

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

FTAA-2510-1118

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

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

**MEMORANDUM OF COUNSEL FOR WELLINGTON INTERNATIONAL
AIRPORT LIMITED IN RESPONSE TO MINUTE 3 FROM THE EXPERT PANEL**

10 April 2026

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MAY IT PLEASE THE PANEL:

1. This memorandum of counsel is filed on behalf of Wellington International Airport Limited (**WIAL**) in response to Minute 3 of the Expert Panel dated 27 March 2026, addressing expert conferencing and conditions (**Minute 3**).
2. In Minute 3, the Expert Panel directed conferencing and / or discussions between WIAL and Wellington City Council (**WCC**) / Greater Wellington Regional Council (**GWRC**) (as relevant) in respect of:
 - (a) contamination;
 - (b) pāua and lobster / kōura;
 - (c) end-use erosion; and
 - (d) stability of the cut batter at the Miramar Golf Course (**MGC**) work site.
3. Minute 3 also directed that WIAL prepare and provide a final set of conditions.
4. Counsel address those matters in turn below, by reference to the conferencing and discussions that have occurred pursuant to the Expert Panel's directions. The three joint witness statements that have been prepared during this process, and WIAL's proposed updated resource consent conditions, are filed alongside this memorandum.

Contamination

5. Minute 3 included the following direction regarding contamination:

*[3] **Contamination** – there is a difference of opinion between the Applicant's expert – Ms Shepherd and those experts representing the two councils (Wellington City and Greater Wellington Regional – **WCC** and **GWRC**) who is Ms Rhodes for both Councils. We direct that the two experts confer and provide us with a joint witness statement confirming their final positions by **10 April 2026**. We do not consider that such conferencing warrants an independent facilitator unless this is requested.*
6. Ms Shepherd and Ms Rhodes have subsequently conferred, and have produced a joint witness statement (**Contaminated Land JWS**) dated 9 April 2026.

7. In the Contaminated Land JWS, Ms Rhodes confirms that:
- (a) Having had the chance to review Beca's comments (prepared in January 2026) responding to her review of the Miramar Golf Course Detailed Site Investigation report, *"the matter of sample coverage was addressed and no further action was required on that matter"*.¹
 - (b) Having discussed with GWRC, she agrees that *"the standards in R82 [of the Wellington Natural Resources Plan] have been met for both the Southern Seawall and Miramar Golf Course and accordingly the [Contaminated Land Management Plan] does not need to be updated to address environmental risk"*.²
8. Because the permitted activity standards in R82 have been met, no resource consent is required under (discretionary activity) R94 for discharges of contaminants from contaminated land at the Southern Seawall and Eastern Bank Remediation.
9. For completeness, WIAL notes that there were no matters of disagreement in respect of the WCC contaminated land jurisdiction. That is confirmed in the memorandum provided by WCC to the Expert Panel dated 7 April 2026 (**WCC Memorandum**).³
10. The Contaminated Land JWS is filed alongside this memorandum.

Pāua and lobster / kōura

11. Minute 3 included the following direction regarding pāua and lobster / kōura:

[4] Pāua and lobster / kōura – there is a difference of opinion between the Applicant's expert – Dr Meynier and the expert for GWRC – Dr Melidonis regarding the appropriate process to manage the effects on pāua and lobster/kōura. We also note that Ngāti Toa Rangatira as kaitiaki have commented on this matter. We direct that the two experts confer and provide us with a joint witness statement confirming their final positions by 10 April 2026. We do not consider that such conferencing warrants an independent facilitator unless this is requested.

¹ Contaminated Land JWS at [12].

² Contaminated Land JWS at [15].

³ https://www.fastrack.govt.nz/_data/assets/pdf_file/0012/23322/WCC-memo-response-to-Panel-Minute-3_742026.pdf

Conferencing between Dr Meynier and Dr Melidonis

12. Dr Meynier and Dr Melidonis have conferred, and have produced a joint witness statement dated 9 April 2026 that specifically addresses effects / effects management for pāua and lobster / kōura (**Pāua / Lobster JWS**).
13. The Pāua / Lobster JWS addresses effects, in terms of direct mortality from Project construction, and the anticipated colonisation of the renewed seawall.
14. Dr Meynier and Dr Melidonis agree that *"the new seawall will initially lack algal cover, and the rate of pāua colonisation will depend on the development of macroalgal communities on the new seawall"*. They go on to add that they agree *"the submerged Cubipods should show evidence of biota development within approximately six months of placement."*⁴
15. The Pāua / Lobster JWS goes on to record that post-construction surveys to assess biota colonisation are proposed, and will be outlined in a Subtidal Habitat Management Plan (**SHMP**).⁵ In its response to GWRC's section 53 comments, WIAL proposed updated conditions providing for the SHMP (ECO.69 – ECO.72). The conditions include provision for monitoring to continue if results are not as anticipated, which WIAL understands Dr Meynier and Dr Melidonis agree is appropriate.⁶
16. Dr Meynier and Dr Melidonis explored the possibility of existing concrete blocks being re-used in the renewed seawall in order to accelerate colonisation. However, on the advice of Ms Hart, Dr Meynier and Dr Melidonis have recorded their understanding that this will not occur⁷. WIAL reiterates the advice from Ms Hart: it would not be feasible for the existing seawall concrete blocks to be removed, then re-used in the new layer of Cubipods that will be placed over the existing seawall.
17. That said, Dr Meynier and Dr Melidonis go on to note that:⁸

