5. APPROVALS SOUGHT UNDER FAST-TRACK APPROVALS ACT

5.1 OVERVIEW

Based on the information contained in Section 2 of this report, WIAL requires (and is seeking) the following approvals for the Project under Section 42 of the Act:

- > Resource consents (district and regional) that would otherwise be applied for under the RMA (section 42 (4)(a) of the Act);
- > Concessions that would otherwise be applied for under the Reserves Act (section 42(4)(e) of the Act);
- > Wildlife approvals that would otherwise be applied for under the Wildlife Act (section 42(4)(h) of the Act); and
- > An archaeological authority that would otherwise be applied for under HNZPT Act (section 42(4)(i) of the Act).

Further details of the specific approvals required are outlined in the following sections.

5.2 RESOURCE MANAGEMENT ACT 1991

This section identifies the RMA status of the proposed activities previously described in Section 2 and discusses the extent to which those activities would otherwise be the subject of resource consent applications under the RMA.

The project site is located within the jurisdiction of the GWRC and WCC. The relevant regional and district plans are:

- > NRP;
- > PC1 NRP;
- > 2000 District Plan; and
- > 2024 District Plan;

In this instance, it is also appropriate to consider relevant National Environmental Standards that might necessitate the requirement for additional consents, being:

- > Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 ("NES Soil"); and
- > Resource Management (National Environmental Standards for Freshwater) Regulations 2020 ("Freshwater NES").



WIAL seeks all necessary resource consents to construct, operate and maintain the renewal of the Southern Seawall and all associated activities at the MGC Yard, Moa Point Yard, George Bolt Yard, the Stage 1 Kororā Colony, and post construction rehabilitation activities such as establishment of the Stage 2 Kororā Colony as is described within Section 2 of this application.

The status of proposed activities with respect to RMA plans is presented below.

5.2.1 Natural Resources Plan for the Wellington Region 2023

The NRP provides a framework for managing the Wellington region's natural and physical resources, including soil, fresh water, air, discharges to land and water, and the coastal marine area.

Part H assesses the Project against relevant NRP rules, and sets out the relevant activity status associated with the required resource consents. More specifically, the assessment considers the following sections of the NRP:

- Chapter 5.1 Air Quality;
- Chapter 5.2 Discharges to Land and Water;
- > Chapter 5.3 Land Use;
- Chapter 5.4 Wetlands and Beds of Lakes and Rivers;
- > Chapter 5.5 Water Allocation; and
- Chapter 5.6 Coastal Management.

WIAL seeks all necessary resource consents under the NRP to construct, operate and maintain the renewal of the Southern Seawall and all associated activities at the MGC Yard, Moa Point Yard, George Bolt Yard, the Stage 1 Kororā Colony, and post construction rehabilitation activities such as establishment of the Stage 2 Kororā Colony as is described within Section 2 of this application. In summary, this includes (but may not be limited to):

> A discharge permit as a restricted discretionary activity for the discharge of stormwater runoff from an airport where it may enter a surface water body or coastal water;62

⁶² NRP – Rule R54.

- > A discharge permit as a discretionary activity for the discharge of cleanfill, water and contaminants to land at the MGC and Moa Point Yards which do not meet the permitted standards;63
- > A land use consent as a discretionary activity for earthworks and vegetation clearance, and associated discharges of sediment, at the Moa Point and MGC Yards that exceed the permitted conditions;64
- > A land use consent as a discretionary activity to establish structures on the Southern Seawall and Eastern Bank Remediation that will penetrate the height restrictions shown on Map 69;65
- > A land use consent and coastal permit as a discretionary activity for the addition and alteration of an existing seawall associated with regionally significant infrastructure within a site that meets some of the criteria in Policy P38 (a) and (b) and is adjacent to an area included in Schedule F5 of the NRP in the coastal environment, including associated destruction, damage, disturbance of the foreshore and seabed, deposition in, on or under the foreshore or seabed, discharge of contaminants, and occupation of space in the common marine and coastal area; 66 and
- > A coastal permit as a discretionary activity for the disturbance and deposition in the coastal marine area associated with the construction of the Kororā Colonies. 67

Applying the bundling principle, the overall activity status of the Project under the NRP is a discretionary activity.

