

UNDER THE FAST-TRACK APPROVALS ACT 2024

FTAA-2603-1185

UNDER the Fast-track Approvals Act 2024

AND

IN THE MATTER of approvals for resource consents, wildlife approvals, an archaeological authority and complex freshwater fisheries activity passage approvals under the FTAA by Winstone Aggregates for the **Hunua Quarry Development**

**LEGAL SUBMISSIONS ON BEHALF OF WINSTONE AGGREGATES IN
ADVANCE OF PANEL BRIEFING**

6 July 2026

**PHERNNE
TANCOCK**

Duncan Ballinger/Aidan Cameron

Barrister, Harbour Chambers
phernne.tancock@legalchambers.co.nz
duncan.ballinger@stoutstreet.co.nz
aidan@aidancameron.co.nz
+64 21 496 823

CONTENTS

1	Introduction	3
2	THE PROJECT	9
	THE FTAA FRAMEWORK FOR ALL APPROVALS	13
3	THE PANEL'S DECISION-MAKING FRAMEWORK.....	13
4	APPLICATION OF THE FTAA DECISION-MAKING FRAMEWORK TO RESOURCE CONSENTS	18
5	APPLICATION OF THE FTAA DECISION-MAKING FRAMEWORK TO THE WILDLIFE APPROVAL	21
6	APPLICATION OF THE FTAA DECISION-MAKING FRAMEWORK TO THE ARCHAEOLOGICAL AUTHORITY	22
7	APPLICATION OF THE FTAA DECISION-MAKING FRAMEWORK TO COMPLEX FRESHWATER FISHERIES ACTIVITIES.....	23
8	PROPOSED DRAFT CONDITIONS.....	24
9	CONCLUSION	26

MAY IT PLEASE THE PANEL:

Introduction

- 1.1 These submissions are filed in support of the substantive application by Winstone Aggregates (a division of Fletcher Concrete and Infrastructure Limited) (**Winstone**) for approvals under the Fast-Track Approvals Act (**FTAA** or **Act**) for the Hunua Quarry Development (**Project**).
- 1.2 The application seeks to expand and deepen the existing Symonds Hill Pit at Hunua Quarry, 489 Hunua Road, Hunua, South Auckland. The approvals will deliver significant regional and national benefits unlocking access to a 225 million-tonne high-quality greywacke resource, enabling the continued extraction of aggregate from the Quarry for a further 80 years.
- 1.3 Winstone is New Zealand's largest producer of aggregates, with over 150 years of quarrying industry experience; it has an enviable environmental track record¹ and quarries across the country. In the Auckland region, Winstone operates the Hunua Quarry and Flat Top Quarries, producing aggregate needed for roading, construction and infrastructure development.
- 1.4 Hunua Quarry has operated for more than 100 years. It is one of Auckland's three most strategically important sources of aggregate;² it plays a critical role in supplying the Auckland market, which has faced an aggregate supply shortfall for the last 15 years. That role will only intensify as Auckland's population continues to grow and its infrastructure requires renewal and expansion, particularly in Southern Auckland the Project is well located to serve that demand.

Approvals required

- 1.5 Winstone seeks all approvals necessary under the FTAA to enable the further development of Hunua Quarry; this includes:
 - (a) resource consents that would otherwise be applied for under the Resource Management Act 1991 (**RMA**), together with changes to existing consent conditions which are material to the implementation of the Project.³ Overall, from an RMA perspective, the application is a non-complying activity.
 - (b) a wildlife permit that would otherwise be applied for under the Wildlife Act 1953 (**Wildlife Act**);⁴

¹ Part A - Appendix A6.11

² Along with nearby *Kings* and *Drury* Quarries.

³ Section 42(4)(a) and (b) of the FTAA;

⁴ Section 42(4)(h) of the FTAA.

- (c) an archaeological authority that would otherwise be applied for under the Heritage New Zealand Pouhere Taonga Act 2014 (**HNZPTA**);⁵
- (d) complex freshwater fisheries activity authorities under the Freshwater Fisheries Regulations 1983, together with associated fish salvage and relocation approvals under section 26ZM of the Conservation Act 1987. (**Conservation Act**).⁶

1. OVERVIEW OF THE PROJECT

- 1.6 The Project will expand and deepen the existing Symonds Hill Pit, reconfigure key quarry infrastructure, and implement upgrades to water management and environmental performance, including the realignment of a tributary within the Mangapū (Symonds) Stream catchment.
- 1.7 It builds on existing, established quarry infrastructure (processing, stockpiling, dispatch, and freight connections). Quarry development is on land owned or controlled by Winstone; the majority of the pit extent is within the Special Purpose Quarry Zone, which anticipates quarrying activity;⁷
- 1.8 Land use consents (sought in perpetuity) are sought to access the resource over the extended life of the pit, together with the supporting infrastructure required to operate the Quarry for 80 years and beyond.⁸
- 1.9 Regional consents are sought for the maximum 35-year periods under the RMA, noting that further regional consents will be required at later stages.⁹
- 1.10 The intention is that new land use consents and regional consents, together with amendments to an existing consent's conditions, will create a new suite of replacement updated "global" consents that reflect best practice, operate coherently and provide operational efficiency and certainty of investment.¹⁰
- 1.11 To enable this development, the approvals sought will authorise a range of activities, including:
 - (a) expansion and deepening of the Symonds Hill Pit, and ongoing quarry operations (extraction, processing, the aggregate and stockpiling);
 - (b) enabling works, including earthworks, vegetation clearance, haul road construction (a new western haul road), culvert and bridge works, sediment control works and stream realignment;

⁵ Section 42(4)(i) of the FTAA;

⁶ Section 42(4)(j) of the FTAA.

⁷ Part A – FTAA Overview at [54]– [55].

⁸ Part A – FTAA Overview at [43]– [45].

⁹ Part A – FTAA Overview at [49].

¹⁰ Part A – FTAA Overview at [5], [48]– [50].

- (c) groundwater diversion and takes for dewatering and operational use, and discharges to air and water (including stormwater and dewatering discharges via sediment treatment systems);
- (d) species management actions associated with enabling works, including fish salvage/relocation and lizard salvage/relocation;
- (e) a comprehensive biodiversity offset and compensation package, and a landscape-scale pest management strategy; and¹¹
- (f) a subsidiary boundary adjustment between Lot 2 DP 115598 and Lot 6 DP 152736 (255 and 163 Middleton Road), which increases the separation between quarrying activity and the neighbouring rural-residential use - this area is an unusual shape, resulting in this land being surrounded by quarrying and the adjustment is sought to enable the Applicant to acquire this area, in order to better manage effects.¹²

1.12 Although the application describes the development by reference to eight indicative sequencing stages to illustrate pit development, the Project is not a “staged project.”¹³ Quarrying will be continuous and progressive. Timing will respond to market demand. The references to stages merely reflect the engineering design of the pit shell and the phasing of enabling works.¹⁴

1.13 Overall, the Project will provide significant regional and national benefits by:

- (a) securing an essential, locally sourced supply of aggregate to support Auckland's housing, transport and infrastructure programmes including substantial avoided transport emissions and social costs estimated, on a conservative basis to be \$663 - \$853m million over the life of the Project;¹⁵
- (b) build on existing, established quarry infrastructure (processing, stockpiling, dispatch and freight connections), avoiding the significant economic, environmental and community costs of establishing a new quarry elsewhere — estimated at around \$300 million and approximately 10 years to operationalise;¹⁶

1.14 The Approvals will unlock access to a high-quality aggregate resource with a current gross market value of \$5.4 billion, a crucial material for the construction of infrastructure and housing.

