

**BEFORE THE WELLINGTON INTERNATIONAL AIRPORT SOUTHERN SEAWALL
RENEWAL PROJECT [FTAA-2510-1118] EXPERT PANEL**

In the matter of

of the Fast-Track Approvals Act 2024 (the *FTAA*) and the deliberations and final decision of the Expert Panel appointed under section 50 and Schedule 3 of the *FTAA* to authorise:

- (a) establishing two construction yards and using them, along with an existing yard, for storage and construction activities; and
- (b) renewal of the Southern Seawall with rock and Cubipods; and
- (c) remediating the eroding Eastern Bank with rock protection; and.
- (d) Establishing two new kōwhiri colonies.

Expert Panel

Helen Atkins
(*Chair*)

Mark Ashby
(*Member*)

Ray O'Callaghan
(*Member*)

***Comments received
under Section 53 of the
FTAA:***

10 March 2026

***Details of any hearing
under Section 57 of the
FTAA:***

No hearing was held

**Record of Decision of the Expert Consenting Panel
under Section 87 of the
Fast-Track Approvals Act 2024**

Dated 15 May 2026

Decision: Approvals are granted subject to conditions

Date of Decision:

15 May 2026

Date of Issue:

15 May 2026

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APPENDIX A: CONDITIONS MATRIX [NOTE THIS IS AN ADDITION TO THE DRAFT DECISION]

APPENDIX B: RESOURCE CONSENT CONDITIONS

APPENDIX C: WILDLIFE APPROVAL CONDITIONS

APPENDIX D: RESERVES ACT CONDITIONS [NOTE THE DATES NEED TO BE INSERTED AND THE LEASE NEEDS TO BE SIGNED]

APPENDIX E: ARCHAEOLOGICAL APPROVAL CONDITIONS

Superseded

PART A: EXECUTIVE SUMMARY

- 1 This is an application for various approvals to authorise the Southern Seawall Renewal Project (**Application** or **Project**) by Wellington International Airport Limited (**the Applicant**) to renew and maintain its aging Southern Seawall. This comprises:
 - a. Establishing two construction yards (Miramar Golf Course Construction Yard (**MGC Yard**) and the Moa Point Construction Yard (**Moa Point Yard**), and using them, along with the existing George Bolt Street Construction Yard (**George Bolt Yard**) for storage and construction activities;
 - b. Renewal of the Southern Seawall with rock and Cubipods;
 - c. Remediating the eroding Eastern Bank with rock protection;
 - d. Establishing two new kororā (Little Penguin) colonies to support penguin habitation and breeding;
 - e. Relocating lizards from the project area to other locations; and
 - f. Reserves Act 1977 (**Reserves Act**), Wildlife Act 1953 (**Wildlife Act**), and Heritage New Zealand Pouhere Taonga Act 2014 (**HNZPT Act**) approvals that together give effect to the Project.
- 2 This Application proposes to utilise several areas located to the south and south-east of Wellington International Airport (**Airport**), comprising 7.70 hectares (**ha**) of land. (**Site**).¹ Furthermore, the Applicant seeks to employ 0.35 ha of the Airport for use as the George Bolt Yard.²
- 3 The Application was included as a listed project in Schedule 2 of the FTAA. On 17 December 2025, an expert panel was appointed to determine the Application (**Panel**).
- 4 The Panel has assessed the Application applying the relevant statutory criteria within the purpose and context of the FTAA.³
- 5 The Panel received comments from statutory and invited parties and responses to those comments from the Applicant. The comments included those in support of the Application and those against - including those who had reservations about certain aspects. The primary parties in general support of the Application were, the two local authorities, Wellington Regional Council (**GWRC**); and Wellington City Council (**WCC**), which are summarised below. In addition, the Department of Conservation (**DOC**) and Heritage New Zealand Pouhere Taonga (**HNZPT**) also provided input as administering agencies.

¹ Lot 2 DP 78304, Section 5 Survey Office Plan 342914, Lot 3 DP 78304, Lot 4 DP 78304, and Lot 1 DP 552938.

² Section 2 Survey Office Plan 595504.

³ Legislation Act 2019, s 10; and FTAA, ss 3, 7, 10.

- 6 A full assessment of all the comments received is contained elsewhere in this decision report (**Decision**). The Panel has carefully reviewed all that information in evaluating the Application.
- 7 To carry out this project, resource consents are sought by the Applicant under the FTAA, alongside approvals to manage kororā and lizards under the Wildlife Act and possible archaeological remains under the HNZPT Act. Additionally, concessions under the Reserves Act are also sought to allow for occupation, use, monitoring, and maintenance activities. The relevant provisions in the FTAA are:
- a. Schedule 5, clause 17 sets out the criteria and other matters for assessment of resource consent applications.
 - b. Schedule 6, clause 7 sets out the criteria for assessment of an application for concessions.
 - c. Schedule 7, clause 5 sets out the criteria for assessment of an application for a wildlife approval.
 - d. Schedule 8, clause 4 sets out the criteria for assessment of an application for an archaeological authority.
- 8 The Panel considers that, having considered all relevant matters, the Project meets the purpose of the FTAA. We therefore grant approval for the Application subject to the conditions in **Appendices A to E**
- 9 This Decision is made in accordance with section 87 FTAA. This Decision covers all the approvals sought under the substantive application. This Decision includes:
- a. The decision – throughout and summarised in Part M;
 - b. The reasons for the decision – throughout and summarised in Part M;
 - c. A statement of the principal issues in contention – Part I and summarised in Part M;
 - d. The main findings of the principal issues in contention – Part I and summarised in Part M;
 - e. The date on which the RMA approvals lapse – see the conditions in Appendix A.

PART B: OVERVIEW OF THE APPLICATION AND PROCEDURE

Application

Applicant

- 10 Wellington International Airport Limited is the authorised person for the Southern Seawall Renewal Project as set out in Section 42 of the FTAA.

Site and surrounding environment

- 11 Located across several detached areas, the Site is primarily situated to the south and south-east of the Airport. The Southern Seawall, Moa Point Construction Yard, and the two kororā colonies are positioned alongside Moa Point Rd. Bordering Stewart Drift Drive, the Miramar Golf Course Construction Yard sits at the course's southern end. Additionally, the George Bolt Street Construction Yard is sited on the eastern side of Wellington International Airport.
- 12 Section 3 of the Application includes the key characteristics of the Site and surrounding environment.⁴ This section provides details of:
- a. The location and general site characteristics;
 - b. Site zoning and planning framework, land ownership, and residential activities;
 - c. Existing authorisations and approvals;
 - d. Terrestrial ecology values;
 - e. Marine ecology values;
 - f. Kororā / little penguin values;
 - g. Coastal processes;
 - h. Surfing values;
 - i. Natural character and landscape values;
 - j. Roading and traffic environment;
 - k. Noise environment;
 - l. Lighting environment;
 - m. Geotechnical matters;
 - n. Contaminated land;

⁴ Wellington International Airport Southern Seawall Renewal Fast Track Approval Application – Environmental Setting at A.03.

- o. Archaeological and historic heritage values;
 - p. Recreation values; and
 - q. Natural hazards features and overlays.
- 13 There are numerous technical assessments which accompany the Application. These are referred to below, specifically in Part E.
- 14 The Site zoning and planning framework is contained in section 3 of the Application. This section of the Decision provides a high-level summary. Sections G and H provide more detail on the relevant statutory framework and the regional and district planning framework respectively.

Operative Wellington City District Plan 2000

- 15 As stated by the Applicant, as the 2024 District Plan becomes operative, the 2000 District Plan provisions cease to have legal effect (noting that open matters being worked through are limited). The Application provides a high-level overview of the 2000 District Plan, as there are no rules under the 2000 District Plan for which the Project requires consent.

Proposed Wellington City Council District Plan 2024

- 16 The Application provides information on the status of the District Plan and sets out in Figure 3.8⁵ an overview of the Project area zoning, with further detail on the planning framework, overlays and notations.
- 17 Sections 3.3.2.1 to 3.3.2.13 of the Application contain detailed information regarding the planning framework under the following headings:
- a. Southern Seawall and Moa Point Yard;
 - b. The Stage (Korowai) Colony;
 - c. MGD Yard;
 - d. WIAL Designations (which includes WIAL 1 – Wellington Airport Obstacle Limitation Surfaces; WIAL 2 – Wellington Airport Miramar South Area; WIAL 4 – Wellington Airport Main Site Area; and WIAL 5 – Wellington Airport East Side Area);
 - e. Special Purpose Airport Zone;
 - f. Natural Open Space Zone;
 - g. Sites and Areas of Significance to Māori;
 - h. Coastal Environment Overlay;

⁵ Page 88 of A0.3.

- i. Significant Natural Areas Overlay;
- j. High Coastal Natural Character; and
- k. Natural Hazards Features and Overlays.

Natural Resources Plan for the Wellington Region 2023

- 18 Section 3.3.3 of the Application contains details of the notations and overlays that apply to the Site from this Plan and plan change 1 to this Plan.
- 19 The Application also contains information on land ownership and land use agreements (section 3.3.4), and residential activities (section 3.3.5).

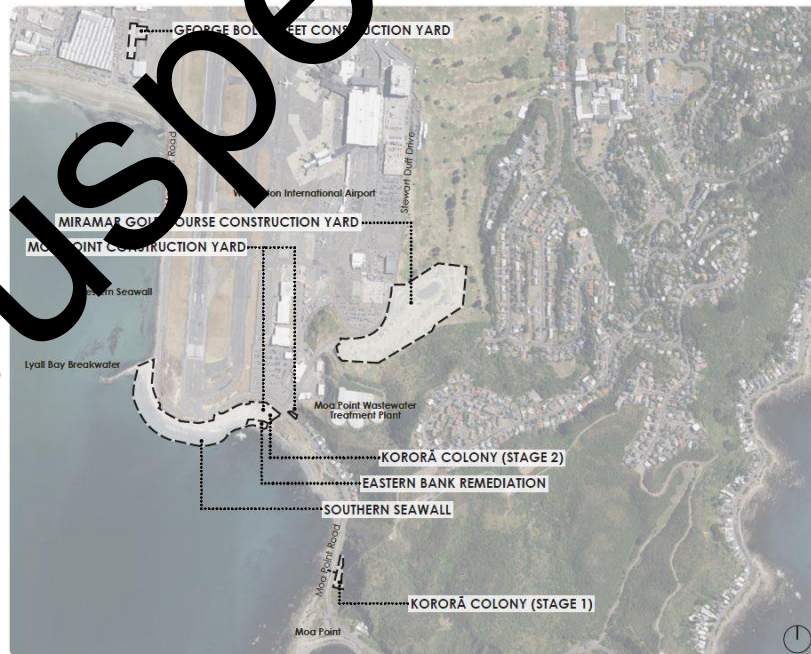
The Application

- 20 The Application includes reference to a series of approvals necessary for authorising the Southern Seawall Renewal Project under the FTAA. These approvals comprise resource consents, concessions under the Reserves Act, wildlife approvals, and an archaeological authority.⁶
- 21 Overall, this Application aims to renew and maintain the Airport's aging Southern Seawall, ensuring that the structure continues to provide protection from ocean waves and limit coastal erosion. As detailed by the Applicant, completing this project will require the following seven elements:
 - a. *Establishment and use of the MGC Yard.* Site establishment works, including fencing and bulk earthworks will be undertaken to establish the MGC Yard. Once established, the yard will be used for various construction activities, most notably, for the storage of rock and armour units to be used in the Southern Seawall renewal.
 - b. *Clearance and use of the George Bolt Yard.* The existing storage yard on George Bolt Street will be cleared, and the hangar on site demolished, before being used for general storage of rock and armour units, construction plant and equipment, as the site of a workshop and staff facilities, and other miscellaneous construction material storage associated with the Project.
 - c. *Establishment and use of the Moa Point Yard, and site facilities at the corner of Stewart Duff Drive and Moa Point Road.* Site establishment works, including fencing, vegetation clearance and re-contouring will be undertaken to establish the Moa Point Yard. The location of the Moa Point Yard – directly adjacent to the Southern Seawall working face – is critical to ensure ready access to rock and armour units as well as plant and equipment once works at Moa Point commence, thus reducing both risks associated with weather and sea state, and construction time.

⁶ Wellington International Airport Southern Seawall Renewal Fast Track Approval Application – Approvals Sought at A0.5.

⁷ Wellington International Airport Southern Seawall Renewal Fast Track Approval Application – Description of Proposal at A0.2.

- d. *Remediation of the Eastern Bank.* The remediation works involve protection of the bank with rock. The rock protection provides a transition between the main Southern Seawall and the unprotected coastline further east, helping to reduce the active erosion of the existing bank. It will also help to support the Stage 2 kororā colony.
- e. *Renewal of the Southern Seawall.* The works involve overlaying the existing seawall with a layer of rock and a double layer of concrete armour units. This work includes some excavation of the seabed at the toe of the seawall and placement of rock to form a new seawall toe, and associated works.
- f. *Creation of two kororā colonies to support kororā habitation and breeding.* The Stage 1 colony is located on the landward side of Moa Point Road, and the Stage 2 colony behind the Eastern Bank Remediation (once construction is complete). The Stage 1 kororā colony will be developed before effects on any suitable habitat in the construction areas begins, allowing kororā to be relocated before any existing roost and nest sites are affected. The colonies will provide purpose built nestboxes, shelter from the wind and vegetation to provide suitable habitat. Additionally, the colonies will be fenced to protect kororā from attacks by dogs and disturbance by people.
- g. *Supply of rock and armour units.* Due to the number / volume and specific composition of rock and armour units required for the Project, a gradual programme of rock and armour unit delivery and storage will be undertaken. While it is anticipated that most of the material will be transported via road from a North Island quarry, access to a central city marine unloading point to support the importation of rock from the South Island may be needed. This is further illustrated in Figure 2.1.⁸



⁸ Wellington International Airport Southern Seawall Renewal Fast Track Approval Application – Description of Proposal at A.02.

Mitigation Measures, Management Plans, and Monitoring

- 22 The Application (and supporting appendices) includes a detailed explanation for how each area of actual and potential effects has been addressed by various mitigation measures, management plans, and monitoring.⁹ Part A.08 of the Application contains a detailed table outlining how these measures and management plans fit together to control each environmental effect.

Approvals required

- 23 The Panel has reviewed all the documentation and the further information provided by the Applicant and the participants and notes that the necessary consents are contained in the Application at Part A0.5.

Resource consents and National Standards

- 24 In accordance with Schedule 5, clause 5(1)(f) of the FTAA, the Application identifies activities requiring resource consent. The Applicant notes that the consent activity status under each of the planning documents is as follows:
- a. NRP - discretionary;
 - b. Plan change 1 to the NRP – non-complying;
 - c. WCC District Plan 2024 – discretionary.
- 25 The GWRC and the WCC both agree with this assessment, as set out in their respective section 53 comments (noted below). The Panel likewise agrees with this assessment.
- 26 The GWRC and the Panel agree that the National Environmental Standards for Freshwater do not require any consents. The National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health requires consent as a controlled activity.

Approvals relating to a concession under the Reserves Act 1977

- 27 Schedule 5, clause 5 sets out the criteria for assessment of an application for concession. Pursuant to s 42(4)(e) of the FTAA, the Applicant is seeking approval under the Reserves Act for the various concessions set out in Table 5.1 of section A0.5 of the Application.

Wildlife approval

- 28 Schedule 7, clause 5 sets out the criteria for assessment of an application for a wildlife approval. Pursuant to s 42(4)(h) of the FTAA, the Applicant is seeking approval under the Wildlife Act for the activities listed in section 5.4 of the Application.

⁹ Wellington International Airport Southern Seawall Renewal Fast Track Approval Application – Management and Monitoring of Actual and Potential Effects at A.08.

Archaeological authority

- 29 Schedule 8, clause 4 sets out the criteria for assessment of an application for an archaeological authority. Pursuant to s 42(4)(i) of the FTAA, the Applicant is seeking an archaeological authority (on a precautionary basis) under the HNZPT Act for the removal of any accidental discovery within the Site.

Procedure

- 30 The following matters of procedure are relevant for this decision.

Updated information received from the Applicant

- 31 After the Application was lodged the Applicant provided the following updated information:
- a. A detailed site investigation for contamination and GPS coordinates – on 13 November 2025;
 - b. Additional and updated application documentation, accompanied by a memorandum of counsel in advance of the panel overview conference for Southern Seawall Renewal on 30 January 2026;
 - c. An updated Contaminated Land DSI for the Southern Seawall (application document B.07) along with an updated version of Appendix 1 to the September 2025 WIAL-to-GWRC letter, which was included in application document F.06 on 18 February 2026.
- 32 Additional material was also lodged as part of the Applicant's response to comments and reference to this is included below.

Meetings and site visits

- 33 The Panel carried out a project overview conference and site visit on 5 February 2026.¹⁰ This included:
- a. A project overview conference attended by: the Applicant; WCC; GWRC; DOC; Te Arawa ki te Upoko o Te Ika a Māui Pōtiki Trust; Te Rūnanga o Toa Rangatira; and the Mt Nicholson Block Settlement Trust; in which the Applicant provided an introduction to the Application.
 - b. A walkover of the Site, and a drive around its immediate surrounds.
- 34 Much of the Panel's correspondence, deliberations and decision-making occurred over email following review, drafting and commenting on drafts of further information requests, this decision report and the conditions. Notwithstanding this, the Panel met on-line on the following occasions:
- a. 17 December 2025;

¹⁰ Refer to Minute 1 of the Expert Panel, dated 9 February 2026.

- b. 5 February 2026;
- c. 19 March 2026;
- d. 16 April 2026; and
- e. 13 May 2026.

Invitations to comment

35 The Panel invited comments on the Application by letter dated 10 February 2026.¹¹ Responses to this invitation were due on 10 March 2026. Comments were received on time from the following:

- a. Wellington City Council;
- b. Wellington Regional Council;
- c. The Acting Minister for Infrastructure;
- d. The Acting Minister for RMA Reform;
- e. The Associate Minister for Transport;
- f. The Minister for Māori Crown Relations;
- g. The Department of Conservation;
- h. New Zealand Conservation Authority;
- i. Wellington Conservation Board;
- j. Heritage New Zealand Pouhere Taonga;
- k. The Guardian of the Bay;
- l. Wellington Air Noise Management Committee

n. [REDACTED]

n. [REDACTED] and

o. [REDACTED]

36 The Panel would like to thank all persons who commented for their contributions.

37 The following commentators support or conditionally support the Application:

- a. The GWRC conditionally supported the Application, indicating that the project's benefits will outweigh its impacts, so long as the issues identified by the Council

¹¹ Refer to Minute 2 of the Expert Panel, dated 10 February 2026.

are “addressed by the provision of information, appropriate conditions, or other amendments to the proposal.” The areas of concern noted by the Council include: maintenance and management plans; the proposal’s effects on various species of animals; coastal erosion; discharges from contaminated land; and stormwater discharges. Additionally, the Council desired several changes to the regional resource consents sought by the Applicant.

- b. The WCC conditionally supported the Application, commenting that there were “no significant issues” with the Project and that only a few minor changes were necessary. The changes put forward by the Council included the improvement of conditions relating to earthworks and geotechnical matters, terrestrial ecology, and transport, as detailed within Appendix 10 of their comments.
- c. The Acting Minister Responsible for RMA Reform supported the Application on the basis that this infrastructural development would support growth and prosperity.
- d. The Associate Minister for Transport outlined their support for the Application on grounds similar to the Minister Responsible for RMA Reform, citing infrastructural and economic benefits.
- e. The Acting Minister for Infrastructure likewise supported the Seawall’s renewal, again detailing the economic benefits that flow from infrastructural upgrades.
- f. The Department of Conservation (DOC) provided conditional support for the Application, subject to the strengthening of various animal management plans and their related conditions. DOC detailed their chief concern as being the potential effects of construction on marine mammals and, additionally, noted that further wildlife approval were likely necessary in relation to avifauna.
- g. The Wellington Conservation Board provided support for the Application, commenting that the Seawall, alongside its benefits to infrastructure protection, should also deliver meaningful gains within conservation. The Board noted several ways in which the Applicant’s conditions and management plans for various species of fauna could be improved.
- h. The New Zealand Conservation Authority, in its role as the statutory advocate for the conservation of natural and historic resources, conditionally supported the application. Support by the Authority was noted as being subject to the strengthening of various wildlife conditions and management plans, in order to secure demonstrable long-term conservation outcomes.
- i. The Wellington Air Noise Management Committee, the body responsible for overseeing the implementation of WIAL’s Noise Management Plan, provided support for the Application. The Committee submitted that “every practicable option should be used”, including ongoing consultation to minimise construction related noise and disruption to surrounding communities.
- j. Heritage New Zealand Pouhere Taonga (**Heritage NZ**) conditionally supported the Application, subject to the bolstering of conditions relating to archaeological works, as set out in its Section 51 Report.

- k. The Guardians of the Bay Incorporated (**GOTB**), an organisation representing Wellington residents working to reduce the airport's adverse effects upon the surrounding environment, supported the Application while noting several areas of concern. The GOTB raised specific concerns related to improving public engagement and lessening the potential adverse effects upon lighting, traffic, noise, landscape characteristics, the coastal environment, and various species of animals.
- l. [REDACTED], as the owner of a residential Moa Point Road property adjacent to the Site, supported the Application while outlining three matters of concern. Namely, [REDACTED] sought the expansion of the Community Liaison Group and desired further controls on noise, vibrations, and coastal erosion.

38 The following commentators oppose¹² the Application:

- a. [REDACTED] the owner of an undeveloped Moa Point Road Property (no. 50) adjacent to the Site, opposed the Application on multiple grounds. Of note, [REDACTED] did not oppose the proposal to renew the servitude, but the use of the FTAA process was opposed. Primarily, [REDACTED] sought that WIAL's Solatium and Fair Purchase Offer be extended to their property. This request was justified on the basis that the proposal would cause hardship to [REDACTED] as the potential adverse environmental effects would diminish the value and amenity of their property.
- b. [REDACTED] as the owners of an undeveloped Moa Point Road (no. 49) property adjacent to the Site, opposed the Application for similar reasons to [REDACTED]. Likewise, they desire that WIAL's Solatium and Fair Purchase Offer be extended to their property.

Applicant's response to invited persons comments

39 On 17 March 2026 the Applicant provided a response to the comments received on the application from those persons who were invited to comment under Section 53 of the FTAA. This included the following:

- a. Memorandum of Counsel;
- b. Appendix 1 – Dr Laureline Meynier's response to comments on marine ecology;
- c. Appendix 2 – Chris Wedding and Dr Michael Anderson's response to comments on terrestrial ecology;
- d. Appendix 3 – Dr John Cockrem's response to comments on kororā;
- e. Appendix 4 – Jennifer Hart and Amy Sheppard's response to comments on coastal processes, engineering, and design;
- f. Appendix 5 – Sarah Shepherd's response to comments on contaminated land;

¹² Note this opposition was explained when the commenters commented on the conditions below.

- g. Appendix 6 – Kirsty O’Sullivan and Ellen Robotham’s response to comments on planning;
- h. Appendix 7 – Updated proposed conditions for the resource consents;
- i. Appendix 8 – Updated proposed conditions for the wildlife approvals;
- j. Appendix 9 – Updated proposed conditions for the archaeological authority;
- k. Appendix 10 – Updated version of the proposed Marine Mammal Management Plan;
- l. Appendix 11 – Updated version of the proposed Avifauna Management Plan;
- m. Appendix 12 – Updated version of the proposed Kororā Management Plan; and
- n. Appendix 13 – An updated version of Section 2 of the Graphic Supplement to the Landscape, Natural Character, and Visual Effects Assessment, including an updated Moa Point Landscape Concept Plan.

- 40 As we do not address the opposing commenters comments in other sections of this Decision we address them here. We note that the Applicant’s response was it had no issue notifying an additional landowner of micro-piling if this is required by us. As an overall response, the Applicant did not wish to purchase the two parcels of land and stated it was not necessary for it to do so to address the adverse effects of the Project. The Applicant also noted that the Panel does not have the power to compel it to purchase private property. In this regard the Applicant noted that it had proffered conditions (CN.13 and 14) requiring offers of purchase to be made in respect of other nearby properties, on a *Angier* basis. This is further discussed below.
- 41 The Panel confirms that it agrees with the Applicant with regard to these commentors and do not propose to require additional notification nor do we request the Applicant to consider purchasing the properties of concern, for the reasons stated by the Applicant.
- 42 Following from the Applicant’s response to the comments a joint memorandum with WCC was filed dated 27 March 2026 which attached proposed documents for the Reserves Act approvals. We were told that the proposed documents were developed by the Applicant and WCC and that both parties were comfortable that these documents met the suitable terms and conditions for the Reserves Act approvals. We confirm that we have the proposed documents that were attached to the joint memorandum as Attachment 1.¹³
- 43 We issued a minute on 27 March 2026¹⁴ that sought further information in the form of expert conferencing and a further set of conditions from the Applicant on a range of matters that appeared to be outstanding. These were in relation to contamination; pāua and lobster / kōura; end-effect erosion; stability of the cut batter at the MGC work site; and generally, on conditions.

¹³ Noting that Attachment 1 was updated during the process and we refer to the updated version.

¹⁴ Minute 3 of the Expert Panel.

44 We received the following by way of response to this minute on 10 April 2026:

- a. A Memorandum of Counsel for the Applicant;
- b. Three joint witness conferencing statements; and
- c. An updated set of conditions.

We briefly comment on these matters here.

45 **Contamination** - The issue noted in Minute 3 has been the subject of conferencing and Ms Shepherd and Ms Rhodes have prepared a Contaminated Land Joint Witness Statement dated 9 April 2026. We confirm that we understand that there are no outstanding areas of disagreement.

46 **Pāua and lobster/kōura** - The experts (Dr Meynier and Dr Meltonis) have conferred and prepared a Pāua/Lobster Joint Witness Statement dated 9 April 2026. We are told that, on the basis of the Pāua / Lobster Joint Witness Statement, the Applicant understands that there is no longer any dispute between it and GWRC in respect of the appropriate process to manage effects on pāua and lobster/kōura.

47 We were also informed that the Applicant and Ngāi Tahu Rangatira met prior to our Minute 3 which resulted in an agreement that it was not necessary or appropriate to include a condition enabling kaimoana (pāua / kōura) gathering prior to construction. The Applicant has deleted the proposed condition about this from its suite of conditions.

48 **End-effect erosion** - A Joint Witness Statement – Planning has been prepared and this includes updates to proposed consent conditions which have resolved the outstanding matter about this issue raised in Minute 3.

49 **Stability of cut batter at the MCG work site** - The Applicant has confirmed that WCC has agreed to the approach taken by it in its response to the section 53 comments such that this matter has been resolved by the proposed conditions.

50 **Updated resource consent conditions** - The Applicant has provided an updated set of resource consent conditions which include track changes to any matters raised in Minute 3 and responded to in the Memorandum of 10 April 2025.

51 The Panel has considered all the material, including the Applicant's responses, and, where appropriate, refers to those responses within Section E of this Decision.

Commentary on conditions

52 The Application included a set of draft conditions. The following commentators specifically addressed the draft conditions provided with the Application: GWRC (see Appendix 2); WCC (see Appendix 10); DOC (section 4); Heritage NZ (see the section 51 Report); and the GOTB (section 2). In addition, the New Zealand Conservation Authority made comments on the conditions.

53 In accordance with section 70 FTAA the Panel reviewed and amended these conditions and provided draft conditions to the Applicant and persons invited to comment on 20

April 2026, requiring responses from the commenters by 5 May 2026 and the Applicant by 12 May 2026.

54 By 5 May 2026 the Panel received comments from:

- a. WCC;
- b. GWRC;
- c. HNZPT;
- d. DOC;
- e. New Zealand Conservation Authority;
- f. Wellington Conservation Board;
- g. GOTB;
- h. [REDACTED]
- i. [REDACTED]
- j. [REDACTED]
- k. The Associate Minister of Transport; and
- l. The Minister of Conservation.

55 In addition, we received further comment from the Applicant. We begin with the Applicant's comments and then address those made by others in following groups: the local authorities; the responsible agencies; government ministers; the Conservation Authority and Board, and GOTB and individual commenters.

56 The Applicant noted in its memorandum dated 1 May 2026 that it may still have comments post for consideration of other participants comments on the conditions. We cover this matter below.

57 In Appendix A to the memorandum the Applicant recommended minor amendments to the draft Decision. The Applicant also suggested minor amendments to the draft resource consent conditions in relation to references to management plans and set these out in Appendix B to the memorandum. The Applicant also provided a clean version of the full set of conditions which incorporated all the amendments that it had suggested. We thank the Applicant for these helpful and considered amendments and confirm that these amendments have been made.

Comments from local authorities

58 In correspondence dated 30 April 2026, WCC confirmed that the draft decision accurately represents the comments provided to the Panel by it via the section 53 process and expert conferencing. WCC also confirmed that it had reviewed GWRC proposed changes to the draft conditions set out in Attachment 1 of its response to Minute 4 and supports these changes as they will clarify the general conditions under

GC.1, GC.4 and GC.9, and provide minor corrections to advice notes and other conditions.

- 59 In correspondence dated 1 May 2026, GWRC set out the amendments to the draft conditions it considers should be made in Attachment 1 of that correspondence. Attachment 2 sets out the amendments that the Council considers should be made to the draft regional resource consents matrix. GWRC drew attention to the following matters:

- a. **Agreement on conditions** - At paragraph 625 of the draft Decision we noted that the set of conditions provided by the Applicant on 10 April 2026 was an agreed set. GWRC has clarified that not all of the conditions were agreed. We have noted this and amended the paragraph that references this point.
- b. **Numerical targets** - In its Section 53 comments on the application, GWRC suggested numerical targets as a means by which the success of the offset measures proposed by the Applicant for the loss of existing kororā and pohowera habitat could be measured as part of the resource consent conditions.
- c. As noted by the GWRC we found that *"rigid numerical occupancy targets are not an appropriate measure of success for kororā colony establishment"*, and that *"the Kororā Management Plan, supported by long-term monitoring, review, and adaptive management provisions, provides an appropriate and proportionate framework to detect issues and respond if outcomes are not tracking as anticipated"*.
- d. GWRC considers that without measurable targets relating to habitat up-take being specified in the draft conditions, the draft conditions do not provide for any specific or measurable targets by which the success of the alternative habitat can be evaluated. Nor are there any identified milestones in the draft conditions to determine whether the offset measures are on track. Consequently, if the monitoring of the uptake of the kororā colonies or pohowera habitat demonstrates that the alternative habitat opportunities are not being taken up, the conditions do not provide a clear or certain framework setting out when and how this would need to be addressed by the consent holder. Because of this, Greater Wellington considers that the draft conditions for offsetting the loss of kororā or pohowera habitat do not give effect to Principle 5(b) of Schedule C2 of the NRP.
- e. **End effects erosion** - GWRC notes that the Joint Witness Statement Planning: sets out the agreed amendments to conditions to provide for the monitoring of end-effects erosion in relation to the new seawall. As part of the Joint Witness Statement, it was agreed at paragraph 6(a) that the *C.01 Engineering Plans for Consent* that were lodged with the application would be amended to incorporate the design of the eastern end of the seawall shown in Figure 1 of Jennifer Hart and Amy Sheppard's Statement of Evidence dated 17 March. GWRC notes that it is not clear from the draft conditions whether this amendment has been provided for. It is important that this amendment is provided for to ensure that the agreement on conditions for managing end effects erosion is given effect to. This is reflected in GWRC's comments on Condition GC.1 in Attachment 1.

- f. **Other matters** – GWRC also commented on a number of other matters that we note the Applicant has addressed, and we have left this to the consideration of the Applicant's response set out below.

