

7 July 2026

Report on land exchange

Belmont Quarry – FTAA-2603-L003



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Cover photo: Mount Ngongotaha Scenic Reserve (credit: Nicole Porter Photography)

1 Introduction

1. This report has been prepared on behalf of the Director-General of Conservation under section 35(3) of the Fast-track Approvals Act 2024 (**FTAA**) by the Department of Conservation (**DOC / the Department**). It provides information and advice for Winstone Aggregates (**Winstone/the Applicant**) for the Belmont Quarry development project. In accordance with section 35(7) this report must be provided to the applicant by 7 July 2026 as specified by the Panel Convener.
2. Pursuant to section 35(3), this report must include certain information. The requirements and where the information can be found is set out in the table below.

Section	Requirement	Report section
s 35(3)(a)	the matters specified in clause 26 of Schedule 6	Section 5
s35(3)(b)(i)	the information lodged under s33(1)	Appendix 1
s35(3)(b)(ii)	any comments received under subsection (1) or (5)	Appendix 1 Appendix 3

3. This report may also include advice on matters relevant to sections 82-84 under s35(4) as set out below.

Section	Requirement	Report section
s82(2)	consideration of any document provided for in a relevant Treaty settlement, the Marine and Coastal Area (Takutai Moana) Act 2011, or the Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019	Section 6.1
s82(3)	whether granting the approval would comply with s7	Section 7
s83	Conditions – noting that a condition must not be more onerous than necessary to address the reason for which it is set	Section 5.7
s84	Conditions which may be set to recognise or 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	Section 5.7.1.3

4. While the land exchange proposal is for the purposes of an application to extend the life of the Belmont Quarry and store overburden, this report does not consider any future land uses and concentrates entirely on the effects of a change in ownership.
5. The purpose of this report is to provide an overview of the information provided by the Applicant and advice of technical experts to DOC. It is not intended to be a one-stop-shop

and all the technical reports and comments are available either appended to this report or on the Fast-Track website¹ should a reader seek further information.

6. It does not provide a recommendation on whether the land exchange should be approved. That is for the Expert Consenting Panel to make its own decision when it is appointed.

2 The land exchange application

7. Winstone Aggregates lodged an application for a land exchange relating to the Belmont Quarry Development project (a listed project under the FTAA) with the Department of Conservation on 10 December 2025. Belmont Quarry is accessed off Hebden Crescent, approximately 1.7 km to the south-west of the Dry Creek entrance to Belmont Regional Park. The quarry occupies part of the escarpment defining the edge of the Hutt Valley, approximately 6 km north-east of the Lower Hutt CBD.
8. The proposed exchange involves land adjoining the existing quarry. This application forms part of a broader development proposal that will be advanced through a subsequent substantive application under section 42 of the FTAA.
9. The application is for up to 34 hectares of Fletcher-owned land to be added to the conservation estate and approximately 23.24 - 23.86 ha hectares of conservation land within Belmont Regional Park to be transferred to Winstone Aggregates. The land exchange report prepared on behalf of the Applicant explains that the exact area of land will be confirmed once a topographical survey of the exchange areas is completed. For the purposes of this application, it is noted that there is inconsistent use of areas due to the paper road, including different approaches to rounding in the expert reports and whether or not the alignment of the paper road footprint has been excluded from the land to be exchanged. This results in variances in the description of area from approximately 23.24 ha to 23.86 ha (including the paper road area). For avoidance of doubt, the area including the paper road is sought for exchange and will form part of the footprint for the resource consent approvals in the future substantive FTAA application.
10. The unformed paper road can only be stopped by Hutt City Council as the road controlling authority (not through the FTAA process) and DOC understands that Winstone has engaged with Hutt City Council regarding this matter.
11. The land exchange application can be found at:
<https://www.fasttrack.govt.nz/projects/belmont-quarry-development/land-exchange-application>.

2.1 The land proposed to be exchanged by the Crown

12. Winstone Aggregates is a division of Fletcher Concrete and Infrastructure Limited which owns the land Winstone Aggregates offers in exchange. 'DOC-Give' refers to the Crown reserve land within Belmont Regional Park that Winstone seeks to obtain for an overburden disposal area as part of the Belmont Quarry Development Project.
13. The DOC-Give site was vested in the Crown on 13 September 1979 for state housing purposes pursuant to section 32 of the Public Works Act 1928 (New Zealand Gazette 1979, p 2687). Pursuant to section 42 of the Public Works Act 1981, these titles were declared to be Crown land under the Land Act 1948 on 8 March 1983 (New Zealand Gazette 1983, p 751).

¹ <https://www.fasttrack.govt.nz/projects/belmont-quarry-development/land-exchange-application>

14. The DOC-Give site was later set apart as a recreation reserve under the Reserves Act 1977 by notice in the New Zealand Gazette on 10 June 1989 (No. 107, p. 2757). On 24 May 1991 Greater Wellington Regional Council was appointed by the Minister of Conservation to control and manage for recreation purposes the Dry Creek Recreation Reserve (New Zealand Gazette 1991 No. 80, p. 1765). The underlying freehold interest in the land remains vested in the Crown. The DOC-Give site is essentially a Crown-owned reserve managed by Greater Wellington Regional Council. It is classified as a recreation reserve and subject to the Reserves Act 1977.²

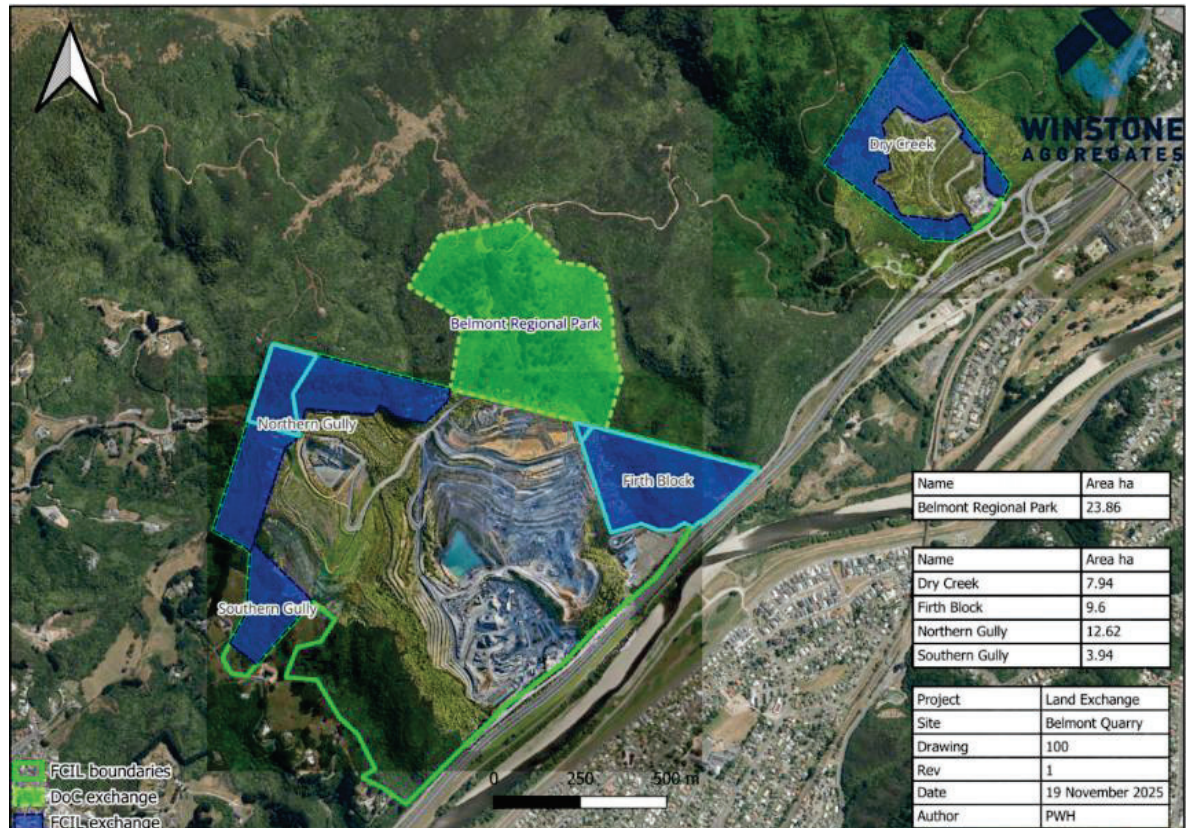


Figure 1: Overview of proposed land exchange parcels³

15. The DOC-Give site is located immediately north of the Belmont Quarry and is shown in green as “DOC exchange” in Figure 1.
16. The DOC-Give site is described as predominantly regenerating native broadleaf forest that increases with age towards the stream. Its highest point is 210 metres above sea level down to 152 metres above sea level at its lowest point. The western gullies are more steeply incised, while the eastern network is broader and supports wetlands. The Applicant’s landscape assessment describes the physical attributes as a rolling ridge top and spur which is flanked by the upper reaches of steep undulating gullies. The wider landscape comprises of a series of gullies contained beyond steeper spur faces which rise from the Hutt Valley

² Land Exchange Report, Wikaira Consulting, dated December 2025 at [5.38-5.40]

³ Land Exchange Report, Wikaira Consulting dated 7 December 2025 page 31

floor. There are no buildings although there are wire fences reflective of historic farming activity. The National Grid electricity transmission towers and conductors extend along the northern boundary.

17. Jeremy Head (landscape architect advisor to DOC) has supplemented this with the following description of the physical values:
- a. Source water for downstream wetlands and several streams that eventually flow into the Hutt River (tributaries).
 - b. The wetlands (0.23 ha) and waterways that are present have not been modified in recent times and have well-vegetated riparian margins in a 'natural' state.
 - c. Regenerating wetland forest, including 'good quality' wetlands within the area as well as directly to the northeast of the land parcel.
 - d. Vegetation includes some Nationally Threatened plant species.
 - e. Ridges between the arms of the headwaters include large 'old man' pine, macrocarpa and regenerating kāmahi or mānuka type forest.
 - f. Edges are sound without obvious areas for weed species invasion.
 - g. The flat area in the central / north part of the land parcel once included farm buildings, where the area is now mostly in large macrocarpa with some open exotic grassed areas.
 - h. No planting or major earthworks are present, other than an old pylon access track / farm road.
 - i. Approximately 340 m long shared boundary with the quarry.
18. The range of habitats includes:⁴
- a. Natural inland wetlands - The vegetation in these areas is predominantly kiokio, native sedges (*Carex geminata*), rushes and ferns with edges of tree fern, mānuka and broadleaf shrub species.
 - b. Pioneer shrublands and emerging scrub. Where pasture has most recently been the vegetation cover, gorse is the main pioneer species.
 - c. Māhoe-tree fern forest – this is a continuous strip along the main valley floor.
 - d. Māhoe / broadleaved scrub – this is found in several south-facing gullies. The canopy ranges from 3-8 m height. These areas have a good diversity of under-canopy.
 - e. Mānuka scrub ranging from 3-6 m in height. The understorey can be reasonably dense.
 - f. Exotic trees, comprising macrocarpas located on the upper ridge.
19. As described by Mr Matt Ward⁵ (botanist advising DOC), the DOC-Give site is dominated by mānuka/kanuka on the eastern edge, while the southwestern edge contains tawa, kāmahi, podocarp forest (regionally endangered with 22% remaining). The DOC-Give site also has sections of kahikatea and pukatea forest (regionally critically endangered with 1% remaining). A key species present is the *Syzygium maire* – swamp maire, which is a specialist

⁴ Ecological Assessment, BlueGreen Ecology, dated December 2025, pages 57-61

⁵ Statement of advice – Botanical and ecological restoration, Matt Ward dated April 2026 at page 11

obligate wetland species and a Threatened - Nationally Vulnerable species. The gullies are in good health with a canopy of tree fern and a general absence of weed species.

20. There are three short intermittent stream reaches in this area, but of most significance is the ephemeral headwaters of six gully systems that feed into the perennial systems and the natural inland wetland. Four hundred metres of each reach of the central main stem and western main stem were surveyed for macroinvertebrates, fish and habitat conditions. The perennial reaches are described as having good macroinvertebrate habitat and kōura. A single shortfin eel, single longfin eel and kōura were observed.⁶
21. The recreation assessment notes the presence of a 4WD track of around 400 m length which forms an extended loop off the Buchanan Road Tramping Track. The estimated number of users are around 6,570 per year as it is not marked on the Track route.⁷, although Michael Harbrow (advisor to DOC) has some concerns about these numbers due to the dependence on data captured by Strava which is more likely to be used by participants in active sports like cycling and running.⁸

Consultation

22. Where land proposed to be exchanged is Crown-owned reserve managed by someone other than DOC, in preparing this report the Director-General is required to consult the manager of the reserve pursuant to clause 26(3) of Schedule 6. In relation to this application, this requirement is engaged due to management of the DOC-Give land by Greater Wellington Regional Council.
23. The extent of communications between DOC and Greater Wellington Regional Council are as follows:
 - a. Pre-lodgement discussions relating to the exchange and future designation requirements.
 - b. Invitation to comment under section 35 of the FTAA (28 January 2026).
24. This is further addressed in Section 5 below. The Applicant outlined its engagement with Greater Wellington Regional Council as follows:⁹
 - a. 2018-2021 early discussions about a potential exchange.
 - b. 2024 discussions regarding its application to be a listed project.
 - c. 2025 site visits with Elected Members.
 - d. 2025 discussions regarding the proposed land exchange.

2.2 The land offered by the Applicant

25. 'DOC-Get' refers to the four Fletcher-owned parcels proposed to be transferred to the conservation estate called the Northern Gully, Southern Gully, Firth and Dry Creek blocks. The land adjoins Belmont Regional Park and includes a mix of forest, scrub and wetland environments. Four parcels are proposed to be transferred to DOC and adjoin Belmont Regional Park. A description of each parcel is outlined below.

⁶ Ecological Assessment, BlueGreen Ecology, dated December 2025, section 8

⁷ Recreation Assessment, Rob Greenaway & Associates, dated December 2025, pages 6 and 9

⁸ Statement of advice of Michael Harbrow, dated 21 April 2026 at [49-50]

⁹ Land Exchange Report, Wikaira Consulting dated 7 December 2025 at section 8.2 and 8.3

Northern Gully

26. As the block is privately owned there is currently no public or recreational access.
27. The site is L shaped and located north-west of the quarry, and measures 12.62 ha. A QEII covenant is located over part of this block that was put in place in 2016. The purpose of the covenant is to protect and maintain the natural character of the covenant area and covers 2.87 ha. The objectives of this covenant are:
- Protection and enhancement of the natural character of the Covenant Area with particular regard to the indigenous flora and fauna;
 - Maintenance and enhancement of the landscape values of the Covenant Area;
 - Enhance the contribution that the Covenant Area makes to the protection of indigenous biodiversity, by encouraging (where appropriate) the restoration of indigenous vegetation cover on the Covenant Area; and
 - Prevention of subdivision (within the meaning of the Resource Management Act 1991 or any other equivalent replacement legislation) of the Covenant Area.

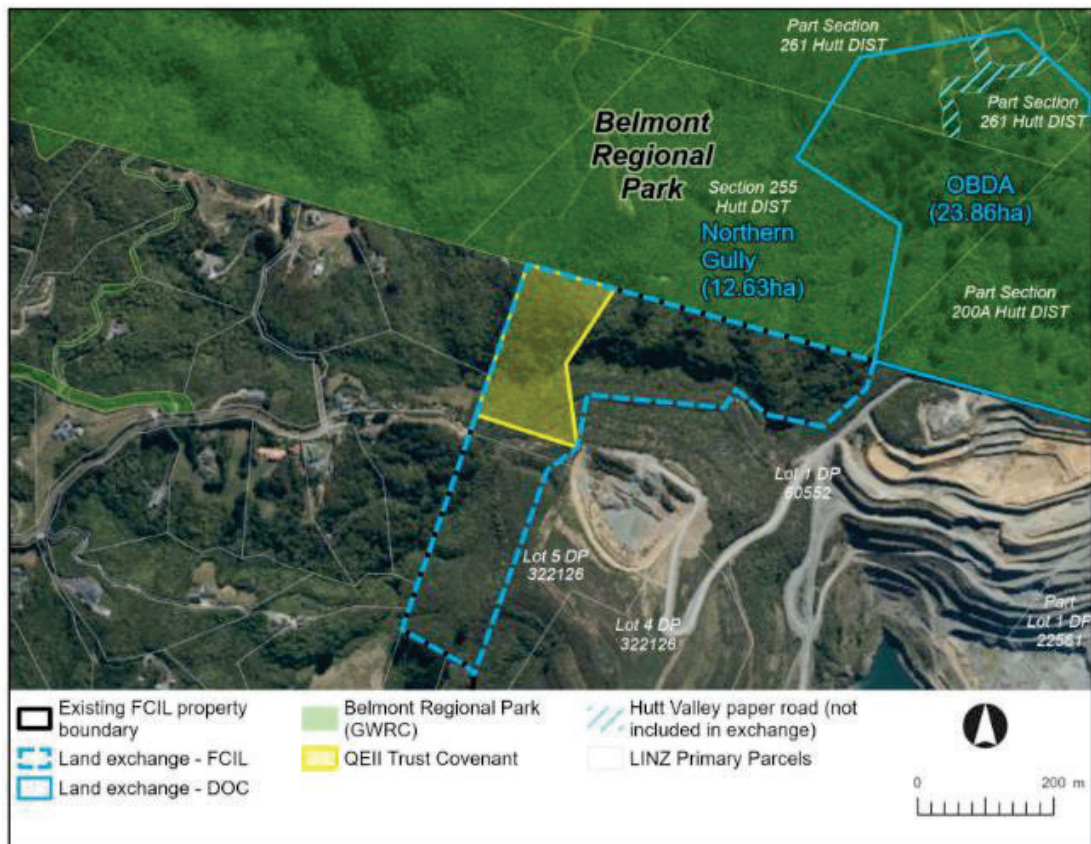


Figure 2: Northern Gully

28. The physical attributes of this block are described as a steep sided gully with a stream of approximately 350 metres at the bottom. The northern corner adjoins the Belmont Quarry and then continues ascending into the Belmont Regional Park. The groundcover comprises regenerating native vegetation with mature tawa and kāmahī forest which merges into broadleaf forest along the gully floor.

29. The southern-western margins are more reflective of regenerating native and exotic vegetation on historic overburden. Existing vehicle access links to the stream.
30. Mr Head notes the following additional physical attributes:¹⁰
- a. There is an area directly adjacent to the Belmont Regional Park which includes 'good quality' kāmahī and pukatea along the margins of several tributaries.
 - b. The land parcel includes landform modifications including the dumping of cleanfill material. In addition, approximately one third of the area includes a channelised watercourse / modified stream.
 - c. There is a small area of natural regeneration along the central western edge of the 'Cottle Block' adjacent to neighbouring private property.
 - d. Part of the topography has been reshaped and replanted due to quarrying activity.
31. The Applicant describes the vegetation in this site as including regenerating (seral) broadleaf forest, mature tawa forest remnants, and riparian vegetation that provides important stream cover. The forest is primarily dominated by tawa and pukatea, with kāmahī, rewarewa, pigeonwood and māhoe forming parts of the canopy and understorey. Notably large pigeonwood trees and some miro and historic rātā are present. The northwestern plateau is the most intact and mature forest area, with minimal herbivore impact. Surrounding areas include regenerating vegetation and some invasive species at the boundaries. Stream edges are well vegetated, ensuring good riparian cover. The Applicant notes the presence of ramarama (a nationally critical threatened species), with three specimens recorded during a 2025 survey. The southern section is regenerating although there is a mature tawa patch.
32. Apart from the established forest on the north side of the watercourse, the remainder of the block is regenerating native bush. The southern portion has been subject to overburden placement and subsequent rehabilitation, including native planting.
33. Mr Ward describes the QEII covenanted portion as containing some quality forest including mature pukatea, miro and tawa, although the understorey is hollow due to recruitment failure and pest management is required. The forest type and age is consistent with the neighbouring Belmont Regional Park. The stream has good riparian vegetation and settled edges.
34. The Northern Gully has two main perennial streams, with the larger piped under the quarry to the Hutt River and the other leading into the Southern Gully and then down into Hutt River after traversing two waterfalls.
35. In terms of slope stability, the parcel is partly unmodified natural slopes, and rehabilitated overburden slopes that have been engineered to achieve acceptable levels of stability.

Southern Gully

36. Southern Gully is 3.9 hectares and is contiguous with the Northern Gully block. It is a lower vegetated gully that separates modified terraces that are gradually revegetating overburden and a rural lifestyle development established along Liverton Road. The site is owned by Winstone Aggregates.

¹⁰ Landscape statement of advice, Jeremy Head, May 2026 at page 11



Figure 3: Southern Gully

37. There are a number of notations on this block including:
 - a. Right of way, telecoms, and electricity supply which burdens Lot 4 DP 322126 and benefits Lot 5 DP 322126;
 - b. Easements in Gross (in favour of Fletcher). This is an easement / private land covenant in favour of Fletcher (Grantee) over Lots 4, 5 and 100 DP 322126 (Grantor) for the emission of noise, vibration, earthworks and dust; and
 - c. Consent notice which affects future buildings and use of the site (matters such as water supply, wastewater and stormwater drainage, grazing of pigs and goats, building consent plan specifications). This does not affect the use of the land for quarrying activities or conservation activities.
38. The Southern Gully comprises both sides of a 225 m stream that drains from the headwaters below Kaitangata Crescent. The southern parts of the block are rehabilitated overburden with visible benching. The topography rises 50 metres with the low point being the stream, and the high point located in the north-eastern corner. The vegetation is later seral broadleaf with emergent tōtara and rimu, although the overburden area is more sparsely vegetated. A 0.27 ha wetland contains a mix of indigenous and exotic plant species but is dominated by sedges.
39. This block is described as late-stage, mid-successional native vegetation, with some rimu and tōtara in the northeast and riparian vegetation near the stream. Mr Head also describes the site as being clothed in regenerating native (largely māhoe) and exotic vegetation cover including blackberry and gorse, which has overgrown the area in places. Aside from a

wetland area, the Southern Gully consists largely of early- to mid-stage regenerating forest. The stream shows signs of being a high-quality aquatic habitat. A number of wetland species have been planted, and the natural inland wetland occupies an area of 0.27 ha and is regenerating. The gully contains a 225 m section of an unnamed stream, which eventually joins the Hutt River after traversing a series of waterfalls.

40. The stream in the Southern Gully was not surveyed by the Applicant for fauna but visual observations indicate it has good instream aquatic habitat quality, a mixed hard-substrate base under forest canopy, and at least banded kōkopu. Through the lower wetland, it is more entrenched and narrower, with a dense sedge and grass cover.
41. Access into this block is from the road frontage between 174 and 184 Liverton Road by way of a benched access track. The construction of this section of overburden was completed in 2015 and no instability has been noted since. The stability of the slopes has been confirmed by a geotechnical assessment.

Firth Block

42. This elevated area is located to the east of the Belmont Quarry and is a roughly triangular piece of land wedged between the quarry and the Western Hutt Road. It covers an area of 9.6 hectares and the entire block is subject to a QEII covenant. The objectives of this covenant are the same as the QEII covenant applying to the Northern Gully.

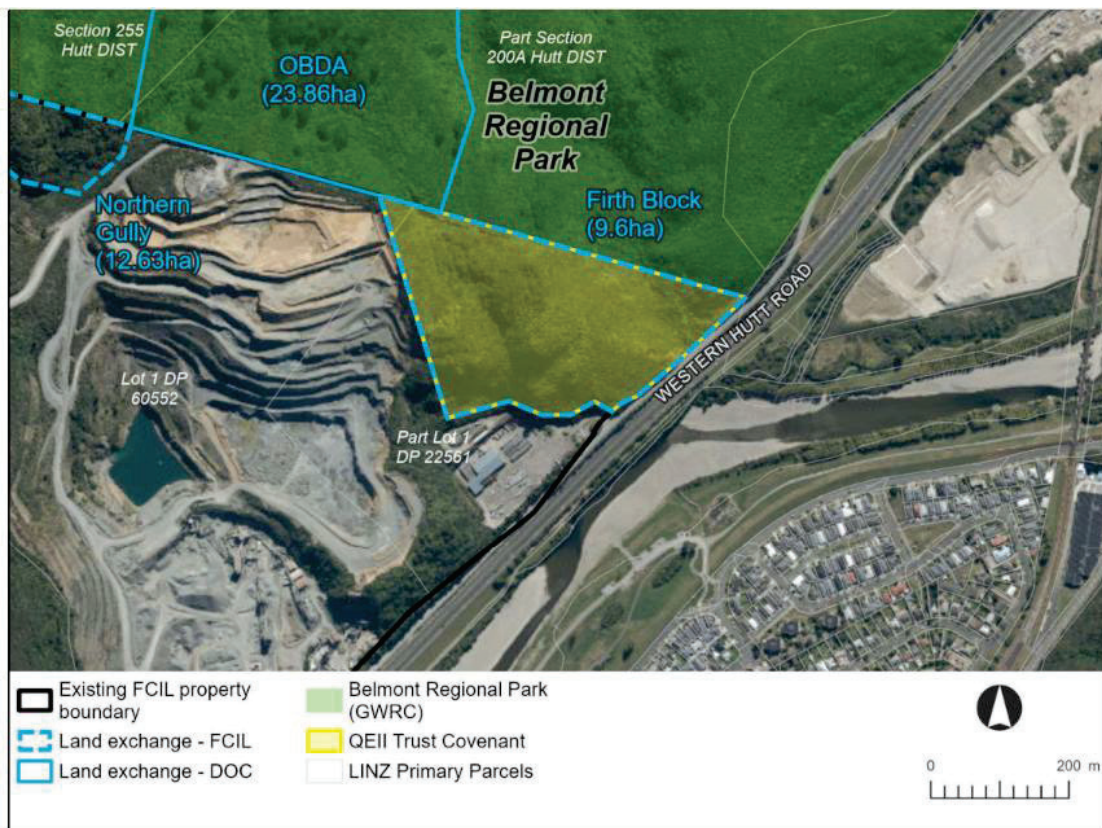


Figure 4: Firth Block

43. The physical attributes of this block are described as being part of the steep and convoluted slopes of the Western Escarpment. The elevation ranges between 32-180 m above sea level, with 130 m stream length passing through the northeast corner. Previous excavation has led to the presence of terraces in the lower portions.
44. This block is part of the Western Escarpment and contributes a prominent slope that is visible from urban areas. Views from the Hutt Valley show an area with little modification and a prominent green backdrop.
45. The Applicant describes the prominent ridge and steep, previously quarried south-facing slopes as supporting early- to mid-stage regenerating broadleaf scrub. More mature tawa forest containing a mix of canopy species, including hīnau, pukatea, rewarewa, kahikatea, nīkau, black beech and some young rimu, miro and tōtara seedlings located at the head of the south-draining gully.
46. Upslope vegetation includes mānuka over kiokio, while downslope areas transition to rewarewa–broadleaf forest. Surrounding steep slopes are a mosaic of later-stage broadleaf and tree fern communities extending toward a pond/lake area. Eastern slopes are mid-seral and notable for a high presence of māpou.
47. Small patches of mānuka occur on upper slopes and established native forest is located at the head of the central gully. A farm pond and associated wetland are located near the boundary with the proposed overburden area. Waterways appear not to have been modified in recent times.
48. It has an Open Space Covenant 5-07-755 (Covenant 10476608.1) recorded on the title.
49. In terms of the geotechnical characteristics, remnant quarry batters are part of this block which were completed over 50 years ago. The geotechnical assessment recommends a setback in one area to ensure a low risk of instability.

Dry Creek

50. Dry Creek is a U-shaped area comprising 7.94 hectares in area. It is located around the edge of a retired clean fill face and includes areas that were not subject to quarrying or clean fill activities. In some places the slopes are very steep, particularly where these were the former batter slopes. Based on the report undertaken by Baseline Geotechnical Ltd (2025), there is a slope stability hazard in Dry Creek but it is limited to very localised areas of old access roads,

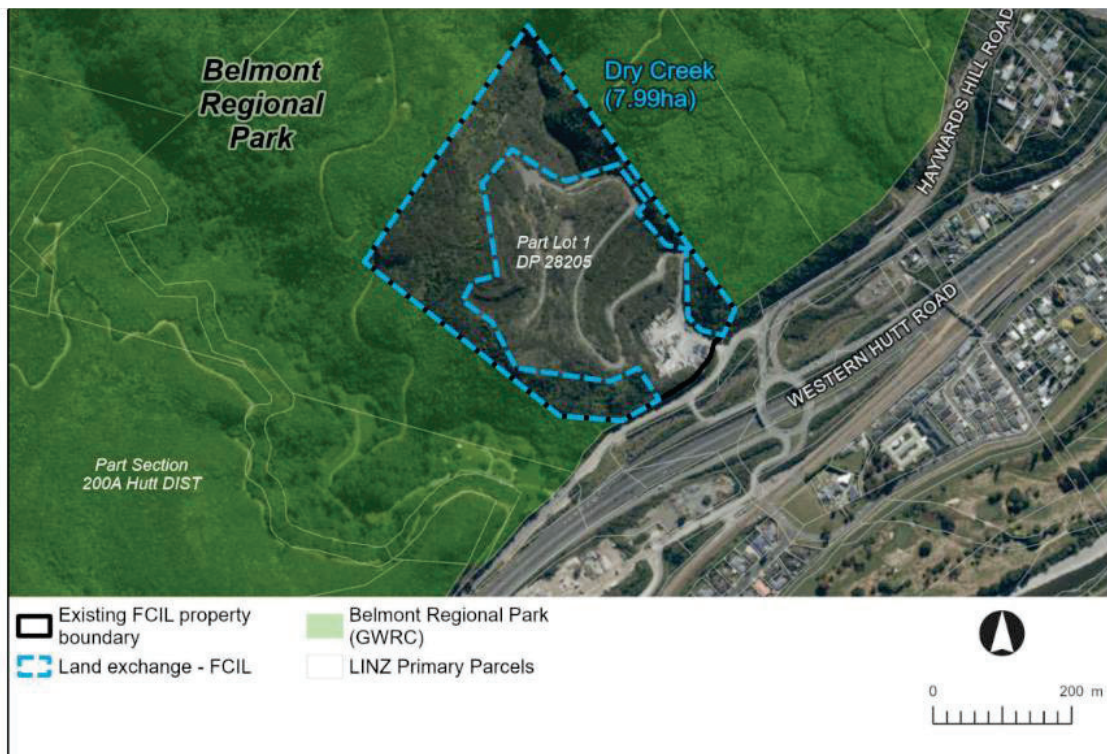


Figure 5: Dry Creek

51. The physical attributes of this block are dominated by the terraced benches from the former quarry. It is very steep in places, rising from 50 to 180 metres above sea level, with the highest point being a vegetated spur running along the northwest boundary. A stream remains culverted through this block. National Grid transmission lines cross the upper corner of Dry Creek.
52. Vegetation is regenerating with areas of early and late seral broadleaved forest. The faces of the former cleanfill site are more modified and less vegetated.
53. The eastern and northern boundaries contain advanced regenerating broadleaf forest with emergent rewarewa above a diverse understorey of ferns, seedlings and species typical of mature forest succession. Epiphytes, vines and a well-developed bryophyte layer are present, especially in wetter areas.
54. The southwestern boundary supports varied vegetation, including wet seral forest and mixed regenerating communities with species such as māhoe, pigeonwood, mānuka, and karaka, alongside fern-dominated understories.
55. The western slopes are rocky and dominated by regenerating native species, while earlier-stage vegetation elsewhere is patchy and often includes invasive exotics (e.g. gorse, buddleia, wattle), mixed with developing native species like karamu, māhoe, and kānuka.
56. Mr Head notes that this site is very weedy but includes some natural regeneration of native plant species through the weed cover. The central area (outside the land exchange Application) is essentially fully clothed in weed cover.

57. 507 m of waterways are present although it is unknown if ephemeral, intermittent or perennial. Waterways have been modified in the Dry Creek block downstream of the proposed give site.
58. It is subject to the following notations on the title:
- a. A Right of Way which favours the recreation reserve land owned by the Crown and is used for the Dry Creek loop track. This easement will become redundant if the area comes into Crown ownership.
 - b. Gazette notice taking 1,203 m² from the front of the block for roading purposes.
59. The block is contiguous with regenerating native bush that connects to the Regional Park.

2.3 Improvements offered

60. The Application initially offered the following improvements as part of the land exchange:¹¹

Northern Gully:

- Pest animal control for 5 years
- Weed control for 5 years

Southern Gully:

- Pest animal control for 5 years
- Weed control for 5 years
- Establishment of 200 swamp maire > 2m in height

Dry Creek:

- Supplementary planting of indigenous species for 2 years of an area of 0.8 ha with approximately 7,000 plants
- Maintenance of planting for 4 years to achieve 90% establishment
- Weed control

Firth Block:

- Planting of approximately 1,000 kāmahī and 1,000 *Olearia paniculata* and kānuka along the quarry edge. This is to be planted within a year.
- Maintenance of planting for 4 years to achieve 90% establishment
- Rat trapping

61. An Ecological Restoration Plan is proposed in response to mana whenua feedback to integrate mātauranga Māori with ecological science to support Taranaki Whānui to strengthen their relationship and whakapapa to the area. This approach is intended to align pest plant management, indigenous restoration, wānanga and educational activities.
62. In response to the Draft Land Exchange Report, the improvements offered through the conditions were amended with Conditions Package A and B. This is discussed further in section 5.7 and 9.

¹¹ Land Exchange Report, Wikaira Consulting dated December 2025, page 79

3 Invitations to comment on the application

63. On 28 January 2026 the Director-General of Conservation invited comments on the proposed land exchange from the parties specified in section 35(1) of the Act. The list of those invited to comment is included in [Appendix 1](#). Responses to that invitation to comment are included in [Appendix 1](#), summarised in [Appendix 2](#), and discussed further in [section 8.1](#) of this report.
64. It should be noted that the table in [Appendix 2](#) is a summary of comments received and readers should refer to the original responses contained in Appendix 1 for further detail.

4 Draft report

65. On 29 May 2026 the Director-General of Conservation invited comments on the draft report from the Applicant and the parties who provided comments under section 35(1), pursuant to section 35(5). Responses to the invitation to comment on the draft report are included in [Appendix 3](#) and discussed further in [section 8.2](#) of this report. Where comments on the draft report have identified amendments warranted to the content of the draft report, these changes have been made where appropriate.
66. [Appendix 3](#) contains a summary of the comments received. It should be noted that the table in [Appendix 3](#) is a summary only and the original responses contained on the EPA website should be considered as the primary source.

5 Section 35(3)(a) requirements

67. This section of the report addresses the requirements of section 35(3)(a) which requires the matters specified in clause 26 of Schedule 6 be included. There are two key requirements set out in clause 26:
- information to address the matters in clause 29(1)(a)(ii)-(vi) and (b) (which sets out matters the Panel must take into account or may consider when considering a land exchange), including the information specified in clause 26(1)(a) to (g); and
 - any conditions of those specified under section 78 that the Panel must impose in accordance with clause 33.
68. These are discussed in turn below.
69. In addition, clause 26(3) requires that where Crown-owned reserve managed by someone other than the Department is proposed to be exchanged, the manager of the reserve must be consulted in the preparation of the report. The Applicant undertook several pre-lodgement meetings with Greater Wellington Regional Council since early 2024. The issues raised by Greater Wellington Regional Council relating to the proposed exchange include:¹²
- a. Impact on recreation values: concerns the land exchange proposal would remove existing recreation tracks disrupting walking and biking connections within this part of the regional park.
 - b. Ecological values at Dry Creek: concern that parts of the Dry Creek site had low ecological value due to historic quarry and clean fill use.
 - c. Impact on natural wetland and swamp maire: concern that the footprint included a significant natural wetland and a mature population of threatened swamp maire.

¹² Consultation Report, Wikaira Consulting, dated December 2025, page 4

- d. Whether the exchange was fair value, given that it included low quality Dry Creek land.
 - e. The possibility of new tracks connecting the land being acquired by the Crown as part of the proposed exchange to the existing track network in the Belmont Regional Park. Winstone explored both Northern Gully Track and Dry Creek Track options. Greater Wellington Regional Council did not want any new tracks, although the reasons are not recorded in the consultation record.
- 70. In its communication to DOC dated 4 December 2025, Greater Wellington Regional Council explained that it is neutral on the proposed land exchange proposal.
- 71. Greater Wellington Regional Council was invited to comment on the land exchange application. The comments received from Greater Wellington Regional Council on 13 February 2026 set out that it had no further comments specific to the land exchange beyond those it provided in the pre-application stage. The comments received from Greater Wellington at that point included a report outlining summary of land on each site held by Greater Wellington Regional Council including
 - a. Land area of each parcel.
 - b. Area of DOC-Give.
 - c. The DOC-Give falls within the Belmont Dry Creek Key Native Ecosystem which is managed as part of the Greater Wellington Key Native Ecosystem Programme. This programme provides long term funding for weed control and pest animal control.
 - d. Identification of the QEII covenanted areas.
 - e. Terrestrial and freshwater information held by Greater Wellington including previous landuses, waterways, physical environment and management activities.
 - f. Vegetation maps surveyed by Boffa Miskell in 2017.
 - g. An email from Friends of the Belmont Regional Park outlining its concerns with the proposed land exchange. This includes the presence of swamp maire, ramarama, *Coprosma rubra* and the rich diversity of plants present in the DOC-Give site. The email considered that the proposed land exchange does not offer any ecological gain but instead ecological loss.
 - h. An email from the Wellington Botanical Society outlining its concerns with the proposed land exchange. This includes the presence of swamp maire, *Coprosma rubra*, *Lophomyrtus bullata* and a large proportion of Category 1 threatened environment.
- 72. Various information has been sought from and provided by Greater Wellington in the preparation of this report. Examples include an estimation of costs associated with maintaining the DOC-Give site.
- 73. While Greater Wellington was invited to comment on the draft Land exchange report, no comments were received.

Relevance of QEII covenant affecting some of the land proposed for exchange

- 74. The land exchange application was lodged on 10 December 2025 which was prior to the amendments to the FTAA made by the Fast-track Approvals Amendment Act 2025 (FTAAA) coming into force.
- 75. While this report is prepared under the provisions of the FTAA prior to amendment, the Department considers the correct legal position is the Panel's decision on any substantive application for approvals by Winstone will be required to be made under the provisions as

amended by the FTAAA. This is addressed in Appendix 5 (legal memorandum dated 29 May 2026).

76. Of particular relevance is the new clause 29(2A) in Schedule 6 inserted by ss 55(12) of the FTAAA. This requires the Panel, in considering the conservation values of the land to be acquired by the Crown, to discount the extent to which the conservation values of that land are affected by the QEII covenant on the title for that land:

(2A) When considering the conservation values of land to be acquired by the Crown, for the purpose of forming its view under sub clause (2), the Panel must discount the extent to which the conservation values of that land are affected by anything registered or noted for conservation purposes on the record of title for that land.

77. The significance of this to the Belmont land exchange application is that 2.87 ha within the Northern Gully and the entirety of the 9.6 ha Firth Block are subject to a QEII conservation covenant. The Open Space Covenant was registered in 2016 between Fletcher and the QEII National Trust.

78. Open Space Covenant 5-07-755 is held in Covenant 10476608.1 pursuant to Section 22 of the Queen Elizabeth the Second National Trust Act 1977 (QEII Act 1977) dated 23/06/2016. This Covenant applies to WN31B/39 and WN31D/969. The purpose is to protect, maintain and enhance the Open Space Values of the covenant area. The objectives of the covenant are to:

- a. Protect and enhance the natural character with regard to the indigenous flora and fauna;
- b. Maintain and enhance the landscape value;
- c. Encourage the restoration of indigenous vegetation cover; and
- d. Prevent subdivision.

79. The covenant applies to three mapped areas (Areas A, B, C) within DP 494230. The covenant restricts the use, development and modification of the land except as permitted under its terms.

80. As noted above, the Department considers the Panel's consideration of the land exchange must be based on the amended version of the FTAA including new clause 29(2A) of Schedule 6. However, it is also acknowledged that there are opposing views, including by Winstone, that the Panel is bound by the law as it was when the land exchange application was lodged, i.e. pre-amendment.

81. If the Panel considers the post-amendment exchange provisions of the FTAA apply, when considering the conservation values of the land to be acquired by the Crown, it must discount the extent to which those conservation values are affected by the QEII covenant. This is addressed further in Legal memorandum # 2 dated 7 July 2026 which is [Appendix 6](#) to this report, and in section 9 as Winstone have offered conditions on the basis the Panel might accept it needs to apply the new law.

82. Preparation of this report by the Department is under the law as it stood when the Application was lodged. Which version of the FTAA applies in its decision making on the substantive land exchange application is something the Panel will need to determine.

83. DOC has assessed the conservation values of the DOC-Get sites including the QEII covenanted land. In DOC's view this is within the scope of the FTAA as it applied pre-amendment. In addition (and as discussed in section 9) the technical experts have assessed the values if the QEII sites were to be discounted.

84. The Panel can also request further information from the Department in the event it considers that the new law applies, and/or there is insufficient information on which to make an informed decision on the exchange proposed (referring to ss 67 and 68 of the FTAA).

5.1 Conservation values of the land (cl 26(1)(a))

85. A Panel cannot approve a land exchange unless satisfied that the exchange (taking into account any money that may be received and any conditions that may be imposed) will:
1. Enhance the conservation values of land managed by the Department (the former test in cl 29(2), Sch 6).
- OR
2. Enhance the conservation values of conservation areas and Crown-owned reserves considered as a whole (the new test in cl 29(2), Sch 6).
86. When considering a land exchange, the Panel must take into account the conservation values of the land concerned, including how threatened or abundant they are, and a comparative assessment of the values that relate to each area of land concerned.
87. The FTAA requires the Department to consider the following criteria:
- (1) The report referred to in [section 35\(3\)](#) must include information to address the matters in [clause 29\(1\)\(a\)\(ii\) to \(vi\)](#) and [\(b\)](#), including—*
- (a) the conservation values of the land concerned, including how threatened or abundant they are, and a comparative assessment of the values that relate to each area of land concerned; and*
- (b) the financial implications for the Crown of the land exchange; and*
- (c) whether the consequences of the land exchange would be practical to manage on an ongoing basis, including consideration of whether the land exchange would result in an enclave of private land within a conservation area or a Crown-owned reserve; and*
- (d) the legal and financial liabilities, and health and safety risks, for the Crown associated with the land exchange; and*
- (e) statements of general policy approved under [section 17B](#) or [17C](#) of the Conservation Act 1987; and*
- (f) any conservation management strategy, conservation management plan, or reserve management plan that has been co-authored, authored, or approved by a Treaty settlement entity; and*
- (g) any conditions that should be imposed in accordance with [clause 31](#) or [32](#) or [section 84](#).*
88. This report provides the necessary elements for the Panel to make a conclusion on whether conservation values will be enhanced (and is sufficient for making a decision regardless of which test in the Act applies).
89. Conservation values are comprised of biodiversity values, freshwater values, recreational values, landscape and cultural and heritage values (including natural, scenic, archaeological, historical, biological, geological, scientific, educational, or community values that contribute to

these). Accordingly, experts in the following areas provided an analysis of the conservation values of each piece of land:

- a. botany;
- b. heritage;
- c. terrestrial fauna;
- d. recreation;
- e. freshwater ecology; and
- f. landscape.

90. Each subject field was assessed by a relevant expert, informed by a combination of site visit(s), research and review of the material provided by the Applicant. Criteria were developed to enable components of each block to be considered. These criteria differ across disciplines as they are appropriate to the subject field and are in line with the relevant industry guidelines or practices. Each expert has then undertaken an assessment of the DOC-Give site and each of the four DOC-Get sites.
91. A sliding spectrum of scoring was used, ranging from low to high. The value assigned to each criterion for each area of land has then been documented in a matrix for easy reference. The rating for each value is directly derived from the analysis of each expert's report. This allows not only direct comparison of the conservation values of the DOC-Get against those of the DOC-Give sites, but also to see the analysis which sits behind the value attributed to it. As the Applicant is proposing improvements such as mammalian pest control, weed control and propagation of swamp maire, the assessment of conservation values has undertaken two assessments – without the improvements proffered in the first instance, and secondly taking those measures into account.
92. The conservation values for each subject field and for each area of land have been directly imported from the technical reports in [Appendix 4](#) (and any updates in response to the comments on the Draft Land Exchange Report in [Appendix 3](#) into this report to allow comparison). The benefit of a comparative analysis across each of the DOC-Get areas rather than an amalgamated value is that it allows the identification of the specific locations and subject field where the land exchange will result in a net gain, net loss or no change in conservation values. While the Applicant supports a single amalgamated overall value for the DOC-Get sites, a concern with this approach is that it does not allow the Expert Consenting Panel to adequately consider the individual values and also determine whether weighting is appropriate; the Panel may consider conservation values for one subject field to be more critical than others. Notwithstanding this, the ratings for each DOC-Give site have been amalgamated (as well as amalgamating the values for all the DOC-Give sites) but should only be considered indicative for comparative purposes. This exercise has assumed that each subject field and each DOC-Give site has an equal weighting. The Expert Consenting Panel may wish to consider whether certain values or specific DOC-Give sites should carry a higher weighting than others.
93. The Applicant observed that the subject fields (and therefore this report) assess a number of different scenarios based on differing assumptions regarding QEII covenant land, proposed enhancement and future conditions. Consequently, the Applicant considered that it does not identify a single basis upon which the exchange should ultimately be assessed.¹³ This report considers carefully the statutory criteria for advising the Expert Consenting Panel. The report

¹³ Response to draft DOC report memorandum, J. Wikaira dated 15 June 2026 at [38].

provides the Panel with a comprehensive assessment which is sufficiently flexible to enable robust decision-making.

94. Having said that, there are a number of variables that the report must address. First, it is acknowledged there is uncertainty as to which version of the FTAA the Panel will apply in its decision making (and therefore whether the conservation values of the QEII covenanted land should be considered). This report ensures the Panel has sufficient information on which to decide regardless of the law it applies. Second, there are now multiple versions of enhancements proffered by the Applicant.¹⁴ Thirdly there are four different versions of conditions.¹⁵ And finally, how exactly the discount should be applied if the more recent amendment to the FTAA applies.

5.1.1 Terrestrial fauna values

95. The Applicant's assessments of biodiversity values are contained in the following reports:
- a. Overview of Ecological Values, BlueGreen Ecology Ltd dated 26 February 2025;
 - b. Lizard Assessment, Blueprint Ecology dated 3 December 2025.
96. A review of the Applicant's assessment was undertaken for DOC by Dr Rhys Burns for terrestrial fauna ([Appendix 4B](#)). Birds, lizards and bats were the main focus of the Applicant's reports and the species most likely to be affected by the proposed changes to land use. Dr Burns' review notes that mobile species such as birds and bats (if present) would be expected to use all sites similarly, but can be influenced by habitat quality. Less mobile species such as lizards are expected to mainly be influenced by habitat quality. In both cases, animal pest management may increase their survival and breeding success.

Lizards

97. Lizard surveys were undertaken in the DOC-Give site which found four grass skinks (*Oligosoma polychroma*; At Risk - Declining and three ngahere geckos (Mokopirakau "Southern North Island"; At Risk – Declining). No lizard surveys were undertaken in the DOC-Get sites due to very steep terrain and dense vegetation. This makes it difficult to compare across the sites. In the absence of numbers of lizards, the Applicant's assessment focused on the habitat type and inferred the suitability of each for lizards. Dr Burns largely agrees with the assumption in the Applicant's assessment that lizard diversity and density could have some correlation to habitat maturity and complexity. It is expected that northern grass skink and/or a low number of forest lizard species would be recorded at each site, with possible presence of barking gecko or ngahere gecko occurring in high-quality habitat "hot spots".
98. The Applicant's report considers that DOC would receive a significant increase in lizard habitat extent and quality as part of the proposed land exchange.¹⁶ It also noted that native planting, weed control and targeted rat control will provide a considerable improvement to lizard habitats over the medium- to long-term.

¹⁴ As outlined in the Land Exchange Report dated 7 December 2025 and more recently the Response to draft DOC report memorandum dated 15 June 2026

¹⁵ The Applicant's proffered conditions as outlined in the Land Exchange Report dated 7 December 2025; a suggested set of conditions developed by DOC the Draft report on land exchange dated 29 May 2026; Condition Sets A and B as set out in the Response to draft DOC report memorandum dated 15 June 2026

¹⁶ Lizard Assessment, Blueprint Ecology dated 3 December 2025 at page 12.



Figure 6: Quality of habitat for lizards (high habitat quality – red, moderate habitat quality – orange, low habitat quality – green) Source: *Lizard Assessment, Blueprint Ecology*

99. The questions raised by Dr Burns about the adequacy of the 2025 lizard survey methodology was addressed by a memorandum prepared by Mr Tony Payne.¹⁷ Mr Payne addressed the omission of closed-cell foam covers as a detection method for lizards but considered it did not meaningfully diminish the survey's detection capability. He considered that the 2025 Blueprint Ecology survey was appropriate, targeted, and well-suited to the habitat and species present. While additional gecko detections might have been achieved through closed-cell foam covers deployment, he considered this would have no bearing on the conclusions of the habitat assessment.

Avifauna

100. The Applicant derived data from field surveys, acoustic monitoring devices and supplementary datasets from the wider landscape. The majority of species recorded in the area are native, Not Threatened and primarily associated with native forests and shrublands (e.g. kereru, fantail, silvereye, grey warbler, ruru, tūī, and bellbird).¹⁸ The Dry Creek site is a known habitat for at least one pair of breeding New Zealand bush falcon, which is classified as both nationally and regionally Threatened. The DOC-Give site is located within an eco-corridor. The greatest number of species were recorded at the lake, and the bioacoustics recorders picked up two Threatened species (Caspian tern and long-tailed cuckoo) and one At Risk species (North Island robin) at that same location.
101. Dr Burns noted that it is not clear whether the 'mānuka' site (AR4) in the DOC-Give site (described as Mānuka Mixed Broadleaf Forest) was analysed for bird calls (noting the contradiction between the text stating it had not been analysed and Table 10 which implies it was). He considers the AR4 site represents more mature forest than the AR2 site that was

¹⁷ Response to DOC report – Lizards, Mr T Payne dated 12 June 2026.

¹⁸ Overview of Ecological Values, BlueGreen Ecology Ltd dated 26 February 2025 at section 7.1.

analysed by the Applicant, which would have the effect of understating the avifauna values because AR4 is likely to have a higher density of native birds.¹⁹

102. In terms of avifauna, Dr Burns considers the areas of tawa-kāmahi forest, hīnau-kāmahi forest, pukatea-rewarewa forest and pukatea-tawa forest in the Northern Gully site and the tawa-kāmahi forest in the Firth Block should offer better quality native forest bird habitat than most areas present in the DOC-Give site.²⁰ He considers that the Southern Gully and Dry Creek are in early succession or dominated by exotic species and weeds meaning lower quality for native forest birds.
103. He agrees with the statement that the forest bird species are mobile and so if present in one area, are likely to also be present in the other forested areas.²¹ The exception to this are territorial robins, but Dr Burns is sceptical about their presence.

Bats

104. While monitoring was undertaken for the presence of bats over three weeks, no bats were detected and there was no evidence of foraging.²²
105. Dr Burns observed that information was not provided as to whether the conditions were optimal for bat activity (and therefore detection). It is therefore not known whether the data can be completely relied upon.²³ In response, Dr Hazel Burrridge provided further detail on the acoustic bat survey.²⁴

Invertebrates

106. Invertebrate monitoring was not undertaken by the Applicant, but Dr Burns notes there are no known threatened invertebrate species present at the site. He noted that the brightly coloured endemic moth *Macarostola miniella* (At Risk – Declining) is often associated with swamp maire meaning these moths may be present.²⁵ As swamp maire is only found in the DOC-Give site and not in any of the other proposed DOC-Get areas, Dr Burns considers the terrestrial invertebrate values in the DOC-Give to be higher than the other lands available for the proposed land exchange due to the potential presence of this moth.²⁶

Pest management

107. Dr Burns outlined the benefits of pest management. Because the DOC-Give site is part of the Belmont Regional Park, it already benefits from pest control. While pest management is not being currently carried out at the DOC-Get sites, the number of successful nests and quality of food resources will increase with future pest management. He noted the high perimeter to area ratio for the DOC-Get sites, making it more difficult to protect from pest animal incursions, and the elongated nature of the land making it less likely to achieve effective pest control that can benefit native fauna. These matters were addressed by Dr Payne. In terms of the effectiveness of ground-based pest control, he considered that steep terrain and dense vegetation is a shared characteristic between DOC-Give and DOC-Get sites.
108. Dr Burns noted errors in the Applicant's calculations of habitat areas, meaning they cannot be relied upon. He noted too that the ecological assessment includes a fifth block (Cottle Block) that is not mapped, however this appears to be a subset of the Northern Gully.

¹⁹ Statement of advice on terrestrial ecology, Rhys Burns dated 15 April 2026 at [28].

²⁰ Statement of advice on terrestrial ecology, Rhys Burns dated 15 April 2026 at [30].

²¹ Statement of advice on terrestrial ecology, Rhys Burns dated 15 April 2026 at [39].

²² Overview of Ecological Values, BlueGreen Ecology Ltd dated 26 February 2025 at section 7.2.

²³ Statement of advice on terrestrial ecology, Rhys Burns dated 15 April 2026 at [47].

²⁴ Response memorandum – bats, Dr H. Burrridge dated 12 June 2026

²⁵ Statement of advice on terrestrial ecology, Rhys Burns dated 15 April 2026 at [49].

²⁶ Statement of advice on terrestrial ecology, Rhys Burns dated 15 April 2026 at [51].