Navigating the application

¹¹Part A – FTAA Overview at [46].

¹²Part A – FTAA Overview at [47]; Part B – AEE at [767]– [769]. Noting that the EPA Decision on scope accepted this was an ancillary activity, which supports and is subsidiary to the listed project.

¹³ For the purposes of sections 13(4)(f)(i) and 43(2)(b) FTAA.

¹⁴Part A – FTAA Overview at [59]– [60] and Table 1.

¹⁵ Part B – AEE at [499], [902]– [903]; Appendix B12.4.4 – Economic Assessment (Market Economics Limited).

¹⁶ Part B – AEE at [494]; Appendix B12.4.4 – Economic Assessment.

- 1.15 A detailed and comprehensive package of information and supporting technical evaluations has been prepared for each approval sought. For ease, the application has been structured in the following way:¹⁷
- (a) Part A - Overview (and appendices that support all approvals);
 - (b) Part B – Resource Consent Application;
 - (c) Part C – Wildlife Approval Application;
 - (d) Part D – Archaeological Authority Application; and
 - (e) Part E – Complex Freshwater Fisheries Activities application.
- 1.16 To assist the Panel navigate the application a full index to the application is at **Appendix A6.12** and a Navigation Table has been provided;¹⁸ this sets out all relevant statutory requirements in the FTAA for all approvals, along with pinpoint references as to where these requirements can be found in the application documents.
- 1.17 Winstone has also provided the Panel with updates on post-lodgement consultations with iwi, NZHPT, the Department of Conservation, and Auckland Council.
- 1.18 An updated set of draft conditions and draft management plans has also been provided reflecting those discussions.

Focus of submissions

- 1.19 These legal submissions address matters to assist the Panel's understanding of the application, focusing on:
- (a) Confirmation of Pre-lodgement requirements;
 - (b) The impact of the Fast Track Amendment Act 2025 on this application;
 - (c) Commenting on aspects of the application which interact with other approvals;
 - (d) Setting out the high-level legal framework for each approval, the interaction of those provisions with the overarching FTAA decision-making provisions, and the purpose of the Act;
 - (e) Consider the regional and national benefit of the proposal;
 - (f) List and provide initial comment on likely issues the Panel will encounter;

¹⁷ Part A, Overview page 4, Figure 2.

¹⁸ Part A, Overview, Appendix A6.3 FTAA Checklist.

Fast Track Approvals Amendment Act 2025

- 1.1 The Act was amended by the Fast Track Approvals Amendment Act 2025, introduced in December 2025.
- 1.2 This application was lodged on 31 March 2026 and therefore must be determined by the Panel under the current version of the Fast Track Approvals Act (including the amendments incorporated as part of the Amendment Act, which are now all in force). Winstone has prepared its application to meet those amended requirements.¹⁹

Scope and completeness

- 1.20 The Project is a listed project under Schedule 2 of the FTAA.²⁰ The application has been designed to ensure it is within scope and to achieve the benefits of the listing. The application seeks all necessary approvals for the entire project.
- 1.21 The EPA has confirmed that the application is complete and is within scope.²¹

Section 30 FTAA — existing resource consents for the same activity

- 1.22 Winstone already holds consent to abstract groundwater from the Hunua West aquifer — (the same resource from which it seeks an increased allocation). The Council has confirmed that there are no existing resource consents to which sections 124C(1)(c) or 165ZI of the RMA would apply, and that the proposed groundwater take can be fully exercised alongside all existing groundwater take consents.²² No competing consent issues arise.

Sections 11 and 29 FTAA — consultation and notification

- 1.23 Because Winstone had already begun its pre-lodgement consultation with some parties before the new provisions came into force, the transitional provisions direct that that consultation continue and be completed.²³
- 1.24 Winstone has undertaken a mix of pre-commencement consultation and written notification, consistent with the obligations in sections 11 and 29 (including the transitional provisions) with:
 - (a) Auckland Council, the relevant local authority;

¹⁹ Part A – FTAA Overview at [19]–[20]; FTAA, Sch 1, cl 8: “The Act, as in force on the second commencement date [31 March 2026], applies in respect of an application that is lodged on or after the second commencement date [31 March 2026]”.

²⁰ FTAA, Schedule 2. The listed project is described as: “Expand the existing quarry to increase annual quarry production to approximately 5.4 million tonnes of aggregate, and to enable the extraction of aggregate for a further 80 years.” Per section 42 of the FTAA, Winstone is the authorised person to lodge the substantive application.

²¹ EPA Decision on completeness and scope under s46 of the FTAA, dated 23 April 2026.

²² Part A – FTAA Overview at [32]– [33] and Appendix A6.5.

²³ cl. 10 and 11, Schedule 1, Part 2 FTAA.

- (b) relevant iwi authorities, hapū and Treaty settlement entities — Consultation on the project had commenced with Ngāti Tamaoho, Ngāi Tai ki Tāmaki, Te Ākitai Waiohua and Ngāti Te Ata in advance of the recent amendments to the Act. Winstone continued and completed its pre-lodgement consultation with those parties as directed in the transitional provisions.
- (c) It also provided written notification of its intention to lodge its application to a number of further iwi entities; and²⁴
- (c) it consulted with the relevant administering agencies, being the Department of Conservation, Heritage New Zealand Pouhere Taonga and the Environmental Protection Agency.

1.25 Consultation has materially informed the Project's design, sequencing and mitigation approach (including the tributary realignment design), the monitoring and management plans and the proposed conditions.

1.26 Winstone has also undertaken voluntary consultation with a number of parties and neighbours, including owners of properties with bores that could be impacted and may require mitigation measures, as well as Counties Energy, Ardmore Airport²⁵ and NZDF. Winstone's team has been responsive to matters raised by those parties. A summary of consultation and engagement is included in the application.²⁶

Obligations under applicable Treaty settlements and recognised customary rights

1.27 Winstone has provided the necessary information required by Schedule 5, clause 5(1)(i) about any Treaty settlements that apply in the area covered by the consent application. There are no redress provisions in those instruments that affect the natural and physical resources relevant to the Project or the Project area.²⁷

1.28 There are two relevant statutory acknowledgement areas:

- (a) the Quarry sits within Ngāti Tamaoho's statutory acknowledgement the settlement includes acknowledgement over the Otūwairoa Stream and its tributaries, which include the Mangapū Stream.²⁸
- (b) Ngāi Tai ki Tāmaki statutory acknowledgement area sits to the northeast of the proposed pit extent; the zone of influence for

²⁴ Part A – FTAA Overview at [22]–[23].

