

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

**FTAA-2510-1118**

**UNDER** the Fast-track Approvals Act 2024

**IN THE MATTER OF** an application by Wellington International Airport Limited for approvals for the Southern Seawall Renewal Project

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**MEMORANDUM OF COUNSEL FOR WELLINGTON INTERNATIONAL  
AIRPORT LIMITED IN RESPONSE TO REQUESTS FOR FURTHER  
INFORMATION FROM THE EXPERT PANEL**

13 February 2026

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**BUDDLE FINDLAY**

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## **MAY IT PLEASE THE PANEL:**

1. This memorandum of counsel is filed on behalf of Wellington International Airport Limited (**WIAL**) in response to the requests in Minute 1 of the Expert Panel dated 9 February 2026 (**Minute 1**) for further information in respect of the Southern Seawall Renewal project (**Project / Application**).
2. On 9 February 2026, the Panel issued Minute 1 which:
  - (a) recorded a summary of the Project overview conference and site visit held on 5 February 2026; and
  - (b) requested information from WIAL under section 67 of the Fast-track Approvals Act 2024 (**FTAA**).
3. This memorandum responds to those requests for further information, which relate to:
  - (a) how changes to the national direction framework relate to this Application; and
  - (b) whether the Project involves any reclamation.
4. In addition, during the Project overview conference, the Panel requested further information regarding the obstacle limitation surface (**OLS**). **Appendix A** to this memorandum contains three project cross-sections showing the OLS. The OLS line on these plans has been overlaid on the relevant engineering plans that were submitted with the application.<sup>1</sup>

## **Implications of new and updated national direction for the Application**

5. On 18 December 2025, the Government announced ten new or amended national direction instruments under the Resource Management Act 1991 (**RMA**). These instruments came into effect on 15 January 2026.
6. In Minute 1, the Panel requested WIAL to identify whether any of those new or amended instruments are relevant to the Application and if so, to undertake an assessment of the Project against those instruments.
7. Eight of the new or amended national direction instruments are not directly relevant to the Project. For completeness, attached as **Appendix B** is a short explanation of why those instruments are not relevant.

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<sup>1</sup> See pages 11-14 (3324338-CA-SK100 – 3324338-CA-SK104) of [C.01 Engineering Plans for Consent](#).

8. The following new and amended national policy statements are relevant to the Application:
  - (a) National Policy Statement for Infrastructure 2025 (**NPS-I**); and
  - (b) New Zealand Coastal Policy Statement Amendment 2025 (**NZCPS**).
9. Attached as **Appendix C** is an assessment of the Project against the relevant provisions of these instruments. A brief overview is also provided below.

*National Policy Statement for Infrastructure 2025 (NPS-I)*

10. The new NPS-I is directly relevant to the Project because the Airport (including its coastal defences) is 'infrastructure' as defined by the RMA. The NPS-I aims to recognise infrastructure as a matter of national importance and is enabling of infrastructure activities.
11. The provisions of the NPS-I are therefore enabling of the Project, which will deliver infrastructure that will provide significant national, regional and local benefits, particularly by improving the resilience of the Airport (and district stormwater and roading infrastructure) to natural hazard risk and the effects of climate change.<sup>2</sup> The NPS-I directs decision-makers to 'recognise and provide for' the benefits of infrastructure, such as the Project.<sup>3</sup>
12. The NPS-I also directs a proportionate approach to the management of the adverse effects of infrastructure. For example, Objective 2.1(1)(e) is *"to ensure infrastructure is delivered in a timely and efficient manner while managing adverse effects from or on infrastructure"*. Consistent with this direction, Policy 7(1)(e) directs decision-makers to *"ensure that the mitigation measures and consent conditions are proportionate to the scale of adverse effects generated by the activity"*.<sup>4</sup>
13. WIAL's approach to the management of effects is consistent with, and implements, the relevant provisions of the NPS-I. WIAL has taken a comprehensive approach to the identification and management of effects through its iterative seawall design process, Project siting and selection of construction techniques to ensure adverse effects are avoided or minimised in the first instance (as discussed in Part A.01 of the Application). WIAL

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<sup>2</sup> Objective 2.1 includes to ensure that the national, regional and local benefits of infrastructure are provided for, to enable infrastructure to support wellbeing and health and safety and to ensure infrastructure is well-functioning and resilient.