Overall

109. The Applicant's assessment considers that both the DOC-Give and the DOC-Get sites are comparable habitat types, although the DOC-Get sites cover more land area and includes patches of more advanced native regeneration and retained mature forest. Other key elements in terms of fauna are:²⁷
- a. Both areas have a small number of rare taxa (lizards and birds).
 - b. Both DOC-Give and DOC-Get have similar faunal habitats, although the DOC-Get sites have more mature habitat.
110. The Applicant's overall assessment is that the land proposed for addition to the conservation estate (DOC-Get) is greater in area and holds higher ecological value than the land to be exchanged (DOC-Give).²⁸ The Applicant initially did not split out its assessment of the fauna and flora values however, instead amalgamating them. This approach was modified in the response to the Draft Land Exchange Report with conservation values set out for:
- a. Ecology (habitat);
 - b. Ecology (birds);
 - c. Ecology (bats); and
 - d. Ecology (lizards).
111. Dr Burns concludes the DOC-Get sites to be of slightly higher value to terrestrial fauna than the current DOC-Give. This is mainly due to greater maturity, complexity and area of habitat. He considers the values for terrestrial fauna to be Moderate for the DOC-Give site. He considers the overall amalgamated terrestrial fauna value of the DOC-Get sites to be Moderate-High.²⁹ This gives a higher value than if the sites are considered individually.
112. The key area where the values are higher for the DOC-Get sites is representativeness, diversity and rarity and distinctiveness, although Dry Creek and Southern Gully both have lower values across all criteria than the DOC-Give site. More mature habitats enable a greater diversity and density of birds and lizards.
113. Dr Burns undertook an assessment of the terrestrial fauna values if the improvements offered by the Applicant are implemented, and he initially assumed five years for the duration of the interventions. This results in an increase in the values for the Firth Block and Southern Gully. He considers the Firth Block will benefit from the rat control offered and it is likely that wetland birds may benefit from this pest control. As rat control alone is offered, and only seasonally (to benefit bird nesting), accompanying benefits to lizards will be low, as lizards can be vulnerable to rat predation throughout the year. Indigenous revegetation measures will have little impact on bird values but may marginally benefit lizards within five years.³⁰
114. Mr Payne responded to this by stating that seasonal rat trapping alone will deliver limited direct benefit to lizard populations. Therefore, the land exchange does not rely on pest control delivering lizard population benefits at the DOC-Get sites but instead rests on the substantial net-gain in lizard habitat extent and quality that DOC receives as a consequence of the exchange. The DOC-Get sites provide an increase of 14.36 ha of lizard habitat overall and 3.46 ha of high-quality habitat.

²⁷ Overview of Ecological Values, BlueGreen Ecology Ltd dated 26 February 2025 at page 1.

²⁸ Overview of Ecological Values, BlueGreen Ecology Ltd dated 26 February 2025 at page 1.

²⁹ Statement of advice on terrestrial ecology, Rhys Burns dated 15 April 2026 at [56].

³⁰ Statement of advice on terrestrial ecology, Rhys Burns dated 15 April 2026 at [62-64].

115. Dr Burns considers that the possum control for the Southern Gully should cause a marginal increase in food resources for birds, hence the small uplift in values.³¹ Dr Burns considers the amalgamated values for terrestrial fauna including the improvements offered by the Applicant are Moderate-High.³²
116. Dr Burns considered Conditions Package A but it did not cause him to change the ranking of any of the sites, or the overall assessment.

DOC's Overall value ranking – Terrestrial fauna		
		Assessment including the proffered improvements
DOC-Give site:	Moderate	N/A
DOC-Get sites:		
Northern Gully	Moderate	Moderate
Firth Block	Moderate-Low	Moderate
Dry Creek	Low	Low
Southern Gully	Low	Low to Moderate-Low
Amalgamated (all Get sites)	Moderate-High	Moderate-High

Table 1: Conservation values for terrestrial fauna

5.1.2 Flora values

117. BlueGreen Ecology undertook an ecological assessment for the Applicant. This was reviewed by Matt Ward who provided advice to DOC ([Appendix 4A](#)). The vegetation composition of each of the sites is very different.

DOC-Give

118. The Applicant acknowledges there are a range of values (Low to High) associated with the age and extent of seral development, noting that there are gaps and missing taxa and a lack of evidence of later seral stage species. Several rare taxa are present in low abundance, often as young specimens, suggesting the area has potential for these species (e.g. swamp maire, ramarama). The open central exotic pine and grassland ridge is identified as being currently of Negligible value. The rest of the areas (later seral broadleaf and mānuka-kānuka scrub) are assessed as Moderate ecological value (comprising one high and the rest moderate or lower).³³
119. Mr Ward similarly considers values of the DOC-Give site range from Moderate for ecological context and representativeness, to High for rarity and distinctiveness. Overall, he considers the indigenous flora value for the DOC-Give site to be Moderate-High.³⁴

Northern Gully

120. Mr Ward noted that the northeastern section has a somewhat similar mature forest to the QEII covenanted area although it lacks species diversity. The western section is low value replanted overburden area. Mr Ward considered that this factor combined with the reshaping detracts from the overall value and natural features present and results in an overall Low value.

³¹ Statement of advice on terrestrial ecology, Rhys Burns dated 15 April 2026 at [66].

³² Statement of advice on terrestrial ecology, Rhys Burns dated 15 April 2026, page 24].

³³ Ecological Assessment, BlueGreen Ecology dated October 2025 at page 65.

³⁴ Statement of advice – botanical and ecological restoration, Matt Ward dated April 2026, page 10

121. This differs from the Applicant's assessment which rates the overall indigenous flora value as High. This is due to its more mature canopy, threatened regional habitat type, diversity of types and its functional role in stream protection.³⁵

Southern Gully

122. The Applicant rated the rarity and distinctiveness as High due to the wetland, and the ecological context as High due to the connection this site provides between the northern tawa-kāmahi areas and the southwestern gully forest. These two elements increase the overall value to High.³⁶ This differs considerably from Mr Ward's overall indigenous flora value as Low-Moderate. Mr Ward ranked representativeness as Low-Moderate because it only has 33 of the 602 native plants listed in the Wellington Ecological District plant species list. The central wetland is overrun with blackberry. Mr Ward also ranked ecological context as Low-Moderate as it is bordered by privately owned farmland and a quarry, making it susceptible to edge effects. He notes that the wetland is not particularly natural and is lacking original or naturally regenerating vegetation. He ranked diversity and pattern and rarity and distinctiveness as Moderate.³⁷

Dry Creek

123. Mr Ward agrees with the description in the Applicant's report. In particular he noted the level of weed species and observed that it currently serves as a buffer between the central area of the former quarry which is very weedy.³⁸ He considered it would be an expensive liability for the management of the Belmont Regional Park due to the need to manage weeds.
124. The Applicant considers this site to have Low values³⁹, and this is consistent with Mr Ward's assessment.

Firth Block

125. Mr Ward agrees with the assessment in the Applicant's report and describes it as a regenerating ex-quarry face. He noted that one edge has integrity by being adjacent to the Belmont Regional Park. The assessments of overall values differ. The Applicant rating the Firth Block as having Moderate value with a range of developing seral broadleaf stages and one mature tawa.⁴⁰ Mr Ward rates the Firth Block as Moderate. The main area of disagreement being representativeness, which the Applicant assesses as High but Mr Ward assesses as Moderate.

Overall

126. Mr Ward considers that the amalgamated value of the DOC-Get sites is Low-Moderate.⁴¹
127. Mr Ward assessed the effect on values of the improvements offered. The key changes are in the values for Dry Creek which increases from Low to Low-Moderate, and Southern Gully which increases from Low-Moderate to Moderate. Mr Ward observes that for Dry Creek, the removal of the weed species will allow the vegetation to 'catch up' with the rest of the Belmont Regional Park which has ongoing weed and pest management. The recalibration will take time however.⁴²

³⁵ Ecological Assessment, BlueGreen Ecology dated October 2025 at page 40.

³⁶ Ecological Assessment, BlueGreen Ecology dated October 2025 at page 45.

³⁷ Statement of advice – botanical and ecological restoration, Matt Ward dated April 2026, page 27

³⁸ Statement of advice – botanical and ecological restoration, Matt Ward dated April 2026, page 15

³⁹ Ecological Assessment, BlueGreen Ecology dated October 2025 at page 50.

⁴⁰ Ecological Assessment, BlueGreen Ecology dated October 2025 at page 55.

⁴¹ Statement of advice – botanical and ecological restoration, Matt Ward dated April 2026, page 10

⁴² Statement of advice – botanical and ecological restoration, Matt Ward dated April 2026, page 15

128. With regards to the improvements offered for the Southern Gully, Mr Ward considers that the removal of weeds will enable natural buffering and increase the resilience of the edges. If this were to remain weed free in the long term (25 years) it would be measurably improved.⁴³ He considers that the amalgamated values increase to Moderate with the successful implementation of the improvements offered by the Applicant.⁴⁴
129. Dr Keesing considered that Mr Ward had under stated the conservation of the DOC-Give area while undervaluing the DOC-Get blocks. Mr Ward provided further detail on how he came to each rating and increased the rating of diversity and pattern to Moderate for the Firth Block, which increased its overall rating.

DOC's Overall value ranking – Flora		Assessment including the proffered improvements
DOC-Give site:	Moderate - High	N/A
DOC-Get sites:		
Northern Gully	Low-Moderate	Moderate
Firth Block	Moderate	Moderate
Dry Creek	Low	Low-Moderate
Southern Gully	Low-Moderate	Moderate
Amalgamated (all Get sites)	Low-Moderate	Moderate

Table 2: Conservation values for flora

5.1.3 Freshwater values

130. BlueGreen Ecology addresses benthic macroinvertebrates, habitat and the presence of some fish species in its ecological assessment, while the hydrology of the sites is addressed in the hydrological analysis undertaken by Landscape Dynamics Limited (December 2025). The supplementary information provided by the Applicant expanded the information available to DOC.

DOC-Give site

131. Of the three short intermittent stream reaches in this area, the Applicant classifies the northern main stem as highly representative (despite the general absence of fish), with moderate rarity and distinctiveness, moderate in terms of pattern and diversity and with a moderate ecological context creating a high value aquatic system. The western branch ranks moderate for all factors and is considered, therefore, to be of Moderate aquatic habitat value.⁴⁵ The revision of the Applicant's values in response to the Draft Land Exchange Report resulted in a ranking of Low for ecology (freshwater) and noted the approximate length of aquatic habitat as 450 m.⁴⁶
132. Mr Jacob Williams undertook an assessment of freshwater values in his advice to DOC ([Appendix 4D](#)) and expresses some concerns about the location where the eDNA surveys were collected. He considers there may be additional species not captured because of the location of the sample points. He considers that the calculations for the area of the wetlands are not clear and the assessment of the species likely to be present will change depending

⁴³ Statement of advice – botanical and ecological restoration, Matt Ward dated April 2026, page 27

⁴⁴ Statement of advice – botanical and ecological restoration, Matt Ward dated April 2026, page 10

⁴⁵ Ecological Assessment, BlueGreen Ecology dated October 2025 at page 75.

⁴⁶ Response to DOC Freshwater Ecology, Dr V Keesing dated 15 June 2026 at [126]. This differs to stream length in the DOC-Give site stated in the planning response dated 15 June 2026 as 1,855 m in Table 28.

on the hydrology of the waterways at any given time. Dr Keesing responded by stating that the eDNA sampling locations provide an accurate representation of the values to be found there.⁴⁷

133. Mr Williams' review of the Applicant's survey / information provided indicates MCI scores of fair-good quality and excellent quality downstream of the site. Mr Williams categorised the rarity and distinctiveness as Medium-High because of the wetlands present in the site - less than 3% of wetlands remain in the Greater Wellington Region, and the presence of longfin eel (At Risk - Declining) and kōura likely present (seasonally). Modelled presence indicates that additional fish species such as banded kōkopu and redfin bully may be present. He rated the ecological context as Low-Medium for reasons including the presence of barriers to fish passage and that the DOC-Give site is a source of water for the tributaries of the Hutt River and downstream wetlands.⁴⁸

Northern Gully

134. Mr Williams notes the MCI score for some waterways in the Northern Gully are excellent quality. Surveys for fish recorded the presence of longfin eel (At Risk - Declining), shortfin eel (Not Threatened) and kōura (Not Threatened). Modelled fish presence indicates additional species (banded kōkopu, redfin bully) may be present. Mr Williams therefore rates the freshwater values for the sites as mostly Medium, with the exception of ecological context, which he rates Low-Medium because the connectivity for fish movement is marginal given the location of the catchment and known fish barriers downstream.⁴⁹ The Applicant's assessment notes that there are significant constraints to fish passage from the Hutt River due to the piping of the perennial stream and two waterfalls.

Southern Gully

135. The stream in the Southern Gully was surveyed through additional eDNA surveys and visual observations indicate it has good instream aquatic habitat quality, with a mixed hard-substrate base under forest canopy. The lower wetland is more entrenched, with a dense sedge and grass cover, and is likely good kōura habitat.⁵⁰
136. Mr Williams rates the representativeness as Medium-High due to the largely unmodified state of the waterways and the presence of a wetland, with a similar rating for rarity and distinctiveness. The eDNA survey provided by the Applicant indicates longfin eel (At Risk - Declining), shortfin eel (Not Threatened), and banded kōkopu (At-Risk - Naturally Uncommon) present, with the potential for shortjaw kōkopu (Threatened - Nationally Vulnerable) also being present (although Mr Williams does not agree as there are no records of shortjaw kōkopu in the Hutt River catchment). The MCI score for one waterway in the Southern Gully is good quality.

Dry Creek

137. Mr Williams notes that there is no quantitative survey undertaken for the Firth Block or the Dry Creek site, and no quantitative survey for the Dry Creek site. Due to the significant fish passage barriers downstream (piped stream) fish diversity is likely to be minimal but there is likely to be a good macroinvertebrate community similar to the other blocks in the un-piped sections of waterway. The modelling suggests banded kōkopu, longfin eel and redfin bully may be present.

⁴⁷ Response to DOC Freshwater Ecology, Dr V Keesing dated 15 June 2026 at [92-95]

⁴⁸ Freshwater statement of advice, Jacob Williams, April 2026 at page 3-4.

⁴⁹ Freshwater statement of advice, Jacob Williams, April 2026 at page 5.

⁵⁰ Ecological Assessment, BlueGreen Ecology dated October 2025 at page 78.

138. Mr Williams rated the Dry Creek values as all Low.⁵¹ While there is 507 m of waterways, they have mostly been heavily modified.

Firth Block

139. The presence of a wetland in this site results in a Medium-High rating for representativeness, rarity and distinctiveness by Mr Williams. Other criteria are rated as Low-Medium due to a good MCI score, absence of fish species and restricted connectivity for fish movement downstream.⁵²

Overall

140. Mr Williams acknowledges that ephemeral and intermittent waterways may have less value as habitat for fish species, however, they still provide seasonal habitat for fish species, habitat for macroinvertebrates, act as buffers for downstream reaches and can help regulate water flows. Mr Williams derived the following overall ecological value based on the highest ranking for each criteria.
141. Mr Williams assessed the amalgamated values as Medium-High based on a combination of factors including the values assessments, area of wetlands, length of waterways, quality of waterways, fish passage barriers etc rather than assigning a numeric values-based assessment.
142. Mr Williams assessed Conditions Package A proffered by the Applicant, but it did not change the freshwater values. Mr Williams concludes that there is no change in conservation values between DOC-Get and DOC-Give. This differs from Dr Keesing who considers that the exchange favours DOC, with DOC receiving more and better aquatic habitat than it releases.⁵³

DOC's overall value ranking – Freshwater		
		Assessment including the proffered improvements
DOC-Give site:	Medium-High	N/A
DOC-Get sites:		
Northern Gully	Medium	Medium
Firth Block	Medium-High	Medium-High
Dry Creek	Low	Low
Southern Gully	Medium-High	Medium-High

Table 3: Conservation values for freshwater ecology

5.1.4 Recreational values

143. The Applicant undertook an assessment of recreational values (Rob Greenaway & Associates). Other relevant assessment includes a Health and Safety report, Contaminated Land report, Climate Change and Natural Hazards.
144. Mr Mike Harbrow has undertaken an assessment of the recreational values in his advice to DOC in Appendix 4E.

⁵¹ Freshwater statement of advice, Jacob Williams, April 2026 at page 7.

⁵² Freshwater statement of advice, Jacob Williams, April 2026 at page 7-8.

⁵³ Response to DOC Freshwater Ecology, Dr V Keesing dated 15 June 2026 at [29]

145. The main recreation feature of the DOC-Give site is 400 m of 4WD track which forms an extended loop to the Buchanan Road Tramping Track. In addition to use as a walking and cycling track, the 4WD track also provides access to the National Grid support structures. Usage of Buchanan Road Tramping Track is estimated by the Applicant to be in the vicinity of 6,570 each year based on data captured by a visitor counter, of which 41% is estimated to use the 4WD track portion. Mr Harbrow had some concerns about the accuracy of this data given the methodology with which it was collected.
146. Mr Greenaway considered that loss of that portion of the 4WD track will not affect the use of any other tracks including the Buchanan Road Tramping Track, access to Boulder Hill or the Puke Ariki / Haywards Korokoro Traverse.⁵⁴

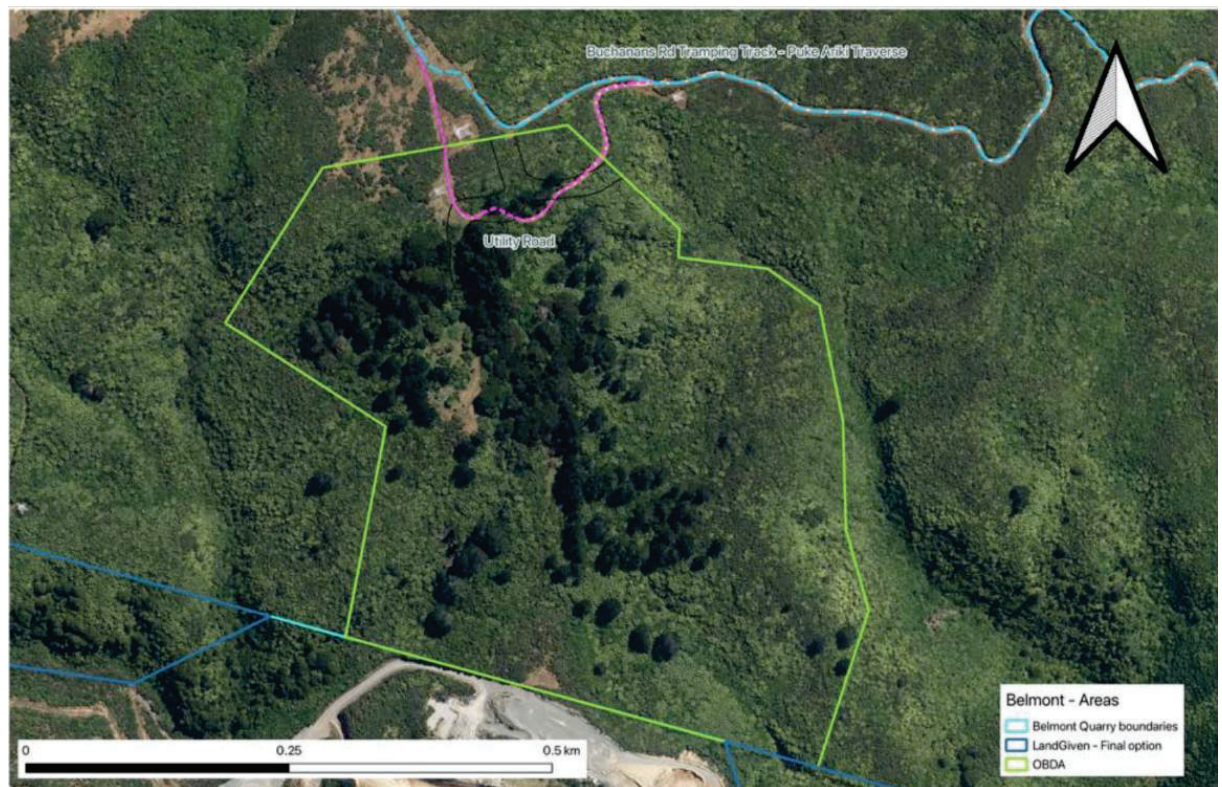


Figure 7: Relationship of the 4WD track (shown in pink) with the Buchanan Road Tramping Track

147. No recreation activities were recorded on the DOC-Give site and the recreation values beyond the track were considered to be 'insignificant' by the Applicant. This was based on the perceived lack of recreation activity beyond the formed track, although Mr Harbrow again had concerns about the collection of data and that it may not be representative.⁵⁵ Mr Greenaway responded that the data was cross-checked against other sources of data. He considered that those multiple sources are consistent in indicating that Buchanan Road and the adjacent DOC-Give land are relatively lightly used compared with the main park entrances and track corridors.⁵⁶

⁵⁴ Recreation Assessment, Rob Greenaway & Associates dated December 2025, page 13.

⁵⁵ Recreation statement of advice, Mike Harbrow dated April 2026 at [51].

⁵⁶ Memorandum on recreation, R. Greenaway dated 15 June 2025 at [9]

148. The assessment by Mr Harbrow notes that the 4WD track provides access into the DOC-Give site, although the experience within the DOC-Give area is not exceptional with numerous other opportunities to explore areas off track in a bush setting in the Hutt Valley and in the wider region. The site does not provide connectivity to other locations of interest and does not contain significant points of interest that would appeal beyond a niche audience.⁵⁷ While the 4WD track provides an alternative route for a short section of the Buchanan Road Tramping Track, Mr Harbrow considers its recreation value to be low.⁵⁸ Mr Harbrow noted the presence of informal trails into the DOC-Give site, including trails used for predator control lines, but recognised that these uses are inherently hard to quantify.
149. Recreation value of the DOC-Get land is confined to 33 m of a loop track on the Dry Creek site which is enabled by a public right of way. The Dry Creek entrance is used for access by walkers, mountain bikers, horse riders and campers, although no information is provided on the frequency of usage of the Dry Creek Loop Track. The Dry Creek entrance attracted 29,400 users in 2025 based on data sourced from Greater Wellington Regional Council. There will be no change in recreational values associated with Dry Creek.
150. The Firth Block, Southern Gully and Northern Gully sites currently have no public access due to their private ownership. The Applicant's assessment therefore describes their existing recreational values as nil. If the land exchange goes ahead, public access to these blocks will be enabled resulting in a future recreation value of Low. This rating is largely because no recreational development is proposed and the core value is ecological. The proposed right of way from Liverton Road for the Southern Gully provides only for conservation activities and maintenance by DOC. Public access to the Southern Gully would be through the Northern Gully which would in turn be connected to the Regional Park.
151. The assessment by Mr Harbrow noted that access to and within the DOC-Get sites would be poor as the land is fragmented, the blocks lack existing tracks and are steep and generally not well connected to conservation land within Belmont Regional Park. This contrasts with the relative ease of access to the DOC-Give land.⁵⁹
152. The Applicant amended its improvement package after receiving the draft exchange report to include public access from Liverton Road via the existing right-of-way through Southern Gully. This would create a new entry into the regional park, providing a direct connection into the DOC-Get land and linking through Northern Gully to the wider Belmont Regional Park track system.⁶⁰ The Applicant's assessment initially considered there to be no measurable gain or loss at the Regional Park scale,⁶¹ however this was revised to a gain with the addition of secured public access from Liverton Road and the creation of a unique ecological destination via the swamp mire restoration.⁶²
153. This differs from the assessment of Mr Harbrow who considers the current recreational value of the DOC-Get land to be Low⁶³ and the value of the DOC-Give land higher at Low-Medium. The land exchange would therefore reduce the recreation value of conservation land. Key factors in his assessment are:⁶⁴
- a. The ease of recreational access both to and within the DOC-Give land compared to the DOC-Get land.

⁵⁷ Recreation statement of advice, Mike Harbrow dated April 2026 at [26].

⁵⁸ Recreation Assessment, Rob Greenaway & Associates dated December 2025, page 4.

⁵⁹ Recreation statement of advice, Mike Harbrow dated April 2026 at [28].

⁶⁰ Memorandum from R. Greenaway dated 15 June 2026 at [23].

⁶¹ Recreation Assessment, Rob Greenaway & Associates, December 2025, page 13.

⁶² Memorandum from Rob Greenaway dated 15 June 2026 at [28].

⁶³ Recreation statement of advice, Mike Harbrow dated April 2026 at [35].

⁶⁴ Recreation statement of advice, Mike Harbrow dated April 2026 at [52].

- b. The extent to which the DOC-Get land has been subject to human modification compared to the DOC-Give land.
- c. The contiguous nature of the DOC-Give land and length of experience that is possible within it, compared to the fragmented nature of the DOC-Get land and the smaller size of the individual blocks.

154. Mr Harbrow assessed the amalgamated values of the DOC-Get sites as Low.⁶⁵
155. Mr Harbrow assessed Conditions Package A proffered by the Applicant. He considered that allowing access to the DOC-Get land from Liverton Road for recreational users would improve the recreational value of the proposed exchange by offering legal and practical access into the Southern Gully, the proposed plantings of swamp maire and the Northern Gully. It is also possible that this access could improve linkages with other areas of Belmont Regional Park, but he notes that the terrain at the end of the Northern Gully is steep. Mr Harbrow considered that Conditions Package A would increase the “level of access” rating for the DOC-Get land from Low to Low-Medium. Due to constraints such as poor road access by Liverton Road and the limited experience offered it did not result in a change to the recreation values.

DOC's overall value ranking – Recreation		
		Assessment including the proffered improvements
DOC-Give site:	Low-Medium	N/A
DOC-Get sites:		
Northern Gully	Low	Low
Firth Block	Low	Low
Dry Creek	Low	Low
Southern Gully	Low	Low

Table 4: Conservation values for recreation

5.1.5 Heritage values

156. The Application is supported by the following assessments:
- a. Archaeological Assessment, Clough and Associates Ltd, November 2025
 - b. Cultural Values Assessment, Hikoikoi Management Limited, December 2025
 - c. Land Exchange Report, Wikairaa Consulting Limited, December 2025
157. Historic heritage has been reviewed by Mr Richard Nester and his advice provided to DOC ([Appendix 4F](#)).

Archaeology

158. The Applicant's archaeological assessment notes that there are no archaeological or historic heritage sites recorded within or in close proximity to any of the land exchange sites.⁶⁶ The DOC-Give site, Northern and Southern Gully sites have the potential to contain archaeological sites associated with early European settlement, and accordingly the heritage values are estimated as being low to moderate.⁶⁷ The Firth Block is unlikely to have any

⁶⁵ Recreation statement of advice, Mike Harbrow dated April 2026 at [56].

⁶⁶ Archaeological Assessment, Clough and Associates Ltd dated November 2025 at [26].

⁶⁷ Archaeological Assessment, Clough and Associates Ltd dated November 2025 at [62-63].

archaeological sites due to the steep and hilly nature, and no evidence of an historical access track. Similarly, the Dry Creek site is unlikely to have any archaeological sites due to its topography and past usage for quarrying. Consequently the assessment considers that there will be no known effects on archaeological or historic values.⁶⁸ The assessment considers that the loss of the DOC-Give site will be compensated by the addition of the Northern and Southern Gully sites, both of which have some potential for containing archaeological sites of similar values.⁶⁹ The assessment concludes that the benefits of the land exchange are neutral.⁷⁰

159. The presence of archaeological sites associated with Māori occupation and settlement are considered to be very low.⁷¹
160. Mr Nester undertook a review of the archaeological report and records of meetings between the Applicant and Heritage New Zealand Pouhere Taonga. He noted that the DOC-Give site has one recorded cultural heritage site. It is recorded by the New Zealand Archaeological site recording scheme as R27/910 and is described as the remains of 'Farm Building' and historic artefacts. The site includes a collapsed roof and associated building framing, roofing iron, concrete footings, fences and some artefacts (glass bottles). Although this indicates a previous land use, he considered that the significance of it is low.⁷² He considered there is potential for partial remnant of a pre-1900 tramway used for timber extraction to be present in the Northern Gully and the Southern Gully although no tramway has yet been discovered.
161. Ms Cameron responded to the Draft Land exchange Report and agreed with parts of Mr Nester's assessment. In terms of the archaeological significance or value of Site R27/910 she considered that while the significance is currently low the ranking of medium could be applied in future if based on the nature of any subsurface remains, and their condition and extent. She considered there is potential for archaeological remains of the tramway identified on an historical plan to also be present in both the Northern and Southern Gully sites. This would result in a low-medium ranking for archaeological value for Southern Gully. She noted that Mr Nester stated that broader cultural values identified and associated with mana whenua are not addressed in his report, yet Table 2 contains a "Cultural Value" with low value assigned for all of the land exchange sites. She recommends that the cultural values column is removed completely from the table or that the low value is removed and replaced with a value to be determined by mana whenua.

Overall

162. Mr Nester considered that the rating of the heritage values of both the DOC-Give site and the DOC-Get sites is Low. He assessed the amalgamated values of the DOC-Get sites as Low.⁷³
163. Mr Nester assessed the improvements proffered by the Applicant, but it did not change the heritage values.

DOC's overall value ranking – Heritage		
		Assessment including the proffered improvements
DOC-Give site:	Low	N/A

⁶⁸ Archaeological Assessment, Clough and Associates Ltd dated November 2025 at [66].

⁶⁹ Archaeological Assessment, Clough and Associates Ltd dated November 2025 at [68].

⁷⁰ Archaeological Assessment, Clough and Associates Ltd dated November 2025 at [74].

⁷¹ Archaeological Assessment, Clough and Associates Ltd dated November 2025 at [42].

⁷² Cultural heritage statement of advice, Richard Nester dated 22 April 2026 at [11 and 12].

⁷³ Cultural heritage statement of advice, Richard Nester dated 22 April 2026 at [19].

<i>DOC-Get sites:</i>		
Northern Gully	Low	Low
Firth Block	Low	Low
Dry Creek	Low	Low
Southern Gully	Low	Low

Table 5: Conservation values for heritage

5.1.6 Landscape and natural character values

164. Mr Rhys Girvan from Boffa Miskell undertook a landscape assessment of the DOC-Get and DOC-Give land on behalf of Winstone Aggregates. The landscape assessment followed Te Tangi a te Manu: Aotearoa New Zealand Landscape Assessment Guidelines. The parcels were assessed in terms of the following attributes:

- a. Physical – being the tangible elements of the landscape;
- b. Perceptual – which is how people experience and interpret the landscape; and
- c. Associative – which captures the cultural, historical and spiritual connections that people and communities have with a place.

165. This assessment has been reviewed by Mr Jeremy Head in his advice to DOC ([Appendix 4C](#)).

166. The Applicant's landscape assessment and review of each parcel is summarised below, along with Mr Head's assessment.

DOC-Give

167. The perceptual attributes are of this parcel being part of the broader rolling vegetated landscape of the Belmont Regional Park. The elevated parts of this parcel contribute to the green backdrop that frames the upper slopes of the western Hutt hills. It transitions between the pastoral grasses and the regenerating native vegetation. The nearest properties are rural residential and are located approximately 750 m away, with residential suburbs of Taitā and Pomare being the closest urban development. Most of these properties are described as having no view of the DOC-Give parcel beyond the vegetated slopes of the western escarpment, such as the residential development located on the eastern Hutt hills which has views of the DOC-Give parcel above the western escarpment.

168. Given its proximity to the Belmont Regional Park, Mr Girvan described the associative attributes as conservation, recreation and transitioning farming activity.

169. This area is assessed by the Applicant as having moderate landscape value and low-moderate visibility. Its proximity beside the established quarry reflects a relatively contained aspect of the broader Belmont Hills with capacity to absorb progressive quarry development. There are no significant cultural or historical associations in the context of former and existing quarrying activity.

170. All three attributes for the DOC-Give parcel are classed by the Applicant as having a Moderate value, giving an overall landscape value of Moderate. Mr Head agrees with this assessment.

171. Given the limited visibility of the block due to vegetation, intervening landforms and distance, the Applicant classified visibility as Low-Moderate. Mr Head agrees.

172. Mr Head noted that the DOC-Give site could reach a Moderate 'plus' value if there is no land swap and the block keeps getting managed as it is now through animal and weed pest control. He considers that there should be some level of improvement (above the 'Moderate' status quo) condition of the block over time.

Northern Gully

173. The Applicant described the perceptual attributes as being connected to the pattern of incised gullies that contrast with the more prominent spur of the Wellington Fault. The proximity to the Extraction Zone means this block is not memorable or visible. It is part of the broader elevated green backdrop above the western escarpment. The microclimates in this block add ecological and visual richness.
174. The presence of the QEII covenant supports ongoing conservation and ecological value, however no significant cultural or historical associations have been identified. The QEII covenanted area is not accessible by the public.
175. The Applicant considers the block has Moderate-High physical values, Moderate perceptual values and Moderate-High associative values. Mr Head elevates the associative values as Moderate-High to High for the QEII covenanted area and Moderate-High outside the QEII covenanted area. Mr Head considers that overall the site has Moderate-High landscape value with low visual sensitivity given it is visible from the quarry with only limited glimpses from the rural residential properties to the north of Kelson.

Southern Gully

176. The Applicant described the perceptual attributes as being derived from its location on the edge of the working quarry and the rural lifestyle development along Liverton Road. It is described as not being particularly memorable and is generally not visible above the more prominent western escarpment.
177. There are little associative values, and it is a localised area of regenerating vegetation with a wetland that contributes to the wider landscape.
178. The Applicant assessed the physical and perceptual values as being Moderate, with Low-Moderate associative values. This gives an overall Moderate landscape value and Low to Low-Moderate visual sensitivity. There is the potential for ongoing rehabilitation restoring natural character along existing streams and wetlands and expanding area of regenerating native vegetation. Mr Head agrees.

Dry Creek Quarry

179. The Applicant described the perceptual attributes as reflecting the former use as a quarry and cleanfill, however the original gully structure is still present. It is a missing piece of the wider escarpment system. When viewed closely, the benching does not have a high degree of naturalness however from a distance or in the context of the adjoining vegetated hills the sight aligns visually with the surrounding landscape.
180. The Applicant considered that the block has limited associative values reflecting its industrial history. Filming occurred at this site for Helm's Deep and Minas Tirith in the Lord of the Rings trilogy providing some more recent associative values.
181. The Applicant assessed Dry Creek as having Moderate physical and perceptual values, and Low-Moderate associative values, with an overall landscape value of Moderate and Low to Low-Moderate visual sensitivity. The visual sensitivity rating is due to its enclosed contained landform. There is the potential for ongoing rehabilitation restoring natural character along

existing streams and wetlands and expanding area of regenerating native vegetation. Mr Head disagrees and classifies all landscape values for the Dry Creek site as being Low-Moderate.

Firth Block

182. The associative values are assessed by the Applicant as Moderate-High due to the presence of the QEII conservation covenant and its contribution to the broader vegetated western escarpment. Mr Head considered the associative values are Moderate-High to High. The Applicant assessed the physical values as Moderate-High, and perceptual values as High given its visual prominence.
183. The Applicant considered the overall landscape values to be Moderate-High, with High visibility. Mr Head assesses the Firth Block as having a slightly higher overall landscape value than that of the Applicant, with a Moderate-High to High value.

General comments

184. The capacity of the landscape was also assessed by Mr Girvan, with Belmont Hills having a moderate landscape capacity within the undulating round ridgetop which is stepped back from the western escarpment. The western escarpment by comparison has more limited capacity for change as it is more visible, with prominent revegetated spurs, enclosed wetlands and gullies. Mr Head agrees with the assessment and notes that capacity will be a relevant matter only when the substantive application is being assessed.
185. Mr Head agrees that the DOC-Get areas will not visually change much (if at all) when viewed from afar – especially to the lay person. He considered that the Firth Block and Dry Creek land parcels would consolidate the broader vegetated setting.
186. The Applicant's landscape assessment considers there would be a net gain in landscape values by:
- a. Increasing the extent of high-value vegetated land with higher naturalness and intactness than the land removed.
 - b. Maintaining the scenic backdrop role in the Hutt Valley, consistent with its recognition in the Greater Wellington Regional Council Parks Network Plan;
 - c. Strengthening the contribution of landscape values to the conservation estate including connectivity and legibility along the western escarpment and the ongoing rehabilitation of Dry Creek.
187. Mr Head notes some omissions in Mr Girvan's assessment, such as the absence of any discussion of edge effects. The significance of edges is that they are particularly sensitive to weed and pest invasion. Mr Girvan responded to these concerns. Although they did not change Mr Girvan's overall landscape conclusion, he considered it is a matter that should be addressed through robust and measurable conditions.⁷⁴ Mr Head agrees with Mr Girvan's recommendation but considers that edge effects will prevail to a degree. The measures do not promise to eliminate edge effects.
188. In addition, Mr Head considers that ecological values / levels of biodiversity should form a more transparent contribution towards a description of the various land parcels' levels of natural landscape character.

⁷⁴ DOC peer review memorandum – landscape, R. Girvan dated 10 June 2026, page 9

189. Mr Head considered the amalgamated landscape value for the DOC-Get sites as Moderate to Moderate-High.⁷⁵
190. Mr Head considered the effect on landscape values if the Conditions Package A is successfully implemented. He concluded that the landscape values would be increased in the Northern Gully and Dry Creek. For Northern Gully, the increase is based on the combination of animal pest control and weed eradication enabling improvements to the forest understorey and the substantial removal of exotic canopy species which would otherwise continue to self-seed.⁷⁶ The increase in landscape value for Dry Creek is based on 90% weed eradication, canopy closure, natural regeneration and the beginning of natural ecological processes over the entire land parcel. The supplementary planting proposed also would enhance the landscape values. Including the improvements offered by the Applicant gives an overall landscape value for the DOC-Get sites as Moderate-High.⁷⁷

DOC's overall value ranking – Landscape and natural character		
		Assessment including the proffered improvements
DOC-Give site:	Moderate	N/A
DOC-Get sites:		
Northern Gully	Moderate-High	Moderate-High to High
Firth Block	Moderate-High to High	Moderate-High to High
Dry Creek	Low-Moderate	Moderate
Southern Gully	Moderate	Moderate

Table 6: Conservation values for landscape and natural character

5.1.7 Cultural values

191. DOC did not commission an expert to undertake an assessment of the cultural conservation values as this was appropriately provided by mana whenua. The cultural values for the exchange parcels and opportunities for enhancement as expressed in the Cultural Values Assessment prepared by Hikoikoi Management Limited are summarised here. The consideration of the DOC-Give and DOC-Get sites are in the context of a broader association with the Belmont landscape, with known features such as Pōkaimangumangu, Speedy's Stream and the Puke Ariki Traverse alongside the physical features of Belmont.
192. The principles used for assessing cultural values in the Cultural Values Assessment are:
- Enduring association;
 - Treaty settlement context;
 - Kaitiakitanga;
 - Ki Uta, Ki Tai;
 - Cultural integrity;
 - Access and integrity;
 - Cultural indicators; and
 - Customary practice.

⁷⁵ Landscape statement of advice, Jeremy Head, May 2026 at [46]

⁷⁶ Landscape statement of advice, Jeremy Head, May 2026, page 12

⁷⁷ Landscape statement of advice, Jeremy Head, May 2026 at [46]

DOC-Give

193. This site is part of the Belmont landscape with enduring cultural association through whakapapa, identity, and kaitiakitanga responsibilities. The site is connected to a much wider catchment reflecting Ki Uta Ki Tai. The cultural values are expected to remain consistent given that there will be no opportunities for increased access, interpretation or visible mana whenua presence.⁷⁸

DOC-Get

194. The Cultural Values Assessment considers that from a cultural perspective all of the DOC-Get parcels hold comparable value due to limited access and cultural visibility.⁷⁹

Northern Gully

195. The Cultural Values Assessment highlights the significance of the forested gullies and regenerating vegetation which reflects the principles of enduring association and kaitiakitanga. The continuous vegetation cover connects land, water and people through whakapapa and carries mouri.

Southern Gully

196. Of note, the stream within the Southern Gully flows into Te Awa Kairanga which is a statutory area in Schedule 1 of the Port Nicholson Block (Taranaki Whānui ki Te Upoko o Te Ika) Claims Settlement Act 2009. The block therefore strengthens the hydrological and spiritual connection to Te Awa Kairangi.

Dry Creek

197. The regenerative native cover provides a connection with the surrounding Belmont Park and reflects the principals of whakapapa and Ki Uta Ki Tai. Its cultural connection lies in the connections of land and water and the responsibilities of kaitiakitanga that apply across the catchment.

Firth Block

198. The ridgelines, regenerating vegetation and wetland features demonstrate the principles of Ki Uta Ki Tai and cultural integrity, and support the continuity of the Belmont landscape. Cultural values are expected to remain consistent although mana whenua may wish to influence how the mouri of water and vegetation health is understood and managed in the future.

Enhancements

199. The Cultural Values Assessment considers that the land exchange creates opportunities to strengthen cultural values where mana whenua involvement is embedded in access, restoration and interpretation.⁸⁰ The key opportunities include:
- a. Pest management – opportunities to shape the targeted pest management programme and provide delivery and monitoring where appropriate (Northern Gully, Southern Gully, Firth Block).
 - b. Weed management – opportunity for mana whenua in developing and implementing (Northern Gully, Southern Gully, Dry Creek).
 - c. Cultural harvesting of fallen swamp maire materials from Southern Gully

⁷⁸ Cultural Values Assessment, Hikoiki Management Limited dated December 2025 at [30]

⁷⁹ Cultural Values Assessment, Hikoiki Management Limited dated December 2025 at [31]

⁸⁰ Cultural Values Assessment, Hikoiki Management Limited dated December 2025 at [45]

- d. Active indigenous revegetation – providing cultural oversight on how the revegetation area is implemented and monitoring. Identification of taonga species (Firth Block and Dry Creek).
200. Enhancement such as weed management and restoration planting provide opportunities to restore mouri and enable kaitiakitanga. It enables greater visibility of cultural values. The Cultural Values Assessment considers that any action that uplifts the land contributes to mana whenua responsibilities and gives effect to kaitiakitanga.⁸¹

5.1.8 Overall comparative assessment of conservation values

201. The collation of the conservation values derived from the technical assessments undertaken for DOC are summarised in the following table (Table 8). The table also includes a “composite ranking” of all the conservation values of the DOC-Get sites, noting that these values assume an equal weighting of the conservation values, and the same for the DOC-Give sites. The assessment of cultural values was derived from the Cultural Values Assessment Report. These values were not able to be accounted for in the composite ranking because of the different way they had been described.
202. The assessments undertaken by DOC include the improvements offered by the Applicant. During the process of preparing the land exchange report, the improvements and conditions have evolved – firstly the improvements offered as part of the initial application and secondly in response to the draft Land Exchange Report where the Applicant proposed Conditions Package A. For the avoidance of doubt, the conservation values in Table 7 are in response to Conditions Package A as the experts considered whether Conditions Package A caused them to change their values. Table 7 identifies the sites and assessments that experience an increase in values arising from the proposed improvements as assessed by the experts advising DOC.

⁸¹ Cultural Values Assessment, Hikoikoi Management Limited dated December 2025 at [32]

	DOC-Give	Northern Gully	Firth Block	Dry Creek	Southern Gully	Composite ranking for DOC-Get	Net gain?
Flora	Moderate-High	Moderate	Moderate	Low-Moderate	Moderate	Moderate	No (Loss)
Terrestrial fauna	Moderate	Moderate	Moderate	Low	Low -Moderate-Low	Moderate-High	Yes
Landscape and natural character	Moderate	Moderate-High to High	Moderate-High to High	Moderate	Moderate	Moderate-High	Yes
Recreation	Low-Medium	Low	Low	Low	Low	Low	No (Loss)
Heritage	Low	Low	Low	Low	Low	Low	No (No change)
Freshwater Ecology	Medium-High	Medium	Medium-High	Low	Medium-High	Medium-High	No (No change)
COMPOSITE OF ALL VALUES EXCLUDING CULTURAL	MODERATE-LOW - MODERATE	MODERATE-LOW - MODERATE	MODERATE-LOW - MODERATE	LOW - MODERATE-LOW	MODERATE-LOW - MODERATE	MODERATE-LOW - MODERATE	NO (NO CHANGE)
Cultural	Expected to remain consistent				Strengthened providing an overall uplift in conservation outcomes		Yes – based on Cultural Values Assessment Report

Table 7: Assessment of conservation values with Conditions Package A as assessed by the experts advising DOC and the Cultural Values Assessment Report.
The green shading indicates those values that increase as a result of the improvements offered by the Applicant.

203. Table 7 demonstrates that based on the conservation values of the sites (taking into account proposed improvements through conditions), there would be:
- a net benefit for landscape and natural character, cultural and terrestrial fauna values;
 - no difference (and therefore no net gain) for heritage and freshwater ecology values; and
 - a loss (and therefore no net gain) for flora and recreation values.
204. Table 8 reflects the updated expert assessments of the Applicant in response to the matters raised in the Draft Land Exchange Report and implementation of Conditions Package A. The Applicant considers those changes strengthen the comparative assessment and confirm that the proposed exchange delivers an overall net conservation gain.⁸² The Applicant's assessment of the conservation values of the sites (taking into account the proposed improvements of Conditions Package A), and whether there would be "net gain" to conservation values, is as follows:⁸³

	DOC-Give	DOC-Get	Net gain?
Ecology (habitat)	Moderate	Moderate - Very High	Yes
Ecology (birds)	Moderate	High	Yes
Ecology (bats)	Nil	Nil	No (No change)
Ecology (lizards)	18.83 ha of habitat	33.19 ha of habitat	Yes
Ecology (freshwater)	Low	Medium - High	Yes
Hydrology	1,855 m of stream length	3,029 m of stream length	Yes
Landscape	Moderate	Moderate - High	Yes
Recreation	Low	Low - Medium	Yes
Archaeology	Very Low	Very low	No (No change)
Cultural	Expected to remain consistent	Strengthened providing an overall uplift in conservation outcomes	Yes - based on Cultural Values Assessment

Table 8: The Applicant's assessment of conservation values based on Conditions Package A

⁸² Response to the draft DOC report, J Wikaira, dated 15 June 2026 at [132]

⁸³ Response to draft DOC Report memorandum, J. Wikaira dated 15 June 2026, Table 28

205. The Applicant considers that the effect of the land exchange including the improvements offered through Conditions Package A is that there would be a net gain in the following areas:
- a. ecology (habitat, birds, and lizards and freshwater);
 - b. landscape;
 - c. hydrology;
 - d. recreation; and
 - e. cultural values.
206. There would be no change in conservation values for ecology (bats) and archaeology.
207. The following table brings the previous two tables together and compares the different values between the Applicant's and DOC's assessment. This table reflects the assessment of conservation values taking into account Conditions Package A. DOC's expert advisers' assessments are shown in green font, Winstone's assessments in black font.

DOC-Give		Northern Gully	Firth Block	Dry Creek	Southern Gully	Composite ranking for DOC-Get	Net gain
Ecology (habitat)	Moderate	Very High	Moderate	Moderate	Very High	Moderate – Very High	Yes
Flora	Moderate-High	Moderate	Moderate	Low-Moderate	Moderate	Moderate	No (Loss)
Ecology (birds)	Moderate					High	Yes
Ecology (bats)	Nil					Nil	No (No change)
Ecology (lizards) ⁸⁴	18.83 ha of habitat					33.19 ha of habitat	Yes
Terrestrial fauna	Moderate	Moderate	Moderate	Low	Low to Moderate-Low	Moderate-High	Yes
Ecology (freshwater)	Low	Medium	Medium	Medium	High	Medium-High	Yes
Freshwater	Medium-High	Medium	Medium-High	Low	Medium-High	Medium-High	No (No change)
Hydrology	450 m	620 m	110 m	127 m	170 m		
Landscape	Moderate	Moderate-High	Moderate-High	Moderate	Moderate	Moderate – High	Yes
Landscape and natural character	Moderate	Moderate-High to High	Moderate-High to High	Moderate	Moderate	Moderate-High	Yes
Recreation	Low	Nil	Nil	Low	Low-Medium	Low-Medium	Yes
	Low-Medium	Low	Low	Low	Low	Low	No (Loss)
Archaeology	Very Low	Very Low	Negligible	Negligible	Very low	Very Low	No (No change)
Heritage	Low	Low	Low	Low	Low	Low	No (No change)

⁸⁴ Note corrected area of lizard habitat which was transposed in the Land Exchange Report

Cultural	Expected to remain consistent	Strengthened providing an overall uplift in conservation outcomes	Yes - based on Cultural Values Assessment Report
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Table 9: Comparison of the Applicant's assessment of values (black) against that undertaken on behalf of DOC (green)

This assessment takes into consideration Conditions Package A.

5.1.5.1 Conclusion on comparative assessment of values that relate to each area of land concerned

208. This section draws together the above discussion and provides an overall assessment of whether there is a gain/benefit in conservation values through the exchange.
209. While three of the DOC assessments indicate a net gain, all but two of the assessments undertaken by the Applicant indicate a net gain. The DOC assessments indicate two areas where there would be a net loss (flora and recreation) but none of the Applicant's assessments result in a net loss.
210. The subject areas where the values are aligned between the Applicant and DOC are in terrestrial fauna, landscape and archaeology / heritage.
211. The land area proposed to be exchanged is larger for the combined DOC-Get, with 23.86 ha for the DOC-Give and 34.1 ha for the DOC-Get. The gain for terrestrial fauna is that DOC gets an increased land area and some of it is of relatively high value, and better habitat for birds and lizards. That is countered by some land being of low value and requiring significant resources to maintain in good condition.
212. Other benefits include:
- a. An additional access point into the Regional Park from Liverton Road for conservation purposes and public access.
 - b. A gain in stream length and watercourses (ephemeral/intermittent/perennial) in the order of 2,408m compared to 1,855m.
 - c. A gain in habitat associated with the increased length of stream.
 - d. Comprehensive and effective pest and weed management.
 - e. Restoration opportunities (noting the concern outlined below about monoculture). An increase in eco-sourced indigenous vegetation will be a benefit.
 - f. Potential catalyst for research into swamp maire, including propagating
 - g. Increase in the number of swamp maire, a benefit to a Threatened - Nationally Vulnerable species.
 - h. Animal pest control measures that would be expected to increase breeding success of indigenous species. This could result in higher density of birds and lizards (if effective over a long time period: birds – about five consecutive years; lizards – approximately 20 consecutive years)
 - i. Better quality habitat arising from restoration planting and weed management.
 - j. Improvements to the landscape values of the Northern Gully arising from the combination of animal pest control and weed eradication enabling improvements to the forest understorey and the substantial removal of exotic canopy species which would otherwise continue to self-seed into the native forest cover.⁸⁵
 - k. Improvements to the landscape values of Dry Creek. The increase is based on 90% weed eradication, canopy closure, natural regeneration and the beginnings of natural ecological processes over the entire land parcel and 90% plant establishment within the 'supplementary planting area' shown on the Boffa Miskell Landscape Appendix B6a.⁸⁶
 - l. Removal of rubbish and remediation of contamination.
 - m. Opportunities for kaitiakitanga, and for mana whenua to partner in the restoration efforts

⁸⁵ Landscape statement of advice, Jeremy Head, April 2026, page 12

⁸⁶ Landscape statement of advice, Jeremy Head, April 2026, page 13

5.2 Financial implications for the Crown (cl 26(1)(b))

213. When considering a land exchange, the Panel must take into account the financial implications for the Crown of the land exchange.

Land value

214. The DOC-Give site has a book value of approximately \$6,590.68 per hectare.
215. The August 2025 valuation undertaken by Colliers⁸⁷ values the DOC-Get sites at \$539,000 and the DOC-Give site at \$428,000.
216. Given the difference in values, clause 31(2) of the Schedule 6 is relevant to this application. It requires:

No condition may be imposed in accordance with subclause (1) requiring the payment of money by the Crown to offset any inequality between the market value of the land to be acquired by the Crown and the land to be given by way of exchange by the Crown, and nothing in this Act otherwise requires such a payment.

217. In terms of the land valuation, there are no financial implications of the land exchange for DOC.

Operational costs

218. There are two works programmes that are involved in the proposed land exchange area, being:
- a. Parks operations (ranger services and asset maintenance work).
 - b. Biodiversity, Key Native Ecosystem operations.
219. As these works programmes are applied to the whole of the Belmont Regional Park, Greater Wellington Regional Council has advised that the total operational expenditure for the DOC-Give land is in the vicinity of \$5,000 per annum.
220. Other operations relevant to the DOC-Give site includes pest and weed control which amounts to \$4,500 per annum ongoing pest animal control (ungulates, possums and mustelids). Greater Wellington Regional Council noted that the land that is proposed for DOC-Get has a much higher weed burden than the DOC-Give land. Managing weeds will likely require a greater investment than the current \$4,500.
221. The maintenance costs for the blocks are a liability for DOC as there is no operational expenditure or human resource capacity to manage the land, it is not a property that is an Outcome Plan site, has no ranking, and therefore additional time and money is not justified for biodiversity or public access reasons.
222. The conditions proposed by the Applicant (Conditions Package A) include five years of weed management and ten years of animal pest control, but following that the Applicant's responsibilities will end and the cost of ongoing maintenance will become an expense to DOC.

5.3 Consequences of the land exchange (cl 26(1)(c))

223. When considering a land exchange, the Panel must take into account whether the consequences of the land exchange would be practical to manage on an ongoing basis,

⁸⁷ Valuation Report, Colliers dated August 2025, page 54

including consideration of whether the land exchange would result in an enclave of private land within a conservation area or a Crown-owned reserve.

224. DOC confirmed during consultation that the DOC-Get areas will be subject to the same management regime as other Crown-managed reserves in the Wellington region.
225. The most challenging characteristics of the DOC-Get sites are:
- a. The terrain and topography;
 - b. Increased perimeter and therefore a greater risk of incursion by weeds and pests;
 - c. Low level of regeneration in places; and
 - d. Level of weeds already present.
226. The exchange will not create an enclave of private land. With the exception of the Southern Gully (which is connected by way of the Northern Gully), all the DOC-Get sites are contiguous with the Belmont Regional Park.
227. The Applicant considers that the ongoing management and maintenance burden on the Crown is anticipated to be low,⁸⁸ however given the level of weeds in some parts of the DOC-Get sites more intensive management will be required. If the land exchange is approved, the details and implementation of the improvement package (including significant weed and pest control and planting) will be critical to minimising the actions required by the Crown to manage the land.

5.4 Legal and financial liabilities and risks (cl 26(1)(d))

228. When considering a land exchange, the Panel must take into account the legal and financial liabilities and health and safety risks for the Crown associated with the land exchange. The Land Exchange Application states (12.0 onwards) that there are limited legal and financial liabilities associated with the land parcels as part of the exchange.

Northern Gully

229. First, there is the QEII covenant over the Firth Block and the Northern Block. The covenant is an Open Space Covenant (10476608.1) pursuant to s 22 of the Queen Elizabeth the Second National Trust Act 1977. The instrument is the same for both and prevents the following activities (in summary):⁸⁹
- a. The removal of native vegetation or planting of any non-native vegetation.
 - b. Construction / erection of buildings or signs.
 - c. Mining or quarrying.
 - d. Depositing rubbish.
 - e. Allowing livestock into the covenanted areas.
 - f. Altering or disturbing water courses.
 - g. Disturbing ground.
230. The only aspect of the Covenant that would seem a potential liability for the Department is the restriction on stock usage in the covenant. That might result in the Department having to take steps to fence the area to keep stock out, particularly if the current fencing is not adequate. The Covenant itself has requirements on fencing, which is to be discussed with the National Trust noting also the Fencing Act 1978 applies to the boundaries.

