

9. FAST-TRACK APPROVALS ACT 2024 REQUIREMENTS

9.1 OVERVIEW

This section should be read together with the analysis, prepared by Buddle Findlay, of the legal framework applying to WIAL’s substantive application. In assessing applications, panels are to give the greatest weight to the purpose of the Act, which is “*to facilitate the delivery of infrastructure and development projects with significant regional or national benefits*”. Section 8(4) of the Act states that, when taking into account the purpose of the Act, the panel must consider the extent of the project’s regional or national benefits. The Act introduces a consenting and permitting regime that consolidates and adjusts several existing regulatory statutes and regulations to enable the proponents of projects with significant regional or national benefits to go through one process to obtain the necessary approvals for the project. Where a substantive application is made, the approval process set out in the Act applies instead of the processes provided for under other legislation.¹⁰⁹

The Act introduces a system that puts in place a single assessment framework for addressing various consenting and permitting obligations relevant to a given project. This includes all approvals required under the following legislation of relevance to the Project:

- > The RMA;
- > The Reserves Act;
- > The Wildlife Act; and
- > The HNZPT Act.

As discussed earlier in this report, the Project is a listed project in Schedule 2 of the Act.

9.2 PRELIMINARY STEPS FOR LISTED PROJECTS

Section 29 of the Act sets out what an applicant must do before a substantive application can be lodged for a listed project. WIAL has met those requirements, as follows respect:

¹⁰⁹ Section 40 of the Act.



- > WIAL has consulted with the persons and groups referred to in Section 11¹¹⁰ of the Act including WCC, GWRC, DOC,¹¹¹ HNZPT,¹¹² MfE,¹¹³ Taranaki Whānui¹¹⁴ and Ngāti Toa Rangātira,¹¹⁵ as set out in Section 6 of this report; and
- > WIAL is not seeking any access arrangements under the Crown Minerals Act.¹¹⁶

9.3 PRELIMINARY STEP FOR APPLICATIONS FOR RESOURCE CONSENT

As required by Section 30(2) of the Act, WIAL has notified WCC and GWRC in writing of the Project. **Part F** to these application documents contains the response from the consent authorities that addresses the matters set out in Sections 30(3) to (6) of the Act.

For completeness, sections 31 to 37 of the Act do not apply to the Project.

9.4 REQUIREMENTS FOR A SUBSTANTIVE APPLICATION

Section 43 of the Act sets out that a substantive application:

- > Must be lodged in the form and manner approved by the EPA.¹¹⁷ The application has been prepared to meet that requirement;
- > Must explain how the project is consistent with the purpose of the Act (addressed in Sections 1.3 and 9.5 of this report);¹¹⁸
- > Must demonstrate that the project does not involve any ineligible activities (addressed in Section 9.6 of this report);¹¹⁹

¹¹⁰ This section is titled consultation requirements for *referral applications*, however Section 29 of the Act (which deals with listed projects) cross references back to this section.

¹¹¹ Administering agency in respect of the Wildlife Act (wildlife approval).

¹¹² Administering agency for the HNZPT Act (archaeological authority).

¹¹³ Administering agency for the RMA (resource consents).

¹¹⁴ Through PNBST, which is a Treaty settlement entity and iwi authority; Wellington Tenth, which is an iwi authority; and Te Atiawa fisheries trust, which is a mandated iwi organisation for the purposes of the Maori Fisheries Act and an applicant group for customary marine title and protected customary rights.

¹¹⁵ Through Te Runanga, which is a Treaty settlement entity, iwi authority and applicant group for customary marine title and protected customary rights.

¹¹⁶ Section 29(1)(b) of the Act is therefore not applicable.

¹¹⁷ Section 43(1)(a) of the Act.

¹¹⁸ Section 43(1)(b)(i) of the Act.

¹¹⁹ Section 43(1)(c) of the Act.