<sup>3</sup> Policy 1(1).

<sup>4</sup> Refer also to Policies 8 and 9, as discussed in Appendix 3 to this memorandum.

commissioned independent experts to provide specialist reports on the effects of the Project and, with the measures discussed in Parts A.07 and A.08 of the Application, all effects of the Project will be appropriately managed and of limited scale, especially when compared to the Project's benefits.

14. Overall, the new NPS-I lends significant additional policy support to the granting of the Application for the Project, on the conditions as proposed by WIAL. Any potential updates to those proposed conditions must be carefully assessed against the policy direction in the NPS-I.

#### *New Zealand Coastal Policy Statement Amendment 2025 (NZCPS)*

15. The relevant amendment to the NZCPS is to Policy 6(1), which relates to activities in the coastal environment.
16. These amendments require decision-makers to recognise that infrastructure in the coastal environment may 'be required' for the social, economic and cultural well-being of people and communities (Policy 6(1)(a)).
17. As outlined in Part A.10 of the Application, the Project delivers significant social and economic wellbeing outcomes and is consistent with this policy, and with the NZCPS generally.

#### **The Project does not involve any reclamation**

18. The Project does not involve any reclamation because, by reference to relevant definitions, it would not result in the creation of dry land and seawall structures are otherwise not a 'reclamation'.<sup>5</sup>
19. The Natural Resources Plan for the Wellington Region (**NRP**) defines reclamation as:

*"Reclamation in the coastal marine area or the bed of a river, lake, or wetland means **the creation of dry land**. In the coastal marine area, reclamation **does not include coastal or river mouth protection structures such as seawalls or revetments**, boat ramps, and any structure above water where that structure is supported by piles, or any infilling where the purpose of that infilling is to provide beach nourishment." (emphasis added)*

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<sup>5</sup> This matter is addressed in the substantive application at Part A.10 RMA Approvals.

20. The National Planning Standards similarly define reclamation as:

*"Reclamation means the manmade formation of **permanent dry land** by the positioning of material into or onto any part of a waterbody, bed of a lake or river or the coastal marine area, and:*

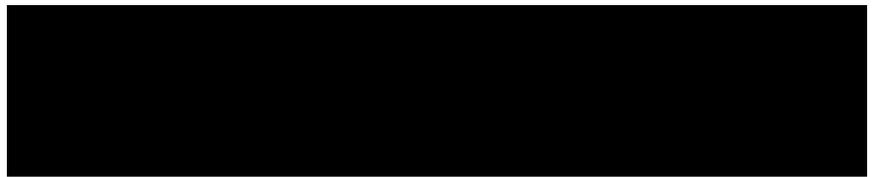
*(a) includes the construction of any causeway; but*

*(b) **excludes the construction of natural hazard protection structures such as seawalls, breakwaters or groynes except where the purpose of those structures is to form dry land.**"*

21. In respect of the Project, there is no reclamation because:

- (a) the seawall structures are excluded from the meaning of reclamation; and
- (b) there is no new dry land created behind those seawall structures.<sup>6</sup>

**Dated** this 13<sup>th</sup> day of February 2026



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

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<sup>6</sup> See, for example, the diagrams in C.01 Engineering Plans for Consent.