⁸⁸ Land Exchange Report, Wikaira Consulting dated December 2025 at [12.36]

⁸⁹ Valuation Report, Colliers dated August 2025, page 16

231. The Northern Gully has potentially been subject to over burden on the site (particularly on Lot 5). Part of Lot 1 is also subject to an open space covenant (Covenant 10476608.1) (addressed above).
232. The Preliminary Site Investigation sets out the various approvals acquired for this purpose in the vicinity of the Northern Gully area.⁹⁰ This is noted as being unlikely to have involved hazardous material⁹¹, however, this is not known for certain. In addition to overburden the wider property is listed on Greater Wellington Regional Council's Selected Land Use Register (SLUR) for mining extraction (quarrying activities) and the bulk storage of drums for fuel, chemicals or liquid waste.⁹²The significance of this classification is discussed below.
233. A memorandum by Pattle Delamore Partners Limited⁹³ addressed an isolated pocket of dumped waste material (including drums, metal, and other debris) that is present in the stream as well as an area approximately 25m by 20m on the adjacent stream embankment extending to the stream. The material on the streambank comprises a heterogeneous mixture of materials, including concrete, corrugated iron, scrap metal, rusted empty drums, a collapsed shed, and an old refrigerator. The deposited material extends to the edge of the stream. Pattle Delamore Partners Limited considers that potential localised contamination may be present within and hydraulically downgradient of the area of dumped material; however, its presence can only be confirmed through targeted site investigation. Pattle Delamore Partners Limited recommends a targeted investigation of this discrete area to confirm the presence or absence of contamination in the soil underlying and the surrounding material. The results of this investigation will also inform the nature and extent of any contamination identified and the use of the site in supporting the development of appropriate remedial options, if required.
234. Part of the Northern Gully is a designed landform accommodating overburden. It is understood this has been designed to achieve acceptable levels of static and seismic stability (Damage Control Limit State) with calculated displacements in the Maximum Considered Earthquake of less than 170 mm.⁹⁴ Consequently the Applicant's report concludes there is limited slope instability hazards and negligible risk to persons and to conservation values.
235. Finally, there are overhead electricity transmission lines in the Northern Gully owned and operated by Transpower New Zealand Limited (**Transpower**) (which extend into the Belmont Regional Park). These lines will mean that there are some restrictions under the lines on the types of activities that can occur on the site, and the potential for future work to ensure adequate clearance between the top of the vegetation and the lines in accordance with the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP34:2001). Comments from Transpower on the draft Land Exchange Report states that it has no concerns with the proposed land swap. Transpower confirms that, based on the information supplied, National Grid assets and operations are not adversely impacted by the proposed land exchange. The comments observe that the Electricity Act grants Transpower the right to access tower structures situated on the land proposed for exchange. Transpower's statutory access rights under the Electricity Act 1992 are not altered by the change in land ownership / management and no additional easements or rights-of-way are required.

⁹⁰ Preliminary site investigation – Northern Gully, Southern Gully and Firth block, PDP, dated 5 December 2025, pages 7-8

⁹¹ Preliminary site investigation – Northern Gully, Southern Gully and Firth block, PDP, dated 5 December 2025, page 10

⁹² Preliminary site investigation – Northern Gully, Southern Gully and Firth block, PDP, dated 5 December 2025, page 12

⁹³ Draft DOC report response, Pattle Delamore Partners Limited dated 15 June 2026, page 2-3

⁹⁴ Geotechnical Appraisal Report, Baseline Geotechnical Limited, dated December 2025, page 18

Southern Gully

236. The Southern Gully is subject to a proposed right of way access via Liverton Road. While the Colliers Report notes that this is proposed to be limited to maintenance purposes only,⁹⁵ this has been revised in the Applicant's response to the draft Land Exchange Report to provide public access.⁹⁶ Given that the intention is for this to provide public access, there will be costs associated with maintenance as well as potential impacts on the conservation values of the block.
237. The Southern Gully has also been subject to overburden disposal, but again it is noted by the Applicant that this is unlikely to be hazardous.⁹⁷ Given that it is likely to be natural in-situ material, comprising topsoil and weathered rock the placed overburden is not expected to represent a source of soil contamination within either gully.⁹⁸ Without further onsite studies it is not possible to confirm if that is the case.

Firth Block

238. The Firth Block is subject to the QEII covenant (addressed above).
239. There are records of potential land contamination.⁹⁹ The north-western portion of the Firth Block falls within the SLUR delineation for the overall property.
240. As noted in the geotechnical report, there is an area of instability between the Firth Block and the quarry pit wall.¹⁰⁰ The instability extends through the upper two batters, with debris spilling onto the benches below. The geotechnical assessment considered that a 6 m zone measured from the crest of the slope back into the Firth Block presents a higher risk of instability. The report recommends excluding people from accessing this area through fencing positioned a minimum of 6 m from the crest of the quarry batters.

Dry Creek

241. The Dry Creek block has records of fill in the northern corner. It is not clear to what extent there has been past quarrying and whether impacted by that or associated use that might have contaminated the land being obtained. There is also a right of way road in the southern corner of the block.
242. The Application notes that there is the possibility for contamination on the site and that, in the future event of public tracks being constructed, steps would be needed to ensure this was safe for the public in future.¹⁰¹ Overall the Applicant advises that contamination risk is identified as being low. Evidence provided and obtained by Pattle Delamore Partners during the preliminary and detailed site investigation indicates the site has been subject to consented clean filling (cleanfill material was restricted to clay, soil, rock, asphalt, brick or concrete (including reinforcing steel)). Therefore, the scope of soil investigation undertaken at Dry Creek by Pattle Delamore Partners was limited as potential for contamination that could impact the site, future site users and wider environment was considered unlikely (or low). Shallow soil investigations were undertaken (to approximately 0.3 m depth) to assess the potential exposure risks to site users (e.g. DOC workers) who may be undertaking planting. Pattle Delamore Partners considered that based on the results of the testing there are no contaminants identified that would present a risk to staff/personal involved in the planting or

⁹⁵ Valuation Report, Colliers dated August 2025, page 17

⁹⁶ Response to the DOC Draft Report memorandum, R. Greenaway dated 15 June 2026 at [23]

⁹⁷ Preliminary site investigation – Northern Gully, Southern Gully and Firth block, PDP, dated 5 December 2025, page 10

⁹⁸ Draft DOC report response, Pattle Delamore Partners Limited dated 15 June 2026, page 3

⁹⁹ Preliminary site investigation – Northern Gully, Southern Gully and Firth block, PDP, dated 5 December 2025, page 12

¹⁰⁰ Geotechnical Appraisal Report, Baseline Geotechnical Limited, dated December 2025, page 14

¹⁰¹ Preliminary and Detailed Site Investigation – Dry Creek, PDP, dated 5 December 2025.

soil disturbance.¹⁰² The memorandum acknowledges that it is possible that with any historic filling activity there may have been placement of 'non-complying' fill materials but Pattle Delamore Partners considers there is no information to suggest that this had occurred, including no visual evidence during the shallow site test pit investigation.¹⁰³

243. The geotechnical report notes that localised small-scale instability may still be possible in cut batters above the former quarry access road, but that scale of instability will present little risk to persons and negligible risk to conservation values.¹⁰⁴

Summary of key risks from land proposed to be obtained from exchange

244. The preliminary site investigation undertaken by Pattle Delamore Partners Limited incorporated a review of current and historical information for each site and concluded that the bulk storage of drums for fuel, chemicals, or liquid waste occurred in discrete, centralised areas within Belmont Quarry, located toward the centre of the property and outside the site boundary of Northern Gully, Southern Gully and Firth land that is subject to the exchange. No evidence of bulk storage of drums for fuel, chemicals, or liquid waste was identified within the site boundaries (Northern Gully, Southern Gully and Firth Block). As such, Pattle Delamore Partners Limited consider additional investigation is not warranted in relation to this potential contaminant source.¹⁰⁵
245. Aside from the QEII covenant, the most significant risk is the remediation of any contamination caused by the dumped material in the waterway of the Northern Gully. Depending on what forms of contamination / fill is present, there is a risk that DOC will have a legal liability to clean some of the material if it becomes a hazard to the public. This is also a potential health and safety hazard for anyone using the areas.

DOC-Give site

246. The main legal risk to note is there is a paper road in the northern corner that belongs to the Hutt City Council. The applicant has indicated that the paper road (and it is assumed the land beneath it), will not be included in the exchange. It will be necessary to consider what is going to occur to this as part of the exchange, although Winstone indicates that it will pursue the road stopping and acquiring of this land at a later date from Hutt City Council in the event that the approvals are granted.
247. In addition, there is going to be a need for adequate public awareness of the new boundaries of the Regional Park.

Financial liabilities

248. Weed and pest control will financially be a liability that falls on DOC to maintain the DOC-Give sites as discussed in section 5.2.

5.5 Statements of general policy (cl 26(1)(e))

249. When considering a land exchange, the Panel must take into account statements of general policy under section 17B or 17C of the Conservation Act 1987.
250. The following documents are relevant.

¹⁰² Draft DOC report response, Pattle Delamore Partners Limited dated 15 June 2026, page 4

¹⁰³ Draft DOC report response, Pattle Delamore Partners Limited dated 15 June 2026, page 4

¹⁰⁴ Geotechnical Appraisal Report, Baseline Geotechnical Limited, dated December 2025, page 9

¹⁰⁵ Preliminary site investigation – Northern Gully, Southern Gully and Firth block, PDP, dated 5 December 2025, section 10

5.5.1 Conservation General Policy

251. The Conservation General Policy (CGP) was prepared under section 17C of the Conservation Act 1987 to provide unified policy for the implementation of a number of Acts listed in the First Schedule of the Conservation Act. It provides guidance for the administration and management of all lands and waters and all natural and historic resources managed for the purposes of the specified Acts, excluding reserves administered by other agencies under the Reserves Act 1977.
252. The CGP also provides guidance for consistent management planning for the wide range of places and resources administered or managed by DOC, including the preparation of conservation management strategies, conservation management plans and sports fish management plans.
253. CGP does not apply to reserves controlled and managed by an administering body i.e. Greater Wellington Regional Council administers Dry Creek Recreation Reserve. This is due to the definition of “public conservation lands and water” being:

Lands and water areas administered by the Department of Conservation for whatever purpose, including the natural and historic resources of those areas covered by this general policy. Reserves administered by other agencies are not included in this definition.

254. The CGP is considered to potentially apply (in future) to the DOC-Get sites but not the DOC-Give site for the purposes of this land exchange application.
255. Policy 6 states:
6. *Changes to public conservation land*
- 6(a) *Land acquisition or exchange (including boundary changes) may be undertaken to manage, for conservation purposes, natural resources or historical and cultural heritage; or for the benefit and enjoyment of the public, including public access, where the land has international, national or regional significance; or where land acquisition or exchange will either:*
- i. improve representativeness of public conservation land; or*
 - ii. improve the natural functioning or integrity of places; or*
 - iii. improve the amenity or utility of places; or*
 - iv. prevent significant loss of natural resources or historical and cultural heritage; or*
 - v. improve the natural linkages between places; or*
 - vi. secure practical walking access to public conservation lands and waters, rivers, lakes or the coast; or*
 - vii. achieve any other purpose allowed for under the relevant Acts.*

256. The policy sets out the appropriate circumstances for land acquisition or exchange. CGP Policy 6(a) is a three-limb test insofar as either the proposed exchange may be:
- ‘undertaken to manage, for conservation purposes, natural resources or historical and cultural heritage’ or
 - for the benefit and enjoyment of the public, including public access, where the land has international, national or regional significance’ or
 - where the land exchange will satisfy any one or more of the points listed in (i) – (vii).

257. Starting with the first limb, the proposed land exchange meets this as the DOC-Get sites are natural resources and could be used for conservation purposes. “Conservation purposes” is not a defined term in either the Conservation Act or the CGP, however “conservation” is defined in the Conservation Act and the CGP as:

The preservation and protection of natural and historic resources for the purpose of maintaining their intrinsic values, providing for their appreciation and recreational enjoyment by the public, and safeguarding the options of future generations

258. This is a broad statement, but if the DOC-Get sites were to be transferred into DOC ownership, their intrinsic values would be not only maintained but improved through the revegetation, pest and weed control required by Conditions Package A. The achievement of the first limb is evidenced by the net gain in terrestrial fauna and landscape and natural character conservation values when Conditions Package A is taken into account.
259. The second limb is not relevant as the DOC-Get land does not have international, national or regional significance. While the Northern Gully contains ramarama which has a Nationally Critical threat status and contains a forest type (tawa-kāmahi) that is regionally classified as threatened, this is not *the land* per se.
260. Turning to the third limb, the proposed land exchange will achieve some of the clauses. Based on the DOC technical assessments, the DOC-Get sites would not achieve the matters in (i), (iii), (vi), (v) or (vii). The land exchange will achieve Policy 6(a)(ii) by providing for an improvement in the natural functioning of conservation land, in particular as Dr Burns evaluated the terrestrial fauna values of the DOC-Get sites as being slightly higher than the DOC-Give site. In addition, targeted weed and pest management and restoration planting will improve the natural functioning.
261. Policy 6(a)(iv) requires secure practical walking access to public conservation lands and waters, rivers, lakes or the coast. The public access proposed from Liverton Road would enable entry to the Southern Gully, and from there provide a connection through to the Northern Gully, both of which are currently inaccessible. The land exchange would therefore be consistent with this part of the Policy.
262. The proposed land exchange therefore achieves the first and third limb of CGP Policy 6(a).

5.6 Strategies and plans (cl 26(1)(f))

263. When considering a land exchange, the Panel must take into account any conservation management strategy, conservation management plan or reserve management plan that has been co-authored, authored or approved by a Treaty settlement entity.
264. Where these documents exist but were not co-authored, authored or approved by a Treaty settlement entity, the Panel may consider them (but is not required to) (cl 29(1)(b) of Schedule 6). Clause 26(1) requires this report to include information on these documents.
265. The following documents are potentially relevant:
- Wellington Conservation Management Strategy 2019
 - Toitū Te Whenua Parks Network Plan 2020-2030 management plan

5.6.1 Wellington Conservation Management Strategy 2019

266. The purpose of the Wellington Conservation Management Strategy is to describe the conservation values and issues for the Wellington region and how these will be managed by DOC. It recognises the partnerships, organisations and parties that collaborate to deliver the

four values of historic, natural, recreation and engagement. Given that the Wellington Conservation Management Strategy applies to lands, waters and resources managed by DOC,¹⁰⁶ but not to conservation land administered by an administering agency, this document is not considered to be relevant to the DOC-Give land (Greater Wellington Regional Council being the administering agency for the DOC-Give land). If the land exchange is approved and the DOC-Get sites transfer into DOC ownership, the Wellington Conservation Management Strategy will be relevant in future. It is therefore considered from this limited perspective.

267. The Wellington Conservation Management Strategy was not co-authored or approved by a Treaty settlement entity, although Treaty partners were consulted when drafting specific parts of the Strategy. The significance of this is that the panel *may* consider the Wellington Conservation Management Strategy.
268. Sections 2 and 3 contain overarching objectives and policies. Consistency of the DOC-Get sites with these is assessed in Table 10 below. The level of consistency is indicated by a negative, positive or zero for neutral.

	Land exchange without improvements / conditions	Land exchange with improvements set out in Conditions Package A	Comment
Objective 2.3.1 and Policies 2.3.2 Treaty relationships and tangata whenua involvement	+	++	The Cultural Values Assessment states that the land parcels are culturally significant as part of a wider landscape. The conditions enable opportunities to enhance cultural values through the exchange. involvement of mana whenua in the replanting, pest control and to have input into the Ecological Restoration Plan
Objective 3.1.1 and Policy 3.1.2 Maintaining and restoring the diversity of natural values	0	+	The land exchange itself will not change the biodiversity, however the revegetation and propagation of swamp maire (if successful) will improve the biodiversity and number of a threatened species. The weed and pest management required by the conditions will maintain and restore the diversity of natural values.

¹⁰⁶ Wellington Conservation Management Strategy 2019-2029, page 15

Objective 3.3.1 and Policies 3.3.2 Identify, provide and maintain a range of outdoor recreation opportunities on public conservation lands	-	+	While the DOC-Get sites are likely to be largely unsuitable for recreation due to topography and access difficulties, the public access from Liverton Road will enable entry to the Southern Gully and through this to the Northern Gully which are currently not accessible.
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Table 10: Consistency of the DOC-Get sites against the relevant objectives and policies of the Wellington Conservation Management Strategy 2019

269. Belmont Regional Park sits within the Wellington-Kāpiti Place, and section 10 of the Strategy sets out the outcomes and policies for this area. Of particular relevance is the following outcomes:
- The remnant reserves within this Place are actively protected. Threatened and at-risk species are secure in thriving ecosystems, especially where intensive pest management is occurring. The public and visitors encounter a diverse range of plants, lizards and birds, including kererū, kākārīki/red-crowned parakeet and North Island kākā, which migrate through ecological corridors established in partnership with PSGEs, tangata whenua and other conservation partners. The communities of Wellington-Kāpiti Place value conservation and the Department works with them to improve the state of indigenous biodiversity within the Place. They engage in a variety of biodiversity enhancement programmes, helping reduce pest plants and animals and protect threatened and at-risk species, both on and off public conservation lands and waters. PSGEs, tangata whenua, conservation partners, research organisations and the Department work together to achieve integrated management across public conservation lands and waters and adjoining land.*
270. Section 10.3 sets out policies for:
- Treaty of Waitangi relationships
 - Natural values
 - Historic values
 - Recreation.
271. Alignment with each of these policy areas is the same as set out above in Table 10. The DOC-Get sites will assist in achieving these objectives and policies.

5.6.2 Toitū Te Whenua Parks Network Plan 2020-2030 management plan

272. Toitū Te Whenua is the management plan for eight regional parks and forests and includes considerable detail for Belmont. This replaces all earlier park management plans, including the 1996 Belmont Regional Park Management Plan. The opportunities for the Belmont Regional Park include:

- a. Restoration, including opportunity for community-led restoration and predator free work;
 - b. Master planning;
 - c. Contributing to Greater Wellington Regional Council's climate change target through restoration;
 - d. Heritage education opportunities;
 - e. Development and promotion of key destinations in the park; and
 - f. Natural heritage improvements through restoration of riparian areas.
273. The DOC-Give area proposed for exchange currently sits within Belmont Regional Park and is subject to the policies and direction set out in Toitū Te Whenua. The DOC-Get areas sit outside the Belmont Regional Park (unless and until a decision by the Minister to add the areas to the Regional Park is made if the exchange is approved by the Panel). Therefore these areas are not covered by Toitū Te Whenua Parks Network Plan. It cannot be assumed that they will become part of the Belmont Regional Park and therefore the provisions cannot be applied to the DOC-Get sites.
274. Section 7.3 is specific to Belmont Regional Park and sets out the key features and characteristics as well as opportunities. The following goals are relevant to the proposed land exchange:
- Natural heritage Goal 1: Protect and restore high levels of terrestrial and freshwater ecosystem health to enhance biodiversity and ecosystem services*
275. The DOC-Give site contains rare and threatened species including swamp maire and ramarama. The land exchange will not support the protection and restoration of these habitats.
- Recreation experience Goal 2: Parks are highly accessible places for many visitors to enjoy; they offer a variety of interesting experiences, enhancing the health and wellbeing of local communities and broader regional economy*
276. The DOC-Give site contains a 4WD track which will no longer be accessible for walking or cycling in the event of a land exchange. Mr Harbrow recorded several predator control lines and informal trails extending from this area down through bush that has regenerated in the decades since the area ceased to be farmed. These routes are marked with permatat or flagging tape. Mr Harbrow described these trails to be well used and maintained, with clear ground trails.¹⁰⁷
- Cultural heritage features and landscape values Goal 3: A variety of landscape settings are preserved and enhanced reflecting social values; historic heritage features are protected and interpreted for visitors*
277. The land exchange would mean that the archaeological site (R27/910) could not be accessed by the public, and therefore Goal 3 is partially achieved. The land exchange will have no impact on the presence of the archaeological site other than preventing public access.
- Goal 4: Working collaboratively and consistently with others, we enable learning and build strong partnerships to deliver more conservation and recreation benefits for parks, people and communities*

¹⁰⁷ Statement of advice on recreation, Michael Harbrow, dated 21 April 2026 at [23-24]

278. If the land exchange were to be approved, the DOC-Give site would no longer be accessible to the public. Goal 4 would therefore be difficult to achieve for the DOC-Give site.
279. There are a number of policies contained in Toitū Te Whenua, with varying degrees of relevance to the DOC-Give site and land exchange. The most relevant policies are assessed below in the context of the land exchange application.

Summary of relevant policies	Comments
1P To protect, restore and/or maintain healthy ecosystems	The land exchange is unlikely to achieve this policy as the weed and pest eradication work will cease to continue if the site transfers into private ownership.
7P Protect and promote the health and extent of all indigenous flora, prioritising pest animal reduction, working collaboratively with others	Currently it being undertaken by Greater Wellington and volunteers.
10P To protect and enhance habitat and extent for all native fauna , prioritising pest animal reduction, working collaboratively with others	
22P To maintain and prioritise public access for recreation and conservation activity use in parks	The land exchange will not achieve this policy because the DOC-Give land will not longer be accessible to the public
47P To identify, protect and preserve information and knowledge related to significant heritage sites	While the heritage site in the DOC-Give site remains, the land exchange would mean it is no longer accessible to the public.
48P To protect registered archaeological sites	
51P Considerations for an exchange	The conservation values of the DOC-Give site have been considered through this process.
57P To follow a mahi tahi partnership approach to working alongside mana whenua	Mana whenua have been engaged through this process, and the Cultural Values Assessment sets out the values associated with the DOC-Give site.

Table 11: Assessment of the most relevant policies of Toitū Te Whenua

280. Toitū Te Whenua classifies land / asset swap, disposal or acquisition for Belmont as a 'restricted activity'.¹⁰⁸ Primary consideration when making decisions is to be given to the land tenure and associated provisions in legislation for an area within the park. Policy 51P sets out 23 matters to consider when undertaking an exchange⁸¹.

¹⁰⁸ Toitū Te Whenua Parks Network Plan 2020–30 at page 190 (<https://www.gw.govt.nz/assets/Documents/2022/05/Parks-Network-Plan-2020-30-3.0.pdf>).

5.7 Conditions (cl 26(1)(g))

Conditions included with the application

281. This report must include information about any conditions that should be imposed in accordance with clause 31 or 32 of Schedule 6, or section 84, as well as being required to specify any conditions of those specified under section 78 that the Panel must impose in accordance with clause 33.
282. The Applicant proffered conditions (which form part of the exchange proposal) on the following matters:
- a. Separating the individual titles by obtaining a subdivision consent.
 - b. Preconditions:
 - Review and approval of the survey plan
 - Outlines the encumbrances and covenants to remain on the titles
 - Installation of 60 m of fence set back 6 m from the Firth Block pit face
 - Full discharge/withdrawal of Encumbrance for Vegetation Protection from Hutt City Council
 - Costs to be met by the Applicant
 - Registration of an easement (Right of Way) for the purpose of conservation activity and maintenance undertaken by DOC or its agents
 - c. Conditions:
 - The land being given by the Crown will be subject to no reservation, classification, interest or encumbrance
 - Outlines the encumbrances and covenants to remain on the titles
 - The Applicant must undertake the following improvement works for a period of five years
 - Northern Gully: 5.7 ha of pest animal management (goat and possum) control in the Northern Gully Tawa-Kāmahī Northwestern Forest and Eastern Pukatea Forest and 6.3 ha of weed management of old man's beard, tradescantia and exotic canopy trees and pest management (possum) in the Northern Gully Cattle Block.
 - Southern Gully: Undertake 3.6 ha weed control, and plant swamp maire, in the Southern Gully block.
 - Dry Creek: weed control over an area of 1.85 ha, and replanting of native species over an area of 0.80 ha.
 - Firth QEII Block: 9.6 ha of pest management including targeted rodent control around the water body boarding the Park, OBDA and Firth Block (Farm Pond) for a period of 10 years.
 - Active indigenous re-vegetation of 10 m band along quarry edge with Olearia, kāmahī and kānuka mix
 - Development of an Ecological Restoration Plan in consultation with Taranaki Whānui ki te Upoko o Te Ika and integrate mātauranga Māori measures alongside ecological science to guide monitoring and restoration.
283. It is noted the conditions do not reflect the improvements proposed by the Applicant as set out in the Land Exchange report. For example, the physical works for Dry Creek are described as:¹⁰⁹

¹⁰⁹ Ecology report, BlueGreen Ecology dated December 2025, page 90

- a. Drill and fill large exotic trees (*Acacia* spp);
- b. 2 x rounds (spring and autumn) of *C. vitalba* vine control work per year for five years. Hand pulling young vines and cutting and pasting established vines.
- c. Knapsack spray exotic weed species within the weed management area.
- d. Supplementary planting of 0.8 ha. An estimated 7,000 plants.

284. It may be that this level of detail is intended to be set out in the Ecological Restoration Plan, but it was not reflected in the conditions proffered.

Conditions proposed by DOC in the Draft Land Exchange Report

285. In the draft Land Exchange Report, DOC provided a revised set of suggested conditions – both as pre-conditions and conditions. The key additions to the pre-conditions included:

- a. A draft process for the survey plan to provide sufficient time to review and make changes if necessary.
- b. Deleting the requirement to vest the sites as a reserve subject to the Reserves Act 1977 as that is a future decision under clause 34(2) of Schedule 6 which cannot be fettered through this process.
- c. Inclusion of a condition requiring full discharge / withdrawal of Encumbrance for Vegetation Protection over Part Lot 1 DP22561.
- d. The requirement to survey (as well as register) the appropriate easements.
- e. Inclusion of bonds to ensure that the improvements offered (and conditioned) are successfully implemented, but also to cover monitoring costs and any risk to DOC.
- f. Rewording of conditions to be SMART¹¹⁰ that are clear and enforceable.
- g. Reframing of the Ecological Restoration Plan and Mammalian Pest Management Plan to clearly set out the process and content of each.
- h. Increasing the requirements for pest management.
- i. Setting clear levels for weed management.
- j. Increasing the minimum number of swamp maire specimens to a rate of 200 plants per specimen (resulting in a replacement level of 1,800 plants with a survival rate of 90%.
- k. Clarity around the appropriate species for restoration planting including ramarama.
- l. Strengthened conditions for developing the Ecological Restoration Plan in consultation with Taranaki Whānui ki te Upoko o Te Ika and capturing feedback.
- m. A process for agreeing the design of the fence in close proximity to the quarry face to the Firth Block for safety and to minimise risk.

286. DOC proposed the following amendments to the conditions also:

- a. Requirements to ensure activities are undertaken in accordance with the approved Ecological Restoration Plan and Mammalian Pest Management Plan.
- b. Additional conditions provide specificity about the restoration planting.
- c. Requirement to remove rubbish from the sites including drums and refuse from past uses.

287. DOC specified s 78 conditions that must be imposed regarding the following matters:

- a. Contaminated land.
- b. Fencing.
- c. Rates.

¹¹⁰ Stands for Specific, Measurable, Achievable, Relevant and Time-bound

- d. Continuance of rights.
- e. Withdrawal by agreement.
- f. Existing structures.
- g. Biosecurity Act.
- h. First right of refusal.
- i. Costs.
- j. Encumbrances.

Conditions Package A

288. In response to the Draft Land Exchange Report, the Applicant responded with a substantially revised set of conditions (Conditions Package A) that adopted many of the concepts proposed in DOC's conditions (albeit with different wording in places). The key matters addressed by the conditions are as follows:

Pre-conditions:

- a. A process for finalising the survey plan
- b. Enabling transferral including encumbrances, consents and approvals
- c. Installation of a fence set back 6 metres from the Firth Block pit face
- d. Costs
- e. Access easement Z for conservation activity, maintenance and public pedestrian access to Southern Gully
- f. A bond up to a maximum of \$200,000
- g. Boundary fencing
- h. Structures and improvements
- i. Preparation of an Ecological Restoration Plan which includes:
 - i. Planting 200 swamp maire in the Southern Gully
 - ii. Weed management for five years but only for certain species
 - iii. Planting of approximately 7,000 plants in Dry Creek, of which 500 will be ramarama;
 - iv. Planting of 1000 kamahi and 1000 kanuka in Firth Block.
- j. Preparation of a Mammalian Pest Management Plan which includes pest management for ten years for certain species

Conditions:

- k. Further detail for restoration planting;
- l. Further detail for pest management;
- m. Contaminated land identification and remediation;
- n. Contaminated land investigation of the discrete area identified in the Northern Gully; and
- o. Continuance of rights and obligations.

289. The Applicant also provided an alternative version of conditions (Conditions Package B) which is discussed in section 9 of this report.

5.7.1 Conditions proposed by DOC

290. In terms of this section, DOC has compiled a set of conditions that it would recommend if the Panel were minded to approve the land exchange, based on the Applicant's Conditions Package A as a starting point. To be clear, they are not put forward on the basis that they will satisfy the relevant tests in the Act, including clause 29(2) of Schedule 6. Rather, the conditions are put forward as required by clauses 26(1)(g) and 26(2).

291. It is for the Panel to consider whether the tests in the Act, including clause 29(2) (whether the new or old provision) are met by the proposed exchange.
292. In developing the pre-conditions and conditions, DOC has been mindful of s 83 of the FTAA and the requirement for conditions to not be more onerous than necessary to address the reasons for which they are set. In its review of the conditions, DOC has ensured they are SMART¹¹¹ conditions that are clear and enforceable.

5.7.1.1 Clause 31 preconditions

293. Clause 31 of Schedule 6 relates to preconditions for land exchange:
- (1) *For the purposes of sections 81 and 86,—*
 - (a) *a Panel may impose a condition that the applicant—*
 - (i) *obtain any resource consent or other matter necessary to enable the land exchange to be effected:*
 - (ii) *obtain any agreement with the holder of an interest in land:*
 - (b) *if the agreement of the holder of an interest in land is required for the land exchange to be effected, the Panel must impose a condition that the applicant obtain that agreement:*
 - (c) *if the land offered by the applicant is of lower market value than the land to be given by way of exchange by the Crown, the Panel must impose a condition that the applicant pay an amount of money to the Crown to offset the inequality.*
 - (2) *No condition may be imposed in accordance with subclause (1) requiring the payment of money by the Crown to offset any inequality between the market value of the land to be acquired by the Crown and the land to be given by way of exchange by the Crown, and nothing in this Act otherwise requires such a payment...*
294. DOC has proposed a number of additional pre-conditions to the set proffered by the Applicant. Each of the changes is outlined below and the reasons. The additional pre-conditions are considered necessary to enable the land exchange to be effected in accordance with clause 31(1)(a)(i) of Schedule 6.
295. The Applicant has in its legal memorandum challenged the extent of pre-conditions. This is not accepted and DOC consider that the pre-conditions are reasonable and necessary.
296. In light of clauses 31 and 32, DOC recommends a reorganisation of the conditions to better align with the requirements of the Act. To avoid confusion, where a specific condition is referred to, the number is that in the condition set allocated by DOC. The former numbering of the conditions as it was attributed by Winstone in its set dated 15 June 2026 is shown struckthrough in [Appendix 8B](#).

Survey plan

297. DOC supports a two stage process for developing and finalising the survey plan. A draft process will enable any issues to be resolved and will make for a smoother finalisation process. DOC considers 20 days is an appropriate and achievable length of time for considering the draft survey plan and providing feedback. DOC does not consider that

¹¹¹ Stands for Specific, Measurable, Achievable, Relevant and Time-bound

Condition 1 needs to set out the scope of the comments provided given that the purpose of this condition is very narrow already - that is, to create a survey plan.

298. DOC has amended Condition 2 to outline the process for finalising the survey plan more clearly. DOC prefers the wording “make best endeavours” rather than “acting reasonably” which implies that the behaviour of the Minister or the Minister’s delegate is something that needs to be conditioned. DOC considers 20 days is an appropriate and achievable length of time for considering the final survey plan. DOC does not support deeming approval, particularly when there is a timeframe built into the condition.
299. The setting out of encumbrances and interests is supported in Condition 3. Minor amendments are recommended to use consistent language. DOC considers there are two separate parts to Condition 3 and therefore recommends splitting them into two conditions.
300. Condition 30 is recommended for deletion as it duplicates Condition 3.
301. Condition 5 is intended to enable the Crown Land to be transferred to the Approval holder as fee simple land, free of encumbrances and without reserve classification on Gazettal. DOC recommend replacing the condition with wording that is clearer and more simply framed. It also recommends separating the condition into two separate conditions.

Encumbrances

302. Condition 6 is a s78 condition, with a slight amendment to use a defined term. It is uncertain whether this is a pre-condition or condition. Given that it requires an action in advance of the land exchange, it has been located as a pre-condition.

Easements

303. Condition 7 is supported, particularly as it enables public access to the Southern Gully.

Costs

304. DOC supports Condition 8 which relates to which party covers the costs, but considers there is no need to include the word “reasonable” as this introduces uncertainty.

5.7.1.2 Clause 32 conditions

305. Clause 32 of Schedule 6 provides for other conditions a Panel may impose.
- (1) *The Panel may grant a land exchange subject to a condition that—*
 - (a) *the land being given by way of exchange by the Crown will be subject to a reservation, classification, interest, or encumbrance specified by the Panel:*
 - (b) *the applicant is required to undertake or bear the cost of any improvements to the land acquired by the Crown that the Panel thinks necessary as part of ensuring that the land exchange will enhance the conservation values of conservation areas and Crown-owned reserves considered as a whole.*
 - (2) *The Panel may impose any condition to address impacts on any person who has a right to use the land, but the condition must not include the requirement for the applicant to obtain the person’s agreement to the land exchange.*
306. Clause 29(2) Schedule 6 of the FTAA (as amended by the FTAAA see the above discussion) provides that the Panel must not grant the approval unless the Panel is satisfied that the land

exchange (including any money that may be received and any conditions that the Panel may impose) will enhance the conservation values of conservation areas and Crown-owned reserves considered as a whole. It is noted, as referred to above, that at the time the application for exchange was made, this provision stated "land managed by the Department of Conservation." This wording was expanded to ensure it included Crown-owned reserves. For the purpose of this report, as also set out above, it does not materially impact on the assessment of values undertaken above. This report is prepared under the law as it existed when the application was filed, however, the nature of the criteria in clause 26 in particular put the Panel in the position of being able to apply and consider the law as it stands when the substantive assessment is made.

307. The conditions proffered by the Applicant in Condition Package A have been amended by DOC in collaboration with the technical advisors to ensure that the improvements offered translate into measurable and enforceable conditions. In particular the conditions for pest management did not have any measurable or certain levels. Following on from the preconditions, DOC supports the adoption of SMART conditions for ecological restoration and management of animal pests. The conditions require the Applicant to undertake the activities in accordance with the approved Ecological Restoration Plan and Mammalian Pest Management Plan.

Definitions

308. DOC considers that the definitions included are helpful and provide a consistent set of terms to use in the conditions.
309. A definition of "Conservation Improvement Works" is included as this provides additional clarity to the bond conditions.

Costs

310. Conditions 10 – 12 are s78 conditions and therefore must be amended for consistency with the approved wording.

Bonds

311. The legal submissions by the Applicant consider there is no lawful ability under the Act for a bond condition to be imposed. However, cl 32(1)(b) enables conditions that require the applicant to bear the cost of any improvements to the land acquired by the Crown that the panel thinks necessary as part of ensuring that the land exchange will enhance the conservation values of conservation areas. A bond is precisely that – a cost of the improvements offered in the event that the Applicant does not fulfil the conditions. The wording proposed by Winstone sets out the works to which the conditions relate; that is, weed clearance, native planting, fencing, removal of rubbish, pest-management and any other works required under these conditions the Approval holder is required to undertake at its cost. DOC's intention was that the bond cover the risk of these works not being carried out, particularly as they are an important part of the Applicant's stated gain in conservation values.
312. DOC proposes deletion of the cap in Condition 12 as there is no analysis to support this being a value that the "Conservation Improvement Works" will not exceed.
313. DOC considers that a more certain and clear way of framing the bond is to refer to the minimum requirements in Tables 1, 2 and 3, removal of rubbish, pest-management and any other works required under these conditions the Approval holder is required to undertake at its cost. A release schedule seems reasonable, but the appropriate trigger for the release of

the first 50% is meeting the minimum success rates in accordance with Table 1, 2 and 3 after 7 years. Seven years is the timeframe for the planting of the swamp maire.

314. DOC suggests restructuring the condition to have the conditions relating to drawing on the bond as separate conditions. An additional condition is recommended to make it clearer when the bond can be drawn upon.

Fencing

315. In terms of boundary fencing, there is a s78 condition for this matter. The Applicant proposes a more narrow Condition 15 which requires fencing to be constructed where reasonably necessary to exclude persons, meet any existing covenant requirement, or address an identified safety risk. DOC can see the value of a tailored condition for fencing but suggests the inclusion of fencing to keep stock out of the DOC-Give sites which is consistent with the requirements of the QEII covenant. DOC considers there is no need to include the words “acting reasonably” and this introduces uncertainty into the condition.

316. Condition 16 requires the Approval holder to install a fence along part of the quarry face against the Firth block. DOC supports the requirement for a barrier to be constructed to keep people away from the area that is subject to instability associated with the quarry face. However DOC proposes the fencing requirement be extended further north along other quarry earthworked areas which are very close to the Firth Block boundary, and an approval process for the location and design. In the absence of a detailed design being set out in the conditions, DOC recommends inserting a requirement for the design to be submitted for its approval. It is important that this fence is appropriately designed for safety and to minimise risk, particularly given that the purpose of the fence is public safety and future liability for public safety on the Firth Block will be DOC’s responsibility. This will also enable the risk to vegetation to be minimised – a concern that was expressed by the comments from QEII Trust. DOC recommends including references to the Geotechnical Appraisal report rather than the Boffa Miskell diagram as it provides additional information. Because of the risks of geotechnical instability, clear signage is required to reduce the risk to people. DOC also proposes that Winstone be required to make good any issues with instability resulting in the future from the quarry activity.

Biosecurity Act

317. This is a s78 condition which requires the land to be transferred to the Minister to be compliant with any applicable “good neighbour” rules under the Biosecurity Act. The Applicant considered this condition to be redundant and more onerous than is necessary. It considered that may be replicating an existing legal obligation on Winstone under the Biosecurity Act and is therefore unnecessary. DOC consider that the condition is appropriate and does not impose any unreasonable requirements.

Rates

318. Condition 18 is a s78 condition which DOC requires be imposed.

Structures and improvements, condition of land

319. Conditions 19 and 20 are s78 conditions which DOC requires be imposed.
320. For Conditions 21 and 22, DOC prefers the equivalent wording of the s78 condition as they are clearer. Consequently DOC requires that they be imposed.
321. A number of assessments including that undertaken by Pattle Delamore Partners identifies rubbish in the Northern Gully. There may well be other areas where dumping has occurred

that DOC and the Applicant are unaware of. DOC prefers the replacement wording proposed for Condition 23 as it reduces the liability to DOC should further areas where dumping has occurred and rubbish is discovered.

322. Given the potential instability issues identified by the Applicant's Geotechnical Assessment, Condition 24 requires the Approval holder to take all steps reasonably necessary, at its own cost, to ensure that the stability of the Firth Block will not be undermined.

Rights of first refusal

323. DOC requires adding in Condition 25 which is a s78 condition. It covers any rights of first refusal obligations that may be triggered by the land exchange process.

Ecological Restoration Plans and Mammalian Pest Management Plan

324. DOC supports the concept of the Ecological Restoration Plan which covers both weed management and revegetation, and a Mammalian Pest Management Plan which targets eradication of animal pests. It supports a consistent structure comprising:
- a. a clear statement of purpose or objective;
 - b. matters that the management / restoration plan must address in order to achieve the purpose;
 - c. a list of information that must be included;
 - d. direction on who prepares the management / restoration plan;
 - e. a process for DOC to approve the management / restoration plan;
 - f. identification of parties that must be consulted during the preparation of the management / restoration plan and a process for documenting any feedback received and the responses to that feedback (where appropriate);
 - g. process for amending the management / restoration plan; and
 - h. a requirement for activities to be undertaken in accordance with the approved management / restoration plan.
325. Further consideration of Clause 31 indicates that these conditions are most appropriately located as conditions. The Applicant proposes that the management / restoration plans are certified by a suitably qualified and experienced ecologist but DOC prefers that they be approved by DOC. This provides a level of certainty that the outcomes for weeds, revegetation and pest management can be achieved (and how they will be achieved). DOC supports the implementation of the management / restoration plans being a clear requirement.
326. DOC recommends making the requirements more clear such as "minimum" targets for weeds and success rate for restoration planting. DOC considers that all weed species should be targeted, but accepts that the key weed species for each site have been accurately listed. DOC supports ten years management of weeds and timeframes that range between 3 – 7 years for restoration planting.
327. Given the threatened status of swamp maire and that it is a taonga species, DOC accepts that a measurable improvement of the Southern Gully would be the establishment and survival of at least 180 swamp maire specimens (being 90% of 200). It is important that these be eco-sourced and DOC has added words to that effect.
328. DOC supports the species identified for planting in Dry Creek for clarity, of which 500 are ramarama.

329. DOC supports the proffered condition which requires the Applicant to develop the Ecological Restoration Plan in consultation with Taranaki Whānui ki te Upoko o Te Ika, and the addition of Te Rūnanga o Toa Rangatira. To ensure all feedback received from Taranaki Whānui ki te Upoko o Te Ika and Te Rūnanga o Toa Rangatira is captured, DOC supports the requirement to record all feedback and outline how it has been reflected in the Ecological Restoration Plan. DOC considers this will enable mana whenua to have meaningful input into the document and recognises their kaitiaki role.
330. DOC consider it is important that the Approval holder covers the costs of DOC, Taranaki Whānui ki te Upoko o Te Ika and Te Rūnanga o Toa Rangatira performing their roles in these processes. The Applicant recognised the importance of the management / restoration plans in enhancing the conservation values, and therefore it is a cost of those improvements in accordance with cl 32(1)(b).
331. DOC considers that the former Conditions 26 and 27 (now 40) need to be combined as they are part of the same package.
332. DOC considers that the “response triggers” for Table 3 are unclear and unenforceable. They are framed by Winstone as targets rather than triggers. Not only is there a lack of specificity about the targets, but it is not clear whether the contractor observations would result in an increase or decrease in trapping and baiting efforts. For this reason, DOC prefer more certainty about what the targets for pest levels are.
333. The longer the duration of pest control, the more confident DOC is that the land is in better ecological condition than when it was exchanged. Dr Ussher observed that if the goal is to provide assurance of measurable gains to seed survival, seedling germination, and bring about positive changes to understorey composition, then a longer period of sustained control is probably needed, for example 20 years.¹¹² While a longer duration of pest management would be ideal, DOC supports ten years of pest management at a minimum.
334. The conditions also set out a process if the management / restoration plans need amending. This allows a level of adaptive management – if the yearly reporting is showing that the requirements for weed management, revegetation or management of animal pests are not being achieved, then the plans can be amended to increase the efforts or use alternative methods. DOC considers it appropriate that DOC be involved in the approval process rather than delegating this to a suitably qualified and experienced ecology, and the conditions set out a process for this.
335. DOC has added specificity about the restoration planting – namely that the successful establishment of the plants is supported by the use of slow-release fertiliser and the plants must be planted with mulch (but this is not required for planting wetlands). This will give the plants the best chance to become established.
336. DOC also recommends amendments for the annual reporting requirements to make these clear.
337. Mr Harbrow recommended that the wetland areas and the vulnerable roots of the new plantings of swamp maire and other species are protected from visitors to the Southern Gully. This has been included as a matter for the Ecological Restoration Plan to address.

¹¹² Review of Winstone Aggregates and DOC assessment reports on ecology matters, Dr G. Ussher, dated 14 June 2026, page 6

Contaminated land

338. The Applicant has included a complex set of conditions that require contaminated land investigation. DOC is concerned that the current drafting of those conditions provide no certainty that any contamination will be remediated and to what level. The definition of "land covered / piece of land" in the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 is narrow and DOC is concerned that this may limit the identification and remediation of contamination. DOC considers that the s78 condition is more appropriate and provides more certainty to DOC. DOC therefore requires that the s 78 condition relating to contaminated land be imposed.
339. In addition, the potentially contaminated area in the Northern Gully was discovered by chance during site visits. It was not the result of targeted and methodological surveys. There may be further historic dumping in the Northern Gully and therefore DOC does not support limiting it to the area identified in the Pattle Delamore Partners memorandum.

Continuance of rights

340. This condition is consistent with the s78 condition and is required to be imposed by DOC.

Signage

341. Condition 50 has been added which requires the construction and installation of signage indicating the ownership of each DOC-Get site and right of access.

5.7.2 Conditions relating to Treaty settlements and recognised customary rights

342. Section 84 provides that the Panel may set conditions to recognise or 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.
343. While there are no conditions necessary for Treaty settlements and recognised customary rights, DOC supports the condition which requires the Applicant to develop the Ecological Restoration Plan in consultation with Taranaki Whānui ki te Upoko o Te Ika and Te Rūnanga o Toa Rangatira. The strengthened conditions which require the feedback and input to be recorded will effectively recognise their kaitiaki role and ensure they have a role in guiding restoration and increasing the conservation values.

5.7.3 Section 78 conditions that must be imposed

344. Section 78 establishes that the Minister of Conservation may specify conditions that a Panel may be required to impose on a land exchange approval. Pursuant to clause 26(2) of Schedule 6, this report must specify any such conditions that the Panel must impose in accordance with clause 33. The Minister of Conservation has specified a suite of conditions relating to exchanges. These are set out on pages 24 to 27 of a Briefing to the Minister which has been tabled in the context of other fast-track projects for which DOC has required section 78 conditions be imposed¹¹³. Conditions that DOC requires be imposed in accordance with section 78 are outlined below.

¹¹³ See [25-B-0187 SIGNED Briefing Fast Track Approvals - Mandatory Section 78 conditions - Redacted.pdf](#).

Encumbrances (Condition 6)

345. This condition ensures that the DOC-Get sites are discharged from all mortgages, charges, and other encumbrances other than the QEII covenant 5-07-755.

Costs (10-12)

346. There are also s78 conditions requiring all costs associated with the Exchange Agreement to be met by the Applicant.

Biosecurity Act (Condition 17)

347. This condition requires that the DOC-Get land is compliant with any “good neighbour” rules under the Biosecurity Act prior to the settlement date.

Rates (Condition 18)

348. This condition requires no apportionment of rates or other outgoings paid by the parties.

Existing structures (Conditions 19-22)

349. These conditions apply to both parties in that the DOC-Give site is on an “as is, where is” basis. It also outlines that the Minister accepts no liability in relation to structures or improvements on the DOC-Give site. Any structures are required to be removed from the DOC-Get land, including any reinstatement required as a result.

First right of refusal (Condition 25)

350. This condition requires the Approval holder to waive any first right of refusal or similar obligations in terms of the DOC-Get land.

Contaminated land (Condition 44)

351. While the rubbish and potential contamination of the Northern Gully waterway is known, Condition 44 is to address the risk of previously undiscovered contaminants present.

Continuance of rights (Condition 48)

352. This condition enables the rights and obligations of the parties to continue beyond settlement.

6 Section 35(4) matters

353. Section 35(4) sets out matters that this report may include advice on which are discussed further below.

6.1 Effects of Treaty settlements and other obligations on decision making

354. Section 82 applies if a Treaty settlement, the Marine and Coastal Area (Takutai Moana) Act 2011 or Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019 is relevant to an approval. It provides that if the settlement or Act provides for the consideration of any document, the Panel must give the document the same or equivalent effect through its decision making as it would have under any relevant specified Act (in this case the Reserves and/or Conservation Act). In this context, “document” means any document, arrangement or other matter, and includes any statutory planning document amended as a result of the settlement or Act.

355. In addition, section 82 requires the Panel to consider whether granting the land exchange would comply with section 7. This requires all persons performing and exercising functions, powers and duties under the FTAA to act in a manner that is consistent with obligations under existing Treaty settlements¹¹⁴ and customary rights recognised under the Marine and Coastal Area (Takutai Moana) Act 2011 or Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019.

6.2 Obligations relating to Treaty settlements and recognised customary rights

356. There are two Treaty settlements of relevance:

Port Nicholson Block (Taranaki Whānui ki Te Upoko o Te Ika) Claims Settlement Act 2009

357. Cultural Redress Protocol with DOC is set out in Schedule 2 of the Deed of Settlement (19 August 2008) and acknowledged in the Act under section 29.

358. While Right of First Refusal regime is provided for, it does not include the Belmont Regional Park parcels proposed for exchange.

Ngāti Toa Rangatira Claims Settlement Act 2014

359. The Statutory Acknowledgment and Deed of Recognition for the Hutt River and tributaries are relevant insofar as the proposed exchange area includes waterways. The Act has provisions relating to the transfer of reserves land, but they all appear to be linked to specific cultural redress sites and does not include the Dry Creek Recreation Reserve or Belmont Regional Park.

7 Treaty of Waitangi considerations

360. The Conservation Act, among other things, establishes the Department of Conservation. Section 4 of the Conservation Act outlines that the “*Act shall be ... administered as to give effect to the principles of the Treaty of Waitangi*”.
361. Based on the information provided in the application for land exchange, the Applicant has engaged meaningfully with mana whenua including Taranaki Whānui Ki Te Upoko O Te Ika, Ngāti Toa Rangatira Te Āti Awa Nui Tonu, Rangitāne Tū Mai Ra, and Muaūpoko. Two relevant Treaty Settlement deeds apply, and ongoing engagement is continuing to ensure cultural interests are woven into the design and respected.
362. The DOC-Give site is described through a mātauranga Māori lens as forming part of the Belmont landscape that holds enduring cultural association through whakapapa, identity, and kaitiakitanga responsibilities. The land is connected to the wider catchment system and reflects the principles of Ki Uta Ki Tai, where gullies, and waterways are understood as an interconnected whole.
363. The DOC-Get sites hold comparable cultural value at present with the DOC-Get site. Their current state reflects limited cultural visibility and constrained access, with few opportunities for mana whenua to exercise kaitiakitanga in an active and visible way. The proposed improvements package provides a pathway to uplift these values through targeted restoration and management. The cultural values assessment considers that the DOC-Get sites provide an opportunity to restore and improve the land and thereby give effect to kaitiakitanga.¹¹⁵

¹¹⁴ Means Treaty settlements that exist at the time the relevant function, power or duty is performed or exercised

¹¹⁵ Cultural Values Assessment, Hikoiki Management Limited dated December 2025, page 10-11

364. Mana whenua considers that the exchange alters tenure but does not diminish the enduring relationship of mana whenua with the Belmont landscape. That relationship continues regardless of ownership. Cultural values remain present across the land and can be bolstered through initiatives that strengthen mana whenua presence, in particular the planned weed management programme at Dry Creek.

365. The cultural values report included with the application identifies opportunities to enhance cultural values through the exchange, including:¹¹⁶

- a. Weed management at Dry Creek – improving the health of indigenous vegetation and strengthening catchment care.
- b. Co-lead restoration opportunities – involvement in planning and delivery of works to ensure cultural approaches guide outcomes.
- c. Cultural indicators – applying mātauranga Māori measures alongside ecological science to monitor the condition of vegetation, water, and soils.
- d. Application of Ki Uta Ki Tai – recognising the interconnection of uplands, waterways, and lowlands when planning and implementing management actions.

366. The cultural values assessment sets out opportunities to strengthen cultural values where mana whenua involvement is embedded in access, restoration, and interpretation:¹¹⁷

DOC-Give Block:

- No cultural enhancements proposed
- Cultural values remain as existing associations and responsibilities without additional expression or visibility

Northern Gully:

- Pest management: opportunity for mana whenua to shape the targeted pest management programme and provide hands on delivery and monitoring where appropriate.

Southern Gully:

- Weed and pest management: opportunity in both areas for mana whenua role in developing and implementing where appropriate.
- Cultural harvest opportunity: to ethically harvest fallen Swamp Maire materials for cultural practices

Firth Block:

- Active indigenous re-vegetation: opportunity for mana whenua to provide cultural oversight on how the active revegetation area is implemented and monitored. Identification of taonga species.
- Pest management: opportunity for mana whenua to shape the targeted pest management programme and provide hands on delivery and monitoring where appropriate.

Dry Creek:

- Active indigenous re-vegetation: opportunity for mana whenua to provide cultural oversight on how the active revegetation area is implemented and monitored. Identification of taonga species.

¹¹⁶ Cultural Values Assessment, Hikoikoi Management Limited dated December 2025, page 1

¹¹⁷ Cultural Values Assessment, Hikoikoi Management Limited dated December 2025, page 14-15

- Weed management: opportunity for mana whenua role in this programme.

367. The comments on the exchange application provided by Taranaki Whānui ki te Upoko o te Ika noted the comprehensive engagement on the proposed land exchange. The issues captured in the Cultural Values Assessment and the associated improvements package prepared for the application are still relevant.
368. Te Rūnanga o Toa Rangatira expressed a neutral position to the proposed land exchange. It cautioned that DOC must be satisfied that the exchange results in a genuine conservation gain, with clear evidence that the values of the land received exceed, or appropriately offset, those of the land being relinquished. The feedback addressed the importance of ecological function, including the habitats, hydrological characteristics, species composition and regeneration potential. It noted the vulnerability of swamp forest and consideration of the regional scarcity of such ecosystems, and that swamp maire is a taonga species.
369. Te Rūnanga o Toa Rangatira stated that the proposed land exchange does not alter the enduring relationship of mana whenua with the Belmont landscape. Kaitiaki responsibilities remain irrespective of land tenure. Based on the cultural values assessment, the DOC-Get sites appear to provide opportunities for partnership and active kaitiakitanga which accords with the principles of the Treaty of Waitangi. These opportunities can be increased by the improvements offered and conditions imposed.

8 Comments received

8.1 Comments on the Application

370. Of those invited to comment on the land exchange application, sixteen parties responded and their responses are available through the link included in [Appendix 1](#). In accordance with s 35(2), the Applicant was required to provide any responses to the invited comments received by 5 March 2026, which it did. A summary of the Applicant's responses is included in [Appendix 2](#).
371. There was a mix of comments supporting, opposing and neutral. A summary of the main themes is outlined below.

Support for the land exchange

372. Firth Industries and Fulton Hogan expressed full support for the land exchange and the continued operation of Belmont quarry.

Neutral position

373. Greater Wellington Regional Council expressed a neutral position. It attached information provided by Friends of Belmont Regional Park, Wellington Botanical Society and Dr Colan Balkwell.
374. Similarly Hutt City Council, Te Rūnanga o Toa Rangatira and QEII Trust also stated a neutral position.

Conservation values

375. Commenters such as Friends of Belmont Regional Park and New Zealand Conservation Authority consider that there is no net increase in conservation values and therefore the land

exchange cannot be approved. The land exchange would be a net loss to biodiversity and conservation values in the Wellington region.