"...due to the staged construction of the seawall by zones, sections of the existing concrete blocks will remain exposed adjacent to newly constructed areas for several months before being covered. During this period, these blocks may act as temporary "seeding" sources of biota."

⁴ Pāua / Lobster JWS at [18] - [19].

⁵ Pāua / Lobster JWS at [20].

⁶ Pāua / Lobster JWS at [22].

⁷ Pāua / Lobster JWS at [23] – [25].

⁸ Pāua / Lobster JWS at [26].

18. Finally, Dr Meynier and Dr Melidonis have agreed that "*translocation of pāua and rock lobster should not be included in the conditions, and that the proposed Condition ECO.79 should be withdrawn.*"⁹ That refers to a condition proposed by GWRC in its section 53 comments,¹⁰ but not adopted by WIAL in its response.
19. On the basis of the Pāua / Lobster JWS (as summarised above), WIAL understands that there is no longer any dispute between WIAL and GWRC in respect of the appropriate process to manage effects on pāua and lobster/kōura.

Correspondence from Ngāti Toa Rangatira

20. Shortly before the Expert Panel issued Minute 3, Te Rūnanga o Toa Rangatira (**Ngāti Toa Rangatira**) wrote to WIAL in respect of translocation of pāua and lobster / kōura, and the new consent condition MW.7 WIAL had proposed in its response to the section 53 comments made by Ngāti Toa Rangatira. MW.7 would require WIAL to liaise with the mana whenua advisory group, and to facilitate gathering of kaimoana before works commence (if requested).
21. Ngāti Toa Rangatira wrote as follows:

"Thank you for considering our concerns regarding impacts to mahinga kai values. I understand the reasoning as to why translocation will not be required in this instance. Following internal discussion, Te Rūnanga o Toa Rangatira has determined that cultural harvesting of kaimoana at this location would not be appropriate. This is due to both physical safety considerations associated with the site and the environment and cultural safety considerations in relation to harvesting within this environment (i.e. close to the road, airport and Mōa Point WWTP).

Given this position, we do not consider it necessary or appropriate to include the proposed condition enabling kaimoana gathering prior to construction, and we are comfortable for this condition not to be included."

⁹ Pāua / Lobster JWS at [28].

¹⁰ [FTA260318-Appendix-2-GW-suggested-amendments-to-proposed-resource-consent-conditions_Redacted.pdf](#) at page 45.

22. On that basis, WIAL considers it would be appropriate to delete its previously proposed condition MW.7, as reflected in the updated conditions provided with this response.

End-effect erosion

23. Minute 3 included the following direction regarding end-effect erosion:

*[5] **End-effect erosion** – there appears to be a difference of opinion as between GWRC and the Applicant on the monitoring required on end-effects erosion. We direct that the Applicant and GWRC confer and provide us with an agreed set of conditions on this matter. If agreement cannot be reached, we direct that we are clearly informed of where the differences lie. We have included a general direction on the conditions below.*

24. Ms O'Sullivan and Ms Robotham (WIAL's consultant planning experts) have subsequently conferred with Mr Banks (who prepared GWRC's section 53 FTAA comments and suggested amendments to WIAL's resource consent matrix and conditions).
25. Those expert planners have produced a joint witness statement (**Planning JWS**) which includes agreed updates to proposed consent conditions CA.24.to CA.30 (noting the numbering has been updated with a new CA.25 included).
26. WIAL supports the agreement reached by the expert planners, and the condition updates the experts have agreed. Those updates resolve the issue identified by the Panel; the Planning JWS records that "*if the Panel accepts these amendments, that that the additional conditions CA.30 to CA.32 suggested by GWRC in its section 53 comments are not necessary.*"¹¹

Stability of cut batter at the MGC work site

27. Minute 3 recorded as follows in respect of the cut batter at the MGC work site:

*[6] **Stability of cut batter at the MGC work site** – there is a difference of opinion between the Applicant expert team and the experts for WCC regarding the conditions applying to the stability of the cut batter at the MGC work site. Similar to the direction for end-effect erosion we direct*

¹¹ Planning JWS at [8].

the Applicant and WCC confer and provide an agreed set of conditions on this matter. If agreement cannot be reached, we direct that we are clearly informed of where the differences lie. We have included a general direction on the conditions below.