**APPENDIX A: CROSS-SECTIONS OF THE PROJECT AND OLS**

*[Provided as a separate PDF document]*

**APPENDIX B: NEW OR AMENDED NATIONAL DIRECTION INSTRUMENTS WHICH ARE NOT DIRECTLY RELEVANT TO THE PROJECT**

| <b>New or amended national direction instrument</b>  | <b>Why the instrument is not relevant to the Project</b>  |
|--|---|
| National Policy Statement for Indigenous Biodiversity Amendment 2025   | These amendments only apply to quarrying and mining activities, which the Project does not include.   |
| National Policy Statement for Freshwater Management Amendment 2025   | These amendments only apply to quarrying and mineral extraction in relation to natural inland wetlands, which the Project does not include.   |
| Resource Management (National Environmental Standards for Freshwater) Amendment Regulations 2025             | These amendments only apply to quarrying and mineral extraction in relation to natural inland wetlands, which the Project does not include.   |
| National Policy Statement for Renewable Electricity Generation Amendment 2025                                | These amendments only apply to renewable energy generation activities, which the Project does not include.  |
| National Policy Statement for Electricity Networks Amendment 2025  | These amendments only apply to electricity network activities, which the Project does not include.  |
| Resource Management (National Environmental Standards for Detached Minor Residential Units) Regulations 2025 | These new regulations relate to the construction of detached minor residential units, which the Project does not include.   |
| National Policy Statement for Natural Hazards 2025   | This new national policy statement is not relevant because it does not apply to 'infrastructure' as defined by the RMA. As explained in the memorandum, the Airport (including its coastal defences) is 'infrastructure'. |
| National Policy Statement for Highly Productive Land Amendment 2025  | These amendments only apply to certain activities on highly productive land, which the Project does not include.  |

## APPENDIX C: ASSESSMENT OF THE PROJECT AGAINST THE NPS-I AND NZCPS

| Relevant new or amended provision   | Assessment   |
|---|--|
| <b><i>National Policy Statement for Infrastructure 2025 (NPS-I)</i></b>   |  |
| General   | <p>The NPS-I applies directly to all elements of the Project. That is because the NPS-I incorporates the RMA definition of 'infrastructure', which includes 'an aerodrome as defined in section 5 of the Civil Aviation Act 2023', (<b>CAA</b>). Section 5 of the CAA defines 'aerodrome' as follows:</p> <p style="padding-left: 40px;"><i>"(a) means any defined area of land or water intended or designed to be used, either wholly or partly, for the landing, departure, or surface movement of aircraft; and</i></p> <p style="padding-left: 40px;"><i>(b) includes any other areas, buildings, installations, and equipment that are on or adjacent to an area mentioned in paragraph (a) and that are used in connection with that area or its administration; ..."</i></p> <p>The NPS-I is intended to be directly enabling of infrastructure developments, such as the Project. As set out in its explanatory note, the NPS-I recognises infrastructure as a matter of national significance under the RMA, and provides national direction to support the development, maintenance and upgrade of infrastructure across New Zealand.</p> |
| <p><b>2.1 – Objective</b></p> <p>(1) The objective of this National Policy Statement is to:</p> <p>(a) ensure the national, regional and local benefits of infrastructure are provided for;</p> <p>(b) enable infrastructure to support the social, economic and cultural wellbeing of people and communities and their health and safety;</p> <p>(c) enable infrastructure to support the development and change of urban and rural environments to meet the diverse and changing needs of present and future generations;</p> | <p>The Project is directly aligned with all elements of the objective, as follows:</p> <p>The Project will deliver national, regional and local benefits, as set out in Section 7.2 of the Application. The Southern Seawall plays a significant role in the wellbeing of Wellington City, the region and nationally by protecting Wellington Airport. The Project will provide significant benefits associated with improved resilience of the Airport for the next 50 years alongside a range of economic benefits.</p>  |