Responsible agencies

- 60 HNZPT provided its comments on the draft Decision and noted: *"We have reviewed the proposed conditions contained within Appendix D: Archaeological Approval Conditions, and support them as drafted. We recommend an expiry date for the authority of 10 years from the determination date."*
- 61 DOC provided its comments on the draft Decision on 5 May 2026 and made a number of specific changes to the Wildlife Act approvals.

Government ministers

- 62 Both Government Ministers who responded support the draft Decision.
- 63 Under section 72 FTAA the Panel invited comment from the Ministers for Māori Crown Relations: Te Arawhiti and for Māori Development on 20 April 2026,¹⁵ who had till 5 May 2026 to respond. No responses were received.

Conservation Authority and Conservation Board

- 64 The Conservation Authority requested targeted amendments to the Wildlife Approvals which the Authority noted represent a modest but important refinement. We were informed that the amendments do not expand the scope of the approval or introduce new effects management requirements. Rather, they ensure that the monitoring and adaptive management framework already contemplated by the Panel can operate as intended, by providing a clear and measurable reference point. This improves transparency, accountability, and ecological integrity, and supports a more robust and defensible outcome for biodiversity and kororā over the life of the Project.
- 65 The Conservation Board reiterated that it does not oppose the Project in principle but considers conditions could be strengthened to ensure a clear and measurable net biodiversity gain. Desired success criteria, robust monitoring, and enforceable contingency measures where outcomes are not achieved in perpetuity is desirable. The Board emphasised the importance of securing long-term monitoring, maintenance, and funding commitments. These should be clearly defined, appropriately resourced, and aligned with the care of the asset and the timeframes required for ecological success, ensuring that biodiversity gains are sustained over the long term. In addition, the Board noted that strong coastal and marine protections, clear thresholds for managing coastal erosion effects and a precautionary approach to marine ecology effects need to be explicit. This should be supported by well-defined triggers for action and funded response mechanisms. The Board does not provide any specific amendments but the matters it raises are also raised by others – the Authority and the GWRC.

¹⁵ Minute 4 dated 20 April 2026.

GOTB

- 66 The GOTB had specific amendments to the resource consent conditions and the wildlife approval conditions which are set out in its comments. GOTB noted that it agreed with the Reserves Act and archaeological authority conditions.

Individual commentors

- 67 [REDACTED] had specific comments about the community liaison and the management of construction noise conditions.
- 68 [REDACTED] clarified that they did not oppose the Application, but they did not agree with the conclusion we reached in the draft Decision regarding the position we took on their submissions.

Applicant's response to comments on conditions

- 69 The Applicant responded to the comments on conditions in a Memorandum of Counsel dated 8 May 2026 and in various appendices. The Applicant helpfully provides updates to all the various approvals (resource consent conditions, approvals matrix, wildlife approvals, and the archaeological authority) which includes track changes and comment boxes that explain whether the changes requested by the commentors were agreed with, disagreed with or edited. A clean set of the updated proposed condition documents was also provided. We thank the Applicant for the care it has taken in providing these documents to us it is very much appreciated.
- 70 The Applicant also helpfully summarised its response in its Memorandum which we summarise here for completeness, focusing on, as the Applicant did, only those comments that suggested edits to the conditions.
- 71 With regard to the request by **GWRC** to impose numerical targets for kororā and pohowera the Applicant reiterated its position its response to GWRC's section 53 comments. The Applicant also notes that it agrees with our findings in relation on kororā and pohowera effects management measures and agrees that the management measures are appropriate when considering the NRP and the national policy framework¹⁶ and sections 8 and 83 of the FTAA.¹⁷
- 72 We note that the applicant has provided an updated version of the Engineering Plans for consents as this was a matter raised by GWRC as noted above.
- 73 In relation to the support of **HNZPT** this is acknowledged by the Applicant and comments on the amendment of the expiry date for the archaeological approval is appropriate when considering the condition matrix as a whole.
- 74 The Applicant comments on the comments from **DOC** regarding the wildlife approvals, resource consent and Reserve Act approvals as follows:

¹⁶ National Policy Statement for Infrastructure 2025

¹⁷ Memorandum dated 8 May 2026 at paragraph 11.

- a. The Applicant is comfortable with the suggested, largely minor amendments, to the conditions to the wildlife approvals and has amended these approvals in their appendices to the Memorandum.
- b. The suggested amendments to the resource consent conditions are addressed by the Applicant in the updated consent conditions with the exception of the following:

- (i) The additional text proposed to the Marine Mammal Management Plan is not necessary for the reasons set out in paragraphs 19(1)(a) (i) to (iii) (with regards to condition ECO.66) and 19(b) (with regards to ECO.68) of the Memorandum;
- (ii) The renaming of the biota growth survey and Subtidal Habitat Monitoring Plan in ECO.69 – ECO.72 as this is unnecessary (see paragraph 19(1)(c)).
- (iii) The changes requested that more explicitly / directly address the application of Part 1 of Schedule 6 (FTAA) in respect of the agreed term of the Seawall Occupation Licence and the agreed fee/rent of the proposed Reserves Act approvals, including whether these should include rent review conditions. The Applicant responds to these concerns as follows:
 - The agreement of Waimānuku in the joint memorandum should give us comfort regarding the appropriateness of the Reserves Act approval documents;
 - Part 1 of Schedule 6 of the FTAA differs from the standard approach under the Reserves Act whereby only approvals under that Act applied for under Crown-administered reserves are defined as concessions – which are subject to Part 3B of the Conservation Act.¹⁸

75 We comment further on this matter below in the Legal Context section. Noting here that for the reasons set out we agree with the Applicant.

76 With regard to the amendments proposed by the **Conservation Authority** to the wildlife approvals so that they to require baseline ecological surveys prior to habitat disturbance or relocation and to link subsequent monitoring, reporting, and review to those baseline ecological conditions the Applicant does not support these amendments as they are not supported by expert analysis and DOC is comfortable with the relevant wildlife approval conditions.

77 The Applicant confirms that the strengthening of the ecological conditions to ensure a clear and measurable net diversity gain, as requested by the **Conservation Board**, has been addressed.

¹⁸ Memorandum dated 8 May 2026 at paragraphs 20 – 39.

- 78 With regard to the amendments sought by **GOTB** the Applicant did not consider that these would be either effective or necessary for the reasons stated in paragraphs 43 to 47 of the Memorandum. Likewise the amendments sought by [REDACTED] were considered unnecessary as the matters raised were already addressed.¹⁹ Finally, the Applicant states that it agrees with our findings (set out above) in relation to the comments from [REDACTED]

Panel's concluding position on conditions

- 79 The Panel has considered all comments received on the draft conditions as is required under section 70 FTAA and notes that the Applicant has proposed amendments to the conditions (and approvals) where appropriate. The Panel has addressed these comments throughout this decision report, and in Part J: Conditions below. In summary, the Panel has agreed with the Applicant's proposed amendments and the revised conditions are attached as **Appendices A to D**.

Hearing

- 80 The Panel has exercised its discretion not to require a hearing on any issue under section 56 FTAA. The Panel was able to adequately consider all issues based on the information available including the Application, comments received, responses to comments and the further information provided by the Applicant, the Council and invited persons. The material issues involved were comprehensively addressed in the documentation provided thereby resolving any technical expert differences of opinion. Residual issues were sufficiently clear for the Panel to consider.
- 81 The Panel considers that where insufficient design detail is available at the time of preparing the Application and the Panel's consideration of the Application, these matters can be appropriately addressed via conditions setting out a post-consent certification process where Council has the authority to approve matters of detail.
- 82 The Panel is mindful of the emphasis on time limited decision-making in the present process, the purpose of the FTAA in section 3, to facilitate the delivery of infrastructure and development projects with significant regional or national benefits, and the procedural principles in section 10 FTAA that require the Panel to take all practicable steps to use timely, efficient, consistent, and cost effective processes that are proportionate to the Panel's functions, duties or powers.

Timing of the Panel decision

- 83 In accordance with the Panel Convenor Minute dated 19 December 2025 the time frame for the Panel to issue its decision documents under sections 79 and 88 is 15 May 2026.

¹⁹ Ibid at paragraphs 48 – 57.

PART C: LEGAL CONTEXT

Legal context for a listed project under the FTAA

- 84 In accordance with section 42 an authorised person for a listed project may lodge a substantive application with the EPA.²⁰ The substantive application is required to follow the process set out in sections 43 and 44. The Applicant lodged the substantive application on 23 October 2025.
- 85 The EPA decided that the Application was complete and within scope on 14 November 2025.²¹ The EPA made a recommendation on whether there are competing applications or existing resource consents for the same activity on 28 November 2025.²² The EPA then provided the Application to the panel convenor and at the same time requested a report from the Ministry responsible agency under section 18 of the FTAA.²³ A report was received on 2 December 2025.

Decisions on approvals

- 86 Section 81 FTAA states:

81 Decisions on approvals sought in substantive application

- (1) A panel must, for each approval sought in a substantive application, decide whether to—
 - (a) grant the approval and set any conditions to be imposed on the approval; or
 - (b) decline the approval.
- (2) For the purpose of making the decision, the panel—
 - (a) must consider the substantive application and any advice, report, comment, or other information received by the panel under section 51, 52, 53, 55, 58, 67, 68, 69, 70, 72, or 80;
 - (b) must apply the applicable clauses set out in subsection (3) (see those clauses in relation to the weight to be given to the purpose of this Act when making the decision);
 - (c) must comply with section 82, if applicable;
 - (d) must comply with section 83 in setting conditions;
 - (e) may impose conditions under section 84;
 - (f) may decline the approval only in accordance with section 85.
- (3) For the purposes of subsection (2)(b), the clauses are as follows:
 - (a) for an approval described in section 42(4)(a) (resource consent), clauses 17 to 22 of Schedule 5;
 - (b) for an approval described in section 42(4)(b) (change or cancellation of resource consent condition), in relation to a condition of a coastal permit specified under section 186H(3) of the Fisheries Act 1996, clauses 20 to 22 of Schedule 5;
 - (c) for any other approval described in section 42(4)(b) (change or cancellation of resource consent condition), clause 23 of Schedule 5;
 - (d) for an approval described in section 42(4)(c) (certificate of compliance), clause 27 of Schedule 5;
 - (e) for an approval described in section 42(4)(d) (designation), clauses 24 and 25 of Schedule 5;
 - (f) for an approval described in section 42(4)(e) (concession), clauses 7 to 9 of Schedule 6;
 - (g) for an approval described in section 42(4)(f) (land exchange), clauses 29 to 33 of Schedule 6;

²⁰ FTAA, sections 4 and 42

²¹ FTAA, section 43

²² FTAA, section 47

²³ The Ministry for the Environment is the responsible agency for section 18.

- (h) for an approval described in section 42(4)(g) (conservation covenant), clauses 45 and 46 of Schedule 6:
 - (i) for an approval described in section 42(4)(h) (wildlife approval), clauses 5 and 6 of Schedule 7:
 - (j) for an approval described in section 42(4)(i) (archaeological authority), clauses 4 and 5 of Schedule 8:
 - (k) for an approval described in section 42(4)(j) (complex freshwater fisheries activity approval), clauses 5 and 6 of Schedule 9:
 - (l) for an approval described in section 42(4)(k) (marine consent), clauses 6 and 7 of Schedule 10:
 - (m) for an approval described in section 42(4)(l) (access arrangement), clauses 7, 9, and 10 of Schedule 11:
 - (n) for an approval described in section 42(4)(m) (access arrangement), clauses 8, 9, and 10 of Schedule 11:
 - (o) for an approval described in section 42(4)(n) (mining permit), clauses 19 to 21 of Schedule 11.
- (4) When taking the purpose of this Act into account under a clause referred to in subsection (3), the panel must consider the extent of the project's regional or national benefits.
- (5) For the purposes of subsection (4), if the substantive application was made under section 42(1)(b), the panel—
- (a) must treat the stage of the project to which the application relates as constituting the project; but
 - (b) may consider the regional or national benefits of the whole project, having regard to the likelihood that any later stages of the project will be completed.
- (6) Despite subsection (2)(a), the panel—
- (a) is not required to consider any advice, report, comment, or other information it receives under section 51, 53, 56, 67, 69, 70, or 72 after the applicable time frame; but
 - (b) may, in its discretion, consider the information as long as the panel has not made its decision under this section on the approval.
- (7) To avoid doubt, nothing in this section or section 82 or 85 limits section 7.

87 After taking into account the conditions that the Applicant has offered, the Panel has formed that view that the Southern Seawall Renewal's adverse impacts are not sufficiently significant to be out of proportion to the project's regional and national benefits. The Panel has, therefore, concluded that the Applicant should be granted its approvals. The details are included in Part E and F of this Decision.

Approvals relating to the Resource Management Act 1991

88 The relationship of the FTAA with the RMA is outlined in Schedule 5 which provides the consent application process that applies rather than the standard RMA consent application process. Clause 17 states:

17 Criteria and other matters for assessment of consent application

- (1) For the purposes of section 81, when considering a consent application, including conditions in accordance with clauses 18 and 19, the panel must take into account, giving the greatest weight to paragraph (a),
 - (a) the purpose of this Act; and
 - (b) the provisions of Parts 2, 3, 6, and 8 to 10 of the Resource Management Act 1991 that direct decision making on an application for a resource consent (but excluding section 104D of that Act); and
 - (c) the relevant provisions of any other legislation that directs decision making under the Resource Management Act 1991.
- (2) For the purpose of applying any provisions in subclause (1),—
 - (a) a reference in the Resource Management Act 1991 to Part 2 of that Act must be read as a reference to sections 5, 6, and 7 of that Act; and
 - (b) if the consent application relates to an activity that is the subject of a determination under section 23 of this Act, the panel must treat the effects of

(c) the activity on the relevant land and on the rights or interests of Māori as a relevant matter under section 6(e) of the Resource Management Act 1991; and to avoid doubt, for the purposes of subclause (1)(b), when taking into account section 104(1)(c) of the Resource Management Act 1991, any Mana Whakahono ā Rohe or joint management agreement that is relevant to the approval is a relevant matter.

- (3) Subclause (4) applies to any provision of the Resource Management Act 1991 (including, for example, section 87A(6)) or any other Act referred to in subclause (1)(c) that would require a decision maker to decline an application for a resource consent.
- (4) For the purposes of subclause (1), the panel must take into account that the provision referred to in subclause (3) would normally require an application to be declined, but must not treat the provision as requiring the panel to decline the application the panel is considering.
- ...
- (6) For the purposes of subclause (1), the provisions referred to in that subclause must be read with all necessary modifications, including that a reference to a consent authority must be read as a reference to a panel.
- (7) Sections 123 and 123A of the Resource Management Act 1991 apply to a decision of the panel on the consent.

89 When considering an application for resource consents under the FTAA, the Panel must take a number of matters into account. As provided by clause 17 and confirmed in the Court of Appeal's decision in *Enterprise Miramar Peninsular Inc v Wellington City Council*, these matters must be considered on an individual basis, prior to an overall weighting of the various factors.²⁴

90 When considering these matters overall, as clause 17(1) and s 81(4) requires, the greatest weight must be allocated to the FTAA's purpose, that being whether the project will deliver significant regional and national benefits. Alongside this central consideration, the provisions of Parts 3, 4 and 8 to 10 of the RMA 1991 and any other legislation that directs RMA decision-making must also be accounted for under (b) and (c). Both (b) and (c) hold equal statutory weight.

91 Here, as held in *Enterprise Miramar*, the Panel must carefully ensure that we do not solely rely on the FTAA's purpose at the expense of consideration for the other matters detailed in (b) and (c).

92 In accordance with clause 17, the relevant matters we take into account comprise:

a. The purpose of the FTAA, being "*to facilitate the delivery of infrastructure and development projects with significant regional or national benefits*". When assessing this criterion we must consider the extent of the project's regional or national benefits. This criterion must be individually assessed as part of a clause 17(1) assessment, and then, when conducting an overall assessment, is to be given the greatest weight.

b. Part 2 of the RMA, comprising: section 5; section 6(a) – "*preservation of the natural character of the coastal environment..., and the protection of them from inappropriate use and development*", (b) – "*the protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development*",

²⁴ *Enterprise Miramar Peninsular Inc v Wellington City Council* [2018] NZCA 541 at [52]-[53].

²⁵ *Ibid* at [41].

(c) – “the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna”, (d) – the maintenance and enhancement of public access to and along the coastal marine area...”, (e) – “the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga”, (f) – “the protection of historic heritage from inappropriate subdivision, use, and development”, (g) – “the protection of customary rights”, and (h) – “the management of significant risks from natural hazards”; section 7 (a) – “kaitiakitanga”, (b) – “the efficient use and development of natural and physical resources”, (c) – “the maintenance and enhancement of amenity values”, (f) – “maintenance and enhancement of the quality of the environment”, and (g) – “any finite characteristics of natural and physical resources”.

- c. Part 3 of the RMA, and in particular: section 12 (restrictions on use of coastal marine area); section 15 (discharges of contaminants); section 16 (duty to avoid unreasonable noise); and section 17 (duty to avoid, remedy or mitigate adverse effects).
- d. Part 6 of the RMA 1991, and in particular: section 104 (consideration of applications); section 104B (consideration of applications for discretionary or non-complying applications); section 104(c) (consideration of applications for restricted discretionary activities); section 104(d) (particular restrictions for non-complying activities); section 107 (restriction on grant of certain discharge permits); and section 108 (condition of resource consents).

93 In respect of clause 17, we further record that:

- a. Parts 9 and 10 of the RMA do not apply to the Application and have not been considered.²⁶
- b. No other relevant provisions of any other legislation that directs decision making under the RMA have been drawn to our attention as being relevant to the Application.

94 Clause 18 is procedural and directs that in setting conditions, the provisions of Parts 6, 9, and 10 of the RMA apply subject to certain necessary modifications and reflect the FTAA. None of clauses 19-22 are relevant to the Application.

Approvals relating to a wildlife approval under the Wildlife Act 1953

95 Schedule 5, clause 5 sets out the criteria for assessment of an application for a wildlife approval:

5 Criteria for assessment of application for wildlife approval

For the purposes of section 81, when considering an application for a wildlife approval, including conditions under clause 6, the panel must take into account, giving the greatest weight to paragraph (a),—

- (a) the purpose of this Act; and
- (b) the purpose of the Wildlife Act 1953 and the effects of the project on the protected wildlife that is to be covered by the approval; and
- (c) information and requirements relating to the protected wildlife that is to be covered by the approval (including, as the case may be, in the New Zealand

²⁶ FTAA, Schedule 5, clause 17(1)(b).

Threat Classification System or any relevant international conservation agreement).

- 96 The discussion above in relation to clause 17 applies equally to our assessment of clause 5 – insofar as the *Enterprise Miramar* decision provides guidance as to how we should approach our assessment of clause 5(1)(a), the purpose of the Act.
- 97 For the purposes of clause 5(1)(b):
- a. The Wildlife Act does not have a specific purpose section, but it still has a purpose. Section 10, Legislation Act 2019, provides that “*legislation must be construed in light of its purpose, and the word legislation is defined to include both the whole and any part of an Act. So, in cases of the kind we are now considering, the provisions concerned must be interpreted to advance its own purpose.*”²⁷ That provision is section 3, the purpose of which is that, with some limited exceptions, wildlife is “*to be absolutely protected throughout New Zealand.*”
 - b. The wildlife to be covered by the approval are Kororo (Little Blue Penguin), Banded Dotterel, Northern Grass Skink, Copper Skink, Ornate Skink, Glossy Brown Skink, Northern Spotted Skink, Minimag Gecko, and the Raukawa Gecko. Accordingly, it is the effects on those species that we must consider under this sub-clause.
- 98 In respect of clause 5(c), we must consider:
- a. Information and requirements relating to the various bird and lizard species;
 - b. While bearing in mind that this clause does not relate to an assessment against the FTAA requirements (that obligation is provided for elsewhere in the FTAA), but rather includes broader matters such as:
 - i. NZ Threat Classification System;
 - ii. relevant international Conservation Agreements;
 - iii. any other information about, or requirements directed specifically to the relevant bird and lizard species.
- Approvals relating to a concession under the Reserves Act 1977
- 99 Schedule 6, clause 7 sets out the criteria for assessment of an application for concession. The criteria are lengthy and we have not included them in full here. Suffice to say that FTAA’s directed weighting in the context of the RMA approvals applies to the concessions.
- 100 DOC and the Applicant have addressed us specifically with regards to Schedule 6. DOC specifically notes:

²⁷ Burrows and Carter Statute Law in New Zealand (6th Ed, 2021), Chapter 8, p 314.

... that the reserves subject to this application are vested in and administered by the Wellington City Council. DOC acknowledges that the application of Schedule 6 (Part 1 Concessions) of the Act to non-Crown concessions is not straightforward. However, DOC is concerned that some of the limits and requirements in Schedule 6 have been overlooked in the draft decision and conditions for the Reserves Act approvals. In order to assist the Panel, and ultimately all parties who have an interest in these approvals being legally robust, DOC respectfully suggests that the empowering provisions in Schedule 6 for the Reserves Act approval are more closely considered on the specific points raised below.²⁸

DOC includes its specific points in Appendix C of its comments on the conditions.

101 The Applicant responds as follows:

- a. The Reserves Act approval documents were developed jointly by the Applicant and WCC, which is the owner and administering body of the affected local purpose reserves. WCC has confirmed that it is comfortable with the proposed terms and conditions of these documents.
- b. The FTAA differs from the standard approach under the Reserves Act, where only Reserves Act approvals applied for over Crown administered reserves are defined as 'concessions' and are subject to Part 3B of the Conservation Act. We are told it would be contrary to the overarching purpose of the FTAA to apply strictly Part 3B of the Conservation Act to the Reserves Act approvals for the Project, given those provisions would not normally apply to a council-owned reserve. The Applicant submits that, under clause 7 of Schedule 6, the Panel is only required to "take into account" Part 3B.
- c. With regards to the three specific matters raised by DOC (the rent / fee payable; periodic review of the rent / fee payable; and the term of the Seawall Occupation Licence) the Applicant responds as follows:
 - i. **Rent / fee payable and periodic review of rent** - Clause 8 of Schedule 6 provides that section 17X of the Conservation Act applies with any necessary modifications to conditions for a "concession" (ie a concession is defined by the FTAA, so including Reserves Act approvals). Section 17X provides that conditions "may" be imposed for a range of matters, including: the payment of rent, fees, and royalties as provided in section 17Y. Section 17Y further provides that the rent, fee, or royalty "may" be fixed at the market rate, having regard to a range of factors; the waiver or reduction of any rent, compensation, or bond in particular circumstances; and periodic reviews.
 - ii. These provisions are non-directive, using the word "may". Therefore, the Panel retains a discretion as to whether to impose a market rent/fee, whether to waive the requirement of the concessionaire to pay a rent/fee and/or whether to impose conditions requiring periodic reviews.
 - iii. Of particular note the Applicant stated that the matter of rent/fee was discussed by it with WCC and both are comfortable that a market

²⁸ DOC comment on conditions Appendix C.

rent/fee is not appropriate in these circumstances for the reasons set out in the memorandum. We are told that given the agreement between the Applicant and WCC we do not need to require a market rent/fee and similarly do not need to provide for periodic review.

- iv. **Term** – the Applicant sets out the relevant provisions of clause 13 of Schedule 6 to the FTAA provides noting specifically that Section 17Z of the Conservation Act in turn provides: *"A lease or a licence may be granted for a term (which term shall include all renewals of the lease or licence) not exceeding 30 years or, where the Minister is satisfied that there are exceptional circumstances, for a term not exceeding 60 years."*
- v. The Applicant accepts that, on its face, clause 13 of Schedule 6 is a mandatory directive, and in particular would require the term of the Seawall Occupation Licence as agreed between WIAL and WCC to be amended. The Applicant invites us to adopt a more purposive interpretation, namely that section 17Z is not in this case a 'bottom line' requirement, and that we are entitled to confirm the term agreed between it and WCC because, *[g]iven the purpose of the FTAA, it would be a perverse outcome for the term of the Seawall Occupation Licence to be restricted by a Conservation Act requirement that does not otherwise apply to council-owned reserves.*²⁹
- vi. The Applicant further points out the main part of the FTAA does not directly apply clause 13 of Schedule 6 and section 81 only refers to clauses 7 to 9 of Schedule 6 and does not specifically refer to clause 13. Section 96 does not refer to clause 13 as applying when the approval is granted.³⁰
- vii. Even if we do not agree with the Applicant, it submits that the only change required is to limit the term of the Seawall Occupation Licence to 60 years, with no right of renewal. However, the Applicant goes on to submit that in terms of section 17Z(1) of the Conservation Act, it is clear that "exceptional circumstances" apply in this case, such that the longer term of 60 years would be appropriate. We agree with the Applicant's submissions with regards to exceptional circumstances and further that the WCC is comfortable with a perpetually renewable term for the Seawall Occupation Licence, which strongly supports a 60-year (total) term.³¹ Overall, it is clear that the circumstances here are an exception rather than the rule.

102 Overall, we find that we agree with the Applicant that there is no requirement to alter Appendix D – Reserves Act conditions. The Panel notes that Appendix D to this Decision does not insert the dates into the conditions and we leave the Applicant and WCC to do this as they are finalising the documentation.

²⁹ Memorandum dated 8 May 2026 at paragraph 36(a).

³⁰ Ibid at paragraph 36(b).

³¹ Ibid at paragraphs 37 – 39.

Approvals relating to an Archaeological Authority under the Heritage New Zealand Pouhere Taonga Act 2014

- 103 Schedule 8, clause 4 sets out the criteria for assessment of an application for an archaeological authority:

4 Criteria for assessment of application for archaeological authority

- (1) For the purposes of section 81, when considering an application for an archaeological authority, including conditions in accordance with clause 5, the panel must take into account, giving the greatest weight to paragraph (a), —
 - (a) the purpose of this Act; and
 - (b) the matters set out in section 59(1)(a) of the HNZPT Act; and
 - (c) the matters set out in section 47(1)(a)(ii) and (5) of the HNZPT Act; and
 - (d) a relevant statement of general policy confirmed or adopted under the HNZPT Act.
- (2) For the purposes of subclause (1), the provisions of the HNZPT Act referred to in that subclause must be read with all necessary modifications, including that a reference to Heritage New Zealand Pouhere Taonga must be read as a reference to the panel.

- 104 Our discussion above of the approach to the FTAA's directed weighting in the context of the RMA approvals applies equally to the archaeological authority.

PART D: IWI AUTHORITIES

Section 18 Report for a listed project

- 105 The Ministry for the Environment provided a report under s 18 in accordance with section 49. Within that report is a list of the relevant Māori groups including iwi authorities, treaty settlement entities and several groups with applications under the Marine and Coastal Area Act 2011 (MCA).³²

Substantive application information

- 106 As Schedule 5, Clause 5 of the FTAA provides, those applying for resource consents are required to supply information on any Treaty settlements, customary marine title groups, protected customary right groups, and MACA applications that apply in the area covered by the consent application.
- 107 Concerning Treaty settlements, the Applicant details two relevant agreements with Taranaki Whānui and Ngāti Toa:³³
- a. Port Nicholson Block (Taranaki Whānui ki Te Upoko o Te Ika) Claims Settlement Act 2009.
 - b. Ngāti Toa Rangatira Claims Settlement Act 2014.

³² Fast-track Approvals Act 2024 – Treaty settlements and other obligations (Section 18) report: FTAA-2510-1118 Wellington International Airport Southern Seawall Renewal Project, Dated 2 December 2025.

³³ Wellington International Airport Southern Seawall Renewal Fast Track Approval Application – Mana Whenua Values Overview and Assessment at 4.2.

- 108 With respect to MACA applications, Te Ātiawa Fisheries Trust has applied on behalf of Te Ātiawa, which forms part of Taranaki Whānui, to the High Court for recognition customary marine title and protected customary rights. This application has not yet been determined by the High Court. Te Rūnanga applied on behalf of Ngāti Toa to the Crown for recognition of customary marine title and protected customary rights. Likewise, the Crown has yet to make a decision in relation to this application.
- 109 Recognising their position as mana whenua and a long-standing association with the project's covered area, the Applicant has engaged closely with the Port Nicholson Block Settlement trust on behalf of Taranaki Whānui and Te Rūnanga on behalf of Ngāti Toa.³⁴ Each iwi had the opportunity to review the project description, proposed conditions, drafts of technical assessments, and management plans. Both organisations have since provided letters of support for the application.
- 110 The Applicant additionally consulted other organisations representing the interests of Taranaki Whānui, including the Wellington Tenth Trusts and Te Āhauwāki te Upoko o Te Ika a Māui Pōtiki Trust. The Tenth trust has likewise provided a letter of support for the project.

Comments

- 111 Panel invited comments from the Port Nicholson Block Settlement Trust and Te Rūnanga under s53(2)(b) – (g).
- 112 Comments were received from Te Rūnanga which advised that:
- a. Te Rūnanga, as the mandated iwi authority for Ngāti Toa Rangatira and the organisation upholding kaitiaki responsibilities along Wellington's southern coast, expressed support for the Application, provided that certain matters of concern will be addressed through consent conditions and ongoing collaboration.
 - b. The four concerns raised by Te Rūnanga are as follows:
 - i. First, referring to the impacts of the Application on kororā and pohowera (Banded Pouter) populations, Te Rūnanga communicated worries about the potential population loss and displacement of birds during construction. Accordingly, the iwi sought assurance that monitoring and mitigation measures relating to these bird species will be sufficient in scope to address both immediate and cumulative effects.
 - ii. Secondly, the iwi reiterated concerns about potential impacts on marine species, including taonga species such as koura and pāua. Therefore, Te Rūnanga seek further clarity on whether these species can be located and appropriately translocated prior to construction.
 - iii. Thirdly, standing primarily in support of the Marine Mammal Management Plan, the iwi recommended that the soft start procedures be strengthened to

³⁴ Wellington International Airport Southern Seawall Renewal Fast Track Approval Application – Mana Whenua Values Overview and Assessment at 4.5.

specify a gradual escalation of works over a 20-30 minute period, providing marine mammals with the best possible protections.

- iv. Finally, referencing Condition CA.26, Te Rūnanga noted that the maintenance parameters allow the Seawall to be extended five metres horizontally and one metre vertically. Stating that the scale of such work extends beyond routine maintenance, Te Rūnanga expressed concern over the uncertainty this creates in relation to marine habitat, associated cultural values, and the alteration of coastal processes. Accordingly, the iwi argued that any changes to the Seawall's dimensions should be subject to further engagement with mana whenua and, in certain circumstances, may require a new consent.

113 Notwithstanding these issues, Te Rūnanga acknowledged the need to renew the Southern Seawall in order to protect critical infrastructure and outlined that the iwi was confident that their concerns have largely been addressed by the Applicant.

Statutory requirements

Treaty settlements and recognised customary rights

114 Section 7 requires all persons performing functions and exercising powers under the FTAA to act in a manner that is consistent with the obligations arising under existing Treaty settlements and customary rights recognised under the Marine and Coastal Area (Takutai Moana) Act 2011 and the Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019. For this Application, two Treaty settlements apply to the project area, alongside two applications for customary rights under the MACA.

7 Obligation relating to Treaty settlements and recognised customary rights

- (1) All persons performing and exercising functions, powers, and duties under this Act must act in a manner that is consistent with—
 - (a) the obligations arising under existing Treaty settlements; and
 - (b) customary rights recognised under—
 - (i) the Marine and Coastal Area (Takutai Moana) Act 2011;
 - (ii) the Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019.
- (2) To avoid doubt, subsection (1) does not apply to a court or a person exercising a judicial power or performing a judicial function or duty.
- (3) In this section, **existing Treaty settlements** means Treaty settlements that exist at the time the relevant function, power, or duty is performed or exercised (rather than only those that exist at the commencement of this Act).