28. By way of background, WCC's section 53 comments recommended that:
- (a) a suitably experienced Chartered Engineering Geologist (PEngGeol) or Chartered Professional (Geotechnical) Engineer (CPEng) is present on site at all times during excavation works (cuts); and
 - (b) a geotechnical completion report prepared by a suitably experienced Chartered Professional (Geotechnical) Engineer or an Engineering Geologist must be supplied to the Council.
29. WCC recommended conditions accordingly.
30. In its response to those section 53 comments, WIAL proposed modified versions of WCC's conditions addressing those matters, as discussed in the statement of evidence of Jennifer Hart and Amy Sheppard.¹²
31. The conditions as proposed by WIAL in its response to section 53 comments are as follows:

GEO.3 *An Engineering Geologist or Geotechnical Engineer must be on-site at all times during the excavations (cuts). The Engineering Geologist or Geotechnical Engineer shall have a minimum of two years' experience and shall be supervised by a suitably experienced Chartered Engineering Geologist (CMEngNZ (PEngGeol)) or Chartered Professional (Geotechnical) Engineer (CPEng) who may be based off-site.*

[New condition] GEO.6 *Within one (1) month of the earthworks being completed, a geotechnical completion report prepared by a suitably experienced Chartered Professional (Geotechnical) Engineer (CPEng) or an Engineering Geologist (CMEngNZ (PEngGeol)) shall be supplied to the Manager WCC.*

The Geotechnical Completion Report must include:

- (a) *a summary of site observation reports;*

¹² https://www.fasttrack.govt.nz/_data/assets/pdf_file/0011/22511/Appendix-4-Statement-of-evidence-of-Jennifer-Hart-and-Amy-Sheppard_Redacted.pdf at [6] – [14].

- (b) *the status of the interim works; and*
- (c) *a statement of professional opinion regarding the risk of instability of the cut slopes being as low as reasonably practicable in the context of the interim works and the site's use as a construction yard.*

32. After Minute 3 was issued, WCC confirmed via email to WIAL that it agreed to that approach. That position was formalised in the WCC Memorandum, which recorded:

4. GEOTECHNICAL CONDITIONS

4.1 The WCC geotechnical expert, John Ashim, and the WCC RMA consenting expert, Cedric Tevaga, have reviewed WIALs response to comments and updated conditions. They are satisfied that the geotechnical conditions as amended in the WIAL response to comments sufficiently address WCC's concerns.

4.2 WCC determines there is no need for the Applicant and WCC experts to confer as the matter is adequately resolved through the amended conditions.

4.3 WCC has notified the Applicant of the WCC position and agreed the amended conditions will be carried forward in the final set of proposed conditions directed by the Panel under matter 6 of Minute 3.

33. On that basis, the conditions relevant to the issue identified by the Expert Panel have been agreed between WCC and WIAL, in line with the Expert Panel's direction.

Updated resource consent conditions

34. Minute 3 directed as follows in respect of the conditions:

*[7] **Conditions** – many of the conditions have been agreed but there some outstanding matters raised by all the commenters, including but not necessarily limited to, those matters we have identified above. We direct that the Applicant prepare a final set of the conditions (i.e. a set that shows any additional changes in a track change format to the clean version of the conditions that were provided with the Applicant's comments) by 10 April 2026. We further direct that the condition set is*

accompanied by a memorandum that clearly articulates what has occurred in response to this minute.

35. Pursuant to that direction, an updated version of the proposed resource consent conditions has been prepared, showing changes made to the response to section 53 comments version as tracked.
36. The changes made are limited to those signalled in this memorandum, namely:
 - (a) Condition MW.7 (kaimoana harvesting) has been deleted, as recommended by Ngāti Toa Rangatira; and
 - (b) Conditions CA.24 – CA.30 (maintenance and repair) have been updated, as agreed in Planning JWS.
37. The updated conditions are filed alongside this memorandum. An updated version of the conditions 'matrix', showing the minor numbering change to the 'CA' conditions, is also being provided.

Dated this 10th day of April 2026



Dave Randal / Thad Ryan / Frances Wedde
Counsel for WIAL

Documents filed alongside this memorandum:

- Contaminated Land JWS;
- Pāua / Lobster JWS;
- Planning JWS (including Appendix A as a separate document);
- Updated proposed resource consent conditions and conditions 'matrix'.