| Relevant new or amended provision  | Assessment   |
|--|--|
| <p>(d) ensure infrastructure is well-functioning, resilient and compatible, as far as practicable, with other activities; and</p> <p>(e) ensure infrastructure is delivered in a timely and efficient manner while managing adverse effects from or on infrastructure.</p>   | <p>In delivering those benefits, the Project will support the social, economic and cultural wellbeing of people and communities and their health and safety.</p> <p>The Project will support the development and change of urban and rural environments, to meet the needs of present and future generations, particularly through the domestic and international transport connections provided by the Airport.</p> <p>The Project will ensure that the Airport is well-functioning and resilient; resilience is the central purpose of the Project.</p> <p>The Project will be compatible with other activities, as far as practicable, particularly through protecting Moa Point Road and wastewater pipes servicing the city.</p> <p>The Project will have limited adverse effects on other activities, as described in the Application, but those effects have been carefully assessed and will be addressed through the measures proposed by WIAL and set out in conditions.</p> <p>Objective 2.1(1)(e) is for infrastructure to be delivered in a timely and efficient manner while managing adverse effects. It is therefore appropriate for the decision-maker to consider the impact on construction of any proposed conditions.</p> |
| <p><b>Policy 1: Providing for the benefits of infrastructure</b></p> <p>(1) Decision-makers must ensure that the national, regional or local benefits of infrastructure, relative to any localised adverse effects on the environment, are recognised and provided for.</p> <p>(2) Decision-makers must recognise that the benefits of infrastructure include:</p> <p>(a) providing for the social, cultural and economic wellbeing of present and future generations;</p> | <p>This is a directive requirement, employing the 'recognise and provide for' language from section 6 of the RMA. This signals that enabling the delivery of infrastructure with national, regional or local benefits, such as the Project, should be treated as a matter of national importance under the RMA.</p> <p>In particular, Policy 1 requires the localised actual and potential adverse effects of the Project to be contextualised against the Project's benefits. While the actual and potential adverse effects of the Project are acknowledged by WIAL, they have been addressed in the Application. On</p>   |

| Relevant new or amended provision  | Assessment   |
|--|--|
| <p>(b) creating, supporting and enhancing well-functioning urban and rural environments;</p> <p>(c) supporting sufficient development capacity to meet demand for housing and business land;</p> <p>(d) providing services that are essential to support human life and the development, growth and functioning of districts, regions, New Zealand and the economy;</p> <p>(e) helping to protect and restore the natural environment;</p> <p>(f) supporting New Zealand's emissions reduction targets and mitigating the effects of climate change; and</p> <p>(g) reducing the risks from, and improving resilience to, natural hazards and climate change.</p> <p>(3) Decision-makers must recognise:</p> <p>(a) the significant risks to, and impacts on, public safety, the wellbeing of people and communities, and the environment that may occur when infrastructure services are compromised; and</p> <p>(b) that infrastructure networks can be both independent and interconnected.</p> | <p>the other hand, the benefits of the Project are significant, and must be recognised and provided for.</p> <p>A number of the benefits of the Project are relevant to the matters listed in policy 1(2) that decision-makers must recognise:</p> <ul style="list-style-type: none"> <li>• Policy 1(2)(a): ensuring the Airport remains operational and resilient supports regional economic growth, as it contributes \$2 billion in GDP to the region.</li> <li>• Policy 1(2)(d): the Project safeguards the Airport, which is a lifeline utility under the Civil Defence Emergency Management Act 2002.</li> <li>• Policy 1(2)(e): the Project includes the creation of two kororā colonies and the Eastern Bank remediation supports habitat restoration.</li> <li>• Policy 1(2)(g): the design protects against coastal erosion and inundation and increases resilience to extreme weather events and climate change impacts.</li> </ul> <p>Policy 1(3) requires decision makers to recognise the significant risks that arise where infrastructure services are compromised, and that infrastructure networks can be both independent and interconnected. In this case, the Project is essential to safe guarding the safe and efficient functioning of Wellington Airport into the future.</p> |
| <p><b>Policy 2: Operational need or functional need of infrastructure to be in particular locations and environments</b></p> <p>(1) Decision-makers must recognise that infrastructure may have an operational need or functional need to operate in, be located in, or traverse particular locations and environments.</p> <p>(2) Decision-makers must recognise that the operational need or functional need of infrastructure includes, but is not limited to, the need to:</p> <p>(a) provide services to people and communities in a timely, effective and efficient manner;</p>  | <p>Policy 2 requires decision makers to <i>"recognise that infrastructure may have an operational need or functional need to operate in, be located in, or traverse particular locations and environments."</i></p> <p>As a coastal protection structure, it is self-evident that the seawall needs to be located in the coastal environment.</p>  |

