




**Comments on a substantive application under section 53 of  
the Fast-track Approvals Act 2024**

Wellington International Airport Southern Seawall Renewal

## Document control

<b>Fast-track application number</b>	FTAA-2510-1118
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<b>Project name</b>	Wellington International Airport Southern Seawall Renewal
<b>Applicant</b>	Wellington International Airport Limited
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## Executive summary

1. Wellington Regional Council (Greater Wellington) acknowledges that the Wellington International Airport Southern Seawall Renewal project, if approved by the Panel, is likely to result in benefits that include improving the resilience of regionally significant infrastructure as well as direct and indirect economic and employment benefits. Improving the resilience of regionally significant infrastructure is consistent with objectives and policies in the National Policy Statement for Infrastructure, the Regional Policy Statement for the Wellington Region (RPS)<sup>1</sup>, and the Natural Resources Plan for the Wellington Region (NRP)<sup>2</sup>.
2. Greater Wellington considers that there are several issues with the substantive application but acknowledges that these issues can be addressed by the provision of information, appropriate conditions, or other amendments to the proposal. Greater Wellington considers that addressing these 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 New Zealand Coastal Policy Statement.
3. A summary of the of the issues identified and responses suggested by Greater Wellington is set out Table 1.

Table 1: Summary of issues identified by Greater Wellington and suggested responses.

Summary of issues	Summary of suggested responses for the Panel to consider
<b>Issue 1:</b> Ensuring that the proposed methods of offsetting habitat loss for kororā (little blue penguin) and pohowera (banded dotterel) are effective.	<ul style="list-style-type: none"> <li>• Impose conditions that set clear objectives for offsetting kororā and pohowera habitat loss, require monitoring against the objectives, and provide for adaptive management where monitoring demonstrates that the objectives are not being met (see paras 35 to 37).</li> </ul>
<b>Issue 2:</b> Ensuring that the proposed method of managing the loss of subtidal habitats as a result of the construction of the seawall (establishment of new subtidal habitats on the new seawall) is effective.	<ul style="list-style-type: none"> <li>• Impose conditions that require a Subtidal Habitat Monitoring Plan to provide for monitoring of the establishment of subtidal habitats at the new seawall, alongside provision for adaptive management where monitoring demonstrates that the establishment of new subtidal habitats is unsuccessful (see para 53).</li> </ul>
<b>Issue 3:</b> Managing uncertainty about the effects of the construction of the new seawall on pāua and rock lobster populations.	<ul style="list-style-type: none"> <li>• Request information from the applicant about the effects of the loss of pāua and rock lobster during the construction of the seawall on pāua and rock lobster populations (see para 60).</li> </ul>

<sup>1</sup> See: <https://www.gw.govt.nz/assets/Plans-policies-bylaws/RPS/RPS-Change-1-Appeals-Version-Sep-2025.pdf>

<sup>2</sup> See: <https://www.gw.govt.nz/assets/Documents/2023/07/CORRECT-Natural-Resource-Plan-Operative-Version-2023-incl-maps-compressed.pdf>

Summary of issues	Summary of suggested responses for the Panel to consider
	<ul style="list-style-type: none"> <li>If the Panel does not consider there is sufficient certainty about the effects, impose conditions that require translocation of existing pāua and rock lobster prior to construction of the seawall (see para 61).</li> </ul>
<p><b>Issue 4:</b> Amendments to the Marine Mammal Management Plan to align with good practice marine mammal management.</p>	<ul style="list-style-type: none"> <li>The MMMP should be amended to specify the duration of soft-start periods and provide for marine mammal observers to listen for the presence of marine mammals during times of poor visibility (see para 66).</li> </ul>
<p><b>Issue 5:</b> Managing residual uncertainty about end-effects erosion at the eastern end of the new seawall.</p>	<ul style="list-style-type: none"> <li>Impose conditions that require monitoring of and reporting on end-effects erosion at the eastern end of the seawall for a period of 5-years post construction (see para 72).</li> </ul>
<p><b>Issue 6:</b> Managing discharges from contaminated land at the MGC Yard and Moa Point Yard.</p>	<ul style="list-style-type: none"> <li>Require a discharge permit for discharges from contaminated land at the MGC Yard and Moa Point Yard, subject to the Contaminated Land Management Plan (CLMP) (see para 81.a).</li> <li>Impose conditions that require further sampling at the MGC Yard to address gaps in sampling coverage (see para 81.b).</li> <li>Impose conditions that require the CLMP to be updated to provide for the management of discharges to the environment and account for the results of any additional sampling undertaken at the MGC Yard (see para 81.c).</li> </ul>
<p><b>Issue 7:</b> Managing stormwater discharges from the MGC Yard.</p>	<ul style="list-style-type: none"> <li>Amend the proposed conditions for stormwater discharges to clarify that the discharges are authorised under the proposed discharge permit (and not the existing “site-wide” permit), and clarify the nature of the updates to the existing Stormwater Management Plan that are necessary to appropriately manage stormwater discharges (see para 87).</li> </ul>
<p><b>Issue 8:</b> Conditions relating to seawall maintenance and repair appear to authorise future additions and alterations, without the effects of those additions or alterations being assessed.</p>	<ul style="list-style-type: none"> <li>Delete the proposed condition that appears to authorise future additions and alterations to the seawall, on the basis that future additions and alterations to seawalls are already subject to rules in the NRP (see para 95).</li> </ul>
<p><b>Issue 9:</b> Some proposed management plans are described as draft management plans, even though they will not be subject to certification under the conditions.</p>	<ul style="list-style-type: none"> <li>Request that the applicant clarify the status of management plans listed in Condition GC.4 (see para 101).</li> <li>Management plans listed in Condition GC.4 that are draft should be finalised or moved to Condition GC.5 for certification.</li> </ul>

4. In addition to the issues identified, Greater Wellington considers that there are several changes necessary to the regional resource consents being sought and their proposed conditions, to ensure that they appropriately authorise the proposal and that any consent conditions are practicable and enforceable. Greater Wellington's suggested amendments to the regional resource consents and proposed conditions are set out in **Appendix 1** and **Appendix 2**.
5. Finally, Greater Wellington acknowledges the efforts made by the applicant and their advisors to undertake pre- and post-lodgement consultation and considers that the proactive and well-planned approach taken by the applicant to consultation has led to a genuine narrowing of issues that Greater Wellington considers would otherwise need to be addressed by the Panel.

## Overview and scope

### *Overview*

6. This document sets out Greater Wellington's comments on the substantive application for the Wellington International Airport Southern Seawall Renewal project under section 53 of the Fast-track Approvals Act 2024 (the Act).
7. This document is structured as follows:
  - a. **Overview and scope:** this section sets out the scope of Greater Wellington's comments on the application;
  - b. **Pre-lodgement engagement:** this section records Greater Wellington's position on the pre-lodgement engagement that occurred with the applicant, up to the point where the Expert Panel (the Panel) has invited Greater Wellington to comment on the application;
  - c. **Benefits:** this section sets out Greater Wellington's understanding of the benefits of the project, and how these benefits relate to
  - d. **Issues:** this section sets out the issues that Greater Wellington has identified with the substantive application, and sets out responses to these issues for the Panel to consider;
  - e. **Other matters:** this section sets out other matters that Greater Wellington considers the Panel may wish to be aware of when making their decision;
  - f. **Resource consents:** this section records Greater Wellington's position on the regional resource consents required to authorise the project and the draft resource consent conditions proposed by the applicant.

### Scope

8. The scope of Greater Wellington's comments on the substantive application is within its statutory functions as a local authority. These functions include:
  - a. Functions relating to the management of natural and physical resources described in section 30 of the Resource Management Act 1991 (RMA), including:
    - i. Preparing the regional policy statement (the Regional Policy Statement for the Wellington Region or RPS) and the regional plan and regional coastal plan (the Natural Resources Plan for the Wellington Region or NRP);
    - ii. Deciding on resource consents for activities within the region (including the coastal marine area) where consents are required by regulations in a National Environmental Standard or rules in the NRP (referred to as regional resource consents);
    - iii. Undertaking compliance monitoring and enforcement of resource consents and permitted activities throughout the region;
  - b. Preparing the Regional Land Transport Plan and Regional Public Transport Plan and providing public transport planning and delivery functions under the Land Transport Management Act 2003;
  - c. Managing a network of regional parks under the Reserves Act 1977;
  - d. Responsibilities for managing rivers and flood protection assets across several river catchments and floodplains throughout the region;
  - e. Functions as the harbourmaster under the Maritime Transport Act 1994;
  - f. Developing and implementing pest management plans and monitoring biosecurity threats under the Biosecurity Act 1993;
  - g. Integrating climate adaptation, supporting emissions reduction, and monitoring climate impacts under the Climate Change Response Act 2002.
9. Within the scope of its functions as a local authority, Greater Wellington and its experts have considered the substantive application within the time available for the purpose of identifying issues and suggested responses for the Panel to consider when deciding on the substantive application.

10. For the avoidance of doubt, Greater Wellington considers that its comments are matters that decision-makers may have regard to under section 104 of the RMA (including any other matter under section 104(1)(c) of the RMA).
11. Table 2 sets out the people on behalf of Greater Wellington that have participated in the preparation of these comments.

*Table 2: Persons involved in the preparation of comments*

<b>Planning</b>	Andrew Banks, Senior Resource Advisor, Environmental Regulation, Greater Wellington
<b>Kororā and coastal avifauna</b>	Dr Roger Uys, Senior Terrestrial Ecologist, Greater Wellington
<b>Marine ecology</b>	Dr Megan Melidonis, Senior Coastal Scientist, Greater Wellington
<b>Coastal processes</b>	Dr Iain Dawe, Coastal Processes and Natural Hazards Expert, Greater Wellington
<b>Contaminated land</b>	Nerena Rhodes, Technical Director Contaminated Land, Pattle Delamore Partners
<b>Earthworks</b>	Kerry Pearce, Land Management Consultant

#### *Mana whenua*

12. Greater Wellington has obligations to uphold Te Tiriti o Waitangi in exercising its functions (including its functions in relation to the fast-track approvals process) and acknowledges the mana whenua within the rohe where the project is located. Greater Wellington understands that the Panel has invited several mana whenua groups to comment on the application and considers that the Panel should have particular regard to the comments provided by them.

### **Pre-lodgement engagement**

13. The applicant commenced pre-lodgement consultation with Greater Wellington in May 2025. Pre-lodgement consultation has included the following activities:
  - a. A briefing on the project;
  - b. Provision of draft application information to Greater Wellington for consideration, including planning assessments, technical assessments, resource consent conditions, and draft management plans;
  - c. Engaging iteratively to provide responses to Greater Wellington's feedback on the draft application, including written responses, workshops with technical experts, and a site visit.