²⁵ Ardmore Airport is a requiring authority in respect of the Airspace Restriction Designation that applies over the northern part of the site, (the processing area) Part B - AEE at [474] all new activities occur outside of the designation.

²⁶ Part A – FTAA Overview at [24]–[25] and Appendices A6.4, A6.7 and A6.8.

²⁷ Part A – FTAA Overview at [31].

²⁸ Part A – FTAA Overview at [28]– [30]; relevant provisions are identified in the Cultural Values and Consultation Summary Report (Wikaira Consulting Ltd), Appendix A6.7.

groundwater effects sought includes catchments of the Wairoa River and tributaries.²⁹

- 1.29 A number of other iwi have a Treaty settlement or an area of interest within, the area covered by the application, including Ngāti Tamaoho Ngāi Tai ki Tāmaki, Ngāti Paoa, the Tāmaki Makaurau Collective, Waikato-Tainui, Te Ākitai Waiohua, the Marutūāhu iwi, Ngaati Whanaunga, Ngāti Tamaterā, Ngāti Te Ata and Ngāti Maru.

2 THE PROJECT

Site location — Hunua Quarry

- 2.1 The Hunua Quarry is located at 489 Hunua Road and is zoned Special Purpose Quarry Zone (SPQZ) under the Auckland Unitary Plan (Operative in Part) (AUP) and contains established extraction, processing, stockpiling and dispatch infrastructure. Hunua Road is identified in the Auckland Strategic Freight Network as providing connectivity to the arterial network and convenient access to southern Auckland and State Highway 1.³⁰
- 2.2 The majority of the proposed pit extent lies within the SPQZ, which anticipates quarrying activity. Approximately 18 ha lies within the Rural – Mixed Rural Zone (on land also owned by Winstone’s). There are a number of relevant notable features on the site:

ONL & SEA’s

- 2.3 The development involves works (vegetation removal, stream realignment and land disturbance) within a Significant Ecological Area Overlay, (affecting a very small portion, approximately 4.55% of the total 615 ha overlay), and within the Ponga Road Outstanding Natural Landscape Overlay (affecting approximately 1.5% of the total 394 ha overlay).³¹

Paper roads

- 2.4 The site contains two paper roads; only one will be affected by the development. An unformed portion of Middleton Road sits within the proposed pit footprint at Stage 7. A consent condition is proposed requiring the stopping of this road under the Local Government Act 1974 or Public Works Act process in advance of quarrying this area.³²

Vegetation Covenants

²⁹ Ibid.

³⁰ Part A – FTAA Overview at [44]; Part B – AEE at [494].

³¹ Part A – FTAA Overview at [55].

³² See proposed draft condition 80 – AppendixB12.7 Conditions (Part B)..

- 2.5 The site contains three vegetation protection covenants;³³ these are in favour of Franklin District and Papakura Council. These were provided as part of residential subdivision of land in the 1980s and 1990s.
- 2.6 Auckland Council³⁴ and the Applicant have agreed to apply for a discharge of the covenants under the Land Transfer Act 2017 to remove these, if the Fast Track Approvals are granted, as this sits outside of the Fast Track Approvals Act.³⁵
- 2.7 The effect of the proposed vegetation clearance has been assessed as part of this application and offset as part of the RMA approvals sought.

Change of consent condition – to alter future conservation covenant area

- 2.8 Winstone also seeks changes to the existing consent conditions³⁶ under the Fast Track Act normally under s127 of the RMA. The Symonds Hill Pit Consent [8730] requires Winstone to undertake planting and protect that planting by registering a conservation covenant under section 77 of the Reserves Act 1977.
- 2.9 While the necessary planting has been undertaken, the covenant has not yet been registered. The expanded pit footprint now sought includes some areas that earlier consent required to be covenanted.
- 2.10 A change in the consent condition is sought as part of the fast-track application, to amend the condition by providing a replacement area of vegetation to be covenanted to the northwest and northeast of the expanded pit and operation areas.³⁷ No adverse effects arise from the change; the replacement indigenous vegetation is of the same or greater value than what was originally proposed.³⁸
- 2.11 The change of consent conditions is material to the success of the listed project, as compliance with this condition would prevent future quarrying in this area.

Operational and Functional need — why here?

- 2.12 Aggregate can be extracted only where it occurs naturally and is accessible. It also needs to be quarried close to its point of use to minimise

³³ Encumbrance instruments B789270.2, C462048.10 and B786778.4 relating to 255, 163 and 193 Middleton Road properties as set out in correspondence between Phernne Tancock, Warwick Pascoe and James Hassall dated 16th February and 2 March 2026 at Appendix a6.4 Hunua Quarry Development Consultation Summary Report, Appendix 3;1 Auckland Council. See also the survey plan prepared by CKL dated 12 February 2026, titled Vegetation Covenants and Paper Roads.

³⁴ In its capacity as successor to the now defunct Papakura and Franklin District Councils.

³⁵ at Appendix A6.4 Hunua Quarry Development Consultation Summary Report, Appendix 3;1 Auckland Council, Letter Warwick Pascoe to Phernne Tancock dated 2 March at paragraph [6].

³⁶ Part B - Resource Consents AEE. A list and explanation of the changes to consent conditions is at para [351] Table 17. Further discussion of change of consent conditions is at B4.4 at para [403] – [410].

³⁷ Refer to Appendix B12.3ae Section 127 Variation – Covenant Replacement Areas (Covenant Replacement Plan) and marked up change of consent conditions in the Draft conditions.

³⁸ Part B- RMA AEE at para [408].

environmental effects and transport costs. Some adverse ecological effects associated with quarrying are unavoidable. The Project results in approximately 1,200 m of stream loss, 0.44 ha of natural inland wetland removal, and the loss of approximately 44.46 ha of indigenous forest, scrub and associated terrestrial fauna habitat, in order to access to the resource below.³⁹

- 2.13 The National Policy Statements recognise the beneficial use of aggregate and this constraint and provide consent pathways for quarrying activities.
- 2.14 The Panel will need to consider issues of functional and/or operational need that arise as a result of the pit's southward development, including tests under:
 - (a) the National Policy Statement for Freshwater Management 2020 (**NPS-FM**) and the Resource Management (National Environmental Standards for Freshwater) 2020 (**NES-F**) in relation to reclamation/loss of river extent and loss of wetlands, and earthworks within setback distances from wetlands; and
 - (b) the National Policy Statement for Indigenous Biodiversity (**NPS-IB**) in relation to loss of natural habitat within an SNA.
- 2.15 In relation to reclamation of rivers, a resource consent for a discretionary activity under Regulation 57 of the NES-F cannot be granted unless the Panel has first satisfied itself that there is a functional need for the reclamation of the river bed in that location; and applied the effects management hierarchy.⁴⁰ This arises from the proposed realignment of the Mangapū Stream tributary, which will result in the loss of approximately 1,200m of stream extent.
- 2.16 In relation to earthworks, vegetation clearance and drainage in or within setback distances from natural inland wetlands as a result of quarrying activities, a resource consent for a discretionary activity under reg 45A cannot be granted unless the consent authority has first satisfied itself (relevantly) that there is a functional or operational need for the quarrying activity in that location.⁴¹ There is an unavoidable loss of approximately 0.44 ha of wetland extent as a consequence of the proposal,
- 2.17 Adverse effects on an SEA captured by cl 3.10(2) of the NPS-IB are not required to be avoided where the proposal involves quarrying activities that (inter alia) have a functional or operational need to be in that particular location, those quarrying activities will provide significant regional or national benefit; and there are no practicable alternative locations for the proposed

³⁹ Part B – AEE at [774].