- > Must, if the application is lodged by more than one authorised person, state the proposed approval to be held by each person.¹²⁰ WIAL is the only authorised entity lodging the application;
- > Must state whether the application relates to a priority project and, if so, include confirmation that, to the best of the applicant’s knowledge, there are no competing applications.¹²¹ The Application is not for a priority project.
- > Must not lodge a substantive application unless any fee, charge, or levy payable under regulations in respect of the application is paid.¹²² WIAL has paid all relevant fees, changes and levies prior to lodging this substantive application.
- > For a listed project, must contain the information listed in Section 13(4)¹²³ of the Act, including:
 - > A description of the project and the activities it involves (addressed in Section 2 of this report);¹²⁴
 - > Information to demonstrate that the project does not involve any ineligible activities (addressed in Section 9.6 of this report);¹²⁵
 - > A description or map of the whole project area that identifies its boundaries (addressed in Section 2.2 of this report and provided in **Part C** of the application documents);¹²⁶
 - > The anticipated commencement and completion dates for construction activities (addressed in Section 2.2.1 of this report);¹²⁷
 - > A statement of whether the project is planned to proceed in stages (addressed in Section 2 of this report);¹²⁸

¹²⁰ Section 43(1)(d) of the Act.

¹²¹ Section 43 (1)(h) of the Act.

¹²² Section 43 (1)(j) of the Act.

¹²³ Other than Section 13 (4)(b), (f)(ii) and (iii) and (g) of the Act, as per section 43(2).

¹²⁴ Section 13 (4)(a) of the Act.

¹²⁵ Section 13 (4)(c) of the Act.

¹²⁶ Section 13 (4)(d) of the Act.

¹²⁷ Section 13 (4)(e) of the Act.

¹²⁸ Section 13 (4)(f) of the Act.



- > A description of the anticipated and known adverse effects of the project on the environment (addressed in Section 7 of this report);¹²⁹
- > A statement of any activities involved in the project that are prohibited activities under the RMA. The Project does not propose any prohibited activities,¹³⁰ as addressed in Section 5 of this report;¹³¹
- > A list of the persons and groups WIAL considers are likely to be affected by the Project, and details of any consultation undertaken including how that consultation has informed the Project (addressed in Section 6 of this report);¹³²
- > A list of any Treaty settlements that apply to the project area, and a summary of the relevant principles and provisions in those settlements (addressed in Section 10.3.14 of this report);¹³³
- > Information identifying the parcels of Māori land, marae, and identified wāhi tapu within the project area (addressed in Section 4 of this report);¹³⁴
- > A description of the applicant’s legal interest (if any) in the land on which the project will occur, including a statement of how that affects the applicant’s ability to undertake the work (addressed in Section 3.3.4 of this report);¹³⁵
- > An outline of the types of consents, certificates, designations, concessions, and other legal authorisations (other than contractual authorisations or the proposed approvals) that the applicant considers are needed to authorise the project, including any that the applicant considers may be needed by someone other than the applicant, needed to complete the project (addressed in Section 5 of this report);¹³⁶
- > Information as to whether any activities that are involved in the project, or are substantially the same as those involved in the project, have been the subject of an application or a decision under a specified Act and – if an application has been

¹²⁹ Section 13 (4)(h) of the Act.

¹³⁰ Discharges of stormwater from the Moa Point Yard are assessed as a prohibited activity under Rule WH.R13 of PC1 to the NRP, however, Section 87B(1) of the RMA directs that proposed prohibited activities be assessed as discretionary activities.

¹³¹ Section 13 (4)(i) of the Act.

¹³² Section 13 (4)(j) & (k) of the Act.

¹³³ Section 13 (4)(l) of the Act.

¹³⁴ Section 13 (4)(o) of the Act.

¹³⁵ Section 13 (4)(s) of the Act.

¹³⁶ Section 13 (4)(t) of the Act.

made, details of the application, if a decision has been made, the outcome of the decision and the reasons for it:¹³⁷

No activities associated with the Project have been the subject of an application or a decision under a specific Act. Letters from WCC and GWRC confirming this are attached in **Part F**.