5.2.2 **Proposed Plan Change 1 to the NRP**

PC1 NRP proposes to give effect to the NPSFM in two of the five whaitua (Freshwater Management Units or "FMUs") in the Wellington region, being Whaitua Te Whanganui-a-Tara and Te Awarua-o-Porirua Whaitua. The Project area is located in Whaitua Te Whanganui-a-Tara. PC1 NRP also proposes some region-wide changes to give effect to the NZCPS.

PC1 NRP was notified on 30 October 2023 and the hearings process has been placed on hold until at least 2026. Decisions have not been notified. As such, the weighting to be

⁶³ NRP – Rule R94.

NRP - Rule R107.

NRP - Rule R178.

NRP – Rule R189. Note these activities traverse the coastal marine area therefore both land use consent and coastal permit are sought.

⁶⁷ NRP – Rule R234.

ascribed to the objectives and policies of this Plan Change is low. Proposed rules relating to water are considered to have immediate legal effect in accordance with section 86B of the RMA.

Part H assesses the Project against relevant PC1 rules and sets out the relevant activity status associated with the required resource consents. More specifically, the assessment considers the following sections of PC1 which are relevant to the Project:

- Chapter 8.3.2 Stormwater; and
- Chapter 8.3.5 Earthworks.

WIAL seeks all necessary resource consents under PC1 NRP to construct, operate and maintain the renewal of the Southern Seawall and all associated activities at the MGC Yard, Moa Point Yard, George Bolt Yard, the Stage 1 Kororā Colony, and post construction rehabilitation activities such as establishment of the Stage 2 Kororā Colony as is described within Section 2 of this application. In summary, this includes (but may not be limited to):

- > A discharge permit as a restricted discretionary activity for the discharge of stormwater from an airport (the MGC and part of the Moa Point Yard) onto or into land where it may enter a water body or coastal water;68
- > A discharge permit as a restricted discretionary or discretionary activity for the discharge of stormwater either from an airport or an unplanned greenfield development area (relating to discharges from the Moa Point Yard, once constructed).²⁷ If rule WH.R8 applies, the activity status is restricted discretionary. If rule WH.R13 applies, the activity status is prohibited under PC 1 to the NRP, however reverts to a discretionary activity in accordance with section 87B(1) of the RMA.²⁸ Furthermore, it is noted that section 42(5) of the FTA allows a substantive application to seek an approval for a prohibited activity; and
- > A land use consent and discharge permit as a non-complying activity for earthworks, and the associated discharge of sediment, onto or into land where it may enter coastal water by virtue of potentially being undertaken during winter months. 69

Applying the bundling principle, the overall activity status of the Project under PC1 NRP is a non-complying activity.

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⁶⁸ PC1 NRP - Rule WH.R8.

⁶⁹ PC1 e NRP - Rule WH.R25.

5.2.3 **Wellington City Council District Plan**

WCC has been undertaking a review of the 2000 District Plan, which has been subject to multiple tranches of decisions. As the 2024 District Plan becomes operative, the 2000 District Plan 2000 provisions cease to have legal effect.

Decisions on Stage 1 of the 2024 District Plan were notified in 2024 with only a discrete number of outstanding appeals remaining live. Decisions on Stage 2 of the 2024 District Plan were publicly notified in July 2025 and the appeal period closed on 18 August 2025.

Rules which are subject to appeal have legal effect in accordance with section 86B of the RMA. Rules which are not subject to appeal (either because no appeals have been filed or appeals have been resolved) are treated as operative in accordance with section 86F of the RMA.

There are a limited number of appeals on the 2024 District Plan, therefore the 2024 District Plan is largely considered operative. Of particular relevance to this application, it is noted that:

- > All rules of the Infrastructure ("INF") Chapter and the Infrastructure Coastal Environment ("INF-CE") sub-chapter and the primacy of the INF Chapter provisions are under appeal.70
- > Certain earthworks rules relating to earthworks within Significant Natural Areas (EW-R8) and earthworks within coastal or riparian margins within the coastal environment (EW-R11) are subject to appeal.71
- > As a consequential amendment to relief sought on transport policies regarding trip generation, transport rule TR-R2 regarding trip generation are subject to appeal. 72

The 2024 District Plan contains specific rules for which there is no equivalent in the 2000 District Plan. As such, there are no rules under the 2000 District Plan relevant to the Project.

