the FTAA, it would be a perverse outcome for the term of the Seawall Occupation Licence to be restricted by a Conservation Act requirement that does not otherwise apply to council-owned reserves.
 - (b) The main part of the FTAA does not directly apply clause 13 of Schedule 6. Section 81 of the FTAA only refers to clauses 7 to 9 of Schedule 6 and does not specifically refer to clause 13. Section 96 does not refer to clause 13 as applying when the approval is granted.
37. If, however, the Panel takes a different view, then it is submitted that the only change required is to limit the term of the Seawall Occupation Licence to 60 years, with no right of renewal.¹⁸ In terms of section 17Z(1) of the Conservation Act, it is clear that "*exceptional circumstances*" apply in this case, such that the longer term of 60 years would be appropriate.
38. The expression 'exceptional circumstances' is not defined in the Conservation Act. There are also no judgments addressing the meaning of 'exceptional circumstances' in the context of section 17Z of the Conservation Act. The Supreme Court in *Wong v R* has considered 'exceptional circumstances' in other contexts and held that it describes a circumstance which is out of the ordinary course, or unusual, or special or uncommon – an exception rather than the rule.¹⁹
39. In this case, the use of the reserves as proposed is essential to the Project, and therefore to the ongoing safe and efficient operation of the Airport (for the indefinite future). WCC has already confirmed it is comfortable with a perpetually renewable term for the Seawall Occupation Licence, which

¹⁷ For completeness, the other Reserves Act approvals are not affected by this provision as they are all for a term of less than 30 years.

¹⁸ Pursuant to FTAA, Sch 6, cl 13, which cross-refers to section 17Z of the Conservation Act 1987.

¹⁹ *Wong v R* [2008] NZSC 29, [2008] 3 NZLR 1 at [8]; referring to *R v Kelly* [1999] 2 All ER 13 (CA) at 20. See also *Creedy v Commissioner of Police* [2008] NZSC 31, [2008] 3 NZLR 7 at [31]–[32] and *Ye v Minister of Immigration* [2009] NZSC 76, [2010] 1 NZLR 104 at [34] which refer to *R v Kelly*.

strongly supports a 60-year (total) term. Overall, it is clear that the circumstances here are an exception rather than the rule.

NZCA: Amendments to wildlife approvals

40. NZCA proposes amending the conditions to the wildlife approvals for lizards and kororā to require baseline ecological surveys prior to habitat disturbance or relocation, and to link subsequent monitoring, reporting, and review to those baseline ecological conditions.
41. WIAL does not support those proposed amendments, which are not supported by any expert analysis. In that respect, DOC has confirmed its comfort with the relevant wildlife approval conditions, and more generally with the approach to effects management including as set out in the Lizard Management Plan (**LMP**) and Kororā / Penguin Management Plan (**KPMP**), as follows:

"DOC has reviewed the updated Lizard Management Plan (LMP), dated 30 January 2026, and is of the view that the lizard survey and corresponding management plan provide a good level of effort, consideration and detail. The baseline survey and subsequent recommendations for management provide a well-considered approach that provisions for the relevant species detected and describes a salvage approach that is appropriate in terms of methods, tools, duration and intensity. The LMP provides clear parameters for survey and salvage activities, along with triggers for enhanced predator management and monitoring".²⁰

"Having reviewed the updated Kororā / Penguin Management Plan (KPMP), dated December 2025, DOC is of the view that the surveys undertaken, and the proposed methodology, mitigation, monitoring, and reporting measures are generally appropriate".²¹

WCB: Ecology conditions

42. WCB has repeated its general request that *"conditions could be strengthened to ensure a clear and measurable net biodiversity gain"*.²² In response, WIAL is confident the matters raised by WCB are appropriately addressed in the application and the proposed conditions, as stated in WIAL's response to

²⁰ At 3.39 of DOC's section 53 comments. [10.03.2026-DoC-Wellington-International-Airport-Southern-Seawall-Renewal-s53-comments-from-DOC.docx-APPROVED-2026-03-10T03_22_50.6113630Z_Redacted.pdf](#)

²¹ At 3.37 of DOC's section 53 comments.

²² WCB does not make any specific condition drafting suggestions.

WCB's section 53 comments. The response to GWRC's comments on kororā and pohowera set out above is also relevant to WCB's comments on the draft conditions.

GOTB: Various matters

43. GOTB seeks amendments to condition SC.4 to:
 - (a) increase the number of local resident representatives on the Community Liaison Group (**CLG**) to ten; and
 - (b) include representatives from GOTB, Strathmore Park Residents Association, Breaker Bay and Moa Point Progressive Association, Wellington Board Riders Club, Predator Free Miramar, Predator Free Lyall Bay, and the Wellington Air Noise Management Committee.
44. As outlined in WIAL's response to section 53 comments, GOTB's suggested changes would create a CLG of approximately 19 members.²³ WIAL reiterates its view that this would not be effective or necessary.
45. GOTB requests that the management plans, any amendments to the management plans, the complaint procedure, and the annual reporting for lizards and kororā be made publicly available, such as on WIAL's website. As outlined in WIAL's response to section 53 comments, the CLG is the appropriate forum for relaying information between the Project and the community, and can determine how project information is shared with the wider community.²⁴
46. GOTB proposes extending the provision of black-out blinds to manage the effects from lighting to include liveable room windows with a direct line of sight to the works. WIAL reiterates its section 53 response that blackout blinds in bedrooms are intended to prevent sleep disturbance from night-time construction lighting. The LDP Lighting Assessment recommended this measure and found that, with it in place, any additional sleep disturbance effects from the work site would be very low.²⁵ WIAL supports the Panel's finding in the draft decision that the conditions address the effects associated with lighting.²⁶

²³ At [183] of WIAL's response to section 53 comments.