14. Since the application was lodged, the applicant has continued to engage with Greater Wellington on the drafting of proposed resource consent conditions.
15. Greater Wellington acknowledges the efforts made by the applicant and their advisors to undertake pre-lodgement consultation. This includes the extent to which the applicant has adopted Greater Wellington's feedback on the proposed conditions, as set out in their updated proposed conditions circulated in their memorandum to the Panel on 30 January 2026. Greater Wellington considers 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.

## **Benefits**

16. Greater Wellington acknowledges that the project, if approved by the Panel, is likely to result in a range of benefits, including:
  - a. Improving the resilience of regionally significant infrastructure (including Wellington International Airport and the local authority wastewater network) to natural hazard events and the impacts of climate change;
  - b. Direct and indirect economic and employment benefits as described by the applicant.
17. Greater Wellington acknowledges that improving the resilience of regionally significant infrastructure, as proposed by the project, is consistent with several provisions in the NRP and higher-order planning documents, including:
  - a. Objective 1(d) of the National Policy Statement for Infrastructure 2025 (NPS-I), which seeks that infrastructure is well-functioning and resilient, and Policy 4(1)(f) of the NPS-I, which seeks that upgrades to improve the resilience of infrastructure to the risks from natural hazards and the effects of climate change are enabled;
  - b. Objective 10 and Policy 39 of the RPS, which seek that the social, economic, cultural, and environmental benefits of regionally significant infrastructure are recognised and protected;
  - c. Objective O9 and Policies P11 and P13 of the NRP, which seek that the benefits of regionally significant infrastructure are recognised and considered through decision-making.

## Issues

18. This section sets out the issues that Greater Wellington has identified with the substantive application. As part of identifying these issues, Greater Wellington has also identified what it considers to be appropriate responses, for the Panel to consider.
19. Any references to conditions proposed by the applicant are references to the conditions proposed by the Applicant in their updated condition set attached to their Memorandum of Counsel dated 30 January 2026.

### **Issue 1: Ensuring the effectiveness of proposed offsetting for kororā and pohowera habitat loss**

#### *Issue*

20. The construction of the southern seawall will result in the loss of existing kororā (little blue penguin) and pohowera (banded dotterel) habitat. The applicant has proposed measures to offset the effects of the project on existing kororā and pohowera habitat by creating alternative habitat opportunities, including through the construction of kororā colonies and implementation of measures to promote nesting of pohowera on the existing grass berms at the airport runway. However, to ensure that these measures are successful, Greater Wellington considers that monitoring of the effectiveness of these measures is required, with the ability for alternative measures to be considered and implemented in circumstances where the proposed measures are unsuccessful.

#### *Analysis*

21. The construction of the new seawall will result in the following loss of kororā and pohowera habitat:
  - a. An estimated loss of up to 50 kororā roost and nest sites<sup>3</sup>;
  - b. An estimated loss of habitat for up to 3 breeding pairs of pohowera<sup>4</sup>.
22. To address kororā habitat loss, the applicant proposes to establish two kororā colonies<sup>5</sup>:
  - a. The Stage 1 Kororā Colony will be established on the eastern side of Moa Point Road, to the south of the site. The Stage 1 Colony will be connected to the coastal marine area by a culvert constructed beneath Moa Point Road and will include (initially) 100 kororā nest

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<sup>3</sup> Cockrem, J.F. (15 October 2025). *Southern Seawall Renewal Project Wellington International Airport Ltd. Kororā (little penguin) assessment*, pp.23-26. See: [https://www.fasttrack.govt.nz/\\_data/assets/pdf\\_file/0017/14426/238c6bb511f4849413b0fb377960b4934b449213.pdf](https://www.fasttrack.govt.nz/_data/assets/pdf_file/0017/14426/238c6bb511f4849413b0fb377960b4934b449213.pdf)

<sup>4</sup> Bioresearches (2025). *Terrestrial and Freshwater Ecological Impact Assessment. Southern Seawall Renewal, Report for Wellington International Airport Ltd.* p.54. See: [https://www.fasttrack.govt.nz/\\_data/assets/pdf\\_file/0018/14427/B.10-Bioresearches-Ecological-Impact-Assessment.pdf](https://www.fasttrack.govt.nz/_data/assets/pdf_file/0018/14427/B.10-Bioresearches-Ecological-Impact-Assessment.pdf)

<sup>5</sup> Cockrem, J.F. (15 October 2025). p.36.

- boxes. Kororā that are discovered during the construction of the Southern Seawall will be translocated to the Stage 1 Kororā Colony in accordance with the Kororā (Penguin) Management Plan, and relevant wildlife permits;
- b. The Stage 2 Kororā Colony will be established on the landward side of Eastern Bank Remediation after the completion of the construction of the Southern Seawall, and will include 70 kororā nest boxes.
23. To address pohowera habitat loss, the applicant considers that suitable habitat is available within the adjacent Wellington Airport grassland<sup>6</sup> to allow for the nesting opportunities that would otherwise have been available at the Southern Seawall. To promote the successful breeding of pohowera on the Wellington Airport grassland, the applicant's avifauna management plan proposes the use of nest cages and refuge huts<sup>7</sup>.
24. Technical comments on kororā and coastal avifauna provided by Dr Roger Uys, Senior Terrestrial Ecologist, Greater Wellington are set out in **Appendix 3**.
25. Dr Uys describes the significance of both kororā and pohowera in the context of the Wellington City coastal environment as follows (at paragraphs 2 and 3 of **Appendix 3**):
- 2. Kororā are nationally At Risk: Recovering, but in the Wellington Region they have been assessed to be of higher conservation concern, being Threatened: Vulnerable and even higher conservation concern on the mainland (i.e. excluding populations on the offshore islands) as Threatened: Endangered (Crisp et al 2024). The bulk of the known 'mainland birds' in the region occur around the Wellington City coast. So, managing the effects on the mainland populations around the Wellington City coast is essential to their conservation recovery.*
- 3. Pohowera have also been assessed to be of higher conservation concern regionally. Nationally, pohowera are listed as At Risk: Declining, but regionally (including on the mainland) they have been assessed as Threatened: Endangered (Crisp et al 2024). The last coastal bird survey of the region (2022/23) recorded a 25 percent decline in pohowera from the previous survey (2017/18) [McArthur 2025]. Pohowera have a clustered distribution around the region's coastline. So, every population is important for addressing the worsening conservation status of this species.*
26. With respect to kororā habitat, Greater Wellington agrees with the applicant that the residual adverse effects of the loss of kororā habitat will be more than minor and acknowledges that the applicant has proposed to offset these adverse effects through the creation of the proposed kororā colonies.

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<sup>6</sup> Bioresearches (2025). p.54.

<sup>7</sup> Bioresearches (2026). *Avifauna Management Plan. Report for Wellington International Airport*, pp.24-26. See: [https://www.fasttrack.govt.nz/\\_data/assets/pdf\\_file/0009/20061/Draft-Avifauna-Management-Plan-January-2026\\_Redacted.pdf](https://www.fasttrack.govt.nz/_data/assets/pdf_file/0009/20061/Draft-Avifauna-Management-Plan-January-2026_Redacted.pdf)

27. With respect to pohowera habitat, Greater Wellington disagrees with the applicant's position that adverse effects associated with the loss of pohowera habitat will be no more than minor. As noted by Dr Uys, there is evidence of a regional decline in the pohowera population and "every population is important for addressing the worsening conservation status of this species". Greater Wellington therefore considers that the adverse effects (including cumulative effects) of the loss of pohowera habitat during the construction of the seawall are likely to be more than minor, for the duration of the construction of the seawall. That said, Greater Wellington considers that the management approach proposed by the applicant for pohowera habitat is in the nature of an offset (because the applicant has proposed to undertake measures that would provide the same number of habitat opportunities on adjacent airport land as those that are lost for the duration of the construction of the seawall).
28. Under the NRP, the adverse effects of activities on habitats in the coastal environment that are important during the vulnerable life stages of indigenous species are required to be managed in accordance with Policy P38, which sets out an effects management hierarchy to protect indigenous biodiversity values in the coastal environment. This policy gives effect to Policy 11 of the New Zealand Coastal Policy Statement 2010 (NZCPS), and Greater Wellington considers that in this case the loss of kororā and pohowera habitat falls to be considered under Policy 11(b) of the NZCPS. It is therefore important that the proposal appropriately implements the effects management hierarchy set out in Policy P38 of the NRP, to be consistent with Policy 11 of the NZCPS. This includes a requirement that more than minor residual adverse effects are addressed through biodiversity offsetting undertaken in accordance with Schedule G2 of the NRP.
29. Greater Wellington acknowledges that the applicant's proposed approach to offsetting the effects on kororā and pohowera habitat is generally designed to achieve most of the principles for biodiversity offsetting set out Schedule G2. In particular, the applicant's proposed approach seeks to achieve no net loss (and in relation to kororā, potentially a net gain) of habitat.
30. Greater Wellington considers that the conditions proposed by the applicant do not provide reasonable certainty that the long-term outcomes intended to be achieved by the proposed offsetting will be achieved. Principle 5(b) of Schedule G2 provides that biodiversity offsetting includes consent conditions that provide for:
- a. Specific, measurable and time-bound targets for biodiversity offsetting; and
  - b. Mechanisms for adaptive management using the results of periodic monitoring and evaluation against identified milestones to determine whether the biodiversity offset is on track, and how to rectify if necessary.
31. The long-term outcome for offsetting the loss of habitat is the creation of new *habitat* (as distinct from habitat opportunities). Dr Uys makes the point at paragraph 5 of his comments that "it does

not matter how many penguin nesting boxes are provided, if the penguins do not use them”. In other words, habitat opportunities only become habitat when the species for which they are intended use them as habitat. Without appropriate monitoring against reasonable targets (and adaptive management if targets are not met), there is no certainty that the alternative habitat opportunities created by the project will become actual habitat that offsets the loss.