⁴⁰ See also cl 3.24(1) of the NPS-FM.

⁴¹ See also cl 3.22(1) of the NPS-FM.

activity.⁴² The proposal includes clearing approximately 44.46 ha of significant indigenous vegetation.

- 2.18 The Panel will be well aware of the legal tests for both functional and operational need, as developed through the senior courts.⁴³
- 2.19 The Hunua Project site contains a regionally significant extractable aggregate resource of more than 225 million tonnes (with a favourable strip ratio) of indurated Waipapa Group greywacke, a strong and durable rock. Extraction will result in significant regional and national benefit.⁴⁴
- 2.20 It is not possible to access and extract this resource without stripping and removing the subsurface vegetation and features.⁴⁵ Alternative sites for large and accessible sources of aggregate in proximity to the urban area are difficult to find. Continuing to develop the established Hunua Quarry avoids the need to establish a new quarry elsewhere, with all of the associated economic, environmental and community costs.⁴⁶
- 2.21 The proposed reclamation of the Mangapū stream tributary has a functional need to occur in that location, as it is identified within an area where aggregate is available for extraction. The aggregate can only be extracted where it exists. The same applies to the reduction in wetland extent, where the proposed drainage is necessary to enable access to the aggregate resource.
- 2.22 Finally, the removal of significant indigenous vegetation for the purposes of constructing the western haul road has an operational need to occur in that location, as it will significantly reduce the vehicle kilometres driven by trucks removing aggregate and/or overburden from the quarry area, resulting in increased efficiencies.⁴⁷ The project meets the relevant criteria.

Ecological management and enhancement

- 2.23 Winstone seeks to manage those effects via the effects management hierarchy a key component of the Project is a comprehensive ecological management package. In summary it includes:

⁴² NPS-IB, cl 3.11(1)(a)(iii), (b) and (c).

⁴³ See eg *Poutama Kaitiaki Charitable Trust v Taranaki Regional Council* [2022] NZHC 629. For reference, the National Planning Standards provide the following definitions: **functional need** means the need for a proposed activity to traverse, locate or operate in a particular environment because the activity can only occur in that environment.' **operational need** means the need for a proposal or activity to traverse, locate or operate in a particular environment because of technical, logistical or operational characteristics or constraints.'

⁴⁴ Appendix B12.4.4 Economic Impact Assessment at p 43.

⁴⁵ Part B – AEE at [493].

⁴⁶ Market Economics estimates that establishing a new quarry of comparable scale in the region would require around 10 years to operationalise and a development cost of some \$300 million, while introducing the adverse effects of quarrying to a new location.

⁴⁷ This is further discussed in the Resource Report (Appendix B12.4.12) at pp 37-38 and in Appendix B12.4.4 Economic Impact Assessment at para 5.6

- (a) 85.62 ha of new replanted indigenous vegetation including in the Hunua Ranges;
- (b) protection of 16.33 ha of existing indigenous bush;
- (c) the realignment of approximately 571 m of new stream length;
- (d) enhancement of approximately 1,200 m of pasture watercourses (at Waipokapū Stream and Meremere Stream);
- (e) willow removal and enhancement of approximately 2,580 m at Mangatawhiri; a further 4,000 m of stream enhancement compensation;
- (f) wetland enhancement and planting;
- (g) and an integrated, landscape-scale pest management strategy.

2.24 The package has been carefully designed to achieve no net loss for freshwater values and a net gain for terrestrial values.⁴⁸ To the extent it goes beyond merely mitigating or offsetting the effects of the proposal, that package forms part of the Project's overall regionally significant benefits.

THE FTAA FRAMEWORK FOR ALL APPROVALS

3 THE PANEL'S DECISION-MAKING FRAMEWORK

3.1 Sections 81 to 85 of the FTAA govern how the Panel determines each approval. A methodical approach to decision-making is required. The Panel first works through the criteria drawn from the legislative regime that would ordinarily apply to the approval in question; it then weighs its view against those criteria, alongside the purpose of the FTAA, to which the Act directs that the greatest weight be given. In practical terms, in determining each approval the Panel must:⁴⁹

- (a) consider the substantive application and any advice, report, comment or other information received during the fast-track process within the applicable timeframe;⁵⁰
- (b) apply the applicable clauses that set out the criteria for decision-making in Schedules 5, 7, 8 and 9 (including the purpose of the FTAA). The statutory direction in those clauses is to "take into account" the relevant criteria, which imports an obligation to consider the particular factor and then give it appropriate weight in the circumstances;

⁴⁸ Part A – FTAA Overview at [46]; Part B – AEE at [774].

⁴⁹ FTAA, section 81.

⁵⁰ FTAA, section 81(2)(a) and (6).

- (d) ensure that any conditions imposed are no more onerous than necessary, and impose conditions (if relevant) recognising relevant Treaty settlements and recognised customary rights, or to ensure adequacy of supporting infrastructure; and⁵¹
 - (e) where a Treaty settlement, is relevant,⁵² act consistently with the obligations arising under that settlement. To avoid doubt, nothing in sections 81, 82 or 85 limits section 7 of the FTAA.⁵³
 - (f) when taking the purpose of the Act into account, consider the extent of the Project's regional or national benefits;⁵⁴
- 3.2 Under section 85, there are limited grounds on which a Panel must decline an approval. None of the grounds on which the approvals must be declined are applicable to this application.⁵⁵
- 3.3 The Panel also has a discretion to decline an approval if it forms the view that the activity would have one or more “adverse impacts” and those impacts (after taking into account any conditions, offset or compensation), are sufficiently significant to be out of proportion to the Project's regional or national benefits.
- 3.4 That will not arise solely because an adverse impact is inconsistent with, or contrary to, a provision of a specified Act or other document the Panel must consider under section 81(2).⁵⁶ That does not arise in this application as the Project has been carefully designed to meet those requirements.