Effect of treaty settlements and other obligations

115 Because a Treaty settlement applies, section 82 becomes relevant to our decision making. That section states:

82 Effect of Treaty settlements and other obligations on decision making

- (1) This section applies if a Treaty settlement, the Marine and Coastal Area (Takutai Moana) Act 2011, or the Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019 is relevant to an approval.
- (2) If the settlement or Act provides for the consideration of any document, the panel must give the document the same or equivalent effect through the panel's decision making as it would have under any relevant specified Act.

- (3) The panel must also consider whether granting the approval would comply with section 7.
- (4) In this section, **document**—
 - (a) means any document, arrangement, or other matter; and
 - (b) includes any statutory planning document amended as a result of the settlement or Act referred to in subsection (1).

Conditions relating to Treaty settlements and recognised customary rights

116 Section 84 provides:

84 Conditions relating to Treaty settlements and recognised customary rights

- (1) For the purposes of section 7, the panel may set conditions to recognise, protect a relevant Treaty settlement and any obligations arising under the Marine and Coastal Area (Takutai Moana) Act 2011 or the Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019.
- (2) This section applies in addition to, and does not limit, any other powers to set conditions under this Act.

Conduct of hearings and other procedural matters in the context of Treaty settlements and other arrangements

- 117 Schedule 3, clause 5 of the FTAA applies if any Treaty settlement Act, iwi participation legislation of Mana Whakahone a Rohe or joint management agreement includes procedural arrangements relating to the appointment of a decision-making body. No such provision applies here.
- 118 As referred to in the Ministry for the Environment's section 18 report on Treaty settlements and other obligations, the Port Nicholson Block (Taranaki Whānui ki Te Upoko o Te Ika) Claims Settlement Act 2009 requires the Department of Conservation (DOC) to uphold general principles during consultation with Taranaki Whānui. These principles include³⁵
 - a. Ensuring Port Nicholson Block Settlement trust is consulted as soon as practicable;
 - b. Providing Port Nicholson Block Settlement Trust with sufficient information to undertake informed discussions and make submissions;
 - c. Ensuring there is sufficient time for Port Nicholson Block Settlement Trust to participate;
 - d. Ensuring DOC approaches consultation with an open mind; and

³⁵ Fast-track Approvals Act 2024 – Treaty settlements and other obligations (Section 18) report: FTAA-2510-1118 Wellington International Airport Southern Seawall Renewal Project, Dated 2 December 2025.

- e. Where Port Nicholson Block Settlement Trust has been consulted, DOC will report back on the decision made as a result of such consultation.

Assessment of consent application

- 119 As noted above, Schedule 5, clause 17 of the FTAA provides the criteria and other matters for assessment of consent applications.
- 120 Concerning approvals for concessions under the Reserves Act 1977, Schedule 6, clause 7 of the FTAA provides that the Panel must take into account any management strategies or plans approved under a Treaty settlement.
- 121 For assessments relating to wildlife approvals, there is no reference to Treaty settlements or equivalent provisions under Schedule 7, clause 5 of the FTAA.
- 122 For approvals relating to an archaeological authority under Schedule 8, clause 5 of the FTAA, there is likewise no reference to Treaty settlements or equivalent provisions.

PART E: EVALUATION OF EFFECTS

- 123 Schedule 5 clause 5(4) requires a consent application to provide an assessment of an activity's effects on the environment covering the information in clauses 6 and 7. These matters include:

- (a) an assessment of the actual or potential effects on the environment:
- (b) if the activity includes the use of hazardous installations, an assessment of any risks to the environment that are likely to arise from such use:
- (c) if the activity involves the discharge of any contaminant, a description of—
 - (i) the nature of the discharge and the sensitivity of the receiving environment to adverse effects; and
 - (ii) any possible alternative methods of discharge, including discharge into any other receiving environment:
- (d) a description of the mitigation measures (including safeguards and contingency plans where relevant) to be undertaken to help prevent or reduce the actual or potential effect of the activity:
 - (f) identification of persons who may be affected by the activity and any response to the views of any persons consulted, including the views of iwi or hapū that have been consulted in relation to the proposal:
 - (f) if iwi or hapū elect not to respond when consulted on the proposal, any reasons that they have specified for that decision:
 - (g) if the scale and significance of the activity's effects are such that monitoring is required, a description of how the effects will be monitored and by whom, if the activity is approved:
 - (h) an assessment of any effects of the activity on the exercise of a protected customary right.
- ...
- (a) any effect on the people in the neighbourhood and, if relevant, the wider community, including any social, economic, or cultural effects:
- (b) any physical effect on the locality, including landscape and visual effects:

- (c) any effect on ecosystems, including effects on plants or animals and physical disturbance of habitats in the vicinity;
- (d) any effect on natural and physical resources having aesthetic, recreational, scientific, historical, spiritual, or cultural value, or other special value, for present or future generations;
- (e) any discharge of contaminants into the environment and options for the treatment and disposal of contaminants;
- (f) the unreasonable emission of noise;
- (g) any risk to the neighbourhood, the wider community, or the environment through natural hazards or hazardous installations.

124 The assessment of environmental effects (**AEE**) provided an assessment of these matters at Part A.07. Participants who commented also raised a range of actual and potential effects.

125 The Applicant commissioned a range of independent experts to provide specialist reports on the effects of the Project and included copies of these reports in Part B of the Application documentation. The effects are covered in this section under the following headings.

- a. Positive effects;
- b. Coastal engineering;
- c. Geotechnical matters;
- d. Earthworks, erosion and sediment, dust and stormwater management during construction and operation;
- e. Contaminated sites management;
- f. Effects on terrestrial ecology;
- g. Effects on Laysan / Little penguin;
- h. Effects on marine ecology;
- i. Effects on coastal processes (note this is addressed as part of d);
- j. Effects on surf breaks;
- k. Effects on landscape and natural character;
- l. Transportation effects;
- m. Noise and vibration effects;
- n. Lighting effects;
- o. Effects on archaeology and historic heritage; and
- p. Effects on recreation and access.

126 The effects on mana whenua values were assessed in Section 4 of the Application and in Parts D and this part of the Decision.

127 The Applicant proposes implementing the effects management measures by way of conditions and terms imposed on the relevant resource consents, wildlife approvals, concessions and archaeological authority. These were provided in Part G of the Application and have been further refined and amended during the comments phase.

128 We agree with the Applicant that it 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.³⁶

129 The Applicant has set out its analysis of the existing environment, and we agree with this analysis.³⁷ In terms of the relevant receiving environment, the Panel has applied the test in *Hawthorn*.³⁸ The environment includes that which presently exists. It also

...embraces the future state of the environment as it might be modified by the utilisation of rights to carry out a permitted activity under a district or regional plan or by the implementation of resource consents which have been granted at the time a particular application is considered, where it appears likely that those resource consents will be implemented.³⁹

130 The Panel has addressed these effects thematically throughout our discussion below. The Panel has also had regard to the relevant planning provisions in evaluating the effects of the Project, as noted in Part A Planning framework.

131 In terms of the management and monitoring of actual and potential effects the Applicant sets out its approach in Part A.8 of the Application. The Applicant notes that⁴⁰:

In some cases, final versions of management plans have been submitted as part of this application. For these management plans it is intended that the decision-making Panel charged with delivering a decision on this application will have sufficient information to accept those plans and impose conditions that require the Consent Holder to adhere to their requirements without the need for subsequent certification. Those management plans will then 'attach' directly to the relevant authorisations

105 We note that as the Application has gone through the various stages of its assessment that these management plans have been the subject of comment and further amendment by the Applicant. We address this further in this section of the Decision.

³⁶ AEE, Part A.07 at section 7.1, page 211.

³⁷ Ibid at section 7.1.1 pages 211 and 212.

³⁸ *Queenstown Lakes District Council v Hawthorn Estate Ltd* [2006] NZRMA 424 at [84].

³⁹ *Queenstown Lakes District Council v Hawthorn Estate Ltd* [2006] NZRMA 424 at [84].

⁴⁰ AEE (A0.8).

Positive effects

- 106 The Applicant has set out the following positive effects of the Project: economic benefit; improved resilience; and ecological and amenity improvements.⁴¹
- 107 We note that none of the commenters raised any disagreement or issues with these stated positive effects. The Panel therefore adopts these positive effects. We do not consider the comments received or the Applicant's response to comments further here. In Part F of this Decision, we set out our assessment of the national and regional benefits of the Project.

Coastal engineering

Overview

- 108 The assessment of options and the design process that informed the Project are contained in Part B of the Application. Section 7.3.1 (A.07) sets out a summary of the key points considering: the southern seawall renewal design and performance considerations and the MGC Yard geotechnical matters.
- 109 The design approach for the seawall is described in the Option Assessment & Design Summary Report, prepared by Beca, dated 22 October 2025. The report outlines a detailed options assessment, use of numerical modelling, physical modelling at the University of New South Wales Water Research Laboratory and review of geotechnical, coastal engineering and constructability matters as part of their assessment approach.
- 110 A notable outcome from the design assessment was the decision requiring the new seawall to be constructed on top of the existing seawall without removal of the underlying existing armour units. This design approach influences the footprint of the new seawall and results in a greater area of the CMA used for the new seawall. Section 4.6 of the report explains that this design approach has been taken to reduce the duration and magnitude of disturbance in the coastal area, reduce the release of sediment during construction and if a severe storm occurred, reduce the risk of severe damage to areas of underlying core material that had existing armour units removed during partially complete construction.
- 111 The report describes the assessment of several armour options and how the assessment led to the decision to use 20-tonne Cubipod units as the primary armour protection. The report also describes the required construction yards at the seawall site, the MGC yard and at George Bolt Drive.
- 112 Section 2.3.4 of A.02 Description of Proposal⁴³ indicates that, on an indicative basis, the new seawall will require up to 80,000m³ of rock and 7,600 Cubipod armour units placed over a length of approximately 400m.
- 113 Engineering design has considered coastal processes both at the site and an assessment of potential changes to surf conditions at Lyall Bay. Both numerical and

⁴¹ AEE, (A.07) section 7.2, pages 212 – 215 and the associated technical reports.

⁴² AEE (B.04) Beca Engineering and Design.

⁴³ AEE (A.02) Description of Proposal.

physical modelling have been used to assess coastal processes at the seawall site, and a numerical model has been used to assess potential changes in surf conditions.

- 114 The design assessment concludes in Section 6 that the effects of the works, with respect to waves and currents, coastal sediment transport, coastal erosion, surf conditions at Lyall Bay will be no more than minor and there will be improved resilience against coastal hazards at the seawall site.
- 115 The proposed work includes the construction of an 80m long rock armour protection section in the eastern area to address existing erosion in that area. This zone forms the transition from Cubipod armour to the existing natural beach to the east. Section 2.3 of the Beca report states that the rock protection proposed to be used in this zone will be founded on rock beneath the beach. This design solution was part of the physical modelling in the NSW University Water Research Laboratory and Beca explained to the Panel that the design process for this zone resulted in a refined alignment and design steepness of the rock to facilitate an efficient design.

Comments Received

- 116 Guardians of the Bays⁴⁴ (**GOTB**) noted in paragraph 1.10 that they agreed with the "over-lay" option (i.e. the new seawall being constructed on top of the existing armour units) as it would appear to have the lower environmental effects. However, they had concerns at the increased footprint of the seawall, even if it is not considered by WIAL as "dry land".
- 117 GOBT raised concerns in paragraph 1.11.1 relating to existing erosion at the eastern end of the proposed seawall. Their concern was that although the proposed rock armour units might deal with part of the beach the remaining beach will remain in an increasing eroded state. They were concerned that the waves and the water that will run off from the wave trap could increase the erosion at the western end of Moa Point Beach.
- 118 At paragraph 1.11.2 GOTB considered the existing seawall associated with the airport had altered the nature of the sands on Lyall Bay beach from white sand to small grey gravel. They questioned whether or not the proposed new works will reduce the amount of gravel coming into Lyall bay from the erosion of the seawall.
- 119 Paragraph 3 of the GWRC submission on coastal processes⁴⁵ noted that GW agreed with the applicant's experts that effects relating to waves, surfing conditions, currents and sediment transport were considered to be no more than minor.
- 120 GWRC had some concerns (paragraphs 13 – 15 GW submission) about the transition area at the eastern end of the seawall where the structure transitions to existing beach. GWRC stated that they had had previous discussions with the Applicant's experts and the Applicant had outlined their design approach to deal with potential "end effect" erosion at this location. GW stated in paragraph 15 "*This is one of the*

⁴⁴ Submission from Guardians of the Bays, response to Minute 2.

⁴⁵ GWRC Technical Comments Coastal Processes.

main physical effects that may occur to the beach from changes to coastal processes from the project". This issue was also raised by GOTB.

- 121 GWRC sought the inclusion of a specific condition of consent requiring beach monitoring of the Moa Point beach for a period of 5 years to monitor possible "end effect" erosion at this location.

Applicant Response to Comments

- 122 The Panel issued Minute 3 requiring the Applicant and GWRC to caucus on the "end effect" erosion issue and endeavour to provide the Panel with an agreed condition to manage the issue. A joint witness statement⁴⁶ was provided to the Panel that advised that the parties had agreed that the issue could be appropriately managed with an amendment to conditions CA.24(a), insertion of a new condition CA.25 and an amendment of conditions CA27, CA28 & CA29. New condition CA25 required that there be no material erosion that is attributable to the structures or works authorised by the consents. Revised conditions CA27 & CA29 required specific inclusion of the Moa Point beach in the visual inspection and reporting program required under these conditions.

Panel Findings

- 123 The Panel is satisfied that the agreed amendment to conditions relating to potential "end effect" erosion at the Moa Point beach will ensure that the area will be monitored for erosion and if erosion occurs that is attributable to the seawall and associated structures the consent holder will be responsible for remediation. This process is expected to provide an improvement on the existing situation where erosion of the bank at the top of Moa Point beach has occurred for some time with no specific party responsible for remediation action.
- 124 The Panel notes the concern by GOTB relating to the increased footprint of the proposed seawall structure. However, the Panel accepts the applicant's findings that constructing the seawall on top of the existing armour units is a safer solution that also reduces potential adverse effects from sediment loss. This proposed solution also assists with reducing the risk of sediment transport of gravel to Lyall Bay beach, which was raised as a concern by GOTB. Notwithstanding this, the Panel is comfortable with the applicant's assessment that sediment transport effects are expected to be less than minor.
- 125 The Panel therefore considers that the design of the project elements and the proposed conditions will ensure that the potential adverse effects of the structure, on coastal processes, are expected to be no more than minor.

Geotechnical matters

Overview

- 126 A geotechnical assessment of proposed earthworks excavation at the MGC Yard site was carried out by Beca and the findings of their investigation are presented in

⁴⁶ Joint witness statement – Planning.

Appendix E⁴⁷ to the Beca Option Assessment & Design Summary Report.

- 127 The purpose of the geotechnical investigation was to assess slope stability matters associated with the proposed 10m+ high cut batters on the southern side of the MGC Yard, required to create the yard to the required size and scale.
- 128 The report recommended design cut batter slopes for the different soils and rock expected at the site such that slope stability could be managed within acceptable risks.
- 129 Draft consent conditions proposed by the Applicant included condition GEO.3 that required an engineering geologist or geotechnical engineer to be on site at all times during the excavations (cuts).

Comments Received

- 130 WCC submission Appendix 5⁴⁸ raised concerns that the condition requiring on-site observation of the earthworks cut should be amended to require that a suitably experienced Chartered Engineering Geologist or Chartered Professional Geotechnical Engineer be present on site at all times during excavation works. WCC also sought a new condition requiring a geotechnical completion report be prepared by a suitably experienced Chartered Engineering Geologist or Chartered Professional Geotechnical Engineer within 1 month of completion of the work and submitted to WCC's compliance monitoring officer.
- 131 Essentially WCC sought a higher level of professional input into site observation tasks and completion reporting tasks to provide greater level of certainty of achieving slope stability.

Applicant Response to Comments

- 132 The Applicant's response to comments included Appendix 4 – Statement of evidence of Jennifer Hart and Amy Sheppard, stated in paragraph 9 that the site based engineering geologist or geotechnical engineer should have a minimum of 2-years' experience but does not need to be a chartered professional provided that the work is supervised by a suitably qualified chartered professional geologist chartered professional geotechnical engineer who may be based off-site. They further stated that this approach aligns with standard industry practice and is a more efficient use of senior resources while still managing the excavation activity effectively.
- 133 The Applicant's response included a suggested amended wording to conditions GEO.3 and GEO.6 to cover WCC's concerns.
- 134 In response to Minute 3, WCC and the Applicant had further discussions and WCC confirmed by way of a memorandum⁵⁰ confirming WCC agreed with the proposed

⁴⁷ Appendix E Geotechnical Assessment of MGC Yard Cut Batter Slopes, prepared by Beca, dated 29 August 2025 – to AEE B.04 Beca – Engineering and Design.

⁴⁸ WCC Appendix 5 Earthworks and Geotech memo WCC comments.

⁴⁹ Applicant's response to comments

⁵⁰ WCC memo response to Panel Minute 3 742026

revised wording of condition GEO.3 and the new condition GEO.6 would provide the appropriate level of professional overview of the excavation work.

Panel Findings

- 135 The Panel is satisfied that the revised conditions provide a suitable mechanism to manage risk and potential adverse effects associated with slope stability of the large excavation at the MGC Yard.

Earthworks, erosion and sediment, dust and stormwater management during construction and operation

Overview

- 136 In terms of construction, as stated in section 7.3.2.1 of the AEE the Application necessitates large scale earthworks across various sites, including the MGC Yard, the Moa Point Yard and the Southern Seawall. Earthworks are also required in association with the rehabilitation of the Moa Point Yard and the establishment of the Stage 1 and 2 Kororā Colonies. As the Applicant correctly notes, without appropriate management, earthworks can result in dust and sediment runoff until the sites are stabilised.
- 137 The most notable earthworks activity relating to the establishment of the seawall construction infrastructure is the creation of the MGC construction yard. As described in Table 2.1 of the Description of Proposal⁵¹ attached to the AEE, the creation of the MGC site will involve the excavation of approximately 100,000m³ of existing landform to create the platforms to be used for stockpiling gravel, rock and the concrete Cubipods used for the new seawall construction. Almost all of this cut material will be transported from the site to a suitable disposal site in the Wellington area.
- 138 The excavation of approximately 100,000 m³ of cut material at the MGC construction site, involving cut batters up to 10m high is expected to be spread over several years⁵², as increased construction material storage volume is required. The area of earthworks disturbance at the MGC yard is expected to be approximately 4ha. The earthworks to create the construction sites at the Moa Point yard and at the George Bolt yard are smaller in comparison with the MDC yard.
- 139 The Application includes an Erosion and Sediment Control Assessment Report⁵³ that has been prepared by SouthernSkies Environmental Ltd to identify and assess the erosion and sediment control principles and procedures for all earthwork activities across the project. This Report is contained in Part B of the Application and includes draft Sediment and Erosion Control Plans (Part G).
- 140 Section 8.1 of the Erosion and Sediment Control Assessment Report states that the principles of the GWRC *Erosion and Sediment Control Guidelines for Land Disturbing Activities in the Wellington Region*, February 2021 (**the ESC Guidelines**) have been adopted for the design, construction, operation and decommissioning of the ESC

⁵¹ AEE (A.02) Table 2.1 at section 2.4.1

⁵² AEE (A.02) at section 2.4.1.

⁵³ B17 Erosion & sediment control assessment report, October 2025, prepared by SouthernSkies Environmental Ltd.

devices. Section 8.1 also states that the NZTA *Erosion and sediment control guidelines for state highway infrastructure*, September 2014 is proposed for sizing the sediment retention ponds (**SRP**).

- 141 Overall, the Applicant's expert considers that the proposed erosion and sediment management approach will ensure that the sediment yield from the works will be minimised to an acceptable level, and that any adverse sediment-related effects will be temporary and minor.
- 142 In relation to operations the Application notes (section 7.3.2.2) that erosion and sediment control measures are most typically used during the construction phase of a project, until a site is stabilised. However, due to the progressive development of the MGC and Moa Point Yards, the erosion and sediment control measures described in the Report will remain in place for much of the duration of the Project. Once the sites are stabilised, aspects of the erosion and sediment control measures will be retained for ongoing stormwater management during operation of the yards.⁵⁴
- 143 The Applicant notes that a permanent and long-term stormwater management solution is not proposed as part of the development and use of the MGC Yard. Such long-term solutions will be developed in accordance with future land use development plans for the site, which are beyond the scope of this Project.
- 144 The Applicant proposes to amend the site-wide WIAL Stormwater Management Plan (authorised under WGN230119) within 3 months (60 working days) of the MGC Yard being fully stabilised. This will ensure the MGC Yard is managed in accordance with the management principles applying to the broader Airport site, and enable a more holistic, catchment-wide approach to managing stormwater quantity and quality.
- 145 With regard to the Moa Point Yard, erosion and sediment controls as managed by the Sediment and Erosion Control Plans will be maintained for the duration of the operation of the yard, the Applicant's expert (Beca) confirm that these measures will appropriately manage stormwater quality and quantity within this yard.
- 146 At the George Bolt Yard, the area currently drains to the local piped network and is managed in accordance with the WIAL Stormwater Management Plan 2024. Given there is no change to impervious area proposed at the George Bolt Yard, no change to stormwater quantity is anticipated to arise as a result of the Project. Beca consider the existing stormwater management and application of the WIAL Stormwater Management Plan 2024 remains appropriate to manage stormwater at the George Bolt Yard.

Comments Received

- 147 GWRC submitted on matters relating to ESC in their technical comments.⁵⁵ The primary area of concern raised by GWRC with respect to these matters, related to the Applicant's proposed use of the NZTA Guidelines for sizing sediment retention ponds instead of the GWRC Guidelines for ESC activities. The point of contention revolved around the fact that the NZTA Guidelines resulted in smaller sediment retention ponds

⁵⁴ AEE (A.02) at section 2.4.2.

⁵⁵ Appendix 7 GW Technical Comments Earthworks.

(SRP) than the GWRC Guidelines and thus GWRC raised concerns that the SRP's to be used at the MGC Yard might not provide sufficient performance to meet the required standards for the discharge. GWRC also raised the point that the NZTA Guidelines were issued in 2014, whereas the GWRC Guidelines were issued in 2021 and thus considered the latter Guidelines as better reflecting best practice.

- 148 SouthernSkies Environmental set out the proposed management of these issues in their report and stated in Section 8.1⁵⁶ *"The NZTA Erosion and sediment control guidelines for state highway infrastructure, September 2014 is proposed as an alternative approach in the sizing of sediment retention ponds (SRP), which I consider appropriate given the site's (MGC Yard) sandy soils."*
- 149 The NZTA Guidelines incorporate a lower runoff to a SRP and thus the SRP can be smaller under the NZTA Guidelines.
- 150 GWRC raised concern that as the MGC Yard was to be operated through winter conditions, the Site Specific Erosion, Sediment and Dust Control Plan (**SSSDCP**) would need to deal with how the additional risk of erosion and sediment runoff would be managed through the winter period.
- 151 GWRC also raised concern that the Applicant's proposed method of operating the chemical treatment system on the SRP's, in accordance with the Chemical Treatment Management Plan (**CMP**), differed from the standard method recommended in the GWRC 2021 ESC Guidelines and considered that there was a risk that the proposed system would not be suitable for the sandy soils at the MGC Yard.

Applicant response to comments

- 152 The Applicant's response⁵⁷ included an updated set of conditions. Condition ESC.21 sets out procedures in the event that the ESC devices fail within certain circumstances and, in the event that these circumstances arise, the consent holder must consider the suitability of the SRP designed under the NZTA Guidelines and amend the ESC Plan if appropriate. GWRC agree with the consent condition.
- 153 The conditions attached to the Applicant's response includes Condition ESC.8 (I), which requires the SSSDCP to include if and how these matters will be managed through the SSSDCP.
- 154 Similarly, Condition ESC.12 deals with the CMP preparation and includes part (a), which requires the CTMP to assess and define the final chemical treatment dosing system to be used having given regard to the nature of the soils on the site.

Panel Findings

- 155 The Panel accepts the advice from the Applicant's specialist relating to the design Guidelines to be used for sizing the SRP's on the MGC Yard. The Panel considers the benefit in cost and operational efficiency potentially achievable from the use of the

⁵⁶ B17 Erosion & sediment control assessment report, October 2025, prepared by SouthernSkies Environmental Ltd – page 20.

⁵⁷ Memorandum of Counsel for WIAL – response to Minute 3.

NZTA Guidelines for the MGC Yard SRP design to be appropriate if the performance outcomes are achieved. The Panel is satisfied that the consent conditions will ensure appropriate action will be taken to achieve the required standards in the event that the use of the NZTA Guidelines have had a negative influence on the performance of the SRP's.

- 156 The Panel acknowledges that the construction site must operate throughout the full year. The applicant has proposed conditions that require a SSESDCP approach that incorporates specific elements to the SSESDCP to deal with the greater exposure to erosion and sediment runoff during the winter period in order to avoid a winter shut down period. The Panel is satisfied that condition ESC.8 (I) provides appropriate management of this risk.
- 157 The Panel is satisfied that condition ESC.12 provides an appropriate framework for the preparation and certification of the CMP such that it deals with the issue of the suitability of the final dosing system in an appropriate manner.

Contaminated Soils Management

Overview

- 158 A detailed site investigation in relation to the Southern Seawall and Moa Point Yard area is contained within Part B of the Application. Based on historic land use activities, potential contaminants of concern were identified and further investigated for the purpose of characterising risk and informing appropriate management measures. A Contaminated Land Management Plan has been included at Part G (G.03) of the Application.

Comments Received

- 159 GWRC through its section 55 committee on contaminated land matters, raised concerns regarding the adequacy of sampling coverage for the MGC Yard Detailed Site Investigation and whether the Contaminated Land Management Plan (**CLMP**) sufficiently addressed environmental risk. Those concerns were raised on a precautionary basis pending further expert consideration.
- 160 Minute 3 issued by The Panel directed Ms Rhodes and the applicant's expert, Ms Shepherd to caucus together and prepare a joint witness statement on the points of agreement and disagreement.
- 161 A joint witness statement was subsequently provided to the Panel following expert conferencing between the contaminated land experts for the Applicant and for GWRC/WCC. That statement records the experts' final agreed positions following consideration of additional information and discussion of sampling rationale and environmental risk.

Applicant response to comments

- 162 The joint witness statement confirmed that additional information was provided to the Councils' expert and that the contaminated land experts discussed the extent and rationale of the sampling undertaken. Following that discussion, the experts agreed that the sampling coverage was adequate for the purposes of the Project and that no further sampling of investigation is required.

- 163 Through the expert conferencing process and resulting joint witness statement, the Councils' expert agreed that the permitted activity standards in Rule R82 of the NRP are met for both the Southern Seawall works area and MGC Yard. On that basis, the experts agreed that the CLMP does not require updating to address environmental risk.

Panel Findings

- 164 The Panel is satisfied that the previously identified differences in expert opinion on contaminated land matters have been resolved through expert conferencing, and that the proposed conditions provide an appropriate and proportional framework to manage risks associated with contaminated land disturbance.

Terrestrial ecology

Overview – Lizards

- 165 The actual and potential effects on terrestrial ecology are addressed in section 7.4 of the Application and in the assessment at Part B. The first part of the assessment focuses on lizards. We then turn to consider effects of kororā and other avifauna.
- 166 In relation to lizards, the Application is supported by two documents that focus on assessing and managing effects related to lizards, namely, the Terrestrial and Freshwater Ecological Impact Assessment⁵⁸, and the Lizard Management Plan⁵⁹.

Assessment of effects – Lizards

- 167 The site of the Stage 1 kororā colony was part of a relocation site for ~300 lizards (mostly comprising Northern grass skink, and several Raukawa geckos) salvaged from a 'joint lizard translocation programme' from Wellington City Council's Sludge Minimisation Facility works and Puhirua Hill, in 2023.⁶⁰ There was some habitat enhancement and monitoring, and post-management is ongoing.
- 168 Five native skink species and four gecko species have been recorded within a 5 km radius of Moa Point. Sufficient habitat is available within the coastal vegetation and grassland on the peninsula at Moa Point (e.g., rock piles, rank grass, logs, infill debris and coastal vegetation) to support populations of native skinks, whilst terrestrial saxicolous (rock-dwelling) species may inhabit rockpiles and infill debris within Moa Point. Species may include threatened or at-risk species such as brown skink, copper skink, ornate skink, northern spotted skink, and minimac geckos as they have been recorded within 5 km of the site. While survey and searches did not identify any other species, both Northern grass skink and Raukawa gecko have previously been recorded at Moa Point. Overall, the herpetofauna values at Moa Point are represented by two not-threatened (low value) species. As a precautionary approach, a moderate ecological value has been assessed for herpetofauna, on the basis that other potentially present species not recorded from survey would have high value⁶¹.

⁵⁸ AEE, B.10.

⁵⁹ AEE, G.07 noting that the Applicant amended the LMP in response to comments.

⁶⁰ Astrid Ecology, 2023; Beca, 2024.

⁶¹ Page 34, Part B.10 of the Application, Terrestrial and Freshwater Ecological Impact Assessment

Management of effects – Lizards

- 169 The management of effects on lizards is based on a programme of search, trapping and relocation. The relocation sites will be enhanced, and the success of relocation will be monitored. The sites to be searched and cleared of lizards are the Stage 1 Kororā Colony, Southern Seawall, Moa Point Yard, and MGC Yard. The salvage operations will take place prior to those sites being subject to vegetation clearance and construction works.
- 170 As noted in the assessment of effects and the Lizard Management Plan (**LMP**), vegetation clearance and the associated salvage of lizards will be carried out during the accepted North Island lizard salvage season of October to April inclusive. The consent conditions are consistent with that restriction.
- 171 Lizards salvaged from these locations will be released to adjacent land, being Tukanāe Street Reserve⁶², and within the Wahine Memorial Park on the south coast. Establishment of the Stage 1 Kororā colony requires some localised vegetation clearance. Any lizards that need to be moved during that process will be released back into suitable habitats at the same site.
- 172 Some habitat enhancement is proposed in the release areas, comprising lizard refuges on airport owned land adjacent to the MGC Yard and enhancement planting at Wahine Memorial Park. There will also be ongoing pest management over five years. Supplementary lizard refuges will also be established within the MGC yard.

Reserves Act matters – Lizards

- 173 Lizard release sites are proposed adjacent to the Tukanāe Street reserve, and within the Wahine Memorial Park. Both sites are recreation reserves owned by WCC. No physical works are proposed at the Tukanāe Street reserve, although, in relation to the adjacent MGC Yard development, the LMP notes that temporary lizard exclusion fencing may need to be erected for the duration of the Project works⁶³. The fencing would be intended to prevent lizards from re-entering areas of active development. At Wahine Memorial Park, 20 m of restoration planting is specified by the LMP if 20 or more lizards are released to the park. Reserves approval is required for the planting from WCC.

Wildlife approval – Lizards

- 174 We understand that there is no existing wildlife permit held by the Applicant in relation to lizards. Under section 42(4)(h) of the FTAA, a wildlife approval is sought to capture and relocate native lizards. The land to be covered by the permit is defined by a map in Schedule 5 of the draft Wildlife Approval provided with the Application. The mapped land included part of the Tukanāe Street Reserve (adjacent to the MGC Yard), and a strip of coastal land referred to by the Schedule as "Moa Point Reserve". The Moa Point Reserve is identified⁶⁴ as the land seaward of Moa Point Road and otherwise known as Lot 4 78304 and Section 33 Watts Peninsula district. Both areas are owned by

⁶² Incorrectly identified as the Rangitatau Reserve by Figure 18 of Application (B.10 at page 76).