- > A description of whether and how the project would be affected by climate change and natural hazards:¹³⁸

As discussed earlier in this report and set out by Beca in the Design Summary Report (2025a) and Coastal Assessment (2025b) (**Part B**), a primary driver of the Project is ensuring that the Southern Seawall is able to withstand the impacts of climate change and natural hazards. The current seawall was not designed or built to withstand the weather conditions and sea level rise that Wellington is likely to experience in the future.

- > A summary of compliance or enforcement actions (if any), and the outcome of those actions, taken against the applicant:¹³⁹

There have not been any compliance or enforcement actions taken against WIAL and no company director, trustee, partner, or anyone else involved with the application has been convicted of any offence, and no current criminal charges are pending under the statutes covered in the Act that are relevant to this application – being the RMA, Reserves Act, Wildlife Act or HNZPT Act.

- > If the proposed approvals include:
 - > A resource consent, the information specified in clause 2 of Schedule 5, being an assessment of the project against any relevant national policy statements, any relevant national environmental standards, and confirmation whether there are any existing resource consents for the same activity:¹⁴⁰

An assessment of the Project against the applicable provisions of national policy statements and national environmental standards is contained in Section 10.3 of this report.

WIAL confirms there are no existing resource consents for the same activity as being sought in this substantive application. This is also confirmed in the

¹³⁷ Section 13 (4)(u) of the Act.

¹³⁸ Section 13 (4)(v) of the Act.

¹³⁹ Section 13 (4)(x) of the Act.

¹⁴⁰ Section 13 (4)(y)(i) of the Act.



letters from WCC and GWRC contained in **Part F** to these application documents.

- > A concession, the information specified in clause 2 of Schedule 6 - whether the proposed concession includes a lease.¹⁴¹
- > Must for resource consents, include the information required by clauses 5 to 8 of Schedule 5 of the Act (addressed in Section 10 of this report);¹⁴²
- > Must, for concessions, include the information required by clause 3 of Schedule 6 of the Act (addressed in Section 11 of this report);¹⁴³
- > Must, for wildlife approvals, include the information required by clause 2 of Schedule 7 of the Act (addressed in Section 12 of this report);¹⁴⁴ and
- > Must, for archaeological authorities, include the information required by clause 2 of Schedule 8 of the Act (addressed in Section 13 of this report).¹⁴⁵

9.5 THE SOUTHERN SEAWALL RENEWAL PROJECT AND THE PURPOSE OF THE ACT

Section 3 of the Act sets out its purpose, as follows:

The purpose of this Act is to facilitate the delivery of infrastructure and development projects with significant regional or national benefits.

Section 7.2 of this report describes the significant regional and national economic benefits that the Project is expected to have. These benefits are summarised as follows:

- > The Project is critical to enabling the safe and efficient operation of the Airport – protecting the southern end of the runway from the effects of coastal erosion and storm surges. Without adequate protection, there is a risk of inundation to the runway with significant disruption. This occurred in 1983 where the seawall was breached which caused substantial disruption to flights for a number of weeks.
- > The Airport is the only international airport in central New Zealand. The Airport not only facilitates the movement of people and goods, but it also supports education, trade, tourism and investment.

¹⁴¹ Section 13 (4)(y)(iv) of the Act.

¹⁴² Section 43 (3)(a) of the Act.

¹⁴³ Section 43 (3)(e) of the Act.

¹⁴⁴ Section 43 (3)(h) of the Act.

¹⁴⁵ Section 43 (3)(i) of the Act.