32. To provide reasonable certainty that long-term outcomes for offsetting for loss of kororā and pohowera habitat will be achieved, Greater Wellington considers that the proposed consent conditions should be amended to provide for targets, monitoring, and the potential for adaptive management, consistent with Principle 5(b) in Schedule G2. Dr Uys describes targets, monitoring, and adaptive management that would be appropriate at paragraphs 7 and 8 of his comments:

*7. For example, we might use the number of penguin nesting opportunities lost from the seawall as a target for uptake of the penguin colony areas within the 20-year proposed duration of monitoring. Through annual monitoring, the potential to achieve this target could be tested at five-year intervals. If it appears that nesting box uptake is not on track at the five-year checkpoints, then an independent review should be commissioned and the recommendations given effect to remedy the matter.*

*8. Likewise, for pohowera, the number of breeding pairs losing access to their current nesting habitat could be used as a target. With annual monitoring of the proposed mitigation site on the runway apron to test whether there is equivalent uptake by nesting pairs. If there is not, then an independent review should be commissioned to determine whether the mitigation is viable or whether offsetting or compensation are required to manage the effects.*

33. Greater Wellington considers that this approach will ensure that the project is consistent with the effects management hierarchy set out in Policy P38 of the NRP, and therefore consistent with Policy 11 of the NZCPS in relation to the effects of the project on kororā and pohowera habitat in the coastal environment.
34. Greater Wellington acknowledges the applicant’s concerns that they “cannot control where wild fauna choose to nest and therefore cannot guarantee any set rate of uptake”<sup>8</sup>. This is the reason why monitoring (and adaptive management if necessary) in accordance with Principle 5(b) in Schedule G2 is important. While the loss of habitat because of the construction of the seawall is certain, there is inherent uncertainty in achieving habitat replacement to offset the loss. Monitoring against reasonable targets, with adaptive management where targets are not met, seeks to balance the certainty of the loss with a mechanism that provides reasonable certainty that there will be a gain to offset the loss.

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<sup>8</sup> See: [https://www.fasttrack.govt.nz/\\_data/assets/pdf\\_file/0014/20057/D.04-Resource-Consent-Conditions-Tracked-Janaury-2026\\_Redacted.pdf](https://www.fasttrack.govt.nz/_data/assets/pdf_file/0014/20057/D.04-Resource-Consent-Conditions-Tracked-Janaury-2026_Redacted.pdf), at page 43.

*Suggested response for the Panel to consider*

35. To provide reasonable certainty that offsetting for the loss of kororā and pohowera habitat will be achieved, if the Panel decides to grant the approvals, Greater Wellington considers that the conditions proposed by the applicant should be amended to provide for monitoring of long-term outcomes for offsetting, with adaptive management where outcomes are not met.
36. In relation to the proposed kororā offsetting, Greater Wellington considers that this should take the form of the following amendments to the proposed conditions:
- a. A new condition that sets the target habitat uptake for kororā offsetting (see new condition ECO.41 in **Appendix 2**). The target would be the same as the habitat lost (habitat for 50 unique breeding pairs).
  - b. A new condition that provides for monitoring of interim 5-yearly targets for kororā habitat uptake (set on a pro-rata basis) over the 20-year period of monitoring proposed by the applicant (see new condition ECO.69 in **Appendix 2**).
  - c. If interim targets are not met, a new condition that requires the consent holder to investigate the reasons that the target has not been met and set out actions that the Consent Holder will undertake in order to meet the next interim target (see new condition ECO.70 in **Appendix 2**).
  - d. A condition that provides for monitoring to cease when the target for offsetting has been met (see new condition ECO.71 in **Appendix 2**).
37. In relation to the proposed pohowera offsetting, Greater Wellington considers a similar approach should apply:
- a. A new condition that sets the target habitat uptake for pohowera (see new condition ECO.26 in **Appendix 2**). The target would be the same as the habitat lost (habitat for 3 unique breeding pairs).
  - b. A new condition that provides for annual monitoring of pohowera habitat uptake (see new condition ECO.28 in **Appendix 2**).
  - c. If monitoring demonstrates that the target habitat uptake is not met, a new condition that requires the consent holder to investigate the reasons that the target has not been met and set out actions that the Consent Holder will undertake in order to meet the target (see condition ECO.29 in **Appendix 2**).

- d. A condition that provides for monitoring and reporting to cease when the construction of the Southern Seawall and Eastern Bank Remediation area has ceased (see condition ECO.30 in **Appendix 2**).

## **Issue 2: Ensuring the effectiveness of the proposed method for managing the loss of subtidal habitats**

### *Issue*

38. The placement of the new seawall will result in the loss of existing subtidal habitats, including kelp beds and subtidal rocky reefs. The applicant considers that the loss these habitats will be remedied by colonisation of species on the new seawall, which it considers will occur within two to three years. The applicant has proposed conditions that would require a monitoring in the form of a biota growth survey; however Greater Wellington considers that the proposed conditions do not adequately set out how the results of monitoring will determine whether the proposed mitigation has been successful, and what steps the applicant may need to take if the results of monitoring determines that the mitigation has not been successful.

### *Analysis*

39. The placement of the seawall will result in the loss of habitats within the subtidal footprint of the new seawall. This includes habitats that have colonised the existing seawall, as well as kelp beds and subtidal rocky reefs that are located within the footprint of the new seawall. The applicant's Marine Ecological Impact Assessment (MEIA) states that an estimated 3,934m<sup>2</sup> of kelp bed and subtidal rocky reef habitat will be lost as a result of the placement of the new seawall<sup>9</sup>. The MEIA also includes a map showing the extent of subtidal rocky reef habitat that will be lost (see Figure 1).

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<sup>9</sup> Bioresearches (2025). *Marine Ecological Impact Assessment*. Southern Seawall Renewal, Report for Wellington International Airport Ltd, p.46. See: [https://www.fasttrack.govt.nz/\\_data/assets/pdf\\_file/0019/14428/B.11-Bioresearches-Marine-Ecological-Impact-Assessment.pdf](https://www.fasttrack.govt.nz/_data/assets/pdf_file/0019/14428/B.11-Bioresearches-Marine-Ecological-Impact-Assessment.pdf)



Figure 1: extent of subtidal rocky reef habitat that will be lost as a result of the placement of the seawall. Source: Figure 17 of the applicant's MEIA.

40. The applicant's proposed approach to addressing the loss of subtidal habitats is explained on page 38 of their MEIA:

*Within three years after the completion of construction, it is expected that the new seawall will be colonised by benthic species originally present in the area, therefore the original loss of habitat at the intertidal zone and seawall toe should be remedied by the development of seaweed habitat, algae and associated ecosystems on the new seawall. Therefore, the magnitude of effects after several years is expected to change from a high magnitude to a low magnitude.*

41. The applicant has proposed conditions (ECO.67 and ECO.69) that require monitoring and reporting on biota growth on the new seawall, which Greater Wellington understands are intended to verify that the expectation for habitat recovery set out in the MEIA is achieved.
42. Kelp beds and subtidal rocky reefs are identified in Schedule F5 of the NRP as habitats with significant indigenous biodiversity in the coastal marine area. Schedule F5 describes these habitats as follows:

Table 3: descriptions of kelp beds and subtidal rocky reefs from Schedule F5 of the NRP.

Habitat	General descriptor
Kelp beds	Kelp beds provide three-dimensional habitat space and structuring to the environment in rocky reef habitats. Kelp beds are known to harbour high biodiversity and are critical to food chains.
Subtidal rocky reefs	Subtidal rocky reefs generally have high levels of species richness because of the large number of microhabitats. This richness is frequently augmented by biogenic 3-dimensional habitats created by reef species as well as high levels of biotic interaction.

43. Under the NRP, the adverse effects of activities on habitats included in Schedule F5 are required to be managed in accordance with Policy P38, which sets out an effects management hierarchy to protect indigenous biodiversity values in the coastal environment. This policy gives effect to Policy 11 of the New Zealand Coastal Policy Statement 2010 (NZCPS). Greater Wellington considers that the loss of kelp beds and subtidal rocky reefs falls in this case to be considered under Policy 11(b) of the NZCPS. It is therefore important that the proposal appropriately implements the effects management hierarchy set out in Policy P38 of the NRP, in order to be consistent with Policy 11 of the NZCPS. Schedules G1, G2, and G3 in the NRP set out how the effects management hierarchy required by Policy 38 can be achieved where mitigation, offsetting, or compensation is required.
44. Technical comments on marine ecology provided by Dr Megan Melidonis, Senior Coastal Scientist, Greater Wellington are set out in **Appendix 4**.
45. On the significance of the adverse effects, Dr Melidonis notes the following at paragraph 5 of her comments:

*The Applicant's Marine Ecological Impact Assessment states that the placement of the seawall is estimated to result in a loss of 3,934 m<sup>2</sup> of kelp bed and subtidal rocky reef habitat, which constitutes a meaningful ecological loss in the South Coast context. Kelp forests and shallow rocky reefs are restricted to the coastal zone. They are highly productive and ecologically rich per square metre, making localised habitat loss significant for biodiversity and ecosystem function and habitat connectivity.*

46. Greater Wellington has reservations about whether the colonisation of the Cubipods with benthic species can be properly described as remediation for the permanent loss of kelp beds and subtidal rocky reef habitats within the seawall footprint. This is essentially because the habitats are not equivalent. As noted by Dr Melidonis at paragraph 6 of her comments:

*Cubipods are designed primarily for coastal protection, not ecological restoration. When placed subtidally, they can provide hard substrate and structural complexity, however Cubipods provide only partial habitat creation rather than an ecological replacement of rocky reef habitat.*

47. It is also not certain whether the colonisation of the new seawall with benthic species is intended to “remedy” the effects of the loss of subtidal habitats on the existing seawall (which would be more appropriately characterised as remediation), or the additional loss of 3,934m<sup>2</sup> of kelp bed and subtidal rocky reef habitat within the new seawall footprint, or both.
48. That said, Greater Wellington acknowledges that the applicant’s approach is to rely on the colonisation of the new seawall with benthic species as a means of addressing the loss of *all* existing subtidal habitats as a result of the project. Greater Wellington considers that if the colonisation of the new seawall with benthic species is not successful, then the residual adverse effects of the placement of the seawall on benthic habitats will be more than minor. Policy P38 would require biodiversity offsetting or compensation in these circumstances, however because the consent will have already been granted, it will be too late to provide for this. Greater Wellington therefore considers that it is critical that the consent conditions provide sufficient certainty that the outcomes for habitat replacement described in the application and the MEIA will be achieved through the implementation of the consent.
49. While the applicant’s proposed conditions to undertake a biota growth survey may provide for monitoring of the extent to which colonisation of the new seawall is (or is not) occurring, Greater Wellington considers that the conditions must ensure that the outcomes that are being monitored are prescribed and long-term outcomes for habitat replacement are achieved. With respect to the purpose of monitoring, Dr Melidonis notes at paragraph 7 of her comments that measures to address the loss of habitat would need to demonstrate comparable habitat area, comparable function, and long-term persistence of species through monitoring over time. With respect to how this is achieved, Dr Melidonis notes at paragraph 8 that:

*Monitoring measures must demonstrate that the biodiversity and abundance of marine fauna and flora present preconstruction are not significantly different from that found within the project footprint two years post construction. Should the proposed monitoring of artificial structures associated with this project show that the affected marine ecosystem is not restored to natural two-years post construction, appropriate compensation alternative habitat restoration or replacement measures should be implemented.*

50. The approach outlined by Dr Melidonis is consistent with the requirements for biodiversity mitigation set out in Schedule G1 of the NRP, which requires that any proposals for biodiversity mitigation conditions include specific, measurable and time-bound targets, along with mechanisms for adaptive management using the results of periodic monitoring and evaluation against identified milestones to determine whether the biodiversity mitigation is on track, and if not, how to rectify this. For example, if the results of monitoring demonstrate that colonisation of the new seawall with benthic species is not on track to achieve the outcome sought, and it is determined through evaluation that this is no due to external factors, then the consent holder may need to consider and implement methods that would support or promote the colonisation of the new seawall with benthic species.