Purpose of the FTAA — “facilitating delivery”

- 3.5 The purpose of the FTAA is to “facilitate the delivery of infrastructure and development projects with significant regional or national benefits.”
- 3.6 The Project, being the expansion of one of Auckland's three most strategically important aggregate sources, is plainly a development project.
- 3.7 The Project supports the purpose of the FTAA in the following ways:
- (a) it secures a significant volume of high-quality aggregate which is fundamental to the construction and delivery of other infrastructure, including other development projects with significant regional and national benefits; and
 - (b) and is a project that delivers significant national and regional benefits in its own right.

⁵¹ FTAA, sections 83, 84 and 84A.

⁵² The Marine and Coastal Area (Takutai Moana) Act 2011 or the Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019 are not relevant to this Project.

⁵³ FTAA, sections 7 and 82.

⁵⁴ FTAA, section 81(4).

⁵⁵ FTAA, section 85(1) and (2); Part B – AEE at [886]– [887].

⁵⁶ FTAA, section 85(3)– (5); Part B – AEE at [888]– [891].

- 3.8 The project is highly aligned with the purpose of the Act; hence, it was listed along with other key quarry projects in Schedule 2 of the Act.

Weighting of the relevant approval criteria

- 3.9 There is limited guidance on the weight to be given to the purpose of the FTAA relative to the underlying statutory criteria for each approval.
- 3.10 However, assistance can be drawn, as other Fast Track Panels in *Waihi North*, *Bledisloe*, *North Wharf* and *Waitaha* have recognised, from the Court of Appeal authority on an analogous provision in the Housing Accords and Special Housing Areas Act 2013 (HASHAA), under which the decision-maker was directed to give “greater weight” to the purpose of that Act when making decisions in relation to housing developments.⁵⁷
- 3.11 In that context, the Court of Appeal held that:
- (a) the decision-maker must assess the subordinate matters before “standing back” and weighing them in accordance with the prescribed hierarchy;
 - (b) the statutory purpose of the HASHAA must be treated as the most important and influential matter, but cannot be used to eliminate or reduce consideration of other mandatory considerations; and
 - (c) the statutory purpose was not logically relevant to the assessment of effects themselves but rather affects the weight to be given to those effects. A significant adverse effect that might otherwise warrant refusal may be outweighed by the statutory purpose.⁵⁸
- 3.12 Applied here, the Panel's task is to first assess each approval against the relevant criteria of the specified Act (as identified in the FTAA), assessing each individually and uninfluenced by the purpose of the FTAA, and then, in the overall evaluation, conducting an overall balancing where the greatest weight is given to the FTAA's purpose.
- 3.13 Winstone submits that all four approvals satisfy the relevant statutory criteria, and that the grant of each achieves the purpose of the Act.

Regional or National benefits of the Project

- 3.14 The “regional or national benefits” of the Project will form a key part of the panel's decision-making.⁵⁹
- 3.15 The FTAA does not define “regional or national benefits.” The meaning of that term turns on a contextual and factual assessment in each case, and

⁵⁷See, by analogy, the approach in the *Bledisloe North Wharf and Fergusson North Berth Extension* decision, FTAA-2503-1028; and *Enterprise Miramar Peninsula Inc v Wellington City Council* [2018] NZCA 541.

⁵⁸*Enterprise Miramar Peninsula Inc v Wellington City Council* [2018] NZCA 541 at [52]– [59].

⁵⁹FTAA, sections 81(4) and 85(3).

consistent with ordinary principles of statutory interpretation.⁶⁰ In this case, that includes the criteria for referral to the fast-track approvals process under s 22 of the FTAA.⁶¹

- 3.16 “Benefits” are ordinarily understood as broader than “effects”, the latter being directly or consequentially attributable to the activity.⁶² We submit that the deliberate choice of the broader term “benefits” allows the decision-maker to take into account both the positive effects of a project and the wider benefits it enables at a regional or national level. What constitutes a significant benefit, and its nature, may vary between regions.⁶³

National and Regional economic benefits

- 3.17 The economic effects of the Project have been assessed by Market Economics.⁶⁴ The Economic Assessment concludes that the Project will generate significant regional economic benefits, arising through three principal pathways:

- (a) the transport, emissions and social costs avoided by maintaining a proximate source of aggregate for Auckland;
- (b) the expenditure required to prepare and operate the expanded Quarry; and
- (c) broader qualitative benefits associated with supply resilience, business continuity and the continued operation of an established quarry in a supply-constrained market.⁶⁵

- 3.18 As to avoided costs, the Economic Assessment concludes that, by avoiding reliance on longer-haul supply from outside the Auckland region, the Project will avoid — on a conservative, central estimate — in the order of \$663 million to \$853 million in discounted transport, emissions and social costs that would otherwise be incurred if equivalent volumes were sourced from the Waikato (with materially higher avoided costs if supply had to come from Northland).⁶⁶

- 3.19 Those avoided costs are a recognised proxy for economic benefit in circumstances where demand would otherwise have to be met elsewhere. Every tonne of aggregate that Auckland sources from Hunua, rather than from the Waikato or Northland, involves fewer heavy-vehicle kilometres,

⁶⁰ Sunfield [FTAA-2503-1039], Record of Decisions of the Expert Consenting Panel at [454].

⁶¹ Ibid.

⁶² *New Zealand Transport Agency v Architectural Centre Inc* [2015] NZHC 1991 at [269].

⁶³ *CJ Industries Ltd v Tasman District Council* [2025] NZEnvC 213 at [287], in the context of cl 3.9(j)(iv) of the National Policy Statement for Highly Productive Land, which specifically relates to aggregate extraction where there is a significant national or regional public benefit that could not otherwise be achieved using resources available within New Zealand. (Noting this applied prior to the 2025 Amendments to quarrying pathways in the NPS/NES).

⁶⁴ Appendix B12.4.4 – Economic Assessment.

⁶⁵ Part B – AEE at [759]– [760].

⁶⁶ Part A – FTAA Overview at [39]; Part B – AEE at [495], [499]; Appendix B12.4.4 – Economic Assessment, Table 7 (mid-point scenario).

lower fuel consumption and lower carbon emissions — so the Project also delivers a quantified climate-change benefit through avoided emissions over the life of the consent.⁶⁷

- 3.20 The Project will also generate operational efficiencies. The new western haul road is estimated to reduce circuit time by about 33%, improve tonnes delivered per truck-hour by about 32%, and deliver annual fuel savings of approximately \$1.8 million, while reducing the number of trucks required.⁶⁸
- 3.21 As to direct expenditure, the Economic Assessment estimates that the Project will generate approximately \$69 million in direct value added (including \$36.1 million in equipment expenditure), \$42 million in indirect value added and \$39 million in induced value added, a total of approximately \$150 million, (of which approximately \$114 million is attributable to the Auckland region), together with direct employment of about 2,432 job years. In a high-production future, the Quarry will generate more than \$80 million annually.⁶⁹ The approvals facilitate access to an aggregate resource at Hunua with an estimated gross resource value of \$5.4 billion.⁷⁰
- 3.22 Beyond these monetised benefits, the Project:
- (a) preserves supply-chain resilience in an aggregate market that has been in deficit for at least 15 years;
 - (b) supports competitive pressure in the construction-materials market; and
 - (c) reduces the risk that aggregate scarcity translates into higher costs or delays for Auckland's housing, transport and infrastructure projects.
- 3.23 Given Auckland's contribution to the national economy and infrastructure pipeline, those benefits are regionally significant and materially significant nationally.⁷¹
- 3.23 This is a similar conclusion to the Panel's decision on the *Drury Quarry Expansion*, where particular emphasis was placed on the ability of aggregate to provide critical support to development of housing and infrastructure; assisting to meet anticipated growing demand for aggregate in the region; enabling and facilitating Auckland's economic growth; and providing efficient resource use – all of which could be said to apply equally to the nearby Hunua Quarry.⁷²

⁶⁷ Part B – AEE at [770].