Part H assesses the Project against relevant 2024 District Plan rules and sets out the relevant activity status associated with the required resource consents. This covers the following sections of the 2024 District Plan:

Part 2: District Wide Matters:

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⁷⁰ ENV-2025-WLG-000015 Royal Forest and Bird Protection Society of New Zealand Incorporated v Wellington City Council.

⁷¹ ENV-2025-WLG-000019 Wellington International Airport Limited v Wellington City Council.

ENV-2025-WLG-000017 Wellington Regional Council v Wellington City Council.

- Energy, Infrastructure, and Transport;
- Hazards and Risks;
- Historical and Cultural Values;
- Natural Environment Values; and
- General District-Wide Matters; and
- Part 3: Area-Specific Matters:
 - Natural Open Space Zone; and
 - Special Purpose Airport Zone.

WIAL seeks all necessary resource consents under the 2024 District Plan to construct, operate and maintain the renewal of the Southern Seawall and all associated activities at the MGC Yard, Moa Point Yard, George Bolt Yard, the Stage 1 Kororā Colony, and post construction rehabilitation activities such as establishment of the Stage 2 Kororā Colony as is described within Section 2 of this application. In summary, this includes (but may not be limited to):

- > A land use consent as a **restricted discretionary activity** for the upgrade of the Southern Seawall that does not meet permitted conditions related to increasing the footprint of an existing structure;73
- > A land use consent as a restricted discretionary activity for the upgrade of the Southern Seawall, which is located within Sites or Areas of Significance to Māori listed as Category B;74
- > A land use consent as a restricted discretionary activity for heavy vehicle movements that do not comply with the relevant permitted transport standards; 75
- > A land use consent as a restricted discretionary activity for site accesses that do not comply with the relevant permitted transport standards;76

²⁰²⁴ District Plan - Rule INF-R3.2.

²⁰²⁴ District Plan - Rule INF-OL-R5.2.

²⁰²⁴ District Plan - Rule TR-R2.3.

²⁰²⁴ District Plan - Rule TR-R3.2.

- > A land use consent as a restricted discretionary activity for new buildings or structures associated with the Stage 1 Kororā Colony within the mapped extent of a site or area of significance to Māori in Category A or B;77
- > A land use consent as a restricted discretionary activity for restoration and enhancement activities within outstanding natural features and landscapes associated with the Stage 1 Kororā Colony which do not meet permitted conditions;⁷⁸
- > A land use consent as a restricted discretionary activity for restoration and enhancement activities associated with the Stage 2 Kororā Colony within the coastal margins of the coastal environment;79
- > A land use consent as a restricted discretionary activity for the construction of buildings or the conversion of existing buildings that will contain Airport purposes that does not comply with permitted conditions;80
- > A land use consent as a restricted discretionary activity for earthworks associated with the Stage 1 Kororā Colony within a Site or Area of Significance to Māori;81
- > A land use consent as a discretionary activity for earthworks associated with the Kororā Colonies within a coastal margin within the coastal environment;82
- > A land use consent as a restricted discretionary activity for earthworks at the MGC Yard within the Special Purpose Airport Zone that do not meet the permitted standards;83
- A land use consent as a restricted discretionary activity for outdoor artificial lighting, including outdoor artificial lighting in the coastal margin, that does not comply with the permitted standards;84
- > A land use consent as a restricted discretionary activity for noise from general construction activities associated with the Project that will not comply with the permitted standards;85

²⁰²⁴ District Plan - Rule SASM-R4.2.

²⁰²⁴ District Plan - Rule NFL-R1.2.

²⁰²⁴ District Plan - Rule CE-R3.2.

²⁰²⁴ District Plan – Rule CE-R19.2.

²⁰²⁴ District Plan - Rule EW-R7.1.

²⁰²⁴ District Plan - Rule EW-R11.4.

²⁰²⁴ District Plan - Rule EW-R17.2.

²⁰²⁴ District Plan - Rule LIGHT-R2.1.

²⁰²⁴ District Plan - Rule NOISE-R2.2 & NOISE-R13.2.