⁶³ *Draft Lizard Management Plan - January 2026*, at section 3.1.2

⁶⁴ Figure 18 of the Application (B.10 at page 76).

Wellington City Council. A post-lodgement update of the LMP⁶⁵ amended the release sites to exclude the Moa Point coastal strip. Instead, Wahine Memorial Park is proposed⁶⁶ and the Wildlife Approval is amended accordingly. Specific release locations are not named in the RMA consent conditions. They do not need to be, as the locations are subject to the LMP which is required to be certified.

- 175 The draft permit⁶⁷ sets out the authorised activity as:
- a. To catch, handle and release absolutely protected wildlife (lizards) listed in Schedule 4 from the Stage 1 Kororā Colony, Southern Seawall, Moa Point Yard, and MGC Yard footprint.
 - b. To incidentally harm or kill absolutely protected wildlife (lizards) listed in Schedule 4 if the harm or death is not directly intended but is unavoidable and foreseeable and all reasonable effort has been made to meet the conditions of this Authority.
- 176 The methodology specified as part of the authorised activity in the LMP included in Part G of the Application.
- 177 Schedule 3 of the draft permit is titled "Special Conditions". Among other things, those conditions cover: amendments to the lizard management plan; capture and handling; injury and / or death; incidental discovery, and reporting.
- 178 These conditions stand separate from, but in addition to, the wider suite of conditions imposed on the grant of consent for the project. Special condition 1.2 spells out the relationship between the conditions sets by saying that:
- The provisions of the resource consent conditions (where relevant to this approval) and the Lizard Management Plan form a part of this approval and the Wildlife Approval Holder will undertake the Authorised Activity, in accordance with those management plans and relevant resource consent conditions.
- 179 The Panel is satisfied that there are no inconsistencies between Schedule 3 of the wildlife approval, and the wider suite of conditions imposed by our decision.

Comments Received

DOC

- 180 DOC prepared a 'wildlife approval report', under s 51(2)(c) of the Act. With respect to lizards, DOC's comments and recommendations are:
- a. Further consideration of contingency actions is recommended if a significant number of lizards are salvaged but not detected in post-release monitoring.

⁶⁵ Draft LMP dated 30 January 2026.

⁶⁶ Figure 12 LMP.

⁶⁷ AEE D.03.

- b. It is recommended the Accidental Discovery Protocol be further detailed to ensure clarity for contractors.
 - c. Landowner approval from WCC must be secured to enable the release of lizards at Wahine Memorial Park (Tarakena Bay).
 - d. It is recommended that the adaptive management framework define triggers for determining when monitoring results constitute 'failure' rather than 'inconclusive', particularly where large numbers of lizards are salvaged.
 - e. The 2025 Threats Assessment has replaced the category At Risk – Relict with At Risk – Uncommon, this should be updated in the application with respect to Northern spotted skink (*Oligosoma kokowai*).
- 181 DOC is broadly supportive of the findings of the Applicant's lizard expert and the best practice approaches to management of effects set out in the LMP. DOC is supportive of the adaptive management framework set out in the LMP but recommends that triggers for determining when monitoring results constitute 'failure' should be defined, rather than for 'inconclusive' as noted by section 6 of the LMP, particularly where large numbers of lizards are salvaged⁶⁸.
- 182 DOC also provided a markup of recommended amendments (including commentary) on a version of the draft conditions. Several of the amendments sought by DOC related to clarifying actions in relation to lizards.

Guardians of the Bay (GOTB)

- 183 GOTB expressed concerns about predator control and the need for success monitoring of lizard relocation. In GOTB's opinion, a robust approach to success monitoring is necessary to determine whether lizard numbers at relocation sites increase, remain stable, or decline, and therefore to evaluate the success or failure of the lizard relocation programme.
- 184 GOTB recommended two LMP amendments – addressing domestic cat control, and a monitoring programme to assess lizard presence and population response.

Applicant's response to comments

- 185 DOC's requested condition amendments in relation to the LMP have generally been accepted. However, DOC's recommendation for contingency actions is not accepted. The Applicant's experts concluded that:

Given the limited extent and relatively low ecological value of the affected habitats, together with the implementation of these mitigation measures, ... [we] do not consider that specific updates to the LMP or proposed conditions are necessary"⁶⁹.

⁶⁸ Fast-track Approvals Act wildlife approval report, Department of Conservation, 24 February 2026 at paragraphs 6.1.3 and 6.16.

⁶⁹ Appendix 2 of WIAL Response, Statement of Evidence of Christopher James Wedding and Michael Gareth Anderson (Terrestrial Ecology), 17 March 2026 at paragraph 23.

- 186 The Applicant considered that the LMP amendments sought by GOTB are unnecessary. The Applicant's experts considered that the mitigation measures proposed in the LMP are proportionate to the level of ecological effect and are adequate to manage potential impacts on lizards.

Panel Findings

- 187 The Panel accepts the evidence that various native lizard species, including skinks and geckos, are present or potentially present within parts of the Project Area, and that construction activities will result in the disturbance and loss of habitat in areas proposed for the construction yards, seawall works, and the Stage 1 kororā colony. While the habitats affected are generally modified and not considered of high value, the Panel recognises that the presence of threatened or at-risk species requires a precautionary and managed approach.
- 188 The Panel is satisfied that the Applicant has appropriately adopted an avoidance and mitigation framework based on salvage, relocation, and habitat enhancement, as set out in the Lizard Management Plan. Measures including pre-program surveys, trapping and hand-capture by suitably qualified ecologists, seasonal restrictions on salvage activities, and the use of established relocation sites are consistent with best practice and will substantially reduce the risk of injury or mortality.
- 189 The Panel has considered comments from DOC and the GOTB seeking stronger contingency measures, additional triggers, and enhanced monitoring requirements. While acknowledging those concerns, the Panel accepts the Applicant's evidence that, given the scale and ecological value of the affected habitats, the proposed monitoring and adaptive management framework is proportionate and sufficient to manage residual risks.
- 190 The Panel is satisfied that the proposed relocation sites, including Wahine Memorial Park and adjacent areas, provide suitable habitat, and that habitat enhancement and pest management measures will improve their ability to support relocated lizards over time. The requirements for landowner approval and integration with Reserves Act processes provides further assurance that lizard relocation will be appropriately managed.
- 191 Overall, the Panel finds that, subject to compliance with the LMP, the wildlife approval conditions, and the broader suite of consent conditions, the Project's effects on lizards will be minor and acceptable. The Panel concludes that lizard values have been appropriately recognised and protected, and that the residual effects are not significant and are proportionate to the Project's regional benefits.

Kororā / little penguin

- 192 Kororā are classified as *At Risk – Declining* under the New Zealand Threat Classification System, and regionally as *Threatened – Endangered*⁷⁰. We address avifauna other than kororā and pohowera after this section below.

⁷⁰ GWRC's 2024 assessment of birds introduced "threatened – endangered" as a new category of Wellington mainland conservation status

- 193 The Application was supported by a Marine Ecological Impact Assessment⁷¹. With respect to kororā while at sea, the project's potential effects are addressed by the Kororā (little penguin) assessment⁷², and the kororā (little penguin) management plan⁷³. The management plan provides information about the penguin's foraging behaviour while at sea but does not set out methods for managing any effects in that environment. The bulk of the management plan deals with kororā while on land.
- 194 The kororā assessment notes that it addresses the relevant the relevant statutory authorisations, being RMA, wildlife approval and Wildlife Act. The assessment also notes that it may be relied on to support the Reserves Act approvals that are being sought.

Assessment of effects - kororā

- 195 The assessment outlines the presence of kororā in relation to the existing and proposed environment within the project area, specifically noting the poor quality of the existing seawall habitat. Notwithstanding the existing habitat quality, 9 penguin nest sites were identified and the assessment states that approximately up to 50 sites.
- 196 Potential effects on the penguins are categorised by the assessment as being:
- a. the loss of existing terrestrial and marine habitats as a result of construction activities.
 - b. potential harm to and disturbance of kororā during construction (and any subsequent future maintenance).
- 197 The assessment states that the potential habitat loss and associated harm arising from construction of the seawall, includes disturbance associated with construction activities, potential injury or mortality, and temporal effects on water quality due to sediment suspension.

Management of effects - kororā

- 198 The loss of existing seawall penguin habitat will be addressed through new habitat creation. Some new habitat will be created by building a rock revetment along the shoreline to the east of the new seawall. As noted elsewhere in this decision, the revetment will also remediate an existing area of coastal erosion. Other new habitat will be created by the development of two kororā colonies – referred to in the application as the Stage 1 and Stage 2 colonies.
- 199 The assessment notes that 2,060 m² of new habitat will be created and accessible to penguins in Stage 1 before the loss of 1,805 m² of existing habitat through seawall and other works begins. The assessment notes that 1,470 m² of new habitat will be created by the Stage 2 colony (860 m²) and the rock revetment wall in front of the colony (610 m²). Overall, 3,530 m² of new habitat will be created – representing a net gain of

⁷¹ Part B.11 of the Application - Marine Ecological Impact Assessment.

⁷² Part B.09 of the Application.

⁷³ Part G.06 of the Application.

1,725 m² of kororā habitat associated with the project. The Stage 1 colony will include 100 nest boxes, and the Stage 2 colony will include 70 nest boxes.

- 200 Both penguin colonies will incorporate earth mounds to provide shelter, planting, nestboxes, placement of rocks to provide shelter and to attract penguins to nestboxes, security fencing to exclude people and dogs, and predator control. Overall, by comparison with the existing environment, there will be net gains in terms of habitat quality, area, and number of nesting sites. Dr Cockrem states that:

In coming decades, the two colonies could become the most significant safe kororā breeding areas on the Wellington city coastline."⁷⁴.

- 201 He makes that assertion because:

... the two new colonies will be the largest kororā areas on the Wellington city coastline that are fenced, not exposed to sea level rise, and provide high quality kororā nesting habitats.⁷⁵.

- 202 Residual adverse effects are stated to be the loss of up to possibly 50 nesting or nesting locations⁷⁶. However, Dr Cockrem's assessment and evidence makes it clear that those possible 50 *sites* are not equivalent to the number of breeding pairs⁷⁷, and that the likely number of breeding pairs is at least 75⁷⁸. To address the loss of likely breeding sites, the Applicant proposes a "compensation package" as outlined below, because offsetting (providing like-for-like habitat equivalent to the existing seawall) is not feasible.

- 203 The residual effects analysis uses a Biodiversity Compensation Model (BCM) to test whether offsetting or compensation is feasible within ecological and practical limits. The BCM approach is consistent with the National Policy Statement for Indigenous Biodiversity. We note that the residual effects analysis report includes an explicit assessment against the principles of biodiversity compensation set out in Appendix 4 of the NPSIB. In terms of the project BCM, a net positive outcome for the Stage 1 and Stage 2 colonies will be achieved at 20 and 26 years respectively, assuming 50% occupancy of the nest boxes.⁷⁹ The Applicant notes that positive outcomes will depend on robust implementation, monitoring, and ongoing collaboration with tangata whenua, regulators, and the community.

- 204 The residual effects analysis found that, with the creation of habitat and the other proposed measures, the Stage 1 and 2 colonies⁸⁰:

... will have high quality habitat with nest sites that are safe from inundation during storms, predation by dogs, interference by people, and risks of injury or death when crossing a road. In the medium term, the significance of the new colony will increase as natural nest sites along

⁷⁴ AEE, B.09 at page 2.

⁷⁵ Ibid.

⁷⁶ AEE, B.12 Residual Effects Analysis Report: Kororā.

⁷⁷ AEE, B.09 at page 23.

⁷⁸ Appendix 3 - Statement of evidence of John Cockrem, 17 March 2026, at para 37.

⁷⁹ 100 nest boxes in the Stage 1 colony, and 70 nest boxes in the Stage 2 colony.

⁸⁰ AEE, B.12 at pages 18 and 19.

the adjacent coast are lost due to sea level rise and increased incidence and intensity of storm events.

- 205 The Stage 1 colony will be developed on the landward side of Moa Point Road, south of the existing Moa Point residential area. The site of the Stage 1 colony is on land owned by the Applicant. Kororā will safely access the Stage 1 colony via a bespoke penguin underpass beneath Moa Point Road. Other than those penguins physically relocated to the colony, others will be attracted to use the underpass by lighting and the broadcast of penguin calls.
- 206 While kororā habitat loss is addressed through creation of the two colonies, the risk of physical harm to penguins is primarily mitigated through exclusion and relocation. The project's approach to exclusion is twofold. One means is to exclude the penguins from construction work areas. The other is to temporarily exclude construction works from areas with nesting penguins (with eggs or chicks). An example of the former is the installation of temporary or more permanent fencing or netting prior to or as required during reconstruction. An example of the latter is buffer zones around kororā sites during the main breeding season.
- 207 Ongoing inspections, by expert ornithologists and trained penguin dogs, is intended to support the success of both these approaches to exclusion. Relocation of penguins to the Stage 1 colony underpins their exclusion from current nesting areas. On a longer-term basis, the penguins will continue to be protected in the Stage 1 and 2 colonies by fencing that excludes people and dogs.
- 208 Other than mitigating the risk of physical harm, there will be noise controls to minimise distress to the penguins. Although the project area is already a high noise environment (airport operations and wave noise) specific controls will be placed on micropiling, as it generates more noise than other construction activities. Sound level measurement, the use of noise barriers, expert assessment of penguins displaying stress behaviours, and a requirement to stop work when necessary are all part of the approach to noise mitigation.
- 209 Construction noise measurement is required when works occur within 20 metres of known or assumed kororā nests. If noise levels exceed 75 dB, then they must cease and noise barriers will be erected.

Reserves Act matters – kororā

- 210 The seaward end of the Stage 1 colony penguin underpass, west of the Moa Point Road reserve, is located on Wellington Council owned land which is local purpose (esplanade) reserve subject to the Reserves Act. Reserves Act approval is therefore needed for in relation to the eastern end of the penguin underpass. The lease or licence area also covers lizard release and management. Specific to kororā, the area identified for Reserves Act approval⁸¹ also includes the underpass construction works associated with establishment of the Stage 1 colony.
- 211 The Stage 2 colony is located immediately east of the main Moa Point construction yard. It is on untitled Crown land, seaward of Wellington City Council owned reserves

⁸¹ Figure 11.3 in section 11 of the Application.

land. However, access for monitoring and maintenance of the colony is needed across the reserves land⁸².

Wildlife Approval – kororā

- 212 The Applicant holds an existing wildlife permit, and subsequent variations, related to avifauna management associated with the airport. The original permit (67919-FAU, granted 28 June 2018) authorises the disturbance of any protected bird species “for the purpose of safe airport operations”. It additionally authorises the killing of red and black billed gulls, and variable oystercatchers⁸³. The authorisation appears to apply only to Wellington Airport owned land. Schedule 3 of the existing permit requires that the Applicant provides DOC with a Best Practice Management Plan for managing wildlife. We note that we have not viewed that document and it is not referred to in the Applicant’s technical assessments. There is no apparent expiry date on the permit.
- 213 A 2023 variation of the permit, granted 17 April 2023, added mallard duck, black swan and mute swan to the list of birds authorised to be killed (on airport land for airport safety purposes). There is no apparent expiry date for this variation. A 2024 variation, granted 7 February 2024, authorises the killing of an expanded schedule of further bird species and expires 21 June 2028. This schedule of species includes the specific species already mentioned in the original permit and the 2023 variation. A further, and most recent, variation of the permit was granted 10 October 2024 and does not state an expiry date. Its location is limited to Hue To Take, the peninsular south of the Airport which terminates in Moa Point and is specific to black backed gulls.
- 214 As noted above, the existing Wildlife Act authorisations are limited to Airport land, for the purpose of safe airport operations. Given that the proposed management of kororā will be outside of the Airport and we understand, not “for the purpose of safe airport operations”, a new permit is required. The land to be covered by the permit is defined by a map in Schedule 4 of the draft Wildlife Approval provided with the application. The relevant land is mapped to include the southern seawall, Moa Point construction yard, and the Stage 1 and 2 kororā colonies.
- 215 The draft permit sets out the authorised activity which is:
- a. To catch, handle and release absolutely protected wildlife (kororā; little penguin) at the Southern Seawall, Moa Point Yard, Stage 1 Kororā Colony and Stage 2 Kororā Colony.
 - b. To mark kororā, for the purposes of species management and research, by way of:
 - i. Subcutaneous transponder (PIT tag microchip); and
 - ii. GPS dive logger or satellite tracking device.

⁸² Figure 11.2 in section 11 of the Application

⁸³ We note that oystercatchers have a regional status of “Threatened – Endangered”.

- c. To incidentally harm or kill kororā if the harm or death is not directly intended but is unavoidable and foreseeable and all reasonable effort has been made to meet the conditions of this Authority.

- 216 The “Methodology” specified as part of the authorised activity is the kororā Management Plan included in Part G of the Application.
- 217 Schedule 3 of the draft permit is titled “Special Conditions”. Among other things, those conditions cover: amendments to the penguin management plan; capture and handling; injury and / or death; and reporting.
- 218 These conditions stand separate from, but in addition to, the wider suite of conditions imposed on the grant of consent for the project. Special condition 1.1 spells out the relationship between the conditions sets by saying that:

The provisions of the resource consent conditions (where relevant to this approval) and the KPMP form a part of this approval and the Wildlife Approval Holder will undertake the Authorised Activity, in accordance with that management plan and the relevant resource consent conditions.

- 219 The Panel is satisfied that there are no inconsistencies between Schedule 3 of the wildlife approval, and the wider suite of conditions imposed by our decision.
- 220 DOC⁸⁴ noted that the application and its wildlife management measures are “not inconsistent with” the Wellington Conservation Management Strategy 2019. That strategy, approved by the New Zealand Conservation Authority, sets out a comprehensive framework for the integrated management of natural, historic and recreational values across the Wellington region.
- 221 The following subheadings summarise comments received from invited parties in relation to kororā, namely: Te Rūnanga o Toa Rangatira (Te Rūnanga); DOC; Wellington Conservation Board; New Zealand Conservation Authority; GWRC; and GOTB.

Comments received – Te Rūnanga - kororā and pohowera

- 222 With respect to both kororā and pohowera⁸⁵, Te Rūnanga o Toa Rangatira (Te Rūnanga) requested that conditions are imposed that require comprehensive, long-term monitoring to track populations and displacement effects over time.
- 223 Specific to kororā, Te Rūnanga stated that indirect effects are as significant as direct habitat loss and must be anticipated and managed accordingly. Such effects were noted as including attempts by penguins to return to former burrows or seek alternative nesting sites in neighbouring areas, potentially increasing their exposure to threats such as vehicles and dogs. Monitoring and mitigation must be sufficient in duration and scope to address both immediate and cumulative effects.

⁸⁴ Fast-track Approvals Act wildlife approval report, Department of Conservation, 24 February 2026.

⁸⁵ Where appropriate, we address pohowera under the heading of “Other avifauna”.

Comments Received – DOC - kororā

- 224 DOC provided a 'wildlife approval report', under s 51(2)(c) of the Act. With respect to kororā, the Department's comments and recommendations are:
- a. The proposed timing of works, penguin exclusion measures, nest buffers, rock removal protocols, kororā extraction/relocation techniques, and daily site checks are considered to be consistent with best practice from comparable projects.
 - b. These measures will reduce, but cannot eliminate, the risk of injury or mortality to kororā during construction.
 - c. DOC recommends a limit of up to 30 GPS tagging deployments annually, with each bird tagged no more than once per year.
 - d. The primary mitigation of creating two new colony sites with 170 nestboxes and protective fencing to exclude dogs is appropriate mitigation for offsetting the temporary loss of habitat.
 - e. DOC recommends additional measures such as the installation of temporary low fencing (40 cm) and netting along sections of road adjacent to these movement corridors to reduce penguin mortality risk.
 - f. The usefulness (uptake by displaced penguins) of the Stage 1 kororā colony may be limited by its distance (500 – 700 metres) from the construction footprint – but accepts that there is no closer suitable closer habitat.
 - g. The Stage 2 colony will not be available for five years and therefore is not useful for displaced penguins during construction. It will however provide longer term beneficial habitat enhancement.
- 225 DOC's report is broadly supportive of the findings of the Applicant's penguin expert and the best practice approaches to management of effects set out in the Kororā Management Plan. DOC considers that the primary mitigation package (new habitat, nestboxes, predator exclusion fencing and supporting advocacy) is sufficient to offset the interim loss of kororā habitat.
- 226 DOC also provided a markup of suggested amendments (including commentary) on a version of the draft conditions.

Comments received – Wellington Conservation Board - kororā

- 227 The Wellington Conservation Board (**WCB**) supports the intent to provide improved or purpose-built habitat for kororā but calls for the project to clearly demonstrate a measurable net biodiversity gain. WCB cited required metrics as including baseline ecological conditions, habitat quality, breeding success indicators, and long-term performance measures.
- 228 The Board noted that monitoring frameworks should extend beyond the construction phase and incorporate adaptive management triggers. Sustained kororā breeding success, survivorship and ecosystem functionality should be part of ongoing monitoring. WCB also emphasised the need for secure, long-term commitments to weed and pest management, and to maintenance of the colony habitats. WCB called

for monitoring and maintenance obligations to be linked to dedicated and ring-fenced funding mechanisms.

Comments received – New Zealand Conservation Authority - kororā

- 229 The New Zealand Conservation Authority (**NZCA**) noted its support for DOC's technical recommendations⁸⁶, including the need to clarify adaptive management triggers and refine monitoring and relocation protocols. The Authority noted that: *"Without defined trigger points, corrective action risks becoming discretionary rather than mandatory. This is particularly relevant for kororā colony establishment, lizard relocation, predator management, and long-term shoreline response"*.
- 230 Similar to comments provided by WCB and GWRC, NZCA called for the wildlife approval to *"secure demonstrable long-term conservation outcomes, not solely procedural compliance"*. The Authority views the project as an opportunity to provide "ecological uplift" relative to the existing kororā nesting environment.
- 231 NZCA's comments also drew our attention to WIAL's record of engagement with mana whenua⁸⁷ and what the Authority characterised as "specific cultural perspectives on kororā management, emphasising the importance of tikanga Māori, kaitiakitanga, and long-term guardianship alongside scientific mitigation measures". NZCA called this "conditional and implementation focussed" support from the consulted parties. NZCA noted that in WIAL's engagement records, Wellington Tenth's sought "explicit provision for tikanga-led kororā handling, ongoing cultural oversight, reporting hui, and induction of contractors in cultural values".
- 232 With respect to Reserve Act considerations (which are not confined to the kororā colonies), The NZCA stated that activities requiring approval under the Reserves Act – including construction, occupation, access, monitoring and long-term maintenance within reserve land – should be assessed with a clear expectation of enduring conservation outcomes, rather than short-term mitigation or procedural compliance.

Comments received – GWRC – kororā

- 233 GWRC highlighted the locally *Threatened – Vulnerable* status of kororā, which is of greater conservation concern than the national status of *At Risk – Recovering*. GWRC also noted a desire for best practice outcomes-based targets in relation to the management measures. This contrasts with what GWRC's senior terrestrial ecologist views as an outputs-based approach taken by the Project, which they considered to be reliant on measures such as the number of nesting boxes provided.
- 234 The GWRC links its response to consistency with Principle 5(b) of Schedule G2 of the regional Natural Resources Plan (NRP), the effects management hierarchy set out in Policy P38 of the NRP, and Policy 11 of the NZCPS – which each provide for biodiversity offsetting.

⁸⁶ The recommendations were provided in DOC's 'wildlife approval report', submitted under s 51(2)(c) of the Act.

⁸⁷ Port Nicholson Block Settlement Trust (on behalf of Taranaki Whānui) and Te Rūnanga o Toa Rangatira (on behalf of Ngāti Toa), and Wellington Tenth's Trust.

- 235 To achieve the desired focus on outcomes, GWRC sought condition amendments which it summarises as:

Kororā nesting box uptake target based on the numbers of pairs of birds attempting to breed in the seawall at the time of construction. With annual monitoring and five-year checkpoints. Requiring independent review and actions to be agreed with the consenting authority to achieve the target, to offset, or compensate the effects if this is not possible within a stipulated timeframe.

- 236 The GWRC's comments included marked up requested amendments to the Applicant's draft conditions.

Comments received – Guardians of the Bay (GOTB) - kororā

- 237 GOTB stated that their main concern relates to the safety of kororā in the Stage 1 colony, with the presumed free access that cats or dogs would have to the colony via the sea-end entry to the penguin road underpass. GOTB regards a restriction of dogs on the beach as unworkable. The Panel assumes this comment is based on the recommendation that the Applicant engage with WCC to pursue a bylaw amendment restricting the access of dogs to that section of beach⁸⁸.

- 238 GOTB also queried the maintenance required to keep the sea-end entry of the penguin underpass free of gravel build up, or other adverse effects arising from sea level rise or storm swells / erosion.

- 239 GOTB queried the location of buried sewage pipework in relation to the Stage 1 colony and underpass, and whether pipe maintenance work would affect the future colony.

Applicant response to comments – kororā

- 240 In responding to the comments of Te Rūnanga about kororā, the Applicant noted:

- a. The two new colonies will provide significant areas of safe habitat.
- b. WIAL will advocate (with WCC) for increased dog regulation.
- c. Temporary fencing or netting will be provided along Moa Point Road to address the existing traffic and dog risks faced by kororā. We note that WIAL's response also addresses a similar comment made by GOTB.

- 241 In responding to the comments of the WCB about kororā, the Applicant noted that:

... the conditions set already provide for the relief sought by the Wellington Conservation Board, particularly in that they provide for the provision of higher quality penguin habitat than currently exists, a net gain in penguin habitat of 1725m², and 20 years of maintenance, monitoring and pest control at each of the Kororā Colonies.

- 242 In responding to the comments of GWRC in relation to kororā, the Applicant acknowledged the species' regional conservation status and the importance of

⁸⁸ AEE, G.06 at page 38.

achieving enduring ecological outcomes. The Applicant emphasised that the Project has been designed to avoid and minimise effects on kororā where practicable, with residual effects addressed through a comprehensive package of mitigation and enhancement measures, centred on the establishment of two purpose-built kororā colonies. The Applicant stated that these colonies would provide secure, high-quality habitat protected from predation, human disturbance, inundation, and traffic risks, and would be supported by long-term monitoring and management commitments.

- 243 GWRC sought outcomes-based performance targets, including nesting-box occupancy benchmarks and defined adaptive management triggers. The Applicant responded that while it supports monitoring, review, and adaptive management, rigid numerical occupancy targets are not appropriate for kororā, given the species' behaviour, site fidelity, and sensitivity to factors beyond the Applicant's control. Relying on the evidence of Dr Cockrem, the Applicant stated that colony success is best assessed through habitat quality, protection from threats, and longer-term trends in use and breeding success, rather than short-term occupancy rates. The Applicant therefore proposed monitoring and review over meaningful ecological timeframes, rather than enforcement of fixed performance thresholds.
- 244 The Applicant also addressed GWRC's policy concerns by stating that its kororā management approach is consistent with biodiversity, offsetting and compensation principles when read in light of the Project's overall effects profile and its status as regionally significant infrastructure. The Applicant considered that the revised conditions and Kororā Management Plan appropriately balance environmental protection with proportionality and are consistent with the Fast-Track Approvals Act requirement that conditions must not be more onerous than necessary to address effects.
- 245 In responding to the comments of COTB about kororā, the Applicant noted⁸⁹:
- a. The Stage 1 colony underpass design has considered present day and future sea levels (up to 2080), as well as erosion and accretion of gravel on the beach.
 - b. The seaward end of the underpass is approximately 0.7m above the present-day beach level, providing clearance for accumulation of gravel on the beach without blocking the underpass entrance.
 - c. The location of existing wastewater pipes has been taken account of in the Stage 1 colony design. Wellington Water (Tiaki Wai) has confirmed it has no further comments on the proposed works.

Panel Findings – Kororā

- 246 Kororā are recognised as a species of conservation concern, being classified as At Risk – Declining nationally and Threatened – Endangered within the Wellington region. The Panel accepts that the Project will result in the loss of existing, albeit low-quality, kororā habitat along the existing seawall and within construction areas, and that

⁸⁹ Statement of evidence of Jennifer Hart and Amy Sheppard, Appendix 4, WIAL response to comments.

construction activities carry an unavoidable risk of disturbance or harm if not appropriately managed.

- 247 The Panel is satisfied that the Applicant has placed significant emphasis on avoiding and minimising effects on kororā where practicable. Construction sequencing, seasonal restrictions, exclusion fencing, buffer zones around occupied nests, monitoring by suitably qualified experts, and clear stop-work triggers form a comprehensive avoidance and mitigation framework that is consistent with best practice. While these measures cannot eliminate all risk, the Panel accepts the evidence that they will substantially reduce the likelihood of injury or mortality during construction and maintenance activities.
- 248 The Panel places considerable weight on the proposed establishment of the Stage 1 and Stage 2 kororā colonies as the primary mechanism to address residual habitat loss. The evidence before us demonstrates that these colonies will provide secure, purpose-designed habitat that is materially superior to the existing seal wall environment, including protection from dogs and people, reduced exposure to inundation, and safer access routes. The Panel accepts that the creation of these colonies will result in a net gain in the area and quality of kororā habitat over time.
- 249 While concerns were raised, particularly by GWRC, regarding reliance on management measures rather than prescriptive performance targets, the Panel accepts the Applicant's evidence that rigid numerical occupancy targets are not an appropriate measure of success for kororā colony establishment. The Panel agrees that long-term habitat quality, protection from threats, and trends in breeding success are more reliable indicators of ecological outcome than short-term nest-box uptake, which may be influenced by factors outside the Applicant's control.
- 250 We consider that the various measures outlined earlier in the Decision (paragraphs 206 to 209) are clear examples of adaptive management during the construction period. With regard to ongoing adaptive management once the colonies have been constructed, we rely on the evidence of Dr Cockrem where he states that⁹⁰:

WIAL will regularly review the monitoring of nestboxes, and results from its regular inspections of the new colonies, so that we can consider progress and what actions could be taken to increase the rate of uptake of nestboxes. For example, if penguins are taking up nestboxes in one area of a colony and not other areas, we can look at the characteristics of the area in which the penguins are taking up nestboxes and replicate those characteristics in other areas. Monitoring of progress, and adaptive management, will be implemented so that we can achieve the goals referred to above.

- 251 The goals referred to by Dr Cockrem are⁹¹:

Two new kororā colonies will be created and maintained, to achieve our two overarching goals for the kororā colonies:

⁹⁰ Appendix 3 - Statement of evidence of John Cockrem, 17 March 2026, at para 43

⁹¹ Appendix 3 - Statement of evidence of John Cockrem, 17 March 2026, at para 27

- (a) to contribute to the long term conservation of kororā in the Wellington region by providing breeding sites for kororā that are safe from predators, attacks by dogs, disturbance by humans, and loss of nest sites due to sea level rise; and
- (b) to have at least as many breeding pairs in the new kororā colonies as are likely to currently be present in the southern seawall.