51. Due to the complexity of benthic habitat monitoring, Greater Wellington considers that an appropriate approach to manage the effects in this instance would be through a monitoring plan that sets out the purpose of the monitoring, the method for undertaking monitoring (including control monitoring), timeframes for achieving the outcomes that are being monitored, and actions to be undertaken in circumstances where monitoring demonstrates that the outcomes are not being achieved. Greater Wellington considers that the requirements for the monitoring plan can be prescribed in the conditions, with the monitoring plan being submitted to Greater Wellington for certification prior to the commencement of any works at the Southern Seawall.
52. For this project, Greater Wellington considers that this approach is consistent with the requirements for biodiversity mitigation set out in Schedule G1 of the NRP, consistent with Policy P38 of the NRP, and therefore consistent with Policy 11 of the NZCPS.

*Suggested response for the Panel to consider*

53. To ensure that that the mitigation measures proposed by the applicant in relation to the loss of subtidal habitats are achieved through the implementation of the consent, if the Panel decides to grant the approvals, Greater Wellington considers that conditions ECO.67 and ECO.68 proposed by the applicant should be deleted and replaced with conditions that require the following (as identified in conditions ECO.76, ECO.77 and ECO.78 in **Appendix 2**):
  - a. The preparation of a subtidal habitat monitoring plan for certification. The objective of the subtidal habitat monitoring plan would be to demonstrate that the biodiversity and abundance of marine fauna and flora present at the new seawall are not significantly different from that found prior to construction at the existing seawall and within the footprint of the new seawall, within 3 years of the completion of the construction of the seawall (the monitoring outcome). The benthic habitat monitoring plan would need to describe the following:
    - i. Identification of specific measures or indicators to be monitored that will demonstrate comparable habitat area, comparable function, and long-term persistence of species is established at the new seawall;
    - ii. Identification of the person(s) who will undertake the monitoring;
    - iii. Timeframes for monitoring, including monitoring frequency;
    - iv. Methods for monitoring, including control monitoring to allow for determination of whether external factors are contributing to the results of monitoring;
    - v. Requirements for reporting on the results of monitoring, including evaluation of whether the monitoring outcome has been achieved, or is on track to be achieved, and whether any further monitoring may be required;

- vi. Identification of 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, including the timeframes for their implementation and any further monitoring required.
- b. That monitoring and any further mitigation is undertaken in accordance with the certified subtidal habitat monitoring plan.

### Issue 3: Uncertainty about effects on existing pāua and rock lobster populations

#### Issue

54. The existing seawall provides a habitat for pāua and rock lobster, which are considered key species that perform fundamental roles in maintaining marine biodiversity and aquatic ecosystem health. The applicant does not propose to manage the effects of the construction of the new seawall on existing pāua and rock lobster that inhabit the seawall, and as a result it is assumed that existing communities at the seawall will be lost. There is a high degree of uncertainty about the impact that this will have on pāua and rock lobster populations in the project area.

#### Analysis

55. The applicant's MEIA identifies that pāua and rock lobster are abundant within the existing seawall, particularly at the toe<sup>10</sup>. The applicant considers that the new seawall, once placed, would provide habitat for pāua and rock lobster, subject to the Cubipods being positioned in a way that maintains gaps<sup>11</sup>. However, the applicant's MEIA does not assess the effects of the loss of pāua and rock lobster at the existing seawall on marine biodiversity and aquatic ecosystem health on the South Coast during construction of the new seawall.
56. Dr Melidonis has provided comments on the potential effects of the proposal on pāua and rock lobster in her comments in **Appendix 4**. On the potential effects of the construction of the seawall on pāua and rock lobster, Dr Melidonis notes at paragraph 9 of her comments:

*Both abalone (pāua) and rock lobsters are considered keystone species that perform fundamental roles in maintaining biodiversity, with their removal in some cases leading to significant ecosystem effects. Even the removal of juvenile pāua and lobsters may affect ecosystem structure and future*

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<sup>10</sup> Bioresearches (2025). *Marine Ecological Impact Assessment*. Southern Seawall Renewal, Report for Wellington International Airport Ltd, p.23. See: [https://www.fasttrack.govt.nz/\\_data/assets/pdf\\_file/0019/14428/B.11-Bioresearches-Marine-Ecological-Impact-Assessment.pdf](https://www.fasttrack.govt.nz/_data/assets/pdf_file/0019/14428/B.11-Bioresearches-Marine-Ecological-Impact-Assessment.pdf)

<sup>11</sup> Bioresearches (2025). *Marine Ecological Impact Assessment*. Southern Seawall Renewal, Report for Wellington International Airport Ltd, p.47. See: [https://www.fasttrack.govt.nz/\\_data/assets/pdf\\_file/0019/14428/B.11-Bioresearches-Marine-Ecological-Impact-Assessment.pdf](https://www.fasttrack.govt.nz/_data/assets/pdf_file/0019/14428/B.11-Bioresearches-Marine-Ecological-Impact-Assessment.pdf)  
See also: Bioresearches (24 September 2025). *WIAL Southern Seawall Marine AEE Reply to Comments from the GWRC*, pp.4-5. See: [https://www.fasttrack.govt.nz/\\_data/assets/pdf\\_file/0016/14461/F.06-WIAL-GWRC-Section-29-feedback-response-summary-letters-26-September-and-16-October-2025.pdf](https://www.fasttrack.govt.nz/_data/assets/pdf_file/0016/14461/F.06-WIAL-GWRC-Section-29-feedback-response-summary-letters-26-September-and-16-October-2025.pdf)

*recreational fishery stocks as small individuals are then not available to grow into reproductively mature individuals.*

57. Dr Melidonis considers that there is a high degree of uncertainty about the impacts of the project on pāua and rock lobster within the project area (at paragraph 10 of her comments). Dr Melidonis recommends (at paragraph 11) that:
- a. The applicant provide sufficient evidence to quantify the loss of these individuals from the project area and explain the likelihood of recruitment of these species from adjacent areas and from the pelagic larvae pool to better understand likely impacts;
  - b. Red Rocks is investigated as a relocation site considering the existing poaching and recreational fishing pressure on the South Coast.
58. In the absence of certainty about the effects of construction activities on pāua and rock lobster populations within the South Coast environment, Greater Wellington considers that the Panel should adopt a precautionary approach and, if it grants the approvals, impose conditions that require the consent holder to translocate pāua and rock lobster present at the existing seawall to an appropriate alternative site within the South Coast environment, prior to commencing construction works within the coastal marine area at the Southern Seawall. Greater Wellington considers that this would provide reasonable certainty that Objective O19(a), which seeks that biodiversity, aquatic ecosystem health, and mahinga kai are maintained in the coastal marine area, would be achieved in relation to the South Coast environment.
59. Greater Wellington notes that South Coast pāua and rock lobster may also be a mahinga kai resource for mana whenua. If these are considered by mana whenua to be a mahinga kai resource, then this would provide further justification for taking a precautionary approach in the absence of certainty about the effects of construction activities on pāua and rock lobster.

*Suggested response for the Panel to consider*

60. To address the uncertainty about the effects of the loss of pāua and rock lobster on marine biodiversity and aquatic ecosystem health on the South Coast during construction of the new seawall, the Panel may wish to request that the applicant provide evidence to quantify the loss of these individuals from the project area and explain the likelihood of recruitment of these species from adjacent areas and from the pelagic larvae pool to better understand likely impacts.
61. If the Panel does not consider that there is sufficient certainty about these effects, Greater Wellington considers that a precautionary approach should be adopted and that conditions should be imposed that require the consent holder to translocate pāua and rock lobster present at the existing seawall to an appropriate alternative site within the South Coast environment,

prior to commencing construction works within the coastal marine area at the Southern Seawall (refer to proposed condition ECO.79 in the amendments requested to the proposed conditions in **Appendix 2**).

#### **Issue 4: Amendments to the Marine Mammal Management Plan**

##### *Issue*

62. Greater Wellington considers that amendments should be made to the Marine Mammal Management Plan to provide for good management practice in relation to undertaking construction within the coastal marine area where marine mammals may be present.

##### *Analysis*

63. The applicant has proposed to undertake construction within the coastal marine area in accordance with a Marine Mammal Management Plan (MMMP)<sup>12</sup>. The purpose of the MMMP is to set out appropriate management responses to ensure any adverse effects on marine mammals are minimised. The key activity being managed by the MMMP is the rock milling that is proposed to occur as part of the formation of the toe of the new seawall.
64. The MMMP is not subject to certification, so if the Panel grants the approvals the MMMP must be implemented in the form approved by the Panel.
65. Dr Melidonis considers that two amendments are necessary to the MMMP to align with good management practice (at paragraphs 12 and 13 of her comments in **Appendix 4**):
- a. Soft-start periods of 20 minutes or more are widely considered minimum good practice and this duration should be drafted into the MMMP.
  - b. In the absence of Passive Acoustic Monitoring (PAM) during times of poor visibility, marine mammal observers (MMOs) should listen for the presence of marine mammals and use this as evidence for justifying an operational shutdown.

##### *Suggested response for the Panel to consider*

66. To provide for good management practice in relation to undertaking construction within the coastal marine area where marine mammals may be present, Greater Wellington suggests that the following amendments are made to the MMMP:

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<sup>12</sup> Bioresearches (2025). *Southern Seawall Renewal Project: Marine Mammal Management Plan*. See: [https://www.fasttrack.govt.nz/\\_data/assets/pdf\\_file/0017/14480/G.09-Bioresearches-Marine-Mammal-Management-Plan.pdf](https://www.fasttrack.govt.nz/_data/assets/pdf_file/0017/14480/G.09-Bioresearches-Marine-Mammal-Management-Plan.pdf)

- a. That section 4.2.3 (Soft start procedure) of the MMMP is amended to provide that the minimum duration of any soft-start procedure is 20 minutes.
- b. That section 4.2.5 (Shut-down procedure) of the MMMP is amended to provide that in the absence of Passive Acoustic Monitoring (PAM) during times of poor visibility, marine mammal observers (MMOs) should listen for the presence of marine mammals and use this as evidence for justifying an operational shutdown.

### **Issue 5: Monitoring end effects at the eastern end of the seawall**

#### *Issue*

67. There is a degree of uncertainty about whether end-effects erosion may occur at Moa Point Beach as a result of the construction of the Eastern Bank Remediation. Greater Wellington considers that post-construction monitoring is necessary to identify and respond to any potential end-effects erosion.