- > The Airport facilitated and contributed \$2 billion to regional GDP in 2024 and supports total employment of 14,503 full time employees (made up of direct, indirect and induced employment);
- > The Project, by renewing the seawall, will prevent the ongoing repair costs associated with the current structure. BERL(2025) has assessed the benefits of the Project (prevented repair costs, lower maintenance costs, prevented repair costs associated with council infrastructure) to be \$553.6 million. The economic benefits of the Project are further demonstrated by the Project's estimated BCR of 2.6 with a median net benefit of \$336.9 million NPV over a 50 year timeframe;
- > In addition to protecting the runway, the seawall protects critical WCC infrastructure including:
 - > Moa Point Road;
 - > Stormwater infrastructure;
 - > Drinking water infrastructure; and
 - > Major wastewater pipes to and from the Moa Point wastewater treatment plant. Most of Wellington's untreated wastewater flows through the pipes behind the seawall.
- > In the event of major damage, or a failure of the existing seawall, estimated repair costs for the Eastern Area would be between \$3-\$4 million and replacing the Moa Point Road pipe would be between \$1-\$2 million. The Project will ensure that the Eastern Area and the Moa Point Road pipe are not at risk of storm damage (and are assumed to not require repair costs).
- > Wellington International Airport is recognised as a lifeline utility in the Civil Defence Emergency Act 2002, providing infrastructure vital to the community. WIAL is required, by law, to ensure it is able to operate to the fullest extent possible during and after an emergency.

On this basis, it is considered that the Project is entirely consistent with the purpose of the Act.

9.6 INELIGIBLE ACTIVITIES

Section 5 of the Act addresses ineligible activities which cannot be authorised under the Act. In this respect, the Project:

- > Is not located on identified Māori land;¹⁴⁶
- > Is not located in a customary marine title area;¹⁴⁷
- > Is not located in a protected customary rights area;¹⁴⁸
- > Is not located on Māori customary land or land set apart as a Māori reservation;¹⁴⁹
- > Is not an aquaculture activity or an activity that is incompatible with aquaculture activities;¹⁵⁰
- > Does not require an access arrangement under Section 61 or 61B of the Crown Minerals Act;¹⁵¹
- > Is not located on any land listed in Schedule 4 of the Act,¹⁵² or within a national reserve;¹⁵³ and
- > Is not located on a reserve held under the Reserves Act that is vested in someone other than the Crown or a local authority or managed by someone other than the Department of Conservation or a local authority (the reserves land relevant to the Project is vested in the local authority, WCC).¹⁵⁴

This substantive application is, therefore, not for an ineligible activity.

As alluded to above, the Project is partly located on reserve land held under the Reserves Act that is vested in the WCC. While this is not an ineligible activity in accordance with Section 5 of the Act, Schedule 6 of the Act requires that the Panel decline a Reserves Act approval – being either a lease, license, permit or easement – where the reserve is owned or managed by a local authority (in this case, WCC) and the Panel is not satisfied that the local authority has provided written agreement for the activity to be undertaken on the reserve.¹⁵⁵

¹⁴⁶ Section 5 (1)(a) of the Act.

¹⁴⁷ Section 5 (1)(b) of the Act.

¹⁴⁸ Section 5 (1)(c) of the Act.

¹⁴⁹ Section 5 (1)(d) of the Act.

¹⁵⁰ Section 5 (1)(e) of the Act.

¹⁵¹ Section 5 (1)(f) of the Act.

¹⁵² Section 5 (1)(h) of the Act.

¹⁵³ Section 5 (1)(i) of the Act.

¹⁵⁴ Section 5 (1)(j) & (k) of the Act.

¹⁵⁵ Clause 7(3) of Schedule 5 of the Act.

WCC has provided their written agreement for WIAL to use parts of two local purpose (esplanade) reserves at Moa Point (being Part Lot 3 Deposited Plan 78304 (WN45A/75) and Lot 4 Deposited Plan 78304 (WN45A/76)) for the Project.¹⁵⁶

WIAL is currently in the process of seeking a second agreement from WCC for the use of additional local purpose (esplanade) reserve at Moa Point associated with the establishment of the Stage 1 Korora Colony (structures around the seaward end of the access culvert) and habitat enhancement and release of lizards. This agreement will be secured and provided to the Panel prior to decision being made on the Reserves Act approval.

¹⁵⁶ 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](#)