376. Te Rūnanga o Toa Rangatira considered that DOC must be satisfied that the exchange results in a genuine conservation gain, with clear evidence that the values of the land received exceed, or appropriately offset, those of the land being relinquished. It recommended DOC evaluate the ecological function of the habitats involved, including hydrological characteristics, species composition and regeneration potential.
377. The Wellington Botanical Society questioned the 'net ecological gain' from destroying 24 healthy in-situ swamp maire trees, along with their habitat, and replacing them with 200 young plants to be managed for five years. They consider the proposal to be a net loss to biodiversity in the Wellington region.
378. The Wellington Conservation Board considers that landscape-scale ecology within the park, and surrounding catchment, would be helpful in considering the overall conservation impact of the proposal.

Value of the DOC-Give site

379. Commenters such as Friends of Belmont Regional Park and Wellington Botanical Society consider that the DOC-Give site has significant biodiversity, harbours several nationally threatened species, and has a long history of natural regeneration. They considered that the Applicant's ecological assessment of the DOC-Give site rested on inadequate ecological surveys and missed the key values. New Zealand Conservation Authority raised concerns that the ecological assessment downgraded the values present in the DOC-Give site.
380. Wellington Botanical Society consider that the ecological report underrepresents the biodiversity value of the DOC land and overstates that of the Winstone Quarry.

Effect on recreation

381. Comments received considered that the DOC-Get sites cannot be used for recreation and are not equivalent to the recreation values of the DOC-Give site. Commenters consider that the DOC-Get sites are not suitable for recreation, resulting in a reduction of public access and recreational opportunities. Constraints to the DOC-Get site for recreation include lack of access, the state of the parcels and steep terrain. The recreation assessment misrepresents the actual recreation usage and value of the DOC-Give site and there is significantly more use than recorded.
382. New Zealand Conservation Authority considers fragmentation of the DOC-Get sites will affect the recreational values of the area. It questions the opportunities and costs for enabling recreation on the DOC-Get parcels.
383. Friends of Belmont Regional Park observed that the FTAA does not allow perspectives from the public users of the DOC-Give site and adjoining areas.

Inclusion of the QEII covenanted sites

384. The Friends of Belmont Regional Park expressed concern at the inclusion of the ecological values (in particular) of the QEII covenanted areas. They consider their conservation value was created when they were first protected under a QEII covenant and cannot be created a second time. Excluding them would reduce the ecological values of the DOC-Get sites and the total area.

385. The comments noted that the ecological value relies in large part on the values of the areas protected by a QEII covenant in perpetuity. They consider these areas cannot be considered to add conservation value; neither can they offer any recreation value.
386. QEII Trust set out the purpose and objectives of the covenant. QEII Trust stated that regardless of its ownership status, QEII will continue to monitor open space covenant 5-07-755 and ensure its purpose and objectives are upheld.

Perimeter length

387. Commenters observed that the DOC-Get sites have a considerably longer boundary than the DOC-Give site and therefore increases the incursion of invasive species and results in a generally poor ecological outcome. The issues include management of incursions of weeds and pest species/predators from neighbouring private owners, who may or may not be operating weed and pest control measures that harmonise with those proposed for the DOC-Get land. Pest and weed control will have on-going associated financial implications for the Crown.

Fragmentation and discrete parcels

388. Commenters observed that the DOC-Get land being in separate parcels raises questions about the ability of these parcels to serve as corridors for species.

Loss of valuable and threatened species and wetlands

389. A number of commenters expressed concern at the loss of swamp maire, ramarama *Comprosmia rubra*, *Carex maorica* and perched inland wetland areas which support these populations. Natural inland wetlands are regionally rare (<3% remaining regionally). Commenters expressed concern at the ecological importance of these species and features.
390. Te Rūnanga o Toa Rangatira recommended that DOC's assessment explicitly considers the regional scarcity of such ecosystems, including swamp maire as a taonga species.
391. Wellington Botanical Society considered the ecological offset proposal to plant 200 swamp maire in Southern Gully is a reasonably positive action, but biodiversity offsetting like this means accepting ecological losses for uncertain ecological recompense or gains. They expressed concern that these trees may take decades to reach maturity and there is no guarantee they will persist that long. They also remain cynical about the ability to relocate the trees.

Hydrology

392. Concerns were raised that the hydrology assessment significantly underestimates the streams in the DOC-Give site, particularly as there are streams that do not dry up and therefore would be more appropriately recognised as perennial.
393. Te Rūnanga o Toa Rangatira considered that the tributaries, wetlands and taonga species within the Belmont catchment require careful consideration.

Cultural

394. Comments from Taranaki Whānui noted the comprehensive engagement on this matter. It considered that the issues had been captured in the cultural values assessment for this application, as well as in the improvements package.
395. Te Rūnanga o Toa Rangatira outlined its engagement with Winstone Aggregates. It noted that its assessment is guided by our kaitiaki responsibilities to Te Ao Tūroa and its obligation to

uphold the mauri of the wider Belmont landscape. Its interest extends beyond the transactional exchange of land parcels to the long term ecological integrity, hydrological function, and intergenerational wellbeing of the catchment.

396. Te Rūnanga o Toa Rangatira noted that proposed land exchange does not alter the enduring relationship of mana whenua with the Belmont landscape. Its kaitiaki responsibilities remain irrespective of land tenure.

Importance of the aggregate

397. Commenters including Firth Industries and Fulton Hogan noted the importance of aggregate supply and the impacts should Belmont cease operation. They noted that concrete is needed to support the significant infrastructure, population growth, construction and housing growth in Wellington. Reliable access to chips and concrete aggregates is fundamental to the continuity of asphalt production; to meet contractual obligations and provide a cost effective supply to Wellington. Housing and infrastructure growth means increased demand for concrete which in turn requires reliable, local aggregate.
398. The Minister for Infrastructure commented that long-term benefits by providing a local source of the aggregate materials that are essential for Wellington's growth, supporting housing, construction, and infrastructure. Projects like this are critical for economic growth.
- Commenters consider the application will secure the long term future of the quarry.
399. The consequence of having to import aggregates from further distances is increased costs, risk, delays and carbon footprint. It would result on an inability to deliver on key infrastructure projects. It is noted that the above comments on the importance of aggregate supply do not relate to the proposed exchange, but to the quarrying activity itself. There are therefore not relevant to the exchange assessment, but are summarised for completeness.

Improvements offered / conditions

400. Luke Wysocki expressed support for trapping and research.
401. The Wellington Conservation Board commented that any legal or financial liabilities resulting from the land exchange, including bonds is important. It expressed concern that the offset proposal does not clearly specify the duration propagation and planning swamp maire, or how security of long-term funding would be protected. It supported the opportunities for research on swamp maire, including relating to trans-location of species, restoration efforts and changes in soil ecology over time. It considered ecological mitigation should include the use of volunteers.

Heritage

402. Heritage New Zealand Pouhere Taonga observed that the land exchange proposal does not intend to modify or destroy any archaeological sites and therefore the Heritage New Zealand Pouhere Taonga Act 2014 is not triggered. For the substantive application, an earthworks that may modify or destroy an archaeological site(s) will require an archaeological authority application.

Impacts on the nearby activities

403. Fulton Hogan operates the asphalt manufacturing plant adjacent to Belmont Quarry and confirmed that a change in land ownership will not affect its operations.
404. Comments from neighbouring property owner Luke Wysocki raised questions about public access to Dry Creek and in the gully as it would involve the back of his property.

405. New Zealand Transport Agency considers that the land exchange and associated use will not result in any impacts on New Zealand Transport Agency administered land, or prevent or hinder its ability to give effect to its designation. New Zealand Transport Agency noted it has an informal interest in the area of land that is subject to the proposed land exchange with designation conditions which require planting to be undertaken within the Belmont Regional Park to offset the removal of indigenous vegetation along the SH58 alignment. New Zealand Transport Agency advises it has been investigating alternative areas with Greater Wellington Regional Council.
406. Transpower New Zealand Limited confirmed that, based on the information supplied, National Grid assets and operations are not adversely impacted by the proposed land exchange. It noted the Electricity Act grants Transpower the right to access tower structures situated on the land proposed for exchange. Transpower's statutory access rights under the Electricity Act 1992 are not altered by the change in land ownership/management and no additional easements or rights-of-way are required.
407. Some of the comments raise concerns about the effect of the overburden on hydrology or visual effects. This is beyond the scope of the considerations for land exchange and therefore has not been taken into account.
408. The Applicant responded to the comments with a mix of technical addendum reports and memoranda, a planning response and legal memorandum. All feedback from Winstone's is premised on QEII covenanted land being included as having positive value in terms of the exchange, in alignment with its legal opinion. [Appendix 2](#) contains a summary of the Applicant's responses.
409. The comments have been considered by DOC in the context of not only the assessment of the values of both the DOC-Give and DOC-Get sites, but also in the development of recommended conditions.

8.2 Draft report feedback

410. The list of those invited to comment on the draft report and their comments are included in [Appendix 3](#). [Appendix 3](#) contains a summary of the comments received and a response from DOC. It should be noted that the text in this section and the table in [Appendix 3](#) are summaries and readers should refer to the original responses in the link to the EPA website for further detail.
411. Comments were received from:
- a. The Applicant;
 - b. Friends of Belmont Regional Park;
 - c. Heritage New Zealand Pouhere Taonga;
 - d. QEII National Trust;
 - e. Transpower New Zealand Limited;
 - f. Te Rūnanga o Toa Rangatira; and
 - g. Wellington Botanical Society.
412. Similar to the comments received on the Application, there were a mix of comments supporting, opposing and neutral. The Applicant provided comprehensive feedback to the Draft Land Exchange Report that canvassed legal, planning and technical matters. The broad matters raised are set out below.

General comments

413. Both commenters and the Applicant observed the different methodologies used to evaluate the conservation values. Commenters observed that it is not clearly demonstrated that the land exchange will result in an overall enhancement of conservation values. Commenters acknowledged the amendments to the FTAA and the different applications of that. In this respect, Te Rūnanga o Toa Rangatira recognises the need to carefully account for existing protections, such as QEII covenants, to avoid overstating conservation gains. It also recognised the potential for additional and ongoing long term management responsibilities for DOC.

Opposition to the proposed land exchange

414. Friends of Belmont Regional Park and Wellington Botanical Society oppose the Application for a range of reasons including loss of swamp maire and a public recreation area. Both commenters consider that the proposal will result in a net loss and therefore should be declined as the statutory test is not met.

Landscape values

415. Friends of Belmont Regional Park consider that the DOC-Give parcel has a higher level of visibility than the low-moderate value attributed in the landscape assessment. It is visible from about 40% of the most commonly used recreation track in the park.
416. Mr Girvan provided comments on behalf of the Applicant. He noted the high level of consistency between the two assessments of landscape values, with the DOC-Get land having a greater collective value than the DOC-Give land, particularly if the proposed improvement package is secured through robust and measurable conditions. He addressed each of the areas where the two assessments diverged. If the QEII values are discounted, the overall landscape comparison remains as a net benefit in favour of the Crown. He considered that edge effects, weed management, pest control, and the need for greater certainty around restoration outcomes can be addressed through strengthened conditions.

Heritage

417. Heritage New Zealand Pouhere Taonga agrees with Mr Nester that “any transfer would not impact on the conservation of cultural heritage values”. It also drew attention to any future proposal involves works that may modify or destroy an archaeological site(s) will require an archaeological authority.

QEII covenant

418. QEII National Trust drew attention to the requirements of the covenants. It also expressed concern that there is an unstable area between the Firth Block and quarry pit wall, and that any measures to prevent people from accessing the unstable area does not result in any further degradation of native vegetation. Recommends that fencing on the boundary of the Firth Block is required to be constructed as close to the boundary of the Covenant Area as is reasonably practicable and the area stabilised by Winstone before exchange takes place. It also expressed a preference for the QEII covenant to be in a single title.

Cultural

419. Te Rūnanga o Toa Rangatira supports restoring and upholding the mauri of te taiao, but this requires a high level of confidence that any proposed approach will maintain or enhance ecological integrity rather than relying on uncertain future gains. Cultural values must be defined and assessed by mana whenua, not inferred through archaeological methods alone.

The low cultural values assessment is not consistent with the acknowledgement that the sites form part of a wider cultural landscape with established whakapapa connections, historical travel routes, and ongoing relationships of kaitiakitanga.

Key infrastructure providers

420. Transpower confirms that, based on the information supplied, National Grid assets and operations are not adversely impacted by the proposed land exchange. It also drew attention to access to its assets being enabled by the Electricity Act, but that this is not altered by the change in ownership.

Conditions

421. Support for funded long-term weed and pest management beyond the five years offered by the Applicant. Dr Keesing made the following comments:
- Agree with the purpose of Ecological Restoration Plan
 - The list of weed species is too wide
 - Annual weed monitoring is preferred over 6 monthly
 - Baseline mammalian pest monitoring is not warranted
 - Reduction target monitoring of pest animals is not required

Botanical values

422. Dr Keesing and Dr Ussher provided comments on behalf of the Applicant. The DOC-Get sites do not have the same values as the DOC-Get site with its swamp maire and ecological composition. Dr Keesing provided a response on behalf of the Applicant and noted the difference in methodology between the DOC assessment which was focused on botany while the BlueGreen assessment was broader ecology. Dr Keesing considered that Mr Ward has materially overstated the conservation values of the DOC-Give site in a number of the assessment criteria, and under-valued the DOC-Get sites. He considered that how values were derived at are not clear. He remains of the view that, taking into account the proposed improvements, principal of which is the addition of a large number of swamp maire and Ramarama, the land exchange proposal will achieve a net conservation benefit for ecological values. Conservation values are further enhanced and provide even more benefit to the Crown if an additional 200 swamp maire and Ramarama in the Regional Park area proposed in Package B is provided.

Swamp maire

423. Swamp maire attracted a number of comments. Dr Keesing disagrees with the 200:1 offset for the planting of swamp maire proposed by Mr Ward and that 200 is a more fair and proportionate level than 1800. He noted that the Southern Gully could support up to 600 if the Panel wanted to increase the number. Conversely some of the commenters supported the 1,800 swamp maire offset ratio. Dr Ussher considered that 200 is appropriate.

Terrestrial fauna values

424. Dr Burrige provided comments on behalf of the Applicant about bats with more detail on the bat surveys. She considers the exclusion of the QEII sites would have no effect on values relating to bats or bat habitat.
425. Mr Payne provided further information on lizards with additional detail on detection methods used. He notes that the land exchange does not rely on pest control delivering lizard population benefits at the DOC-Get sites, and instead rests on the substantial net-gain in lizard habitat extent and quality that DOC receives as a consequence of the exchange. The

DOC-Get sites provide an increase of 14.36 ha of lizard habitat overall and 3.46 ha of high-quality habitat. The effect of discounting the conservation effects of QEII covenanted area is a reduction of lizard habitat but the total area of lizard habitat at the DOC-Get sites is still greater by 2.2 ha, with a relatively comparable exchange in lizard values is achieved slightly in DOC's favour.

Archaeology

426. Ms Cameron provided comments on behalf of the Applicant. She agreed with many of Mr Nester's assessments. She discussed the value of Site R27/910 and that it could be medium if any subsurface remains are established dependent on their condition and extent. There is potential for archaeological remains of the tramway to also be present in both the Northern and Southern Gully sites. This would result in a low-medium ranking for archaeological value for Southern Gully. Suggested deletion of the column for "cultural values" and replaced that this value is to be determined by mana whenua. The discounting of conservation values associated with the QEII covenants will have no effect on archaeological values.

Freshwater values

427. Dr Keesing disagrees with the DOC assessment that the difference between the DOC-Get and DOC-Give values are neutral. He considers that the DOC assessment overinflated the DOC-Give areas in the exchange waterways and underrated the Northern Gully waterways but arrived at the same overall value (without consideration of the quantity of stream and habitat given and offered). He outlined the areas of disagreement between the DOC and BlueGreen and hydrology assessment. He considers that Mr Williams' freshwater values do not appear to have taken into consideration the much greater length of stream that is offered through the DOC-get parcels. While DOC conclude that the exchange is balanced, Dr Keesing is of the strong opinion that the exchange favours DOC, with DOC receiving more and better aquatic habitat than it releases.

Hydrology

428. Dr McConchie provided comment on behalf of the Applicant. If the conservation values of the two QEII Blocks must be discounted by the Panel, it will result in a reduction of stream length of 436 m from the Firth Block and 185 m from Northern Gully. Seto out the gains the proposed land exchange will provide to DOC including longer stream length, increase in the upstream catchments contributing flow and 'protected' hydraulic connections to several upstream catchments, providing a net benefit in favour of the Crown in terms of hydrology.

Recreation

429. Mr Greenaway on behalf of the Applicant addressed Mr Harbrow's assessment. He does not consider that unformed exploration tracks should be afforded the same weight as properly planned, sanctioned and maintained tracks when assessing the long-term recreation outcomes of the exchange and the "low" recreation value is warranted for the DOC-Give. He considers that the addition of public access from Liverton Road increases the DOC-Get recreation value from low to low-medium. Very minor impact on the assessment of recreation values if the QEII conservation values were discounted.

Land contamination

430. Pattle Delamore Partners provided comments on behalf of the Applicant. It described the pocket of dumped waste material in Northern Gully and the potential for localised contamination may be present within and hydrologically down gradient. A targeted investigation of this area is considered appropriate for contamination as a precondition. The

Preliminary Site Investigation for Northern Gully, Southern Gully and Firth block indicated no evidence of bulk storage of drums for fuel, chemicals or liquid waste. Stated that the potential for contamination from quarrying is very low due to the nature of rock quarrying operations, including the overburden. The results of near-surface soil testing in Dry Creek did not identify contaminants that would present a risk to staff / personal involved in planting or soil disturbance. Set out conditions around contaminated land.

Works in Belmont Regional Park as proposed by Conditions Package B

431. Greater Wellington Regional Council support in principle the use of two sites within Belmont Regional Park for biodiversity restoration and enhancement for offsetting/mitigation purposes. Separate agreements will be required to address operational matters.

Legal and planning issues

432. A number of legal and planning comments were raised by the Applicant including:
- The version of the FTAA that applies;
 - The development of Conditions Package B in the event that the Panel applies the amended version;
 - The statutory test and whether each category of conservation values needs to have a net gain;
 - Methodological differences;
 - Suggestions that the DOC-Get sites will be included in Belmont Regional Park;
 - Removal of the Hutt City Council vegetation encumbrance from the title to the Firth Block;
 - The assignment of too many conditions under cl 31;
 - The absence of s 78 conditions;
 - Further amendments to the conditions by Winstone including the bond, management plans, number of swamp maire, targeted weed species and monitoring of pests;
 - Clarification of the relevance of the paper road;
 - Statutory tests for a land exchange;
 - Assessment against the purpose of the FTAA; and
 - Need for explicit recognition of cultural conservation values;

9 Alternative assessment

433. DOC applied the former version of the FTAA. In its comments to the draft land exchange report the Applicant has contemplated that the Panel may apply the current version of the Act. The Applicant agrees with the approach of the Department in that the application and this report is under the old law but disagrees about the Panel decision being under the new law. However, and notwithstanding that legal view, the Applicant has in its comments to the draft land exchange report contemplated that the Panel may apply the current version of the Act. Of particular consequence is the addition of cl 29(2A), which provides: *"When considering the conservation values of the land to be acquired by the Crown, for the purpose of forming its view under subclause (2), the Panel must discount the extent to which the conservation values of that land are affected by anything registered or noted for conservation purposes on the record of title for that land."*
434. Because the Applicant has raised this proposition, this section of the report sets out the conservation values if the QEII covenanted areas are excluded. It also addresses Conditions Package B proposed by the Applicant.

9.1 Conservation values

435. As well as assessing the conservation values of the entire areas proposed for exchange, each of DOC's experts has also assessed the conservation values without the QEII covenanted areas. This is collated in Table 12. The approach taken in this report is outlined in the attached further Legal memorandum dated 7 July 2026 ([Appendix 6](#)). In short, as there is a QEII covenant protecting the conservation values of part of the land (the QEII blocks – the nature of which is set out earlier in this report and in the annexed legal memorandum #2) the values of the QEII blocks are already protected. So, in deciding whether the values of the conservation land will be enhanced (i.e., whether there would be a “net benefit” from the exchange), the values of the QEII land are effectively disregarded.

Value	DOC-Give	DOC-Get	Net gain?
Flora	Moderate-High	Moderate	No (Loss)
Terrestrial fauna	Moderate	Moderate	No (No change)
Landscape and natural character	Moderate	Moderate	No (No change)
Recreation	Low-Medium	Low	No (Loss)
Heritage	Low	Low	No (No change)
Freshwater ecology	Medium-High	Medium-High	No (No change)
Cultural	Expected to remain consistent	Strengthened providing an overall uplift in conservation outcomes	Yes based on Cultural Values Assessment Report

Table 12 DOC expert advisers' assessment of values **excluding conservation values** affected by the presence and content of the QEII covenants, and taking into consideration Conditions Package A

436. In terms of overall conservation values, the main consequence of applying the amended version of the FTAA is that there is no net gain of conservation values in any of subject areas other than cultural.¹¹⁸ There remains a net loss in recreational values.
437. For comparison, Table 7 (on page 40) represents the pre-amendment version of the FTAA (including conservation values of the QEII covenanted areas).
438. DOC's assessment in Table 12 contrasts with the Applicant's assessment as shown in Table 13.

¹¹⁸ This is based on the replacement Table 28 including QEII considerations as contained in the planning response to the Draft Land Exchange Report, J. Wikaira dated June 2026.

Discipline	DOC-Give	DOC-Get	Net gain?
Ecology (habitat)	Moderate	Moderate – Very high	Yes
Ecology (birds)	Moderate	High	Yes
Ecology (bats)	Nil	Nil	No (No change)
Ecology (freshwater)	Low	Medium - High	Yes
Hydrology	1,855 m of stream length	2,408 m of stream length	Yes
Ecology (lizards)	18.83 ha of habitat	20.98 ha of habitat	Yes
Landscape	Moderate	Moderate – High	Yes
Recreation	Low	Low – Medium	Yes
Archaeology	Very low	Very low	No (No change)
Cultural	Expected to remain consistent	Strengthened providing an overall uplift in conservation outcomes	Yes based on Cultural Values Assessment

Table 13: Applicant's assessment excluding conservation values affected by the presence and content of the QEII covenants and after applying Conditions Package B¹¹⁹

439. The Applicant notes that some of the key changes arising from excluding the conservation values of the QEII covenanted area include:
- For freshwater ecology, the conservation values would be unchanged but the length of aquatic habitat would be reduced by 110 m for the Firth Block and circa 250 m from the Northern Gully.¹²⁰
 - Dr McConchie had different metrics and stated that 436m of stream length in the Firth Block and 185m of stream length in the part of the Northern Gully that is subject to the QEII covenant would need to be excluded.¹²¹
 - The exclusion of two areas of mature forest and the rarity elements of the forest ecosystem in the North Gully and some of the ramarama.
 - The two areas of QEII covenant land have a notable influence of the quantum of lizard values being exchanged by excluding the conservation values assigned to the QEII covenants. The total area of lizard habitat at the DOC-Get sites is still greater by 2.2 ha, and the differences between high, medium and low value habitat effectively balance each other out such that a relatively comparable exchange in lizard values is achieved, slightly in DOC's favour.¹²²

¹¹⁹Response to draft DOC report – planning, J. Wikaira dated 125 June 2026 at [133]

¹²⁰Response to the DOC Freshwater Assessment, Dr V. Keesing dated 15 June 2026 at [130]

¹²¹Impact of QEII covenant areas memorandum, Dr J McConchie dated 12 June 2026, page 1

¹²²Response to DOC report – lizards, T. Payne dated 12 June 2026 at [27]

440. For completeness, a comparison of the assessments of values as undertaken by DOC's experts (green) and Winstone's experts (black) disregarding the values of the QEII blocks is set out in Table 14.

Discipline	DOC-Give	DOC-Get	Net gain?
Ecology (habitat)	Moderate	Moderate – Very high	Yes
	Moderate-High	Moderate	No (Loss)
Ecology (birds)	Moderate	High	Yes
Ecology (bats)	Nil	Nil	No (No change)
Ecology (lizards)	18.83 ha of habitat	20.98 ha of habitat	Yes
Terrestrial ecology	Moderate	Moderate	No (No change)
Ecology (freshwater)	Low	Medium - High	Yes
	Medium-High	Medium-High	No (No change)
Hydrology	1,855 m of stream length	2,408 m of stream length	Yes
Landscape	Moderate	Moderate – High	Yes
Landscape and natural character	Moderate	Moderate	No (No change)
Recreation	Low	Low – Medium	Yes
	Low-Medium	Low	No (Loss)
Archaeology	Very low	Very low	No (No change)
Heritage	Low	Low	No (No change)
Cultural	Expected to remain consistent	Strengthened providing an overall uplift in conservation outcomes	Yes based on Cultural Values Assessment

Table 14: Comparison of the conservation values excluding conservation values affected by the presence and content of the QEII covenants and after applying Conditions Package B. Green shading indicates the conservation values attributed by DOC.

9.2 Conditions Package B

441. The Applicant has prepared Conditions Package B in the event that the Expert Consenting Panel apply the amended cl 29(2) and (2A) to the land exchange application with the

conservation values of the QEII areas discounted in the panel's assessment. This means that there will be discounting of the protected conservation values of part of the Northern Gully area and all of the Firth Block area (but only to the extent of those values are protected by the QEII covenant).

442. The legal submissions for the Applicant consider that the amended version of cl 29(2A) allows the Panel to take into account improvements or benefits to the conservation estate "considered as a whole" including those that sit outside the exchange parcels.
443. As set out in the Applicant's legal submissions, the extent of improvements offered is greater under Conditions Package B than Conditions Package A to account for the discounting of the QEII areas' values and includes improvements within the wider Belmont Regional Park (in the event the panel considers they are required).¹²³
444. Package B as proposed by Winstone includes the following elements:
- a. All of Conditions Package A;
 - b. Planting of 200 further swamp maire and 200 ramarama at an offsite location in the Belmont Regional Park adjacent to the DOC-Give area; and
 - c. Five year weed pest control and ten year mammalian pest control in the Belmont Regional Park at the offsite planting location to assist the successful establishment of the planting.
445. Given that Condition Package B would require restoration works within the Belmont Regional Park, the comments from Greater Wellington are particularly relevant¹²⁴. The comments support in principle the use of land within Belmont Regional Park, consisting of two potential sites for biodiversity restoration and enhancement (the proposed works), which may be required for offsetting/mitigation purposes involved in regulatory requirements of the project. The sites are described as:
- a. land that is part of the Conservation Estate (owned by the Crown but which is managed and controlled by Greater Wellington as Belmont Regional Park) in the immediate vicinity of the Proposed OBDA land; and
 - b. a block of land known as the Heffernan Block that is within the Regional Park and owned by Hutt City.
446. The Council notes that the proposed works are:
- a. not currently subject to programmed works by Greater Wellington that would conflict with the proposed offset or mitigation activities.
 - b. generally consistent with the long-term management intent for the land, including ecological management and site restoration
447. The Council advises that the land is held as Belmont Regional Park land and managed by Greater Wellington Regional Council and is subject to applicable statutory and management plan requirements being a recreation reserve. Although the letter confirms support from an asset management perspective only, the need for statutory approval is noted. The letter also observes that should statutory approval be granted for the Belmont Quarry Development Project, a separate agreement with Greater Wellington Regional Council will be required to address operational matters including access, health and safety, methodology of works, maintenance and monitoring, management and cost recovery / funding.

¹²³ Response to draft report on land exchange, dated 15 June 2026 at 75

¹²⁴ Letter of support for Winstone Aggregates (Winstone's) Belmont Quarry Development Offset/Mitigation Proposal, D. Boone dated 15 June 2026.

448. DOC considers the question around the scope of these conditions will need to be carefully considered by the Panel, as:
- a. It was not what the exchange application originally sought. If the Panel is minded to consider Condition Package B, given it was not originally part of the application, the Panel might consider it appropriate to seek further information from the Applicant on this under ss 67/68 of the FTAA;
 - b. The proffered conditions relating to Package B do not relate to the land being exchanged. It is clear that the test in cl 29(2) is about the land being exchanged and any conditions.
 - c. Clauses 31 and 32 do not provide scope for conditions relating to offsite works (or the payment of money for offsite works).
449. This matter is addressed separately in Legal memorandum #2 dated 7 July 2026 ([Appendix 6](#)). On the basis of this assessment, DOC considers that Conditions Package B is ultra vires the Act, and therefore cannot be imposed.

10 Summary of conclusions

450. As outlined in the Introduction, this report has traversed all of the relevant statutory criteria in s 35 and the associated provisions. It is prepared and assessed against the provisions in the FTAA that were in force when the Application was made. A decision by the Panel will be required on whether the new provisions apply at the time it makes its decision. The legal memorandum in Appendix 5 sets out the Department's view that these new provisions do apply to the Panel.
451. This report provides the necessary platform for a decision by the Panel on whether to approve the exchange under the key provisions in the FTAA (s 81 and Schedule 6) as they were when the Application for land exchange was lodged.
452. By way of overall summary on the values, based on the current values of the sites and taking into consideration the improvements offered in Conditions Package A, the technical advice to DOC is that there would be:
- a. a net benefit for landscape and natural character, cultural and terrestrial fauna;
 - b. no difference (and therefore no net gain) for cultural heritage values and freshwater ecology values; and
 - c. a net loss (and therefore no net gain) for flora and recreation.
453. This contrasts with the Applicant's assessment which indicates:
- a. a net gain for ecology (habitat, birds, freshwater and lizards), landscape, recreation, cultural and hydrology; and
 - b. no difference (and therefore no net gain) for ecology (bats) and archaeology.
454. Should the Panel be minded to approve the land exchange, DOC recommends amendments to Conditions Package A as preconditions (cl 31) and conditions (cl 32), and DOC requires that the specified section 78 conditions be imposed (cl 33).
455. The recommended amendments to the conditions would ensure they are SMART and also provide certainty that the improvements will be carried out to an appropriate standard.

Appendix 1 – Application for land exchange and comments received on the application

This information can be found on the EPA website:

<https://www.fasttrack.govt.nz/projects/belmont-quarry-development/land-exchange-application>

Appendix 2 – Summary of comments received on the application and responses

The comments received can be found on the EPA website:

<https://www.fasttrack.govt.nz/projects/belmont-quarry-development/land-exchange-application>

Organisation or person	Response from Winstone Aggregates	Response from DOC to the comments received
Friends of Belmont Regional Park Incorporated		
- No net increase in conservation values due to inclusion of the QEII covenanted areas - The scoring system in the Ecological Assessment (Appendix B1) is skewed and confused on important points, and relies in large part on the values of two parcels of land whose conservation values are already legally protected in perpetuity, due to their QEII covenant status. These two areas cannot be considered to add conservation value or offer any recreation value.	The DOC-Get land (being private property subject to an Open Space Covenant) is not a conservation area or Crown-owned reserve as it is defined in Schedule 6 Clause 22, insofar as it is not subject to the Conservation Act. Therefore, the conservation values of DOC-Get land currently sit outside of the 'conservation areas'. The Applicant's comparison of values indicates that the conservation values of the DOC-Get land are greater than the DOC-Give land. The QEII covenants do not reduce the significance of their contribution to the DOC estate upon exchange.¹²⁵ This application to the Director-General was lodged before commencement of the Fast-Track Approvals Amendment Act 2025, therefore the Act as it stood pre-amendment is relevant to the consideration of the exchange.¹²⁶	The technical assessments undertaken by DOC have both included and excluded the QEII covenanted land due to the changes to the FTAA legislation. With the improvements offered by the Applicant there will be a net increase in conservation values for landscape and natural character. There is an increase in the conservation values of landscape, terrestrial fauna and botanical and vegetation elements for particular DOC-Get sites.

¹²⁵ Planning memorandum, Jade Wikaia dated 5 March 2026 at [3.59-3.61]

¹²⁶ Planning memorandum, Jade Wikaia dated 5 March 2026 at [3.64]

Organisation or person	Response from Winstone Aggregates	Response from DOC to the comments received
	While a good proportion of the valued mature forest is in the QEII area (especially the better tawa-kāmahi area) but the valued wetland area, the hinau-kāmahi forest and half of the northern mature forest as well as the mature pukatea forest and stream protection are additions and not currently in the QEII area.¹²⁷ The test that must be met is that set out in cl 29(2), requiring that the exchange will enhance the conservation values of land managed by DOC. This is not the same thing as a "net-conservation benefit" or a "net benefit for conservation."¹²⁸	
Including the QEII areas gives a total DOC-Get value of 33.19, compared with 18.83 in DOC-Give. If the QEII areas, being already conserved, are excluded from the calculation, the DOC-Get value drops to 19.27. Concludes there would be little change to the lizard habitat values.	The extent of lizard habitat in the QEII covenant areas are to be considered in the application.¹²⁹ With regards to the relevance of the QEII covenanted areas, Clause 29(2) was amended in December 2025 by the Fast-track Approvals Amendment Act 2025, with the amendment to cl 29(2) coming into force on 17 December 2025. The land exchange application was lodged before the amendments came into force.¹³⁰	The assessment undertaken by Dr Burns indicates that including the QEII covenanted areas does result in a slightly higher ecological value for lizards than if the QEII covenanted areas are excluded. With the inclusion of conditions requiring restoration planting, there will be an increase in the diversity of lizard habitat and result in higher quality habitat. The management of pests

¹²⁷ Ecology Addendum, BlueGreen Ecology, dated 5 March 2026, page 10

¹²⁸ Legal memorandum dated 5 March 2026 at [75]

¹²⁹ Memorandum in response to The Friends of Belmont Regional Park, Blueprint Ecology, dated 3 March 2026.

¹³⁰ Legal memorandum dated 5 March 2026 at [17-30]

Organisation or person	Response from Winstone Aggregates	Response from DOC to the comments received
Significant loss in ecological habitat value given the importance of established 50 to 85 year old and valuable tree species, and their associated wetlands within the DOC-Give site	These matters are addressed in Reports: B1 Blue Green Ecology, B3 Blue Print Ecology, B3 Boffa Miskell, B4 Greenaway and Associates. The methods and results of those reports was relied upon in preparing the Comparative Assessment of Conservation Values in Wikaia (2025). That Assessment concludes that the project will 'provide a net conservation benefit'. The proposed land exchange will not destroy or damage any ecological values in the exchange areas. Any impact on ecological values will be assessed separately at the substantive application stage.¹³¹ Five trees in the DOC-Give is not a forest and is not a habitat, they are five relatively young, isolated trees in gullies of seral broad leaf forest. The hot spot value is the central western gully where there are 14 canopy trees with significant fruiting and seedling establishment. This area has been removed from the exchange proposal.¹³²	through the conditions is likely have a significant effect on lizard populations. This has been addressed in the botanical technical report, the submittor is correct, the loss of the six headwater wetlands is significant and they do contain 9 (not 5 as suggested here by Winstone) Threatened – Nationally Vulnerable Swamp maire (<i>Syzygium maire</i>) specimens which are relict of a rare forest type to the Wellington region. Quantity of specimens is not important; existence of the species is important. The conditions initially proposed by DOC in the Draft Land Exchange Report recommend a 1:200 replacement ratio and require 1,800 swamp maire of minimum PB3 size and vegetative height of 600mm to be propagated and planted in the Southern Gully. This has since been revised to a minimum of 200 specimens, reflective of this being a land exchange application rather than a resource consent application and to avoid creating a monoculture.

¹³¹ Planning memorandum, Jade Wikaia dated 5 March 2026 at [3.93-3.94]

¹³² Ecology Addendum, BlueGreen Ecology, dated 5 March 2026, page 9

Organisation or person	Response from Winstone Aggregates	Response from DOC to the comments received
	The values in the DOC-Get areas, swamp maire aside, are better with more areas of mature forest and ramarama and rare habitat types. It is the presence of the many decades of advanced successional development in the DOC get areas that create much of the ecological gains e.g. in the pukatea gully, the tawa-kāmahi forest, hinau-kāmahi forest, and the tawa forest of the firh block. The north tawa also protects a valuable waterway. The inclusion of the southern gully wetland and the proposed improvement in establishing 200 new swamp maire also contributes to a net gain in conservation values for the DOC-managed land. The Applicant considers that the exchange is balanced in favour of DOC in terms of ecology.¹³³	
The DOC-Give site contains swamp maire, ramarama and other endangered species which will be destroyed	The Applicant's response is that that the land exchange proposal would not involve destruction of any species. Any proposal to undertake physical works within the area would require approval through the substantive application process under section 42 of the Fast-track Approvals Act 2024 as part of RMA approvals.¹³⁴	The land exchange process will not result in destruction of these endangered species. That is an issue to be addressed in the substantive application. However additional planting of swamp maire and ramarama is required in DOC's recommended conditions. There are detailed conditions requiring the propagation and planting of swamp maire. The recommended

¹³³ Ecology Addendum, BlueGreen Ecology, dated 5 March 2026, page 10

¹³⁴ Planning memorandum, Jade Wikaia dated 5 March 2026 at [3.53]

Organisation or person	Response from Winstone Aggregates	Response from DOC to the comments received
	The presence of swamp maire is well documented with a specific section in BlueGreen Ecology. The Applicant considers this thoroughly and transparently documents the presence and distribution of that population.¹³⁵ There are 5 swamp maire (acknowledging the INaturalist suggestion of 14), with 17 others being near but outside the OBDA and 14 of those outside the DOC-Give area. It will be recognised in the substantive application for resource consents that adverse effects on swamp maire must be appropriately managed. There is ramarama in the DOC-Give, but it is also present in the DOC-Get. The ramarama will not be affected by the land exchange process. There will be a process as part of the OBDA development for salvaging those through the substantive application. Similarly the values associated with the wetland species are also retained through the application and so the exchange does not cause the loss of those values to the DOC land.¹³⁶ The natural inland wetland area present on the DOC-Give is not irreplaceable; it is a relatively simple carex-kiokio wetland with some	conditions include a minimum of 500 ramarama to be planted in Dry Creek.

¹³⁵ Planning memorandum, Jade Wikaia dated 5 March 2026 at [3.66]

¹³⁶ Ecology Addendum, BlueGreen Ecology, dated 5 March 2026, page 11

Organisation or person	Response from Winstone Aggregates	Response from DOC to the comments received
	regionally underrepresented sedge and rush taxa that is in a modified state post farm use. Wetland recreation is typically successful throughout the country, but consider that the loss of the wetland area is a substantive application offset issue, and is not an effect of the land exchange. ¹³⁷	
If the application were to proceed, at the very least – the OBDA eastern boundary be brought west by about 200m to fully protect the pond and the full catchment of the shallow valley and wetland upstream from it, and so protect the swamp maire and ramarama populations in that valley	The spatial size, extent, layout, and orientation of the OBDA is carefully and iteratively designed with numerous factors in mind, including feedback from extensive consultation, geotechnical engineer, operational functions of machinery, and including but not solely to minimize effects on terrestrial biodiversity. It is likely that if the footprint shifts that there will be adverse effects on other matters as a consequence of redesigning the OBDA proposal.¹³⁸	Agreed that this suggestion would protect the Regionally Uncommon sedge <i>Carex maorica</i>, and the other obligate wetland species present as listed in Ward 2026 page 6. The assessment of the conservation values of the land exchange application is based on the proposal submitted by the Applicant.
The DOC-Get sites are not suitable for recreation due to topography and difficult access	During consultation, staff from Greater Wellington Regional Council presented a view that there was no appetite for the creation of new tracks.¹³⁹ The Recreation Assessment (Rob Greenaway & Associates) concludes that there is no net loss	Agree, the DOC-Get land is fragmented, lacks existing tracks and is generally not well connected to conservation land within Belmont Regional Park. This contrasts with the relative ease of access to the DOC-Give land. (see Recreation Technical Report point 28). The steepness of the land is also noted at several points in the Recreation Technical Report.

¹³⁷ Ecology Addendum, BlueGreen Ecology, dated 5 March 2026, page 16

¹³⁸ Planning memorandum, Jade Wikaira dated 5 March 2026 at [3.98]

¹³⁹ Planning memorandum, Jade Wikaira dated 5 March 2026 at [3.71]; Memorandum on recreation, Rob Greenaway dated 5 March 2026 at [4]

Organisation or person	Response from Winstone Aggregates	Response from DOC to the comments received
	in recreation values as a consequence of the exchange. Considers there is no existing demand for recreational track development in the exchange areas, which informed the assessment of low recreation value in both the DOC-Get and DOC-Give areas. As identified in the Network Plan, there may be demand for a new short walk in the Dry Creek area, subsequent to the completion of the park master planning proposed by the Network Plan.¹⁴⁰ Not all areas of recreation reserve need to be immediately available or suitable for recreational use and access. There are significant areas of Belmont Regional Park and other land within the conservation estate that are not currently used for recreational purposes, including parts that are grazed by livestock or difficult to access — but that does not mean those areas are misclassified. The purposes of a recreation reserve are a balance between public use and environmental protection.¹⁴¹	This is reflected in the Low classification Mr Harbrow has attributed to the recreation values for the DOC-Get land. The Applicant has proposed enabling public access to the Southern Gully from Liverton Road and this is reflected in the conditions.
The Applicant's assessment of recreation values does not recognise the trails throughout the DOC-Give site, many of	Off-track opportunities are common in most areas within the Regional Park and there are no indications that the study area is particularly	Agree. The presence of predator control lines and informal trails which appear well used and provide relatively easy travel is noted in the

¹⁴⁰ Memorandum on recreation, Rob Greenaway dated 5 March 2026 at [8-9]

¹⁴¹ Legal memorandum dated 5 March 2026 at [59]

Organisation or person	Response from Winstone Aggregates	Response from DOC to the comments received
which are pest control lines that provide access throughout the site. The recreation value of the DOC-Give site could easily be increased through interpretative signs and Panels.	unusual. The track counter data is very likely to have counted all those accessing this area of the park via Buchanan's Road, including those not using Strava. The site visit did not reveal any "well marked connecting paths" and remain of the view that it is not developed for general recreation. These were also not identified in the Xyst review. Well marked paths should be patently obvious.¹⁴² Improvements offered in the exchange process must focus on the parcels of land being exchanged. The existing environment reflects no expectations for new recreation developments in the parcels under consideration.¹⁴³	Recreation Technical report (point 24). Mr Harbrow notes the estimate of use of the Buchanan Road Tramping Track in the applicant's Recreation Assessment is flawed. Mr Greenaway has addressed this matter in his repose to the Draft Land Exchange Report. Future development of recreation opportunities in this area, such as installation of interpretive signs and Panels, is considered in the Recreation Technical Report but is not a priority for either DOC or Greater Wellington Regional Council. In the absence of funding or management agreements for development by a third party, this is speculative.
The greater perimeter will increase the incursion of pests and weeds	Post-exchange, the increased perimeter length is an administrative matter, and ecologically is equally connected into a contiguous habitat. The boundary relates to land tenure, but the property boundaries are not the edge of ecological habitats. BlueGreen Ecology (2025, pg. 90) identifies weed control and pest management, in	The length of the perimeter would increase and with it comes increased risk of weeds and pests. This is reflected in the assessments undertaken by DOC's experts. The conditions suggested by DOC require 90% weed control and comprehensive pest management.

¹⁴² Memorandum on recreation, Rob Greenaway dated 5 March 2026 at [14-16]

¹⁴³ Memorandum on recreation, Rob Greenaway dated 5 March 2026 at [10-11]

Organisation or person	Response from Winstone Aggregates	Response from DOC to the comments received
	accordance with an ecological restoration plan, following the exchange as part of its proposed conditions. Any concern about edge effects can be addressed as part of that plan. This matter could be added to the list of items to go into the plan included in the proffered conditions.¹⁴⁴ The Applicant does not consider that the proximity to weed populations materially changes and whatever the area, weed management is required and will be on going for the life of the quarry, but also in perpetuity in the Park and can be managed accordingly.¹⁴⁵	
The dispersed location of the DOC-Get sites will fragment the Belmont Regional Park	There is no real fragmentation. The north-western additions are continuous with the park vegetation north and bring better connection to the southern gully system. The Dry Creek additions add directly to the Dry Creek area, and it is only the Firth block that could be perceived to be more isolated, but it too retains strong connectivity east and north.¹⁴⁶	The DOC-Get sites are all contiguous with the Belmont Regional Park, however it would change the overall shape of the Regional Park around the quarry. It cannot be assumed that the DOC-Give sites would become part of the Belmont Regional Park.
Little to no ecological value of Dry Creek	Considered the lower levels of the old Dry Creek quarry to be too weedy for inclusion in the exchange. The areas proposed for exchange do have values and values not	This matter is addressed in Ward 2026 page 10. Mr Ward assessed Dry Creek as having Low ecological value, consistent with the assessment of the Applicant.

¹⁴⁴ Planning memorandum, Jade Wikaira dated 5 March 2026 at [3.79-3.80]

¹⁴⁵ Ecology Addendum, BlueGreen Ecology, dated 5 March 2026, page 9

¹⁴⁶ Ecology Addendum, BlueGreen Ecology, dated 5 March 2026, pages 9 and 10

Organisation or person	Response from Winstone Aggregates	Response from DOC to the comments received
	dissimilar for fauna as the DOC-Give, only without swamp maire habitat. They, while weedy, have areas of good regeneration of native cover and there is a weed and pest management component to the exchange.¹⁴⁷	
The use of the DOC-Give site for overburden will remove the streams and affect the drainage characteristics	The effects of the development of the overburden area are to be considered as part of the substantive application.¹⁴⁸ The land exchange will have no effect on the existing hydrological processes, characteristics, or flow regimes of the various drainage lines within any of the potential exchange areas.¹⁴⁹	The future use of the DOC-Give area could not be considered as part of the freshwater ecology assessment. This is a matter to address in the substantive application.
The Hydrology assessment grossly misrepresents the actual hydrology of the DOC-Give site and therefore underestimates the likely impact.	It is impossible to traverse all the various watercourses and drainage lines contained within this area. Therefore, robust modelling of the drainage network, supported by field validation, was undertaken. This is the only way to provide a complete, consistent, and holistic assessment of the hydrological attributes of the various areas. The method adopted applied a consistent, industry-standard, methodology across all areas. All drainage lines were characterised by their catchment area, topographic form, and number of upstream tributaries. The hydrological modelling therefore provides an accurate quantification of the	This matter was considered when undertaking the freshwater ecology assessment.

¹⁴⁷ Ecology Addendum, BlueGreen Ecology, dated 5 March 2026, page 15

¹⁴⁸ Ecology Addendum, BlueGreen Ecology, dated 5 March 2026, page 16

¹⁴⁹ Addendum to the Hydrological analysis, pages 1 and 3

Organisation or person	Response from Winstone Aggregates	Response from DOC to the comments received
	number, length and size of the various watercourses and drainage lines throughout all areas.¹⁵⁰ The land exchange would result in a net increase in the length of streams and associated aquatic ecosystem protected within Belmont Regional Park.¹⁵¹	
The need for any legal or financial liabilities resulting from the land exchange, including bonds.	Proposed conditions requiring weed control, pest management and restoration planting across the DOC-Get land and the preparation of an Ecological Restoration Plan are provided in Wikaira (2025, p.91–94).¹⁵² There is no ability for the Panel to impose a bond as a condition of the land exchange application. The scope of conditions that may be imposed on a land exchange is set by sch 6, cls 31 and 32.¹⁵³	DOC is cognisant of the legal and financial liabilities and has addressed this through the conditions such as: - Bonds; - Remediation of any contaminated land; - Fencing in the Firth block near the quarry pit face; and - Works to stabilise the edge of the Firth block
The comments recommend that if the land exchange were to be approved: it only be initiated if the substantive application is also approved; and	Winstone Aggregates has filed a submission on the Proposed Lower Hutt District Plan, but as submissions have closed there is no further opportunity through that process. Its submission points include a request for certain areas to be rezoned as Natural Open Space Zone with a	The land exchange process is separate to the substantive application and it cannot be assumed that the substantive application will be approved or declined at this stage.

¹⁵⁰ Addendum to the Hydrological analysis, page 2 and 4

¹⁵¹ Addendum to the Hydrological analysis, page 3

¹⁵² Planning memorandum, Jade Wikaira dated 5 March 2026 at [3.84]

¹⁵³ Legal memorandum dated 5 March 2026 at [45]

Organisation or person	Response from Winstone Aggregates	Response from DOC to the comments received
a plan change to the Hutt City District Plan to change the zoning to Natural Open Space Zone.	Quarry Zone Protection Overlay, where those areas are anticipated to be owned by DOC as a consequence of the proposed land exchange.¹⁵⁴ Such a condition would not be appropriate and is likely to be <i>ultra vires</i>.	It is not appropriate for the conditions to require a plan change to change the zoning.
Identification of new archaeological site (R27/910)	The new site is recorded as a ruinous 20th century farm outbuilding and does not alter the archaeological values of the proposed land exchange properties as presented in the archaeological assessment report for the land exchange.¹⁵⁵	This site is recognised in Mr Nester's assessment of heritage values.
Firth Industries		
- Supports the application and its plan to secure the long term future of the quarry - Housing and infrastructure growth means increased demand for concrete which in turn requires reliable, local aggregate	No response required	No response required. The importance of good quality aggregate is recognised for supporting development.
Fulton Hogan		
- Supports the land exchange proposal - Confirmed that the change in land ownership will not affect operation of the asphalt plant - Outlines the importance of the quarry to maintaining asphalt production. If the quarry	No response required	No response required. The importance of good quality aggregate is recognised for supporting development, as well as its proximity to a significant urban area. Accept that a change in

¹⁵⁴ Legal memorandum dated 5 March 2026 at [61-63]

¹⁵⁵ Archaeology memorandum, Ellen Cameron date 4 March 2026, page 2.

Organisation or person	Response from Winstone Aggregates	Response from DOC to the comments received
were to close or significantly reduce its outputs, this would have flow on effects for key infrastructure and increased emissions to transport the product from further afield. This will have consequences for the wider community through higher project costs and delays on the delivery of essential infrastructure.		ownership will not affect operation of the asphalt plant.
Greater Wellington Regional Council		
Summary of land on each site held by Greater Wellington Regional Council including • Land area of each parcel • Area of DOC-Give • The DOC-Give falls within the Belmont Dry Creek Key Native Ecosystem which is managed as part of the Greater Wellington Key Native Ecosystem Programme. This programme provides long term funding for weed control and pest animal control. • Identification of the QEII covenanted areas • Terrestrial and freshwater information held by Greater Wellington including previous landuses, waterways, physical environment and management activities • Vegetation maps surveyed by Boffa Miskell in 2017 • An email from Friends of the Belmont Regional Park outlining its concerns with the proposed land exchange. This includes the presence of	No response required	No response required. The report contained useful information on the sites held by Council.

Organisation or person	Response from Winstone Aggregates	Response from DOC to the comments received
swamp maire, ramarama, <i>Coprosma rubra</i> and the rich diversity of plants present in the DOC-Give site. The email considered that the proposed land exchange does not offer any ecological gain but instead ecological loss. An email from the Wellington Botanical Society outlining its concerns with the proposed land exchange. This includes the presence of swamp maire, <i>Coprosma rubra</i>, <i>Lophomyrtus bullata</i> and a large proportion of Category 1 threatened environment.		
Heritage New Zealand Pouhere Taonga		
Outlines its understanding that the land exchange proposal does not intend to modify or destroy any archaeological sites and therefore the Heritage New Zealand Pouhere Taonga Act 2014 is not triggered by the exchange proposal. Acknowledges that earthworks as part of the substantive application will involve earthworks that may modify or destroy an archaeological site(s) and an archaeological authority application will be required at that point.	No response required ¹⁵⁶	No response required. The modification of destruction of the registered archaeological site is not proposed as part of the land exchange proposal.
Hutt City Council		
Council expressed a neutral position	No response required	No response required and the position is noted.
Luke Wysocki		

¹⁵⁶ Planning memorandum, Jade Wikaia dated 5 March 2026 at [3.15]

Organisation or person	Response from Winstone Aggregates	Response from DOC to the comments received
- Neighbouring property owner - Supportive of ongoing trapping and researching in the Southern Gully site - Concerns about the forming of any new tracks providing public access from the dry creek to their property	Comments were directed to the Department of Conservation as future owner about future land use of the Southern Gully. Applicant considers there were no issues raised in relation to the land exchange application. ¹⁵⁷	The concerns are noted, although no action is required at this stage of the land exchange application. The proposed management of pests will support the habitat of the DOC-Give sites.
Minister for Infrastructure		
No comments on the land exchange proposal, but acknowledges the project will deliver long-term benefits by providing a local source of the aggregate materials that are essential for Wellington's growth, supporting housing, construction, and infrastructure.	No response required ¹⁵⁸	No response required. The importance of good quality aggregate is recognised for supporting development, as well as its proximity to a significant urban area.
New Zealand Conservation Authority		
Opposes the exchange of land for the following reasons: Does not consider the exchange will result in a net benefit for conservation	The test that must be met is that set out in cl 29(2), requiring that the exchange will enhance the conservation values of land managed by DOC. This is not the same thing as a "net-conservation benefit" or a "net benefit for conservation".¹⁵⁹	Based on the conservation values of the sites (without taking into account proposed improvements through conditions), there would be: a. no net gain for biodiversity - flora and recreation; b. no difference (and therefore no net gain) for cultural heritage values and freshwater ecology values; and c. a net benefit for landscape and natural character and terrestrial fauna.