| Relevant new or amended provision  | Assessment  |
|--|---|
| <p>(b) operate effectively and efficiently as linear and/or interconnected infrastructure networks within and across district and regional boundaries;</p> <p>(c) access or connect to particular natural or physical resources, including other infrastructure;</p> <p>(d) be accessible so infrastructure activities can be undertaken effectively and efficiently;</p> <p>(e) locate where the services are required, including in areas at risk to natural hazards, whether the infrastructure has been spatially identified in advance; and</p> <p>(f) manage risks from natural hazards.</p> |   |
| <p><b>Policy 3: Considering spatial planning</b></p> <p>(1) Decision-makers must:</p> <p>(a) have regard to the extent to which the infrastructure has been identified within a strategic planning document, while recognising that not all infrastructure can be spatially identified in advance; and</p> <p>(b) consider relevant spatial plans and master plans prepared by the infrastructure provider and provided to the decision-maker</p>  | <p>Policy 3 requires decision makers to <i>"have regard to the extent to which the infrastructure has been identified within a strategic planning document, while recognising that not all infrastructure can be spatially identified in advance"</i>.</p> <p>Section 10 of the application identifies the spatial planning documents relevant to the Project.</p> <p>In particular, under the Regional Policy Statement for the Wellington Region (RPS) / Proposed Change 1 (PC1), the Southern Seawall meets the PC1 definition of 'regionally significant infrastructure' as infrastructure, or an installation that is required to maintain the airport on land, or water used in connection with the airport.<sup>7</sup></p> <p>Under the Natural Resources Plan for Wellington, Policy P146 of the NRP specifically addresses seawalls and provides exemptions for works required to protect existing infrastructure.</p> <p>Under the Wellington City District Plan 2024, the MGC Yard and George Bolt Yard are within the Special Purpose Airport Zone. The Project activities are either considered airport or airport related activities in the context of the special purpose airport zone.</p> |

<sup>7</sup> This additional wording is subject to appeal.