#### *Analysis*

68. The applicant has stated that “the Eastern Bank Remediation has been proposed to provide a more resilient transition between the seawall and existing shoreline further east. The angle of approach of incident waves, the offshore reef, and the design of the Eastern Bank Remediation *reduce the potential for end effects*”<sup>13</sup> (emphasis added). Greater Wellington considers that this means that there a degree of uncertainty about end-effects erosion at the eastern edge of the seawall.
69. Technical comments on coastal processes provided by Dr Iain Dawe, Coastal Processes and Natural Hazards Expert at Greater Wellington are set out in **Appendix 5**.
70. In relation to the eastern edge of the proposed seawall, Dr Dawe states the following at paragraphs 14 to 16 of his comments:

*14. Extending the southern seawall upgrading the protection along this stretch of shoreline has the potential to simply deflect this end-effect erosion further along the beach adjacent the new alignment. In order to minimise these effects, it is important to carefully ‘feather’ the structure back into the unprotected shoreline. It wasn’t clear from the drawings that this was going to be case, which makes it appear to be quite a hard 90-degree juncture that would cause substantial wave reflection and it didn’t appear to be addressed in the report.*

*15. Further discussions regarding this were had with the applicant and their experts and assurances were given that this transition to the unprotected beach had been considered and would be*

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<sup>13</sup> Wellington International Airport Limited (26 September 2025). *Wellington Airport’s Southern Seawall Renewal project – response to GWRC feedback*, p.3. See: [https://www.fasttrack.govt.nz/\\_data/assets/pdf\\_file/0016/14461/F.06-WIAL-GWRC-Section-29-feedback-response-summary-letters-26-September-and-16-October-2025.pdf](https://www.fasttrack.govt.nz/_data/assets/pdf_file/0016/14461/F.06-WIAL-GWRC-Section-29-feedback-response-summary-letters-26-September-and-16-October-2025.pdf)

*carefully constructed to minimise these effects. This is one of the main physical effects that may occur to the beach from changes to coastal processes from the project.*

*16. Thus, it is important to ensure that the eastern end of the seawall extension along Moa Point beach is designed and constructed to minimise end-effects erosion from the structure.*

71. To address any residual uncertainty about end-effects erosion from the structure along Moa Point Beach, Dr Dawe recommends annual beach survey monitoring for a period of 5 years, to monitor for any unexpected changes in Moa Point Beach as a result of the seawall extension, outside of what might be expected from natural coastal processes. Dr Dawe also recommends that after 5 years of monitoring, an assessment report is prepared that summarises the findings of the monitoring and identifies any remedial action that could be undertaken to address any end-effects erosion observed through the monitoring that may be a result of the placement of the Southern Seawall.

*Suggested response for the Panel to consider*

72. To address residual uncertainty about end-effects erosion, if the Panel decides to grant the approvals, Greater Wellington suggests that conditions are imposed that require the consent holder to monitor for end-effects erosion for a period of 5 years and provide a report that summarises the finding of the monitoring and identifies any remedial action that may be necessary (refer to proposed conditions CA.30, CA.31, and CA.32 in **Appendix 2**).

## **Issue 6: Discharges from contaminated land**

*Issue*

73. Gaps in the sampling coverage for the Miramar Golf Course Detailed Site Investigation (DSI), and the results of the Southern Seawall DSI, mean that resource consent for discharges from contaminated land is required under the rules of the NRP for both sites.

*Analysis*

74. The land where the MGC Yard will be located, and the land where the Southern Seawall and Eastern Bank Remediation will be located, is identified in the Selected Land Use Register (SLUR)<sup>14</sup> as Category I (Verified History of Hazardous Activity or Industry). The MCG Yard is located within SLUR site 2846 and the Southern Seawall and Eastern Bank Remediation is partially located in SLUR site 2851 (see Figure 2).

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<sup>14</sup> For more information about the SLUR, see: <https://www.gw.govt.nz/environment/land-use/contaminated-land-slur/>

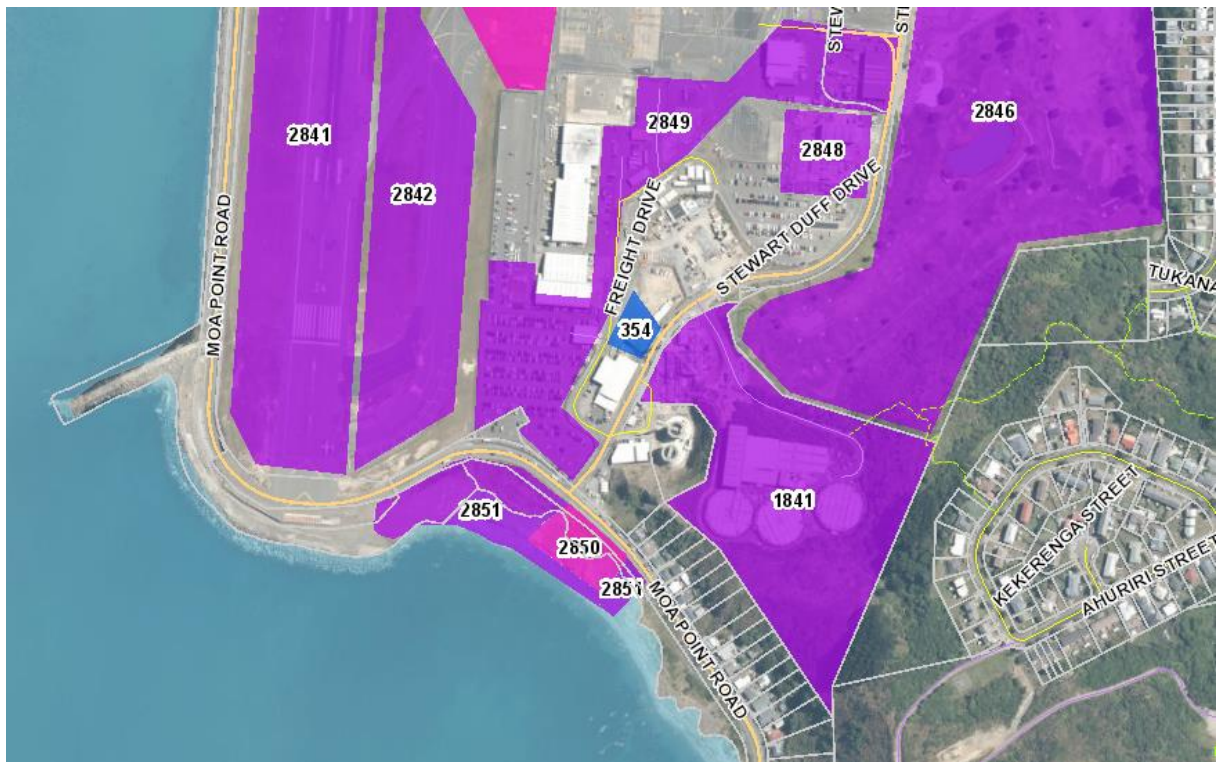


Figure 2: Sites identified in the SLUR at the southern end of the Airport. Source:

<https://experience.arcgis.com/experience/8ca4cb5241604ee0a981935b9be3fd4c/page/Selected-Land-Use-Register>

75. The applicant has included Detailed Site Investigations (DSIs) for the MGC Yard<sup>15</sup> and the Southern Seawall and Eastern Bank Remediation<sup>16</sup> in their application. The purpose of the DSIs is to assess the presence of contaminants in soils at the sites and assess the risks to human health and the environment as a result of the works being undertaken.
76. Technical comments on discharges from contaminated land provided by Nerena Rhodes, Technical Director Contaminated Land, Pattle Delamore Partners are set out in **Appendix 6**. Greater Wellington notes that there has been considerable pre-lodgement and post-lodgement engagement between Greater Wellington and the applicant on this matter, as demonstrated by the correspondence recorded in the application documents and the filing of updated DSIs since the application was lodged. This engagement has meaningfully narrowed (but not entirely resolved) the issues related to discharges from contaminated land. Ms Rhodes has considered the most recent DSIs for both sites in making her comments.

<sup>15</sup> Beca (27 January 2026). *Detailed Site Investigation (Contamination) – WIAL Sea Defences Renewal Project – Miramar Golf Course*. See: [https://www.fasttrack.govt.nz/\\_data/assets/pdf\\_file/0016/20059/Draft-Detailed-Site-Investigation-Miramar-Golf-Course-January-2026-Redacted.pdf](https://www.fasttrack.govt.nz/_data/assets/pdf_file/0016/20059/Draft-Detailed-Site-Investigation-Miramar-Golf-Course-January-2026-Redacted.pdf)

<sup>16</sup> Beca (13 November 2025). *Detailed Site Investigation (Contamination) – Sea Defences Renewal*. See: [https://www.fasttrack.govt.nz/\\_data/assets/pdf\\_file/0013/21163/B.07-Beca-Contaminated-Land-DSI-Southern-Seawall-updated-13.11.25-Redacted.pdf](https://www.fasttrack.govt.nz/_data/assets/pdf_file/0013/21163/B.07-Beca-Contaminated-Land-DSI-Southern-Seawall-updated-13.11.25-Redacted.pdf)

77. Ms Rhodes makes two key findings:
- a. In relation to the MCG Yard, there are gaps in the sampling coverage within the DSI, the gaps in sampling are to the south and east of the stormwater pond and the southern extent of the site (at paragraph 3 of **Appendix 6**);
  - b. In relation to the Southern Seawall and Eastern Bank Remediation, the Contaminated Land Management Plan (CLMP) states that soil samples analysed from the seawall project footprint did not exceed environmental and human health guidelines, however the indirect ecological guideline (PFAS National Environmental Plan 3.0, HEPA) was exceeded for some samples.
78. Rule R82 in the NRP permits discharges from contaminated land subject to conditions. Condition (a) of the rule requires that a DSI is undertaken in accordance with the *Contaminated Land Management Guidelines No. 5: Site Investigation and Analysis of Soils (2011)*, and condition (b) requires that the results of a DSI indicate that the discharge does not pose unacceptable risks to human health or the environment, on-site or off-site. Based on Ms Rhodes' findings, Greater Wellington considers that discharges from contaminated land at the MGC Yard do not meet condition (a), and that discharges from contaminated land at the Southern Seawall and Eastern Bank Remediation do not meet condition (b). As a result, Greater Wellington considers that a discharge permit is required for discharges from contaminated land at both sites under Rule R94 (all other discharges – discretionary activity).
79. The relevant objectives and policies in the NRP for discharges from contaminated land include:
- a. Objective O42, which seeks that contaminated land is identified and the discharges of contaminants are managed to protect the environment;
  - b. Policy P99, which directs that discharges of hazardous substances from contaminated land are managed so that significant adverse effects on fresh water (including groundwater), coastal water, and air are avoided, remedied, or mitigated to the extent practicable.
80. Greater Wellington considers that Ms Rhodes' recommendations (at paragraphs 9 and 10 of her comments) would ensure that any permit granted for the discharge of contaminants from contaminated land would be managed in a manner that is consistent with Objective O42 and Policy P99. Specifically:
- a. In relation to the MGC Yard, gaps in sampling could be addressed through a consent condition requiring that additional sampling is conducted by a suitably qualified and experienced person (SQEP) as described in any further documentation provided regarding the Miramar Golf Club DSI. The results of sampling should be provided to Council prior to

earthworks being conducted in these locations. In the absence of this information existing in advance of the consent being granted, Greater Wellington also considers that consent is required for discharges from contaminated land at the MGC Yard.