- > A land use consent as a controlled activity for land development and construction (i.e. the establishment of the MGC Yard) in the East Side Precinct of the Special Purpose Airport Zone;86 and
- > A land use consent as a restricted discretionary activity for construction of buildings and structures in the South Coast Specific Control Area that does not meet permitted standards.87

Applying the bundling principle, the overall activity status of the Project under the 2024 District Plan is a discretionary activity.

5.2.4 **National Environmental Standards for Freshwater**

One natural inland wetland was identified within 100m of the MGC Yard boundary. Bioresearches (2025a) (contained in Part B of the application documents) confirms that the proposed activities at the MGC Yard will not result in the drainage of any part of the wetland with no watercourses connected to the wetland. No other natural inland wetlands or freshwater bodies are within the Project site.

No resource consents are required under the Freshwater NES.

5.2.5 National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health

Given activities listed on the HAIL have been undertaken at the Moa Point Yard and Southern Seawall site, the provisions of the NES Soil applies to the Project. Accordingly, PSI and DSIs have been undertaken for the Southern Seawall, Moa Point Yard and MGC Yard (refer to Part **B**).

As discussed in Section 3.4.1, WIAL holds a global consent under the NES Soil and the 2000 District Plan 2000 88 (SR520690) which addresses land disturbance activities at the MGC and George Bolt Yards. No further consents are therefore required under the NES Soil for such activities at these yards.

Soils sampling occurred as a permitted activity in accordance with Regulation 8(2).

Soil disturbance associated with the Southern Seawall and Moa Point Yard will exceed the permitted activity volumes in Regulation 8(3), however, the DSI prepared for the Project

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⁸⁶ 2024 District Plan – Rule AIRPZ-R1.2.

²⁰²⁴ District Plan - Rule AIRPZ-R6.3.

⁸⁸ The Contaminated Land chapter of the 2024 District Plan does not contain rules.

confirm that that any soil contaminant concentrations do not exceed the applicable standard of regulation 7 and therefore requires consent as a controlled activity (Regulation 9(1).

The matters of control are:

- The adequacy of the detailed site investigation, including site sampling, laboratory analysis, risk assessment;
- > How the activity must be managed, which may include the requirement of a site management plan, monitored, and reported on;
- > The transport, disposal, and tracking of soil and other materials taken away in the course of the activity;
- > The timing and nature of the review of the conditions in the resource consent; and
- The duration of the resource consent.

5.3 **RESERVES ACT 1977**

The Southern Seawall, including the Eastern Bank Remediation Area, Moa Point Yard and Stage 1 Kororā Colony are located on land that is subject to the Reserves Act 1977. This includes land vested in WCC as local purpose (esplanade) reserve (Lots 3 and 4 DP78304).

Accordingly, concessions in the form of leases and licences (and, as explained further in Section 11, potentially a permit) are required for the Project's structures and for all activities associated with its construction and ongoing operation and maintenance activities. To avoid doubt, through this application WIAL seeks any necessary approvals under the Reserves Act 1977 to undertake any of the Project-related activities described in section 2.

Table 5.1 provides a high-level summary of the concessions being sought for activities in the vicinity of the Southern Seawall, for which WCC has provided its agreement for WIAL to use the local purpose (esplanade) reserve. 89 The initial 15 year term for activities associated with construction is from the date the construction works commence.

⁸⁹ Wellington City Council Report: Airport Southern Seawall renewal project - Reserves Act 1977 approvals under Fast-track Approvals Act 2024, 30 April 2025: Airport Southern Seawall renewal project - Reserves Act 1977 approvals under Fast-track Approvals Act 2024

Table 5.1: Summary of activities and types of concession required for WCC reserves located adjacent to the Southern Seawall.

| Act | ivity | Affected land | Concession Type | Concession term sought |
|--|---|---|--------------------|------------------------|
| Ten | nporary Activities | | | |
| | ablishment of Moa Point Yard, luding: Fencing, vegetation clearance and re-contouring; | Local purpose (esplanade) reserve (Lots 3 and 4 DP78304) | Lease | 15 years |
| > | Construction of a heavy vehicle site access; | | | |
| > | Ground improvements, including cement stabilised hardstanding using steel piles or stone columns to provide additional support. | | | |
| Construction of the Southern Seawall and Eastern Remediation Area including: | | Local purpose (esplanade) | Lease | 15 years |
| > | Construction of trestle / gantry crane and / or mobile crane; | reserve (Lots 3 and 4 DP78304) | | |
| > | Removal of informal armour for reuse where suitable and / or offsite disposal; | | | |
| > | Earthworks to trim / regrade slope and form landside and/or marine working platform; | | | |
| > | Excavation of toe key in rock; | | | |
| > | Placement of hardfill, geotextile, rock underlayer/s, concrete armour units. | | | |
| pla | e reinstatement and removal of all nt and equipment of the Moa Point d and Southern Seawall area. | Local purpose (esplanade) reserve (Lots 3 and 4 DP78304) | Lease | 15 years |