⁶⁸ Part B – AEE at [496], [765].

⁶⁹ Part A – FTAA Overview at [38].

⁷⁰ Part B – RMA AEE at para [764].

⁷¹ Part A – FTAA Overview at [40]; Part B – AEE at [500], [902].

⁷² Drury Quarry Expansion decision at [130].

- 3.24 It is appropriate for the panel to take into account benefits that are described qualitatively, even if they are not quantitatively determined. This is established from previous panel decisions. A full cost-benefit analysis is not required, provided that economic disbenefits are accounted for.⁷³

4 APPLICATION OF THE FTAA DECISION-MAKING FRAMEWORK TO RESOURCE CONSENTS

- 4.1 When determining an application for resource consent, clause 17(1) of Schedule 5 requires the Panel to take into account:

- (a) the purpose of the FTAA (to be given the greatest weight in the overall assessment);
- (b) the provisions of Parts 2, 3, 6, 8 and 10 of the RMA that direct decision-making on an application for resource consent (but excluding the non-complying activity gateway tests in section 104D); and
- (c) the relevant provisions of any other legislation that directs decision-making under the RMA.⁷⁴

- 4.2 The reference to Part 2 of the RMA is to be read as excluding section 8, and the reference to Part 6 excludes section 104D.

- 4.3 Any provision of the RMA that would require a decision-maker to decline an application (such as section 87A(6)) must be taken into account but cannot be treated as requiring the Panel to decline the application on that basis.⁷⁵

Section 104 RMA assessment

- 4.4 Section 104(1) of the RMA requires the Panel, subject to Part 2, to have regard to:

- (a) the actual and potential effects on the environment of allowing the activity;
- (b) the relevant provisions of national environmental standards, other regulations, national policy statements, the New Zealand Coastal Policy Statement, and any relevant regional policy statement and plan; and
- (c) any other matter the consent authority considers relevant and reasonably necessary to determine the application.⁷⁶

⁷³ *Pound Road* decision at [647], citing *Trans-Tasman Resources Ltd v Taranaki-Whanganui Conservation Board* [2021] NZSC 127; *Sunfield* decision at [525]. A similar approach is taken to the assessment of effects on property values, which are often better determined through the lens of environmental effects, including effects on amenity values: see *Re Meridian Energy Ltd* [2013] NZEnvC 59 and the cases cited therein.

⁷⁴ FTAA, Schedule 5, clause 17; Part B – AEE at [875]– [876].

⁷⁵ FTAA, Schedule 5, clause 17(2); Part B – AEE at [877].

⁷⁶ RMA, section 104(1).

Existing resource consents held as part of the existing environment

- 4.5 The existing environment is highly relevant to the assessment of effects. Hunua Quarry has operated for over 100 years and is heavily modified.
- 4.6 The majority of the proposed pit lies within the SPQZ, which expressly contemplates quarrying, and many of the potential effects of the expansion (such as dust, noise and traffic) already exist as features of the established consented operation (which includes the Symonds Hill Pit).⁷⁷ The effects of the Project are therefore properly assessed as those occurring beyond what is already authorised and occurring,⁷⁸ or would occur pursuant to consents that are being superseded or rolled into new “global” consents.⁷⁹
- 4.7 Winstone holds a number of existing consents relevant to the assessment of effects, particularly on landscape, vegetation clearance, groundwater, and other amenity values (acoustic, dust), in the context of a working quarry.⁸⁰

Approvals

- 4.8 Fletcher Concrete and Infrastructure Limited (Winstone’s parent company) own many of the properties adjacent to the site; Winstone has also obtained a suite of written approvals from adjacent landowners, which substantially reduce the application’s amenity effects.⁸¹ Effects on these persons must be disregarded from the Panel’s effects assessment under the RMA.⁸²

Effects assessment

- 4.9 The AEE and accompanying technical reports provide a comprehensive assessment of effects prepared by independent, suitably qualified and experienced experts. In summary, effects relating to geology, air quality, groundwater, erosion and sedimentation, ground contamination, archaeology, natural hazards, impact of climate change, noise, vibration and traffic are assessed as less than minor; Effects have been managed through careful design of the quarry footprint and best-practice mitigation secured by conditions to appropriate levels. This has been assisted by Winstone’s significant experience in managing quarrying effects at the Hunua site.
- 4.10 The Project’s principal residual effects relate to landscape and natural character, freshwater and terrestrial ecology, and cultural values, each of

⁷⁷ Part B- RMA -AEE at para [351]-Table 17 contains an overview of the current consents, noting those to be amended and renewed.

⁷⁸ Part A – FTAA Overview at [44], [54]– [55]; and see *Queenstown Lakes District Council v Hawthorn Estate Ltd* (2006) 12 ELRNZ 299 (CA) on the existing and future receiving environment. The Application confirms Winstone’s intention to proceed with the consented activities, for the existing consents it holds. The Court in *Otway Oasis Society Inc v Waikato District Council* [2020] NZEnvC 169 at [15] recently held “likely” means “more likely than not”.

⁷⁹ As to the role of unimplemented consents on the future receiving environment (and/or the permitted baseline), see Brigid Kelly and Bronwyn Carruthers “Unimplemented resource consents as part of the permitted baseline” RMJ Nov 2014.

⁸⁰ See e.g. Appendix B12.5 and Appendix B12.2b – Overview of Consents.

⁸¹ Appendix B12.3c.