- 252 The Applicant's commitments, as set out in Dr Cockrem's evidence, are embedded in the consent conditions by virtue of condition GC.1. That condition requires the Project to be undertaken in general accordance with, among other things, "(b) *The additional and updated application documents submitted by the Consent Holder to the Environmental Protection Authority on: iv) 17 March 2026*".
- 253 To the extent necessary and proportionate in the context of the FTAA, the Panel considers that the principles of the regional Natural Resources Plan set out in Schedule G3 (Biodiversity Compensation) will be implemented. In particular, we consider that Applicant's goal to have at least as many breeding pairs in the new kororā colonies as are likely to currently be present in the southern seawall, is consistent with Schedule G3(5)(b)(i) which relates to specific, measurable and time-bound targets. The goal is specific and measurable, and the timing is accounted for in the Applicant's BCM assessment. That said, we do not regard it as a rigid numerical target that must be subject to conditions.
- 254 With respect Schedule G3(5)(b)(ii) which relates to mechanisms for adaptive management, we consider that example mechanisms have been adequately described by Dr Cockrem.
- 255 Condition ECO.62 requires ongoing monitoring and reporting, and condition ECO.63 requires the progress and uptake of the kororā colonies to be discussed on a regular basis with the Department of Conservation, GWRC, and WCC. We consider that these conditions provide the necessary means of measurement and response to achieve beneficial long term outcomes.
- 256 The Panel is satisfied that the kororā Management Plan, supported by long-term monitoring, review, and adaptive management provisions, provides an appropriate and proportionate framework to detect issues and respond if outcomes are not tracking as anticipated. The duration and scope of monitoring commitments give confidence that the effectiveness of the colonies and associated mitigation measures will be assessed over ecologically meaningful timeframes.
- 257 The Panel has also considered the views of DOC, GWRC, GOTB, conservation bodies, and mana whenua. We are satisfied that matters relating to construction risk, lighting, traffic, predation, and long-term stewardship have been appropriately addressed through refinements to conditions and management plans. We note that ongoing engagement and collaboration are secured through conditions, rather than left to aspirational commitments.
- 258 Overall, the Panel finds that, while the Project will give rise to adverse effects on kororā in the short term, these effects are appropriately avoided, minimised, and remedied where practicable, with residual effects adequately offset by the creation of high-quality replacement habitat and long-term management. Subject to compliance with the proposed conditions, the Panel concludes that the effects on kororā are acceptable and not out of proportion to the Project's regional benefits.

Other Avifauna

Overview – other avifauna

- 259 The Application was supported by two documents that focus on assessing and managing effects related to avifauna (excluding kororā).⁹²
- 260 Individual species with potential to breed within or near parts of the Project area – include banded dotterel (pohowera), variable oystercatcher (tōrea pango), and falcon (kārearea)⁹³. Each of these species has an ‘at risk’ or ‘threatened’ status. Pohowera is nationally *At Risk – Declining* and regionally *Threatened – Endangered*. Oystercatcher is nationally *At Risk – Recovering* and regionally *Threatened – Endangered*. Kārearea is nationally *At Risk – Recovering* and regionally *Threatened – Critical*.
- 261 Fluttering shearwater (pakahā) is also referred to. Fluttering shearwater is nationally *At Risk – Relict* and regionally *Threatened – Critical*. It is locally extinct on the Wellington mainland, but present at Matiu-Somes Island. It is not identified as having potential to breed within the project area, but it is identified as being susceptible (especially juvenile birds) to grounding through disorientation from artificial light sources.

Assessment of effects – other avifauna

- 262 The Ecological Assessment identifies vegetation removal, noise, light, vibration, dust and general disturbance to nesting birds as likely effects. It sets out ‘headline’ mitigation recommendations to avoid or minimise effects, or to remediate the environment. The intent of these recommendations is carried through to the Avifauna Management Plan (**AMP**). Subject to implementation of the recommendations and AMP, the finding is that effects on avifauna will be low.
- 263 The Assessment notes that birds using the Project site already experience air traffic noise and vibration and have adapted to this environment. Some, such as banded dotterel, make use the Airport grassland (between and beside runways), including for breeding. However, the Assessment notes that sensitivity to disturbances such as noise and vibration is most pronounced during critical life-history stages, such as during moult and breeding. These disturbances can cause them to leave the nest or displace them to another site.
- 264 Some of Project noise effects will differ from the existing airport noise as they will occur at a different time, especially in the Moa Point area. Construction activity there will be during the midnight to 6 am period, when regular flights are not arriving or departing the airport.
- 265 As noted earlier, the Project’s noise report⁹⁴ takes specific account of potential noise effects on kororā, both on land and underwater. However, the noise report does not reference potential effects on other avifauna. Likewise, the AMP does not include any provisions related to construction noise management. However, the conditions of

⁹² AEE, B.10 and G.08.

⁹³ Noting that potential kārearea presence is limited to near, but not in, the MGC Yard.

⁹⁴ AEE, B.014.

consent do include a 50-metre exclusion zone for works near the eggs and chicks of dotterel or oystercatcher.

- 266 The Ecological Assessment notes that although the Airport is already a well-lit environment at night, the Project works will introduce additional light, increase cumulative effects, and potentially increase the range of effects within the surrounding environment⁹⁵. The AEE states that expert advice was engaged to ensure that artificial light at night is reduced to the extent practicable.⁹⁶

- 267 The expert lighting effects assessment states that:

In my view, the conditions that I recommend to manage sky glow effects on Residents will also manage effects on biota (refer to Table 7 below⁹⁷). However, I note that the relevant ecological experts may recommend additional conditions relating to lighting to manage potential effects on biota.⁹⁸

- 268 Specific to artificial light, the Assessment notes that:

Artificial light at night (ALAN) has been shown to have a significant negative effect on migratory seabirds in New Zealand by disorientating them and consequently increasing collisions with hundreds of recorded mortalities annually. Species most susceptible to ALAN are fledglings within the order Procellariiformes⁹⁹, which includes shearwaters, petrels and albatrosses. Fledgling seabirds have been shown to be grounded in response to artificial light 15 km away, leading to injury and mortalities.¹⁰⁰

- 269 The AMP notes that¹⁰¹:

The Ecological Impact Assessment for the Southern Seawall Renewal Project identified numerous records of fluttering shearwaters within Wellington Harbour and Lyall Bay, particularly post-breeding when juveniles disperse from Matiu/Somes Island. The Project area lies within the typical fallout range for fledglings, especially when artificial lighting is used during night construction work at Moa Point and the Eastern Bank.

Given the Project's temporary lighting towers, vehicle headlights, and security lights, fledgling grounding events are considered possible during the January–February fledging period. The primary pathway of effect is light-induced disorientation, not physical habitat loss or noise disturbance.

- 270 The AMP also notes that although fluttering shearwater is the most likely to be grounded by artificial lights, other seabirds may also exhibit the same response to

⁹⁵ AEE, B.10, section 5.1.3, page 51.

⁹⁶ AEE, section 7.6.5.

⁹⁷ Ibid at page 36 - Table 7 of the Lighting assessment refers to conditions 2, 3, 4, 7 and 8 of the assessment. These conditions cover lighting: colour and temperature; intensity; adaptive controls; mobile lighting towers; mobile plant and vehicle work lights.

⁹⁸ AEE, B.16 at page 36.

⁹⁹ Noting that the order 'Procellariiformes' includes fluttering shearwater.

¹⁰⁰ AEE, B.10, section 5.1.3, page 50.

¹⁰¹ Draft Avifauna Management Plan - January 2026, at section 6.1.

lighting. The AMP states that protocols developed for fluttering shearwater can be used for other species as well¹⁰².

- 271 Conditions to manage effects on residents of Moa Point Road, as recommended in the expert lighting effects assessment, have been adopted as conditions by the Applicant. However, the actions set out by the AMP go significantly further to avoid or minimise the effects of project lighting on avifauna but have not been adopted as conditions. That said, condition GC.4 requires the exercise of the consent to be “in accordance” with the AMP.

Management of effects – other avifauna

- 272 The Ecology Assessment sets the scene for management of effects on avifauna, while the Project’s AMP is the vehicle for achieving the recommended outcomes. The AMP is separate from the more specific Kororā (little penguin) management plan referred to elsewhere in this Decision. The stated objective of both the Ecology Assessment and the AMP is to avoid mortality, injury, or significant disturbance to nesting native birds. The aim of the AMP is to also minimise the project’s adverse effects on breeding success.
- 273 The AMP is a document that the Applicant seeks to have approved as part of our decision-making processes. Consent condition GC.4 specifies that the consent must be exercised in accordance with the AMP.
- 274 The AMP outlines management measures including deterrence of birds prior to nesting, pre-construction nest surveys, minimising impacts on breeding birds, and actions if eggs or chicks are found in the construction area. Those measures apply to all coastal seabirds, although banded dotterel and variable oystercatcher are the ones specifically mentioned. The AMP also includes specific measures designed to avoid or minimise disturbance to kārearea, as potential breeding habitat has been identified south of the MGC Yard¹⁰³.
- 275 Although the need to comply with the AMP is clear from condition GC.4, some other consent conditions provide additional clarity around implementation of the AMP’s management measures. As an example, conditions specify a 50-metre exclusion zone from the eggs or chicks of pohowera or variable oystercatcher (assuming that prior nesting deterrence has failed). Subject to the prevention of breeding within the works area, or implementation of exclusion zones as described above if nest deterrence fails, the Ecology Assessment considers that potential effects will be low¹⁰⁴.
- 276 Although the AMP’s stated objective is to minimise impacts on nesting / breeding birds, it also includes a significant section on ‘grounded seabird management’ – with a specific focus on fluttering shearwater (pakahā) and risks that the species faces from construction lighting.

¹⁰² G.08, section 2.1.4.2

¹⁰³ See Figure 5, Avifauna Management Plan.

¹⁰⁴ Terrestrial and Freshwater Ecological Impact Assessment, BioResearches, 3 September 2025 at page 50.

Wildlife Approval – other avifauna

277 As noted earlier, the Applicant's existing Wildlife Act authorisations are limited to airport land, for the purpose of safe airport operations. The applications for new permits apply to land outside of the operational airport. The Applicant only sought avifauna wildlife approval in relation to kororā.

278 The comments received from DOC identified a need for additional wildlife approval. These comments align with the Panel's own concerns that this aspect was not fully covered in the Application and that reliance on AMP approval via our decision-making process is insufficient. In particular, it appears that some of the actions mandated by the AMP could amount to "hunt or kill" as defined by the Wildlife Act. The Act defines the term as:

... in relation to any wildlife, includes the hunting, killing, taking, trapping or capturing of any wildlife by any means; and also includes pursuing, disturbing, or molesting any wildlife, taking or using a firearm, dog, or like method to hunt or kill wildlife, whether or not it results in killing or capturing or not; and also includes every attempt to hunt or kill wildlife and every act of assistance of any other person to hunt or kill wildlife.

279 We note in particular that the Act's definition includes "pursuing or disturbing". As an example, the AMP mandates 'herding' of chicks to remove them to a safe area. This would apply to the chicks of dotterel and oystercatcher which are absolutely protected species under the Act. Even though the AMP requires this to be done in consultation with the Project Ornithologist, we consider that it still amounts to pursuing or disturbing and would therefore contravene s 63(1)(a) of the Wildlife Act without first having obtained a permit.

280 As another example, the AMP mandates the capture and handling of grounded seabirds – and specifically fluttering shearwater – an absolutely protected species with a regional threat classification of "At Risk – Relict". The AMP refers to capturing the bird "using a towel or soft net, taking care to avoid damaging feathers or wings. Once secured, the bird is to be placed in a dark net box". Although these may be typical and reasonable actions to take, we again consider that they would contravene s 63(1)(a) of the Wildlife Act without first having obtained a permit.

281 We are supported in our views by the comments received from the DOC. We address this further below.

Comments received – DOC - other avifauna

282 DOC agrees that the three species of primary concern for the project are pohowera (banded dotterel), variable oystercatcher, and kārearea. The methodology, mitigation, monitoring, and reporting measures of the AMP are considered generally appropriate. However, DOC expressed concern at the proposed use of nest cages – citing risks related to predation and nest abandonment. DOC's preferred alternative is to increase the scale or intensity of predator control.

283 DOC noted that the Applicant's focus has been primarily on dissuading nesting, but with contingency measures for managing eggs and chicks if necessary. DOC pointed out that such measures require a wildlife approval under the Act.

- 284 In that regard, DOC suggested that the need for another approval could require the Panel to suspend the application under s 62 FTAA. Alternatively, DOC suggested that the Applicant seek an approval through the standard DOC processes, outside of our Panel decision-making process.

Comments received – Wellington Conservation Board (WCB) - other avifauna

- 285 Comments received from the WCB were generally broadly framed. We have noted the Board's kororā specific comments above. Other comments we have taken to apply to avifauna in general, lizards, and marine habitat. We summarise those comments below.
- 286 The Board noted the Wellington Conservation Management Strategy and DOC's Lower North Island Strategy. WCB highlighted the Lower North Island Strategy emphasis (covering both the marine and coastal environment) "*on strengthening aquatic ecosystems, enhancing ecological connectivity, and recognising natural capital as a foundational asset underpinning environmental, social and economic wellbeing*".
- 287 The Board's position was that "*the project should be framed not only as an infrastructure resilience measure but also as an opportunity to enhance coastal ecological function and natural capital over the long term*".

Comments received – GWRC - other avifauna

- 288 The Applicant's Ecological Assessment concluded that adverse effects associated with the loss of pohowera habitat will be no more than minor. GWRC disagrees with that assessment and considers that the effects will be more than minor – although noting that the proposed management measures include replacement habitat opportunities to offset the loss¹⁰⁵.
- 289 GWRC highlighted the local status of pohowera (banded dotterel) as "Threatened – Endangered", which is of greater conservation concern than its national status of "At Risk / Declining". As with the Council's comment about kororā, GWRC noted a desire for management measures that include best practice outcomes-based targets, as well as monitoring and adaptive management – and the issue of consistency with the NRP and NZCPS. GWRC sought a pohowera nest pair target, based on the number of birds attempting to breed within the project works area¹⁰⁶.
- 290 On this basis, GWRC considered 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 of the NRP.¹⁰⁷ In seeking this target-based approach, GWRC references Policy 11 of the NZCPS, and the related Policy 38 and the related Schedules G1, G2 and G3 of the Wellington Natural Resources Plan. The Council acknowledges that the project is consistent with objectives

¹⁰⁵ Comments on the Wellington International Airport Southern Seawall Renewal, GWRC, 6 March 2026 at paragraph 27.

¹⁰⁶ GW FTA260318 Appendix 3 GW Technical Comments Korora and Coastal Avifauna, GWRC, 19 February 2026 at paragraph 10.

¹⁰⁷ GW FTA260318 GW Section 53 Comments Wellington International Airport Southern Seawall Renewal, 6 March 2026, at paragraph 32

and policies of the NPS-I, and with various objectives and policies of the NRP – including Policy 39 which addresses regionally significant infrastructure.

- 291 GWRC's comments included marked up requested amendments to the Applicant's draft conditions.

Applicant response to comments – other avifauna

- 292 The Applicant's avifauna experts have taken on board DOC's concern that nesting cages for pohowera are potentially counterproductive. In response, the AMP has been updated to remove references to nesting cages, although the concept of refuge huts for chicks remains.
- 293 DOC commented that an additional wildlife approval would be required for the potential handling of avifauna other than kororā. The Applicant has acknowledged that comment and, if an approval is required, it will be sought outside of the FTA process.
- 294 The Applicant acknowledges the view of the Wellington Compensation Board that the project should be considered "*an opportunity to enhance coastal ecological function and natural capital over the long term*". The Applicant's stance is that the Project as proposed will ultimately deliver enhanced coastal ecological function. For that reason, it states that "*it would not be appropriate or necessary for the Panel to impose additional condition obligations relating to aspirational 'targets', or requiring WIAL to anticipate and lock in additional compensation actions before starting construction*".¹⁰⁸
- 295 The Applicant refutes the need for GWRC's suggested 'occupancy targets' for kororā and pohowera. It notes that effects on pohowera are low, and that kororā habitat loss is a residual effect that will be addressed in ways consistent with biodiversity offsetting compensation principles. With regard to pohowera, the Applicant's experts provide a summary of their opinion, being that:

Our assessment is that the anticipated effects are temporary and of low magnitude, and potential displacement effects on one to two pairs (but up to three) are appropriately mitigated because the proposed measures avoid direct impacts on breeding attempts, and there is available safe habitat elsewhere, as provided by WIAL. We conclude that there are no residual adverse effects requiring biodiversity offsetting or compensation. As such, the suggested monitoring and targets are not required.¹⁰⁹

- 296 In its critique of the GWRC comments, the Applicant contrasts its own analysis of relevant policy documents with the justification and analysis put forward by the GWRC. The Applicant observes that the GWRC policy analysis, in relation to Policy 38, does not take into account the "specific and deliberate counterbalance"¹¹⁰ of NRP Policy 39, or the even more airport specific Policy 41, when considering the nature of effects on kororā and pohowera. Our assessment of these NRP policies is set out in Part H of the decision.

¹⁰⁸ Southern Seawall WIAL response to comments, 17 March 2026, at paragraph 55.

¹⁰⁹ Appendix 2 - Statement of evidence of Chris Wedding and Michael Anderson, 17 March 2026, at paragraph 14.

¹¹⁰ Southern Seawall WIAL response to comments, 17 March 2026, at paragraph 58.

- 297 The Applicant's response also highlights the FTAA's direction in s 83 that the Panel must not set conditions that are more onerous than necessary to address effects.

Panel Findings – other avifauna

- 298 The Applicant's position had been that while protected bird species other than kororā may be present within the Project Area, wildlife approval was 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.
- 299 We note the position of DOC that, as a contingency measure, an additional wildlife approval would be required if the handling of (non-kororā) avifauna chicks or nests turns out to be necessary. We also note the Applicant's position that the Applicant will continue to discuss this matter with experts and with DOC in advance of the works proceeding. We accept that any additional approvals that prove necessary can be sought under the standard Wildlife Act process. The Applicant has advised that DOC is comfortable with this approach.
- 300 In all other respects we find that avoidance and mitigation measures set out in the Avifauna Management Plan, enforced by general (i.e. condition G0.4) and specific consent conditions, will ensure that effects on avifauna other than kororā will be negligible to low.

Panel Findings – Project Wide Indirect Terrestrial Ecological Effects

- 301 Section 7.4.3 of the Application considers edge effects, noise and vibration effects on biodiversity, lighting, and dust under the above heading. The following conclusions are drawn (based on the avoidance and mitigation measures being implemented):
- a. Edge effects on flora and fauna are considered negligible;
 - b. Noise and vibration effects are assessed as low;
 - c. Lighting effects on seabirds is low;
 - d. Dust effects on fauna habitats is low.
- 302 The Panel has considered potential project-wide indirect effects on terrestrial ecology, including edge effects, noise and vibration, artificial lighting at night, and dust. We accept the Applicant's summary of the terrestrial ecological effects as set out in AEE section 7.4.3 and summarised in AEE table 8.1. Our overall finding on terrestrial ecology except kororā (which is dealt with separately in our decision), is that the effects will be negligible to low.
- 303 With respect to edge effects, the Panel accepts the Applicant's assessment that potential changes in microclimate, weed spread, and disturbance at the margins of construction areas will be localised and limited in extent. We are satisfied that the location of works, the use of existing disturbed areas where practicable, and the application of rehabilitation and planting measures will ensure that edge effects on adjacent terrestrial habitats are negligible.
- 304 In relation to noise and vibration, the Panel notes that the Project is located within an environment already characterised by high levels of anthropogenic noise associated

with airport operations and roading, as well as coastal processes. The Ecological Assessment concludes that noise and vibration effects on terrestrial fauna will be low, provided that management measures are implemented. We accept this conclusion and consider that the combination of construction controls, species-specific buffers, and adaptive management provisions will sufficiently mitigate indirect disturbance effects on terrestrial fauna.

- 305 The Panel has also considered the effects of artificial light at night, particularly in relation to species active at night / twilight. While the Project will introduce temporary and localised increases in lighting, we are satisfied that the lighting management measures adopted – together with restrictions on unnecessary lighting, directional controls, and integration with ecological management plans – will ensure that indirect lighting effects on terrestrial ecology remain low. Compliance with the AM's additional management measures for fluttering shearwater will help avoid or mitigate potential adverse lighting effects on that species.
- 306 In respect of dust and general construction disturbance, we accept the evidence that dust deposition on habitats and vegetation is likely to be temporary and minor, given the coastal context, prevailing wind conditions, and the implementation of established dust suppression measures as part of wider construction management controls.
- 307 Overall, the Panel finds that, subject to compliance with the Avifauna Management Plan, Lizard Management Plan, lighting controls, and associated conditions, the Project's project-wide indirect effects on terrestrial ecology will be negligible to low. These effects are not considered significant, either individually or cumulatively, and are appropriately managed through enforceable conditions consistent with section 83 of the Fast-Track Approvals Act 2024.

Marine ecology

- 308 In this section we address effects on marine mammals, fish and seabirds while foraging in the sea. Effects on seabirds (including kororā) while ashore are addressed in the next section below.
- 309 We acknowledge that some of the causes of potential effects – such as noise and lighting – straddle the boundary between land and sea.

Assessment of effects

- 310 The AEE sets out the effects on marine mammals, fish and seabirds. The effects of noise and light were assessed both in the AEE (sections 7.6.4) and in the Marine Ecological Impact Assessment. A summary of the effects on marine ecology is as follows¹¹¹:

Bioresearches expects the level of adverse effect on most marine ecology to be very low to low. The exception to this is the permanent habitat loss for benthic communities at the existing seawall toe, which Bioresearches has assessed as having a moderate level of adverse effect that will reduce over time to a low effect as communities assemble on the newly placed seawall structure.

¹¹¹ Part A.07 at section 7.6.6.

The new seawall will provide numerous crevasses and gaps of different sizes which Bioresarches anticipates will create a sufficiently complex substrate to enable the new seawall to be colonised by adjacent biota without specific offsetting. The effects on benthic communities and on the intertidal zone will be remedied over time.

To enhance the colonisation of biota, WIAL proposes to adopt Bioresarches recommendations to ensure the seawall construction and placement of Cubipods provides sufficient gaps and crevices.

To ensure noise effects of rock milling are minimised, WIAL will establish a 20m TTS impact zone around rock milling works in accordance with the recommendations of Bioresarches. Construction works will check for the presence of marine mammals within the 20m TTS impact zone before starting any rock milling and will adopt a 'soft start' procedure that will provide any cetaceans not detected time to leave the TTS impact zone, noting that noise generated by installation of rock milling machinery is likely to deter any animals that might be present. If marine mammals are detected within the TTS impact zone, rock milling would stop until they have left the zone.

Management of effects

- 311 The Application (and technical appendices) sets out the effect management measures proposed by the Applicant for marine ecology¹¹². These measures include management plans that have been developed throughout the process including being the subject of comment. This section of the Decision focuses on the comments, the Applicant's response to those comments and the final consideration of the conditions which includes the management plans.

Comments received

- 312 In its comments, DOC noted that it is primarily concerned with potential adverse effects on marine mammals but notes that these can be adequately addressed through changes to the proposed Marine Mammal Management Plan and associated consent conditions¹¹³. These comments were reiterated by GWRC who also required changes to the Management Plan and associated conditions¹¹⁴.
- 313 The GOTB recommended that "... the marine ecologist responsible for the overseeing and implementation of the Marine Mammal Management Plan makes themselves known to the Community Liaison Group and community and how we can help with sightings of marine mammals."¹¹⁵ The Panel anticipates that this recommendation can be addressed via the Community Liaison Group conditions.
- 314 The only other commentators that specifically addressed marine ecology were Te Runanga o toa Rangatira (Te Rūnanga) who supported the comments made by DOC and GWRC. Te Rūnanga advised us of their concerns about potential impacts on marine species, particularly those around or on the existing seawall and surrounding reef environment, including taonga species such as kōura and pāua. Ngāti Toa requested

¹¹² Application at A0.8.

¹¹³ DOC comments dated 10 March 2026.

¹¹⁴ GWRC comments dated 10 March 2026, Appendix 4.

¹¹⁵ 10.03.2026 Guardians of the Bays FINAL - GOTB Comments WIAL Southern Seawall Project

clarification about "*whether these species can be located and appropriately translocated prior to construction, in order to protect mahinga kai values, and to uphold the role of Ngāti Toa Rangatira as kaitiaki*".

- 315 GWRC also commented on a number of matters in contention with regards to marine ecology and made a number of recommendations¹¹⁶. The GWRC provided a marked up version of the draft consent conditions, seeking amendments that would help to "*ensure that measures are established to determine the success of habitat restoration, achievement of these measures is monitored, and lists actions to be undertaken in the event that monitoring determines that the measures are not being achieved.*"¹¹⁷
- 316 Among the condition amendments sought, the council included a requirement for subtidal habitat monitoring plan (SHMP)¹¹⁸.

Applicant response to comments

- 317 In its response to the comments the Applicant provided an updated Marine Mammal Wildlife Plan (Appendix 10) and provided a statement of evidence from Dr Laureline Meyneir (Appendix 6). The evidence of Ms O'Sullivan and Ms Robotham on planning and conditions, and of Ms Hart and Ms Sheppard on Project design, are also relevant to the responses to comments.
- 318 The key matters raised in the comments were:
- a. In relation to the impacts on **subtidal habitat** these are covered in both the comments from DOC and GWRC. Relying on the evidence of Dr Meynier, the Applicant notes that while DOC confirmed it is comfortable with the approach and conditions in respect of this issue, GWRC seeks a new condition requiring the preparation of a Subtidal Habitat Monitoring Plan (SHMP) to be certified by GWRC. The Applicant is generally comfortable with this noting that such a Plan would largely reflect its proposed approach to monitoring and reporting on recolonisation of the seawall. The requirement for a SHMP was subsequently included in an update of the conditions. The Applicant is also comfortable providing for three years of monitoring in the conditions, as opposed to the originally proposed two years.
 - b. The Applicant did not agree with GWRC's proposed requirement to include in the Plan "*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*". However, following joint witness conferencing between marine ecological experts for the Applicant and GWRC, it was agreed that a Subtidal Habitat Monitoring Plan (SHMP) should be provided, reflecting the Applicant's proposed monitoring approach, with monitoring undertaken for a period of three years following seawall construction. It was agreed that kelp restoration may not be necessary to accelerate macroalgal recruitment on the new seawall, and that the submerged Cubipods

¹¹⁶ Ibid.

¹¹⁷ GW FTA260318 Appendix 6 GW Technical Comments Marine Ecology, GWRC, 23 February 2026, at paragraph 14

¹¹⁸ Conditions ECO.76 to ECO.78 sought by GWRC in GW FTA260318 Appendix 2 GW suggested amendments to proposed resource consent conditions

should show evidence of biota development within approximately six months of placement¹¹⁹. The SHMP conditions include provision for monitoring to continue if results are not as anticipated¹²⁰.

- c. With regards to **pāua and rock lobster** the Applicant noted that while DOC is comfortable with the effects assessment and approach to the anticipated loss of pāua and rock lobster during construction, GWRC and Te Rūnanga o Toa Rangatira seek additional clarification and assurances on particular matters.
- d. Dr Meynier provided additional analysis in her evidence and her advice is that there is no clear ecological basis for direct management actions in respect of pāua and rock lobster, noting that while pāua and rock lobster present within the Project footprint will be lost, once the habitat is reconstructed, recruitment from the surrounding population is expected to occur. The Applicant (supported by the evidence of Dr Meynier) did not agree with GWRC's proposed condition requiring translocation of pāua and rock lobster to an alternative habitat for the reasons set out in Dr Meynier evidence. As an outcome of subsequent conferencing between the experts, it was agreed that successful translocation of pāua and rock lobster would be difficult to implement for the Project and natural post-construction recruitment from surrounding populations is anticipated. Accordingly, expert agreement was reached that a requirement for translocation should not be included in the conditions¹²¹.
- e. The Applicant acknowledges the cultural significance of pāua and rock lobster, as set out in the comments of Te Rūnanga o Toa Rangatira (and also noted in DOC's comments). In a condition update the Applicant provided for liaison with the mana whenua advisory group about the gathering of kaimoana before construction works commence. However, in subsequent correspondence, Ngāti Toa Rangatira advised that due to physical and cultural safety concerns "*we do not consider it necessary or appropriate to include the proposed condition enabling kaimoana gathering prior to construction, and we are comfortable for this condition not to be included*"¹²².
- f. In relation to the **noise effects on marine mammals**, and the Marine Mammal Management Plan the Applicant notes that it is taking a careful approach to managing potential effects of construction noise – primarily in respect of rock milling at the southern seawall – on marine mammals. The approach taken is based on the advice of Dr Meynier and feedback from DOC. The effects management proposal now includes a Marine Mammal Management Plan setting out the processes WIAL will follow in relation to rock milling and marine mammals.

Panel Findings

¹¹⁹ JWS - pāua and lobster – final, at paragraph 18

¹²⁰ Memorandum of counsel for WIAL - response to Minute 3(71928536.2), at paragraph 15; and consent conditions ECO.69 – ECO.72.

¹²¹ JWS - pāua and lobster – final, at paragraphs 27 - 28

¹²² Memorandum of counsel for WIAL - response to Minute 3(71928536.2), at paragraph 21

- 319 Having considered the Application, the supporting marine ecology assessments, the comments received, and the Applicant's responses, we are satisfied that the actual and potential effects of the Project on other marine ecology can be appropriately avoided, remedied, or mitigated through the proposed design, management measures, and conditions of consent.
- 320 In relation to subtidal habitat, we accept the evidence that construction of the renewed seawall will result in permanent loss of existing benthic habitat at the seawall toe, with moderate adverse effects in the short term reducing to low effects over time as natural recolonisation occurs. We are satisfied that the proposed seawall design, including the provision of structural complexity, will facilitate colonisation by marine biota. The inclusion of a Subtidal Habitat Monitoring Plan, as agreed through joint witness conferencing, with monitoring undertaken for a period of three years following seawall construction, provides an appropriate and proportionate mechanism to confirm anticipated outcomes without requiring pre-emptive offsetting or remediation measures.
- 321 The Panel records that, consistent with the matters agreed between parties during joint witness conferencing, the monitoring framework is intended to confirm anticipated natural recolonisation outcomes, rather than to prescribe pre-emptive ecological intervention measures.
- 322 With respect to pāua and rock lobster (kōura) we acknowledge their ecological and cultural values. However, based on the expert evidence and conferencing outcomes, we accept that active translocation would be difficult to implement and unlikely to achieve better outcomes than post-construction natural recruitment. We are satisfied that the decision not to require translocation is justified and consistent with a proportionate effects-management approach, noting also mana whenua advice that kaimoana gathering provisions are not necessary or appropriate in this context.
- 323 In relation to marine mammals, we are satisfied that the revised Marine Mammal Management Plan, including soft start procedures, monitoring requirements, and exclusion zones for rock mining activities, reflects best practice and adequately addresses potential noise effects. Overall, we find that the effects of the Project on other marine ecology (excluding matters addressed separately in relation to kororā and avifauna) will be low to negligible, subject to compliance with the conditions imposed, and are not out of proportion to the Project's regional and national benefits.

Effects on Coastal Process

- 324 The Application includes a section on coastal processes¹²³ and a detailed assessment in Part 15. By way of summary the Applicant states:

Beca considers that if the management measures described above and set out in the SSESOP are implemented, the short-term effects of construction on coastal processes in Lyall Bay will be minor, whilst the long-term effects will be negligible to minor.

¹²³ Section 7.7.

¹²⁴ B.05.

325 We have dealt with coastal processes in the section above under the heading coastal engineering.

Effects on surf breaks

326 An assessment of the potential effects of the Project on the wave climate, recreational user safety and surf quality has been undertaken and included in a Surfbreak Impact Assessment.¹²⁵

327 The assessment was undertaken with input from the Wellington Boardriders Club. It considered whether renewal of the Southern Seawall could affect local surf conditions, recreational safety, or the overall quality of established surf breaks along the southern coast. The assessment examined how the proposed works might influence wave behaviour around the seawall and adjacent surfing areas.