| Relevant new or amended provision   | Assessment  |
|---|---|
|   | <p>The Moa Point Yard and parts of the Southern Seawall are located within an area of the Natural Open Space Zone which is subject to the Moa Point Seawall Specific Control Area. The Project activities within this area largely comprise of infrastructure, which is addressed in the infrastructure chapter of the District Plan.</p>   |
| <p><b>Policy 4: Enabling the efficient and timely operation and delivery of infrastructure activities</b></p> <p>(1) Decision-makers must:</p> <ul style="list-style-type: none"> <li>(a) enable the efficient and timely delivery of infrastructure activities;</li> <li>(b) enable cross-boundary infrastructure networks;</li> <li>(c) provide flexibility for infrastructure providers to use new or innovative technologies and methods to improve the delivery of infrastructure services and/or improve environmental outcomes;</li> <li>(d) enable opportunities to make more effective use of existing infrastructure;</li> <li>(e) consider opportunities for continuous improvement in service delivery and environmental outcomes when renewing or replacing resource consents; and</li> <li>(f) enable the upgrading of infrastructure where this will: <ul style="list-style-type: none"> <li>(i) improve the resilience of infrastructure to the risks from natural hazards and effects of climate change;</li> <li>(ii) maintain or improve its level of infrastructure service, including to meet increasing demand; or</li> <li>(iii) improve environmental outcomes.</li> </ul> </li> </ul> <p>(2) Decision-makers must:</p> <ul style="list-style-type: none"> <li>(a) recognise it is the role of the infrastructure provider to identify the preferred location for the infrastructure activity; and</li> <li>(b) have regard to existing information and assessments undertaken by the infrastructure provider, including, but not limited to, information prepared using the Better Business Cases methodology developed by The Treasury New Zealand, infrastructure strategies prepared under the Local Government Act 2002, or the</li> </ul> | <p>Policy 4 requires decision makers to enable the efficient and timely operation and delivery of infrastructure activities. This is an important consideration for the Panel, including when imposing conditions.</p> <p>The Project aligns with Policy 4(1)(f)(i) as it enables the upgrading of the Southern Seawall to improve the resilience of the Airport, which is nationally and regionally significant infrastructure, against the risks from natural hazards and the effects of climate change, including coastal erosion, inundation and tsunami.</p> <p>The Project also aligns with Policy 4(1)(d) and Policy 4(1)(f)(ii) as it ensures the ongoing safe, efficient and resilient operation of the Airport, which is a lifeline utility and critical transport hub, by upgrading the Southern Seawall. The design provides a 50-year design life, with adaptability for up to 100 years of climate change, ensuring the long-term operational capacity of the Airport.</p> <p>In terms of Policy 4(2), as set out above, the need for the Project in its proposed location is self-evident.</p> |

| Relevant new or amended provision  | Assessment  |
|--|---|
| <p>Infrastructure Priorities Programme developed by New Zealand Infrastructure Commission Te Waihanga.</p>   |   |
| <p><b>Policy 5: Recognising and providing for infrastructure supporting activities</b></p> <p>(1) Decision-makers must recognise and provide for the role of infrastructure supporting activities, including by:</p> <p>(a) recognising the importance of infrastructure supporting activities to enable the benefits of infrastructure activities to be realised;</p> <p>(b) recognising the operational need or functional need of some infrastructure supporting activities, including supporting quarrying activities to operate in, be located in, or traverse particular environments and locations; and</p> <p>(c) enabling the timely delivery of infrastructure supporting activities.</p>  | <p>Policy 5 requires decision-makers to <i>"recognise and provide for the role of infrastructure supporting activities"</i>.</p> <p>As explained above, the seawall is within the definition of 'infrastructure' and the Project is therefore an 'infrastructure activity' rather than an 'infrastructure supporting activity'. Therefore, this Policy is not directly applicable to the Project.</p>   |
| <p><b>Policy 6: Recognising and providing for Māori interests</b></p> <p>(1) Decision-makers must recognise and provide for Māori interests in relation to infrastructure activities and infrastructure supporting activities, including by:</p> <p>(a) taking into account the outcome of any engagement with tangata whenua on any relevant resource consent, notice of requirement, or request for a private plan change;</p> <p>(b) recognising the opportunities tangata whenua may have in developing and operating their own infrastructure at any scale or in partnership; and</p> <p>(c) local authorities:</p> <p>(i) providing opportunities for tangata whenua involvement where infrastructure and infrastructure supporting activities may affect a site of significance or issue of cultural significance to Māori; and</p> <p>(ii) operating in a way that is consistent with any relevant iwi participation legislation or Mana Whakahono ā Rohe.</p> | <p>Policy 6 requires decision-makers to recognise and provide for Māori interests in relation to the Project.</p> <p>WIAL has undertaken extensive and early engagement with Taranaki Whānui ki Te Upoko o te Ika (through the Port Nicholson Block Settlement Trust) and Ngāti Toa Rangatira (through Te Rūnanga o Toa Rangatira Inc).</p> <p>Both iwi have provided letters of support for the Project, endorsing the description of cultural values and the assessment of effects in the application.</p> <p>The Project design and proposed consent conditions reflect this engagement with mana whenua, ensuring that cultural values are respected and adverse effects are appropriately managed.</p> |