| Activity | Affected land | Concession Type | Concession term sought |
|--|---|--------------------|---|
| Creation of the Reserve Restoration Area, including: > Earthworks and re-contouring; | Local purpose (esplanade) reserve (Lots 3 and 4 DP78304) | Lease | 15 years |
| Planting; Installation of amenity and information features, such as benches and signage; Creation of walkways. | | | |
| Ongoing management of the Reserve Restoration Area. | Local purpose (esplanade) reserve (Lots 3 and 4 DP78304) | Licence | 5 years from the end of the term of the lease referred to above) |
| Ongoing Activities | | | |
| Regular monitoring and maintenance of the Southern Seawall. | Local purpose (esplanade) reserve (Lots 3 and 4 DP78304) | Licence | 49 years from the end of the term of the lease referred to above |
| Access across the reserve for regular monitoring and maintenance of the Stage 2 Kororā Colony. | Local purpose (esplanade) reserve (Lots 3 and 4 DP78304) | Licence | 20 years from the end of the term of the lease referred to above |

Table 5.2 provides a high-level summary of the concessions being sought for activities located to the south of the main Southern Seawall works and are primarily associated with the establishment and ongoing maintenance and monitoring of areas of newly established or enhanced habitat for lizards and kororā. WIAL is in the process of seeking WCC agreement to use these areas of local purpose (esplanade) for this purpose.

Table 5.2: Summary of activities and types of concession required for WCC reserves located to the south of the main Southern Seawall works site.

| Activity | Affected land | Concession Type | Concession term sought |
|---|--|----------------------|--|
| Temporary Activities | | | |
| Establishment of Stage 1 Kororā Colony, including: > Installation of rock structures at the head of the Stage 1 Kororā Colony access culvert to attract kororā to the area | Local purpose (esplanade) reserve (Lot 4 DP78304) | Licence or permit | 15 years |
| | | | |
| | | | |
| Ongoing Activities | | | |
| Monitoring and maintenance of rock structures at the head of the Kororā Stage 1 Colony culvert. | Local purpose (esplanade) reserve (Lot 4 DP78304) | Licence or permit | 20 years from the end of the term of the licence or permit referred to above |

WIAL seeks a concession term of 49 years for land occupation and use activities associated with the monitoring and maintenance of the Southern Seawall.

For the occupation, use and ongoing monitoring and maintenance of the Stage 1 Kororā Colony, a concession term of 20 years is proposed.

For all other activities, a concession term of 15 years is sought in order to provide for the anticipated construction period, with some contingency to account for any unforeseen project commencements and/or construction delays that may occur. For all other monitoring and maintenance, a concession term of 5 years is sought.

5.4 **WILDLIFE ACT 1953**

5.4.1 Actions involving protected wildlife and where they will be carried out

Most birds, bats and herpetofauna, and some terrestrial and freshwater invertebrates, are 'absolutely protected' under the Wildlife Act. 90

Authorisations are required for certain activities that interact with wildlife, and it is an offence to 'hunt or kill' (which includes capture and disturbance) protected or partially protected wildlife without lawful authority.

In this instance, protected birds and lizards have been identified at and around the site. The Project will affect habitat which supports, or potentially supports, a number of animals protected under the Wildlife Act. Actions which may involve protected wildlife include:

- Vegetation clearance and establishment of the Stage 1 Kororā Colony;
- Vegetation clearance and establishment of the Moa Point and MGC Yards;
- Construction of the Southern Seawall;
- Noise (and vibration) and disturbance from construction activities, including heavy vehicle and machinery movements, and the placement of rock and cubipods.