²⁴ At [187] – [190] of WIAL's response to section 53 comments.

²⁵ At [191] – [192] of WIAL's response to section 53 comments.

²⁶ At [346] of the draft decision.

47. GOTB proposes that the KPMP conditions require the installation of pest control stations for cats. WIAL maintains that the proposed site fencing of the colonies (which protects against both cats and dogs), screen planting, rock placement and targeted pest control measures are proportionate and effective in protecting the kororā passage and colonies from predators.²⁷ WIAL does not consider separate pest control stations for cats to be appropriate, noting that the Panel expressed satisfaction in the draft decision that predation risks have been adequately addressed through refinements to the conditions and management plans.²⁸

Community Liaison Group and construction noise

48. Mr ██████ requests two specific amendments to the resource consent conditions in respect of the CLG, as follows:

"SC3 Provide independent technical advisors.

SC4 The membership should have more than 6 representatives of local residents and include the Airport Noise Control Committee."

49. Condition SC.3 requires WIAL to provide relevant and up-to-date information on the Project, and to provide drafts of management plans for comment in advance of certification. While it may in certain situations be appropriate for WIAL to make its experts available for discussion with the CLG as part of that process, WIAL does not consider SC.3 should specifically require WIAL to *"provide independent technical advisors"* at the meeting or when providing the relevant information.
50. As discussed in WIAL's response to section 53 comments, increasing the number of community representatives would make the CLG larger than needed.²⁹ Condition SC.4 in its current form provides for balanced and appropriate representation on the CLG.
51. Mr ██████ also requests two specific amendments in respect of the management of construction noise:

"There should be monitoring and recording of noise at sensitive receiving areas e.g. 35 Moa Point Road (the closest property not owned by WIAL).

²⁷ At [203] – [205] of WIAL's response to section 53 comments.

²⁸ At [250] of the draft decision.

²⁹ At [183] of WIAL's response to section 53 comments.

There should be a 24/7 phone contact for reporting complaints of excessive noise with immediate action to be taken".

52. Management measures to address noise effects on nearby sensitive receivers were recommended by WIAL's consultant experts and have been adopted and reflected in the proposed conditions and management plans.
53. Conditions CN.2 to CN.5 require that the Construction Noise and Vibration Management Plan (**CNVMP**) will include actions, methods and monitoring programmes to meet the objectives in CN.4. Additionally, if noise from a construction activity is predicted to exceed the residential or industrial/commercial criteria in Condition CN.6, WIAL must engage an SQEP to prepare a site-specific schedule that outlines monitoring programmes to meet the objective in Condition CN.10. WIAL considers these conditions sufficient to address the request for monitoring noise at sensitive areas.
54. Additionally, the CNVMP provides that construction noise levels will be monitored in response to a reasonable noise complaint.³⁰
55. If further monitoring is necessary, the CLG can be used to discuss developing management responses to community concerns about construction noise, as outlined in WIAL's response to section 53 comments.³¹ Additionally, conditions SC.5 and SC.6 require WIAL to establish a complaints procedure and register for the duration of the consent.
56. Counsel notes that WCC has confirmed it supports the approach in the CNVMP:³²

"The Council considers the recommended detailed noise and vibration conditions, along with the Construction Noise and Vibration Management Plan (CNVMP), to be appropriate and key documents in the ongoing management of noise and vibration for this project".

57. WIAL does not consider changes to the conditions are necessary.

³⁰ Section 6.17 and 6.18 of the CNVMP.

³¹ At [195] – [196] of WIAL's response to section 53 comments.

³² At page 7 of WCC's section 53 comments.

Mr and Mrs [REDACTED] and Mr [REDACTED]: seeking purchase of 49 and 50 Moa Point Road

58. Mr and Mrs [REDACTED], and Mr [REDACTED] repeat their request that the Panel require 49 and 50 Moa Point Road to be included in consent conditions CN.13 and CN.14, thereby requiring WIAL to offer to purchase those properties.
59. WIAL reiterates its previous response to that request,³³ in particular as follows:
- (a) WIAL does not wish to purchase 49 or 50 Moa Point Road;
 - (b) It is not necessary for WIAL to do so to address the adverse effects of the Project. WIAL does not agree with the new claim that, if WIAL ultimately ends up owning all of the dwellings along Moa Point Road, that would in itself be an adverse effect in RMA terms.
 - (c) The Panel does not have the power to compel WIAL to purchase private property.
60. WIAL respectfully agrees with the conclusions of the Panel in respect of this issue.

Dated this 8th day of May 2026



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

³³ At [158] – [169] of WIAL's response to section 53 comments.