¹⁵⁷ Planning memorandum, Jade Wikaia dated 5 March 2026 at [3.9]

¹⁵⁸ Planning memorandum, Jade Wikaia dated 5 March 2026 at [3.12]

¹⁵⁹ Legal memorandum dated 5 March 2026 at [75]

Organisation or person	Response from Winstone Aggregates	Response from DOC to the comments received
		This assessment changes slightly upon consideration of the improvements offered by the Applicant, with an increase in the conservation values of landscape, terrestrial fauna and botanical and vegetation elements for particular DOC-Get sites. The improvements offered by the Applicant do not result in an overall change in net gain however.
A lack of visibility in relation to iwi consultation	Detailed the comprehensive engagement and consultation with Taranaki Whānui ki te Upoko o Te Ika, Ngāti Toa Rangatira, Te Āti Awa Nui Tonu, Rangitāne Tū Mai Ra, and Muaūpoko in relation to the proposed land exchange. The outcomes of that engagement are reflected in the Cultural Values Assessment at Appendix B7 and summarised in the Consultation Record and Consultation Summary at Appendix C. These documents set out the matters raised by mana whenua and how they have been addressed in the application, including through proposed conditions and the improvements package. Explained that information has been redacted at the request of mana whenua.¹⁶⁰	The Applicant provided detail with the Application of consultation with iwi. The conditions proposed by DOC ensure Taranaki Whānui ki te Upoko o Te Ika is meaningfully involved in the development of the Ecological Restoration Plan. The conditions formalise the feedback from mana whenua and incorporation of those matters in the Plan. The Applicant amended the conditions to also include Te Rūnunga o Toa Rangatira in the development of the Ecological Restoration Plan

¹⁶⁰ Planning memorandum, Jade Wikaia dated 5 March 2026 at [3.23-3.25]

Organisation or person	Response from Winstone Aggregates	Response from DOC to the comments received
• Increase in perimeter length meaning greater management of incursions of weeds and pest species/predators from neighbouring private owners will be needed, and this comes with financial implications	The length of the property boundary from 16.31 km to 19.88 km, which is approximately a 22% increase. The property boundaries are not the edge of the ecological habitats as they are connected to a contiguous habitat to the north and east.¹⁶¹ Restoration efforts, including but not limited to pest plant and animal control, are proposed.¹⁶² This will address edge effects from neighbouring rural lifestyle properties as part of the proposed management plan. The Applicant does not consider that the proximity to weed populations materially changes and whatever the area, weed management is required and will be on going for the life of the quarry, but also in perpetuity in the Park (this is assumed) and can be managed accordingly. The DOC-Get land contains more mature forest areas and is also more resistant to weed invasion than the younger DOC-Give area (which includes later seral canopy weeds such as pine and holly). Management and its funding of the DOC-Get land has been proposed by Winstone as a condition of the exchange to reduce this risk.¹⁶³	The landscape report raises the 'edge effect' issue regarding neighbouring private landowners at [34]: "The southern 'panhandle' of the Northern Gully and the Southern Gully 'Get' land parcels form a relatively narrow 100 m – 150 m wide 'peninsula' largely comprising 'edge' as opposed to 'patch' extending into a developing rural-residential area. This developed area may be the source of an ongoing spread of animal and plant pests." Mr Ward suggests the present exposed edge to the active quarry edge is 380 m, with the suggested land exchange considered this increases to 5,000 m an increase 1,300%. The length of the perimeter would increase and with it comes increased risk of weeds and pests. The conditions suggested by DOC require 90% weed control and comprehensive pest management by the Applicant for five years. This has since been revised to ten years in the final Land Exchange Report.
• The reduction in public access and likelihood of recreational opportunities.	The absence of public access and tracks in the DOC-Get sites was based on the indications	The level of accessibility of each block is covered in the Recreation Technical

¹⁶¹ Planning memorandum, Jade Wikaia dated 5 March 2026 at [3.27-3.29]

¹⁶² Land Exchange Report, Wikaia Consulting dated 7 December 2025, pages 79-80

¹⁶³ Ecology Addendum, BlueGreen Ecology, dated 5 March 2026, page 2

Organisation or person	Response from Winstone Aggregates	Response from DOC to the comments received
Fragmentation will affect the recreational values of the area given the proximity of the DOC-Give site to Buchanan's Walking Track. The DOC-Get land is challenging terrain to access	from Greater Wellington Regional Council that it had no desire for new tracks to be constructed on land it managed to allow for connectivity. ¹⁶⁴ The Application considered the effects on recreation. ¹⁶⁵ This assessment concludes that the loss of the utility track section of the Buchanan Road Tramping Track is immaterial.	Assessment (points 27 – 35) and is one of the key reasons the DOC-Get land is assessed as having low recreation value. This contrasts with the ease of access to the DOC-Give land from the Buchanan Road Tramping Track. The Applicant added public access to Southern Gully from Liverton Road in response to the Draft Land Exchange Report.
Set out the legislative context for the creation of the Belmont Regional Park and the framework for any land exchanges	No response required.	No response required. The legal framework has informed the structure and content of the Land Exchange report.
The DOC-Get land is in separate parcels raising questions about the ability of these parcels to serve as corridors for species	The Applicant states there is no fragmentation, only a change to where the bush edge is in one location for a limited time. While these areas may be legal separate parcels they are all connected to the park physically by adjoining vegetation and will remain so after the overburden area is in operation.¹⁶⁶ The mobile species are still able to navigate through native vegetation cover in a similar way as they can now move north and south, east and west.¹⁶⁷	The parcels are all contiguous with the Belmont Regional Park which means there is the potential for corridor function.

¹⁶⁴ Planning memorandum, Jade Wilkaira dated 5 March 2026 at [3.30]

¹⁶⁵ Recreation Assessment, Rob Greenaway & Associated, 2025.

¹⁶⁶ Ecology Addendum, BlueGreen Ecology, dated 5 March 2026, page 1

¹⁶⁷ Ecology Addendum, BlueGreen Ecology, dated 5 March 2026, page 15

Organisation or person	Response from Winstone Aggregates	Response from DOC to the comments received
The loss of the DOC-Give block will also mean the loss of the regenerative aspects of native seedbank that has been building up in the approximately 50 years of recovery, revegetation and pest management	Not explicitly addressed.	The loss of the Threatened - Nationally Vulnerable swamp maire, will have an effect on the species' slow but steady spread in the area. It is unique to this area, not found anywhere else within the Belmont Regional Park. It is for this reason that DOC initially recommended a 1:200 replacement ratio for swamp maire in the Draft Land Exchange Report. This has been revised to 200 by Mr Ward (refer to Mr Ward's revised report in Appendix 4Ai. If successful this will result in up to 200 additional swamp maire. The conditions require the seeds to be eco-sourced.
Increase in the number of discovered swamp maire and ramarama trees in the DOC-Give site	Acknowledged that 17 swamp maire (as well as the presence of new seedlings) are present in the DOC-Give area. However only 5 swamp maire sit within the proposed footprint of the overburden area, which is smaller (at around 15ha) than the proposed exchange land at around 24 ha). The impact of the proposed overburden area will be considered at resource consent stage. ¹⁶⁸	Mr Ward confirms that there are 9 mature specimens of swamp maire in the DOC-Give site not 5.
The Applicant downgraded the ecological values of the DOC-Give site	All areas have a range of values. DOC-Give land contains some higher value areas related to special species or wetland, but these areas are the minority. The ecological assessment	Mr Ward's assessed the DOC-Give as Moderate-High values for vegetation, the DOC-Give sites is assessed as having Low-Moderate values. This is revised to Moderate for the DOC-

¹⁶⁸ Ecology Addendum, BlueGreen Ecology, dated 5 March 2026, page 1

Organisation or person	Response from Winstone Aggregates	Response from DOC to the comments received
	used an averaged valued which best represents and does not hide the actual ecological value. The same approach was adopted for the DOC-Get land. The averaged result was tempered with an increased focus on the greater values of especially swamp maire and its habitat.¹⁶⁹	Give sites when the Conditions Package A is table into account.
New Zealand Transport Agency		
- New Zealand Transport Agency (NZTA) is a road controlling authority for the nearby state highway and an adjacent landowner to the Firth site and Dry Creek - Agrees with the Applicant that there will not be impacts on NZTA administered land, nor will the exchange and associated use prevent or hinder the NZTA's ability to give effect to its designation - Has an interest in the proposed exchange sites for offset planting but are working through an alternative location elsewhere	Ongoing consultation with NZTA has confirmed that Agency staff have prepared an alternative management plan and are working through the approvals process of that plan becoming operative. An Outline Plan of Works has not been filed at Hutt City at this point in time but the Agency intends to do so.¹⁷⁰ The Applicant is supportive of NZTA's proposal to undertake offset planting in other areas and expects the informal interest NZTA has noted can be resolved through discussions. The Applicant will continue to engage with Waka Kotahi and GWRC to keep the Director General updated on any developments.	No response required. It is noted that the land exchange will have no impacts on the state highway or land administered by NZTA.

¹⁶⁹ Ecology Addendum, BlueGreen Ecology, dated 5 March 2026, page 3

¹⁷⁰ Planning memorandum, Jade Wikaira dated 5 March 2026 at [3.20]

Organisation or person	Response from Winstone Aggregates	Response from DOC to the comments received
	In the unlikely event that NZTA is unable to obtain approval to undertake its offset planting at other sites, this practical difficulty should be given very little weight in the statutory decision-making under the Fast-track Approvals Act.¹⁷¹	
QEII		
- Neutral position - Primary interest in this proposed development is that the purpose and objectives of open space covenant 5-07-755 (instrument no. 10476608.1) are upheld, regardless of ownership	These matters have been adequately canvassed with QEII National Trust in pre-lodgement consultation. The application contains confirmation from DOC that it is accepting of the QEII Covenant without changes. ¹⁷²	No response required. DOC is very aware of the presence of the covenants to the Firth Block and Northern Gully and the requirements of those covenants.
Taranaki Whānui ki te Upoko o te Ika		
Noted comprehensive engagement on the proposed land exchange. The issues raised by Taranaki Whānui are captured in the Cultural Values Assessment and the associated improvements package prepared for the application	No response required	No response required. The Cultural Values Assessment has been carefully considered in terms of the conservation values and the redrafting conditions. There is a new section added in the Final Land Exchange Report to increase the visibility of the cultural values.

¹⁷¹ Legal memorandum dated 5 March 2026 at [89-91]

¹⁷² Planning memorandum, Jade Wikaira dated 5 March 2026 at [3.10]

Organisation or person	Response from Winstone Aggregates	Response from DOC to the comments received
Te Rununga o Toa Rangatira	The regional scarcity and vulnerability of swamp forest, including swamp maire, were discussed during the site visit and consultation with Ngāti Toa, noted in Appendix C of the application. Matters relating to the protection of water bodies and associated species including sediment control, water flow management, and monitoring frameworks will be addressed as part of the substantive application for RMA and wildlife approvals.¹⁷³ • Neutral position • DOC must be satisfied that the exchange results in a genuine conservation gain, with clear evidence that the values of the land received exceed, or appropriately offset, those of the land being relinquished. • Importance of independent ecological assurance, and robust assessment of ecological function of the habitats involved, including hydrological characteristics, species composition and regeneration potential. • Loss and vulnerability of swamp forest and consideration of the regional scarcity of such ecosystems. Swamp maire is vulnerable to myrtle rust and is a taonga species. • Protection of water bodies and associated species, comprising tributaries, wetlands and taonga species within the Belmont catchment • The proposed land exchange does not alter the enduring relationship of mana whenua with the Belmont landscape. Kaitiaki responsibilities remain irrespective of land tenure.	The updated conditions proposed by the Applicant provide opportunities for Te Rununga o Toa Rangatira to be involved in the development of the Ecological Restoration Plan. The conditions formalise the process for recording feedback from mana whenua and incorporation of those matters in the Ecological Restoration Plan. Based on the conservation values of the sites (without taking into account proposed improvements through conditions), there would be: - a loss (no net gain) for biodiversity - flora and recreation; - no difference (and therefore no net gain) for cultural heritage values and freshwater ecology values; and - a net benefit for landscape and natural character and terrestrial fauna. This assessment changes slightly upon consideration of the improvements offered by the Applicant, with an increase in the conservation values of landscape, terrestrial fauna and botanical and vegetation elements for particular DOC-Get sites. The improvements

¹⁷³ Planning memorandum, Jade Wikaia dated 5 March 2026 at [3.8]

Organisation or person	Response from Winstone Aggregates	Response from DOC to the comments received
		offered by the Applicant do not result in an overall change in net gain however. DOC initially recommended a 1:200 replacement ratio for swamp maire in the Draft Land Exchange Report. This has since been revised to a minimum of 200 specimens (refer to Mr Ward's response in Appendix 4Ai). If successful this will result in 200 additional swamp maire. The conditions require the seeds to be eco-sourced. Protection of waterbodies is a matter that would be addressed through a substantive application rather than the land exchange application.
Transpower New Zealand Limited (Transpower)		
- Transpower has statutory access rights under the Electricity Act 1992 that enable two separate transmission lines to cross the land that is to be swapped and become part of the Winstone Belmont quarry - Existing access tracks to the National Grid support towers are located within the land area to be transferred to the quarry. - The access tracks do not follow the legal road - In the event that the land exchange proceeds, Winstone and Transpower have agreed that	No response required.¹⁷⁴	No response required. It is noted that the National Grid spans the DOC-Give site as well as the Northern Gully. It is noted that the National Grid will not be adversely impacted by the proposed land exchange. This is reflected in the Final Land Exchange Report.

¹⁷⁴ Planning memorandum, Jade Wikaia dated 5 March 2026 at [3.11]

Organisation or person	Response from Winstone Aggregates	Response from DOC to the comments received
alternative, suitable vehicular access that meets Transpower's requirements can be established Confirms that National Grid assets and operations are not adversely impacted by the proposed land exchange and therefore has no objection to the land exchange		
Wellington Botanical Society		
- Opposes the land exchange - Particularly concerned about the swamp maire as it is in serious decline throughout its range. Fewer than 100,000 individuals are thought to exist, with a decline in population of 30-50% expected over the next three generations	The land exchange does not result in the destruction of these plants. The land exchange proposal offers 200 new plants in habitat found to be suitable within the DOC-Get land as part of the exchange to increase the conservation values of the DOC-Get land by creating a significant swamp maire area. (a 20% increase of the current estimated number of 1000 swamp maire estimated by WBS in the Wellington region). These plants will be grown up and established in the DOC-Get area which is suitable habitat.¹⁷⁵	The opposition is noted. The Southern Gully is not a proven potential site suitable for the swamp maire mitigation plantings. The delicate ecology of this species has mostly been ignored, with methods of transfer and 'potting up' being suggested when there is no evidence of these methods being successful. DOC initially recommended a 1:200 replacement ratio for swamp maire in the Draft Land Exchange Report. This has since been revised to a minimum of 200 specimens (refer to Mr Ward's response in Appendix 4A). If successful this will result in 200 additional swamp maire. The conditions require the seeds to be eco-sourced.

¹⁷⁵ Ecology Addendum, BlueGreen Ecology, dated 5 March 2026, page 3

Organisation or person	Response from Winstone Aggregates	Response from DOC to the comments received
Ramarama (Threatened-Nationally Critical, Regionally Critical) is also present on the site	The ecological assessment acknowledges the threatened status of Swamp maire and ramarama, but note that ramarama is also present in the DOC-Get. The values in the DOC-Get areas, swamp maire aside, are better with more areas of mature forest and Ramarama and rare habitat types.¹⁷⁶	There is some ramarama present in the DOC-Get area. It is only seen in the northern border of the Northern Gully block and western QEII covenant, not at the same volume or frequency as found in the DOC-Give land so a net loss. Ramarama is identified as a species for revegetation of Dry Creek in DOC's recommended conditions with a minimum of 500 plants. Any successful planting of this species will increase the numbers of this species. This requirement is required in the conditions.
While moving the southern part of the western boundary eastwards to exclude fourteen 6-10m maire tawake is good, deposition of the quarry overburden upstream will alter the hydrology of the site and very likely kill the trees regardless	The modification of hydrological drainage patterns is not proposed as part of Land Exchange application to the Director-General. This application is made as a preliminary step for resource consent, to allow for the Director-General to prepare a report. Consideration of adverse effects on the environment will be addressed as part of the resource consent approvals that will be sought under the substantive application.¹⁷⁷ These effects arise from the development of the proposed overburden disposal area, rather than the land exchange, and accordingly will be assessed in detail at a later stage.¹⁷⁸	The future use of the DOC-Give area could not be considered as part of the freshwater ecology assessment.

¹⁷⁶ Ecology Addendum, BlueGreen Ecology, dated 5 March 2026, pages 2,8 and 10

¹⁷⁷ Planning memorandum, Jade Wikaia dated 5 March 2026 at [3.90]

¹⁷⁸ Ecology Addendum, BlueGreen Ecology, dated 5 March 2026, page 4

Organisation or person	Response from Winstone Aggregates	Response from DOC to the comments received
- The ecological offset proposal to plant 200 maire tawake in Southern Gully is a reasonably positive action - The loss of ecologically complex forest, wetland, and loss of mature flowering and fruiting plants is not adequately compensated by a gain of regenerating scrub and a grove of young saplings - Does not consider there is 'net ecological gain' from destroying 24 of healthy in-situ trees, along with their habitat, and replacing them with 200 young plants to be managed for five years - Doubts transferring nine swamp maire will be successful	The establishment of 200 new swamp maire in the southern gully is not an ecological offset, it is part of an improvement to provide a net benefit to conservation values in favour of DOC. The action is to cause a net gain from the land exchange.¹⁷⁹ The plan is to safe guard against the possible failure of the proposed transplantation of the swamp maire. If the transplantation does succeed there will be a significant net gain in swamp maire and increased distribution in the local area. In addition, there will be cuttings taken from the affected trees (there is no swamp maire forest) for plant establishment to try to save the genetic material, this will include also taking seed from those affected maire too.¹⁸⁰ The proposal to use the DOC-Give area as a site for an overburden disposal area is to be assessed at the substantive application stage, when Winstone will be seeking resource consents and other approval types to enable the overburden disposal and associated activities.¹⁸¹	This rate of compensation as proposed by the Applicant for the loss of swamp maire is now considered to be sufficient. DOC initially recommended a 1:200 replacement ratio for swamp maire in the Draft Land Exchange Report. This has since been revised to a minimum of 200 specimens (refer to Mr Ward's response in Appendix 4Ai). If successful this will result in 200 additional swamp maire. The conditions require the seeds to be eco-sourced.

¹⁷⁹ Legal memorandum dated 5 March 2026 at [86-87]; Ecology Addendum, BlueGreen Ecology, dated 5 March 2026, page 4

¹⁸⁰ Ecology Addendum, BlueGreen Ecology, dated 5 March 2026, page 4

¹⁸¹ Legal memorandum dated 5 March 2026 at [84]

Organisation or person	Response from Winstone Aggregates	Response from DOC to the comments received
- The land exchange would be a net loss to biodiversity in the Wellington region and set back an area of Belmont Park's regeneration by decades. - The ecological report underrepresents the biodiversity value of the DOC land and overstates that of the Winstone Quarry.	Considers the entire exchange proposed will result in a net benefit in favour of the Conservation Estate. The outstanding value in the exchange is the swamp maire has been balanced by the improvement of establishing 200 swamp maire. The conservation values of the DOC Get land are further supported by the presence of tawa kahikatea forest within the northern gully, which is regionally rare.¹⁸²	Based on the conservation values of the sites (without taking into account proposed improvements through conditions), there would be: a. A loss (no net gain) for biodiversity - flora and recreation; b. no difference (and therefore no net gain) for cultural heritage values and freshwater ecology values; and c. a net benefit for landscape and natural character and terrestrial fauna. This assessment changes slightly upon consideration of the improvements offered by the Applicant, with an increase in the conservation values of landscape, terrestrial fauna and botanical and vegetation elements for particular DOC-Get sites. The improvements offered by the Applicant do not result in an overall change in net gain however.
Questions the location of the acoustic recorders and considers there would be little change to the avifauna ecological values	Explained where the acoustic recorders were located and the habitat each was sampling from.¹⁸³	This is addressed in paragraphs 28-29 of Dr Burns' assessment of terrestrial fauna. He notes the drawbacks of understanding the avian value of a site by relying on sound alone as some species rarely verbalise, particularly outside of the breeding season or away from nests so will not be recorded using this method.

¹⁸² Ecology Addendum, BlueGreen Ecology, dated 5 March 2026, page 4

¹⁸³ Ecology Addendum, BlueGreen Ecology, dated 5 March 2026, page 6

Organisation or person	Response from Winstone Aggregates	Response from DOC to the comments received
		He considers that the areas of tawa-kāmahi forest, hīnau-kāmahi forest, pukatea-rewarewa forest and pukatea-tawa forest in the Northern Gully and the small area of tawa-kāmahi forest in the Firth block should offer better quality native bird than most areas present in the DOC-Give site.
- The DOC-Give site has significant biodiversity, harbours several nationally threatened species, and has a long history of natural regeneration. - The land held by Winstone is in its earliest stages, has minimal biodiversity value, and will require significant investment for many years to achieve parity with other parts of the park.	Considers the entire exchange proposed will result in a net benefit in favour of the Conservation Estate. The outstanding value in the exchange is the swamp maire (predominantly in the DOC-Give), this has been balanced by the improvement being offered that provides for establishing 200 swamp maire in the DOC-Get area. The conservation values of the DOC Get land are further supported by the presence of tawa kahikatea forest within the northern gully, which is regionally rare.¹⁸⁴	As shown in the various technical assessments, there are some conservation values that score higher for DOC-Get sites than the DOC-Give. The stage of regeneration is reflected in the expert assessments.
Wellington Conservation Board	- Prioritising avoidance of effects should be the principal concern in considering the application - Areas containing swamp maire and other scarce indigenous species and ecosystems should be protected wherever practicable	The test in the FTAA for land exchange applications is not to avoid effects, but the point is noted. The conditions have been crafted to improve the conservation values.

¹⁸⁴ Ecology Addendum, BlueGreen Ecology, dated 5 March 2026, pages 4-5

Organisation or person	Response from Winstone Aggregates	Response from DOC to the comments received
- Landscape-scale ecological connectivity and catchment-level hydrological considerations must be adequately addressed - Assessment of landscape-scale ecology within the park, and surrounding catchment would be helpful	into the species. The improvement package is a conservation gain.¹⁸⁵ The landscape assessment has already considered the exchange at a landscape character area scale (Belmont Hills and Western Escarpment) and treats landscape as a connected, integrated environment where changes in one area can influence wider patterns, views and the sense of openness / enclosure. In this context, the exchange results in a slight increase in visible land and waterways along the Western Escarpment to be incorporated within the Conservation Estate, strengthening the continuity of vegetated gully and spur systems.¹⁸⁶	DOC initially recommended a 1:200 replacement ratio for swamp maire in the Draft Land Exchange Report. This has since been revised to a minimum of 200 specimens (refer to Mr Ward's response in Appendix 4A(i)). If successful this will result in 200 additional swamp maire. The conditions require the seeds to be eco-sourced. The advice to DOC includes assessments on: - Landscape - Ecological – including freshwater, terrestrial fauna and flora A land exchange will not result in any change in hydrology, although this would be a relevant consideration for the substantive application.
It is hard to envisage how the proposed swap could provide land that is ecologically valuable as the park land considered for exchange	The DOC- Get land is part of the wider Belmont hills landform and biogeographical condition, it is not alien to the park and offers a rare larger wetland area. It has ecological value.	The DOC assessments have assessed ecology in terms of: - Freshwater; - Terrestrial fauna; and

¹⁸⁵ Ecology Addendum, BlueGreen Ecology, dated 5 March 2026, pages 7

¹⁸⁶ Memorandum on landscape, Rhys Girvan dated 3 March 2026, pages 3-4

Organisation or person	Response from Winstone Aggregates	Response from DOC to the comments received
	The substantive RMA application will address the loss and relocation of swamp maire arising from the development of the overburden area. A full offset package will be developed for the loss or impact arising from that development, as part of the RMA approvals, to address those effects at that point.¹⁸⁷	c. Flora Based on the conservation values of the sites (without taking into account proposed improvements through conditions), there would be: - A loss (and therefore no net gain) for biodiversity - flora and recreation; - no difference (and therefore no net gain) for cultural heritage values and freshwater ecology values; and - a net benefit for landscape and natural character and terrestrial fauna. This assessment changes slightly upon consideration of the improvements offered by the Applicant, with an increase in the conservation values of landscape, terrestrial fauna and botanical and vegetation elements for particular DOC-Get sites. The improvements offered by the Applicant do not result in an overall change in net gain however.
Supports attempting to translocate 9 of the swamp maire to another location	While it is experimental, it is a very worthwhile attempt and will provide useful insight into the species.¹⁸⁸	Mr Ward has concerns about the viability of this. This is one of the reasons DOC initially recommended a 1:200 replacement ratio for swamp maire in the Draft Land Exchange Report. This has since been revised to a minimum of 200 specimens (refer to Mr Ward's

¹⁸⁷ Ecology Addendum, BlueGreen Ecology, dated 5 March 2026, page 7

¹⁸⁸ Ecology Addendum, BlueGreen Ecology, dated 5 March 2026, page 7

Organisation or person	Response from Winstone Aggregates	Response from DOC to the comments received
		response in Appendix 4Ai). If successful this will result in 200 additional swamp maire. The conditions require the seeds to be eco-sourced.
Sourcing suitable native species for replanting should be incorporated into plans	Consider that there is a suitable source of plants available locally. ¹⁸⁹	Eco-sourced only can be accepted, as this is Greater Wellington Regional Council policy as the land managers. The requirements for eco-sourced species has been included in DOC's recommended conditions.
- The timeframe and certainty of weed and pest control, and regeneration efforts is an important consideration for assessing overall conservation outcomes - The offset proposal does not clearly specify the duration propagation and planning swamp maire, or how security of long-term funding would be protected - Restoration, pest control, and offsets must be secured, legally and financially, for the lifespan of the quarry (assumed 30-40 years)	Agree that weed and pest management are offered and for a suitable period. The improvement package is a conservation gain, not an offset for a loss or removal of vegetation. This is a valuable conservation opportunity. Agree that 30-40 years is an appropriate time for Winstone's (the beneficiary of the land swap) to manage the swamp maire offered in the southern gully.¹⁹⁰	DOC agrees and has put effort into crafting conditions that will ensure sufficient weed and pest control and restoration planting. Similarly DOC recommends the propagation of a minimum of 200 swamp maire eco-sourced seedlings through the conditions. Written into the conditions is a minimum success rate to ensure an appropriate level of replacements for the the 9 mature swamp maire in the DOC-Give site.
If the exchange proceeds, it presents an opportunity for research relating to translocation of species, restoration efforts and changes in soil ecology over time	Agree that the exchange presents a considerable conservation opportunity to create a large swamp maire forest . This restoration project provides an excellent opportunity for	DOC agrees that it does present a research opportunity although Mr Ward has reservations about the likelihood of successful relocation of swamp maire.

¹⁸⁹ Ecology Addendum, BlueGreen Ecology, dated 5 March 2026, page 7

¹⁹⁰ Ecology Addendum, BlueGreen Ecology, dated 5 March 2026, page 7

Organisation or person	Response from Winstone Aggregates	Response from DOC to the comments received
	research and further learning of this species and would support measures to ensure this is provided for in the development of the planting and management plan. ¹⁹¹	
- Finding a mechanism to honour the multi-generational commitment of volunteers in the park should be a key consideration in assessing the community impact - Growing native species for restoration activities, in conjunction with community organisations, including iwi, may provide an opportunity to further contribute to promotion of conservation values	The Applicant refers to the Ecological Restoration Plan, and states that allowance could be made for the integration and involvement of the community into the development of this plan and restoration planting. Given the interest of Friends and Botanical Society in swamp maire, provision could be made for their involvement in the development of this plan.¹⁹²	DOC agrees that the Ecological Restoration Plan presents an opportunity to meaningfully involve mana whenua in restoration efforts. DOC would support the wider community being involved in conservation efforts also.
The potential loss of amenity value and recreational opportunity should also be considered	Off-track opportunities are common in most areas within the Regional Park and there are no indications that the study area is particularly unusual. The track counter data is very likely to have counted all those accessing this area of the park via Buchanan's Road, including those not using Strava. The site visit did not reveal any "well marked connecting paths" and remain of the view that it is not developed for general recreation. These were also not identified in the Xyst review. Well marked paths should be patently obvious.¹⁹³	Acknowledged and covered in the Recreation Technical Report.

¹⁹¹ Ecology Addendum, BlueGreen Ecology, dated 5 March 2026, page 8

¹⁹² Planning memorandum, Jade Wikaia dated 5 March 2026 at [3.35]

¹⁹³ Memorandum on recreation, Rob Greenaway dated 5 March 2026 at [14-16]

Organisation or person	Response from Winstone Aggregates	Response from DOC to the comments received
	Improvements offered in the exchange process must focus on the parcels of land being exchanged. The existing environment reflects no expectations for new recreation developments in the parcels under consideration.¹⁹⁴	
Supports incorporating mitigation efforts into a multi-generational, multi-organisation restoration plan for the park	The ecological improvements that are proposed as part of the land exchange will contribute to the restoration of values in the park and its surrounds. The Applicant is unaware of the other processes underway, but agree that there may be opportunity for collaboration.¹⁹⁵	The conditions require that the Ecological Restoration Plan be approved by DOC as a pre-condition. The Ecological Restoration Plan presents an opportunity to meaningfully involve mana whenua in restoration efforts. DOC would support the wider community being involved in conservation efforts also.

¹⁹⁴ Memorandum on recreation, Rob Greenaway dated 5 March 2026 at [10-11]

¹⁹⁵ Ecology Addendum, BlueGreen Ecology, dated 5 March 2026, page 8

Appendix 3 – Comments received on the draft report

The comments received can be found on the EPA website:

<https://www.fasttrack.govt.nz/projects/belmont-quarry-development/land-exchange-application>

The following table is a summary of those comments.

Friends of Belmont Regional Park

These observations are in addition to its earlier comments on the application

These comments are acknowledged.

Strongly opposed to the proposed land exchange as it would result in the unacceptable loss of a valuable ecological treasure and equally vital public recreation area, and that the initial concept for the application was rooted in inadequate environmental surveys

The land exchange application has been assessed in terms of the conservation values by the Applicant as well as experts advising DOC. Recreation, habitat and botany were all matters that were assessed.

The application is contrary to s 29(2) of the FTAA. The DOC assessment shows that the proposal would give no net gain, but FoBRP consider there is actually a clear net loss

The DOC assessment indicated:

- a. a net benefit for landscape and natural character, cultural and terrestrial fauna values.
- b. no difference (and therefore no net gain) for heritage and freshwater ecology values; and
- c. net loss (and therefore no net gain) for flora and recreation values.

The Applicant's assessment indicates:

- a. a net gain for ecology (habitat, birds, lizards and freshwater), landscape, hydrology, recreation and cultural values;
- b. no difference (and therefore no net gain) for ecology (bats) and archaeology.

Organisation or person	Response from DOC
	It will be for the Expert Consenting Panel to decide whether the application meets the test of the FTAA.
The assessment is inconsistent in that it specifically ignores some future land-use changes (that would be an inevitable consequence of the land exchange being approved) but accepts other proposed "improvements"	Clauses 31 and 32 of the FTAA enables the Panel to impose conditions. The land exchange application must not consider the contents of the substantive application.
Strongly agree with the majority of the DOC draft report's contents, most importantly: • The overall assessment of no net gain when all environmental value categories are taken together • The ambiguity of which version of the FTAA should be used. If the QEII covenanted land is discounted from the value comparison, this would significantly lower the overall value of the DOC-get area • The precious nature and rarity of the healthy swamp maire population and the high risk / unsuitability of the Southern Gully for mitigation planting • The recognised well-used recreational value of the DOC-give land and a low-nil recreational value of DOC-get lands • The very poor level of weed control in much of the DOC-get areas currently owned by the Applicant • The increased pest and weed incursion, with associated cost and responsibility to DOC and edge effects	The comments are acknowledged. These matters were considered by the experts advising DOC and are included in the appended technical reports.

Organisation or person

Pages 42 and 43 of the DOC draft report contains an assumption that the DOC-get land will become incorporated into Belmont Regional Park and may be administered by Greater Wellington but this has not been agreed by Greater Wellington.

Page 5 of the draft DOC report notes that GWRC was appointed to "control and manage" Dry Creek Recreation Reserve in 1991, by Gazette notice. The legal test in cl29(2) of the FTAA (before the December amendment) relates to "land managed by the Department of Conservation". The FTAA (after amendment) changed this to "... Crown-owned reserves...". The DoC-give land is "a Crown-owned reserve" but it is not "land managed by DoC".

Response from DOC

Agree that this assumption may not be correct and have deleted the sentences.

With respect to the changes to the test, accept that there is a change to cl 29 as well as the change to add cl 29(2A).

The former version of the law says: *(2) The panel must not grant the approval unless the panel is satisfied that the land exchange (including any money that may be received under clause 30 and any conditions that the panel may impose in accordance with clause 32) will enhance the conservation values of land managed by the Department of Conservation.*

And, the new law says: *"(2) The panel must not grant the approval unless the panel is satisfied that the land exchange (including any money that may be received under [clause 30](#) and any conditions that the panel may impose in accordance with [clause 32](#)) will enhance the conservation values of conservation areas and Crown-owned reserves considered as a whole."*

As set out in this Report, the DOC legal position is the report should be prepared under the old law, but the Panel decision will be under the new. The Winstone's response largely agree, but have invited the Department also consider the exchange as if the new law were to apply through a set of new conditions in anticipation the Panel agrees with the Department's legal view. The Department's position on this issue and the application of the new law is addressed in sections 9 of the Report and the legal memorandum dated 7 July 2026.

Organisation or person

Response from DOC

Page 45 of the DOC draft report describes Toitū Te Whenua, but it has overlooked the policies in 6.2.1 (especially 1P, 5P, 6P, 7P, 8P, 11P and 12P and Natural Heritage Outcomes in 6.2.2, p47, (especially (A) i and ii)

The analysis of Toitū Te Whenua has been expanded to include some (but not all) of the policies listed. Only those that are relevant have been assessed.

Seeks recognition that the swamp maire within and immediately adjacent to the DOC-Give area are the only known mature swamp maire in Belmont Regional Park, and some of the most mature and healthy specimens of them locally. Seeks strengthened recognition of the risks of mitigation planting of swamp maire and imposition of a bond.

Mr Ward's assessment recognises that based on available information this species is not found anywhere else in the Belmont Regional Park.

DOC supports the inclusion of a bond for restoration planting, and pest and weed management.

Considers there will be a loss of recreation value as no swamp maire will be accessible by the public

Refer to the response from Mr Harbrow. He agrees that the planting of swamp maire in the Southern Gully with the difficult access as originally proposed would not address the loss of recreation value for those who value its presence in the more accessible DOC-Give land. The revised public access provided to the Southern Gully from Liverton Road would improve the accessibility of the restoration plantings. The Southern Gully will offer a lower quality recreation experience given it is a narrow corridor between the quarry land and lifestyle blocks, that has had a degree of human modification.

Considers that there will be nil recreation value of the DOC-Get areas and a significant loss in recreation value

Refer to the response from Mr Harbrow. The contribution of heritage and biodiversity values to the visitor experience is already considered as a criterion in the assessment of recreation values for the DOC-Give and DOC-Get land. The experience offered in the

Organisation or person	Response from DOC
	DOC-Get land is not exceptional, but is valued by a small group of knowledgeable visitors. The difficulty of access to the DOC-Get land is acknowledged, but given access would be difficult, but not physically impossible, a nil value would not be appropriate.
Seeks a clear explanation as to why proposed improvements to DOC-get can be considered, but detrimental changes to DOC-give lands can not.	The assessments undertaken and the matters included in DOC's Land Exchange Report reflect the wording of the FTAA. Clause 24(b) requires details of any improvement work to be done to provide a net conservation benefit, and cl 32(1)(b) enables conditions to be imposed for improvements.
Considers that the DOC-Give parcel has a higher level of visibility than the low-moderate value attributed in the landscape assessment. It is visible from about 40% of the most commonly used recreation track in the park. The landscape assessment does not consider the landscape as views by recreators. - recommends that the DOC final report takes into account the negative effect of the changes consequent to any land swap being approved, regardless of any legal claim that those changes would not be relevant. - recommends that the DOC final report should more accurately describe the overall change in landscape values that would result from this application being approved to be a net loss	Refer to the response from Mr Head. He opines that if track users in Belmont Regional Park were assessed as a separate party, it may be that the visibility of the DOC-Give for this group would be proportionally greater, and a higher rating than Low-moderate may be concluded. As he has not walked all of the tracks, he cannot confirm the visible extent.

Organisation or person	Response from DOC
Agrees with DOC that there is no overall net gain in conservation values, but recommends that this message is made more clear in the summary texts, and that a net loss be described as such.	The technical assessments have been expressed in language that the FTAA uses. However the report has been updated to indicate where there would be a loss in conservation values.
Seeks inclusion of a condition moving the boundary of the DOC-Give west by about 200m to fully protect the pond and the full catchment of the shallow valley and wetland upstream from it, and so protect the swamp maire and ramarama populations in that valley	While this suggestion would retain some of the recreational value of the DOC-Give land, it would represent a different land exchange proposal to the one being assessed.
Seeks that the Panel consider alternative quarry sites	This is a matter for the Panel to consider for the substantive application.
Heritage New Zealand Pouhere Taonga	
Agrees with Mr Nester that “any transfer would not impact on the conservation of cultural heritage values”	The comments are acknowledged.
Reiterates that if any future proposal involves works that may modify or destroy an archaeological site(s) then an archaeological authority is required.	The comments are acknowledged. This will be a matter for the substantive application.
QEII National Trust	
Management requirements for open space covenant 5-07-755 – while the Applicant considers the ongoing management and maintenance burden on the Crown for the DOC-Get sites is anticipated to be low, more intensive management will be	The obligations of the QEII covenant is acknowledged as a legal and financial liability and risk in accordance with cl 26(1)(d) of the FTAA.

Organisation or person

Response from DOC

required given the level of weeds in some parts of the DOC-Get sites.

Part B, clause 7 of the covenant deed clarifies that the Covenantor is required to control weeds and pests in the Covenant Area to the extent required by any statute (the examples given being the Biosecurity Act 1993 and the Wild Animal Control Act 1977).

Part B, clause 4.1 of the covenant deed contains a broader obligation on the Covenantor: "No act or thing may be done or placed or permitted to be done or remain on the Covenant Area which in the reasonable opinion of the Board materially alters the appearance or condition of the Covenant Area or is prejudicial to the Covenant Area as an area of open space as defined in the Act".

This broad obligation also captures weed and pest control. While the Applicant may consider the current management and maintenance burden for the Covenant Area to be low, this may not always be the case, and QEII National Trust may require a different level of management or maintenance in the future (particularly once any pest plant and animal control required to be carried out by the Applicant ceases).

Understand that fencing requirements are to be discussed with QEII National Trust. Part B, clause 9 sets out the Covenantor's fencing obligations. Any fencing will be what is reasonably required to protect the Covenant Area from livestock. These requirements can change when adjacent land use changes, which may include a change in the specification of fencing

As above - the obligations of the QEII covenant is acknowledged as a legal and financial liability and risk in accordance with cl 26(1)(d) of the FTAA.

Fencing for the exclusion of livestock is expressly included in the conditions suggested by DOC.

Organisation or person	Response from DOC
required. Maintenance of any fencing must be carried out at the Covenantor's sole cost.	
Notes that an area of instability between the Firth Block and the quarry pit wall has been identified. We would prefer that any measures taken to prevent people from accessing the unstable area do not result in any further degradation of native vegetation	Installation of a fence is included in the conditions and will be the primary mechanism for excluding people from the potentially unstable area.
If it were quarrying activities that have caused this instability, that the Applicant would take further measures (in its current capacity as Covenantor) to stabilise that land, rather than simply recommend that people be excluded from accessing it. We propose, if the land exchange is to go ahead, that this is attended to prior to the exchange in order to reduce any further management burden being imposed on a future Covenantor.	DOC has added a condition around stabilising this area.
Notes that the Applicant's proposed draft pre-condition (4) would require installation of 60 metres of fencing set back six metres from the Firth Block pit face (in the location shown on Drawing W15069_Land_Exchange_Concept Boffa Miskell 1 December 2025). We understand fencing needs to be installed in practical places. However, the western boundary of the Firth Block (Area B of the Covenant Area) appears to already closely align with the Firth Block pit face. It appears installing fencing set back six metres from the Firth Block pit face would leave part of the Covenant Area exposed, and risks an assumption being made on the ground that anything outside the fence line is not part of the Covenant Area.	While DOC appreciates that QEII Trust would prefer to have the fence located on the boundary of the covenant, this may not be possible due to the depth of the area of instability and safety risks. The conditions enable an alternative location of the fence to be determined by an independent certified by a suitably qualified geotechnical engineer as being suitable to address the instability issues at the quarry face.

Organisation or person

Response from DOC

We propose, if fencing is to be required on this boundary of the Firth Block, that it is required to be constructed as close to the boundary of the Covenant Area as is reasonably practicable.

Part A, clause 2.1.4 of the covenant deed notes that an objective of the open space covenant is to prevent subdivision (within the meaning of the Resource Management Act 1991 or any other equivalent replacement legislation) of the Covenant Area. The covenant deed was originally registered over two records of title (WN31B/39 and WN31D/969).

QEII National Trust would prefer that the Covenant Area be held within one record of title, and we respectfully request that the Minister (or their delegate) take this into consideration when reviewing any survey plan prepared by the Applicant. However, the objective in Part A, clause 2.1.4 is still met if the Covenant Area remains split over two records of title following any land exchange.

The comment is acknowledged and can be considered at the time that that the survey plan is developed.

Te Rūnanga o Toa Rangatira

Notes that the applicant and DOC appear to have assessed the proposal using different methodologies and have reached materially different outcomes. This divergence underscores a broader uncertainty about whether the proposed mitigation and ecological offsetting can adequately address the loss of existing and functioning cultural, ecological and hydrological values.

While different assessments may have been used, the comment process to the Draft Land Exchange Report has allowed some of the differences to be raised and addressed. It is acknowledged that DOC and the Applicant differ on some conservation value ratings.

The overriding priority of Te Runanga o Toa Rangatira is ensuring that the mauri of te taiao is restored and upheld where possible.

The comments are acknowledged.

Organisation or person

Response from DOC

This requires a high level of confidence that any proposed approach will maintain or enhance ecological integrity, rather than relying on uncertain future gains to offset immediate and established loss.

The extent of the difference between the applicant and DOC must be addressed ahead of the substantive application being considered.

It will be for the Expert Consenting Panel to decide how it wants to proceed and may include conferencing of experts to better understand the areas of agreement and disagreement.

Cultural values must be defined and assessed by mana whenua, not inferred through archaeological methods alone.

Agreed, and it is for this reason that the cultural values are captured as a separate subject area. The Cultural Values Assessment Report along with the comments provided by mana whenua has informed the description of cultural values.

Concerned by the report's conclusion that cultural values across the sites are 'low'. This appears inconsistent with the acknowledgement that the sites form part of a wider cultural landscape, with established whakapapa connections, historical travel routes, and ongoing relationships of kaitiakitanga.

Errors in Appendix 2 whereby responses to Te Rūnanga o Toa Rangatira are incorrectly attributed to Taranaki Whānui.

Thank you for drawing this to our attention. Appendix 2 has now been corrected and updated to reflect the contents of Condition Package A.

Acknowledge that it is not clearly demonstrated that the land exchange will result in an overall enhancement of conservation values.

There is a difference in the conservation values assessed. The DOC assessment indicated:

- a net benefit for landscape and natural character, cultural and terrestrial fauna values.
- no difference (and therefore no net gain) for heritage and freshwater ecology values; and
- a net loss (and therefore no net gain) for flora and recreation values.

The Applicant's assessment indicates:

- a net gain for ecology (habitat, birds, lizards and freshwater), landscape, hydrology, recreation and cultural values;
- no difference (and therefore no net gain) for ecology (bats) and archaeology.

It will be for the Expert Consenting Panel to decide whether the application meets the test of the FTAA.

Observe the reliance on uncertain future restoration outcomes, the loss of established wetland and ecological systems, and the importance of recognising existing ecosystem values. We also recognise the need to carefully account for existing protections, such as QEII covenants, to avoid overstating conservation gains, along with consideration of the potential for additional and ongoing long term management responsibilities for DOC.

Furthermore, we acknowledge the long-term nature of the proposed offset and the need for sustained, successful pest and animal control for the applicant to achieve the proposed offset value. With this in mind, we emphasise the importance of ensuring that these requirements are clearly understood and adequately addressed.

Advises caution where current, established values are proposed to be exchanged for uncertain future gains

All of the matters raised in this comment have been addressed in the Land Exchange Report and its appendices.

Refer to section 9 for an assessment should QEII values need to be discounted.

The assessments of both the Applicant and advisors to DOC are set out in the report. it will be for the Expert Consenting Panel to decide whether the application meets the test of the FTAA.

Organisation or person	Response from DOC
Priority is to ensure that their mokopuna and future generations inherit a thriving and resilient taiao, and that their relationship with the whenua, wai and wider landscape is upheld in a way that reflects their responsibilities as kaitiaki.	The comments are acknowledged. This emphasises the importance of the conditions should the Expert Consenting Panel approve the land exchange.
Transpower New Zealand Limited	
Has no concerns with the proposed land swap	The comments are acknowledged.
Transpower confirms that, based on the information supplied, National Grid assets and operations are not adversely impacted by the proposed land exchange.	The comments are acknowledged. This information is reflected in section 5.4 of the Land Exchange Report.
The Electricity Act grants Transpower the right to access tower structures situated on the land proposed for exchange. Transpower's statutory access rights under the Electricity Act 1992 are not altered by the change in land ownership / management and no additional easements or rights-of-way are required.	The comments are acknowledged. This information is reflected in section 5.4 of the Land Exchange Report.
Wellington Botanical Society	
Opposes the proposed exchange and considers it should be declined.	The comments are acknowledged.
The legal test in clause 29(2) of Schedule 6 of the FTAA requires the Panel to be satisfied that the exchange will <i>enhance</i> the	The assessments of both the Applicant and advisors to DOC are set out in the report. It will be for the Expert Consenting Panel to decide whether the application meets the test of the FTAA.

Organisation or person	Response from DOC
conservation values of land managed by the Department but this test is not met.	
There is a net loss for flora values even when the applicant's proffered improvements are included (illustrated in Tables 8 and 10 of the draft report)	Refer to Mr Ward's assessment of botanical conservation values, but his assessment is that there is not a net gain.
None of the DOC-Get sites approach the botanical value of the <i>Syzygium maire</i> (swamp maire, Threatened – Nationally Vulnerable) in Belmont Regional Park, sections of WF8 kahikatea/pukatea forest (Regionally Critically Endangered, 1% remaining), and a weed-free, structurally intact wetland gully system.	Refer to Mr Ward's assessment of botanical conservation values which takes into consideration these factors.
The change created by the Fast-track Approvals Amendment Act 2025 is important because Dr Burns' assessment states explicitly that <i>without the QEII sites</i> , the DOC-Give and DOC-Get are of comparable terrestrial fauna value	Refer to section 9 which contains the alternative assessment should the current version of the FTAA be used. If the current version of the FTAA is used, there is no change for terrestrial fauna as assessed by Dr Burns.
A reduction in values for recreation, flora net loss, unchanged freshwater values and conditions fauna gain means the exchange fails the enhancement test	The assessments of both the Applicant and advisors to DOC are set out in the report. It will be for the Expert Consenting Panel to decide whether the application meets the test of the FTAA.
Should it be approved, the minimum conditions should be: - a swamp maire offset ratio of no less than 200:1 (i.e. at least 1800 plants, following the 2019 NZTA precedent); - a funded long-term weed and pest management programme extending well beyond the applicant's proposed five years; and	After further consideration of the matters raised by the Applicant including the offset ratio for a resource consent and the area available in Southern Gully, Mr Ward has amended the conditions to include the planting of a minimum of 200 swamp maire. Refer to Mr Ward's assessment.

Organisation or person	Response from DOC
hydrological monitoring to assess impacts on swamp maire retained outside the immediate OBDA footprint.	The conditions as amended by DOC would have ten years for weed and pest management Hydrological monitoring has not been proposed as a condition as this matter is more relevant to the substantive application.
Winstone Aggregates	
Botanical assessment	
The fundamental disagreement between Dr Keesing's assessment and Mr Ward's is methodological: Mr Ward's assessment is primarily based on botany, focusing on species lists and the presence of swamp maire (<i>Syzygium maire</i>), whereas the BlueGreen assessment applies a broader ecological methodology, evaluating habitat maturity, structural complexity, and landscape function across all four EIANZ assessment criteria — representativeness, rarity and distinctiveness, diversity and pattern, and ecological context.	Mr Ward confirms that he used the same criteria as Dr Keesing. He has amended his assessment to provide further clarity in relation to the assessment of the DOC-Give site.
Considers that Mr Ward has materially overstated the conservation values of the DOC-Give area. Areas of disagreement include: - rating of broadleaf shrubland area as moderate-high - ignored the area of exotic weed fields (30%) and young common native regenerating scrub (37%) - the scoring of the individual components of Mr Ward's assessment - inconsistencies between descriptions of representativeness and ranking	Having considered the comments, Mr Ward considers no changes to the assessment of values are necessary.

Organisation or person

Response from DOC

- diversity and pattern contains discussion about matters which are not related such as rarity. There is no WF8 kahikatea-forest in the DOC-Give
- The factors in the ecological context assessment

Considers that Mr Ward has under-valued the DOC-Get blocks. Matters of disagreement include:

- not factoring in the larger cumulative area of the DOC-Get areas
- the Firth Block and Northern Gully areas have more complex and aged and less disturbed communities than the DOC-Get area
- the Firth Block and Northern Gully have the same younger seral communities as the DOC-Give, and there is a rare forest type (tawa-kāmahi forest type), and they support perennial waterways
- Northern Gully and Firth Block should result logically in a higher than the DOC-Give result, because those areas are larger, older, more mature, of greater integrity, are mosaics of greater diversity and stature and have been less adversely impacted by past uses
- Northern Gully is high value due to the absence of understory mammal disturbance is important but so is the value related to the rare forest type (Tawa-Kamahi MF7 - endangered) and the Pukatea - Kahikatea (WF8 – critically endangered) type
- The Firth Block has this range of mature forest in basins through to complex steep shrublands and in all measures other than rarity, the Firth Block should be greater than the DOC-Give because of its age, less modification and complexity

Much of the areas suggested by Dr Keesing as early seral vegetation particularly in the Northern Gully area apart from the QEII covenant are planted areas over top of reshaped and reconstituted landforms which are of low value.

Having considered the comments, Mr Ward considers no changes to the assessment of values are necessary.

Organisation or person

Response from DOC

- The value of the Southern Gully exchange wetland area which Mr Ward ranks as moderate. The areas of difference are rarity and ecological context.
- The value of Southern Gully is heightened by the potential for greater restoration through the proposed weed management and importance of the area in being able to establish a sizable swamp maire forest area
- The small area of QEII covenanted area in Northern Gully to score higher and differently than the wider area

Disagrees with the 200:1 offset for the planting of swamp maire, and considers that 200 is a more fair and proportionate level than 1800. If the Panel found more was required, the Southern Gully could support up to 600.

Mr Ward has reassessed and amended the offset rate accordingly. Mr Ussher made a good case for the NZTA decision being a resource consent condition not what is being discussed in the context of a land exchange application.

Mr Ward's analysis does not conform to the EIANZ (2018) values assessment protocol in its use of intermediate value rankings (moderate-high, low-moderate). Such intermediate values are not recognised by EIANZ

The DOC assessments all used a standard scale to rating to allow for direct comparison.

Considers that a low-moderate rating for the Southern Gully does not appropriately reflect such a sizable wetland. It must be considered as high or even very high following weed and pest and swamp maire planting.

Mr Ward does not consider the wetland to be of high value due to the state of infestation by non-native floral species.

Edge effects and their management are usually considered as a vegetation clearance effect through consent applications

Edge effects are relevant as the length of boundary would increase if the land exchange were approved.

Remain of the view that, taking into account the proposed improvements, principal of which is the addition of a large

The addition of two species of plant does not increase the ecological values of an area, it slightly increases the diversity.

Organisation or person

Response from DOC

number of swamp maire and Ramarama, the land exchange proposal will achieve a net conservation benefit for ecological values.

How values were derived at are not clear

See Mr Ward's technical assessment where he has made additional clarifications.

Weed and pest management will raise the Cottle Block to meet the better northern elements, but does not raise the average over all value to a different rank. In the Firth Block the western edge buffer planting and the weed and pest control similarly protects the existing values and allows progression of the vegetation but the deficit in this area in terms of values is the absence of rarity and the weed and pest management does not cause rarity to change. The moderate ranking will persist. The Dry Creek area, however, will greatly benefit from the weed and pest management and supplementary planting and bring it up to a moderate value.

The Northern Gully area apart from the QEII covenant are planted areas over top of reshaped and reconstituted landforms which are of low value, some weed care will not improve the ecological value greatly in Mr Ward's opinion. The Dry Creek area, is however in such a poor state that the considerable amount of effort required to remove the high percentage of weedy species, followed up by the vast number of plantings, would likely slightly improve the area.

The flora assessment is flawed in the DOC summary report because the method for assessing composite value has been applied inconsistently, and omits consideration of parcel size

Having considered the comments, Mr Ward considers no changes to the assessment of values are necessary.

Winstone are proposing to plant 200 swamp Maire and 200 Ramarama along with pest control to support the planting in this area as part of Package B. This would add significantly to the values of those wetland areas and spread the location of populations of swamp maire

It would add some value, but plantings are not as valuable as natural.

Organisation or person

Response from DOC

Taking into account the proposed improvements, principal of which is the addition of a large number of swamp maire and Ramarama, the land exchange proposal will achieve a net conservation benefit for ecological values. Conservation values are further enhanced and provide even more benefit to the Crown if an additional 200 swamp maire and Ramarama in the Regional Park area proposed in Package B is provided.

The addition of two species of plant does not increase the ecological values of an area, it slightly increases the diversity.

Comments on conditions:

- Agree with the purpose of Ecological Restoration Plan
- The list of weed species is too wide
- Annual weed monitoring is preferred over 6 monthly
- Baseline mammalian pest monitoring is not warranted
- Reduction target monitoring of pest animals is not required

Amendments have been made to the conditions:

- The Ecological Restoration Plan will be an effective mechanism for managing restoration planning and weed management
- The weed species list has been reduced to reflect the current weeds present
- The reporting period has been lengthened to yearly
- While baseline mammalian pest monitoring is not required, but measurable minimum targets are required

Dr Ussher compared the methodology of the Applicant and DOC assessment for vegetation Key differences include:

- Vegetation units versus overall land blocks
- Stated reasons for how a ranking was arrived at
- Consideration of land parcels and areas of each community
- The method for assessing composite value has been applied inconsistently

Refer to Mr Ward's report which has updated descriptions and reasoning for ratings.

Dr Ussher observes that more detail is required of how a value is arrived at. Considers the Blue Green Ecology reports are more transparent and systematic

The experts have made amendments to their technical reports where they consider more detail is warranted.

Organisation or person	Response from DOC
Questioned whether there should be a net gain in terms of freshwater values.	Refer to the response by Mr William.
Dr Ussher outlined the reasons for not supporting the replacement ration of swamp maire	Mr Ward has revised the level of planting of swamp maire to a minimum of 200. This is reflected in the conditions.
De Ussher provided further information on the proposed pest management duration. He considered that 5 years would be sufficient but herbivory gains will be lost quickly after cessation of control. 20 yaers will provides assurance of measurable gains	DOC recommends increasing the duration of pest management to 10 years.
Dr Ussher considers that the combination of land areas, land values, and enhancements offered by Winstone will ensure a net gain for the exchange in terms of ecological communities, important species (in particular swamp maire), and fauna.	This is different from the results of the experts advising DOC.
Outlined two ways in which the land exchange could There are two ways in which the land exchange could provide an overall enhancement of ecological values, even with the two QEII areas discounted. 1. Include an additional land parcel(s) not currently in public ownership or QEII covenant, 2. Identify land that is currently protected (for example Belmont Regional Park), within which ecology values can be enhanced to be at least 'Moderate'.	Either of these options are potentially outside the scope of the Application. Refer to section 9 and the legal memorandum in Appendix 6.
Outlined the actions of Conditions Package B which is proposed to take place within a part of Belmont Regional Park – including planting swamp maire, ramarama, weed control and possum control.	Refer to section 9 where this is addressed.