- b. In relation to the CLMP as a means of managing discharges from contaminated land at the MGC Yard and Southern Seawall and Eastern Bank Remediation, If the CLMP is not updated to address environmental (in addition to human health) risk until after consent is granted, conditions should be imposed requiring an updated CLMP to be submitted to Council for certification prior to implementation.

*Suggested response for the Panel to consider*

81. If the Panel decides to grant the approvals, Greater Wellington considers that a discharge permit for discharges from contaminated land at the MGC Yard and Southern Seawall and Eastern Bank Remediation should also be granted under Rule R94 of the NRP (see also Greater Wellington's comments on the resource consents required at paragraph 107). Greater Wellington considers that the discharge permit should be subject to the following conditions (refer to conditions CL.1 to CL.5 in the amendments requested to the proposed conditions in **Appendix 2**):
  - a. In relation to both the MGC Yard and Southern Seawall and Eastern Bank Remediation, that the discharge permit is subject to the conditions for Managing Effects from Disturbance of Contaminated Land (CL.1 to CL.5);
  - b. In relation to the MGC Yard, a new Condition CL.2 is imposed that requires additional sampling undertaken by a SQEP to address the gaps in coverage, that that the results of sampling are recorded in an updated DSI submitted to the Council prior to the commencement of land disturbance at the MGC Yard;
  - c. That Condition CL.1 is amended to require that the CLMP is updated to address environmental risk and the results of any further sampling at the MGC Yard, and that this is submitted to the Council for certification prior to the commencement of land disturbance.

**Issue 7: Management of stormwater discharges from the Miramar Golf Course (MGC) Yard**

*Issue*

82. Under proposed condition ESC.25, the Applicant seeks that stormwater discharges from the MGC Yard are managed under the Stormwater Management Plan certified under the Wellington International Airport "site-wide" stormwater discharge permit (WGN230119 [38649]). This creates uncertainty about whether the stormwater discharges from the MGC Yard are to be managed, monitored, and enforced under the existing stormwater discharge permit, or the consents being sought through the substantive application.

### Analysis

83. The Applicant holds a “site-wide” stormwater discharge permit (WGN230119 [38649])<sup>17</sup> that authorises stormwater discharges from specified land owned by or associated with the Applicant. Discharges authorised by the permit are subject to a Stormwater Management Plan that is certified under the conditions of the permit. While the permit is characterised as a “site-wide” permit, the permit does not authorise stormwater discharges from the land where the MGC Yard will be located.
84. The substantive application seeks a discharge permit for stormwater discharges<sup>18</sup> from the MGC Yard. Condition ESC.25 proposed by the Applicant would require the consent holder to “submit an updated site wide Stormwater Management Plan (as certificated under the requirements of WGN230119) that includes the proposed MGC Yard”.
85. Greater Wellington agrees that a stormwater discharge permit is required to authorise stormwater discharges from the MGC Yard, because those discharges are not authorised under the existing permit. Greater Wellington has also considered the approach to the management of stormwater discharges from the MGC Yard proposed by the Applicant, alongside the Stormwater Management Plan certified under the conditions of discharge permit WGN230119 [38649]<sup>19</sup>. Greater Wellington considers that the stormwater discharges from the MGC Yard can be appropriately managed by the Stormwater Management Plan, subject to the following amendments to the management plan:
- a. Amendments to the risk assessment for stormwater discharges set out in the management plan;
  - b. Amendments to Table 7 within the management plan, to recognise the new discharge;
  - c. Identification of appropriate stormwater management methods for the discharge under Table 8 in the management plan;
  - d. Amendments to Attachment 3 in the management plan (higher priority treatment assessment table and maps) to incorporate the new discharge.
86. Greater Wellington considers that condition ESC.25, as proposed by the Applicant, does not provide sufficient certainty about how stormwater discharges from the MGC Yard are to be managed, monitored, and enforced. In particular, it is not clear what the updates to the

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<sup>17</sup> The applicant has included a copy of the stormwater discharge permit as document E.02 in the substantive application. See: [https://www.fasttrack.govt.nz/\\_data/assets/pdf\\_file/0019/14446/E.02-GWRC-Discharge-Permit-WGN230119.pdf](https://www.fasttrack.govt.nz/_data/assets/pdf_file/0019/14446/E.02-GWRC-Discharge-Permit-WGN230119.pdf)

<sup>18</sup> Under the NRP, the definition of *stormwater* excludes discharges associated with earthworks. Practically, this means that stormwater discharges from the MGC Yard will commence once the earthworks to establish the MGC Yard have ceased.

<sup>19</sup> The Stormwater Management Plan was not included in the substantive application documents. A copy of the current certified Stormwater Management Plan (dated 23 September 2024) certified under discharge permit WGN230119 [38649] is included in Appendix 7.

Stormwater Management Plan required by the condition are, and whether those updates are subject to certification under the conditions of this consent or discharge permit WGN230119 [38649]. Greater Wellington considers it cannot be the latter, as that permit does not authorise stormwater discharges from the MGC Yard. That means that the discharges (and the associated management plan) must be managed, monitored, and enforced under this permit.

*Suggested responses for the Panel to consider*

87. To ensure that the conditions relating to stormwater discharges from the MGC Yard are certain and enforceable, if the Panel decides to grant the approvals, Greater Wellington considers the conditions should be amended as follows:
- a. Amend proposed Condition ESC.25 to clarify that the amendments to the Stormwater Management Plan are submitted for certification under the consents being sought through the substantive application (as set out in the amendments to ESC.25 in **Appendix 2**);
  - b. Amend proposed Condition ESC.25 to require that amendments to the Stormwater Management Plan are submitted for certification before the stormwater discharges commence, not after (as set out in the amendments requested to ESC.25 in **Appendix 2**);
  - c. Add a new condition to specify the objective of the amendment to the Stormwater Management Plan, and the requirements that need to be addressed by the amendment, to provide certainty about the matters being certified (as set out in proposed condition ESC.26 in **Appendix 2**); and
  - d. Amend proposed Condition ESC.26 to clarify that stormwater discharges must be managed in accordance with the amendments to the Stormwater Management Plan certified under the conditions of the consents sought through the substantive application (as set out in proposed condition ESC.27 in **Appendix 2**).
  - e. Delete proposed Condition ESC.27 on the basis that stormwater discharges must be managed in accordance with the amended Stormwater Management Plan for the duration of the consent. If the Applicant wishes to change the use of the site (and associated stormwater discharges) after the project is complete, the appropriate approach is to surrender the discharge permit and apply for a new one.

**Issue 8: Conditions relating to seawall maintenance and repair**

*Issue*

88. Conditions relating to seawall maintenance and repair extend beyond maintenance and repair and allow additions and alterations to the height and length of the seawall. The potential effects

of altering the height and length of the seawall after its placement are uncertain and have not been assessed.

### Analysis

89. Condition CA.24 proposed by the Applicant requires that structures authorised by the consents are maintained in a good and sound condition, and repair or reinstated where necessary, subject to obtaining any necessary resource consents or other approvals. Greater Wellington supports this condition as it seeks to avoid adverse effects that can occur as a result of the dilapidation of structures in the coastal marine area and is consistent with prudent management of space and the efficient use of resources in the coastal marine area. It is also consistent with ensuring that the benefits of the seawall continue to be realised on an ongoing basis.
90. However, Condition CA.26 proposed by the Applicant appears to conflate maintenance and repair with additions and alterations, by providing that maintenance and repair must not result in an extension of the seawall by more than 5 m horizontally parallel to the shoreline, or 1 m vertically. Greater Wellington is concerned that this condition appears to sidestep the NRP rule framework for maintenance and repair of seawalls and authorises additions and alterations with uncertain effects that would otherwise require resource consent.
91. Under the NRP, maintenance and repair of structures in the coastal marine area (including seawalls) is provided for as a permitted activity under Rule R169. This rule provides for the maintenance and repair of seawalls so long as there is no increase in length, width, or height of the structure, and so long as the general conditions for coastal management in section 5.6.2 of the NRP are met. The general conditions for coastal management cover a range of matters largely related to construction activities including the use of equipment or machinery, discharges, dumping, refuelling, lighting and noise generation. Greater Wellington considers that the maintenance and repair of the Southern Seawall required by Condition CA.24 can be undertaken as a permitted activity under Rule R169, subject to the conditions of the rule being met.
92. Additions and alterations to the seawall, of the kind sought to be enabled by the limits set out in Condition CA.26 are a controlled activity under Rule R185, subject to those limits on the expansion of the seawall *and* the requirements of the general conditions for coastal management in section 5.6.2 of the NRP being met. Matters of control that would be relevant in this instance include:
  - a. Effects on public access;
  - b. Design, design life, and construction;

- c. Effects on coastal natural processes, including effects on shoreline stability in the vicinity and adjacent areas;
  - d. Effects on kelp beds and subtidal rocky reefs adjacent to the seawall;
  - e. Effects on coastal erosion and inundation (storm surge) on the seawall.
93. Condition CA.26 has the effect of side-stepping Rule R185, meaning that the effects that are intended to be assessed under the rule would not be considered or managed in the case of future additions or alterations to the seawall. Additionally, those additions or alterations would not be subject to the general conditions for coastal management set out in the NRP (including, for example, the generation of noise). The potential effects of future alterations and additions are not discussed in the application documents, nor would it be appropriate to assess these effects at this time as the existing environment may change significantly over the 35-year duration of the coastal permit.
94. Greater Wellington considers that it is more appropriate that future alterations or additions to the seawall are subject to the rules of the NRP. This would ensure that the effects of future alterations or additions are appropriately assessed and managed at the time and in the context that they are proposed.

*Suggested response for the Panel to consider*

95. To avoid authorising future alterations to the seawall with uncertain effects that would otherwise require resource consent, if the Panel decides to grant the approvals, Greater Wellington considers that proposed Condition CA.26 should be deleted.