While the Applicant proposes to undertake best practice approaches to avoid disturbance of protected species, application for a wildlife approval is sought to authorise the following activities:

- > To catch, handle, salvage, and relocate native lizards from the Moa Point Yard and MGC Yard to suitable adjacent habitats;
- > To catch, handle and relocate kororā from the Southern Seawall to the Stage 1 Kororā Colony;
- > To mark kororā, for the purposes of species management and research, by way of subcutaneous transponders (PIT tag, microchip), and GPS dive loggers or satellite tracking devices.

⁹⁰ Wildlife Act 1953, sections 2(1) and 3 definitions of 'animal' and 'wildlife'.

> To incidentally harm or kill wildlife if the harm or death where that is not directly intended but is unavoidable and foreseeable and all reasonable effort has been made to meet the conditions in the approval.

While protected bird species may be present within the Project Area, wildlife approval is not sought for these species, as effects on those species are proposed to be avoided through timing of activities, pre-works surveys and implementation of an AMP.

5.4.2 Protected wildlife species known or predicted to be in the area and, where possible, the numbers of wildlife present and numbers likely to be impacted

Protected wildlife species known to be within the Scheme area are listed in Table 5.3 below.

Protected wildlife species that have potential to be presented are listed in:

- > For lizards, Table 4 of the Terrestrial Ecology Assessment (Bioresearches, 2025a); and
- > For avifauna, Appendix C, Table 14 of Terrestrial Ecology Assessment (Bioresearches, 2025a).

Table 5.3: Protected wildlife known or predicted to be present

| Common name | Scientific name | NZ threat classification | Numbers present (where possible) |
|---------------------------|-----------------------------------|-----------------------------|-------------------------------------|
| Northern Grass skink | Oligosoma ploychroma | Not Threatened | < 200 individuals |
| Copper skink | Oligosoma aeneum | At Risk-Declining | < 10 individuals |
| Ornate skink | Oligosoma ornatum | At Risk-Declining | < 10 individuals |
| Glossy Brown skink | Oligosoma zealandicum | At Risk-Declining | < 10 individuals |
| Northern Spotted Skink | Oligosoma kokowai | At Risk-Relict | < 10 individuals |
| Minimac gecko | Woodworthia 'Marlborough mini' | At Risk-Declining | < 10 individuals |
| Raukawa gecko | Woodworthia maculata | Not Threatened | < 80 individuals |

| Common name | Scientific name | NZ threat classification | Numbers present (where possible) |
|---------------------------------|-----------------------------|-----------------------------|--|
| Kororā / Little Blue Penguin | Eudyptula minor iredalei | At Risk - Declining | < 100 individuals (50 breeding pairs) |
| Banded dotterel | Charadrius bicinctus | At Risk - Declining | 1-3 breeding pairs |

5.4.3 The methods proposed to be used to conduct the actions involving protected wildlife will ensure that best practice standards are met

The methods proposed to avoid, remedy or mitigate effects, including minimising and avoiding disturbing, capturing or harming or killing any wildlife as far as possible can be found in:

- > Section 8 of the KPMP;
- > Section 2 of the LMP; and
- > Sections 4, 5 and 6 of the AMP.

5.4.4 Describe the methods to be used to safely, efficiently, and humanely catch, hold, or kill the animals and identify relevant animal ethics processes

Sections 8 and 9 of the KPMP outlines steps to capture, handle, mark and release kororā.

Section 2 of the LMP outline steps to be taken to capture, salvage and transfer lizards.

5.5 HERITAGE NEW ZEALAND POUHERE TAONGA ACT 2014

On a precautionary basis, an approval that would otherwise be required under the HNZPT Act is sought by WIAL for the unlikely event that archaeological material is encountered during earthworks in the Southern Seawall and Eastern Bank Remediation Area, Moa Point, MGC and George Bolt Yards, and Stage 1 and 2 Kororā Colonies.

While unlikely to be encountered, WIAL acknowledges that there is some potential for heritage and / or archaeological values to be discovered as the proposed earthworks are undertaken, such that an Authority is required (to the extent that any such sites would be modified or destroyed by Project works).

WIAL proposes for the Authority to be applicable to the entirety of the proposed Project work areas, being the Southern Seawall and Eastern Bank Remediation Area, Moa Point, MGC and George Bolt Yards, and Stage 1 and 2 Kororā Colonies.