328 The overall summary of the effects, as outlined in the AEE, is:

The effects of the Project on surf breaks have been carefully considered by DHI, with the assistance and input of the Wellington Boardriders Club. As set out by DHI, the proposed renewal of the Southern Seawall will give rise to minimal changes in wave height and speed, with negligible to limited change in recreational user safety, except as a result of wave induced currents.

The Project is expected to have no net impact on surf quality at the Corner, while the surf quality analysis indicates a potential slight improvement in the surf quality for exceptional conditions at Airport Rights.¹²⁶

329 The assessment concluded that the proposed seawall renewal is expected to cause only very small changes to local wave patterns. These changes are predicted to be minimal and unlikely to be noticeable to recreational users. Importantly, the assessment found no net adverse effect on surf quality at key locations, including "the Corner", which is the most frequently used surf break in the area.

330 In some limited circumstances, the assessment indicates the potential for a slight improvement in surf quality under particular wave conditions at the "Airport Rights" location. Overall, the Surfbreak Impact Assessment concluded that the Project would not compromise surf values or recreational safety, and that existing access and use of the surf breaks could be maintained.

331 The Wellington Boardriders Club did not respond to the invitation to comment.

Panel Findings

332 Having considered the Surfbreak Impact Assessment and the absence of evidence to the contrary, the Panel is satisfied that the proposed seawall renewal will not result in significant or unacceptable effects on surf breaks or surfing values. The Panel finds that any changes to wave conditions will be negligible, that recreational safety will not be adversely affected, and that the surfbreak effects of the Project are minor and

¹²⁵ B.08-DHI-Surfing-Assessment.

¹²⁶ AEE, section 7.8.3.

acceptable in the context of its regional benefits.

Effects on landscape and natural character

- 333 An assessment on landscape and natural character is included in the AEE¹²⁷ and in B.13. The assessment considers the following areas of the project: MGC Yard; George Bolt Yard; the Southern Seawall including the Moa Point Yard, and summarise the effects as set out here.

MGC Yard

- 334 The assessment includes an indication of the what the yard currently looks like compared to what it will look like when it is fully established as viewed from 50B Raukawa Street. The assessment also considers what the Miramar Golf Course currently looks like compared to what it will look like once the ESA Designation is fully realised – viewed from 50C Raukawa Street. The **natural character** effects on the current and modified environments is considered to be low and very low accordingly. The **landscape** effects are considered to moderate to low over time from the existing situation and low when compared to the ESA designation work. The **visual effects** are assessed as very low to moderate from both perspectives.

George Bolt Yard

- 335 This yard is located in an area that is highly modified and provides low amenity. The **natural character** effects are considered to be neutral given the location of this yard. The **landscape** and **visual** effects are considered to be very low through construction to neutral post construction.

The Southern Seawall including Moa Point Yard

- 336 The assessment in B.13 provides an indication of what the existing seawall currently looks like compared to what it will look like post the conclusion of the Project. The effects on **natural character** are expected to be very low during the construction of the seawall with move to a more neutral or positives position in the longer-term. During construction the effect on **landscape** is expected there to be low to moderate effects but the long-term effects on landscape are expected to be neutral to positive. Visual effects are assessed as being low to moderate with the potential for adverse visual effects on private views from residences along Moa Point Road. The AEE notes:¹²⁸

Post construction, visual effects on public views will reduce to low to positive, and private views will reduce to very low to positive. With increased viewing distances, the Project Area consistently appears as part of the urban infrastructure within a wider panoramic view.

Lights associated with this activity will be one of the main visual effects. This effect will be seen as part of an urban and industrial fabric which includes the Airport, its industrial area and runway, Moa Point Road, and the adjoining residential suburbs of Miramar and Strathmore Park.

¹²⁷ Section 7.9.

¹²⁸ Section 7.3.3.

The provision of black out blinds to affected residential neighbours is proposed, which will protect humans from the adverse effects of both fixed and temporary lighting at the Moa Point Yard and Southern Seawall.

Comments received

- 337 WCC noted that the Landscape Concept Plan prepared by Boffa Miskell dated 21 October 2025 is generally in line with the feedback provided at pre-lodgement. A change to the fence design in the substantive application which includes an additional fence labelled "4", is not supported by the Council because it blocks access to a reserve and is outside the kororā area. The fence should be located on Crown land.

Applicant response to comments

- 338 The Applicant noted that the fence was provided for in the Concept Plan as there previously had been a fence in this location and the Applicant understood that WCC would want this reinstated. However, given this indication from WCC, the Applicant has updated the Moa Point Landscape Concept Plan to remove the fence and an updated version of the Plan and the conditions have been provided by the Applicant.

Panel finding

- 339 The Panel is satisfied that the issue with regard to the fence has been addressed.

Transportation effects

- 340 An assessment of the anticipated traffic generated by construction activities associated with the Project, and the potential impacts on the surrounding road network – particularly along key routes between the source material sites and the Project Area – is provided in the Transport Assessment (Stantec (2025)) which is included in Part B.¹²⁹ The key points are:

- a. Construction material will be transported to the site from outside of the Wellington region, either via:
 - i. The state highway network from north of Wellington, through central Wellington (along SH1) to either the MGC Yard, George Bolt Yard or to the Moa Point Yard and returning north via Lyall Bay and SH1; or
 - ii. From CentrePort (if a South Island rock source is required), to either the MGC Yard, George Bolt Yard, or to the Moa Point Yard and returning via Lyall Bay.
- b. Once the Moa Point Yard is established and works on the Southern Seawall commence, a haul route will be used between the MGC Yard, George Bolt Yard and Moa Point Yard along Stewart Duff Drive.

¹²⁹ AEE, section 7.10 and B.15.

- c. Staff and some construction equipment will travel between their origin and the various yards using similar routes to those noted above.
- d. Controlled access to the various sites associated with the Project will be in place while construction activities are occurring, with the gates securely locked during times of construction inactivity.
- e. The primary traffic effects associated with the Project relate to the transport of materials and staff to and from the Project Area. Physical works within road corridors will be limited to new or upgraded vehicle crossings required as part of the site establishment works for the MGC Yard, George Bolt Yard and Moa Point Yard.

341 Overall, the Stantec Report concludes that the construction traffic volumes can be adequately and appropriately accommodated in a manner that will not create adverse effects on the function, capacity or safety of the local and wider road network.¹³⁰

Comments Received

342 The WCC made minor comments on the issue of transportation effects. It stated:

The Council supports the approach taken by the applicant to assess and manage transportation effects from the project. It is noted that an increase in travel time for general traffic may be of up to 5 minutes at worst, which the Council considers acceptable based on the number of barging days (110 days across 6 to 8 years).

The Council agrees that the safety concerns relating to seawall construction traffic on local roads can be managed and mitigated via a Construction Transport Management Plan.

The Council supports the proposed transport conditions with the exception of recommending minor wording changes to the conditions relating to the heavy vehicle route to and from the project area.

343 WCC also supported the construction traffic management conditions.

Applicant response to comments

344 The applicant made two minor updates to construction traffic management conditions are proposed. It noted that otherwise WCC is comfortable with the Project in transportation terms.

Panel Findings

345 The Panel is satisfied that the transportation effects are adequately addressed by way of the proposed conditions.

¹³⁰ AEE, section 7.10.6.

Noise and vibration effects

- 346 Where noise and vibration relates to effects on marine and terrestrial ecology refer to the sections above. The AEE summaries the effects as follows:¹³¹

The potential effects of construction noise on nearby NSRs was identified as an early project constraint by WIAL that required careful consideration and management. The minimisation of noise effects has subsequently informed the siting of various project elements, the construction methodologies used and the hours of operation across the construction yards (as detailed throughout this report and in Section 1).

Noise is an inherent part of a large scale construction project such as that being undertaken by WIAL, and Tonkin and Taylor have identified the Project as having a high noise risk categorisation due to the extended duration of construction activities, the night-time construction activities exceeding the construction noise limits and the significant amount of expected vehicle movements. As a result, a number of noise management measures have been proposed by Tonkin and Taylor, as noted briefly in the preceding sections and detailed further in Section 8. With these measures in place, in addition to WIAL's voluntary offer of purchase scheme, the noise effects of the Project on NSRs have been managed to the extent reasonably practicable.

Comments Received and Applicant response to comments

- 347 The Applicant noted that WCC supports the noise and vibration assessment, and records that *"the proposed noise and vibration conditions and the Construction Noise and Vibration Management Plan are supported as appropriate for managing the effects of the project"*.

Panel Findings

- 348 The Panel is satisfied that the effects associated with noise and vibration are appropriately managed under the conditions.

Lighting effects

- 349 An assessment of the lighting effects is included in the AEE¹³² and in the associated appendix.¹³³ The summary of the lighting effects states:

Against the backdrop of LDP, the Project has the potential to give rise to adverse lighting effects on residents, motorists and terrestrial and marine fauna (biota).

The effects of the Project on terrestrial and marine fauna is addressed in Section 7.4, 7.5 and 7.6.

With respect to residents and motorists, LDP note that the Project is located within an existing, heavily lit environment. Against this backdrop, and with the proposed limitation on construction hours as set out for the MGC Yard and the recommendations contained in the Lighting

¹³¹ AEE. Section 7.11.10.

¹³² Section 7.12.

¹³³ B.16.

Assessment, LDP consider the effects of construction lighting will be low to moderate, or a no more than minor effect.

Comments Received

- 350 WCC noted it generally supports the lighting assessment provided by the Applicant, including the associated regulatory assessment. WCC also supports the proposed conditions in relation to construction lighting.
- 351 The GOTB supports the provision of black-out blinds for bedrooms affected by construction lighting but proposes that black-out blinds be offered for all windows with a direct line of sight to the Project, including WIAL owned properties.

Applicant response to comments

- 352 The Applicant noted the support from WCC and in relation to the GOTB comment stated that it does not agree because the purpose of the black-out blinds for bedrooms is to prevent sleep disturbance effects from night-time construction lighting.

Panel Findings

- 353 The Panel agrees with the Applicant and the conditions address the effects associated with lighting.

Effects on archaeology and historic heritage

- 354 An assessment of the potential effects of the Project on archaeological and historic heritage values is provided in the Archaeological Assessment¹³⁴. The Applicant notes that it is possible that subsurface archaeological features may remain intact on both the George Bolt Yard and the MGC Yard site, as well as the Stage 1 Kororā Colony. We are told that the significant earthworks required at the MGC Yard will have the potential to impact subsurface archaeological features as will any earthworks deeper than 500 mm at the George Bolt Yard and Stage 1 Kororā Colony. We are further told that the Applicant does not currently propose to undertake earthworks deeper than 500 mm at the George Bolt Yard but is taking a conservative approach and will treat any earthworks on the site as having the potential to impact subsurface archaeological features on a precautionary basis.

Comments Received

- 355 HNZPT confirmed in its section 51 report that it agreed with the archaeological assessment provided by the Applicant. HNZPT recommended amendments to the proposed conditions.

Applicant response to comments

- 356 The Applicant agreed to amend the proposed conditions and provided an amended set with its response. Where amendments were not made or were made but not in a

¹³⁴ Section 7.13 and B.03.

way that HNZPT had requested the Applicant commented on these in the track change version of the conditions which was attached to its response as Appendix 9.

Panel Findings

- 357 The Panel are satisfied that the Applicant has appropriately considered the changes to be made the conditions of the archaeological authority.

Effects on recreation and access

- 358 Section 7.14 of the AEE provides an overview of the effects on recreation uses by the Project. There were no specific comments made about recreation and access and the Applicant had no response to make.

Panel Findings

- 359 The Panel is satisfied that the Application adequately addressed the effects on recreation and access and the conditions of consent appropriately manage these effects.

PART F: REGIONAL OR NATIONAL BENEFITS OF THE PROJECT

- 360 Section 3 of the FTAA states that the purpose of the Act is to facilitate the delivery of infrastructure and development projects with *significant regional or national benefits*.
- 361 As noted above in Part C section 8(1) FTAA specifically requires the panel to consider the extent of the project's regional or national benefits.
- 362 The assessment of adverse impacts in relation to an approval sought is particularly relevant in the context of a decision to decline an approval. An approval can only be declined if the adverse impacts are out of proportion to regional or national benefits.¹³⁵
- 363 There is no specific definition of significant regional or national benefits in the context of listed projects. Section 22 FTAA, which relates to the criteria for assessing a referral application, provides the following:
- (2) For the purposes of subsection (1)(a), the Minister may consider—
 - (a) whether the project—
 - (i) has been identified as a priority project in a central government local government, or sector plan or strategy (for example, in a general policy statement or spatial strategy), or a central government infrastructure priority list;
 - (ii) will deliver new regionally or nationally significant infrastructure or enable the continued functioning of existing regionally or nationally significant infrastructure;
 - (iii) will increase the supply of housing, address housing needs, or contribute to a well-functioning urban environment (within the meaning of policy 1 of the National Policy Statement on Urban Development 2020);
 - (iv) will deliver significant economic benefits;
 - (v) will support primary industries, including aquaculture;
 - (vi) will support development of natural resources, including minerals and petroleum;

¹³⁵ Section 85(3) FTAA

- (vii) will support climate change mitigation, including the reduction or removal of greenhouse gas emissions:
- (viii) will support climate change adaptation, reduce risks arising from natural hazards, or support recovery from events caused by natural hazards:
- (ix) will address significant environmental issues:
- (x) is consistent with local or regional planning documents, including spatial strategies:

364 The Applicant submitted a report entitled, "Economic contribution of Wellington International Airport" dated October 2024 by Berl.¹³⁶ This was a general report and related to the contribution of the Airport per se it was not specifically about the Southern Seawall. Berl produced another report entitled, "Economic Assessment of Southern Seawall Renewal" dated August 2025.¹³⁷ This specifically related to this Application.

365 By way of summary of the Application information, in the memorandum of counsel prepared for the Project overview conference on 5 February 2026 we were told that the benefits from the Project is it will renew the existing Southern Seawall to safeguard the long-term operation of the Airport against coastal wave action and extreme weather events, increase the Airport's resilience to climate change and reduce the (otherwise increasing) maintenance demands of the existing seawall. Further

- a. The Airport is a major contributor to the economy in the Wellington region. It facilitates annual expenditure of \$3.9 billion, supports over 14,500 full-time equivalent (FTE) jobs, and contributes around \$2 billion in gross domestic product to the region's economy annually. The Project is a crucial undertaking to ensure the benefits provided by the Airport continue into the future.
- b. The Project will deliver its own significant employment and economic benefits for local communities and the wider Wellington region. It is expected to create around 800 FTE jobs over the seven-year construction period.
- c. Overall, the Project has an estimated benefit-cost ratio of 2.6, with gross benefits of \$690 million in the high-benefit scenario or \$553.6 million in the median scenario.

366 The Applicant notes that it has been mindful of the values in this coastal environment, and of the potential impacts of the Project on nearby residents. We heard that the Project has been carefully developed to ensure that adverse effects on these values will be minimised through comprehensive management measures.

367 In light of the Panel's findings regarding the adverse impacts of the Project, there is no need to inquire more deeply into the significance of the regional benefits claimed, particularly given the absence of any challenge to the Applicant's assessment. To the Panel accepts that the Project has significant regional benefits, and to the extent articulated, national benefits.

¹³⁶ AEE, B.01.

¹³⁷ AEE, B.02.

PART G: STATUTORY DOCUMENTS

368 The AEE addressed the relevant statutory documents and identified relevant provisions. Rather than repeat all of that, this section addresses the documents of particular relevance to the Application (particularly relevant provisions) and the comments received. The Panel also relies on our conclusions on effects and the conditions we have decided to impose in support of the conclusions reached on relevant planning provisions (including Part H: Regional and District Planning Framework as relevant to the topic area).

National Planning Standards

369 The purpose of the first set of national planning standards (the planning standards) is to improve the efficiency and effectiveness of the planning system by providing nationally consistent structure, format, definitions, noise and vibration metrics, and accessibility.

370 Of particular relevance to the seawall application are the definitions of functional and operational need. These definitions are important in understanding the use of those terms in national, regional and district planning documents. As an example, NZCPS Policy 6(4) cross refers to the planning standards definitions. The planning standard definitions are:

Functional need means the need for a proposal or activity to traverse, locate or operate in a particular environment because the activity can only occur in that environment.

Operational need means the need for a proposal or activity to traverse, locate or operate in a particular environment because of technical, logistical or operational characteristics or constraints.

371 The Panel accepts the Applicant's evidence that the seawall and its renewal have both a functional need and an operational need to be located in the CMA, consistent with the National Planning Standards definitions and NZCPS Policy 6(2)(c)–(d). The evidence from the Applicant's engineering and coastal process experts (including Appendix 4 to the WIAL Response) indicates that:

- a. the seawall directly protects regionally significant infrastructure (the Airport runway);
- b. there is no practicable landward relocation option without compromising Airport safety and operations;
- c. soft engineering alternatives are not feasible given exposure to southern ocean swells; and
- d. the proposed design minimises occupation of space by reusing the existing seawall footprint to the greatest extent practicable.

National Policy Statements

372 National Policy Statements were addressed in section 10 of the AEE and include:

- a. New Zealand Coastal Policy Statement 2010 (**NZCPS**);

- b. National Policy Statement on Urban Development 2020 (**NPS-UD**).
 - c. National Policy Statement for Freshwater Management 2020 (**NPS-FM**); and
 - d. National Policy Statement for Indigenous Biodiversity 2023 (**NPS-IB**).
- 373 Comments received from GWRC highlighted the additional relevance of the National Policy Statement for Infrastructure 2025 (**NPS-I**)¹³⁸. The NPS-I was issued in December 2025, after the AEE was prepared.

New Zealand Coastal Policy Statement 2010

- 374 The Panel places particular weight on the New Zealand Coastal Policy Statement 2010 as the principal national instrument directing the management of activities within the coastal environment and the coastal marine area (**CMA**). The detailed assessment of the NZCPS is contained in section 10.3.7 of the AEE, and that assessment is adopted as the starting point for the Panel's consideration, subject to the evaluation of the evidence and submissions received.
- 375 The NZCPS defines the "coastal environment" broadly, including the coastal marine area and adjacent land areas where coastal processes, resources, landscapes, and amenity values are present. The Panel notes that the Southern Seawall, the Stage 1 and Stage 2 kororā colonies, the underpass beneath Whoa Point Road, and the Wahine Memorial Park lizard release area all fall within the coastal environment for the purposes of the NZCPS. Management of these areas must therefore give effect to the objectives and policies of the NZCPS.
- 376 The seven objectives of the NZCPS are (in summary¹³⁹):
- a. To safeguard the integrity, form, functioning and resilience of the coastal environment and sustain its systems, including marine and intertidal areas, estuaries, dunes and land.
 - b. To preserve the natural character of the coastal environment and protect natural features and landscape values.
 - c. To take account of the principles of the Treaty of Waitangi, recognise the role of tangata whenua as kaitiaki and provide for tangata whenua involvement in management of the coastal environment.
 - d. To maintain and enhance the public open space qualities and recreation opportunities of the coastal environment.
 - e. To ensure that coastal hazard risks taking account of climate change, are managed.

¹³⁸ Section 53 GWRC Comments Wellington International Airport Southern Seawall Renewal, at paragraph 17.

¹³⁹ This summary excludes the actions (as listed in the NZCPS) through which each objective is to be achieved.

- f. To enable people and communities to provide for their social, economic, and cultural wellbeing and their health and safety, through subdivision, use, and development.
- g. To ensure that management of the coastal environment recognises and provides for New Zealand's international obligations regarding the coastal environment, including the coastal marine area.

Policy 6 - Infrastructure and activities in the coastal environment

- 377 Policy 6 has particular relevance to the Project. It recognises that the provision and operation of infrastructure within the coastal environment may be required to support the social, economic, and cultural wellbeing of communities, and that some activities have a functional or operational need to be located within the CMA.
- 378 The Wellington International Airport is regionally and nationally significant infrastructure, a matter that is expressly acknowledged by GWRC in its section 53 comments. The Southern Seawall is an integral component of that infrastructure, protecting the runway and associated airport and council assets from coastal erosion, overtopping, and storm surge.
- 379 As noted above, the Panel accepts the Applicant's evidence that the seawall has a functional and operational need to be in its location. The Panel therefore finds that the Project is consistent with NZCPS Policy 6(2)(c) and Policy 6(3) which relate to functional and operational need.
- 380 In relation to Policy 6(2)(b), the Panel notes that public access to the coastal environment will be temporarily restricted during construction for health and safety reasons, but that access will be restored following completion, with enhanced amenity, planting, seating, loop tracks, and interpretation. These outcomes are consistent with the objectives of public open space and recreation in the coastal environment.

Policy 11 – Indigenous biodiversity

- 381 Policy 11 is central to the assessment of effects on indigenous biodiversity, and it was the focus of extensive comment by GWRC, DOC, mana whenua, and the Applicant.
- 382 Policy 11(a) requires the avoidance of adverse effects on listed threatened species and ecosystems. Policy 11(b) applies to other indigenous biodiversity values and requires an effects-management hierarchy of avoidance, minimisation, remediation, and then offsetting or compensation.
- 383 Kororā (little blue penguin) and pohowera (banded dotterel) are regionally threatened species. The Panel recognises that there is an inherent relationship between effects on habitat and effects on these species. The Applicant's position, supported by DOC's evidence, is that direct mortality and injury risks are avoided as far as practicable through construction controls, timing restrictions, exclusion measures, and active management, and that residual habitat effects fall to be addressed under Policy 11(b).

- 384 GWRC took a different view¹⁴⁰, contending that residual habitat losses should be subject to quantified offsetting targets consistent with Schedule G2 of the Natural Resources Plan. In particular, GWRC sought numeric habitat-uptake or occupancy targets for kororā and pohowera.
- 385 The Applicant opposed that approach, on the basis that¹⁴¹:
- a. wild fauna cannot be compelled to occupy habitat in specific numbers;
 - b. occupancy is subject to external influences beyond the Project's control (including wastewater discharges along the south coast); and
 - c. long-term monitoring and adaptive management provide a more robust and realistic measure of ecological outcome.
- 386 DOC did not seek the imposition of numeric occupancy targets. Mana Whenua (Ngāti Toa Rangatira) supported long-term monitoring and precautionary management but did not seek numeric targets.
- 387 The Panel accepts the Applicant's position. The Panel finds that together, the following outcomes and mechanisms provide sufficient assurance that residual effects on kororā and pohowera habitat will be managed consistent with Policy 11(b):
- a. the establishment of two substantial predator-controlled kororā colonies;
 - b. long-term monitoring extending well beyond the construction period;
 - c. adaptive modification of colony layouts;
 - d. protection from dogs, vehicles, and human disturbance; and
 - e. integration of marine area oversight through advisory mechanisms.
- 388 The Panel is satisfied that the approach achieves at least no overall loss, and likely a net improvement in long-term habitat security for kororā.
- 389 The construction of the renewed seawall will result in the permanent loss of approximately 3,934 m² of subtidal habitat, including kelp beds and rocky reef habitat currently present within the footprint of the existing and proposed seawall.
- 390 The Applicant's marine ecology evidence indicates that recolonisation of the new Cubipod-armoured seawall is expected over time, and that effects will reduce to less than minor. GWRC contested that conclusion, expressing concern about certainty of outcomes and seeking a certified Subtidal Habitat Monitoring Plan with defined outcomes and adaptive responses.

¹⁴⁰ See section 53 comments.

¹⁴¹ See Applicant's response to comments.

391 That difference of interpretation was resolved through expert conferencing. The Applicant accepted the need for a Subtidal Habitat Monitoring Plan (SHMP), and the Panel supports that agreed position. The conditions will require:

- a. monitoring of recolonisation outcomes over time;
- b. reporting against defined ecological parameters; and
- c. adaptive responses if recolonisation does not occur as anticipated.

392 The Panel finds that this approach is consistent with Policy 11(b) and provides a precautionary and evidence-responsive framework for managing residual subtidal effects.

Policies 13 and 15 – Natural character and landscapes

393 The Panel has considered Policies 13 and 15 in relation to the areas of high natural character and outstanding natural features and landscapes identified in the Wellington City District Plan along the Moa Point coastline.

394 The Stage 1 kororā colony underpass lies partly within an area of high natural character, and an ONFL overlay extends across parts of the colony area. The landscape and natural character assessments conclude that effects will be neutral on the coastal side and positive on the landward side due to habitat enhancement, planting, and restoration.

395 The Panel accepts that while new built elements are introduced, these are:

- a. limited in scale;
- b. closely associated with ecological enhancement; and
- c. designed to improve long-term natural character outcomes.

396 Any localised adverse effects are temporary and reversible. The Panel therefore finds the Project consistent with Policies 13 and 15.

Overall NZCRS finding

397 For the reasons set out above, the Panel finds that the Project is consistent with the NZCRS, particularly:

- a. Policy 6 – infrastructure with functional and operational need;
- b. Policy 11 – indigenous biodiversity;
- c. Policies 13 and 15 – natural character and landscapes; and
- d. Policy 6(2)(b) and s 6(d) RMA –public access.

398 The conditions imposed provide the necessary certainty to ensure that residual effects are appropriately managed.

National Policy Statement on Urban Development 2020

- 399 The NPS-UD applies to urban environments. The AEE states that the NPS is “*not explicitly relevant to the project*”¹⁴² but does consider that the project is consistent with the NPS-UD definition of a well-functioning urban environment. In reaching that conclusion the AEE cites resilience, future proofing against climate change, protection of public roading as well as the water supply and wastewater networks, and that the airport is a critical aviation connection.
- 400 The Panel considers that facilitating these outcomes through granting consent consistent with the NPS-UD direction set out in Policy 1(f) of the NPS, that planning decisions¹⁴³ [should] contribute to well-functioning urban environments, which are urban environments that, as a minimum “*are resilient to the likely current and future effects of climate change*”.

National Policy Statement for Freshwater Management 2020

- 401 The NPS-FM sets out a framework under which local authorities are to manage freshwater (including groundwater).¹⁴⁴ The objective of the NPS-FM is to ensure that natural and physical resources are managed to prioritise the health and wellbeing of ecosystems and people¹⁴⁵
- 402 A small (40m²) area that meets the definition of ‘natural inland wetland’ under the NPS-FM is located adjacent to the MGC Yard. The representativeness, rarity and distinctiveness, and the diversity and pattern of the natural inland wetland have been assessed as being of low value.
- 403 Bioresarches have determined that there is no hydrological connection between the MGC Yard and the natural inland wetland. The natural inland wetland is also located approximately 45m from the MGC Yard. In the absence of any hydrological connection or works directly in or adjacent to the natural inland wetland, any potential effects on this wetland feature are avoided.
- 404 The AEE and associated technical report state¹⁴⁶ that the Project is consistent with the provisions of the NPS-FM as:
- a. The small wetland will not be affected by the project.
 - b. Overland flow paths are ephemeral or absent within the Miramar Golf Course boundary.
 - c. No other aquatic habitats have been identified as present within 100 m of the boundary of the MGC Yard.

¹⁴² A.10-Approvals-relating-to-the-RMA, at section 10.3.4.

¹⁴³ As the Application is for (among other things) a resource consent, it is considered a ‘planning decision’ for the purposes of the NPS-UD. Section 1.4 of the NP defines “planning decision”.

¹⁴⁴ NPSFM clause 1.5.

¹⁴⁵ NPSFM clause 2.1.

¹⁴⁶ A.10-Approvals-relating-to-the-RMA, at section 10.3.5 and B.10 Bioresarches - Ecological Impact Assessment, at section 5.3.4.

405 The Project is “specified infrastructure” and therefore exempt from the NPS, subject to assessment under Regulation 45.

406 An irrigation pond located within the MGC Yard has also been assessed by the Applicant as not meeting the definition of a natural inland wetland under the NPS-FM.

407 The Panel agrees that the NPS-FM has little relevance to our decision.

National Policy Statement for Indigenous Biodiversity 2023

408 The objective of the NPSIB is:

- i. to maintain indigenous biodiversity across Aotearoa New Zealand so that there is at least no overall loss in indigenous biodiversity after the commencement date; and
- ii. to achieve this:
 1. through recognising the mana of tangata whenua as kaitiaki of indigenous biodiversity; and
 2. by recognising people and communities, including landowners, as stewards of indigenous biodiversity; and
 3. by protecting and restoring indigenous biodiversity as necessary to achieve the overall maintenance of indigenous biodiversity; and
 4. while providing for the social, economic, and cultural wellbeing of people and communities now and in the future.

409 The Panel has had regard to the NPS-IB which came into effect prior to the Panel’s decision but after preparation of some of the supporting technical assessments. The NPS-IB establishes a national framework for the protection, restoration, and management of indigenous biodiversity, with the overarching objective of maintaining indigenous biodiversity so that there is at least no overall loss after commencement.

410 The Panel notes that the Applicant has provided a comprehensive assessment of the NPS-IB in section 10.3.6 of A.10 – Approvals relating to the RMA. That assessment is adopted as the starting point for the Panel’s analysis, supplemented by the evidence, submissions, and conditions proposed and refined through the fast-track process.

Objective and overall framework

411 The objective of the NPS-IB seeks to maintain indigenous biodiversity across Aotearoa New Zealand so that there is at least no overall loss, while:

- a. recognising the mana of tangata whenua as kaitiaki of indigenous biodiversity;
- b. recognising communities and landowners as stewards of biodiversity;
- c. providing for restoration where necessary; and
- d. enabling social, economic, and cultural wellbeing now and in the future.

- 412 The Panel is required to apply the effects management hierarchy set out in the NPS-IB, and to do so in a manner that is precautionary, proportionate, and integrated with other national and regional policy frameworks.

Policies 1 and 2 – Te Tiriti and kaitiakitanga

- 413 Policies 1 and 2 of the NPS-IB give effect to Te Tiriti o Waitangi by recognising tangata whenua as kaitiaki of indigenous biodiversity and requiring active engagement in biodiversity management.
- 414 The Panel notes the extensive engagement undertaken by the Applicant with mana whenua, including Taranaki Whānui and Ngāti Toa Rangatira, throughout Project development. That engagement is documented in Part 4 of the AEE and referenced by the section 53 submission from Te Rūnanga o Toa Rangatira dated 9 March 2020.
- 415 The Project incorporates a range of mechanisms to support kaitiakitanga, including:
- a. the establishment of a mana whenua advisory group;
 - b. provision for iwi involvement in kororā management including training of iwi kororā handlers;
 - c. recognition of taonga species values (including kororā, pāua, and kōura); and
 - d. ongoing monitoring, reporting, and adaptive management pathways in which mana whenua participation is embedded.

- 416 The Panel finds that the Project gives appropriate effect to Policies 1 and 2 of the NPS-IB.

Policy 3 – Precautionary approach

- 417 Policy 3 requires that a precautionary approach be taken where there is uncertainty about effects on indigenous biodiversity.
- 418 The terrestrial ecology, marine ecology, and avifauna assessments identify uncertainties associated with:
- a. displacement and long term adaptation of kororā;
 - b. re-colonisation of subtidal habitats on the renewed seawall; and
 - c. cumulative pressures on coastal species within the south coast environment.
- 419 GWRC emphasised these uncertainties in its section 53 comments and sought a more prescriptive condition framework to address them. The Applicant accepted the need for monitoring and adaptive management but opposed rigid quantitative targets or prescriptive future actions not supported by ecological evidence.
- 420 The Panel finds that the precautionary approach required by Policy 3 is satisfied through:
- a. preconstruction surveys and exclusion measures;

- b. staged implementation of kororā colonies;
- c. long term monitoring extending well beyond construction;
- d. adaptive management provisions allowing modification of methods where outcomes are not achieved; and
- e. strong governance and reporting mechanisms.