**Issue 9: Characterisation of management plans in Condition GC.4 as draft management plans**

*Issue*

96. The management plans lodged with the substantive application are described as being provided in draft form. However, for the management plans described in Condition GC.4, the proposed consent conditions are drafted on the basis that these management plans are the final management plans (and not subject to certification).

*Analysis*

97. The Applicant's proposed condition GC.4 requires that the consents are exercised in accordance with the following management plans:

- a. Contaminated Land Management Plan (CLMP);<sup>20</sup>
  - b. Lizard Management Plan (LMP);
  - c. Avifauna Management Plan (AMP);
  - d. Kororā / Penguin Management Plan (KPMP);
  - e. Marine Mammal Management Plan (MMMP).
98. The effect of Condition GC.4 is that these management plans will not be subject to certification by the Councils. Rather, it is the versions of these management plans included in the documents referred to in Condition GC.1 that the consents must be exercised in accordance with.
99. Greater Wellington does not oppose management plans being authorised as part of a consent decision (rather than subject to later certification) as this reduces the deferral of the consideration of effects management methods to consent conditions and improves compliance and enforcement certainty for both the consent holder and the consent authority. However, in this instance, Greater Wellington considers that the approach provided for by condition GC.4 is misaligned with the statement in the Applicant’s memorandum of counsel that “all of the management plans have been provided in draft form”<sup>21</sup>. Additionally, Greater Wellington notes that:
- a. The Avifauna Management Plan (21 January 2026), while not described as a draft within the document, has a filename that indicates it is a draft document;
  - b. The Kororā / Penguin Management Plan (December 2025) notes its status as “draft”;
  - c. Condition SC.3(d) refers requires the consent holder to “provide a draft of all management plans required under Condition GC.4”.
100. Greater Wellington considers that for Condition GC.4 to function as intended, the management plans referred to in it must be final management plans, not draft management plans.

*Suggested response for the Panel to consider*

101. To provide certainty about the status of the management plans referred to in Condition GC.4, Greater Wellington suggests that:

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<sup>20</sup> Noting that in in response to Issue 6, Greater Wellington considers that amendments should be made to the MMMP and in response to Issue 6, Greater Wellington considers that the CLMP should move to Condition GC.5, for certification by the Councils once it is finalised.

<sup>21</sup> Memorandum of Counsel for Wellington International Airport Limited in advance of Panel Overview Conference (30 January 2026), at paragraph 22.

- a. The Panel seek clarification from the applicant about whether the management plans referred to in Condition GC.4 are draft or final management plans;
- b. Any management plans listed Condition GC.4 that are confirmed by the applicant to be drafts should either be finalised or alternatively should be moved to Condition GC.5 so that they are certified once they are finalised (with consequential amendments to related conditions to set out the basis for certification).

## Other matters

### Earthworks

102. Earthworks form a significant component of the works for which a regional resource consent is sought by the applicant. The provisions of the NRP and Plan Change 1 to the NRP (NRP-PC1) seek that earthworks and associated discharges are managed so that the sedimentation rate within the Wai Tai coastal water management unit is maintained or improved<sup>22</sup>. This is generally achieved through a range of management measures, including<sup>23</sup>:
  - a. Requiring retention of soil and sediment on the land using good management practices for erosion and sediment control measures;
  - b. Limiting the amount of land disturbed at any time;
  - c. Designing and implementing earthworks with knowledge of the existing environmental site constraints, specific engineering requirements, and implementation of controls to limit the discharge of sediment to receiving environments;
  - d. Requiring erosion and sediment control measures to be installed prior to, and during earthworks and ensuring those controls to remain in place and be maintained until the land is stabilised against erosion.
103. Technical comments on earthworks provided by Mr Kerry Pearce, Land Management Consultant for Greater Wellington are set out in **Appendix 7**.
104. Greater Wellington considers that the issues raised by Mr Pearce have been addressed by the applicant in their proposed conditions, and that the conditions proposed by the applicant are appropriate to manage the effects of earthworks and associated discharges.

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<sup>22</sup> See Objective O17 in the NRP and Objective WH.O3 in NRP-PC1.

<sup>23</sup> See Policy P107 in the NRP and Policy WH.P29 in NRP-PC1.

### **Does the placement of the seawall involve reclamation?**

105. At paragraph 13 of Minute 1 of the Expert Panel (9 February 2026)<sup>24</sup>, the Panel asked whether the construction of the new seawall triggers reclamation provisions in the NRP. This is a matter that was discussed by Greater Wellington and the applicant during pre-lodgement engagement.
106. On 13 February 2026, the applicant responded to this question at paragraphs 18 to 21 of their Memorandum of Counsel<sup>25</sup>. Greater Wellington agrees with the applicant's assessment that the construction of the seawall does not involve reclamation. Greater Wellington considers that the construction of the seawall involves the placement of a structure on land in the coastal marine area, and that after the structure has been placed it will continue to be located in the coastal marine area.

### **Resource consents**

#### **Resource consents required**

107. The relevant planning documents that determine the regional resource consents that are required for the project are:
- a. The Natural Resources Plan for the Wellington Region (NRP)<sup>26</sup>; and
  - b. Plan Change 1 to the NRP, including Variation 1 (NRP-PC1)<sup>27</sup>. NRP-PC1 was publicly notified on 30 October 2025, and Variation 1 was publicly notified on 1 December 2025. The rules in NRP-PC1 have immediate legal effect under section 86B(3) of the RMA.
108. Table 4 sets out the resource consents that Greater Wellington considers are required to authorise the activities proposed by the substantive application. The table also sets out the rules or regulations under which consents are required, and whether the applicant has included these consents in the Consents Matrix included in the application documents<sup>28</sup>.

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<sup>24</sup> See: [https://www.fasttrack.govt.nz/\\_data/assets/pdf\\_file/0016/20428/FTAA.2510.1118-Minute-1-9.02.26\\_Redacted.pdf](https://www.fasttrack.govt.nz/_data/assets/pdf_file/0016/20428/FTAA.2510.1118-Minute-1-9.02.26_Redacted.pdf)

<sup>25</sup> See: [https://www.fasttrack.govt.nz/\\_data/assets/pdf\\_file/0022/20956/20260213-Memorandum-of-counsel-for-WIAL-responding-to-requests-for-further-information\\_Redacted.pdf](https://www.fasttrack.govt.nz/_data/assets/pdf_file/0022/20956/20260213-Memorandum-of-counsel-for-WIAL-responding-to-requests-for-further-information_Redacted.pdf)

<sup>26</sup> See: <https://www.gw.govt.nz/assets/Documents/2023/07/CORRECT-Natural-Resource-Plan-Operative-Version-2023-incl-maps-compressed.pdf>

<sup>27</sup> See: <https://www.gw.govt.nz/assets/Plans-policies-bylaws/PNRP/PC1-home-page-content/NRP-PC1-Full-Plan-Change-Variation-1.pdf>

<sup>28</sup> Application document D.00. See: [https://www.fasttrack.govt.nz/\\_data/assets/pdf\\_file/0020/14438/D.00-Part-D-Conditions-and-Matrix.pdf](https://www.fasttrack.govt.nz/_data/assets/pdf_file/0020/14438/D.00-Part-D-Conditions-and-Matrix.pdf)

Table 4: regional resource consents required to authorise the project.

Resource consents required	Activity	Relevant rule or regulation	Activity status	Included in substantive application?
<b>Stormwater</b>				
Discharge permit (s15)	Discharge of stormwater (from an airport) from the MGC Yard to water or to land where it may enter a surface water body or coastal water.	NRP Rule R54	Restricted discretionary	Yes (identified in Appendix 1 as RC1)
		NRP-PC1 Rule WH.R8	Restricted discretionary	
<b>Cleanfill material<sup>29</sup></b>				
Discharge permit (s15)	Discharge of cleanfill material to land, or to land where a contaminant may enter water, at the MGC Yard, Moa Point Yard, and Stage 2 Kororā Colony.	NRP Rule R94	Discretionary	Yes, but GW considers this should be separate to the stormwater discharge permit (additional consent identified in Appendix 1 as RC2)
<b>Discharges from contaminated land</b>				
Discharge permit (s15)	Discharges of contaminants from contaminated land where a contaminant may enter water as a result of land disturbance at the MGC Yard and the Moa Point Yard.	NRP Rule R94	Discretionary	No (additional consent identified in Appendix 1 as RC3)
<b>Earthworks and associated discharges</b>				
Land use consent (s9) and discharge permit (s15)	Earthworks greater than 3,000m <sup>2</sup> per property in any 12-month period, and associated discharges of sediment and flocculant to water or to land where it may enter a surface water body or coastal water, including	NRP Rule R107	Discretionary	Yes (identified in Appendix 1 as RC4 and RC5)
		NRP-PC1 Rule WH.R25	Non-complying	

<sup>29</sup> The applicant has conservatively sought a discharge permit for cleanfill material, on the basis stockpiling of rocks and other natural materials for the purpose of constructing the Southern Seawall and Eastern Bank Remediation Area may be considered a discharge of cleanfill material.

Resource consents required	Activity	Relevant rule or regulation	Activity status	Included in substantive application?
	during the period between 1 June and 30 September, at the MGC Yard.			
Land use consent (s9) and discharge permit (s15)	Earthworks greater than 3,000m <sup>2</sup> per property in any 12-month period and within 5 m of the coastal marine area, and associated discharges of sediment and flocculant to water or to land where it may enter a surface water body or coastal water, including during the period between 1 June and 30 September, at the Moa Point Yard.	NRP Rule R107	Discretionary	Yes (identified in Appendix 1 as RC6 and RC7)
		NRP-PC1 Rule WH.R25	Non-complying	
Land use consent (s9) and discharge permit (s15)	Earthworks within 5 m of the coastal marine area, and associated discharges of sediment and flocculant to water or to land where it may enter a surface water body or coastal water, including during the period between 1 June and 30 September, at the Stage 1 Kororā Colony.	NRP-PC1 Rule WH.R25	Non-complying	Yes (identified in Appendix 1 as RC10 and RC11)
Land use consent (s9) and discharge permit (s15)	Earthworks within 5 m of the coastal marine area, and associated discharges of sediment and flocculant to water or to land where it may enter a surface water body or coastal water, including during the period between 1 June and 30 September, at the Stage 2 Kororā Colony.	NRP-PC1 Rule WH.R25	Non-complying	Yes (identified in Appendix 1 as RC13 and RC14)
<b>Activities in the coastal marine area</b>				
Coastal permit (s12, s14, s15)	The placement of a new seawall and alteration or addition to an existing seawall in the coastal marine area associated with the operation, maintenance, upgrade and/or extension of existing regionally significant infrastructure, at the Southern Seawall and Eastern Bank Remediation Area, including any associated:	NRP Rule R178	Discretionary	Yes (identified in Appendix 1 as RC8 for construction activities, and RC9 for use and occupation)
		NRP Rule R189	Discretionary	