| Relevant new or amended provision  | Assessment   |
|--|--|
| <p><b>Policy 7: Assessing and managing the effects of proposed infrastructure activities</b></p> <p>(1) When assessing and managing the effects of infrastructure activities, decision-makers must:</p> <p>(a) have regard to the extent to which adverse effects have been avoided, remedied or mitigated through the selection of the route, site or method of undertaking the work;</p> <p>(b) consider the technical and operational requirements and constraints of infrastructure activities</p> <p>(c) take into account the extent to which the effects of the infrastructure activities are different in scale, intensity, duration and frequency from the effects of existing infrastructure;</p> <p>(d) take into account relevant international standards (that are recognised or used in New Zealand), national standards and recognised best practice standards and methodologies to assess and manage adverse effects; and</p> <p>(e) ensure that the mitigation measures and consent conditions are proportionate to the scale of adverse effects generated by the activity.</p> | <p>Policy 7 prescribes how the effects of the Project must be considered. The general direction of policy 7 (in combination with policies 8 and 9, which are discussed below), is that the effects of infrastructure projects will be capable of being appropriately managed, in a way that enables the delivery of the project.</p> <p>Specifically in respect of the listed considerations, Project development has adopted expert recommendations to avoid, remedy and minimise adverse effects, as described in Section 8 of the Application. This has been achieved through the preparation of robust consent conditions supported by detailed management plans.</p> <p>There are inherent technical and operational requirements and constraints associated with the Project, as described in section 2.3 of the Application. These include the site's exposed coastal location, the need to keep the Airport fully operational, proximity to residential properties, wind, wave and adverse weather conditions, and the logistics of moving, storing and placing rock and armour units. Section 2.3 of the Application also details how these constraints will be managed.</p> <p>As explained at section 7.1.1 of the Application, when considering the effects of the Project, the existing environment includes the existing coastal defences and Airport activities. This establishes that effects of the existing seawall are already present and provides the baseline for comparison.</p> <p>When assessed against this baseline, the assessment of effects concluded (at section 7.1.5) that in most cases, the effects arising as a result of the Project are anticipated to be low, or no more than minor, with the implementation of robust mitigation measures.</p> <p>The relevant international and national standards and recognised best practice standards and methodologies have been applied to assess and manage effects, as discussed in the various technical assessments prepared and included with the Application.</p> |

| Relevant new or amended provision   | Assessment  |
|---|---|
|   | <p>WIAL has proposed mitigation measures and consent conditions that are proportionate to the scale of adverse effects generated by the activity. Policy 7 includes a strong direction not to set additional, disproportionate consent conditions (even if sought by others). That direction must be carefully considered and complied with by the decision-maker.</p>  |
| <p><b>Policy 8: Operation, maintenance and minor upgrade of existing infrastructure</b></p> <p>(1) Decision-makers must enable the efficient operation and maintenance and minor upgrade of existing infrastructure, provided that, where practicable, adverse effects are avoided, remedied or mitigated.</p>  | <p>While the Project is a significant undertaking, it fits within the definition of <i>"maintenance and minor upgrade"</i> as it is <i>"work undertaken to ensure the effective and efficient operation and performance of existing infrastructure, and includes... activities associated with the maintenance, renewal or repair of existing infrastructure"</i>. It is also replacement or renewal of existing infrastructure with a modern equivalent (though not 'like for like') and necessary to continue to deliver the same or similar level of infrastructure and to improve resilience.</p> <p>This means that decision-makers must enable the Project provided that, where practicable, adverse effects are avoided, remedied or mitigated.</p> <p>The inclusion of the words 'where practicable' is important and signals that the decision-maker must ensure that conditions imposed to manage effects are practicable and do not unduly hinder the efficient and timely delivery of the Project.</p> <p>For completeness, Policy 9, which applies to 'major upgrades' is also assessed below.</p> |
| <p><b>Policy 9: Managing the effects of new infrastructure and major upgrades</b></p> <p>(1) Decision-makers must enable new infrastructure or major upgrades of existing infrastructure activities in all environments.</p> <p>(2) Where infrastructure activities are proposed to locate in or are likely to have adverse effects on environments and values provided for in section 6 of the Act, the provisions of this policy must be read</p> | <p>'Major upgrade' is defined as all upgrades of existing infrastructure that are not maintenance and minor upgrades. As noted above, the Project fits within the definition of 'maintenance and minor upgrade', however, for completeness, the Project is also assessed against this Policy 9 below.</p> <p>Policy 9(1) is a strong direction, reiterating the national importance of enabling new or major upgrades to infrastructure.</p>  |