Organisation or person

Response from DOC

Freshwater

Disagrees with the DOC assessment that the difference between the DOC-Get and DOC-Give values are neutral.	Refer to Mr Williams response and updated technical assessment.
Considers that the DOC assessment overinflated the DOC-Give areas in the exchange waterways and underrated the Northern Gully waterways but arrived at the same overall value (without consideration of the quantity of stream and habitat given and offered)	The DOC freshwater assessment method also provides an overall score for 'freshwater value' by using the maximum score for any single criterion. This is to make sure we are not underestimating values based on uncertainty and assumes a precautionary position. In the cases of the blocks that are given a medium-high rating, this is primarily due to the presence of wetlands which are a rare ecosystem in the Wellington Region. The assessment aims to give an indication of the overall freshwater values in each block using the information available, not provide a weighting scale to assess the blocks against each other. The freshwater assessment outlines the high-level values across all the blocks (give and get). Overall, while the values are assessed as medium-high for the give and get, Mr Williams does not have any significant concerns about the loss and gain of freshwater values due to the potential land swap taking place.
It is not clear whether Mr Williams had reviewed all the relevant information provided by the Applicant	Mr Williams' assessment was completed was based on desktop information and the information supplied by the applicant
An important consideration is that DOC has not undertaken any of its own surveys of the waterways in any season and has not collected its own data. A desktop review should not outweigh repeated site based observations.	The assessment completed by Mr Williams was based on desktop information and information supplied by the Applicant.

Organisation or person	Response from DOC
Areas of disagreement include: • Exaggeration of the significance of intermittent aquatic habitat • Presence of rarity and functional ecological contextual values • Lack of recognition that the DOC-Give site holds predominantly ephemeral flow paths, with lesser amounts of intermittent reach and very limited amounts of perennial flow, whereas the DOC-Get site has substantive amounts of perennial waterway • Likelihood of long fin eel • Modelling presence of fish species	Refer to Mr Williams response and updated technical assessment.
The eDNA sampling locations to provide an accurate representation of the values to be found there The wetlands in the exchange are, on the east side, kiokio-sedge wet gully bottom sediment dominated features are riverine. It is not a seepage/flush or an ephemeral wetland or other special "threatened" type. The DOC-Get wetland (Southern Gully) is also a riverine swamp Description of the values associated with the farm pond including the tree fern gully habitat as of low value (young, simple, modified) and the manuka (kanuka) mixed broadleaf as moderate value the "wetland" being mostly open water as low value but the faunal value as high (avian).	Refer to Mr Williams response and updated technical assessment.

Organisation or person

Response from DOC

Qualitative judgements and assumptions are based on the data collected and numerous site visits.

Accepts that the nature of the waterways may change over time

Confirms there is no quantitative survey information for the waterways in the Firth Block, but there is observational judgement. Includes a description of the waterways

Confirms that there is no quantitative or qualitative survey information for the waterways present in the Dry Creek Block, there is very little stream habitat in the DOC-Get space. Therefore no values have been assigned in that area, i.e. no "value" gain is attributed to that habitat for DOC-Get

DOC also incorporate aspects for the DOC Give site that are not relevant to the DOC Give site e.g. MCI downstream

Comments on the assessment in terms of:

- Representativeness
- Diversity and pattern
- Rarity

Comparison of Dr Keesing's assessment against Mr Williams

While DOC eventually conclude that the exchange is balanced, Dr Keesing is of the strong opinion that the exchange favours

Organisation or person	Response from DOC
DOC, with DOC receiving more and better aquatic habitat than it releases.	
The freshwater values do not appear to have taken into consideration the much greater length of stream that is offered through the DOC-get parcels	
The DOC Get stream habitats are of greater lengths of better condition perennial reaches, with better instream condition and values than the DOC Give tributaries, and that raising the smaller, less flowing, less developed, more modified headwater tributaries of the DOC Give	
Recreation	
Clarifies that the annual estimate of 6,570 uses of the Buchanan Road Tramping Track was not solely derived from Strava data. While informal or seasonal use may not be captured, the effect on the overall conclusion is modest	Agree with this description.
Social licence as a criteria would require other assessments such as social impact	Refer to Mr Harbrow's assessment. Social license for exchanging away the DOC-Give land and acquiring the DOC-Get land was considered in the context of the recreation opportunities accorded by each. However, it was not a conclusive factor in the overall assessment.
Does not consider that unformed exploration tracks should be afforded the same weight as properly planned, sanctioned and maintained tracks when assessing the long-term recreation	Refer to Mr Harbrow's assessment. He considers that the presence of informal tracks and the use and maintenance of pest control lines

Organisation or person

outcomes of the exchange and the "low" recreation value is warranted for the DOC-Give.

The proposed access from Liverton Road has implications for future nature-based recreation and will increase the DOC-Get recreation value from low to low-medium

Response from DOC

for access reflect the recreational value that some members of the community have placed on the DOC-Get land.

Refer to Mr Harbrow's assessment. He does not consider that the opening up of the right of way to wider public use under Improvement Package A would confer any additional advantage for planting and restoration activities undertaken by mana whenua or appropriately authorised volunteer groups.

Allowing access to the DOC-Get land from Liverton Road for recreational users would improve the recreational value of the proposed exchange by offering legal and practical access into the Southern Gully, the proposed plantings of swamp maire and the Northern Gully. It is also possible that this access could improve linkages with other areas of Belmont Regional Park, but I note that the terrain at the end of the Northern Gully is steep. If visitors are encouraged to use this area, fencing would need to be installed to discourage people from entering the quarry and overburden disposal areas from the Northern and Southern Gullies.

Liverton Road itself is a narrow access road that is single lane for much of its length. It has a number of blind corners and limited places for vehicles to pass. It is therefore poorly suited to supporting visitor use of the DOC-Get land.

If the conservation values of QEII were discounted, there would be a very minor impact on the assessment of recreation values, and the overall rating of the recreation values for the DOC Get and DOC Give land remains unchanged, regardless of discounting.

Refer to Mr Harbrow's assessment. If the QEII areas were to be discounted, the DOC-Get sites have a Low conservation value for recreation.

Organisation or person

Response from DOC

Land contamination

Northern Gully – there is an isolated pocket of dumped waste material including drums, metal, and other debris in the streambed. An area measuring 20 m x 25 m of concrete, corrugated iron, scrap metal, empty drums, a collapsed shed and an old refrigerator is on the adjacent stream embankment. Potentially localised contamination may be present within and hydrologically down gradient. A targeted investigation of this area is considered appropriate for contamination as a precondition.

The description has been updated in the report. The presence of this material and the risks of contamination have been reflected in the conditions.

The Preliminary Site Investigation for Northern Gully, Southern Gully and Firth block indicated no evidence of bulk storage of drums for fuel, chemicals or liquid waste. Additional investigation is not considered to be warranted in relation to this potential contaminant source.

The description has been updated in the report.

While the DOC report states there is the potential for ongoing contamination from adjacent quarrying activities, this is very low due to the nature of rock quarrying operations. The overburden in the Northern and Southern Gullies is not expected to represent a source of soil contamination.

The description has been updated in the report.

Dry Creek has been subjected to consented clean filling so the scope of soil investigation was limited as the potential for contamination was unlikely or low. Based on the results of testing near-surface soil there are no contaminants identified that would present a risk to staff / personal involved in planting or soil disturbance.

The description has been updated in the report.

Organisation or person	Response from DOC
There is no evidence that soil contaminants are present at concentrations that would present a risk to health of site users or the public	The description has been updated in the report. The presence of this material and the risks of contamination have been reflected in the conditions.
Suggested amendments to the conditions around contaminated land	The conditions have been further amended to reflect known potential contamination as well as unknown.
Landscape	
Mr Head's assessment is broadly consistent with the relative weighting in Mr Girvan's assessment including assessing the DOC-Give land as Moderate in landscape value, with low-moderate visibility. The areas of difference are Firth Block is ranked slightly higher and Dry Creek slightly lower in its existing condition. Mr Girvan does not consider those differences materially alter the overall landscape conclusion.	Refer to Mr Head's response where he agrees.
High level of consistency between Mr Head's and Mr Girvan's assessment of landscape values, with the DOC-Get land has greater collective value than the DOC-Give land, particularly if the proposed improvement package is secured through robust and measurable conditions.	Refer to Mr Head's response where he agrees. He is supportive of the Applicant's approach in principle to adopting the various DOC conditions of consent, should the land exchange be granted.
If the QEII values are discounted, the overall landscape comparison remains as a net benefit in favour of the Crown, particularly when the DOC-Get parcels are considered as a package and alongside the proposed improvement measures.	If QEII covenanted areas are disregarded, Mr Head assesses the overall ranking of the DOC-Get sites as 'Moderate'.

Organisation or person

Response from DOC

Edge effects, weed management, pest control, and the need for greater certainty around restoration outcomes are capable of being addressed through strengthened conditions and clear management obligations, including through the proposed ecological restoration / management framework

Refer to Mr Head's response. Following the land exchange (if successful), these land parcels will continue to be exposed to weed and animal pest invasion which needs to be recognised with robust conditions put in place. Some threats will continuously come from neighbouring land which is outside the Applicant's control.

Amended the visibility rating for Southern Gully to Low, acknowledged the more nuanced treatment of QEII-related associative value, and accepted that edge effects, weed management and pest control require greater certainty through conditions. This does not change the overall values.

The clarification is acknowledged.

Agrees with Mr Head that the DOC-Give land will not visually change much, if at all, simply as a consequence of the exchange

The clarification is acknowledged.

Northern Gully – it is important that the Moderate-High landscape value of Northern Gully is not dependent solely on its QEII status. Mr Head's assessment of landscape values is the same as Mr Girvan's.

The clarification is acknowledged.

Southern Gully – although there was an error in the rating of the visibility of this block, the overall landscape values are Moderate.

The correction is acknowledged.

Firth block – rated as Moderate-High landscape value and High visibility. If discounting of QEII covenanted areas is required, reduced weight may need to be given to any value arising from that legal protection or recognised conservation status. Discounting the covenant-related aspect does not remove the underlying landscape values of the land

Refer to Mr Head's response. He considers that regardless of the application of the legal test, the natural values of the land parcels remain, irrespective of whether there is a QEII covenant over them or not.

Organisation or person	Response from DOC
Firth block - There is a difference in associative values between Mr Head and Mr Girvan	The difference in assessment is acknowledged.
Dry Creek – difference in values between Mr Girvan who rated it as having Moderate landscape values, while Mr Head considered it to have Low-Moderate landscape values which reflects the differing consideration of the nearby quarry activity.	The Dry Creek land parcel is noted by Mr Girvan in his response statement as "... best understood as a restoration and consolidation opportunity". This goes beyond the description of current landscape value. Or in other words, 'restoration opportunity' shouldn't be conflated with current landscape value.
The conditions should be sufficiently certain to ensure that weed management is delivered, monitored and maintained, but sufficiently flexible to allow adaptive management where site conditions, reinvasion risk or best-practice control methods change over time	Mr Head agrees.
Planting and replanting will only materially improve landscape values where this is supported by measurable establishment, protection, replacement, weed control, pest control, monitoring and maintenance obligations.	Mr Head agrees.
Remains of the view that the DOC-Get land, considered as a package and alongside the proposed improvement measures and DOC's recommended conditions, would make a stronger and more certain long-term landscape contribution to the Conservation Estate than the DOC-Give land	The assessment is acknowledged.

Hydrology

If the conservation values of the two QEII Blocks must be discounted by the Panel when forming its view, the hydrological values within these blocks must also be removed from the hydrological analysis provided previously. This would remove from consideration the 436m of stream length in the Firth Block (142m of Order 6, 130m of Order 7, 77m of Order 8 and 87m of Order 9) and the 185m (95m $\geq$ Order 10 and 90m of Order 6) of stream length in the part of the Northern Gully that is subject to the QEII covenant.

Refer to section 9, the report has been updated to reflect these metrics.

The proposed land exchange will provide DOC with:

- Significantly longer streams i.e., maximum length of 463m compared to 265m;
- Although there will be a reduction in the number of gully heads and ephemeral flow paths, there will be a significant increase in both the length and number of larger streams with higher and more resilient flow regimes i.e., 1,500m compared to 223m;
- A significant increase in the total length of streams and watercourses i.e., 2,408m compared to 1,855m;
- A significant increase in the upstream catchments contributing flow (i.e., 164.92ha compared to 89.2ha). This will ensure more stable and resilient flows in the larger streams which form part of the exchange
- The land exchange will provide 'protected' hydraulic connections to several upstream catchments.

The report has been updated to reflect the length of streams.

Organisation or person	Response from DOC
Even excluding the areas under QEII covenants, the proposed land exchange offers a range of attributes and advantages to DOC, providing a net benefit in favour of the Crown in terms of hydrology	Refer to Mr William's response. He confirms that the presence (or not) of the QEII block does not change his view of the values present as the values remain the same regardless of any covenant over the land.
Bats	
Provided further detail on the temperature during the bat surveys.	The further detail is acknowledged. Dr Burns is satisfied with the explanation provided.
Confident that the bat survey that has been undertaken is representative of bat activity at this site for this time of year and can be relied upon to detect bats that might have been intermittently present at the site	The further detail is acknowledged. Dr Burns is satisfied with the explanation provided.
The exclusion of the QEII sites would have no effect on values relating to bats or bat habitat due to the very low likelihood of bats using the site.	The clarification is noted.
Lizards	
Addressed the omission of closed-cell foam covers as a detection method for lizards but did not meaningfully diminish the survey's detection capability. On survey methodology, the 2025 Blueprint Ecology survey was appropriate, targeted, and well-suited to the habitat and species present	Refer to Dr Burns' response.

Organisation or person	Response from DOC
On habitat equivalence, Mr Burns accepts the applicant's core methodology of correlating lizard values with vegetation maturity and complexity. The areas most likely to support ngahere gecko at all sites are already assessed and mapped as high quality which is not disputed by Mr Burns	This is correct, see Dr Burns' technical assessment for further information.
Mr Burns contends that steep terrain and dense vegetation at the DOC-Get sites will limit the effectiveness of ground-based pest control relative to the more accessible DOC-Give sites however this is a shared characteristic between DOC-Give and DOC-Get.	Dr Burns considers the feasibility and effectiveness of ground pest control this to be a relevant factor due to: ground-based animal pest control is currently occurring in the 'DOC-Give' area, so benefits to terrestrial native fauna should have accrued at this site (mainly birds – as lizards are constantly highly vulnerable to predation by introduced mammals), and will continue if this pest control is maintained; the applicant has offered that pest control should occur over the 'DOC-Get' sites, so raising the feasibility of achieving this in practice, is relevant.
Seasonal rat trapping alone will deliver limited direct benefit to lizard populations	Refer to Dr Burns' response.
The land exchange does not rely on pest control delivering lizard population benefits at the DOC-Get sites. It rests on the substantial net-gain in lizard habitat extent and quality that DOC receives as a consequence of the exchange. The DOC-Get sites provide an increase of 14.36 ha of lizard habitat overall and 3.46 ha of high-quality habitat	Refer to Dr Burns' response.
The two areas of QEII covenant land have a notable influence of the quantum of lizard values being exchanged by excluding the	The report has been updated to reflect this difference.

Organisation or person

Response from DOC

conservation values assigned to the QEII covenants. The total area of lizard habitat at the DOC-Get sites is still greater by 2.2 ha, and the differences between high, medium and low value habitat effectively balance each other out such that a relatively comparable exchange in lizard values is achieved, slightly in DOC's favour.

There is no deficiency in the habitat equivalence assessment. The land exchange delivers a meaningful and demonstrable improvement in lizard habitat extent and quality, and the assessment supporting that conclusion is methodologically sound.

The assessment is acknowledged.

Archaeology

Agree with Mr Nester's assessment that the proposed transfer would not impact on the conservation of cultural heritage values

The agreement is acknowledged.

Agree with Mr Nester that the recorded archaeological site is of low cultural heritage value and that an Authority would be required if it was pre-1900 origin for any modification

The agreement is acknowledged.

Agree with Mr Nester that any archaeological sites identified in future would likely be of overall low cultural heritage values, but that the archaeological provisions of the heritage New Zealand Pouhere Taonga Act would still apply

The agreement is acknowledged.

While Mr Nester has ranked the archaeological significance or value of Site R27/910 low to medium, considers the significance

The report has been updated to reflect this.

Organisation or person	Response from DOC
is currently low. The ranking could be medium if any subsurface remains are established dependent on their condition and extent	
There is potential for archaeological remains of the tramway identified on an historical plan to also be present in both the Northern and Southern Gully sites. This would result in a low-medium ranking for archaeological value for Southern Gully.	The report has been updated to reflect this assessment.
Suggest deletion of the column for “cultural values” and replaced that this value is to be determined by mana whenua	While Mr Nester’s technical report has not been amended, the overall report has been amended to reflect this approach.
Archaeological values are not associated with or affected by QEII covenants and there is no reference to these values in the covenant. The relevant archaeological values of the exchange are therefore unaffected by the presence of QEII covenants	Refer to section 9 where this information is reflected.
Greater Wellington Regional Council	
Support in principle the use of land within Belmont Regional Park, consisting of two potential sites for biodiversity restoration and enhancement (the proposed works), which may be required for offsetting/mitigation purposes involved in regulatory requirements of the project: Land that is part of the Conservation Estate (owned by the Crown but which is managed and controlled by Greater Wellington as Belmont Regional Park) in the immediate vicinity of the Proposed OBDA land; and	Section 9 addresses Conditions Set B and reflects the information provided by Greater Wellington Regional Council.

Organisation or person		Response from DOC
A block of land known as the Hefferman Block that is within the Regional Park and owned by Hutt City.		
The proposed works are: - not currently subject to programmed works by Greater Wellington that would conflict with the proposed offset or mitigation activities. - generally consistent with the long-term management intent for the land, including ecological management and site restoration	Section 9 addresses Conditions Set B and reflects the information provided by Greater Wellington Regional Council.	
The land is held as Belmont Regional Park land and managed by Greater Wellington and is subject to applicable statutory and management plan requirements being a recreation reserve	Section 9 addresses Conditions Set B and reflects the information provided by Greater Wellington Regional Council.	
The letter confirms support from an asset management perspective only, and still needs statutory approval	Section 9 addresses Conditions Set B and reflects the information provided by Greater Wellington Regional Council.	
Should statutory approval be granted for the Belmont Quarry Development Project, a separate agreement with Greater Wellington Regional Council will be required to address operational matters including access, health and safety, methodology of works, maintenance and monitoring, management and cost recovery / funding.	Section 9 addresses Conditions Set B and reflects the information provided by Greater Wellington Regional Council.	

Legal issues

The land exchange application should be fully determined under the existing law for the following reasons:

- The legislative intention of the Amendment Act is that a land exchange application that is lodged under the existing law will be determined under the existing law
- There is no separate decision made on a land exchange application except as part of a substantive application
- The 3 parts to the definition of “application”
- Does not believe that a land exchange application is required to be subject to different transitional provisions because it is subsequently part of a substantive application.
- FTAA’s transitional provisions, including cl 6(1), Schedule 1
- the plain words (read literally) of cl 8, Schedule 1, would mean that a substantive application lodged after 31 March should be determined in accordance with the new law. This would not apply to the land exchange application component of any substantive application.

Refer to the legal memo dated 7 July 2026 in Appendix 6.

The DOC draft report and legal memorandum agree with Mr Matheson that the report must be prepared under the existing law

Refer to the legal memo dated 7 July 2026 in Appendix 6.

The Department says, the Expert Panel must apply the new law to the substantive application, but Mr Matheson does not agree.

Refer to the legal memo dated 7 July 2026 in Appendix 6.

Mr Matheson does not agree that it may be open to an Expert Panel to discount conservation values that are already protected

Refer to the legal memo dated 7 July 2026 in Appendix 6.

Organisation or person	Response from DOC
on the title of land proposed for exchange due to the breadth of the criteria under cl 26, Schedule 6 (Legal memorandum, [11]).	
The amendment in December 2025 was also accompanied by another change which effectively allowed an applicant to undertake works on other land so as to achieve an overall enhancement of conservation values	Refer to the legal memo dated 7 July 2026 in Appendix 6.
Agree that it might be possible for the Expert Panel to seek further information under s 67, and that if the Expert Panel did decide that the new law applied, then it would have to exercise this process in order to bring to it the relevant material on which to base a sound decision	Refer to the legal memo dated 7 July 2026 in Appendix 6.
Expressed concern that because an applicant would need to be able to respond to new information (and potentially other parties), then this effectively creates a "comments-process" which the FTAA has limited, in the context of a land exchange	Refer to the legal memo dated 7 July 2026 in Appendix 6.
Does not agree that s 68 would provide an avenue for the Expert Panel to seek comment from all parties, which as a matter of fairness it would need to do.	Refer to the legal memo dated 7 July 2026 in Appendix 6.
The Expert Panel will have to make a determination as to whether the existing law or the new applies to the substantive application for the land exchange	Refer to the legal memo dated 7 July 2026 in Appendix 6.

Organisation or person	Response from DOC
Given that the Panel may take a different view, Winstone Aggregates has developed 2 sets of conditions: a. Includes conservation enhancement works for the applicant's exchange parcels, but without applying any discount to the conservation values of land subject to a QEII covenant (ie the existing law). b. Includes conservation enhancement works primarily off the applicant's exchange parcels, and which would discount the conservation values of land subject to a QEII covenant	Refer to the legal memo dated 7 July 2026 in Appendix 6 and section 9.
Legal submissions	
DOC's overall approach to the statutory test for approving a land exchange in clause 29(2) appears to be one that requires a net benefit for each sub-category of conservation values. Winstone does not agree that there needs to be a net benefit for each category of conservation values	Refer to the legal memo dated 7 July 2026 in Appendix 6.
Methodological discrepancies results in difficulties comparing DOC values with those of Winstone	Refer to the legal memo dated 7 July 2026 in Appendix 6.
The lack of consistency and transparency in DOC's overall assessment is a potential legal error in DOC's assessment. The information must be presented in a clear, rational and consistent manner	Refer to the legal memo dated 7 July 2026 in Appendix 6.. The expert reports are clear, and provide how they reached their views on the values of the relevant areas.
The findings of the Cultural Values assessment prepared by Hikoiko Management Limited are not adequately reflected. That	Refer to the legal memo dated 7 July 2026 in Appendix 6 and section 5.1.7 in the report. A new section has been created to give

Organisation or person

Response from DOC

assessment is that the exchange will result in strengthened cultural values and an overall uplift in conservation outcomes. Improvements and opportunities for partnership and active kaitiakitanga arise from the land exchange.

the Cultural Values Assessment more visibility. The cultural values have been added into all the comparison tables.

Suggestions that the land will form part of the Belmont Regional Park are incorrect

Refer to the legal memo dated 7 July 2026 in Appendix 6. It is accepted that a future decision will be required to determine the exact land status after the Panel decision pursuant to cl 34 of schedule 6 to the FTAA.

Suggestions that the effects of the substantive development of the overburden disposal area have been factored into the assessment in the appended technical reports.

DOC confirms that the potential future use of the DOC-Give site was not factored into the assessments.

The Hutt City Council vegetation encumbrance has been removed from the title to the Firth Block since the lodging of the report, and no longer requires consideration

Noted and all references to it have been removed from the report.

The Draft Report omits an assessment of whether the land exchange would be approved if DOC's proffered condition set were imposed. The technical assessments do not assess the conservation values against the DOC-offered conditions

This has been superseded by Conditions Package A which has been assessed by the various technical experts.

The discrepancies in methodology and information relied upon could be resolved by an expert conferral process.

The Expert Consenting Panel could direct expert conferencing if it felt it would be of assistance.

A key legal issue is whether the "enhancement" of conservation values is required to be considered on an individualised basis for each sub-category of value, or whether a holistic assessment is

Refer to the legal memo dated 7 July 2026 in Appendix 6.

Organisation or person

Response from DOC

required of all conservation values considered together. Winstone considers that clause 29 mandates an overall or global assessment of all types of conservation values considered together

DOC considers that the post-commencement version of clause 29(2) must be applied in the panel's decision making whereas Winstone consider the pre-amendment version should be applied.

Refer to the legal memo dated 7 July 2026 in Appendix 6 and the Department's 29 May 2026 legal memorandum in Appendix 5.

It is uncertain which legal test will be applied by the expert panel and therefore two packages of conditions have been developed, with Package B applying should the Panel apply the post-commencement version of the FTAA

Addressed in section 9 of the Report.

Winstone considers that DOC's condition set may assign too many conditions to the clause 31 category. Some of DOC's clause 31 preconditions are not readily achievable within a two-year timeframe and are not strictly necessary to enable the land exchange to be effected

Addressed in section 5.7 of the Report. The conditions have been reorganised to reflect clauses 31 and 32.

As far as the applicant is aware the Minister for Conservation has not specified any "standard conditions" for land exchanges under s78. DOC cannot invoke section 78 by simply asserting that conditions ought to be imposed

Refer to the legal memo dated 7 July 2026 in Appendix 6. Section 78 conditions have been developed and are available for viewing.¹⁹⁶

¹⁹⁶ https://www.fasttrack.govt.nz/_data/assets/pdf_file/0014/17060/Updated-Minister-of-Conservation-decision-re-section-78-conditions.pdf

Organisation or person	Response from DOC
The condition requiring review of the survey plan is unnecessary and the timing for review should not be open ended	DOC supports a two stage process for developing and finalising the survey plan. A draft process will enable any issues to be resolved and will make for a smoother finalisation process.
No objection to the deletion of the requirement to vest the sites as reserve subject to the Reserves Act 1977 but notes that the DOC land must be held for conservation purposes as a matter of law under the Reserves Act	Not a correct statement of the law. Refer to clause 34 of the FTAA.
The condition requiring full discharge of the vegetation protection encumbrance is unnecessary because that encumbrance has already been discharged	The discharge of the vegetation protection encumbrance is noted. The report has been updated to remove any reference to it. In addition, there are no remaining references to this in the conditions.
Consider there is no need for a bond, but if the Panel consider there is then more certainty is needed about the scale and what it is intended to address.	Clause 32(1)(b) enables conditions that require the applicant to bear the cost of any improvements to the land acquired by the Crown that the panel thinks necessary as part of ensuring that the land exchange will enhance the conservation values of conservation areas. A bond is precisely that – a cost of the improvements offered in the event that the Applicant does not fulfil the conditions. The wording proposed by Winstone sets out the works to which the conditions relate; that is, weed clearance, native planting, fencing, removal of rubbish, pest-management and any other works required under these conditions the Approval holder is required to undertake at its cost. DOC's intention was that the bond cover the risk of these works not being carried out, particularly as they are an important part of the Applicant's stated gain in conservation values.
Winstone has proposed amendments to the management plans to make them more workable	Addressed in section 5.7 of the Report. The conditions were significantly improved after receiving the draft Exchange Report, however there remains some areas of difference particularly whether

Organisation or person

Response from DOC

the management plans should be certified by an external suitably qualified and experienced person or whether they are for approval by DOC. The approval process is to ensure that the mechanisms outlined in the management plans will achieve the minimum levels set out in Tables 1-3.

The responses as proposed by the Applicant for pest management are not certain enough to be measurable. DOC prefers the minimum requirements as set out in the Draft Land Exchange Report.

There is disagreement between Winstone and DOC experts on the appropriate number of swamp maire to be planted

Addressed by Mr Ward in his response who has agreed with a reduced number.

Winstone has accepted DOC's requirement for 10 years of mammalian pest management, however it has proposed amendments to the monitoring and target species

Addressed in section 5.7 of the Report. The conditions were significantly improved after receiving the draft Exchange Report.

The responses as proposed by the Applicant for pest management are not certain enough to be measurable. DOC prefers the minimum requirements as set out in the Draft Land Exchange Report.

DOC accepts targeting of the key pest species set out in Table 3.

Ten years pest management is supported, which reflects the comments made by Dr Ussher.

Winstone has amended the fencing conditions to be more certain and not require the Minister's approval.

Addressed in section 5.7 of the Report. In terms of boundary fencing, there is a s78 condition for this matter. The Applicant proposes a more narrow Condition 15 which requires fencing to be constructed where reasonably necessary to exclude persons, meet any existing covenant requirement, or address an identified safety risk. DOC can see the value of a tailored condition for fencing but suggests the inclusion of fencing to keep stock out of the DOC-Give

Organisation or person

Response from DOC

sites which is consistent with the requirements of the QEII covenant. DOC considers there is no need to include the words "acting reasonably" and this introduces uncertainty into the condition.

Condition 16 requires the Approval holder to install a fence along part of the quarry face against the Firth block. DOC supports the requirement for a barrier to be constructed to keep people away from the area that is subject to instability associated with the quarry face. However, DOC proposes the fencing requirement be extended further north along other quarry earthworked areas which are very close to the Firth Block boundary, and an approval process for the location and design. In the absence of a detailed design being set out in the conditions, DOC recommends inserting a requirement for the design to be submitted for its approval. It is important that this fence is appropriately designed for safety and to minimise risk, particularly given that the purpose of the fence is public safety and future liability for public safety on the Firth Block will be DOC's responsibility. This will also enable the risk to vegetation to be minimised – a concern that was expressed by the comments from QEII Trust. DOC recommends including references to the Geotechnical Appraisal report rather than the Boffa Miskell diagram as it provides additional information. Because of the risks of geotechnical instability, clear signage is required to reduce the risk to people. DOC also proposes that Winstone be required to make good any issues with instability resulting in the future from the quarry activity.

Considers that the condition about the Biosecurity Act is redundant

This is a s78 condition and is considered to be appropriate.

Organisation or person

Response from DOC

Considers that the proposed land contamination condition is not specified by s78. States that it is unlikely that there is any contaminated land in the DOC-Give areas. Proposes a replacement condition to limit the period and extent of remediation required

Addressed in section 5.7 of the Report.

DOC is concerned that the current drafting of those conditions provide no certainty that any contamination will be remediated and to what level. The definition of "land covered / piece of land" in the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 is narrow and DOC is concerned that this may limit the identification and remediation of contamination. DOC considers that the s78 condition is more appropriate and provides more certainty to DOC. DOC therefore requires that the s 78 condition relating to contaminated land be imposed.

In addition, the potentially contaminated area in the Northern Gully was discovered by chance during site visits. It was not the result of targeted and methodological surveys. There may be further historic dumping in the Northern Gully and therefore DOC does not support limiting it to the area identified in the Pattle Delamore Partners memorandum.

Winstone has deleted the condition about not proceeding with the land exchange as it is more appropriate to be included as part of a land exchange agreement rather than a condition on the land exchange approval.

This is an acceptable approach.

Whether the land exchange achieves the matters set out in the Conservation General Policy is not relevant to the decision-making process for the land exchange because the Conservation General Policy does not apply to reserves that are controlled and managed by administering bodies such as Greater Wellington Regional Council

Agree with respect to the land being given as part of the exchange. However, it is relevant to the DOC-Get land which would come into DOC ownership if the land exchange is approved. Addressed in section 5.5 of the Report.

Organisation or person	Response from DOC
Clarified the relevance of the paper road – it cannot be part of the land exchange unless a road stopping process is completed with Hutt City Council	Noted, and an explanation of this process external to the land exchange process has been added.
The assessment of liabilities and risks is one-sided in that it only considers the potential legal and financial liabilities associated with DOC taking ownership of the land exchange parcels. It does not consider the liabilities that DOC will be exposed to in the counterfactual scenario where the land exchange does not proceed and the status quo continues, e.g. potential liability to remediate contaminated land that has been found in that area. Overall, the potential exposure to the Crown associated with cleaning up rubbish and contaminated land is not significantly increased by it taking ownership of the DOC-get areas in exchange for the DOC-give area, and subject to the proposed condition package	Addressed in section 5.4 of the Report. The risk is increased for DOC as the Pattle Delamore Partners memorandum has identified an area in a waterway of the Northern Gully where historic dumping has occurred and there is the potential for contamination as a result.
There is a misconception about the potential land contamination risk from quarrying activities	The information from PDP was helpful explaining that the nature of quarrying is unlikely to result in contaminated land. The report has been updated to reflect this material.
Statutory tests for a land exchange	The analysis is acknowledged.
Set out an assessment against the purpose of the FTAA	The analysis is acknowledged.
Planning issues	

Organisation or person	Response from DOC
The stopping of the unformed paper road within the DOC-Give area is not a matter that can be determined through the FTAA process and is not part of the land exchange application	Noted, and an explanation of this process external to the land exchange process has been added.
Drawing on a range of technical assessments to describe the parcels results in descriptions that are not always presented in a consistent or readily comparable manner	The description reflects a combining of the technical descriptions provided by the Applicant and the observations of DOC's technical experts.
Winstone confirms that the Hutt City Council vegetation encumbrance has been removed from the title to the Firth Block since the lodging of the report, and no longer requires consideration	The confirmation is appreciated, and the report has been updated accordingly.
Appendix 2 does not fully reflect the breadth of comments received during the section 35(1) process. The views of key stakeholders, including those expressing support for or neutral position towards the proposal, warrant equal consideration alongside comments expressing opposition	This is only a summary and the primary comments are available if a reader seeks further detail.
The response to Te Rūnanga o Toa Rangatira comments includes reference to Taranaki Whānui ki te Upoko o te Ika	This was an error and has been corrected to reflect the contents of Conditions Package A and the involvement of mana whenua in developing the Ecological Restoration Plan.
The version of cl 29 that should be applied and the consequences of that	This is a legal issue and is addressed in section 5 of the report.
Different methodologies were used in the DOC assessments from Winstone	This is addressed in the responses of the experts.

Organisation or person	Response from DOC
Issues with the botanical assessment include: • Methodology • Value of the DOC-Give site • The number of swamp maire to be planted • The rating of the wetlands • Edge effects • Improvement packages • The effect of discounting the conservation values on the QEII covenanted areas	Refer to Mr Ward's response.
Issues with the freshwater assessment include: • Overinflation of the DOC-Give waterways and underrating the Northern Gully waterways but arrived at the same overall value (without consideration of the quantity of stream and habitat being given and offered). • Provided responses to the information gaps identified	Refer to Mr Williams' response
Describes amendments to the conditions for weed and pest control	The conditions are addressed in section 5.7 of the report.
Considers that from a hydrological perspective the proposed land exchange offers a range of attributes and advantages to DOC including increased stream length	The report has been updated to reflect this information.
Winstone assessment maintains that the DOC-Give land has low recreation value. The additional improvements proposed by Winstone, including public access from Liverton Road and the	Refer to Mr Harbrow's response.

Organisation or person

Response from DOC

swamp maire restoration area, increase the recreation value of the DOC-Get land from low to low-medium.

Response to archaeology values assessment	This is acknowledged and reflected in the report.
Considers that the Draft Report does not appropriately reflect the cultural values evidence provided through the Cultural Values Assessment and the extensive engagement undertaken with mana whenua throughout the development of the proposal	There was considerable discussion of the Cultural Assessment Values Report, however this has been consolidated into a new section 5.1.7.
Mr Girvan notes there is broad agreement between his assessment and Mr Head's review, with both assessing the DOC-Give land as having Moderate landscape value and recognising that the DOC-Get land includes areas of higher landscape value, particularly within the Northern Gully and Firth Block.	Refer to Mr Head's response.
Interpretation of Conservation General Policy 6(a)	This section of the report has been updated.
The assessment of Toitu Te Whenua places considerable emphasis on the existing characteristics of the DOC-Give land and gives comparatively limited consideration to the broader conservation outcomes associated with the proposed exchange package, including ecological restoration, biodiversity enhancement and the addition of land to the conservation estate	The DOC-Give area proposed for exchange currently sits within Belmont Regional Park and is subject to the policies and direction set out in Toitū Te Whenua. The DOC-Get areas sit outside the Belmont Regional Park (unless and until a decision by the Minister to add the areas to the Regional Park is made if the exchange is approved by the Panel). Therefore, these areas are not covered by Toitū Te Whenua Parks Network Plan. It cannot be assumed that they will become part of the Belmont Regional Park and therefore the provisions cannot be applied to the DOC-Get sites.

Organisation or person	Response from DOC
Updated assessment of conservation values, including an assessment excluding values affected by the presence of QEII covenant	Refer to section 9.
Description of Improvement Package A: - Planting: Flora, pest control measures and physical works for up to 10 years (as detailed in the table attached in memorandum titled Improvement Package A). - Southern Gully: 200 swamp maire to be planted in the southern gully - Dry Creek Approximately 7,000 plants, of which 500 ramarama within 0.8 ha area - Firth Block: 1000 kamahi and 1000 kanuka - Addition of public access via the right of way to Southern Gully	This is reflected in section 5.7.
Description of Improvement Package B: - All of Package (A) 200 swamp maire planting in the Belmont Regional Park, within the indicative area shown in Figure 1. 200 ramarama planting in the Belmont Regional Park, within the indicative area shown in Figure 1 5 year weed management in Belmont Regional Park to assist with the establishment of 200 swamp maire and 200 ramarama 10-year pest management in the Belmont Regional Park to assist with the establishment of 200 swamp maire and 200 ramarama	Refer to section 9.

Organisation or person	Response from DOC
Survey plan conditions - disagree with the DOC Draft Report reasoning for adding this condition, in particular the references to sufficient time to review and make changes as necessary and a no surprises approach. This feedback should have occurred as part of the Draft Report.	DOC supports a two stage process for developing and finalising the survey plan. A draft process will enable any issues to be resolved and will make for a smoother finalisation process.
Condition 3 - is accepted, with a minor amendment to (c)	Refer to section 5.7
Condition 4 – sets out expectations for working together	Refer to section 5.7
Condition 5 – Firth block pit fence conditions have been refined to require certification by a geotechnical engineer	Condition 16 requires the Approval holder to install a fence along part of the quarry face against the Firth block. DOC supports the requirement for a barrier to be constructed to keep people away from the area that is subject to instability associated with the quarry face. However, DOC proposes the fencing requirement be extended further north along other quarry earthworked areas which are very close to the Firth Block boundary, and an approval process for the location and design. In the absence of a detailed design being set out in the conditions, DOC recommends inserting a requirement for the design to be submitted for its approval. It is important that this fence is appropriately designed for safety and to minimise risk, particularly given that the purpose of the fence is public safety and future liability for public safety on the Firth Block will be DOC's responsibility. This will also enable the risk to vegetation to be minimised – a concern that was expressed by the comments from QEII Trust. DOC recommends including references to the Geotechnical Appraisal report rather than the Boffa Miskell diagram as it provides additional information. Because of the risks of geotechnical instability, clear signage is required to reduce the risk to people. DOC also proposes that Winstone be required to make good

Organisation or person

Response from DOC

any issues with instability resulting in the future from the quarry activity.

Condition 6 – accepted	Refer to section 5.7
Condition 7 – 10 – generally accepted with clarity that only reasonable costs can be recovered by the Crown	Replaced with s78 conditions.
Condition 11 – wording change to reflect the public access easement from Liverton Road	This condition is supported, particularly as it enables public access to the Southern Gully.
Condition 12 – opposed to the application of bonds. If the Panel decides a bond is necessary, it should be limited to a practical, enforceable completion bond for the specific improvement works offered as part of the exchange, with clear works, clear timeframes, a fixed cap, defined default triggers, and release once those works are certified complete	Clause3 2(1)(b) enables conditions that require the applicant to bear the cost of any improvements to the land acquired by the Crown that the panel thinks necessary as part of ensuring that the land exchange will enhance the conservation values of conservation areas. A bond is precisely that – a cost of the improvements offered in the event that the Applicant does not fulfil the conditions. The wording proposed by Winstone sets out the works to which the conditions relate; that is, weed clearance, native planting, fencing, removal of rubbish, pest-management and any other works required under these conditions the Approval holder is required to undertake at its cost. DOC's intention was that the bond cover the risk of these works not being carried out, particularly as they are an important part of the Applicant's stated gain in conservation values. DOC proposes deletion of the cap in Condition 12 as there is no analysis to support this being a value that the "Conservation Improvement Works" will not exceed. DOC considers that a more certain and clear way of framing the bond is to refer to the minimum requirements in Tables 1, 2 and 3,

Organisation or person

Response from DOC

removal of rubbish, pest-management and any other works required under these conditions the Approval holder is required to undertake at its cost. A release schedule seems reasonable, but the appropriate trigger for the release of the first 50% is meeting the minimum success rates in accordance with Table 1, 2 and 3 after 7 years. Seven years is the timeframe for the planting of the swamp maire.

DOC suggests restructuring the condition to have the conditions relating to drawing on the bond as separate conditions. An additional condition is recommended to make it clearer when the bond can be drawn upon.

Condition 13 - Winstone are not opposed to providing fencing where required, but note it is a large area, where some parts are inaccessible and where fencing is not practicable or necessary.

In terms of boundary fencing, there is a s78 condition for this matter. The Applicant proposes a more narrow Condition 15 which requires fencing to be constructed where reasonably necessary to exclude persons, meet any existing covenant requirement, or address an identified safety risk. DOC can see the value of a tailored condition for fencing but suggests the inclusion of fencing to keep stock out of the DOC-Give sites which is consistent with the requirements of the QEII covenant. DOC considers there is no need to include the words "acting reasonably" and this introduces uncertainty into the condition

Condition 14 - agree

Refer to section 5.7

Conditions 15 – 19 - Additional detail is provided regarding structures, improvements, site reinstatement and the condition of the land at settlement

Conditions 19 and 20 are s78 conditions which DOC requires be imposed.

For Conditions 21 and 22, DOC prefers the equivalent wording of the s78 condition as they are clearer. Consequently, DOC requires that they be imposed.

Organisation or person	Response from DOC
	A number of assessments including that undertaken by Pattle Delamore Partners identifies rubbish in the Northern Gully. There may well be other areas where dumping has occurred that DOC and the Applicant are unaware of. DOC prefers the replacement wording proposed for Condition 23 as it reduces the liability to DOC should further areas where dumping has occurred and rubbish is discovered. Given the potential instability issues identified by the Applicant's Geotechnical Assessment, Condition 24 requires the Approval holder to take all steps reasonably necessary, at its own cost, to ensure that the stability of the Firth Block will not be undermined.
Condition 20 – Revised drafting of the Ecological Restoration Plans, with annual reporting instead of 6 monthly. Consider 5 years weed management is sufficient and that key weed species need to be identified.	Refer to section 5.7. DOC propose a number of amendments to make the conditions more certain. Annual reporting is considered appropriate and key weed species have been retained. 10 years is considered appropriate to manage weeds.
Conditions 23 and 24 - Provides further amendments to specify the consultation and input process for Taranaki Whānui ki te Upoko o Te Ika and Te Rūnanga o Toa Rangatira into the Ecological Restoration Plan, including a comment process	This process is supported.
Condition 25-28- The revised drafting retains the pest management outcomes sought by DOC but provides a more practical framework for implementation, monitoring and adaptive management over time	The response triggers are not measurable or certain. DOC has therefore replaced these with measurable and clear targets.

Organisation or person	Response from DOC
Conditions 30 –31 The revised drafting clarifies the interests intended to remain following the exchange and how those interests are reflected in the transfer documentation.	Implementation of the Ecological Restoration Plan is important, and it is for this reason that it is a requirement of the conditions.
Condition 31- 42 - revised drafting to provides a clearer directive	Refer to section 5.7 where the changes proposed for the Ecological Restoration Plan are discussed.
Condition 39 – 42 – requires that any remediation of contaminated land must be to a level to comply with the National Environmental Standard Condition 44 sets out ways to address potential contamination in the Northern Gully site,	DOC is concerned that the current drafting of those conditions provide no certainty that any contamination will be remediated and to what level. The definition of “land covered / piece of land” in the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 is narrow and DOC is concerned that this may limit the identification and remediation of contamination. DOC considers that the s78 condition is more appropriate and provides more certainty to DOC. DOC therefore requires that the s 78 condition relating to contaminated land be imposed. In addition, the potentially contaminated area in the Northern Gully was discovered by chance during site visits. It was not the result of targeted and methodological surveys. There may be further historic dumping in the Northern Gully and therefore DOC does not support limiting it to the area identified in the Pattle Delamore Partners memorandum.
Condition 45 Continuance of Rights – Winstone accept this condition	This condition is supported.

Appendix 4– Technical advice to DOC

- [Appendix 4A](#) – Botany, M Ward
- [Appendix 4Ai](#) – Response to comments on draft report - Botany
- [Appendix 4B](#) – Terrestrial fauna, Dr R Burns
- [Appendix 4Bi](#) – Response to comments on draft report – Terrestrial fauna
- [Appendix 4C](#) – Landscape and natural character, J Head
- [Appendix 4Ci](#) – Response to comments on draft report – Landscape
- Appendix 4D – Freshwater ecology, J Williams
- Appendix 4Di – Response to comments on draft report – Freshwater ecology
- Appendix 4E – Recreation, M Harbrow
- Appendix 4Ei – Response to comments on draft report – Recreation
- Appendix 4F – Heritage, R Nester

Appendix 4A – Botany, M Ward

[Separate document]

Appendix 4Ai – Response to comments on draft report, Botany

[Separate document]

Appendix 4B – Terrestrial fauna, Dr R Burns

[Separate document]

Appendix 4Bi – Response to comments on draft report, Terrestrial fauna

[Separate document]

Appendix 4C – Landscape and natural character, J Head

[Separate document]

Appendix 4Ci – Response to comments on draft report, Landscape

[Separate document]

Appendix 4D – Freshwater ecology, J Williams

[Separate document]

Appendix 4Di – Response to comments on draft report, Freshwater ecology

[Separate document]

Appendix 4E – Recreation, M Harbrow

[Separate document]

Appendix 4Ei – Response to comments on draft report, Recreation

[Separate document]

Appendix 4F – Heritage, R Nester

[Separate document]

Appendix 5 – Legal Memorandum

BEFORE THE PANEL

IN THE MATTER of the Fast-track Approvals Act 2024 (**FTAA**)

AND

IN THE MATTER of an application for land exchange by Winstone Aggregates under section 33 of the FTAA for the Belmont Quarry Development Project.

APPLICATION NO. FTAA-2603-L003 – Belmont Quarry Development – Land Exchange

**LEGAL MEMORANDUM – ANNEXURE TO REPORT PREPARED BY THE DIRECTOR-GENERAL OF
CONSERVATION UNDER SECTION 35 OF THE FAST-TRACK APPROVALS ACT 2024**

29 May 2026

Barrister Instructed:
Jeremy Prebble
Hawkestone Chambers
[REDACTED]

Shona Bradley Legal Services Manager DOC Te Papa Atawhai 99 Sala Street Rotorua 3010 Telephone: [REDACTED] Email: [REDACTED]	Amy Robinson Project Manager Fast Track Consenting DOC Te Papa Atawhai PO Box 10420 Wellington 6140 Telephone: [REDACTED] Email: [REDACTED]
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MAY IT PLEASE THE PANEL:

Introduction

1. This memorandum addresses the issue of what law the Panel's decision should be under with regard to the Fast-track Approvals Act 2024 (**FTAA**) as amended by the Fast-track Approvals Amendment Act 2025 (**FTAAA**). This issue arises because under the FTAAA the matters for the Department and the Panel for an exchange have been amended.

The change in provisions - purpose

2. The FTAAA sets out in s 55 the provisions that have changed. Without listing all detailed adjustments, the key changes to Schedule 6 are:
 - 2.1 For referral applications, in cl 23 in describing the conservation values, rather than just explaining why the exchange would benefit the conservation estate, there is a need to include the details of anything registered or noted for conservation purposes on the record of title for the land to be acquired by the Crown.

How threatened or abundant they are.

A comparative assessment of the values that relate to each area of land concerned.

An explanation of why the exchange would benefit the conservation estate.

The impact of anything registered or noted for conservation purposes on the record of title for the land.
 - 2.3 For the Panel, changes to cl 29 including:

Replacing "land managed by the Department of Conservation" with "conservation areas and Crown-owned reserves considered as a whole"

Adding a new cl 29(2A), which provides: "When considering the conservation values of the land to be acquired by the Crown, for the purpose of forming its view under subclause (2), the Panel must discount the extent to which the conservation values of that land are affected by anything registered or noted for conservation purposes on the record of title for that land." This final change is arguably the most significant of the various amendments outlined above and in the FTAAA.
3. There is little guidance in the Select Committee material and Departmental Report on these amendments.¹⁹⁷ The Departmental Report provides the Government's overall intention is for the changes to commence as soon as practicable, to ensure the benefits from the amendments are

¹⁹⁷ The Select Committee Report does not address this point, simply noting in respect to transitional provisions that: **Include commencement and transitional provisions**—The Government intends to set specific commencement dates for different provisions in the bill and include transitional provisions. These suggested provisions are set out in Appendix 2 of the departmental report (See departmental report pp 82–84 and Appendix 2). Broadly, the Government proposes that:

- amendments that would not require the EPA to make updates to its systems would come into effect the day after Royal assent
- amendments that would require the EPA to update its systems would come into effect on 31 March 2026
- further transitional provisions would be added to avoid adverse effects on applicants, commenters, and expert Panels for applications that are currently in train. (Refer to page 13 Select Committee Report on the Amendment Bill).

embedded in the system as soon as possible.¹⁹⁸ This could justify having the amendment not apply to an exchange application that is about to be filed, yet, with the passage of time, for the adjusted test applying to the Panel's substantive consideration.

4. The Table at the back of the Departmental Report confirms the transitional provisions will have two transition points, to ensure applicants are not adversely affected.¹⁹⁹ This also indicates that, with the expanded powers available to the Panel to seek more information, it is not unreasonable for the later substantive consideration to be subject to the enhanced test.
5. In making these changes, the legislation appears to be balancing applications about to be made or in train, against requiring significant rework before being considered. This was enabled by having the ability to have the report from the Director-General under the old law and, if any changes are significant, the Panel will determine them or seek further information.
6. A related matter is whether discounting is required under the "old" section 29(2). As this note sets out below, the law applies as it stood when the application was made. That requires consideration of whether the exchange will enhance the values of land managed by the Department. Arguably, this is not the same as applying a discounting with respect to the areas already protected.

The Report by the Director-General on the exchange

7. The pre-amendment provisions in the FTAA apply to the Director-General's exchange report (and the attached exchange report has been prepared on that basis):
 - 7.1 In preparing the Director-General's report on Belmont's exchange application under cl 26 of Schedule 6 to the FTAA the Department must do so in accordance with the FTAA provisions as they were immediately before the "first commencement date" (17 December 2025) (refer to FTAA schedule 1, clauses 5 and 6(1)).
 - 7.2 "Application" is defined in cl 5 to include both land exchange applications and substantive applications – the application already lodged with the Department being an exchange application, but not a substantive application.
 - 7.3 The FTAA, as it was before the 17 December 2025 amendments came into force, continues to apply to an exchange application lodged before 17 December 2025. Winstones' exchange application was lodged before 17 December 2025, so the old law applies to the exchange application report prepared by the Department.

The substantive application and consideration

8. The Panel will need to determine if it substantively is under the old or new law, as outlined below, and then make a decision on whether the report fundamentally provides all of the information required to make a decision under the FTAA, noting in particular the tests at clauses 29(1), (2) and (2A) above.
9. With respect to the substantive consideration of the proposed exchange by the Panel, the key provisions provide:
 - 9.1 Under s 35(9) of the FTAA there is no discretion, an applicant must not lodge a substantive

¹⁹⁸ FTAA Bill, Departmental Report, page 83.

¹⁹⁹ FTAA Bill, Departmental Report, page 88.

application for an exchange for a project until they receive the report of the Director-General on the land exchange. That hasn't been provided, so Belmont is not yet entitled to lodge a substantive application. Noting "substantive application" means an application under s 42 of the FTAA for one or more approvals for a listed or referred project.

- 9.2 An application, if it includes an exchange, must comply with s 35(9) – see s 42(8). It is clear an application for a substantive application cannot be lodged until the report is provided by the Department under s 35 if it involves a land exchange.
- 9.3 As a substantive application has not been lodged, the savings provisions in clauses 5 and 6 of Part 2 of Schedule 1 (as inserted by the FTAAA) will not apply to it. Rather, cl 8 of Schedule 1 and the new FTAA provisions that came into force on 31 March 2026 ("second commencement date" as per cl 5 of Schedule 1) will apply to any substantive application Winstone makes. The old law will not apply to their substantive application.
- 9.4 These provisions mean that, when the decision is made by the Panel on the substantive application, all of the new exchange provisions that will be in force will apply. This includes new clause 29(2A) inserted by s 55(12) FTAAA, which will require the Panel in considering the conservation values of the land to be acquired by the Crown, to discount the extent to which the conservation values of that land are affected by the QEII covenant on the title for that land.
10. The applicant asserts that a relevant consideration in this case is cl 27 to Schedule 6. Clause 27 provides that the information required for the land exchange is the application and the report from the Director-General (provided under s 35). The clause makes clear that nothing more can be provided under s 43 (cl 27(b)). Superficially this suggests the total information that the Panel will have is the application and Director-General exchange report and, since they must be under the old law, it cannot be the case that the Panel can consider anything further.
11. However, this is not correct for the reasons in this advice and as set out below.
 - 11.1 The criteria in cl 26 pre-amendment are broad enough to enable the Panel to apply the new provisions in cl 29 and 29(2A) in particular.
 - 11.2 It is an oversimplification to say an absurd result will arise if the Panel's decision on the exchange is made under the new law. A key addition for the Panel in considering the exchange is cl 29(2A), noted above. Adding this consideration to the decision would not seem particularly onerous and would be able of being considered with the report as provided. The report has been carefully prepared to enable the Panel to consider what the position would be if the values attributed to the QEII land were discounted from the exchange consideration.
 - 11.3 If the Panel were to consider that the new provisions apply (as we consider it must), but thought it needed further information, there are mechanisms under the FTAA for that to be sought from the Department. For example, s 68 specifically provides that the Panel may request from the Director-General of Conservation any information on any issue relating to an application for land exchange.
12. When the Panel receives the Department's exchange report, it will need to determine what law applies when making its decision under s 81 and whether, having made that decision, it needs further information from the Department. More information or advice could be sought on the implications under

s 67, or s 68 of the FTAA.

13. Finally, it would seem difficult to argue the old provisions apply to the Panel and its consideration, but that these must be limited to the exchange. There are a range of generic provisions that have been amended, and it would arguably create more complexity and absurd consequences if the Panel was part in, and part out, of the old and new law.



Shona Bradley / Jeremy Prebble
Counsel for the Director-General of Conservation
29 May 2026

Appendix 6 – Legal Memorandum #2 dated 7 July 2026

BEFORE THE PANEL

IN THE MATTER of the Fast-track Approvals Act 2024 (**FTAA**)

AND

IN THE MATTER of an application for land exchange by Winstone Aggregates under section 33 of the FTAA for the Belmont Quarry Development Project.