⁸² RMA, s 104(3)(a)(ii).

which is avoided where practicable and otherwise remedied, mitigated, offset or compensated in accordance with the effects management hierarchy.⁸³

- 4.11 Effects of quarry development comply with industry practice and zone standards or are at levels accepted by the Panels in the *Drury* and *Kings Quarry* Fast Track decisions as being acceptable and reasonable in the circumstances.
- 4.12 Section 105 applies to the discharge permits sought (for stormwater, dewatering and discharges to air), requiring the Panel to have regard to the nature of the discharge and the sensitivity of the receiving environment, the reasons for the proposed choice, and any alternative methods.
- 4.13 Section 107 prevents the grant of a discharge permit that, after reasonable mixing, would give rise to specified effects in the receiving water. As described in the AEE, detailed consideration has been given to the management of these discharges, and the proposed discharge permits are consistent with sections 105 and 107.⁸⁴

Relevant planning instruments and Part 2 of the RMA

- 4.14 The Project has a high degree of alignment with the relevant provisions of the AUP and higher-order instruments that govern mineral extraction, infrastructure, and urban growth. It engages the National Policy Statement for Freshwater Management (NPS-FM) and the National Policy Statement for Indigenous Biodiversity (NPS-IB). While strict avoidance of all indigenous biodiversity and freshwater values cannot be achieved, the Project has been designed to avoid those values where practicable and otherwise to minimise, offset or compensate for effects so as to achieve no net loss (freshwater) and a net gain (terrestrial), consistent with the effects management hierarchy and the significant regional benefit pathways for aggregate extraction in the NPS-FM, NES-F and NPS-IB.⁸⁵
- 4.15 Section 104 is subject to Part 2 of the RMA (read, under the FTAA, as sections 5, 6 and 7 only).
- 4.16 Consistent with the Supreme Court's guidance, the Panel is to undertake a fair appraisal of the relevant policy provisions as a whole; "avoid" policies are directive but do not operate as inviolable bottom lines and have some tolerance for effects that avoid material harm; and conditions (including mitigation, offset and compensation) are appropriate tools for managing effects on high-value areas.

⁸³Part B – AEE at [770]– [774].

⁸⁴RMA, sections 105 and 107; Part B – AEE (Air Quality and Groundwater/Surface Water assessments), and noting (as above) that those provisions must be taken into account, but must not be treated as requiring the Panel to decline consent.

⁸⁵Part B – AEE at [904]– [905]; and the significant regional/national benefit pathway recognised in the NPS-IB, supported by the Economic Assessment (Appendix B12.4.4).

- 4.17 The Project is consistent with Part 2, it supports the economic and social wellbeing of the region through the continued supply of a critical resource; it appropriately addresses the matters of national importance engaged (including the SEA and ONL overlays); and it has regard to the section 7 matters, including kaitiakitanga and the efficient use and development of natural and physical resources.⁸⁶
- 4.18 Consideration under section 104(1)(c) also includes the relevant Treaty settlements (as defined by the FTAA) and iwi planning documents, together with any Mana Whakahono ā Rohe or joint management agreements. The application has been prepared on that basis.⁸⁷
- 4.19 On the analysis provided by Boffa Miskell and the other technical experts, the resource consent applications are consistent with the parts of the RMA relevant to decision-making under the FTAA and with the documents to which they refer; adverse effects have been appropriately managed; and, giving the greatest weight to the purpose of the FTAA, the grant of the resource consents is justified.⁸⁸
- 4.20 Winstone's proposal to change or cancel certain conditions of its existing resource consent is material to the delivery of the project, forms part of the overall consent package, and ought to be approved on the same basis.

5 APPLICATION OF THE FTAA DECISION-MAKING FRAMEWORK TO THE WILDLIFE APPROVAL

- 5.1 When considering an application for a wildlife approval, clause 5 of Schedule 7 requires the Panel to take into account:
- (a) the purpose of the FTAA (to be given the greatest weight);
 - (b) the purpose of the Wildlife Act 1953 and the effects of the Project on the protected wildlife to be covered by the approval; and
 - (c) any relevant information and requirements relating to that wildlife here, the New Zealand Threat Classification System and the Department of Conservation's guidelines for producing management plans for New Zealand lizards.⁸⁹
- 5.2 Winstone seeks a wildlife approval for the capture, handling and relocation of native lizards, including elegant gecko (*Naultinus elegans*), from within

⁸⁶ *RJ Davidson Family Trust v Marlborough District Council* [2018] NZCA 316; *Port Otago Ltd v Environmental Defence Society Inc* [2023] NZSC 112; *Trans-Tasman Resources Ltd v Taranaki-Whanganui Conservation Board* [2021] NZSC 127; Part B – AEE at [895], [904].

⁸⁷ Part B – AEE at [878].

⁸⁸ Part B – AEE at [901]– [906].

⁸⁹ FTAA, Schedule 7, clause 5.

the Hunua Quarry, for the purpose of minimising injury and mortality to protected lizards during vegetation removal.

- 5.3 Any lizards captured under the wildlife approval will be released into appropriate habitat within the Hunua Ranges Regional Park.⁹⁰
- 5.4 The proposed methods are comprehensive and consistent with the Wildlife Act. They are set out in a Lizard Management Plan prepared by Boffa Miskell in accordance with the Act and best-practice guidance, providing for pre-clearance systematic searches, salvage and relocation, release-site enhancement and monitoring, with capture and handling undertaken by a suitably experienced herpetologist.⁹¹ Advice provided by DOC as part of the application completeness check has been incorporated into the application documents.
- 5.5 The wildlife approval is consistent with the purpose of the FTAA. In conjunction with the other approvals, enabling the Project (and its regional benefits) to proceed is necessary. The effects on protected lizards are appropriately minimised through capture and relocation in accordance with best practice, to the extent that there is no residual adverse effect on the local lizard fauna population to be managed. Loss of lizard habitat is compensated through revegetation and pest control.⁹² Accordingly, the wildlife approval should be granted.

6 APPLICATION OF THE FTAA DECISION-MAKING FRAMEWORK TO THE ARCHAEOLOGICAL AUTHORITY

- 6.1 When considering an application for an archaeological authority, clause 4 of Schedule 8 requires the Panel to take into account:
 - (a) the purpose of the FTAA (to be given the greatest weight);
 - (b) the matters set out in section 59(1)(a) of the HNZPTA (including the historical and cultural heritage value of the site and the purpose and principles of the HNZPTA);
 - (c) the matters in sections 47(1)(a)(ii) and (5) of the HNZPTA; and
 - (d) any relevant statement of general policy under the HNZPTA.⁹³
- 6.2 The archaeological authority is sought as a precautionary measure only — to authorise the modification or destruction of any unrecorded subsurface archaeological material that may be exposed during earthworks within the Quarry Development Area. Importantly, no archaeological authority is

⁹⁰ Part C – Wildlife Act Permit at [3]– [4].

⁹¹ Part C – Wildlife Act Permit at [5]; Lizard Management Plan, Appendix B12.8.4.

⁹² Part C – Wildlife Act Permit at [C5]– [C7].

⁹³ FTAA, Schedule 8, clause 4; HNZPTA, sections 47 and 59.

sought for the destruction or modification of any recorded archaeological site. The authority seeks a 10-year duration.⁹⁴

- 6.3 The precautionary authority is supported by an Archaeological Assessment and an Archaeological Management Plan and is consistent with the purpose of the FTAA: it ensures that the Project and its associated benefits can be delivered without significant archaeological effects, and that any material discovered is investigated, recorded and managed in accordance with accepted archaeological practice and the requirements of the HNZPTA.⁹⁵
- 6.4 Post-lodgement consultation with NZHPT has led to agreed draft conditions. Accordingly, there is no reason why the archaeological authority should not be granted.