421 The Panel is satisfied that this approach properly addresses uncertainty without imposing conditions that are more onerous than necessary.

Policy 4 – Climate resilience of biodiversity

422 Policy 4 requires biodiversity management to support resilience to climate change effects.

423 The AEE identifies that existing kororā nests at the seawall are vulnerable to overtopping, storm surge, and sea level rise. The two proposed kororā colonies are deliberately designed to be elevated, storm resilient, predator controlled, and buffered from human disturbance.

424 The Panel accepts the Applicant's evidence that, in contrast to the status quo, the Project will materially improve long term climate resilience of kororā habitat. This outcome is relevant not only under the MRS but also in reconciling biodiversity outcomes with infrastructure adaptation under other national instruments.

425 The Panel finds the Project consistent with Policy 4.

Policy 7 – Significant Natural Areas (SNAs)

426 Policy 7 applies to effects on Significant Natural Areas. The AEE confirms that no SNAs are mapped over the Project footprint under the decisions version of the Wellington City Proposed District Plan 2021. While the Project affects indigenous species that may contribute to SNA type values elsewhere, Policy 7 is not directly engaged.

427 The Panel notes, however, that the absence of mapped SNAs does not lessen the obligation to manage biodiversity effects appropriately. The Panel is satisfied that the Project's management measures exceed the minimum expectations that would otherwise apply outside SNAs.

Policies 8 and 13 – Indigenous biodiversity outside SNAs and restoration

428 Policies 8 and 13 apply to indigenous biodiversity outside SNAs and require application of the effects management hierarchy.

429 The Panel is satisfied that the Project demonstrates a structured application of that hierarchy:

- a. *Avoidance*: seasonal restrictions, exclusion zones, avoidance of direct disturbance to nesting pohowera where practicable, and avoidance of effects on the identified inland wetland.

- b. *Minimisation*: lighting controls, construction timing, noise and vibration management, and reduced footprint through reuse of the existing seawall alignment.
- c. *Remediation*: restoration planting at Moa Point Yard and Wahine Memorial Park, reinstatement of coastal margins, and integrated erosion control.
- d. *Offsetting / enhancement*: establishment of two kororā colonies with fencing, predator control, nest boxes, planting, and long-term protection.

430 GWRC contended that the biodiversity response amounted to offsetting that should be subject to strict schedule based numeric targets. The Applicant disagreed, and DOC did not support numeric targets.

431 The Panel accepts that the combination of habitat creation, enhancement, and long-term management achieves at least no overall loss of indigenous biodiversity, consistent with Policies 8 and 13, without the need for numeric uptake thresholds.

Policy 10 – Activities that support wellbeing

432 Policy 10 recognises that activities supporting social, economic, or cultural wellbeing may proceed where effects are managed appropriately.

433 The Panel accepts that the Project:

- a. protects nationally and regional significant infrastructure;
- b. supports economic and social connectivity for the Wellington region; and
- c. does so while appropriately managing biodiversity effects.

434 Policy 10 therefore supports the Project proceeding.

Policy 15 – Highly mobile fauna

435 Policy 15 addresses species with high mobility, including avifauna and bats. The ecological assessments confirm:

- a. suitable habitat is present;
- b. kāpā area and other mobile avifauna are addressed through construction controls and monitoring; and
- c. the AMP appropriately manages risks during breeding seasons.

436 The Panel finds these measures sufficient to maintain populations across their natural range, consistent with Policy 15.

Overall NPS-IB finding

437 Having considered the objectives and policies of the NPS-IB, the Panel finds that, with the conditions imposed:

- a. indigenous biodiversity will be maintained so that there is at least no overall loss;
- b. kaitiakitanga and Te Tiriti principles are appropriately recognised and provided for;
- c. precaution is applied in response to uncertainty; and
- d. long term biodiversity outcomes, particularly for kororā, are materially improved relative to the existing environment.

438 The Panel therefore concludes that the Project is consistent with the National Policy Statement for Indigenous Biodiversity 2023.

National Policy Statement for Infrastructure 2025

439 The Panel has had regard to the National Policy Statement for Infrastructure 2025. The Panel records that the NPS-I was gazetted and came into effect after preparation of the Application and the AEE, including document A.10 – Approvals relating to the RMA. At the request of the Panel the Applicant addressed the relevance of the NPS-I in a memorandum dated 13 February 2026 and stated:

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

440 We accept that the NPS-I is a relevant national instrument that the Panel must consider in its decision making. The Panel has therefore had regard to the NPS-I, informed by:

- a. the Applicant's memorandum;
- b. the section 53 comments received from GWRC;
- c. the Applicant's response to those comments; and
- d. the planning evidence of Ms Kirsty O'Sullivan and Ms Ellen Robotham.

Purpose and scope of the NPS-I

441 The NPS-I establishes a nationally consistent policy framework recognising the importance of infrastructure to economic growth, social and cultural wellbeing, climate resilience, and the functioning of communities. It is expressly enabling in nature, while requiring that adverse effects are managed in a proportionate and integrated manner.

442 The Panel notes that the NPS-I must be read alongside, and in harmony with, other national direction, including the NZCPS and NPS-IB. The Panel also recognises that the Fast track Approvals Act requires conditions not to be more onerous than necessary and directs decision makers to facilitate the delivery of infrastructure projects with significant regional or national benefits.

Objective 1 – Infrastructure wellbeing and resilience

443 Objective 1 of the NPS-I seeks that infrastructure:

- a. supports economic growth and social wellbeing; and
- b. is well functioning and resilient, including to natural hazards and the effects of climate change.

444 GWRC expressly acknowledged, in its section 53 comments, that the Southern Seawall Renewal Project will deliver substantial benefits by improving the resilience of regionally and nationally significant infrastructure, including Wellington International Airport and associated council assets. GWRC further confirmed that such resilience outcomes are consistent with the objectives and policies of the NPS-I.

445 The Panel agrees. The evidence demonstrates that the existing seawall is nearing the end of its design life and is increasingly vulnerable to coastal erosion, overtopping, storm surge, and projected sea level rise. The Project is expressly directed at safeguarding the long-term operational integrity of the Airport, which is the only international airport serving the lower North Island.

446 The Panel finds that the Project squarely advances Objective 1 of the NPS-I.

Policy 4 – Enabling infrastructure upgrades and resilience

447 Policy 4 of the NPS-I directs decision makers to enable infrastructure, and in particular upgrades to existing infrastructure, where those upgrades improve resilience to natural hazard risk and climate change effects.

448 Policy 4(1)(f) is of particular relevance. That policy expressly supports upgrades that improve the resilience of existing infrastructure assets, recognising that such upgrades are often required to occur within constrained or sensitive environments where the infrastructure is already located.

449 The Panel accepts the Applicant's evidence that:

- a. the Southern Seawall has a clear functional and operational need to remain at its existing coastal location;
- b. relocation inland is not practicable without compromising airport safety and operations; and
- c. failure to renew the seawall would expose the Airport, regional transport connectivity, and critical lifeline infrastructure to escalating hazard risk.

450 The Panel therefore finds that the Project directly gives effect to Policy 4 of the NPS-I.

Policy 7 – Proportionate management of adverse effects

451 Policy 7 of the NPS-I requires that:

- a. adverse effects of infrastructure are avoided, remedied, or mitigated where practicable; and

- b. mitigation measures and consent conditions are proportionate to the scale and significance of the adverse effects.
- 452 This policy was a particular point of difference between the Applicant and GWRC in relation to the framing and stringency of proposed conditions. GWRC identified a number of technical issues relating to:
- a. ecological effects (including kororā, pohowera, subtidal habitat, and taonga species);
 - b. coastal processes and end effects erosion;
 - c. contaminated land and stormwater discharges; and
 - d. the scope and status of management plans.
- 453 However, GWRC did not oppose the grant of approvals. Rather, GWRC's position was that identified issues could be addressed through appropriate conditions and refinements.
- 454 The Applicant accepted a number of GWRC's proposed refinements, including enhanced monitoring and deletion of condition CA.26 (maintenance and repair), but opposed others where they were considered:
- a. unsupported by expert evidence;
 - b. disproportionate to the level of residual effects; or
 - c. inconsistent with the enabling intent of both the NPS-I and the Fast track Approvals Act.
- 455 The planning evidence of Ms O'Sullivan and Ms Robotham placed particular emphasis on Policy 7, noting that:
- a. proportionality is a core requirement of the NPS-I; and
 - b. conditions must remain tightly linked to the scale, nature, and certainty of effects.
- 456 The Panel agrees with that approach. The Panel finds that:
- a. the Project has been designed to avoid and minimise adverse effects where practicable;
 - b. residual effects are comprehensively addressed through management plans, monitoring, and adaptive management;
 - c. conditions adopted respond directly to identified effects; and
 - d. the final condition suite does not impose unnecessary or speculative obligations that are not supported by evidence.

- 457 The Panel is satisfied that the conditions imposed are proportionate and consistent with Policy 7.

Climate change adaptation and long-term risk reduction

- 458 The NPS-I places strong emphasis on infrastructure resilience and proactive adaptation to climate change. The Panel considers this Project to be a clear example of infrastructure adaptation in action.

- 459 The evidence demonstrates that the Southern Seawall Renewal is not a capacity expansion project, but a resilience focused upgrade that:

- a. responds to current hazard exposure;
- b. anticipates future climate driven coastal processes; and
- c. reduces long term risk to nationally significant infrastructure rather than deferring or transferring that risk elsewhere.

- 460 The Panel accords significant weight to these adaptation outcomes in its overall assessment under the NPS-I.

Overall NPS-I finding

- 461 Having regard to the objectives and policies of the National Policy Statement for Infrastructure 2025, and to the submissions and evidence addressing its application, the Panel finds that:

- a. the Project enables the upgrade of existing, nationally and regionally significant infrastructure;
- b. it delivers substantial resilience and climate adaptation benefits;
- c. it supports economic and social wellbeing for the Wellington Region and beyond; and
- d. any adverse effects are managed through a proportionate, evidence based, and integrated conditions framework.

- 462 The Panel therefore concludes that the Project is fully consistent with the National Policy Statement for Infrastructure 2025. The NPS-I provides strong support for the granting of the approvals sought.

National Environmental Standards

- 463 The Panel has considered the relevant National Environmental Standards (NES) that apply to the Project. The applicable standards are:

- a. the Resource Management (National Environmental Standards for Freshwater) Regulations 2020 (NES F); and

- b. the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (NES-CS).

464 These standards were assessed by the Applicant in section 10 of the AEE, and further addressed through council comments, technical evidence, and refinements to proposed conditions.

National Environmental Standards for Freshwater Regulations 2020 (NES-F)

465 The Applicant notes in Sections 3 and 10 of the Application that while there is a natural inland wetland in the Project Area any effects on the wetland are avoided and no regulations under the NES Freshwater are triggered.

466 National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health Regulations 2011 (NES-CS)

467 The NES-CS applies to activities involving the disturbance of potentially contaminated land where hazardous activities or industries (HAIL) have historically occurred.

468 The AEE confirms that:

- a. two historical HAIL activities are recorded on and affected by the Project;
- b. the Project therefore triggers the NES framework; and
- c. the relevant activity status under regulation 10 is restricted discretionary.

469 The Applicant undertook a comprehensive contamination assessment, including:

- a. a Preliminary Site Investigation (PSI); and
- b. Detailed Site Investigations (DSIs) for both the MGC Yard and the Southern Seawall / Eastern Bank remediation area.

470 These investigations identified areas of potentially contaminated land and assessed potential risks to human health and the environment. The Applicant's position, supported by its contaminated land expert evidence, was that the investigations were sufficient to characterise risk for the purposes of the Project, and that the works could proceed subject to the implementation of best-practice contaminated land management conditions.

Difference of interpretation – Applicant and GWRC / WCC

471 GWRC, also acting for WCC in relation to contaminated land matters, expressed a different preliminary view in its section 53 comments, particularly in relation perceived gaps in sampling coverage at the MGC Yard and exceedances of indirect ecological guideline values (including PFAs) within the seawall footprint.

472 Based on that preliminary view, GWRC / WCC considered that reliance on the permitted activity pathway under the NRP was uncertain, and that additional consents or more prescriptive controls might be required to ensure environmental protection.

473 The Applicant did not agree with that preliminary assessment and contended that:

- a. sampling coverage was appropriate given the nature of works; and
- b. additional consent pathways were not strictly required.

474 The Panel notes that the Applicant and GWRC / WCC have resolved these matters through expert conferencing, resulting in agreement that the sampling coverage is adequate, the permitted activity standards in Rule R82 of the NRP are met, and no further sampling, CLMP update, or certification is required.

475 The Panel is satisfied that, with the imposition of conditions:

- a. risks to human health will be appropriately managed;
- b. risks to soil, groundwater, and coastal receiving environments will be avoided or mitigated; and
- c. the Project will appropriately give effect to the intent and operative requirements of the NES-CS.

Overall Panel Finding – National Environmental Standards

476 For the reasons set out above, the Panel finds that:

- a. no National Environmental Standard for Freshwater regulation is triggered by the Project;
- b. the Project appropriately engages with the NES-CS framework; and
- c. any actual or potential adverse effects associated with contaminated land can be appropriately managed through conditions.

477 The applicable National Environmental Standards do not pose an impediment to granting the approvals sought. The Panel is satisfied that, subject to the conditions imposed, the Project is consistent with the purpose and requirements of the NES regulation.

PART H: REGIONAL AND DISTRICT PLANNING FRAMEWORK

478 The relevant regional and district planning documents were addressed in section 10 of the AEE and include:

- a. Regional Policy Statement for the Wellington Region 2013, including Proposed Change 1 to the RPS (**RPS**);
- b. Natural Resources Plan for the Wellington Region 2023 (**NRP**);
- c. Proposed Change 1 to the Natural Resources Plan for the Wellington Region 2023 (**NRP-PC1**);
- d. Wellington City Operative District Plan 2000 (**ODP**); and
- e. Wellington City Proposed (Partially Operative) District Plan 2024 (**PDP**).

479 An assessment of the relevant statutory plans has been included within the AEE as is required by Schedule 5, clause 5(1)(h).

480 The Panel has reviewed and considered the assessment provided by the Applicant and the comments provided by the invited parties. We outline the key matters in the following sections (as well as adding further consideration and assessment).

Wellington Regional Policy Statement (Operative 2013)

481 The RPS recognises the importance of regionally significant infrastructure (Objective 10) and requires its benefits to be protected. GWRC confirms that Airport is regionally significant infrastructure, and that improving its resilience aligns with the RPS¹⁴⁷.

Regionally significant infrastructure, Objective 10 and related policies

482 The Panel has considered the relevant objectives and policies of the operative RPS as they apply to the project, having regard to the assessment contained within the AEE (A.10, section 10). The RPS provides the regional framework for the integrated management of natural and physical resources within the Wellington Region.

483 Regionally significant infrastructure is addressed by Objective 10 and associated policies of the operative RPS. The provisions recognise and provide for the benefits of regionally significant infrastructure, including Wellington International Airport and supporting infrastructure such as coastal protection works. The AEE confirms that the Southern Seawall is critical to protecting the Airport runway and associated Council infrastructure from coastal hazards (A.10, pp. 329–330).

484 The evidence establishes that:

- a. the Airport's location is fixed and nationally strategic;

¹⁴⁷ GWRC - Section 53 Comments Wellington International Airport Southern Seawall Renewal, at paragraph 1.

- b. the existing seawall is reaching end-of-life and increasingly vulnerable to storm surge, overtopping, and sea-level rise;
- c. renewal of the seawall is necessary to maintain the Airport's ongoing operation and resilience; and
- d. the design minimises additional footprint to the extent practicable.

485 The Panel therefore finds that the renewal of the Southern Seawall directly supports the objective of protecting regionally significant infrastructure and is consistent with policies that enable its ongoing operation, maintenance, and resilience.

Coastal environment, natural character, biodiversity, and public access

486 The RPS contains a suite of objectives and policies addressing the coastal environment, natural character, public access, and indigenous ecosystems (Objectives 3, 4, 16; Policies 24–29).

487 The AEE records that most of the Project area is highly modified, with the exception of the Stage 1 kororā colony underpass area, where overlays of high natural character and outstanding natural features/landscapes apply. The Panel accepts the landscape evidence that effects on these values are:

- a. neutral on the seaward side of Moa Point Road, and
- b. positive on the landward side of Moa Point Road, due to habitat restoration, planting, and coastal character enhancement.

488 Temporary restrictions will occur during construction for health and safety. However, long-term public access will be restored and enhanced through improved amenity, planting, and interpretation. This outcome aligns with RPS Policy 53(c), which supports restricting access only to the extent necessary to protect significant indigenous species (such as kororā).

489 The Panel accepts the Applicant's and GWRC's shared position that long-term access outcomes are appropriate and consistent with the RPS.

Indigenous ecosystems and biodiversity – Objective 16

490 Objective 16 seeks the maintenance and restoration of indigenous ecosystems and habitats with significant biodiversity values, including the application of a precautionary approach.

491 The AEE and technical appendices identify effects on:

- a. Kororā (little blue penguin)
- b. Pohowera (banded dotterel)
- c. Lizards (northern grass skink, etc.)
- d. Marine ecosystems (kelp beds, rocky reef, pāua and kōura habitat)

492 The key point of difference under Objective 16 related to GWRC's request for numeric performance targets (particularly for kororā and pohowera habitat uptake). GWRC sought targets grounded in Schedule G2 of the NRP (linked to NZCPS Policy 11(b)), arguing this provided greater certainty. The Applicant opposed this approach, stating that fauna occupancy cannot be compelled and that long-term monitoring and adaptive management are more appropriate. DOC did not support numeric occupancy targets.

493 The Panel accepts the Applicant's reasoning and notes:

- a. the kororā colonies (Stages 1 and 2) deliver very high-quality, predator-controlled, elevated habitat that materially improves long-term resilience;
- b. the conditions require 20 years of monitoring, adaptive layout modification, and ongoing predator control;
- c. indirect displacement effects (a key concern of Ngāti Toa) are addressed through road-edge protections, islanded habitat, fencing, and trained handlers; and
- d. GWRC's ecological concerns have been addressed through strengthened plans (KPMP, AMP, LMP) and agreed adaptive monitoring frameworks.

494 The Panel therefore finds the Project consistent with Objective 16 and related policies.

Natural hazards and climate change

495 The operative RPS contains strong policy direction requiring avoidance or mitigation of natural hazard risk and enabling hazard protection works necessary to protect existing development (Objective 19; Policies 31-32).

496 A.10 confirms that the design addresses expected increases in storm intensity and sea-level rise, with appropriate freeboard, toe stability, and wave energy dissipation. The Panel also notes the engineering evidence (including Beca design reports) that landward relocation is impracticable due to operational safety, topography, and Airport design constraints.

497 The Panel finds:

- a. the Project directly addresses existing hazard exposure;
- b. it improves resilience rather than transferring hazard risk; and
- c. it is consistent with the RPS natural hazards framework and the NPS-INF (Policy 4).

Overall finding – Operative RPS

498 The Panel concludes that the Project is fully consistent with the operative Wellington Regional Policy Statement, particularly:

- a. Objective 10 – regionally significant infrastructure
- b. Coastal environment, natural character, and public access policies

- c. Objective 16 – indigenous biodiversity
- d. Objective 19 – natural hazards and climate change

499 Subject to the conditions imposed, the Panel finds that the Project enhances regional resilience while appropriately managing residual environmental effects.

Change 1 to the Wellington Regional Policy Statement (PC1)

500 PC1 is intended to give effect to updated national direction on climate change, indigenous biodiversity, and integrated management (ki uta ki tai). While some provisions remain subject to appeal or partially operative status, the Panel has given PC1 appropriate weight.

501 The AEE identified the most relevant provisions of PC1 and assessed the Project against them.

Integrated management and Te Ao Māori

502 PC1 emphasises:

- a. integrated management of land, freshwater and coastal environments;
- b. ki uta ki tai principles; and
- c. climate mitigation and adaptation.

503 The Panel notes that the Project:

- a. forms part of a wider coastal hazard management strategy for Wellington's south coast;
- b. incorporates extensive engagement with mana whenua; and
- c. includes restoration components (e.g., kororā colonies, revegetation) that contribute to wider ecosystem and cultural outcomes.

504 The Panel accepts the Applicant's evidence that the Project is consistent with PC1 integrated management objectives.

Climate change adaptation and infrastructure resilience

505 PC1 reinforces the need to protect regionally significant infrastructure from natural hazards and climate change effects, recognising that hard engineering responses may be appropriate where no practicable alternatives exist.

506 The AEE and coastal engineering evidence identify:

- a. the seawall's critical role in protecting the Airport and WCC wastewater assets;
- b. the functional/operational necessity of its coastal location; and
- c. the lack of viable alternative responses (e.g. soft engineering, retreat).

507 The Panel finds that the Project aligns with the climate adaptation and infrastructure resilience direction in PC1.

Indigenous ecosystems and biodiversity values

508 PC1 extends and refines biodiversity provisions, expanding upon the NZCPS Policy 11 and NRP Schedule F5 framework.

509 Much like under the operative RPS, the key distinction between parties centred on whether PC1 required quantified offsetting performance measures. GWRC argued it did; the Applicant and DOC argued it did not.

510 The Panel finds that:

- a. PC1 requires robust, precautionary, and integrated biodiversity management;
- b. the Project's combination of kororā habitat creation, subtidal habitat monitoring, lizard relocation, and terrestrial restoration satisfies those expectations; and
- c. numeric uptake targets are not required to give effect to PC1.

Overall PC1 finding

511 Having regard to PC1's partially operative status, the Panel finds that the Project is consistent with the direction of PC1, particularly, in relation to:

- a. climate change mitigation and adaptation;
- b. ongoing resilience of regionally significant infrastructure;
- c. integrated management and mana whenua roles; and
- d. precautionary, long-term biodiversity management.

Wellington Regional Natural Resources Plan (NRP)

512 The NRP is the primary regional plan governing activities within the coastal marine area, and the management of indigenous biodiversity, earthworks, discharges to land and water, structures, and regionally significant infrastructure. Section 10.3.9 of A.10 Approval relating to the RMA provides the Applicant's assessment of the proposal against the relevant objectives, policies, and rules of the NRP, which the Panel has reviewed alongside the submissions and expert evidence received.

513 The NRP expressly recognises Wellington International Airport, and associated coastal protection works, as regionally significant infrastructure. This recognition is fundamental to the policy framework within which the Project is to be assessed.

514 We consider that NRP policies 38, 39, and 41 have particular relevance.

Policy 39 – Operation, maintenance, upgrade, and extension of regionally significant infrastructure

- 515 Policy 39 is a key enabling provision. It applies where an activity relates to the operation, maintenance, upgrade, or extension of existing regionally significant infrastructure within a site that meets the biodiversity criteria set out in Policy 38 (including sites listed in Schedule F5).
- 516 Policy 39 requires decision-makers to consider providing for such infrastructure where:
- a. there is a functional need or operational requirement for the activity to locate in that area;
 - b. there is no practicable alternative on land or elsewhere in the coastal environment; and
 - c. the activity provides for the maintenance and, where practicable, enhancement or restoration of affected significant indigenous biodiversity values, taking into account consultation with GWRC, DOC, and mana whenua.
- 517 The Applicant relies heavily on Policy 39, describing it as a “specific and deliberate counterbalance” to the more restrictive biodiversity provisions of Policy 38. The Panel agrees that this characterisation accurately reflects the structure and intent of the NRP, which was drafted to reconcile tensions between biodiversity protection and the ongoing need to enable infrastructure with limited coastal location.
- 518 The Panel finds that:
- a. the Southern Seawall has both a functional and operational requirement to remain at its existing location;
 - b. there is no practicable alternative alignment or inland relocation that would maintain Airport safety and operability; and
 - c. the Project provides, where practicable, for enhancement and restoration of indigenous biodiversity values through the establishment of kororā colonies, long-term habitat management, subtidal monitoring, and terrestrial restoration.
- 519 We find that Policy 39 is a key enabling provision, and that Policies 39(a) and (b) are clearly met. There is both a functional and an operational need for the seawall (and its renewal) to be located where it is. We also find that Policy 39(c) is largely met. Although the project may not fully provide for the “maintenance” of some significant indigenous biodiversity values, it does “where practicable” provide for enhancement and restoration. Accordingly, the Panel finds that Policy 39 supports the Project.

Indigenous biodiversity – Policy 38, and Schedules G2, G3 and F5

- 520 Policy 38 gives effect to NZCPS Policy 11 by setting out an effects-management hierarchy for indigenous biodiversity within the coastal environment. It distinguishes between:
- a. effects on threatened or at-risk species and ecosystems (engaging NZCPS Policy 11(a)); and

- b. other significant indigenous biodiversity values (addressed under NZCPS Policy 11(b)).
- 521 Schedules G2 and G3 to the NRP set out the principles to be applied when considering biodiversity offsetting and compensation respectively. As noted elsewhere in the Decision, we accept that NRP Schedule G3 (Biodiversity Compensation) is the appropriate framework when considering kororā.
- 522 Offsetting, as used by the NPS-IB, is associated with the concepts of “like-for-like” environmental quality and net gain. Biodiversity offsets are designed to ensure biodiversity impacts are offset with biodiversity that is very similar to the biodiversity that is being impacted in that it has the same ecosystems, vegetation, habitats and species. That will not be the case for existing kororā habitat within the seawall. We accept that the Applicant’s residual effects assessment correctly assessed the two kororā colonies as biodiversity compensation, as opposed to offsetting.
- 523 These distinctions are important with regard to kororā, as NRP Schedule G2 (Biodiversity Offsetting) includes the principle of “no net biodiversity loss”. In contrast, Schedule G3 (Biodiversity Compensation) does not refer to “no net loss”. Rather, it includes a principle that focuses on the scale of biodiversity compensation. The principle is that: *“The values to be lost through the activity to which the biodiversity compensation applies must be addressed by positive effect for indigenous biodiversity that outweigh the adverse effects on indigenous biodiversity”*. The Panel accepts the Applicant’s analysis¹⁴⁸ that this outcome will be achieved, as demonstrated by the BCM with regard to kororā and the proposed alterations.
- 524 Schedule F5 to the NRP identifies habitats with significant indigenous biodiversity values in the coastal marine area, including kelp beds and subtidal rocky reef systems.
- 525 GWRC’s position is that:
- a. the loss of subtidal habitat associated with the placement of the new seawall would be ecologically significant; and
 - b. the mitigation proposed by the Applicant (recolonisation of the cubipod-armoured structure) should be subject to defined monitoring outcomes and adaptive responses.
- 526 GWRC considers the loss of kelp beds and rocky reef to be significant. NRP Schedule F5¹⁴⁹ lists *“kelp beds [that] occur on exposed rocky reefs region wide”*.
- 527 The Applicant accepted that kelp beds and rocky reef within the footprint fall within Schedule F5, but contended that:
- a. the loss must be assessed under Policy 38(b)/(c) (i.e. NZCPS Policy 11(b));

¹⁴⁸ B.12-Bioresearches-Residual-Effects-Assessment-Report, at Table 1.

¹⁴⁹ Habitats with significant indigenous biodiversity values in the coastal marine area.

- b. recolonisation is a recognised and appropriate mitigation mechanism for hard coastal structures; and
- c. effects would not remain significant over time if recolonisation occurs as expected.

528 We agree with the Applicant, noting that Schedule F specifically excludes kelp beds and rocky reef habitat from being considered under NZCPS Policy 11(a). The habitat must therefore be considered under NZCPS Policy 11(b)(iii) – which lists “rocky reef systems” – and therefore requires us to “avoid significant adverse effects and avoid, remedy or mitigate other adverse effects”. In the context of the NRP, this direction from the NZCPS is given effect to by Policy 38(b) and (c).

Resolution through conditions – Subtidal Habitat Monitoring Plan

529 The matter outlined above was an area of genuine difference between WRC and the Applicant. That difference was addressed through expert conferencing and subsequent refinements to the conditions, resulting in agreement that:

- a. a Subtidal Habitat Monitoring Plan (SHMP) would be required;
- b. monitoring would assess whether recolonisation outcomes align with pre-construction conditions;
- c. monitoring would be sufficiently long-term to capture ecological recovery trajectories; and
- d. adaptive responses would be required if outcomes are not achieved.

530 The Panel accepts that the loss of these habitats requires mitigation and monitoring, and, therefore, adopts the agreed approach.

531 Policy 38 broadly applies to protecting indigenous biodiversity values in the coastal environment. The policy refers to NZCPS Policy 11(a) in relation to, among other matters, avoiding adverse effects threatened or at-risk species¹⁵⁰. The policy also refers to NZCPS Policy 11(b) and allows for the management of ‘non-significant’ adverse effects subject to a hierarchy of avoidance, minimising, remediation, offsetting and compensation.

532 The Panel finds that, with the SHMP conditions in place, the Project appropriately implements Policy 38(b) and (c), and that Policy 39 enables the Project to proceed notwithstanding the presence of Schedule F5 habitats

Airport-specific provision – Policy 41

533 Policy 41 is explicitly concerned with airport-related activities within areas that meet the criteria of Policy 38 or are listed in Schedule F5. Policy 41 requires decision-makers to recognise:

¹⁵⁰ It also applies to naturally threatened or rare ecosystems; nationally significant examples of community types; and areas set aside for full or partial protection

- a. the need for the Airport to provide safe and efficient operations now and for future generations;
- b. the functional and operational requirements of the Airport; and
- c. the extent to which significant indigenous biodiversity values are enhanced or restored as part of a biodiversity management plan.

534 The Panel considers Policy 41 to be directly engaged and highly relevant. In this case:

- a. the seawall renewal is directly linked to maintaining safe runway operations;
- b. the Airport's location is fixed and constrained by the coastal setting; and
- c. the biodiversity management response (particularly the kororā colonies, lizard relocation, and long term habitat management) constitutes a level of enhancement that goes beyond mere mitigation.

535 The Panel therefore finds that the Project is consistent with Policy 41.

Coastal natural processes, structures, and hazards

536 The NRP contains policies addressing structures in the coastal marine area, coastal processes, and natural hazard management.

537 The Panel notes that GWRC raised concerns about:

- a. potential end-effects erosion at the eastern end of the seawall; and
- b. the scope of proposed maintenance and repair provisions (Condition CA.26).

538 With respect to end-effects erosion, the Applicant relied on design refinements and existing coastal engineering conditions. GWRC sought additional post-construction monitoring. The differences between the Applicant and GWRC have been resolved through expert conferencing, resulting in an agreed suite of conditions CA.24–CA.30 adopted by the Panel in final condition framework, which provides for inspection, reporting, and remediation if erosion attributable to the works occurs.

539 With respect to maintenance and repair, there was no material disagreement ultimately. Both GWRC and mana whenua expressed concern that the proposed CA.26 condition could authorise future expansions without assessment. The Applicant accepted that those concerns were valid, and the condition was deleted.

540 The Panel finds that the final conditions are consistent with the NRP's coastal structure and hazard management provisions.

Overall NRP finding

541 Having considered the relevant objectives, policies, schedules, and rules of the NRP, the Panel finds that:

- a. Policies 38, 39, and 41 operate together to balance biodiversity protection with the need to enable regionally significant infrastructure;

- b. the Project sits squarely within the scope of those enabling provisions;
- c. consistent with relevant policies and schedules of the NRP, residual effects on indigenous biodiversity and coastal processes are appropriately managed through robust, precautionary, and adaptive conditions; and
- d. the NRP does not preclude the grant of the approvals sought.