| Relevant new or amended provision   | Assessment   |
|---|--|
| <p>alongside other relevant national direction, regional policy statements and regional and district plans.</p> <p>(3) Where (2) does not apply, the adverse effects of new infrastructure and major upgrades must be, where practicable, avoided, remedied or mitigated.</p> | <p>Policy 9(2) ties in with that strong direction in policy 9(1): where section 6 RMA values are in play, the relevant policy and planning provisions seeking to protect those values cannot be applied in isolation to the Project, but must be read together with Policy 9(1). Ultimately, that means enabling the Project, while providing for the other relevant policy direction as far as practicable.</p> <p>Section 10.2 of the Application assesses the Project against section 6 of the RMA. In summary, the Project will generally not adversely affect any section 6 RMA values and can therefore be managed appropriately. We note that the Stage 1 Kororā colony which is located in an area of high natural character and an ONF overlay. However, the works in this location will be neutral to positive post-construction.</p> <p>Where section 6 RMA values are not in play, the direction in policy 9(3) is that the adverse effects of the Project are to be avoided, remedied or mitigated 'where practicable'. The 'where practicable' proviso is important and must be applied carefully by the decision-maker. WIAL has proposed practicable effects management measures; policy 9(3) does not allow for an 'address all effects at all costs' approach.</p> |
| <p><b>Policy 10: Planning for and managing the interface and compatibility of infrastructure with other activities</b></p>  | <p>Policies 10 and 11 apply to plan-making processes, and so are not directly relevant to this application.</p>  |
| <p><b>Policy 11: Assessing and managing the interface between infrastructure and other activities</b></p>   | <p>Policy 11 reinforces a key theme of the NPS-I, which is that infrastructure development will inevitably have adverse effects (Policy 11 refers specifically to noise, vibration, dust and visual effects) that “<i>can be managed where practicable but not completely avoided</i>”.</p>  |

**New Zealand Coastal Policy Statement Amendment 2025**

**Policy 6 – Activities in the coastal environment**

Policy 6 has been amended to make the language in policy 6(1)(a) more directive, requiring decision-makers to “*recognise that the provision of infrastructure, the supply and transport of energy including the generation and transmission of electricity, and the extraction of minerals are activities **which may be required for important to** the social, economic and cultural well-being of people and communities*”.

[The change to the pre-amendment version is in bold].

In addition, policies 6(3) and 6(4) have been added to achieve consistency with the NPS-I. Policy 6(3) directs that where an activity is infrastructure, aspects of policies 6(1) and 6(2) must be read to apply if the activity has a functional or operational need to locate in the coastal marine area.

The amendments to Policy 6 provide additional clarity that the provision of infrastructure in the coastal environment (such as coastal protection structures) may be required for the social, economic and cultural wellbeing of people and communities. This strengthens the level of support in the NZCPS for the Project.

The Project has both a functional and operational need to be located in the coastal marine area, and therefore the new 6(3) and 6(4) make no direct difference to the assessment of the Project against the NZCPS.