APPLICATION NO. FTAA-2603-L003

**LEGAL MEMORANDUM #2 – ANNEXURE TO REPORT PREPARED BY THE DIRECTOR-GENERAL OF
CONSERVATION UNDER SECTION 35 OF THE FAST-TRACK APPROVALS ACT 2024**

7 July 2026

Barrister Instructed:
Jeremy Prebble
Hawkestone Chambers
[REDACTED]

Shona Bradley Legal Services Manager DOC Te Papa Atawhai 99 Sala Street Rotorua 3010 Telephone: [REDACTED] Email: [REDACTED]	Amy Robinson Project Manager Fast Track Consenting DOC Te Papa Atawhai PO Box 10420 Wellington 6140 Email: [REDACTED]
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MAY IT PLEASE THE PANEL:

Introduction

1. This memorandum addresses legal issues raised by the Applicant Winstone (the **Applicant**) in providing comments (including legal submissions and annexed legal opinion) on the draft Land Exchange Report (**draft Exchange Report**) prepared on behalf of the Director-General of Conservation (the **Department**) under section 35 of the Fast-Track Approvals Amendment Act 2025 (**FTAA**).

Response to legal memorandum and opinion provided by the Applicant

2. The Applicant provided a legal response to the Department's draft Exchange Report, dated 15 June 2026 with the substantive responses from technical experts. It also included a legal opinion from Bal Matheson KC dated 11 June 2026.

Response to the Bal Matheson KC legal opinion

3. The view provided in the Department's legal memorandum dated 29 May 2026²⁰⁰ remains intact, including the points set out in that memorandum for the correct interpretation to which law applies for the Panel decision.
4. At a general level, the advice from Mr Matheson KC appears to accept that there is uncertainty, such that the approach now being taken is to have a "Plan B" for the Panel that addresses the new tests in the post-amended version of the FTAA, should the Panel find they apply.
5. For the reasons set out in the Department's 29 May 2026 legal memorandum, the Department does not agree with Mr Matheson KC's conclusion that the Panel should consider the exchange under the old provisions of the FTAA.
6. A component of Mr Matheson KC's reasoning rests on what he says: "makes sense". He considers that includes not having the application prepared under the old law but then considered by the Panel under the new law. With respect to Mr Matheson KC, this ignores the points made in the draft Exchange Report and above that the key components for the Department have not materially changed, such that the Panel will be in a position to undertake that assessment on the basis of the Department's Final Land Exchange Report (**Exchange Report**). In any case, and as noted in his advice, and the Applicant's response generally, they now appear to accept it is possible for the Panel to consider the new provisions and have, as a result, provided an alternative set of conditions in the event that is the approach taken.
7. Mr Matheson KC considers an absurdity arises if the Department's interpretation is adopted. With respect, that is also incorrect for the reasons outlined in the Department's 29 May 2026 legal memorandum, including the legislative intention at the time. In addition to those reasons, the base information is sufficient to inform the Panel for it to then make an assessment under clauses 29(2) and 29(2A).
8. Mr Matheson KC places considerable weight on the change to clause 29(2) but is mistaken as to the intention and effect of this provision (this point is addressed more fully below in response to the Applicant's legal memorandum). The wording does not enable considering any enhancement disconnected to the

²⁰⁰ Annexure 5 to the Department's draft Land Exchange Report, at: [*DRAFT-Belmont-Quarry-s353-land-exchange-report-29-May-2026.pdf](#)

land at issue but rather clarifies the enhancement can be to land not just managed by the Department but also Crown owned reserves, and that the enhancement relates to the area considered as a whole (not just the part being exchanged). In essence, the legislation is requiring consideration of whether the exchange of certain parcels of land with conditions related to that land will overall benefit conservation and conservation areas.

9. In saying this, that does not introduce an ability to claim the exchange itself is land plus enhancements to areas that are not subject to the exchange. This change in wording to clause 29(2) does not enable the consideration of enhancements to other land managed by the Department as a means to “bolster” the value of what is being offered. The enhancements need to relate directly to the land parcels being lost and provided.²⁰¹ This is confirmed when considering the scope of the conditions in clause 32(1)(b), which only relate to the land *being acquired by* the Crown (this point is also expanded on below).

Response to the key points in Winstone’s legal submissions dated 15 June 2026

10. Not all responses to the legal submissions are addressed here as many of them are more fully responded to in the main body of the Department’s Exchange Report. There are many points made and some are more factual in nature, so are addressed in other parts of the Exchange Report. Where there is a clear substantive legal point, it is responded to here.

Approach to clauses 29(2) / 29(2A) FTAA

11. In addition to the different stance on which version of the FTAA applies to the Panel, the Applicant asserts (paras 11 to 12 of their legal submissions) that the Department’s overall approach to the statutory test is wrong because the Department requires a net benefit for each subcategory of conservation values. Rather, the Applicant says, an overall or holistic approach to net benefit should have been taken (see also paragraphs 41 to 54 of the Applicant legal submissions). In response:
- 11.1 The points made by the Applicant are not accepted.
- 11.2 The use of different values was to ensure the Panel could clearly see the areas that are impacted by the exchange, and where the values are either addressed or not.
- 11.3 Logically before any overall assessment is undertaken it is necessary to first consider the relevant conservation values that the land holds and then consider how these are or are not addressed and enhanced. This is not to suggest that the Act requires that there be an enhancement in each individual value, but it is necessary to consider them individually before then considering how to overall assess the exchange proposal against the tests in the FTAA.
- 11.4 Following that, it is for the panel to consider if the tests in clauses 29(2) and 29(2A) are met (and the version of the FTAA that applies in this case).
- 11.5 The Exchange Report makes no final recommendation on the relevant tests but has provided

²⁰¹ Refer to [Hansard - New Zealand Parliament - Tuesday, 09 December 2025](#). As Hon James Meager (Minister for the South Island) stated when explaining Part 2 Amendments to schedule 6, the focus is on the exchange of land and benefits that flow from that exchange including through conditions of that exchange: “The second thing that Part 2 does—the very short and succinct and somewhat bland Part 2—is amend schedules related to land exchange in conservation. It amends Schedule 6 so that panels must consider the conservation values of **both land disposed of and land acquired**. It requires explanation of **why the exchange benefits the conservation land, and it ensures that any improvements required as conditions of the exchange are aimed at enhancing conservation values across conservation areas and Crown-owned reserves**—which, I think we’ll all agree, are very, very positive, pro-environmental, pro-conservation changes that will receive wide support from across the House, from all members.” [Emphasis added]

the Panel with the information necessary to undertake that assessment.

- 11.6 Accordingly, the applicant is wrong to suggest the Department is requiring an approach that each value needs to have a net benefit in order to meet the test in clause 29(2).
12. The Applicant argues (as part of its overall argument that the Department is incorrect about the law that applies to the Panel), that the Department assumed wrongly the land being obtained will become part of the Belmont Regional Park. And, the statutory test that applies at the time the application was lodged required there to be an enhancement to conservation values on land “managed” by the Department. Because the land is not managed by the Department (the Belmont Regional Park is a Crown owned reserved managed by the Regional Council) it cannot be assumed to be added back to the Park (paragraphs 19 to 21 and then again at 55 to 62 of the Applicant legal submissions). In response:
- 12.1 The position on the correct law to apply to the Panel is addressed above in response to Mr Matheson KC’s opinion and is covered robustly in the Department’s legal memorandum dated 29 May 2026.
- 12.2 With respect to the point about assuming the land will be added to the Belmont Regional Park, the Exchange Report has been clarified where this appeared in the draft version. The Department agrees it is not possible to assume that will occur as it requires a future decision of the Minister under clause 34 FTAA.
- 12.3 With respect to the old wording in clause 29(2), as set out above, and in the Department’s legal memorandum dated 29 May 2026, it is not critical for the Panel to assess this wording given its decision is under the amended wording in clause 29(2) – which confirms that the test is whether the application will benefit the conservation values of conservation areas and Crown-owned reserves considered as a whole.
- 12.4 However, even if the former wording in clause 29(2) were to apply, whether or not the land becomes part of the Belmont Regional Park is not foreclosed, but relies on a future decision. So, it is reasonable to consider, will the land benefit land held by the Department (which is in essence what is meant by “managed” by the Department).
13. Winstone argues, at a more fine-grained level, that what the discounting requires (assuming the Panel were to consider clause 29(2A) applies) is a nuanced consideration of what the terms of the QEII covenant provide, and then whether those terms will affect the values of the land being offered for exchange. Values that are not affected by the QEII covenant should not be discounted on this approach (paragraphs 66 to 67 of the Applicant’s legal submissions). In response to this:
- 13.1 The Department does not agree with the approach to what is and is not discounted.
- 13.2 The way the tests work under the law as amended is that when considering the conservation values of the land to be acquired by the Crown, for the purpose of forming its view under subclause (2) [as to whether the exchange would enhance the values of conservation land], the Panel must discount the extent to which the conservation values of that land [the land coming to the Crown] are affected by anything registered or noted for conservation purposes on the record of title for that land [the QEII covenant over particular blocks].
- 13.3 In this case, there is a QEII covenant protecting the conservation values of part of the land (the

top corner of the Northern Gully block, and the Firth block). The values of that land are already protected (that is how the QEII covenant affects those values). So, in deciding whether the values of the conservation land will be enhanced (whether the values will be greater following the exchange as compared to the values before the exchange), the values of the already protected land need to be discounted from values of the land coming to the Crown.

- 13.4 Put simply (and in line with the intent of the FTAA amendments) there is a QEII covenant protecting the conservation values of part of the land (the QEII blocks). The values of the QEII blocks are *already protected*. So, in deciding whether the values of the conservation land will be enhanced (i.e., whether there would be a “net benefit” from the exchange), the values of the QEII land need to be disregarded.
- 13.5 This interpretation best meets the purpose of the exchange provisions as it ensures that land that is already protected (safe) is not being used to count as part of an exchange as there is no overall net enhancement to conservation.
14. Finally, the Applicant argues that if the Panel does apply the new wording in clause 29(2), this enables consideration (as part of this exchange), of proffered enhancements to the conservation estate “considered as a whole”. The Applicant argues this because of the wording in clause 29(2) now asking whether the land exchange (and any money that might be received under clause 30, or any conditions that may be imposed in accordance with clause 32) will enhance the conservation values of conservation areas and Crown-owned reserves considered as a whole. The Applicant then goes on to outline an alternative Package B in the event the Panel does consider a discounting in respect of the QEII covenant applies (paragraphs 69 to 81 of the Applicant legal submissions). In response:
- 14.1 This point is responded to with respect to Mr Matheson KC’s advice above. The approach being taken by the Applicant is not correct.
- 14.2 The test in clause 29(2) relates to the *land exchange*. That is, the land exchange must result in an enhancement when considering the relevant overall areas. The fact that the consideration is against conservation areas and Crown owned reserves is to ensure that both reserves that are not managed by the Department as well as land managed by it are able to be considered for the purposes of the enhancement test in clause 29(2) of Schedule 6.
- 14.3 Clause 32(1)(b) referenced by the Applicant (legal submissions paragraph 57, footnote 28) which sets the parameters on what conditions the Panel can impose does not provide general authority to volunteer compensation disconnected from the exchange altogether. The FTAA has been clear to limit that to money under clause 30. But that is a recognised exception alongside the exchange itself and must be spent on the land to be acquired by the Crown, in accordance with clause 34(3) in any event.
- 14.4 Clause 32 also uses similar wording to clause 30 but makes it clear that the ability to impose conditions is limited to the exchange itself. In particular, the Panel may impose conditions on the applicant by way of “*improvements to the land acquired by the Crown*” that the Panel thinks necessary as part of ensuring that the land exchange will enhance the conservation values of conservation areas and Crown-owned reserves considered as a whole. This wording clarifies the scope of improvements are tagged to the exchange land itself, and not other land.

- 14.5 As noted above, clause 34 which the Applicant seeks to rely on (paragraph 57, footnote 28 of their legal submissions) is also limited to land directly subject to the exchange. In particular, clause 34(3) provides that money received under clause 30 for the purposes of the panel's decision under clause 29(2) "*must be used on improvements to the land acquired by the Crown*".
- 14.6 What this means is that the Package B conditions relating to land not directly part of the exchange being put forward by Winstone are *ultra vires*, as they are outside the scope of the Act's exchange provisions. Certainly, they should be given little weight by the Panel in determining if there is an enhancement to the conservation estate from this exchange.
- 14.7 In support of this point, Package B provides mitigation or compensation to areas already legally protected as Crown-owned reserve (planting and pest control in the Belmont Forest Park). Even if some form of offsetting is available, it would seem counter to the intended approach of these provisions to enable benefits or enhancements to be considered when the land is already protected, given the values of such areas are discounted when considering the exchange itself under clause 29(2A).

Cultural benefits as part of the exchange

15. The Applicant argues (para 15 to 18 of their legal submissions) the Exchange Report does not adequately address the findings in the cultural values assessment prepared by Hikoikoi Management Ltd.
- 15.1 The Department does not agree and has considered this above, along with the direct input from tangata whenua as part of the consultation process on the draft report.
- 15.2 These factors have been considered in the overall assessment of the exchange, and this point is further addressed elsewhere in the Department's report.

Consistency in approach/discrepancies between experts

16. The Applicant argues there are methodological discrepancies in the way that the Department's experts and their experts have approached technical assessments (paragraphs 31 to 34 of their legal submissions). In response:
- 16.1 This is addressed by the various experts' reports (which have been updated in response to the comments from Winstone). More fundamentally the criticism is not accepted.
- 16.2 The exact methodology does not have to be homogenous, nor does the FTAA require that. Provided experts adequately explain their approach as they would in any expert evidence or report, then it is not a mistake of law in how they undertook the task.
- 16.3 While the Applicant is critical of not having any expert conferencing (paragraphs 35 to 40), the Department has been careful to ensure a fair and transparent process has been undertaken given the range of other groups with a material interest in this matter.

Conditions

17. The Applicant addresses conditions in the legal submissions at paragraphs 82 to 125. The Exchange Report addresses conditions separately. On the key legal points, the following responses are made:
- 17.1 Section 78 conditions are able to be imposed as part of the exchange contrary to the view being

expressed at paragraph 87. That is clear when considering clause 33 and the reference to clause 26(2). Clause 26(2) provides that the Department's Exchange Report must specify any conditions under section 78 that the Panel must impose. With respect to the ability to impose section 78 conditions on exchanges this is a matter that has been determined already by the Minister.²⁰²

- 17.2 The above point on s 78 conditions applies for other conditions outlined as well (paragraph 118 to 122), in particular as related to contaminated land.
- 17.3 To the extent that conditions are imposed, the Department has been careful to ensure that they fall within the scope of clauses 31, 32, or as required by s 78.

Other matters

- 18. The Department agrees with the Applicant that the Conservation General Policy (CGP) does not apply to Reserves that are administered by other agencies in this case the Regional Council.
- 19. With respect to the paper roads, most ownership of roads are for a stratum title under s 316 of the Local Government Act 1974. This matter will need to be resolved as part of the substantive application. It is understood the intention is the underlying land beneath the Paper road is staying with the Crown.
- 20. In terms of the legal risks section of the Exchange Report: it is not accepted that the Report is biased or one sided. The "legal risks" section (and FTAA) does not require a counterfactual scenario to be tested, but rather requires the Department to advise on what the legal and financial risks are if the exchange goes ahead.



Shona Bradley / Jeremy Prebble
Counsel for the Director-General of Conservation

7 July 2026

²⁰² https://www.fasttrack.govt.nz/data/assets/pdf_file/0014/17060/Updated-Minister-of-Conservation-decision-re-section-78-conditions.pdf

Appendix 7B: Conditions proposed by Applicant - Package A

Draft conditions proposed by Winstone in response to the Draft Report

This approval for land exchange is conditional until the Minister of Conservation is satisfied that Conditions 1 to 46 below (being pre-conditions imposed in accordance with clause 31 and conditions imposed in accordance with clause 32 of Schedule 6 of the Fast-Track Approvals Act 2024) are complied with.

Definitions:

Approval Holder Means the authorised person for the purposes of the Schedule 2 listing, being Winstone Aggregates (A Division of Fletcher Concrete and Infrastructure Limited), or any successor approved in writing by the Minister, being the entity to whom approval is granted under these conditions.

Approval holder's land: Means the land in the ownership or control of the Approval Holder that is subject to the Land exchange and identified as the parcels known as:

- Northern Gully: means the area of land comprising approximately 12.62 hectares being part of Lot 1 DP 60552 and Lot 5 DP322126, and as identified in approved plan [x]
- Southern Gully: means the area of land comprising approximately 3.94 hectares, being Lots 4 and 5 DP 32212, and as identified in approved plan [x]
- Firth Block: means the area of land comprising approximately 9.6 hectares, being part of Lot 1 DP 60552 and Part Lot 1 DP 22561, and as identified in approved plan [x] and
- Dry Creek: means the area of land comprising approximately 7.94 hectares being Part Lot 1 DP 28205, and as identified in approved plan [x]

DOC – Get: Means the land to be transferred from the Approval Holder to the Crown and administered by the Department of Conservation, comprising the Approval Holder's land and shown on approved plans x.

DOC – Give: Means the land currently owned by the Crown and administered as part of the Belmont Regional Park that is to be transferred to the Approval Holder, comprising approximately 23 hectares (more or less), as shown on the approved plans [X].

Crown Land: Means land owned by the Crown and held for conservation or reserve purposes, including land administered by or on behalf of the Department of Conservation under the Conservation Act 1987 and/or the Reserves Act 1977.

The Minister: Means Minister for Conservation, or any person acting under delegated authority on behalf of the Minister, in accordance with the Conservation Act 1987 or the Reserves Act 1977.

Proposed Draft Pre-Conditions for land exchange

To prepare the land for exchange, the following pre-conditions are imposed under schedule 6, clause 31 and must be completed within 2 years of the date of approval:

1. The Approval holder must provide a draft survey plan to the Minister no less than 10 working days before submitting the final survey plan under condition 2. Any comments provided by the Minister within that period must relate only to the identification of the exchange boundaries and required transfer mechanics.
2. The Minister or the Minister's delegate must, acting reasonably, approve or reject the final survey plan within 10 working days of receipt. Any rejection must be accompanied by written reasons. If no response is given within that period, the plan is deemed approved.
3. The Approval holder shall obtain all consents and approvals required to separately define the Applicant's land and to enable ownership of that land to be transferred to the Crown. The Approval holder's land will be provided free of all encumbrances and interests, except for the following interests that must remain in place and be brought down onto the new titles:
 - a. Open Space Covenant Pursuant to Section 22 of the QEII National Trust Act 1977 (Lot 1 DP60552 and Part Lot 1 DP22561 – Creating document 10476608.1);
 - b. Right of way over Part Lot 1 DP28205 (Creating Document 701267); and
 - c. Easement in Gross – Quarrying effects, shown on Lots 4, 5 and 100 DP322126, burdened land Lots 4, 5 & 100 DP322126 (creating document 5835385.5).
4. The Crown and the Approval holder must each promptly do all things reasonably required to enable the Crown Land to be transferred to the Approval holder as fee simple land, free of encumbrances and without reserve classification on Gazettal. The Minister must not unreasonably withhold, delay or condition any approval or execution required for that purpose.
5. Before settlement, the Approval holder must install a fence approximately 60 metres in length and set back 6 metres from the Firth Block pit face in the location shown on Drawing W15069_Land_Exchange_Concept Boffa Miskell 1 December 2025, or as otherwise certified by a suitably qualified geotechnical engineer for equivalent safety outcomes. The design and location certification must be provided to the Minister before construction.

Encumbrances

6. The Approval holder will transfer its estate and interest in the Approval Holder's land to the Minister free from all leases and tenancies and discharges from all mortgages, charges and other encumbrances other than those listed in Condition 3.

Costs

7. For avoidance of doubt all reasonable costs associated with complying with Conditions 1 to 6 shall be met by the Approval holder.
8. The Approval holder must pay the Minister's reasonable costs and expenses of, and incidental to, preparing and signing the Exchange Agreement or any extension or variation of it, including surveying, conveyancing and legal costs.
9. The Approval holder must pay all reasonable costs associated with the Minister's work to give effect to the Exchange Agreement, calculated at DOC's standard cost-recovery rates current at the date the work is undertaken and invoiced within 3 months of the relevant work being completed.
10. The Approval holder must pay in full immediately and on demand all reasonable costs and fees (including solicitors' costs and fees of debt collecting agencies engaged by the Minister) arising out of and associated with steps taken by the Minister to enforce or attempt to enforce the Minister's rights and powers under the Exchange Agreement including the right to recover outstanding money owed to the Minister.

Easements

11. The Approval holder shall survey and register the appropriate easements as shown on Scheme Plan SC-02 (Appendix B10a), including but not limited to:
 - a. Easement Z (Right of Way) to be granted over part of Lot 9 for the benefit of Lot 10 (comprised in the DOC-Get Area) for the purpose of conservation activity and maintenance undertaken by DOC or its agents and public pedestrian access. DOC shall have the full and unrestricted right of access, including the right to enter, pass, and repass on foot or by vehicle or machinery, together with its employees and contractors, for the sole purpose of accessing adjoining conservation land for inspection and maintenance related to conservation purposes. Public pedestrian only access shall be permitted, subject to any reasonable temporary restrictions required for public safety, ecological restoration works, pest or weed control, maintenance, fire risk, weather events, or quarry operational safety and may be reasonably determined and specified from time to time by the grantor. DOC shall have the right to carry out inspection, maintenance, repair, and improvement works on any tracks, roads, or structures within Easement Z as reasonably required for conservation purposes and managing public pedestrian access subject to standard terms regarding the suitable

management of health and safety obligations and ensuring that the grantor has reasonable prior notice of the intended access and programme of works.

Bonds for Conservation Works

12. If the Land Exchange is approved, the Approval holder shall provide to the Minister, before giving effect to the exchange, a performance security ("Bond") for the purpose of ensuring completion of the "Conservation Improvement Works" defined below. The Bond shall:

(a) **Scope:** Secure the Approval holders timely performance of all identified Conservation Improvement Works on the land to be given, as specified in Conditions 13, 22, 27 and 28 (for example, weed clearance, native planting, fencing, and pest-management), but shall not cover any other obligations.

(b) **Amount:** Be in an amount equal to the reasonably estimated cost (as certified by an independent Quantity Surveyor or registered valuer or contractor) of completing the Works. The Bond amount shall be subject to audit and revaluation by mutual agreement (or by binding expert determination if disputed). In no case shall it exceed a specified cap \$200,000.

(c) **Form:** Be provided by way of a performance guarantee by a group company of the Approval holder which provides performance security, or (if preferred by the Approval holder) an unconditional bank guarantee or irrevocable performance bond from a NZ-registered bank or insurer reasonably acceptable to the Minister (alternatively, a cash deposit may be lodged).

(d) **Release Schedule:** The Bond shall be released in two stages:

(i) fifty percent (50%) upon completion and acceptance of the specified Conservation Improvement Works by the Minister or the Minister's agent; and

(ii) the remaining fifty percent (50%) at the close of the 24 month maintenance period following such completion, provided the land remains free of noxious weeds and meets agreed success standards. If all Conservation Improvement Works are completed to satisfaction before the expiry of 24 months, the second half may be released early.

(e) **Default and Call:** The Bond shall only be drawn upon if the Approval holder fails to complete the specified Conservation Improvement Works by the agreed deadlines (or maintain them during the maintenance period) after receiving written notice and a 30 working day cure period. Any call on the Bond shall be limited to the cost of completing or remedying the Works, and the Applicant may dispute any call by written notice; unresolved disputes will be referred to arbitration in New Zealand under the Arbitration Act 1996 before funds are released.

Conservation Improvement Works means those specific enhancement works or restoration measures agreed by the parties and detailed in an annex to these conditions (for

example, specified planting areas, pest-proof fences, access tracks, or restoration of riparian margins).

The Bond is a section 78 condition (Crown risk condition) and shall not be used as a penalty. The value of the Bond is expressly intended to cover only the cost of completing the above-defined Conservation Improvement Works.

Fencing

13. The Approval holder must construct, only that boundary fencing which is reasonably necessary to exclude persons, meet any existing covenant requirement, or address an identified safety risk on the external boundary of the land being transferred to the Crown. The required locations and fence standard must be identified in a pre-settlement fencing plan agreed by the parties, acting reasonably.

Rates

14. There shall be no apportionment of rates or other outgoings paid by the Parties.

Structure and improvements, condition of land

15. The land being acquired by the Approval holder, including any structures or improvements thereon, is transferred and accepted by the Approval holder on an “as is, where is” basis.
16. The Minister accepts no liability (financial or otherwise) in relation to any structure or other improvement on the land being acquired by the Approval holder, including for any remedial, removal, or maintenance costs associated with any structure or improvement.
17. The Approval holder must remove from the Approval holder’s Land only those structures, improvements or materials identified in a joint pre-settlement schedule prepared by the parties, no later than 20 working days before settlement. Reinstatement is limited to areas directly disturbed by that removal.
18. Any structure or improvement expressly agreed in writing to remain on the Approval holder’s land at settlement must, as at settlement, be safe for its intended use and lawful so far as reasonably ascertainable from existing records and visible condition.
19. The Approval holder must remove surface rubbish, dumped materials and anthropogenic debris identified in the joint pre-settlement schedule or visible upon reasonable inspection, and reinstate areas directly disturbed by that removal. This condition does not extend to buried material not identified in pre-settlement investigations.

Ecological Restoration Plan [ERP]

20. No later than 20 working days before settlement, the Approval holder must provide DOC with an Ecological Restoration Plan [ERP] prepared by a suitably qualified and experienced ecologist and certified by that ecologist as being consistent with these conditions.
21. The ERP must be prepared by a suitably qualified and experienced ecologist.
22. The purpose of the ERP is to:
 - a. reduce target species on the Northern Gully, Southern Gully, Firth Block and Dry Creek sites, including the wetlands, to a target of 90% eradication.
 - b. protect and improve the condition of indigenous vegetation on the sites;
 - c. successfully establish 200 swamp maire in the Southern Gully;
 - d. target 90% success rate of planted swamp maire so that at least 180 specimens survive after seven years;
 - e. achieve the standards in Table 1 for weed species;
 - f. achieve the standards in Table 2 for replanting of indigenous vegetations; and
 - g. target a 90% success rate for newly planted indigenous vegetation after five years (other than swamp maire which has a seven year timeframe).

To achieve this purpose, the ERP must include the following:

- h. Measures for how weed control will be undertaken on the sites. The target weed species are those listed in Table 1;
- i. Measures for managing the introduction of weed plant species to the sites;
- j. Identification of times of year to focus on particular weed control strategies;
- k. Methods for giving effect to the Greater Wellington Regional Pest Management Plan;
- l. A yearly report on the results of weed management will be provided to DOC.
- m. Baseline and ongoing monitoring of threatened plant populations and weed species at the sites;
- n. A planting plan for indigenous species including the timing of plantings;
- o. Adaptive management and restorative measures to ensure the survival of threatened plan populations on the sites.

Table 1. Weed management requirements

Location	Duration of management	Target objective
Northern Gully	5 years	90% eradication of the following weed species: • Old man's beard (<i>Clematis vitalba</i>) • Tradescantia

		No exotic canopy tree species.
Southern Gully	5 years	90% eradication of the following weed species: • Blackberry • Exotic vines • Pampas
Dry Creek	5 years	90% eradication of weed species • Exotic weeds • Broom • Gorse • Buddleia • Spanish heath • Old man's beard • Wattle • Tradescantia • Rama grass • Soft rush nasturtium • Creeping buttercup • Verbena • Ink weed • Pampas
Firth Block	5 years	90% eradication of weed species

Table 2: Ecological restoration requirements

Location	Indigenous species	Minimum area/ density / number of specimens	Timeframe and target success rate
Southern Gully	Swamp maire	200 individual plants to be planted when they reach at least PB3 size with a vegetative minimum height of 600mm (not including the bag). This is likely to be 2 years after propagation of seedlings.	90% success rate in the seventh year following planting on the site.
Dry Creek	A mixture of the following species all eco-sourced:	Replanting of 0.8 ha with indigenous species within three years.	90% success rate in the fifth year following planting.

	• Pigeonwood (<i>Hedycarya arborea</i>), • Ramarama (<i>Lophomyrtus bullata</i>), • Hebe (<i>Veronica stricta</i> var. <i>stricta</i>), • Kānuka (<i>Kunzea robusta</i>), • Five finger (<i>Pseudopanax arboreus</i>), • Wharangi (<i>Melicope ternate</i>), • Shining karamu (<i>Coprosma lucida</i>), • Thin leaved coprosma (<i>Coprosma areolate</i>), • Kanono (<i>Coprosma grandifolia</i>), • Karamū (<i>Coprosma robusta</i>)	Minimum 7,000 plants, of which at least 500 must be ramarama.	
Firth Block	Kāmahi (<i>Pterophylla racemosa</i>) Kānuka (<i>Kunzea robusta</i>)	Minimum of 1,000 of each species planted within 10 m of the quarry edge within one year The location must avoid the skink mitigation site that has previously established.	90% success rate in the fifth year following planting.

23. The ERP must be prepared in consultation with Taranaki Whānui ki te Upoko o Te Ika and Te Rūnanga o Toa Rangatira. It may identify opportunities for mātauranga Māori, cultural engagement and restoration participation.
24. The Approval holder must provide a draft ERP to Taranaki Whānui ki te Upoko o Te Ika and Te Rūnanga o Toa Rangatira for comment no later than 20 working days before finalising the

ERP. When providing the final ERP to DOC, the Approval holder must include any written comments received and a brief response schedule explaining how those comments were addressed. The Approval holder bears its own consultation costs and any reasonable, pre-agreed tangata whenua participation costs, but not DOC's internal review costs under this condition

Mammalian Pest Management Plan

25. No later than 20 working days before settlement, the Approval holder must provide DOC with a Mammalian Pest Management Plan certified by a suitably qualified and experienced ecologist or pest-management practitioner as being consistent with Conditions 26 to 28
26. The purpose of the Mammalian Pest Management Plan is to set out how mammalian pest control will be undertaken on the Northern Gully, Southern Gully, Firth Block and Dry Creek sites to support the ecological restoration outcomes required by these conditions.
27. The Mammalian Pest Management Plan must include:
 - a. the target pest species listed in Table 3;
 - b. the areas where pest management will be undertaken;
 - c. the control methods and timing of control;
 - d. monitoring methods for target pest species;
 - e. response actions where monitoring or contractor observations indicate that pest activity is materially reducing the effectiveness of restoration or natural regeneration; and
 - f. annual reporting to DOC.
28. The Mammalian Pest Management Plan may be amended where the amendment is certified by a suitably qualified and experienced ecologist or pest-management practitioner as improving practicality or effectiveness while remaining materially consistent with these conditions. The Approval holder must provide DOC with a copy of any certified amendment before it is implemented. A pest detection or increase in pest activity is not, of itself, a breach of these conditions, provided the Approval holder implements the relevant response actions in accordance with the Mammalian Pest Management Plan.

Table 3. Mammalian pest control management

Location	Pest species	Duration	Response trigger
Northern Gully	Possums	10 years	Contractor records observations indicate pest levels are materially reducing
Northern Gully	Goats		
Tawa-Kāmahī	Rats		
Northwestern Forest and			

Eastern Pukatea Forest			
Southern Gully	Possums	10 years	Contractor records observations indicate pest levels are materially reducing
Firth Block around the water body bordering the park, OBDA and Firth Block (Farm Pond)	Rodents	10 years	Contractor records observations indicate pest levels are materially reducing
All sites	Mustelids	10 years	Contractor records observations indicate pest levels are materially reducing

Proposed draft conditions (Cl.32 Sch.6)

To prepare the land for exchange the following conditions are imposed under schedule 6 clause 32:

29. The land being given by the Crown by way of exchange must be transferred to the Approval holder, without reservation, classification, interest or encumbrance.to allow for transfer from the Crown to the Approval Holder after Gazettal.
30. The Approval holder's land will be provided to the Crown free of all encumbrances and interests, except for the following interests that must remain in place. These must be specified in the exchange Gazette notice and brought down onto the new titles:
 - a. Open Space Covenant Pursuant to Section 22 of the QEII National Trust Act 1977 (Lot 1 DP60552 and Part Lot 1 DP22561 – Creating document 10476608.1).
 - b. Right of way over Part Lot 1 DP28205 (Creating Document 701267); and
 - c. Easement in Gross-Quarrying effects, shown on Lots 4, 5 and 100 DP 322126, burdened land Lots 4, 5 & 100 DP322126 (creating document 5835385.5).

Ecological restoration

31. The Approval Holder must undertake the anticipated activities in accordance with the certified ERP prepared in accordance with pre-conditions 21 to 24 above at all times.
32. The Approval holder may amend the ERP where the amendment is certified by a suitably qualified and experienced ecologist as improving practicality, efficacy or environmental fit while remaining materially consistent with these conditions. The Approval holder must give

DOC written notice of the amendment at least 10 working days before implementation. If DOC objects within that period and explains the inconsistency relied on, the amendment must not proceed until resolved.

33. The ERP may be amended by the Approval holder at any time, provided the amendments are:
 - a. for the purpose of improving the efficacy of the management of weeds;
 - b. for the purpose of providing for better planting and maintenance methodology(s). This may include substituting plant species if it is found that a more appropriate plant species is better suited to this environment, while achieving biodiversity enhancements;
 - c. for the purpose of applying best practicable measures;
 - d. consistent with the conditions of this approval; and
 - e. submitted in writing to DOC 10 days prior to any amendment being implemented.
34. Plants must be eco-sourced within the Wellington Ecological District and sourced from a reputable nursery able to provide provenance information on request.
35. Except where the ERP specifies a different and ecologically appropriate grade for a particular species or location, all plants must be healthy, not root-bound, and generally no smaller than PB2 at the time of planting.
36. Slow-release fertiliser may be used where recommended by the ecologist or nursery supplier for the relevant species and site conditions.
37. Weed-free mulch may be used where recommended by the ecologist for moisture retention and weed suppression, except in wetland areas or other locations where mulch is ecologically inappropriate.

Mammalian Pest Management

38. The Approval holder must implement the Mammalian Pest Management Plan during the periods stated in Table 3.
39. The Approval holder may amend the Mammalian Pest Management Plan where the amendment is certified by a suitably qualified and experienced ecologist as improving practicality or efficacy while remaining materially consistent with these conditions.
 - a. The Approval holder must give DOC written notice at least 10 working days before implementation.

If DOC objects within that period and explains the inconsistency relied on, the amendment must not proceed until resolved.

The Applicant must provide DOC with an annual report within 30 working days after each year of implementation. The report must summarise pest control undertaken, monitoring results, any threshold exceedances, and any response actions implemented.

Contaminated land

40. If, within 12 months after settlement, contamination (as defined in National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) is identified on the Approval holder's Land transferred to the Crown and that contamination:
- a. was caused by the activities of the Approval holder occurring before settlement;
 - b. was not disclosed in the pre-settlement contamination reports; and
 - c. exceeds the applicable standard for the actual or intended conservation and recreation use of the land under the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 requiring management, then the Approval holder must, after receiving written notice, be given a reasonable opportunity to investigate and carry out any remediation or risk-management works.
- Compliance is to the standard required by any remediation plan prepared by a suitably qualified contaminated land practitioner.
41. Before settlement, the Approval holder must undertake a targeted contaminated land investigation of the discrete area identified in the Northern Gully, including the deposited material in the stream bed and on the adjacent stream embankment.
42. The investigation must be undertaken by a suitably qualified contaminated land practitioner and must determine whether contamination associated with the area is present at concentrations requiring management or remediation having regard to:
- a. the applicable soil contaminant standards for the actual or intended conservation and recreation use of the land under the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011, where applicable;
 - b. where relevant, potential effects of such contamination on water, sediment or ecological receptors, the ANZG (2018) default guideline values or other applicable environmental guideline values;
 - c. If the investigation identifies contamination requiring management or remediation, the Approval holder must prepare and implement a remediation or risk-management plan certified by a suitably qualified contaminated land practitioner; and
 - d. Compliance with Conditions 44 and 45 is achieved when a suitably qualified contaminated land practitioner certifies that any contamination associated with the deposited area has been investigated and, where required, managed or remediated to the standard required for the actual or intended conservation and recreation use of the land detailed above.

Continuance of rights

43. The rights and obligations of the parties under this agreement continue beyond settlement of this agreement accordingly those rights and obligations will not merge in the settlement but will continue thereafter with full force and effect.

Appendix 7B: Conditions proposed by Applicant - Package B

Draft conditions proposed by Winstone in response to the Draft Report

This approval for land exchange is conditional until the Minister of Conservation is satisfied that Conditions 1 to 46 below (being pre-conditions imposed in accordance with clause 31 and conditions imposed in accordance with clause 32 of Schedule 6 of the Fast-Track Approvals Act 2024) are complied with.

Definitions:

Approval Holder: Means the authorised person for the purposes of the Schedule 2 listing, being Winstone Aggregates (A Division of Fletcher Concrete and Infrastructure Limited), or any successor approved in writing by the Minister, being the entity to whom approval is granted under these conditions.

Approval holders land: Means the land in the ownership or control of the Approval Holder that is subject to the Land exchange and identified as the parcels known as:

- Northern Gully: means the area of land comprising approximately 12.62 hectares being part of Lot 1 DP 60552 and Lot 5 DP322126, and as identified in approved plan [x]
- Southern Gully: means the area of land comprising approximately 3.94 hectares, being Lots 4 and 5 DP 32212, and as identified in approved plan [x]
- Firth Block: means the area of land comprising approximately 9.6 hectares, being part of Lot 1 DP 60552 and Part Lot 1 DP 22561, and as identified in approved plan [x] and
- Dry Creek: means the area of land comprising approximately 7.94 hectares being Part Lot 1 DP 28205, and as identified in approved plan [x]

DOC - Get: Means the land to be transferred from the Approval Holder to the Crown and administered by the Department of Conservation, comprising the Approval Holder's land and shown on approved plans x.

DOC - Give: Means the land currently owned by the Crown and administered as part of the Belmont Regional Park that is to be transferred to the Approval Holder, comprising approximately 23 hectares (more or less), as shown on the approved plans [X].

Crown Land: Means land owned by the Crown and held for conservation or reserve purposes, including land administered by or on behalf of the Department of Conservation under the Conservation Act 1987 and/or the Reserves Act 1977.

Conservation Improvements: Means the ecological restoration, pest management, weed control, planting, access, and associated works to be undertaken by the Approval Holder in accordance with the Improvements Package (including Package A and Package B) for the purposes of achieving and net conservation benefit.

The Minister: Means Minister for Conservation, or any person acting under delegated authority on behalf of the Minister, in accordance with the Conservation Act 1987 or the Reserves Act 1977.

Belmont Regional Park Improvement Area means the approximately 13 hectares (more or less) of land within Belmont Regional Park owned by the Department of Conservation and managed by Greater Wellington Regional Council adjacent to the DOC-Give area proposed for improvement planting, as shown on the approved plans [x].

Proposed Draft Pre-Conditions for land exchange

To prepare the land for exchange, the following pre-conditions are imposed under schedule 6, clause 31 and must be completed within 2 years of the date of approval:

1. The Approval holder must provide a draft survey plan to the Minister no less than 10 working days before submitting the final survey plan under condition 2. Any comments provided by the Minister within that period must relate only to the identification of the exchange boundaries and required transfer mechanics.
2. The Minister or the Minister's delegate must, acting reasonably, approve or reject the final survey plan within 10 working days of receipt. Any rejection must be accompanied by written reasons. If no response is given within that period, the plan is deemed approved.
3. The Approval holder shall obtain all consents and approvals required to separately define the Applicant's land and to enable ownership of that land to be transferred to the Crown. The Approval holder's land will be provided free of all encumbrances and interests, except for the following interests that must remain in place and be brought down onto the new titles:
 - a. Open Space Covenant Pursuant to Section 22 of the QEII National Trust Act 1977 (Lot 1 DP60552 and Part Lot 1 DP22561 – Creating document 10476608.1);
 - b. Right of way over Part Lot 1 DP28205 (Creating Document 701267); and
 - c. Easement in Gross – Quarrying effects, shown on Lots 4, 5 and 100 DP322126, burdened land Lots 4, 5 & 100 DP322126 (creating document 5835385.5).
4. The Crown and the Approval holder must each promptly do all things reasonably required to enable the Crown Land to be transferred to the Approval holder as fee simple land, free of encumbrances and without reserve classification on Gazettal. The Minister must not unreasonably withhold, delay or condition any approval or execution required for that purpose.

5. Before settlement, the Approval holder must install a fence approximately 60 metres in length and set back 6 metres from the Firth Block pit face in the location shown on Drawing W15069_Land_Exchange_Concept Boffa Miskell 1 December 2025, or as otherwise certified by a suitably qualified geotechnical engineer for equivalent safety outcomes. The design and location certification must be provided to the Minister before construction.

Encumbrances

6. The Approval holder will transfer its estate and interest in the Approval Holder's land to the Minister free from all leases and tenancies and discharges from all mortgages, charges and other encumbrances other than those listed in Condition 3.

Costs

7. For avoidance of doubt all reasonable costs associated with complying with Conditions 1 to 6 shall be met by the Approval holder.
8. The Approval holder must pay the Minister's reasonable costs and expenses of, and incidental to, preparing and signing the Exchange Agreement or any extension or variation of it, including surveying, conveyancing and legal costs.
9. The Approval holder must pay all reasonable costs associated with the Minister's work to give effect to the Exchange Agreement, calculated at DOC's standard cost-recovery rates current at the date the work is undertaken and invoiced within 3 months of the relevant work being completed.
10. The Approval holder must pay in full immediately and on demand all reasonable costs and fees (including solicitors' costs and fees of debt collecting agencies engaged by the Minister) arising out of and associated with steps taken by the Minister to enforce or attempt to enforce the Minister's rights and powers under the Exchange Agreement including the right to recover outstanding money owed to the Minister.

Easements

11. The Approval holder shall survey and register the appropriate easements as shown on Scheme Plan SC-02 (Appendix B10a), including but not limited to:
 - a. Easement Z (Right of Way) to be granted over part of Lot 9 for the benefit of Lot 10 (comprised in the DOC-Get Area) for the purpose of conservation activity and maintenance undertaken by DOC or its agents and public pedestrian access. DOC shall have the full and unrestricted right of access, including the right to enter, pass, and repass on foot or by vehicle or machinery, together with its employees and contractors, for the sole purpose of accessing adjoining conservation land for inspection and maintenance related to conservation purposes. Public pedestrian only access shall be permitted, subject to any reasonable temporary restrictions required

for public safety, ecological restoration works, pest or weed control, maintenance, fire risk, weather events, or quarry operational safety and may be reasonably determined and specified from time to time by the grantor. DOC shall have the right to carry out inspection, maintenance, repair, and improvement works on any tracks, roads, or structures within Easement Z as reasonably required for conservation purposes and managing public pedestrian access subject to standard terms regarding the suitable management of health and safety obligations and ensuring that the grantor has reasonable prior notice of the intended access and programme of works.

Bonds for Conservation Works

12. If the Land Exchange is approved, the Approval holder shall provide to the Minister, before giving effect to the exchange, a performance security ("Bond") for the purpose of ensuring completion of the "Conservation Improvement Works" defined below. The Bond shall:

(a) **Scope:** Secure the Approval holders timely performance of all identified Conservation Improvement Works on the land to be given, as specified in Conditions 13, 22, 27 and 28 (for example, weed clearance, native planting, fencing, and pest-management), but shall not cover any other obligations.

(b) **Amount:** Be in an amount equal to the reasonably estimated cost (as certified by an independent Quantity Surveyor or registered valuer or contractor) of completing the Works. The Bond amount shall be subject to audit and revaluation by mutual agreement (or by binding expert determination if disputed). In no case shall it exceed a specified cap \$200,000.

(c) **Form:** Be provided by way of a performance guarantee by a group company of the Approval holder which provides performance security, or (if preferred by the Approval holder) an unconditional bank guarantee or irrevocable performance bond from a NZ-registered bank or insurer reasonably acceptable to the Minister (alternatively, a cash deposit may be lodged).

(d) **Release Schedule:** The Bond shall be released in two stages:

(i) fifty percent (50%) upon completion and acceptance of the specified Conservation Improvement Works by the Minister or the Minister's agent; and

(ii) the remaining fifty percent (50%) at the close of the 24 month maintenance period following such completion, provided the land remains free of noxious weeds and meets agreed success standards. If all Conservation Improvement Works are completed to satisfaction before the expiry of 24 months, the second half may be released early.

(e) **Default and Call:** The Bond shall only be drawn upon if the Approval holder fails to complete the specified Conservation Improvement Works by the agreed deadlines (or maintain them during the maintenance period) after receiving written notice and a 30 working day cure period. Any call on the Bond shall be limited to the cost of completing or remedying

the Works, and the Applicant may dispute any call by written notice; unresolved disputes will be referred to arbitration in New Zealand under the Arbitration Act 1996 before funds are released.

Conservation Improvement Works means those specific enhancement works or restoration measures agreed by the parties and detailed in an annex to these conditions (for example, specified planting areas, pest-proof fences, access tracks, or restoration of riparian margins).

The Bond is a section 78 condition (Crown risk condition) and shall not be used as a penalty. The value of the Bond is expressly intended to cover only the cost of completing the above-defined Conservation Improvement Works.

Fencing

13. The Approval holder must construct, only that boundary fencing which is reasonably necessary to exclude persons, meet any existing covenant requirement, or address an identified safety risk on the external boundary of the land being transferred to the Crown. The required locations and fence standard must be identified in a pre-settlement fencing plan agreed by the parties, acting reasonably.

Rates

14. There shall be no apportionment of rates or other outgoings paid by the Parties.

Structure and improvements, condition of land

15. The land being acquired by the Approval holder, including any structures or improvements thereon, is transferred and accepted by the Approval holder on an “as is, where is” basis.
16. The Minister accepts no liability (financial or otherwise) in relation to any structure or other improvement on the land being acquired by the Approval holder, including for any remedial, removal, or maintenance costs associated with any structure or improvement.
17. The Approval holder must remove from the Approval holder’s Land only those structures, improvements or materials identified in a joint pre-settlement schedule prepared by the parties, no later than 20 working days before settlement. Reinstatement is limited to areas directly disturbed by that removal.
18. Any structure or improvement expressly agreed in writing to remain on the Approval holder’s land at settlement must, as at settlement, be safe for its intended use and lawful so far as reasonably ascertainable from existing records and visible condition.
19. The Approval holder must remove surface rubbish, dumped materials and anthropogenic debris identified in the joint pre-settlement schedule or visible upon reasonable inspection,

and reinstate areas directly disturbed by that removal. This condition does not extend to buried material not identified in pre-settlement investigations.

Ecological Restoration Plan [ERP]

20. No later than 20 working days before settlement, the Approval holder must provide DOC with an Ecological Restoration Plan [ERP] prepared by a suitably qualified and experienced ecologist and certified by that ecologist as being consistent with these conditions.
21. The ERP must be prepared by a suitably qualified and experienced ecologist.
22. The purpose of the ERP is to:
 - a. reduce target species on the Northern Gully, Southern Gully, Firth Block, Dry Creek sites and Belmont Regional Park areas [Limited to areas within 13ha adjacent to the DOC-give areas], including the wetlands, to a target of 90% eradication.
 - b. protect and improve the condition of indigenous vegetation on the sites;
 - c. successfully establish 200 swamp maire in the Southern Gully and 200 swamp maire in the Belmont Regional Park;
 - d. target 90% success rate of planted swamp maire so that at least 360 specimens survive after seven years;
 - e. achieve the standards in Table 1 for weed species;
 - f. achieve the standards in Table 2 for replanting of indigenous vegetations; and
 - g. target a 90% success rate for newly planted indigenous vegetation after five years (other than swamp maire which has a seven year timeframe).

To achieve this purpose, the ERP must include the following:

- h. Measures for how weed control will be undertaken on the sites. The target weed species are those listed in Table 1;
- i. Measures for managing the introduction of weed plant species to the sites;
- j. Identification of times of year to focus on particular weed control strategies;
- k. Methods for giving effect to the Greater Wellington Regional Pest Management Plan;
- l. A yearly report on the results of weed management will be provided to DoC.
- m. Baseline and ongoing monitoring of threatened plant populations and weed species at the sites;
- n. A planting plan for indigenous species including the timing of plantings;
- o. Adaptive management and restorative measures to ensure the survival of threatened plant populations on the sites.

Table 1. Weed management requirements

Location	Duration of management	Target objective
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Northern Gully	5 years	90% eradication of the following weed species: • Old man's beard (<i>Clematis vitalba</i>) • <i>Tradescantia</i> No exotic canopy tree species.
Southern Gully	5 years	90% eradication of weed species • Blackberry • Exotic vines • Pampas
Dry Creek	5 years	90% eradication of weed species: • Exotic weeds • Broom • Gorse • Buddleia • Spanish heath • Old man's beard • Wattle • <i>Tradescantia</i> • Rama grass • Soft rush nasturtium • Creeping buttercup • Verbena • Ink weed • Pampas
Firth Block	5 years	90% eradication of weed species
Belmont Regional Park areas	5 years	90% eradication of weed species. Targeted weed control within Belmont Regional Park planting areas and their immediate surrounds to support establishment of swamp maire and associated indigenous planting.

Table 2: Ecological restoration requirements

Location	Indigenous species	Minimum area/ density / number of specimens	Timeframe and target success rate
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Southern Gully	Swamp maire	200 individual plants to be planted when they reach at least PB3 size with a vegetative minimum height of 600mm (not including the bag). This is likely to be 2 years after propagation of seedlings.	90% success rate in the seventh year following planting on the site.
Dry Creek	A mixture of the following species all eco-sourced: • Pigeonwood (<i>Hedycarya arborea</i>), • Ramarama (<i>Lophomyrtus bullata</i>), • Hebe (<i>Veronica stricta</i> var. <i>stricta</i>), • Kānuka (<i>Kunzea robusta</i>), • Five finger (<i>Pseudopanax arboreus</i>), • Wharangi (<i>Melicope ternate</i>), • Shining karamu (<i>Coprosma lucida</i>), • Thin leaved coprosma (<i>Coprosma areolate</i>), • Kanono (<i>Corprosma grandifolia</i>), • Karamū (<i>Coprosma robusta</i>)	Replanting of 0.8 ha with indigenous species within three years. Minimum 7,000 plants, of which at least 500 must be ramarama.	90% success rate in the fifth year following planting.

Firth Block	Kāmahi (<i>Pterphylla racemosa</i>) Kānuka (<i>Kunzea robusta</i>)	Minimum of 1,000 of each species planted within 10 m of the quarry edge within one year The location must avoid the skink mitigation site that was previously established.	90% success rate in the fifth year following planting.
Belmont Regional Park areas	Swamp maire Ramarama	200 individual plants of swamp maire to be planted when they reach at least PB3 size with a vegetative minimum height of 600mm (not including the bag). This is likely to be 2 years after propagation of seedlings. And 200 Ramarama	90% success rate in the seventh year following planting on the site.

23. The ERP must be prepared in consultation with Taranaki Whānui ki te Upoko o Te Ika, Te Rūnanga o Toa Rangatira and Greater Wellington Regional Council (Manager, Ecosystems & Community). It may identify opportunities for mātauranga Māori, cultural engagement and restoration participation.
24. The Approval holder must provide a draft ERP to Taranaki Whānui ki te Upoko o Te Ika, Te Rūnanga o Toa Rangatira and Greater Wellington Regional Council (Manager, Ecosystems & Community) for comment no later than 20 working days before finalising the ERP. When providing the final ERP to DOC, the Approval holder must include any written comments received and a brief response schedule explaining how those comments were addressed. The Approval holder bears its own consultation costs and any reasonable, pre-agreed tangata whenua and councils participation costs, but not DOC's internal review costs under this condition
25. The ERP and the MPMP must be prepared in consultation with Greater Wellington in its role as Manager of the Belmont Regional Park to ensure that any proposed methodology for restoration or pest control in Belmont Regional Park Improvement Area is undertaken in a manner that is consistent with Greater Wellington's management of the Regional Park.

Mammalian Pest Management Plan

26. No later than 20 working days before settlement, the Approval holder must provide DOC with a Mammalian Pest Management Plan certified by a suitably qualified and experienced ecologist or pest-management practitioner as being consistent with Conditions 26 to 28.
27. The purpose of the Mammalian Pest Management Plan is to set out how mammalian pest control will be undertaken on the Northern Gully, Southern Gully, Firth Block, Dry Creek sites and Belmont Regional Park to support the ecological restoration outcomes required by these conditions.
28. The Mammalian Pest Management Plan must include:
 - a. the target pest species listed in Table 3;
 - b. the areas where pest management will be undertaken;
 - c. the control methods and timing of control;
 - d. monitoring methods for target pest species;
 - e. response actions where monitoring or contractor observations indicate that pest activity is materially reducing the effectiveness of restoration or natural regeneration;
 - f. annual reporting to DOC; and
 - g. a description of how any Mammalian Pest control proposed in the Belmont Regional Park areas is consistent with the methodology used by Greater Wellington in the Regional Park.
29. The Mammalian Pest Management Plan may be amended where the amendment is certified by a suitably qualified and experienced ecologist or pest-management practitioner as improving practicality or effectiveness while remaining materially consistent with these conditions. The Approval holder must provide DOC with a copy of any certified amendment before it is implemented. A pest detection or increase in pest activity is not, of itself, a breach of these conditions, provided the Approval holder implements the relevant response actions in accordance with the Mammalian Pest Management Plan.

Table 3. Mammalian pest control management

Location	Pest species	Duration	Response trigger
Northern Gully	Possums	10 years	Contractor records observations indicate pest levels are materially reducing
Northern Gully Tawa-Kāmahī Northwestern Forest and Eastern Pukatea Forest	Goats Rats		
Southern Gully	Possums	10 years	Contractor records observations indicate pest

			levels are materially reducing
Firth Block around the water body bordering the park, OBDA and Firth Block (Farm Pond)	Rodents	10 years	Contractor records observations indicate pest levels are materially reducing
All sites	Mustelids	10 years	Contractor records observations indicate pest levels are materially reducing
Regional Park areas	Possums	10 years	Contractor records observations indicate pest levels are materially reducing

Proposed draft conditions (Cl.32 Sch.6)

To prepare the land for exchange the following conditions are imposed under schedule 6 clause 32:

30. The land being given by the Crown by way of exchange must be subject to no reservation, classification, interest or encumbrance. And must be transferred from the Crown to the Approval Holder after Gazettal.
31. The Approval holder's land will be provided to the Crown free of all encumbrances and interests, except for the following interests that must remain in place. These must be specified in the exchange Gazette notice and brought down onto the new titles:
 - a. Open Space Covenant Pursuant to Section 22 of the QEII National Trust Act 1977 (Lot 1 DP60552 and Part Lot 1 DP22561 – Creating document 10476608.1).
 - b. Right of way over Part Lot 1 DP28205 (Creating Document 701267); and
 - c. Easement in Gross-Quarrying effects, shown on Lots 4, 5 and 100 DP 322126, burdened land Lots 4, 5 & 100 DP322126 (creating document 5835385.5).