542 The Panel concludes that, subject to the conditions imposed, the Project is consistent with the Wellington Regional Natural Resources Plan.

Wellington City Operative District Plan 2000 (ODP)

543 The Panel has considered the relevant objectives, policies, and rules of the Wellington City Operative District Plan 2000 (ODP) as they apply to the Project. The applicant's assessment of the ODP is set out in section 10.3.10 of A.10 – Approvals relating to the RMA, which the Panel has reviewed alongside the submissions received and the evidence advanced through the fast-track process.

Strategic framework and zoning context

544 The Project area includes land within the Airport and Golf Course Recreation Precinct, including the Miramar Golf Course Yard, Moa Point Yard, and areas adjacent to the Southern Seawall. The operative District Plan recognises the Airport as a strategic asset of city-wide, regional, and national importance, and contains policies directed at enabling its safe, efficient, and ongoing operation.

545 The AEE records, and the Panel accepts, that the District Plan's strategic framework seeks to:

- a. enable critical infrastructure supporting transport and economic activity;
- b. manage adverse effects of amenity and the environment; and
- c. address risks associated with natural hazards and contaminated land.

Infrastructure, hazard protection, and coastal works

546 The Southern Seawall is not an ancillary or optional structure within the District Plan context; rather, it is fundamental to the Airport's continued viability. The operative District Plan anticipates the presence of hard engineering solutions along the Airport's southern edge and recognises the need for coastal protection works to safeguard infrastructure and public assets.

547 The Panel accepts that:

- a. the renewal of the seawall is consistent with the District Plan's intent to protect strategic infrastructure; and
- b. the works respond to an identified and escalating coastal hazard, consistent with natural hazard management provisions.

548 There was no dispute between parties that the operative District Plan provides a

permissive framework for this type of infrastructure upgrade, subject to appropriate management of effects.

Open space, ecology, and amenity considerations

549 The Stage 1 Kororā Colony is located adjacent to areas zoned Open Space under the operative District Plan. Relevant policies seek to maintain and enhance open space values, natural features, and indigenous vegetation, while allowing for infrastructure where effects are appropriately managed.

550 The AEE identifies that:

- a. the existing coastal environment adjacent to the seawall is highly modified;
- b. establishment of the kororā colony will involve planting, habitat creation and predator control; and
- c. the long term ecological and amenity outcomes will be superior to the existing baseline condition.

551 The Panel accepts this assessment. While short term construction effects will occur, the Project ultimately delivers enhanced open space outcomes through ecological restoration, interpretation, and improved public amenity.

Overall finding – Operative District Plan

552 For the reasons set out above, the Panel finds that, with conditions imposed, the Project is consistent with the relevant objectives, policies, and rules of the Wellington City Operative District Plan 2008. The Plan provides clear policy support for the protection and maintenance of the Airport and associated coastal protection infrastructure, while managing environmental and amenity effects.

Wellington City Proposed (Partially Operative) District Plan 2024 (PDP)

553 The Panel has also had regard to the PDP, which is partially operative and at an advanced stage. The Applicant's assessment of the PDP is contained in section 10.3.11 of A.10 – Approvals relating to the RMA, and the Panel affords significant weight to its provisions where those provisions are operative or reflect well-settled policy direction.

Strategic direction

554 The PDP's strategic chapters emphasise:

- a. partnership with mana whenua;
- b. protection and enhancement of indigenous biodiversity and natural character;
- c. enabling regionally and nationally significant infrastructure; and
- d. proactive management of natural hazard and climate change risk.

555 The Panel finds that this strategic direction closely aligns with the national and regional instruments already discussed, including the NZCPS, NPS-IB, NPS-INF, RPS, and NRP.

Airport Zone and Moa Point Road Seawall Area

- 556 The PDP specifically identifies the Airport Zone and Moa Point Road Seawall Area. Policies within these chapters:
- a. recognise the Airport as nationally significant infrastructure;
 - b. enable maintenance, upgrade, and renewal of associated infrastructure;
 - c. acknowledge the functional and operational constraints of the Airport's coastal location; and
 - d. require adverse effects to be managed rather than avoided outright where infrastructure has a fixed locational requirement.
- 557 The Panel accepts that the renewed seawall is expressly contemplated by these provisions. The Project does not represent an unexpected or inappropriate use of the zoned land; rather, it is a logical and necessary response to continuing coastal risks.

Natural hazards and climate adaptation

- 558 Fully operative provisions within the PDP require that infrastructure development:
- a. avoids increasing natural hazard risk; and
 - b. contributes to risk reduction where practicable.
- 559 The evidence establishes that the Project:
- a. addresses current and future coastal erosion and inundation risks;
 - b. improves resilience of the Airport runway and WCC wastewater infrastructure; and
 - c. does not transfer hazard risk to other areas.
- 560 The Panel finds strong alignment with the PDP's natural hazard objectives.

Sites of significance to Māori

- 561 The PDP identifies Raukawakawa Moana (Cook Strait) and Moa Point as areas of significance to Māori, with policies requiring the enabling of kaitiakitanga and avoidance of inappropriate development.
- 562 The Panel notes:
- a. the general support expressed by both Taranaki Whānui and Ngāti Toa Rangatira;
 - b. that support is subject to conditions addressing kororā management, taonga species, monitoring, and engagement; and
 - c. those matters are addressed through the final condition framework.

563 The Panel is satisfied that the Project accords with the PDP's Māori values provisions.

Natural character and ONFL provisions

564 The PDP maps areas of high natural character and outstanding natural features and landscapes affecting parts of the Stage 1 Kororā Colony area.

565 The landscape assessments conclude that:

- a. adverse effects on natural character will be minor, localised, and temporary; and
- b. long-term effects will be neutral to positive due to habitat restoration and planting.

566 The Panel accepts that the Project meets the PDP's requirements to avoid significant adverse effects while promoting restoration.

Contaminated land

567 The PDP requires identification and management of contaminated and potentially contaminated land, consistent with the NES-CS regime. The Panel confirms that the Project adopts a best-practice approach to contaminated land management and that land will be safe for its intended use.

568 The Panel notes that controlled activity rules under the NES-CS are engaged, and the agreement reached between the Applicant and CWRG / WCC that the standards in NRP Rule R82 have been met.

Overall finding – Proposed District Plan

569 Having regard to the status of the Proposed District Plan, the Panel finds that the Project is consistent with its objectives and policies, particularly in relation to:

- a. infrastructure renewal;
- b. natural hazard management;
- c. biodiversity and natural character protection;
- d. Māori values; and
- e. contaminated land management.

570 The PDP provides further support for the renewal of the Southern Seawall as necessary infrastructure within the Airport Zone.

Overall District Plans conclusion

571 When considered together, the operative and proposed Wellington City District Plans:

- a. recognise the Airport as a strategic, regionally and nationally significant asset;
- b. enable the maintenance and upgrade of coastal protection infrastructure; and

c. require adverse effects to be identified and appropriately managed.

572 The Panel concludes that the Project is fully consistent with the Wellington City District Plan framework.

Treaty settlements

Statutory context

573 Sections 7 and 8 are noted in Part D. Section 7 of the Fast-track Approvals Act 2024 imposes a specific statutory obligation on all persons exercising functions or powers under that Act to act consistently with obligations arising under existing Treaty settlements and with recognised customary rights. This obligation applies regardless of when the relevant Treaty settlement was enacted, provided it existed at the time the Panel exercised its functions.

574 The Panel notes that this obligation is narrower than, but complementary to, broader Treaty principles under the Resource Management Act. The focus is on consistency with settlement legislation, including statutory acknowledgements and other forms of redress conferred by settlement Acts.

575 As noted in Part B the Panel directed the EPA to seek comment from the Minister for Māori Crown Relations: Te Arawhiti and the Minister for Māori Development under section 72 FTAA. No comments were received.

576 Based on the evidence before it, including A.10 – Approvals relating to the RMA and the absence of any contrary evidence, the Panel is satisfied that the following Treaty settlement legislation is relevant to the Project area:

- a. Taranaki Whānui ki Te Upoko o Te Ika Claims Settlement Act 2009; and
- b. Ngāti Toa Rangahua Claims Settlement Act 2014.

577 No other Treaty settlements, including Treaty settlements conferring statutory acknowledgements or cultural redress within the Project footprint, were identified as relevant.

Taranaki Whānui ki Te Upoko o Te Ika

578 The Project area lies within the Port Nicholson Block, which is the area of interest recognised under the Taranaki Whānui ki Te Upoko o Te Ika Claims Settlement Act 2009. That settlement includes statutory acknowledgements over areas of the coastal marine area adjoining Wellington Harbour and the south coast.

579 Statutory acknowledgements require decision-makers to have regard to the cultural, spiritual, historical, and traditional associations of Taranaki Whānui with the relevant areas when considering applications for resource consent or other approvals.

580 The AEE records that the Applicant undertook early and ongoing engagement with representatives of Taranaki Whānui throughout the development of the Project. Matters raised through that engagement included:

- a. recognition of coastal values and whakapapa associations;

- b. management of kororā and other indigenous species;
- c. accidental discovery protocols for kōiwi and taonga tūturu; and
- d. opportunities for ongoing involvement during construction and operation.

581 Those matters are reflected in the proposed conditions, including biodiversity management plans, cultural discovery protocols, and mana whenua engagement mechanisms.

582 Taranaki Whānui did not lodge a section 53 submission opposing the Project. No evidence was presented to the Panel asserting that the Project would be inconsistent with the obligations arising under the 2009 settlement.

583 The Panel finds that the Project appropriately recognises and provides for the statutory acknowledgements held by Taranaki Whānui and that there is no inconsistency between the Project and the obligations arising under the Taranaki Whānui settlement.

Ngāti Toa Rangatira

584 Ngāti Toa Rangatira holds statutory acknowledgements under the Ngāti Toa Rangatira Claims Settlement Act 2014 over Te Moana o Raukawa (Cook Strait) and multiple locations along the Wellington south coast, including areas in the vicinity of Lyall Bay and Moa Point.

585 These acknowledgements reflect Ngāti Toa's deep cultural, historical, and customary associations with the coastal environment, including its role as a mahinga kai and as part of ancestral travel and settlement patterns.

Ngāti Toa section 53 submission in support with identified matters

586 Te Rūnanga o Toa Rangatira, as the mandated iwi authority for Ngāti Toa, provided a section 53 submission dated 9 March 2026. That submission:

- a. expressly acknowledged the constructive and respectful engagement undertaken by the Applicant;
- b. recognised the need to renew and strengthen the southern seawall to protect coastal infrastructure; and
- c. confirmed that Ngāti Toa supports the application, subject to ongoing attention to several identified matters.

587 Those matters included:

- a. long-term monitoring of kororā and pohowera, particularly displacement effects during construction;
- b. protection of taonga marine species, including pāua and kōura, associated with the existing seawall and reef environment;
- c. precautionary management of indirect ecological effects beyond the immediate Project footprint;

- d. strengthened soft-start procedures within the Marine Mammal Management Plan; and
- e. concern about the scope of maintenance and repair conditions that could allow future extensions to the seawall footprint.

Differences of interpretation and how they are addressed

- 588 There were differences of emphasis between Ngāti Toa, GWRC, and the Applicant on certain matters, which the Panel considers it necessary to record.
- 589 Kororā and pohowera monitoring - Ngāti Toa emphasised the cultural significance of kororā and expressed concern about potential displacement effects, including the risk that birds may relocate into areas with higher exposure to dogs, vehicles, or other threats.
- 590 The Applicant accepted the need for long-term monitoring but opposed rigid numeric occupancy targets. DOC did not seek numeric targets. GWRC sought numeric targets grounded in regional offsetting frameworks.
- 591 The Panel has resolved this difference by adopting conditions that:
- a. require long-term monitoring well beyond construction;
 - b. require active management of displacement risks (including fencing and road-edge protections);
 - c. allow adaptive responses where monitoring identifies issues; and
 - d. incorporate mana whenua participation through advisory structures.
- 592 The Panel is satisfied that this approach responds appropriately to Ngāti Toa's concerns while remaining proportionate and evidence-based.
- 593 Pāua and kōura - Ngāti Toa identified pāua and kōura as taonga species and mahinga kai and sought clarity as to whether translocation could be undertaken prior to construction.
- 594 GWRC favoured a precautionary translocation approach. The Applicant's marine ecology evidence did not support ecological translocation as necessary or beneficial. DOC did not require translocation. As an outcome of expert conferencing, the Applicant and GWRC agreed that translocation of pāua and rock lobster should not be included in the conditions, and that the proposed Condition ECO.79 should be withdrawn.
- 595 The Panel accepts that there is no ecological requirement for translocation but also recognises the cultural dimension raised by Ngāti Toa. A condition (MW.7) was proposed to enable kaimoana gathering prior to construction works. However, Ngāti Toa subsequently advised that such a condition was considered neither necessary or appropriate, and Te Runanga was therefore comfortable for the condition not to be included.
- 596 Marine mammal management - Ngāti Toa supported the Marine Mammal Management Plan (MMMP) but recommended stronger soft-start procedures. GWRC and DOC raised

similar concerns. Those concerns have been addressed through refinements to the MMMP conditions, strengthening precautionary measures during rock milling and other noisy activities.\

- 597 Maintenance and repair of the seawall - Ngāti Toa expressed concern that proposed maintenance and repair conditions could authorise future expansions without assessment. GWRC shared this concern. The Applicant ultimately accepted that concern, and the condition in question was deleted. The Panel finds that this outcome satisfactorily resolves Ngāti Toa's concern.

Overall Treaty settlements finding

- 598 The Panel considered:

- a. the statutory acknowledgements and obligations arising under the relevant Treaty settlement Acts;
- b. the evidence of engagement and support from mana whenua;
- c. the section 53 comments from Te Rūnanga o Toa Rangatira; and
- d. the final conditions imposed.

- 599 On that basis the Panel finds that:

- a. the Project area is subject to statutory acknowledgements under both the Taranaki Whānui and Ngāti Toa settlements;
- b. Ngāti Toa Rangatira supports the Project, subject to matters that are addressed through conditions and ongoing engagement;
- c. the conditions imposed sufficiently recognise and protect cultural values, taonga species and kaitiaki tangā responsibilities; and
- d. no obligation arising under existing Treaty settlements would preclude the granting of the approvals sought.

- 600 Accordingly the Panel is satisfied that the Project is consistent with all relevant Treaty settlement legislation and with section 7 of the Fast-track Approvals Act 2024.

Conclusion of the consistency of the Application with the Regional and District Planning Framework

- 601 Having considered the relevant provisions of the Wellington Regional Policy Statement (operative and Proposed Change 1), the Natural Resources Plan (and Plan Change 1), and both the Operative and Proposed Wellington City District Plans, and having had regard to the AEE and the submissions and evidence received under the Fast-track Approvals Act, the Panel concludes that the Southern Seawall Renewal Project is consistent with the regional and district planning framework as a whole.

- 602 The evidence demonstrates that the Project gives strong effect to the enabling

provisions for regionally significant infrastructure. In particular, the RPS Objective 10 and Policy 39 expressly recognise the importance of protecting and providing for the ongoing operation, maintenance and resilience of such infrastructure. The Project directly advances these provisions by renewing essential coastal protection works that safeguard the Airport.

603 Within the NRP, Policies P38, P39 and P41 collectively frame how significant indigenous biodiversity values and coastal processes are to be managed alongside infrastructure with a functional or operational need to occupy the coastal marine area. The Panel accepts the expert evidence and condition framework – including the Kororā / Penguin Management Plan, the Avifauna Management Plan, the Lizard Management Plan, and the Subtidal Habitat Monitoring Plan – as providing an appropriate and proportionate response to the residual ecological and coastal effects identified by Greater Wellington Regional Council.

604 The Project is also consistent with the Wellington City District Plans. Under both the District Plans the Airport and surrounding land are recognised as a strategic node accommodating nationally significant infrastructure. The planning assessments in A.10 confirm, and the Panel agrees, that the Project aligns with the policy directions for natural hazards, infrastructure resilience, biodiversity, public access, and coastal character.

605 The Panel further notes the constructive engagement between the Applicant, mana whenua, and both Councils, resulting in conditions that appropriately address the matters raised in comments – including those relating to biodiversity management, coastal processes, contaminated land, stormwater discharges, and management plan certification. Where Greater Wellington sought refinements to ensure policy compliance (for example, in relation to monitoring, adaptive management, and coastal structure maintenance), the Panel has incorporated those where they are necessary and supported by evidence.

606 Overall, when read as a coherent set of statutory instruments, the RPS, NRP (and NRP-PC1), and the Operative and Proposed District Plans all provide clear and consistent direction to recognise, enable and protect the benefits of regionally significant infrastructure, while ensuring that adverse environmental effects are appropriately managed. The Panel concludes that the Project is fully consistent with this planning framework and that granting the approvals sought would give effect to the integrated management approach intended by these instruments.

607 Our conclusion rests on following six key findings.

608 **Finding 1** – Regionally significant infrastructure is expressly recognised and enabled. Across all planning instruments considered, the Airport is identified as regionally and nationally significant infrastructure. This is:

- a. affirmed by GWRC in its section 53 comments;
- b. embedded in Operative RPS Objective 10;
- c. reinforced through RPS Proposed Change 1 climate adaptation provisions;
- d. reflected in NRP Policies 39 and 41 (specific to airport-related activities); and

- e. carried through into both the Operative District Plan and the Proposed District Plan Airport Zone provisions.
- 609 The Southern Seawall is integral to the continued safe and efficient operation of the Airport. The planning instruments consistently provide for the maintenance, upgrade, and renewal of such infrastructure, particularly where functional and operational needs dictate a coastal location.
- 610 The Panel therefore finds that the Project gives direct effect to these enabling provisions.
- 611 **Finding 2** – Biodiversity effects are managed through robust, precautionary, and adaptive measures. The Panel acknowledges that the Project interacts with a range of indigenous biodiversity values, including kororā, pohowera, lizards, kelp beds, rocky reef systems, pāua, and kōura. These values are addressed across:
- a. NZCPS Policies 11, 13, and 15;
 - b. RPS Objective 16 and related policies;
 - c. NRP Policy 38 (effects management) and Schedule F5 (significant habitats);
 - d. NRP Policy 39 (enabling infrastructure within sensitive environments); and
 - e. the biodiversity provisions of the Proposed District Plan.
- 612 In relation to biodiversity effects, there were differences between parties which we summarise as including:
- a. GWRC: sought numeric habitat-take targets and strict Schedule G2 offsetting frameworks¹⁵¹;
 - b. Applicant: opposed numeric targets as ecologically unsupported, favouring long-term monitoring and adaptive management;
 - c. DOC: supported precautionary management but did not seek numeric targets;
 - d. Ngāti Toa: emphasised kororā displacement risk and mahinga kai concerns for pāua and kōura.
- 613 Via expert conferencing, as noted above, the Applicant and GWRC agreed that a requirement for translocation pāua and kōura translocation is not needed on an ecological basis. Ngāti Toa also agreed. The Panel adopts resolution of these matters through strengthened conditions requiring:
- a. long-term monitoring of kororā, pohowera, and subtidal habitats;
 - b. adaptive responses where outcomes are not achieved;

¹⁵¹ With respect to kororā, we note that Schedule G3 (Biodiversity Compensation) is the more appropriate frame of reference.

- c. improved soft-start measures in the Marine Mammal Management Plan;
 - d. provisioning of mana whenua involvement in ecological monitoring and decision pathways;
 - e. deletion of ECO.79 and MW.7 in relation to pāua and kōura translocation;
 - f. deletion of CA.26 to ensure future seawall extensions require consent.
- 614 The Panel is satisfied that the conditions collectively meet the requirements of:
- a. NZCPS Policy 11(b);
 - b. NRP Policy 38 (hierarchy of avoidance, minimisation, remediation, offsetting/compensation);
 - c. RPS biodiversity objectives; and
 - d. NPS-IB (no overall net loss of indigenous biodiversity).
- 615 In particular, the Panel notes that the two kororā colonies—wild predator control, elevated nest sites, habitat enhancement, and long-term monitoring—deliver a material ecological enhancement relative to the existing environment.
- 616 **Finding 3** – Natural hazard risk is reduced and climate adaptation outcomes are strongly aligned. The existing seawall is approaching the end of its design life and is increasingly vulnerable to storm surge, wave overtopping, and projected sea-level rise. The Project responds to directives across:
- a. RPS Objective 19 and Policies 51–52 (natural hazards);
 - b. RPS Proposed Change 1 (climate adaptation and hazard resilience);
 - c. NRP objectives for coastal hazard management;
 - d. NZCPS Objectives 5 and Policy 6; and
 - e. the Proposed District Plan’s natural hazard chapter.
- 617 The Panel accepts the uncontested engineering evidence that:
- a. landward relocation is not practicable;
 - b. soft engineering alternatives are not feasible;
 - c. a renewed hard structure is required to maintain airport safety; and
 - d. the proposed design improves hazard resilience along the southern coastal margin.
- 618 Accordingly, the Project gives effect to the climate adaptation and hazard reduction policies across all instruments.

- 619 **Finding 4** – Public access and natural character outcomes are maintained or enhanced. Temporary closures for safety reasons will occur during construction. However:
- a. public access will be fully restored post-construction;
 - b. access will be enhanced through planting, loop tracks, interpretation, and improved coastal margin amenity; and
 - c. kororā protection measures are consistent with RPS Policy 53(c) (limiting access where necessary to protect indigenous species).
- 620 Effects on natural character and ONFL values at Moa Point Road and Huelo Peninsula are:
- a. neutral on the seaward side of Moa Point Road;
 - b. positive on the landward side of Moa Point Road due to ecological and landscape restoration.
- 621 These outcomes align with the relevant RPS, NZCPS, NRP and Proposed District Plan provisions.
- 622 **Finding 5** – Contaminated land and earthworks effects are appropriately managed. The Panel acknowledges that GWRC / WCC concerns regarding gaps in contaminated land sampling at the MCA Yard and ecological exceedances at the seawall footprint.
- 623 However, as noted above the Applicant and GWRC / WCC have resolved differences related to contaminated land through expert conferencing. The parties have confirmed that sampling coverage is adequate, NRP Rule R82 standards are met, and no further sampling, CLMP update, or certification is required.
- 624 **Finding 6** – The Proposed District Plan carries significant weight and supports the Project. The Panel affords considerable weight to the Proposed District Plan 2024 due to its advanced stage. The PDP:
- a. recognises the Airport as nationally significant infrastructure;
 - b. expressly anticipates the need for seawall works;
 - c. embeds climate adaptation and natural hazard management as key objectives;
 - d. identifies Māori values and areas of significance; and
 - e. supports ecological restoration within the coastal environment.
- 625 The Project aligns strongly with all of these provisions.

Wellington Conservation Management Strategy 2019

- 626 To conclude this section, we note that the Applicant referred to the Wellington Conservation Management Strategy 2019 as potentially a relevant matter. It noted

that the Strategy provides a framework for the integrated management of natural and historic resources, recreation, tourism, and other conservation purposes within the Wellington region. It contains policies and objectives that guide conservation efforts at both regional and national levels and applies to public conservation lands and waters within the Wellington region. The Applicant further noted that the application is not located within or near conservation land or a marine reserve however is located within the coastal environment.

627 The Panel agrees with the Applicant's conclusion in relation to this matter.

PART I: PRINCIPAL ISSUES IN CONTENTION

628 As is evident from other parts of this Decision the Application was very comprehensive and the Applicant had undertaken extensive pre-lodgement consultation with all of the statutory participants under the FTAA and had also consulted with a number of other groups and persons that were invited to comment. As a result there are no principal issues in contention outstanding. For completeness the primary effects of concern are:

- a. Whether the construction methodology and numerous conditions would address the adverse effects;
- b. Whether the assessment of effects and associated conditions adequately addressed the issues associated with the effects on terrestrial and marine ecology. The Panel notes that there is a difference of opinion regarding the some of the conditions and we have addressed this elsewhere in this Decision.

629 The Panel's findings on these principal issues in contention are set out in Part E of this Decision and addressed in the assessment of the comments on the conditions, the conditions suite – Part J, and in the Appendices.

PART J: CONDITIONS

FTAA general requirements for conditions

630 Section 81 provides that the Panel must set any conditions to be imposed on the approval. The statutory requirements on what conditions are set is determined by what approvals are being sought.

631 Section 83 must be complied with and provides:

83 Conditions must be no more onerous than necessary

When exercising a discretion to set a condition under this Act, the panel must not set a condition that is more onerous than necessary to address the reason for which it is set in accordance with the provision of this Act that confers the discretion.

- i. For a resource consent clause 18 of Schedule 5 apply:

18 Conditions on resource consent

When setting conditions on a consent, the provisions of Parts 6, 9, and 10 of the Resource Management Act 1991 that are relevant to setting conditions on a resource consent apply to the panel, subject to all necessary modifications, including the following:

- (a) a reference to a consent authority must be read as a reference to a panel; and

- (b) a reference to services or works must be read as a reference to any activities that are the subject of the consent application.

632 Other legal requirements for conditions are well established by case law and do not require repeating in full, but in general terms, a resource consent condition must:¹⁵²

- a. be for a resource management purpose, not an ulterior one;
- b. fairly and reasonably relate to the development authorised by the resource consent or designation; and
- c. not be so unreasonable that a reasonable planning authority, duly appreciating its statutory duties could not have approved it.

633 The underlying purpose of the conditions of a resource consent is to manage environmental effects by setting outcomes, requirements or limits to that activity, and how they are to be achieved.¹⁵³ Conditions must also be certain and enforceable.¹⁵⁴

634 For the grant of a wildlife approval the following clause of Schedule 7 applies:

6 Conditions

- (1) A panel may set any conditions on a wildlife approval that the panel considers necessary to manage the effects of the activity on protected wildlife.
- (2) In setting any conditions under subclause (1), the panel must—
 - (a) consider whether the condition would avoid, minimise, or remedy any impacts on protected wildlife that is to be covered by the approval; and
 - (b) where more than minor residual impacts on protected wildlife cannot be avoided, minimised, or remedied, ensure that they are offset or compensated for, where possible and appropriate; and
 - (c) take into account, as the case may be, the New Zealand Threat Classification System or any relevant international conservation agreement that may apply in respect of the protected wildlife that is to be covered by the approval.

635 For the approvals relating to a concession under the Reserves Act 1977 schedule 6, clause 7 sets out the criteria for assessment

636 For the grant of an archaeological authority clause 5 of Schedule 8 applies.

Project conditions

637 The Applicant has provided a largely agreed set of conditions to the Panel on 10 April 2026 which were subsequently updated on 8 May 2026. The Panel have adopted this set, and these are included in the appendices.

638 To the extent the final set contains minor errors, the Panel notes it has powers under section 89 of the FTAA to make minor corrections.

¹⁵² *Newbury District Council v Secretary of State for the Environment* [1980] 1 All ER 731 (HL), at 739.

¹⁵³ *Summerset Village (Lower Hutt) Ltd v Hutt City Council* [2020] MZEnvC 31 at [156].

¹⁵⁴ *Bitumix Ltd v Mt Wellington Borough Council* [1979] 2 NZLR 57.

PART K: RMA 1991

- 639 As noted in Part C, Schedule 5, clause 17 sets out how the application is to be accessed under various provisions of the RMA. As noted by the Applicant:

Schedule 5, Clause 5(1)(g) of the Act requires an assessment of the Project against sections 5, 6 and 7 of the RMA. While promoting sustainable management is the purpose of the RMA (as per section 5 of the RMA), that is not the purpose of the Act, and sustainable management considerations must be given less weight in the Panel's overall evaluation than facilitating the delivery of infrastructure and development projects with significant regional or national benefits.¹⁷⁶

The Panel must 'take into account' Part 2 (purpose and principles), Part 3 (duties and restrictions under the RMA) and Part 6 (resource consents) of the RMA while giving the greatest weight to the purpose of the Act.¹⁵⁵

- 640 The Applicant provides an assessment of the Application against sections 5, 6 and 7 of the RMA and concludes:¹⁵⁶

Overall, and based on the technical assessments that have been commissioned by WIAL, it is considered that the Project will promote the sustainable management of natural and physical resources in accordance with sections 5, 6 and 7 of the RMA.

- 641 Of note no commentor (including the two Councils) have raised any issue with the Applicant's assessment.

Panel finding

- 642 As a result of the conclusions reached on the effects of the Application and in the context of the relevant planning provisions and the conditions, the Panel finds that the Application is consistent with Part 2 RMA.

PART L: FTAA, SECTION 3

- 643 The Panel's decision is subject to the purpose of the FTAA, contained in section 3, namely to: facilitate the delivery of infrastructure and development projects with significant regional or national benefits.

- 644 As noted, The Panel accepts that the Project will deliver infrastructure and development with significant regional benefit.

¹⁵⁵ At A.10 section 10.2.

¹⁵⁶ Ibid.

PART M: OVERALL ASSESSMENT

645 As noted in Part C the Panel may decline an approval if, in complying with section 81(2), the panel forms the view that:—

- (a) there are 1 or more adverse impacts in relation to the approval sought; and
- (b) those adverse impacts are sufficiently significant to be out of proportion to the project's regional or national benefits that the panel has considered under section 81(4), even after taking into account—
 - (i) any conditions that the panel may set in relation to those adverse impacts; and
 - (ii) any conditions or modifications that the applicant may agree to propose to avoid, remedy, mitigate, offset, or compensate for those adverse impacts.¹⁵⁷
- (4) To avoid doubt, a panel may not form the view that an adverse impact meets the threshold in subsection (3)(b) solely on the basis that the adverse impact is inconsistent with or contrary to a provision of a specified Act or any other document but the panel must take into account or otherwise consider in complying with section 81(2).

646 This test is different from the test developed over the years under the RMA which culminated in the decision of *Environmental Defence Society v The New Zealand King Salmon Company Limited & Ors (King Salmon)*¹⁵⁸. The King Salmon case was clear – the approach by the Courts and local authorities of adopting an overall judgement approach to environmental decision making under the RMA was incorrect.

647 In contrast the FTAA clearly envisages an overall judgement or balancing approach to decision making. The Panel must balance the adverse impacts against the regional or national benefits of the project.

648 For the reasons set out in this Decision the Panel has not formed a view that there are significant adverse impacts that are out of proportion to the Project's regional and national benefits. The Panel is satisfied that the Application should be approved with the conditions set out in the Appendices.

PART N: FINAL DECISION

649 The Panel has considered the Application and supporting information as well as the comments received on it and on the draft conditions, as well as the further information provided as a result of comments received from other participants and the subsequent refinement of the Application. We thank all those who commented for their contributions.

650 Overall, the Panel is satisfied that the matters set out in section 81 of the FTAA have been addressed appropriately and that purposes of the FTAA are achieved by this Decision. In reaching that view, the Panel has had regard to the actual and potential effects on the environment of allowing the activity as set out above. The Panel has also

¹⁵⁷ Section 82 FTAA

¹⁵⁸ [2014] NZSC 38

had regard to the relevant planning documents.

- 651 The Panel determines to grant the approvals sought subject to the conditions attached as Appendices A, B, C, D and E to this Decision.
- 652 As required by section 99 of the FTAA the persons listed in that section are entitled to appeal and must commence any appeals within the 20-working day period from the day this Decision is published under section 88(3).

Helen Atkins
(Chair)

Mark Ashby
(Member)

Ray O'Callaghan
(Member)

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Note that the following appendices are set out in separate documents.

APPENDIX A: CONDITIONS MATRIX

APPENDIX B: RESOURCE CONSENT CONDITIONS

APPENDIX C: WILDLIFE APPROVAL CONDITIONS

APPENDIX D: RESERVES ACT CONDITIONS

APPENDIX E: ARCHAEOLOGICAL APPROVAL CONDITIONS

Superseded