Resource consents required	Activity	Relevant rule or regulation	Activity status	Included in substantive application?
	<ul style="list-style-type: none"> <li>• Encroachment on an airport height restriction area;</li> <li>• Occupation of the common marine and coastal area;</li> <li>• Destruction, damage, or disturbance of the foreshore or seabed;</li> <li>• Deposition in, on, or under the foreshore or seabed;</li> <li>• Discharge of contaminants;</li> <li>• Diversion of open coastal water.</li> </ul>			
Coastal permit (s12, s14, s15)	Destruction, damage, disturbance, or deposition in the coastal marine area for the purpose of establishing the Stage 1 Kororā Colony, including any associated discharge of contaminants and diversion of open coastal water.	NRP Rule R234	Discretionary	Yes (identified in Appendix 1 as RC12)
Coastal permit (s12, s14, s15)	Destruction, damage, disturbance, or deposition in the coastal marine area for the purpose of establishing the Stage 1 Kororā Colony, including any associated discharge of contaminants and diversion of open coastal water.	NRP Rule R234	Discretionary	Yes (identified in Appendix 1 as RC15)

109. Should the Panel decide to grant the approvals, Greater Wellington considers that the following changes are necessary to the Consents Matrix in the application documents to ensure that the proposal is appropriately authorised, and that the appropriate conditions are attached to each consent. Greater Wellington’s suggested amendments are described as tracked changes in **Appendix 1**, and summarised as follows:

- a. The word “duration” should be used instead of “term”, to be consistent with the statutory language of section 123 of the RMA (duration of consent).
- b. The heading “Construction and Operation” is unnecessary and should be deleted.
- c. Unique identifiers should be added to each consent, to assist with administration of the consents. These have been added as “RCX” numbers in the first column of the matrix.

- d. The discharge permit for discharge of cleanfill material to land should be provided for separately to the stormwater and earthworks consents, as it is subject to different rules in the NRP. The separate discharge permit is identified as RC2 in **Appendix 1**.
- e. The discharge permit for the MGC Yard (identified as RC1 in **Appendix 1**) should only provide for the discharge of stormwater. This is because:
  - i. Discharges of sediment and flocculant associated with earthworks will be separately authorised by the consents for earthworks being sought by the applicant (identified as RC4 and RC5 in **Appendix 1**).
  - ii. As noted above, Greater Wellington considers that any discharge permit for the discharge of cleanfill material should be separate to any discharge permit for stormwater.
- f. The discharge permit for discharges of a range of contaminants at the Moa Point Yard is not required. This is because:
  - i. Discharges of sediment and flocculant associated with earthworks will be separately authorised by the consents for earthworks being sought by the applicant (identified as RC6 and RC7 in **Appendix 1**).
  - ii. As noted above, discharges of cleanfill material would be authorised under a separate discharge permit (identified as RC2 in **Appendix 1**).
  - iii. Greater Wellington understands that, after earthworks are complete at the Moa Point Yard and controls have been decommissioned, there will be no ongoing discharges of stormwater from the Moa Point Yard (and as such, a stormwater discharge permit is not required).
- g. As set out under Issue 6, Greater Wellington considers that an additional resource consent is required for discharges of contaminants from contaminated land where a contaminant may enter water as a result of land disturbance at the MGC Yard and the Moa Point Yard. This is provided for as RC3 in **Appendix 1**.
- h. In relation to the regional consents for earthworks (identified as RC4, RC5, RC6, and RC7 in **Appendix 1**), these consents do not require conditions that relate to stormwater discharges (as these are not considered earthworks discharges), or terrestrial ecology and landscape remediation (as these are territorial authority functions).
- i. Amendments to the wording of coastal permits for the seawall (identified as RC8 and RC9 in **Appendix 1**) to ensure alignment with the terms used in the relevant rules of the NRP and section 12 of the RMA, noting in particular that:

- i. The wording of RC8 and RC9 should be amended to make it clear that RC8 authorises the construction of the seawall (including associated activities) and RC9 authorises the use of the seawall (including associated activities) once it is constructed.
- ii. Greater Wellington considers that it is not necessary to refer to “monitoring and maintenance” in the description of RC9, on the basis that:
  - (1) Monitoring would be provided for as part of the associated activities listed under the description of activities, subject to the relevant conditions;
  - (2) Maintenance of seawalls is provided for as a permitted activity under the NRP (as discussed at para 91).
- iii. Coastal permits cannot be granted for “ongoing use” or “permanent occupation of the common marine and coastal area”, as coastal permits cannot be granted with an indefinite duration.
- j. The conditions that relate to kororā (including the general conditions that relate to management plans) should also be imposed on the coastal permit for the use of the Southern Seawall and Eastern Bank Remediation Area (identified as RC9 in **Appendix 1**) on the basis that the monitoring required by those conditions extends beyond the duration of the coastal permit to construct the seawall.
- k. Specific conditions for the earthworks consents for the establishment of the Stage 1 Kororā Colony and Stage 2 Kororā Colony (identified as RC10, RC11, RC13, and RC14 in **Appendix 1**) should include the earthworks conditions, as opposed to the conditions relating to the design of the kororā colonies.
- l. In relation to the coastal permits for activities in the coastal marine area associated with the establishment of the Stage 1 Kororā Colony and Stage 2 Kororā Colony (identified as RC12 and RC15 in **Appendix 1**):
  - i. Amendments to the wording of the coastal permits to ensure alignment with the terms used in the relevant rules of the NRP and section 12 of the RMA;
  - ii. Extending the duration of the permits from 15 to 35 years, on the basis that the monitoring requirements set out in the kororā conditions extend beyond 15 years;
  - iii. Addition of the relevant conditions for coastal activities to the specific conditions that apply to the permits.

- m. The applicable General Conditions for each consent should be amended so that the management plans listed in Condition GC.4 are only attached to each consent where they are relevant to that consent.
- n. Reference to Condition DF.1 (definitions) should be added to the “General Conditions” for each consent.
- o. General amendments should be made to condition references to ensure that the appropriate conditions apply to each consent.

### Proposed conditions

110. **Appendix 2** sets out the amendments suggested by Greater Wellington to the conditions proposed by the applicant<sup>30</sup>, for the Panel’s consideration. The amendments suggested by Greater Wellington give effect to the responses that Greater Wellington has suggested to each of the issues that have been raised.
111. In addition to this, the changes suggested by Greater Wellington include the following changes to improve interpretation and enforceability of conditions. References to condition numbers are references to the proposed condition numbers set out in **Appendix 2**.
- a. Addition of an advice note at the top of the conditions advising that the conditions should be read alongside the Resource Consents Conditions matrix.
  - b. Addition of definitions for “Progressive stabilisation”, “Stage”, “Staging or staged”, and “Winter works period” to provide greater certainty for how these terms will be interpreted as part of the conditions for Erosion Management and Sediment and Dust Control.
  - c. Amendments to Condition GC.9 to provide certainty about what constitutes a “minor amendment” to a management plan that does not need to be certified. Greater Wellington is concerned that the condition as drafted is open ended and requires an effects assessment to be undertaken in order to determine whether a change to a management plan would have a “de minimus environmental effect” or an “improved environmental outcome”.
  - d. Greater Wellington considers that the objective of the Community Liaison Group set out in Condition SC.2 reads like an obligation on a third-party (the Community Liaison Group) and should therefore be deleted<sup>31</sup>. The purpose of the Community Liaison Group could be described through an advice note to the condition. The Panel may also wish to consider

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<sup>30</sup> As part of their memorandum of counsel dated 30 January 2026. See:

[https://www.fasttrack.govt.nz/\\_data/assets/pdf\\_file/0015/20058/D.04-Resource-Consent-Conditions-Clean-January-2026-Redacted.pdf](https://www.fasttrack.govt.nz/_data/assets/pdf_file/0015/20058/D.04-Resource-Consent-Conditions-Clean-January-2026-Redacted.pdf)

<sup>31</sup> On the basis that consent conditions that rely on compliance by third parties are generally unenforceable.

whether conditions MW.3 and MW.5 place obligations on a third-party (being the Mana Whenua Advisory Group) that cannot be enforced.

- e. Amendment to Condition SC.3(d) (which requires the consent holder to provide draft management plans to the Community Liaison Group) to remove the reference to Condition GC.4 on the basis that those management plans are not draft management plans (see discussion on this matter under Issue 9).
- f. Amendment to Condition SC.5 to require that the complaints procedure developed under the condition is submitted to the Council's prior to the commencement of works, in order to support compliance monitoring of the condition by the Councils.
- g. Amendment to Condition CC.1 to provide greater certainty that the condition requires the risk of spillage to be avoided (rather than minimised), as minimisation is difficult to enforce and implies that the consent authorises the spillage of fuel, oil, and similar contaminants.
- h. Amendments to Condition CL.5 to make it clear that the Councils are not approving the location of disposal of contaminated soil, but that contaminated soil must be disposed of at a location that is already authorised to accept waste of that kind.
- i. Amendments to Condition ECO.21 to reflect that the Avifauna Management Plan (AMP) has already been prepared and is not subject to preparation or certification under the consent conditions (only amendments to the AMP are).
- j. Amendment to Condition ECO.52 to remove reference to "after the completion of... any associated use" of the Southern Seawall, in order to avoid an outcome where the Stage 2 Kororā Colony need never be established (as the "use" of the seawall will never be completed).
- k. Amendment to Conditions ECO.67 and ECO.68 to correct a typographical error where the last paragraph of both conditions had become conjoined.
- l. Consequential amendment to Condition ECO.75 to replace "sightings" of marine mammals with "observations" of marine mammals, to give effect to the amendments to the MMMP recommended by Dr Melidonis.
- m. Amendment to Condition CA.3 and CA.4 to require the detailed design of the seawall to be certified by a Chartered Professional Engineer, in accordance with Policy P146 in the NRP.

112. If the Panel decides to adopt the changes to conditions suggested by Greater Wellington, consequential amendments to condition cross references may also be required. Greater Wellington has not incorporated consequential amendments to condition cross references into

**Appendix 2** but will consider them as part of commenting on the draft conditions proposed by the Panel.

## **Appendix 1: Suggested amendments to the Applicant's proposed resource consent matrix**

## **Appendix 2: Suggested amendments to the Applicant's proposed resource consent conditions**

### **Appendix 3: Technical comments – Kororā and coastal avifauna**

## **Appendix 4: Technical comments – Marine ecology**

## **Appendix 5: Technical comments – Coastal processes**

## **Appendix 6: Technical comments – Contaminated land**

## **Appendix 7: Technical comments – Earthworks**

**Appendix 8: Stormwater Management Plan certified under discharge permit  
WGN230119 [38649]**