Ecological restoration

32. The Approval Holder must undertake the anticipated activities in accordance with the certified ERP prepared in accordance with pre-conditions 20 to 23 above at all times.
33. The Approval holder may amend the ERP where the amendment is certified by a suitably qualified and experienced ecologist as improving practicality, efficacy or environmental fit while remaining materially consistent with these conditions. The Approval holder must give

DOC written notice of the amendment at least 10 working days before implementation. If DOC objects within that period and explains the inconsistency relied on, the amendment must not proceed until resolved.

34. The ERP may be amended by the Approval holder at any time, provided the amendments are:
 - a. for the purpose of improving the efficacy of the management of weeds;
 - b. for the purpose of providing for better planting and maintenance methodology(s). This may include substituting plant species if it is found that a more appropriate plant species is better suited to this environment, while achieving biodiversity enhancements;
 - c. for the purpose of applying best practicable measures;
 - d. consistent with the conditions of this approval; and
 - e. submitted in writing to DOC 10 days prior to any amendment being implemented.
35. Plants must be eco-sourced within the Wellington Ecological District and sourced from a reputable nursery able to provide provenance information on request.
36. Except where the ERP specifies a different and ecologically appropriate grade for a particular species or location, all plants must be healthy, not root-bound, and generally no smaller than PB2 at the time of planting.
37. Slow-release fertiliser may be used where recommended by the ecologist or nursery supplier for the relevant species and site conditions.
38. Weed-free mulch may be used where recommended by the ecologist for moisture retention and weed suppression, except in wetland areas or other locations where mulch is ecologically inappropriate.

Mammalian Pest Management

39. The Approval holder must implement the Mammalian Pest Management Plan during the periods stated in Table 3.
40. The Approval holder may amend the Mammalian Pest Management Plan where the amendment is certified by a suitably qualified and experienced ecologist as improving practicality or efficacy while remaining materially consistent with these conditions.
 - a. The Approval holder must give DOC written notice at least 10 working days before implementation.
 - b. If DOC objects within that period and explains the inconsistency relied on, the amendment must not proceed until resolved
41. The Approval holder must undertake monitoring of mammalian pest management in accordance with the Mammalian Pest Management Plan using a trigger or calendar-based approach, and must:

- a. Undertake monitoring for each target species using methods as deemed appropriate by a suitably qualified and experienced ecologist;
 - b. Reasonably demonstrate that controls measures are effectively reducing pest populations over calendar year, Approval Holder must implement additional pest control in accordance with the Mammalian Pest Management Plan, as specified by the suitably qualified ecological and monitor the outcomes of any additional control.
- 42. The Applicant must provide DOC with an annual report within 30 working days after each year of implementation. The report must summarise pest control undertaken, monitoring results, any threshold exceedances, and any response actions implemented.

Contaminated land

- 43. If, within 12 months after settlement, contamination (as defined in National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) is identified on the Approval holder's Land transferred to the Crown and that contamination:
 - a. was caused by the activities of the Approval holder occurring before settlement;
 - b. was not disclosed in the pre-settlement contamination reports; and
 - c. exceeds the applicable standard for the actual or intended conservation and recreation use of the land under the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 requiring management, then the Approval holder must, after receiving written notice, be given a reasonable opportunity to investigate and carry out any remediation or risk-management works.

Compliance is to the standard required by any remediation plan prepared by a suitably qualified contaminated land practitioner.
- 44. Before settlement, the Applicant must undertake a targeted contaminated land investigation of the discrete area identified in the Northern Gully, including the deposited material in the stream bed and on the adjacent stream embankment.
- 45. The investigation must be undertaken by a suitably qualified contaminated land practitioner and must determine whether contamination associated with the area is present at concentrations requiring management or remediation having regard to:
 - a. the applicable soil contaminant standards for the actual or intended conservation and recreation use of the land under the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011, where applicable;
 - b. where relevant to potential effects on water, sediment or ecological receptors, the ANZG (2018) default guideline values or other applicable environmental guideline values.

- c. If the investigation identifies contamination requiring management or remediation, the Applicant must prepare and implement a remediation or risk-management plan certified by a suitably qualified contaminated land practitioner; and
- d. Compliance with Conditions 44 to 46 is achieved when a suitably qualified contaminated land practitioner certifies that any contamination associated with the deposited area has been investigated and, where required, managed or remediated to the standard required for the actual or intended conservation and recreation use of the land detailed above.

Continuance of rights

- 46. The rights and obligations of the parties under this agreement continue beyond settlement of this agreement accordingly those rights and obligations will not merge in the settlement but will continue thereafter with full force and effect.

Appendix 8A – DOC’s Recommended Amendments to Conditions Package A (clean)

Package A

This approval for land exchange is conditional until the Minister of Conservation is satisfied that Conditions 1 to 8 below (being pre-conditions imposed in accordance with clause 31 of Schedule 6, and is subject to the conditions imposed in accordance with clauses 32 and 33 of Schedule 6 of the Fast-Track Approvals Act 2024) are complied with.

Definitions:

Approval Holder Means the authorised person for the purposes of the Schedule 2 listing, being Winstone Aggregates (A Division of Fletcher Concrete and Infrastructure Limited), or any successor approved in writing by the Minister, being the entity to whom approval is granted under these conditions.

Approval holder’s land: Means the land in the ownership or control of the Approval Holder that is subject to the Land exchange and identified as the parcels known as:

- Northern Gully: means the area of land comprising approximately 12.62 hectares being part of Lot 1 DP 60552 and Lot 5 DP322126, and as identified in approved plan [x]
- Southern Gully: means the area of land comprising approximately 3.94 hectares, being Lots 4 and 5 DP 32212, and as identified in approved plan [x]
- Firth Block: means the area of land comprising approximately 9.6 hectares, being part of Lot 1 DP 60552 and Part Lot 1 DP 22561, and as identified in approved plan [x] and
- Dry Creek: means the area of land comprising approximately 7.94 hectares being Part Lot 1 DP 28205, and as identified in approved plan [x]

DOC – Get: Means the land to be transferred from the Approval Holder to the Crown and administered by the Department of Conservation, comprising the Approval Holder’s land and shown on approved plans [x].

DOC – Give: Means the land currently owned by the Crown and administered as part of the Belmont Regional Park that is to be transferred to the Approval Holder, comprising approximately 23 hectares (more or less), as shown on the approved plans [x].

Crown Land: Means land owned by the Crown and held for conservation or reserve purposes, including land administered by or on behalf of the Department of Conservation under the Conservation Act 1987 and/or the Reserves Act 1977.

The Minister: Means Minister for Conservation, or any person acting under delegated authority on behalf of the Minister, in accordance with the Conservation Act 1987 or the Reserves Act 1977.

Conservation Improvement Works means the works required to be undertaken in accordance with the minimum targets and timeframes set out in Tables 1, 2 and 3, and the fencing, removal of rubbish, and any other works required under these conditions the Approval holder is required to undertake at its cost.

Proposed Draft Pre-Conditions for land exchange

To prepare the land for exchange, the following pre-conditions are imposed under schedule 6, clause 31 and must be completed within 2 years of the date of approval:

1. The Approval holder must provide a draft survey plan to the Minister no less than 20 working days before submitting the final survey plan under condition 2.
2. The Approval holder must provide to the Minister a final survey plan. The Minister or the Minister's delegate will make best endeavours, to approve or reject the final survey plan within 20 working days of receipt. Any rejection must be accompanied by written reasons.
3. The Approval holder shall obtain all consents and approvals required to separately define the Approval Holder's land and to enable ownership of that land to be transferred to the Crown.
4. The Approval holder's land will be provided free of all encumbrances and interests, except for the following interests that must remain in place and be brought down onto the new titles:
 - (a) Open Space Covenant Pursuant to Section 22 of the QEII National Trust Act 1977 (Lot 1 DP60552 and Part Lot 1 DP22561 – Creating document 10476608.1);
 - (b) Right of way over Part Lot 1 DP28205 (Creating Document 701267); and
 - (c) Easement in Gross – Quarrying effects, shown on Lots 4, 5 and 100 DP322126, burdened land Lots 4, 5 & 100 DP322126 (creating document 5835385.5).
5. The Approval holder shall obtain all consents and approvals required to separately define the DOC-Give land and to enable ownership of the DOC-Give land to be transferred to the Approval holder as fee simple land.

Encumbrances

6. The Approval holder will transfer its estate and interest in the Approval Holder's land to the Minister free from all leases and tenancies and discharges from all mortgages, charges and other encumbrances other than those listed in Condition 4. *[imposed under s78]*

Easements

7. The Approval holder shall survey and register the appropriate easements as shown on Scheme Plan SC-02 (Appendix B10a), including but not limited to:

- (a) Easement Z (Right of Way) to be granted over part of Lot 9 for the benefit of Lot 10 (comprised in the DOC-Get Area) for the purpose of conservation activity and maintenance undertaken by DOC or its agents and public pedestrian access. DOC shall have the full and unrestricted right of access, including the right to enter, pass, and repass on foot or by vehicle or machinery, together with its employees and contractors, for the sole purpose of accessing adjoining conservation land for inspection and maintenance related to conservation purposes. Public pedestrian only access shall be permitted, subject to any reasonable temporary restrictions required for public safety, ecological restoration works, pest or weed control, maintenance, fire risk, weather events, or quarry operational safety and may be reasonably determined and specified from time to time by the grantor. DOC shall have the right to carry out inspection, maintenance, repair, and improvement works on any tracks, roads, or structures within Easement Z as reasonably required for conservation purposes and managing public pedestrian access subject to standard terms regarding the suitable management of health and safety obligations and ensuring that the grantor has reasonable prior notice of the intended access and programme of works.

Costs

8. For avoidance of doubt all costs associated with complying with Conditions 1 to 7 shall be met by the Approval holder.

Proposed draft conditions (Cl.32 Sch.6)

To prepare the land for exchange the following conditions are imposed under schedule 6 clause 32:

9. The land being given by the Crown by way of exchange must be transferred to the Approval holder, without reservation, classification, interest or encumbrance- to allow for transfer from the Crown to the Approval Holder after Gazettal.

Costs

10. The Approval holder must pay the Minister's costs and expenses of, and incidental to, preparing and signing the Exchange Agreement or any extension or variation of it, including surveying, conveyancing and legal costs. *[imposed under s78]*
11. The Approval holder must pay to the Minister all costs associated with the Minister's work to give effect to the Exchange Agreement, determined at the standard rates then applying in the Department of Conservation for cost recovery.*[imposed under s78]*
12. The Approval holder must pay in full immediately and on demand all costs and fees (including solicitors' costs and fees of debt collecting agencies engaged by the Minister) arising out of and associated with steps taken by the Minister to enforce or attempt to enforce the Minister's rights and powers under the

Exchange Agreement including the right to recover outstanding money owed to the Minister. *[imposed under s78]*

Bonds for Conservation Works

13. The Approval holder shall provide to the Minister, before giving effect to the exchange, a performance security either in cash or as a surety bond from a trading bank, insurance company or bond guarantor, a bond set in accordance with Condition 13(b).

The Bond shall:

- (a) **Scope:** Secure the Approval holders timely performance of all identified Conservation Improvement Works on the land to be given.
 - (b) **Amount:** Be in an amount equal to the reasonably estimated cost (as certified by an independent Quantity Surveyor or registered valuer or contractor) of completing the Works. The Bond amount shall be subject to audit and revaluation by mutual agreement (or by binding expert determination if disputed).
 - (c) **Form:** Be provided by way of a performance guarantee by a group company of the Approval holder which provides performance security, or (if preferred by the Approval holder) an unconditional bank guarantee or irrevocable performance bond from a NZ-registered bank or insurer reasonably acceptable to the Minister (alternatively, a cash deposit may be lodged).
 - (d) **Release Schedule:** The Bond shall be released in two stages:
 - (i) fifty percent (50%) upon Condition and acceptance-by the Minister or the Minister's agent after seven years, and the Minister (or his agent) being satisfied that all other components of the Conservation Improvement Works have been completed in accordance with the conditions; and
 - (ii) the remaining fifty percent (50%) at the close of the ten year maintenance period following such completion, provided the land remains free of noxious weeds and meets the minimum standards set out in Table 1, 2 and 3.
- 14(a) If the Approval holder breaches or fails to carry out the Conservation Improvement Works, or in carrying out the Activities there arise adverse effects not authorised or reasonably foreseen, the Minister may call on the bond or any portion of it to ensure the Conservation Improvement Works are completed in accordance with the conditions and/or to remedy or mitigate those adverse effects.
- 14(b) The Bond shall only be drawn upon if the Approval holder fails to complete the Conservation Improvement Works including by the deadlines set out in Tables 1, 2 and 3 (or maintain them during the maintenance period) after receiving written notice and a 30 working day cure period. Any call on the Bond shall be limited to the cost of completing or remedying the Works, and the Applicant may dispute any call by written notice; unresolved disputes will be referred to arbitration in New Zealand under the Arbitration Act 1996 before funds are released.

Fencing

15. The Approval holder must, at its cost, construct, all boundary fencing which is reasonably necessary to exclude persons, meet any existing covenant requirement, keep stock out or address an identified safety risk on the external boundary of the land being transferred to the Crown. The required locations and fence standard must be identified in a pre-settlement fencing plan agreed by the parties.
16. The Approval holder must install the western boundary fence of the Firth Block so that it is set back at least 6 metres from the edge of any earth-worked areas on the adjacent Belmont Quarry as shown as shown in Figure 5-3 in the Baseline Geotechnical Limited Geotechnical Appraisal Report 2025 (Appendix B12 to the Land Exchange Application) (Geotechnical Report), or as otherwise determined by an independent suitably qualified geotechnical engineer as being suitable to address the instability issues at the quarry face to the west of the Firth Block described in the Geotechnical Report. Any report by an independent suitably qualified geotechnical engineer shall be provided to DOC, and the location, and design must be provided to the Minister for approval before construction. The setback area shall be clearly marked as conservation land and entry to the setback area shall be clearly marked as being "Entry Prohibited".

Biosecurity Act

17. The Approval holder will at its cost ensure that the land to be transferred to the Minister is compliant with any applicable "good neighbour" rules under the Biosecurity Act to the Minister's satisfaction prior to the Settlement Date. *[imposed under s78]*

Rates

18. There shall be no apportionment of rates or other outgoings paid by the Parties. *[imposed under s78]*

Structure and improvements, condition of land

19. The land being acquired by the Approval holder, including any structures or improvements thereon, is transferred and accepted by the Approval holder on an "as is, where is" basis. *[imposed under s78]*
20. The Minister accepts no liability (financial or otherwise) in relation to any structure or other improvement on the land being acquired by the Approval holder, including for any remedial, removal, or maintenance costs associated with any structure or improvement. *[imposed under s78]*
21. Unless otherwise instructed by the Minister, the Applicant will at its cost remove any structures and improvements from the land to be transferred to the Minister and will reinstate any land impacted by removal works. *[imposed under s78]*
22. The Applicant will, at its cost, ensure that any structures and improvements remaining on the land to be transferred to the Minister are safe and lawful. *[imposed under s78]*
23. The Approval holder must at its own cost remove all rubbish from the land to be transferred and will reinstate any land impacted by removal works.

24. The Approval holder will take all steps reasonably necessary, at its own cost, to ensure that the stability of the Firth Block will not be undermined by the quarry activity. Any instability issues that arise must be immediately remediated by the Approval holder at its own cost.

Rights of first refusal

25. The Approval holder confirms that any rights of first refusal or similar obligations that may otherwise be triggered by this land exchange have been waived. *[imposed under s78]*

Ecological Restoration Plan [ERP]

26. No later than 30 working days before settlement, the Approval holder must provide to DOC for its approval an Ecological Restoration Plan [ERP]. The approval is to confirm that the Ecological Restoration Plan provides the means to achieve the purpose and addresses the matters set out in Condition 28.
27. The ERP must be prepared by a suitably qualified and experienced ecologist.
28. The purpose of the ERP is to set out the methods the Approval Holder will implement to:
- (a) reduce weed species listed in Table 1 on the Northern Gully, Southern Gully, Firth Block and Dry Creek sites, including the wetlands, to a minimum target of 90% eradication.
 - (b) protect and improve the condition of indigenous vegetation on the sites;
 - (c) successfully establish 200 swamp maire in the Southern Gully;
 - (d) achieve 90% success rate of planted swamp maire so that at least 180 specimens survive after seven years;
 - (e) achieve the standards in Table 1 for weed species;
 - (f) achieve the standards in Table 2 for replanting of indigenous vegetation; and
 - (g) achieve a minimum 90% success rate for newly planted indigenous vegetation after five years (other than swamp maire which has a seven year timeframe).

To achieve this purpose, the ERP must include the following:

- (h) Measures for how weed control will be undertaken on the sites. The target weed species are listed in Table 1;
- (i) Measures for managing the introduction of weed plant species to the sites;
- (j) Identification of times of year to focus on particular weed control strategies;
- (k) Methods for giving effect to the Greater Wellington Regional Pest Management Plan;
- (l) A yearly report on the results of weed management will be provided to DOC.
- (m) Baseline and ongoing monitoring of threatened plant populations and weed species at the sites;
- (n) A planting plan for indigenous species including the timing of plantings;
- (o) Adaptive management and restorative measures to ensure the survival of threatened plant populations on the sites; and

- (p) Methods for protecting the wetland areas and the vulnerable roots of the new plantings of swamp maire and other species from visitors to the Southern Gully.

Table 1. Weed management requirements

Location	Duration of management	Minimum requirement
Northern Gully	10 years	90% eradication of the following weed species: • Old man's beard (<i>Clematis vitalba</i>) • Tradescantia No exotic canopy tree species.
Southern Gully	10 years	90% eradication of the following weed species: • Blackberry • Exotic vines • Pampas
Dry Creek	10 years	90% eradication of weed species • Exotic weeds • Broom • Gorse • Buddleia • Spanish heath • Old man's beard • Wattle • Tradescantia • Rama grass • Soft rush nasturtium • Creeping buttercup • Verbena • Ink weed • Pampas
Firth Block	10 years	90% eradication of weed species

Table 2: Ecological restoration requirements

Location	Indigenous species	Minimum area/ density / number of specimens	Timeframe and minimum success rate
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Southern Gully	Swamp maire	200 individual plants to be planted when they reach at least PB3 size with a vegetative minimum height of 600mm (not including the bag). This is likely to be 2 years after propagation of eco-sourced seedlings.	90% success rate in the seventh year following planting on the site.
Dry Creek	A mixture of the following species all eco-sourced: • Pigeonwood (<i>Hedycarya arborea</i>), • Ramarama (<i>Lophomyrtus bullata</i>), • Hebe (<i>Veronica stricta</i> var. <i>stricta</i>), • Kānuka (<i>Kunzea robusta</i>), • Five finger (<i>Pseudopanax arboreus</i>), • Wharangi (<i>Melicope ternate</i>), • Shining karamu (<i>Coprosma lucida</i>), • Thin leaved coprosma (<i>Coprosma areolate</i>), • Kanono (<i>Corprosma grandifolia</i>), • Karamū (<i>Coprosma robusta</i>)	Replanting of 0.8 ha with indigenous species within three years. Minimum 7,000 plants, of which at least 500 must be ramarama.	90% success rate in the fifth year following planting.
Firth Block	Kāmahi (<i>Pterphylla racemosa</i>) Kānuka (<i>Kunzea robusta</i>)	Minimum of 1,000 of each species planted within 10 m of the quarry edge within one year	90% success rate in the fifth year following planting.

		The location must avoid the skink mitigation site that has previously established.	
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29. The ERP must be prepared in consultation with Taranaki Whānui ki te Upoko o Te Ika and Te Rūnanga o Toa Rangatira. It may identify opportunities for mātauranga Māori, cultural engagement and restoration participation.
30. The Approval holder must provide a draft ERP to Taranaki Whānui ki te Upoko o Te Ika and Te Rūnanga o Toa Rangatira for comment no later than 20 working days before submitting the ERP to DOC for approval. When providing the final ERP to DOC, the Approval holder must include any written comments received and a response schedule explaining how those comments were addressed. The Approval holder bears its own consultation costs and all reasonable costs of DOC, Taranaki Whānui ki te Upoko o Te Ika and Te Rūnanga o Toa Rangatira performing their roles in Condition 26 and 29 respectively.
31. The Approval Holder must undertake the anticipated activities in accordance with the approved ERP prepared in accordance with conditions 26 to 30 above at all times.
32. The ERP may be amended by the Approval holder at any time, provided the amendments are:
 - (a) for the purpose of improving the efficacy of the management of weeds;
 - (b) for the purpose of providing for better planting and maintenance methodology(s). This may include substituting plant species if it is found that a more appropriate plant species is better suited to this environment, while achieving biodiversity enhancements;
 - (c) for the purpose of applying best practicable measures;
 - (d) consistent with the conditions of this approval; and
 - (e) submitted in writing to DOC for its approval prior to any amendment being implemented.
33. The Applicant must provide DOC with an annual report within 30 working days after each year of implementation of the ERP. The first annual report will be due 12 months after approval of the ERP. The report must summarise planting undertaken, weed management, monitoring results for weeds and restoration planting, any target exceedances for weeds and/or any ecological restoration minimum success rates that have not been achieved (Tables 1 and 2), and any response actions implemented.
34. Plants must be eco-sourced within the Wellington Ecological District and sourced from a reputable nursery able to provide provenance information on request.

35. All plants must be healthy, not root-bound, be in PB3s or equivalent at the time of planting and weed free.
36. Slow-release fertiliser must be used at the rate recommended by the manufacturer with every plant, at the time of planting.
37. Weed-free mulch must be used for moisture retention and weed suppression, except in wetland areas where mulch is ecologically inappropriate.

Mammalian Pest Management Plan

38. No later than 30 working days before settlement, the Approval holder must provide to DOC for its approval a Mammalian Pest Management Plan. The approval is to confirm that the Mammalian Pest Management Plan provides the means to achieve the purpose and addresses the matters set out in Condition 27.
39. The Mammalian Pest Management Plan must be prepared by a suitably qualified and experienced ecologist.
40. The purpose of the Mammalian Pest Management Plan is to set out how mammalian pest control will be undertaken on the Northern Gully, Southern Gully, Firth Block and Dry Creek sites and achieve the minimum levels in Table 3 below.

The Mammalian Pest Management Plan must include:

- (a) the areas where pest management will be undertaken;
- (b) the control methods and timing of control;
- (c) monitoring methods for pest species set out in Table 3;
- (d) response actions where monitoring indicates that pest activity is not achieving the targets in Table 3; and
- (e) annual reporting to DOC.

Table 3. Mammalian pest control management

Location	Pest species	Duration	Targets
Northern Gully	Possums	10 years	<1 possum / camera / week
Northern Gully	Goats		< 1 goat contact per 3 hunter days (8 hour days) measured over a year of hunting
Tawa-Kāmahi			
Northwestern Forest and Eastern Pukate Forest	Rats		< 3 rats / camera / week (measured 3 x per year – February, May and November)

Southern Gully	Possums	10 years	<1 possum / camera / week (measured 1x per year)
Firth Block around the water body bordering the park, DOC-Give and Firth Block (Farm Pond)	Rodents	10 years	< 3 rats / camera / week (measured 3 x per year – February, May and November) < 3 mice/camera/week (3 x seasonally per year)
All sites	Mustelids	10 years	< 2 mustelids/ camera/week (3 x per year – February, May, November)

41. The Approval holder must undertake all activities in accordance with the approved Mammalian Pest Management Plan at all times.
42. The Mammalian Pest Management Plan may be amended where the amendment is improving practicality or effectiveness. The Approval holder must submit the amended Mammalian Pest Management Plan in writing to DOC for approval, prior to any amendment being implemented.
43. The Approval holder may amend the Mammalian Pest Management Plan at any time, provided the amendments are submitted in writing to DOC for approval, prior to any amendment being implemented.
44. The Approval holder must provide DOC with an annual report within 30 working days after each year of implementation of the Mammalian Pest Management Plan. The first annual report will be due 12 months after approval of the Mammalian Pest Management Plan. The report must summarise pest control undertaken, monitoring results, any target exceedances, and any response actions implemented.

Contaminated land

45. If, within 12 months of the Settlement Date, the land being received by the Minister is found to be contaminated with a previously undisclosed organic or inorganic substance that poses a risk to public health or to the environment, the Applicant will immediately remedy the situation to the satisfaction of the Minister. *[imposed under s78]*
46. Before settlement, the Approval holder must undertake a contaminated land investigation of the Northern Gully, including the deposited material in the stream bed and on the adjacent stream embankment.

47. The investigation must be undertaken by a suitably qualified contaminated land practitioner and must determine whether contamination associated with the area is present at concentrations requiring management or remediation having regard to:
- (a) the applicable soil contaminant standards for the actual or intended conservation and recreation use of the land under the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011, where applicable;
 - (b) where relevant, potential effects of such contamination on water, sediment or ecological receptors, the ANZG (2018) default guideline values or other applicable environmental guideline values.
- 48(a). If the investigation in Condition 46 identifies contamination requiring management or remediation, the Approval holder must prepare and implement a remediation plan certified by a suitably qualified contaminated land practitioner.
- 48(b) Compliance with Condition 48(a) is achieved when a suitably qualified contaminated land practitioner certifies that any contamination associated with the deposited area has been investigated and, where required, remediated to the standard required for the actual or intended conservation and recreation use of the land detailed above.

Continuance of rights

49. The rights and obligations of the parties under this agreement continue beyond settlement of this agreement accordingly those rights and obligations will not merge in the settlement but will continue thereafter with full force and effect. *[imposed under s78]*

Signage

50. The Approval holder must construct and install signage in accordance with DOC's sign standards indicating the reserve name at the Approval holder's cost. These shall be placed in the following locations to make the public aware of ownership and right of access:
- (a) At the boundary of the Southern Gully Block facing Liverton Road;
 - (b) On the Hebden Crescent frontages of the Firth and Dry Creek Blocks; and
 - (c) On the existing easement on the Dry Creek Loop Track within the Dry Creek Block.

Appendix 8B – DOC's Recommended Amendments to Conditions Package A (tracked)

Package A

Key:

Strikethrough indicates deletions proposed by DOC

Underlining indicates additional text proposed by DOC

This approval for land exchange is conditional until the Minister of Conservation is satisfied that Conditions 1 to ~~46~~ 8 below (being pre-conditions imposed in accordance with clause 31 of Schedule 6, and is subject to the conditions imposed in accordance with clauses s 32 and 33 of Schedule 6 of the Fast-Track Approvals Act 2024) are complied with.

Definitions:

Approval Holder Means the authorised person for the purposes of the Schedule 2 listing, being Winstone Aggregates (A Division of Fletcher Concrete and Infrastructure Limited), or any successor approved in writing by the Minister, being the entity to whom approval is granted under these conditions.

Approval holder's land: Means the land in the ownership or control of the Approval Holder that is subject to the Land exchange and identified as the parcels known as:

- Northern Gully: means the area of land comprising approximately 12.62 hectares being part of Lot 1 DP 60552 and Lot 5 DP322126, and as identified in approved plan [X]
- Southern Gully: means the area of land comprising approximately 3.94 hectares, being Lots 4 and 5 DP 32212, and as identified in approved plan [X]
- Firth Block: means the area of land comprising approximately 9.6 hectares, being part of Lot 1 DP 60552 and Part Lot 1 DP 22561, and as identified in approved plan [X] and
- Dry Creek: means the area of land comprising approximately 7.94 hectares being Part Lot 1 DP 28205, and as identified in approved plan [X]

DOC – Get: Means the land to be transferred from the Approval Holder to the Crown and administered by the Department of Conservation, comprising the Approval Holder's land and shown on approved plans [X].

DOC – Give: Means the land currently owned by the Crown and administered as part of the Belmont Regional Park that is to be transferred to the Approval Holder, comprising approximately 23 hectares (more or less), as shown on the approved plans [X].

Crown Land: Means land owned by the Crown and held for conservation or reserve purposes, including land administered by or on behalf of the Department of Conservation under the Conservation Act 1987 and/or the Reserves Act 1977.

The Minister: Means Minister for Conservation, or any person acting under delegated authority on behalf of the Minister, in accordance with the Conservation Act 1987 or the Reserves Act 1977.

Conservation Improvement Works means the works required to be undertaken in accordance with the minimum targets and timeframes set out in Tables 1, 2 and 3, and the fencing, removal of rubbish, and any other works required under these conditions the Approval holder is required to undertake at its cost.

Proposed Draft Pre-Conditions for land exchange

To prepare the land for exchange, the following pre-conditions are imposed under schedule 6, clause 31 and must be completed within 2 years of the date of approval:

1. The Approval holder must provide a draft survey plan to the Minister no less than ~~40~~ 20 working days before submitting the final survey plan under condition 2. ~~Any comments provided by the Minister within that period must relate only to the identification of the exchange boundaries and required transfer mechanics.~~
2. The Approval holder must provide to the Minister a final survey plan. The Minister or the Minister's delegate will make best endeavours, ~~acting reasonably~~, to approve or reject the final survey plan within ~~40~~ 20 working days of receipt. Any rejection must be accompanied by written reasons. ~~If no response is given within that period, the plan is deemed approved.~~
3. The Approval holder shall obtain all consents and approvals required to separately define the ~~Applicant's~~ Approval Holder's land and to enable ownership of that land to be transferred to the Crown.
4. The Approval holder's land will be provided free of all encumbrances and interests, except for the following interests that must remain in place and be brought down onto the new titles:
 - a. Open Space Covenant Pursuant to Section 22 of the QEII National Trust Act 1977 (Lot 1 DP60552 and Part Lot 1 DP22561 – Creating document 10476608.1);
 - b. Right of way over Part Lot 1 DP28205 (Creating Document 701267); and
 - c. Easement in Gross – Quarrying effects, shown on Lots 4, 5 and 100 DP322126, burdened land Lots 4, 5 & 100 DP322126 (creating document 5835385.5).
- ~~4.5.- The Crown and the Approval holder must each promptly do all things reasonably required to enable the Crown Land to be transferred to the Approval holder as fee simple land, free of encumbrances and without reserve classification on Gazetteal. The Minister must not unreasonably withhold, delay or condition any approval or execution required for that purpose. The Approval holder shall obtain all~~

consents and approvals required to separately define the DOC-Give land and to enable ownership of the DOC-Give land to be transferred to the Approval holder as fee simple land.

- ~~30.~~ ~~The Approval holder's land will be provided to the Crown free of all encumbrances and interests, except for the following interests that must remain in place. These must be specified in the exchange Gazette notice and brought down onto the new titles:~~

- ~~a. Open Space Covenant Pursuant to Section 22 of the QEII National Trust Act 1977 (Lot 1 DP60552 and Part Lot 1 DP22561—Creating document 10476608.1).~~
- ~~b. Right of way over Part Lot 1 DP28205 (Creating Document 701267); and~~
- ~~c. Easement in Gross Quarrying effects, shown on Lots 4, 5 and 100 DP 322126, burdened land Lots 4, 5 & 100 DP322126 (creating document 5835385.5).~~

Encumbrances

6. The Approval holder will transfer its estate and interest in the Approval Holder's land to the Minister free from all leases and tenancies and discharges from all mortgages, charges and other encumbrances other than those listed in Condition ~~3-4~~. [imposed under s78]

Easements

- ~~7~~ 7. The Approval holder shall survey and register the appropriate easements as shown on Scheme Plan SC-02 (Appendix B10a), including but not limited to:

- a. Easement Z (Right of Way) to be granted over part of Lot 9 for the benefit of Lot 10 (comprised in the DOC-Get Area) for the purpose of conservation activity and maintenance undertaken by DOC or its agents and public pedestrian access. DOC shall have the full and unrestricted right of access, including the right to enter, pass, and repass on foot or by vehicle or machinery, together with its employees and contractors, for the sole purpose of accessing adjoining conservation land for inspection and maintenance related to conservation purposes. Public pedestrian only access shall be permitted, subject to any reasonable temporary restrictions required for public safety, ecological restoration works, pest or weed control, maintenance, fire risk, weather events, or quarry operational safety and may be reasonably determined and specified from time to time by the grantor. DOC shall have the right to carry out inspection, maintenance, repair, and improvement works on any tracks, roads, or structures within Easement Z as reasonably required for conservation purposes and managing public pedestrian access subject to standard terms regarding the suitable management of health and safety obligations and ensuring that the grantor has reasonable prior notice of the intended access and programme of works.

Costs

- ~~7~~ 8. For avoidance of doubt all ~~reasonable~~ costs associated with complying with Conditions 1 to ~~6~~ 7 shall be met by the Approval holder.

Proposed draft conditions (Cl.32 Sch.6)

To prepare the land for exchange the following conditions are imposed under schedule 6 clause 32:

~~29~~ 9. The land being given by the Crown by way of exchange must be transferred to the Approval holder, without reservation, classification, interest or encumbrance- to allow for transfer from the Crown to the Approval Holder after Gazettal.

Costs

~~8-10.~~ The Approval holder must pay the Minister's costs and expenses of, and incidental to, preparing and signing the Exchange Agreement or any extension or variation of it, including surveying, conveyancing and legal costs. [imposed under s78]

~~9-11.~~ The Approval holder must pay to the Minister all ~~reasonable~~ costs associated with the Minister's work to give effect to the Exchange Agreement, calculated-determined at ~~DOC's~~ the standard ~~cost recovery~~ rates ~~current at the date the work is undertaken and invoiced within 3 months of the relevant work being completed then applying in the Department of Conservation for cost recovery.~~[imposed under s78]

~~40-12.~~ The Approval holder must pay in full immediately and on demand all ~~reasonable~~ costs and fees (including solicitors' costs and fees of debt collecting agencies engaged by the Minister) arising out of and associated with steps taken by the Minister to enforce or attempt to enforce the Minister's rights and powers under the Exchange Agreement including the right to recover outstanding money owed to the Minister.[imposed under s78]

Bonds for Conservation Works

~~12-13. If the Land Exchange is approved,~~ The Approval holder shall provide to the Minister, before giving effect to the exchange, a performance security ("**Bond**") ~~for the purpose of ensuring completion of the "Conservation Improvement Works" defined below.~~ either in cash or as a surety bond from a trading bank, insurance company or bond guarantor, a bond set in accordance with Condition 13(b).

The Bond shall:

- (a) **Scope:** Secure the Approval holders timely performance of all identified Conservation Improvement Works on the land to be given, ~~as specified in Conditions 13, 22, 27 and 28 (for example, weed clearance, native planting, fencing, and pest management), but shall not cover any other obligations.~~
- (b) **Amount:** Be in an amount equal to the reasonably estimated cost (as certified by an independent Quantity Surveyor or registered valuer or contractor) of completing the Works.

The Bond amount shall be subject to audit and revaluation by mutual agreement (or by binding expert determination if disputed). ~~In no case shall it exceed a specified cap \$200,000.~~

- (c) **Form:** Be provided by way of a performance guarantee by a group company of the Approval holder which provides performance security, or (if preferred by the Approval holder) an unconditional bank guarantee or irrevocable performance bond from a NZ-registered bank or insurer reasonably acceptable to the Minister (alternatively, a cash deposit may be lodged).
- (d) **Release Schedule:** The Bond shall be released in two stages:
- (i) fifty percent (50%) upon ~~completion of Condition~~ and acceptance ~~of the specified Conservation Improvement Works~~ by the Minister or the Minister's agent ~~after seven years, and the Minister (or his agent) being satisfied that all other components of the Conservation Improvement Works have been completed in accordance with the conditions;~~ and
 - (ii) the remaining fifty percent (50%) at the close of the ~~24 month~~ ten year maintenance period following such completion, provided the land remains free of noxious weeds and meets ~~agreed success the minimum~~ standards set out in Table 1, 2 and 3. ~~If all Conservation Improvement Works are completed to satisfaction before the expiry of 24 months, the second half may be released early.~~

14. a. ~~If the Approval holder breaches or fails to carry out the Conservation Improvement Works, or in carrying out the Activities there arise adverse effects not authorised or reasonably foreseen, the Minister may call on the bond or any portion of it to ensure the Conservation Improvement Works are completed in accordance with the conditions and/or to remedy or mitigate those adverse effects.~~

~~(e) Default and Call:~~

- b. The Bond shall only be drawn upon if the Approval holder fails to complete the ~~specified~~ Conservation Improvement Works including by the ~~agreed~~ deadlines set out in Tables 1, 2 and 3 (or maintain them during the maintenance period) after receiving written notice and a 30 working day cure period. Any call on the Bond shall be limited to the cost of completing or remedying the Works, and the Applicant may dispute any call by written notice; unresolved disputes will be referred to arbitration in New Zealand under the Arbitration Act 1996 before funds are released.

~~Conservation Improvement Works means those specific enhancement works or restoration measures agreed by the parties and detailed in an annex to these conditions (for example, specified planting areas, pest proof fences, access tracks, or restoration of riparian margins).~~

~~The Bond is a section 78 condition (Crown risk condition) and shall not be used as a penalty. The value of the Bond is expressly intended to cover only the cost of completing the above defined Conservation Improvement Works.~~

Fencing

~~43-15.~~ The Approval holder must, at its cost, construct, ~~only that~~ all boundary fencing which is reasonably necessary to exclude persons, meet any existing covenant requirement, keep stock out or address an identified safety risk on the external boundary of the land being transferred to the Crown. The required locations and fence standard must be identified in a pre-settlement fencing plan agreed by the parties, acting reasonably.

~~5 16.~~ ~~Before settlement, the The~~ Approval holder must; install ~~the western boundary~~ a fence of the Firth Block approximately 60 metres in length and so that it is set back at least 6 metres from the edge of any earth-worked areas on the adjacent Belmont Quarry as shown as shown in Figure 5-3 in the Baseline Geotechnical Limited Geotechnical Appraisal Report 2025 (Appendix B12 to the Land Exchange Application) (Geotechnical Report) (Firth Block pit face in the location shown on Drawing W15069_Land_Exchange_Concept Boffa Miskell 1 December 2025, or as otherwise determined by an independent certified by a suitably qualified geotechnical engineer for equivalent safety outcomes as being suitable to address the instability issues at the quarry face to the west of the Firth Block described in the Geotechnical Report. Any report by an independent suitably qualified geotechnical engineer shall be provided to DOC, and the ~~design and~~ location, ~~certification and design~~ must be provided to the Minister for approval before construction. The setback area shall be clearly marked as conservation land and entry to the setback area shall be clearly marked as being "Entry Prohibited".

Biosecurity Act

~~17.~~ The Approval holder will at its cost ensure that the land to be transferred to the Minister is compliant with any applicable "good neighbour" rules under the Biosecurity Act to the Minister's satisfaction prior to the Settlement Date. [imposed under s78]

Rates

~~44-18.~~ There shall be no apportionment of rates or other outgoings paid by the Parties. [imposed under s78]

Structure and improvements, condition of land

~~45-19.~~ The land being acquired by the Approval holder, including any structures or improvements thereon, is transferred and accepted by the Approval holder on an "as is, where is" basis. [imposed under s78]

~~46-20.~~ The Minister accepts no liability (financial or otherwise) in relation to any structure or other improvement on the land being acquired by the Approval holder, including for any remedial, removal, or maintenance costs associated with any structure or improvement. [imposed under s78]

~~47-21.~~ The Approval holder must remove from the Approval holder's Land only those structures, improvements or materials identified in a joint pre settlement schedule prepared by the parties, no later than 20 working days before settlement. Reinstatement is limited to areas directly disturbed by that removal. Unless otherwise instructed by the Minister, the Applicant will at its cost remove any structures and improvements from the land to be transferred to the Minister and will reinstate any land impacted by removal works. [imposed under s78]

~~18-22. Any structure or improvement expressly agreed in writing to remain on the Approval holder's land at settlement must, as at settlement, be safe for its intended use and lawful so far as reasonably ascertainable from existing records and visible condition. The Applicant will, at its cost, ensure that any structures and improvements remaining on the land to be transferred to the Minister are safe and lawful. [imposed under s78]~~

~~19-23. The Approval holder must remove surface rubbish, dumped materials and anthropogenic debris identified in the joint pre settlement schedule or visible upon reasonable inspection, and reinstate areas directly disturbed by that removal. This condition does not extend to buried material not identified in pre settlement investigations. The Approval holder must at its own cost remove all rubbish from the land to be transferred and will reinstate any land impacted by removal works.~~

24. The Approval holder will take all steps reasonably necessary, at its own cost, to ensure that the stability of the Firth Block will not be undermined by the quarry activity. Any instability issues that arise must be immediately remediated by the Approval holder at its own cost.

Rights of first refusal

25. The Approval holder confirms that any rights of first refusal or similar obligations that may otherwise be triggered by this land exchange have been waived. [imposed under s78]

Ecological Restoration Plan [ERP]

~~20-26. No later than 20-30 working days before settlement, the Approval holder must provide to DOC for its approval with an Ecological Restoration Plan [ERP] prepared by a suitably qualified and experienced ecologist. The approval is to confirm that the Ecological Restoration Plan provides the means to achieve the purpose and addresses the matters set out in Condition 28 and certified by that ecologist as being consistent with these conditions.~~

~~21-27. The ERP must be prepared by a suitably qualified and experienced ecologist.~~

22-28. The purpose of the ERP is to set out the methods the Approval Holder will implement to:

- a. reduce ~~target weed~~ species listed in Table 1 on the Northern Gully, Southern Gully, Firth Block and Dry Creek sites, including the wetlands, to a minimum target of 90% eradication.
- b. protect and improve the condition of indigenous vegetation on the sites;
- c. successfully establish 200 swamp maire in the Southern Gully;
- d. ~~target achieve~~ 90% success rate of planted swamp maire so that at least 180 specimens survive after seven years;
- e. achieve the standards in Table 1 for weed species;
- f. achieve the standards in Table 2 for replanting of indigenous vegetations; and
- g. ~~target achieve~~ a minimum 90% success rate for newly planted indigenous vegetation after five years (other than swamp maire which has a seven year timeframe).

To achieve this purpose, the ERP must include the following:

- h. Measures for how weed control will be undertaken on the sites. The target weed species are ~~these~~ listed in Table 1;
- i. Measures for managing the introduction of weed plant species to the sites;
- j. Identification of times of year to focus on particular weed control strategies;
- k. Methods for giving effect to the Greater Wellington Regional Pest Management Plan;
- l. A yearly report on the results of weed management will be provided to DOC.
- m. Baseline and ongoing monitoring of threatened plant populations and weed species at the sites;
- n. A planting plan for indigenous species including the timing of plantings;
- o. Adaptive management and restorative measures to ensure the survival of threatened plant populations on the sites; and
- p. Methods for protecting the wetland areas and the vulnerable roots of the new plantings of swamp maire and other species from visitors to the Southern Gully.

Table 1. Weed management requirements

Location	Duration of management	Target objective <u>Minimum requirement</u>
Northern Gully	5 <u>10</u> years	90% eradication of the following weed species: • Old man's beard (<i>Clematis vitalba</i>) • Tradescantia No exotic canopy tree species.
Southern Gully	5 <u>10</u> years	90% eradication of the following weed species: • Blackberry • Exotic vines • Pampas
Dry Creek	5 <u>10</u> years	90% eradication of weed species • Exotic weeds • Broom • Gorse • Buddleia • Spanish heath • Old man's beard • Wattle • Tradescantia • Rama grass • Soft rush nasturtium • Creeping buttercup • Verbena

		• Ink weed • Pampas
Firth Block	5 <u>10</u> years	90% eradication of weed species

Table 2: Ecological restoration requirements

Location	Indigenous species	Minimum area/ density / number of specimens	Timeframe and target <u>minimum</u> success rate
Southern Gully	Swamp maire	200 individual plants to be planted when they reach at least PB3 size with a vegetative minimum height of 600mm (not including the bag). This is likely to be 2 years after propagation of <u>eco-sourced</u> seedlings.	90% success rate in the seventh year following planting on the site.
Dry Creek	A mixture of the following species all eco-sourced: • Pigeonwood (<i>Hedycarya arborea</i>), • Ramarama (<i>Lophomyrtus bullata</i>), • Hebe (<i>Veronica stricta</i> var. <i>stricta</i>), • Kānuka (<i>Kunzea robusta</i>), • Five finger (<i>Pseudopanax arboreus</i>), • Wharangi (<i>Melicope ternate</i>), • Shining karamu (<i>Coprosma lucida</i>), • Thin leaved coprosma (<i>Coprosma areolate</i>),	Replanting of 0.8 ha with indigenous species within three years. Minimum 7,000 plants, of which at least 500 must be ramarama.	90% success rate in the fifth year following planting.

	• Kanono (<i>Corprosma grandifolia</i>), • Karamū (<i>Coprosma robusta</i>)		
Firth Block	Kāmahi (<i>Pterphylla racemosa</i>) Kānuka (<i>Kunzea robusta</i>)	Minimum of 1,000 of each species planted within 10 m of the quarry edge within one year The location must avoid the skink mitigation site that has previously established.	90% success rate in the fifth year following planting.

~~22~~ 29. The ERP must be prepared in consultation with Taranaki Whānui ki te Upoko o Te Ika and Te Rūnanga o Toa Rangatira. It may identify opportunities for mātauranga Māori, cultural engagement and restoration participation.

~~23~~ 30. The Approval holder must provide a draft ERP to Taranaki Whānui ki te Upoko o Te Ika and Te Rūnanga o Toa Rangatira for comment no later than 20 working days before finalising the ERP submitting the ERP to DOC for approval. When providing the final ERP to DOC, the Approval holder must include any written comments received and a ~~brief~~ response schedule explaining how those comments were addressed. The Approval holder bears its own consultation costs and ~~any all~~ reasonable costs of DOC, Taranaki Whānui ki te Upoko o Te Ika and Te Rūnanga o Toa Rangatira performing their roles in Condition 26 and 29 respectively ~~pre-agreed tangata whenua participation costs, but not DOC's internal review costs under this condition~~

31. The Approval Holder must undertake the anticipated activities in accordance with the ~~certified~~ approved ERP prepared in accordance with ~~pre~~-conditions 24 26 to 24 30 above at all times.

~~32.~~ ~~The Approval holder may amend the ERP where the amendment is certified by a suitably qualified and experienced ecologist as improving practicality, efficacy or environmental fit while remaining materially consistent with these conditions. The Approval holder must give DOC written notice of the amendment at least 10 working days before implementation. If DOC objects within that period and explains the inconsistency relied on, the amendment must not proceed until resolved.~~

~~33~~ 32. The ERP may be amended by the Approval holder at any time, provided the amendments are:

a. for the purpose of improving the efficacy of the management of weeds;

- b. for the purpose of providing for better planting and maintenance methodology(s). This may include substituting plant species if it is found that a more appropriate plant species is better suited to this environment, while achieving biodiversity enhancements;
 - c. for the purpose of applying best practicable measures;
 - d. consistent with the conditions of this approval; and
 - e. submitted in writing to DOC ~~10 days~~ for its approval prior to any amendment being implemented.
33. The Applicant must provide DOC with an annual report within 30 working days after each year of implementation of the ERP. The first annual report will be due 12 months after approval of the ERP. The report must summarise planting undertaken, weed management, monitoring results for weeds and restoration planting, any target exceedances for weeds and/or any ecological restoration minimum success rates that have not been achieved (Tables 1 and 2), and any response actions implemented.
34. Plants must be eco-sourced within the Wellington Ecological District and sourced from a reputable nursery able to provide provenance information on request.
35. ~~Except where the ERP specifies a different and ecologically appropriate grade for a particular species or location, a~~ All plants must be healthy, not root-bound, ~~and generally no smaller than PB2~~ be in PB3s or equivalent at the time of planting and weed free.
36. Slow-release fertiliser ~~may~~ must be used ~~where recommended by the ecologist or nursery supplier for the relevant species and site conditions~~ at the rate recommended by the manufacturer with every plant, at the time of planting.
37. Weed-free mulch ~~may~~ must be used ~~where recommended by the ecologist~~ for moisture retention and weed suppression, except in wetland areas ~~or other locations~~ where mulch is ecologically inappropriate.

Mammalian Pest Management Plan

- ~~24-38.~~ No later than ~~20~~ 30 working days before settlement, the Approval holder must provide to DOC for its approval ~~with~~ a Mammalian Pest Management Plan. The approval is to confirm that the Mammalian Pest Management Plan provides the means to achieve the purpose and addresses the matters set out in Condition 27. certified by a suitably qualified and experienced ecologist or pest management practitioner as being consistent with Conditions 26 to 28
39. The Mammalian Pest Management Plan must be prepared by a suitably qualified and experienced ecologist.

~~26 40.~~ The purpose of the Mammalian Pest Management Plan is to set out how mammalian pest control will be undertaken on the Northern Gully, Southern Gully, Firth Block and Dry Creek sites ~~and to support the ecological restoration outcomes required by these conditions~~ achieve the minimum levels in Table 3 below.

~~27.~~ The Mammalian Pest Management Plan must include:

- ~~a. the target pest species listed in Table 3;~~
- b. the areas where pest management will be undertaken;
- c. the control methods and timing of control;
- d. monitoring methods for ~~target~~ pest species set out in Table 3;
- e. response actions where monitoring ~~or contractor observations~~ indicates that pest activity is not achieving the targets in Table 3 ~~materially reducing the effectiveness of restoration or natural regeneration;~~ and
- f. annual reporting to DOC.

~~28.~~ The Mammalian Pest Management Plan may be amended where the amendment is certified by a ~~suitably qualified and experienced ecologist or pest management practitioner~~ as improving practicality or effectiveness while remaining materially consistent with these conditions. The Approval holder must provide DOC with a copy of any certified amendment before it is implemented. A pest detection or increase in pest activity is not, of itself, a breach of these conditions, provided the Approval holder implements the relevant response

Table 3. Mammalian pest control management

Location	Pest species	Duration	Response trigger <u>Targets</u>
Northern Gully	Possums	10 years	Contractor records observations indicate pest levels are materially reducing
Northern Gully	Goats		<u><1 possum / camera / week</u>
Tawa-Kāmahi			<u>< 1 goat contact per 3 hunter days (8 hour days) measured over a year of hunting</u>
Northwestern Forest and Eastern Pukatea Forest	Rats		<u>< 3 rats / camera / week (measured 3 x per year – February, May and November)</u>
Southern Gully	Possums	10 years	Contractor records observations indicate pest levels are materially reducing
			<u><1 possum / camera / week (measured 1x per year)</u>
Firth Block around the water body	Rodents	10 years	Contractor records observations indicate pest levels are materially reducing

bordering the park, OBDA <u>DOC-Give</u> and Firth Block (Farm Pond)			<u>< 3 rats / camera / week (measured 3 x per year – February, May and November)</u> <u>< 3 mice/camera/week (3 x seasonally per year)</u>
All sites	Mustelids	10 years	Contractor records observations indicate pest levels are materially reducing <u>< 2 mustelids/ camera/week (3 x per year – February, May, November)</u>

~~38-41.~~ The Approval holder must ~~implement~~undertake all activities in accordance with, the approved Mammalian Pest Management Plan ~~during the periods stated in Table 3 at all times.~~

~~28 42.~~ The Mammalian Pest Management Plan may be amended where the amendment is ~~certified by a suitably qualified and experienced ecologist or pest management practitioner as~~ improving practicality or effectiveness~~while remaining materially consistent with these conditions. The Approval holder must submit the amended Mammalian Pest Management Plan in writing to DOC for approval, prior to any amendment being implemented. A pest detection or increase in pest activity is not, of itself, a breach of these conditions, provided the Approval holder implements the relevant response actions in accordance with the Mammalian Pest Management Plan.~~

~~39-43.~~ The Approval holder may amend the Mammalian Pest Management Plan at any time, provided the amendments are submitted in writing to DOC for approval, prior to any amendment being implemented. ~~where the amendment is certified by a suitably qualified and experienced ecologist as improving practicality or efficacy while remaining materially consistent with these conditions.~~

~~a. The Approval holder must give DOC written notice at least 10 working days before implementation.~~

~~If DOC objects within that period and explains the inconsistency relied on, the amendment must not proceed until resolved.~~

44. The ~~Applicant~~Approval holder must provide DOC with an annual report within 30 working days after each year of implementation of the Mammalian Pest Management Plan. The first annual report will be due 12 months after approval of the Mammalian Pest Management Plan. The report must summarise pest control undertaken, monitoring results, any ~~threshold-target~~ exceedances, and any response actions implemented.

Contaminated land

~~40-45.~~ If, within 12 months after settlement, contamination (as defined in National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) is identified on the Approval holder's Land transferred to the Crown and that contamination:

- ~~a.-~~ was caused by the activities of the Approval holder occurring before settlement;
- ~~b.-~~ was not disclosed in the pre-settlement contamination reports; and
- ~~c.-~~ exceeds the applicable standard for the actual or intended conservation and recreation use of the land under the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 requiring management, then the Approval holder must, after receiving written notice, be given a reasonable opportunity to investigate and carry out any remediation or risk management works.

~~Compliance is to the standard required by any remediation plan prepared by a suitably qualified contaminated land practitioner.~~

If, within 12 months of the Settlement Date, the land being received by the Minister is found to be contaminated with a previously undisclosed organic or inorganic substance that poses a risk to public health or to the environment, the Applicant will immediately remedy the situation to the satisfaction of the Minister. [imposed under s78]

~~41-46.~~ Before settlement, the Approval holder must undertake a **targeted** contaminated land investigation of the ~~discrete area identified in the~~ Northern Gully, including the deposited material in the stream bed and on the adjacent stream embankment.

~~42-47.~~ The investigation must be undertaken by a suitably qualified contaminated land practitioner and must determine whether contamination associated with the area is present at concentrations requiring management or remediation having regard to:

- a. the applicable soil contaminant standards for the actual or intended conservation and recreation use of the land under the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011, where applicable;
- b. where relevant, potential effects of such contamination on water, sediment or ecological receptors, the ANZG (2018) default guideline values or other applicable environmental guideline values;

~~e-48. a.~~ If the investigation in Condition 46 identifies contamination requiring management or remediation, the Approval holder must prepare and implement a remediation ~~or risk-management~~ plan certified by a suitably qualified contaminated land practitioner; ~~and~~

~~d-b.~~ Compliance with Conditions ~~48(a)[44 and 45]~~ is achieved when a suitably qualified contaminated land practitioner certifies that any contamination associated with the deposited area has been investigated and, where required,

~~managed or~~ remediated to the standard required for the actual or intended conservation and recreation use of the land detailed above.

Continuance of rights

- ~~43-49.~~ The rights and obligations of the parties under this agreement continue beyond settlement of this agreement accordingly those rights and obligations will not merge in the settlement but will continue thereafter with full force and effect. [imposed under s78]

Signage

50. The Approval holder must construct and install signage in accordance with DOC's sign standards indicating the reserve name at the Approval holder's cost. These shall be placed in the following locations to make the public aware of ownership and right of access:
- a. At the boundary of the Southern Gully Block facing Liverton Road;
 - b. On the Hebden Crescent frontages of the Firth and Dry Creek Blocks; and
 - c. On the existing easement on the Dry Creek Loop Track within the Dry Creek Block.