7 APPLICATION OF THE FTAA DECISION-MAKING FRAMEWORK TO COMPLEX FRESHWATER FISHERIES ACTIVITIES

- 7.1 Finally, the Project involves the realignment of a tributary within the Mangapū (Symonds) Stream catchment, and the construction of two culverts over Mangapū Tributary 3 as part of the Stage 2 (western haul) road. The new diversion channel is designed to provide fish passage for native climbing species, mimicking the existing environment, whereas the Stage 2/western haul road culverts, given the steep gradient and resulting velocities and flow depths, will not provide fish passage.
- 7.2 The culverts therefore engage the definition of a “complex freshwater fisheries activity” in section 4 of the FTAA (a culvert that permanently blocks fish passage). Approval is also sought for associated fish salvage and relocation under section 26ZM of the Conservation Act 1987.⁹⁶
- 7.3 When considering an application for a complex freshwater fisheries activity, clause 5(1) of Schedule 9 requires the Panel to take into account, and giving the greatest weight to (a):
- (a) the purpose of the FTAA;
 - (b) the alignment of the proposed activity with best practice and the New Zealand Fish Passage Guidelines;
 - (c) how the proposed activity will manage risks to freshwater values or habitat, including the prevention of access to, or spread of, invasive species;
 - (d) the availability and quality of habitat upstream and downstream;
 - (e) the presence of threatened, data-deficient or at-risk species under the New Zealand Threat Classification System in the vicinity; and

⁹⁴Part D – Archaeological Authority at [4]– [7].

⁹⁵Part D – Archaeological Authority at [8]; Archaeological Assessment, Appendix B12.4.2; Archaeological Management Plan, Appendix B12.8.2.

⁹⁶ Part E – Complex Freshwater Fisheries Activity Authority at [4]– [6], [37]– [40].

- (f) the advantages and disadvantages of providing fish passage upstream or downstream.⁹⁷

7.4 In relation to those criteria:

- (a) the stream diversion and haul road are fundamental elements of the Project design, enabling efficient access to the aggregate resource while avoiding the complete loss of that part of the Mangapū tributary, and so directly facilitate the delivery of the Project's significant regional benefits;
- (b) the diversion channel has been designed in accordance with the NZ Fish Passage Guidelines and provides full passage for native climbing species, while fish salvage and relocation will be undertaken in accordance with best practice;
- (c) the design and an ongoing programme of monitoring, maintenance and pest management manage risks to freshwater values and prevent access by exotic swimming species; and
- (d) a comprehensive offset and compensation package addresses the loss of stream extent and values.⁹⁸

7.5 As to threatened species, longfin eel (At Risk – declining) is present in Mangapū Tributary 1, which is to be permanently diverted. Freshwater limpet (data-deficient) is present in the main stream. No threatened, at-risk or data-deficient species were detected in Tributaries 3 and 4, where the two culverts are to be constructed.

7.6 Providing fish passage at the culverts would offer limited benefit given the steep channel, the limited suitable upstream habitat and the intended removal of those tributaries at later phases and would risk enabling access for exotic or pest species. Granting the freshwater fisheries authority will support the purpose of the FTAA by enabling stream diversion and the haul road, thereby providing access to the aggregate resource and realising the Project's benefits.⁹⁹

7.7 The design of the proposed diversion channel accords with best practice and has been workshopped with iwi. A comprehensive package of monitoring and maintenance is proposed to ensure objectives and functions are being met. In light of the statutory criteria, the complex freshwater fisheries activity should be granted.

8 PROPOSED DRAFT CONDITIONS

8.1 Winstone has prepared a consolidated set of draft conditions and management plans to address effects. The conditions provide for the continuous development of the quarry pit, with enabling works conditions

⁹⁷ FTAA, Schedule 9, clause 5(1).

⁹⁸ Part E – Complex Freshwater Fisheries Activity Authority at [105]– [106].

⁹⁹ Part E – Complex Freshwater Fisheries Activity Authority at [105(e)]– [106].

applying during construction and transition, and ongoing operational conditions applying for the life of the authorised activities.¹⁰⁰

- 8.2 The draft conditions reflect agreements reached with Auckland Council as part of continued post-lodgement discussions.
- 8.3 In setting conditions on the resource consents, the Panel must apply the relevant provisions of Parts 6, 9 and 10 of the RMA (including sections 108 and 108AA), subject to the FTAA requirement that conditions be no more onerous than necessary.
- 8.4 The proposed conditions have been drafted with input from technical experts and stakeholders, and Winstone considers they will appropriately avoid, remedy, mitigate, offset or compensate for the adverse effects of the Project, and are no more onerous than necessary.¹⁰¹
- 8.5 The conditions are supported by a full suite of Draft Management Plans. These will require certification by the Council; post-approval as part of the resource consent conditions and wildlife approval. These management plans reflect usual RMA case law requirements.¹⁰²
- 8.6 The Panel may set such conditions on the wildlife approval, the archaeological authority and the freshwater fisheries authorities as it considers necessary to manage the effects of the relevant activities, in accordance with clause 6 of Schedule 7, clause 5 of Schedule 8 and the relevant provisions of Schedule 9 respectively.
- 8.7 The proposed conditions for those approvals, including the Lizard Management Plan protocols, the requirement that all archaeological work accord with accepted practice and the HNZPTA, and the fish passage, salvage, monitoring and maintenance provisions, are all consistent with those clauses.¹⁰³

Issues list

- 8.8 The Applicant and the Council have continued to consult post-lodgement; this has resulted in further information being provided to Council¹⁰⁴ and an agreed updated draft condition set. The foreshadowed issues (as between Council and the Applicant have been set out in joint memoranda to the Panel. Other issues will undoubtedly arise as part of the Panel's own assessment of the application and comments stage.

¹⁰⁰ Part A – FTAA Overview at [70]– [71]; Part B – AEE at [907]; draft conditions, Appendix B12.7.

¹⁰¹ FTAA, sections 83 and Schedule 5, clauses 6 and 18; RMA, sections 108 and 108AA; Part B – AEE at [907]– [909].

¹⁰² *Selwyn Quarries Limited v Canterbury Regional Council* [2019] NZEnvC 153 at [44].

¹⁰³ FTAA, Schedule 7, clause 6; Schedule 8, clause 5; Schedule 9; draft conditions, Appendix B12.7.

¹⁰⁴ A list of the revised information and response to Auckland Councils RFI's is set out in counsels memorandum dated 22 June 2026 and associated material.

- 8.9 A consolidated list of the issues that the Panel may need to turn its mind to is set out in **Schedule 1** to these submissions. Notably, these are primarily factual disputes.
- 8.10 Winstone's technical experts will address those matters during their Panel Briefing, and the Applicant will address them further (if needed) during the response-to-comments stage, when the details are better understood.

Auckland Transport

- 8.11 One issue has arisen regarding the extent to which Auckland Transport considers significant berm works are required to improve sightlines of a corner some distance from the quarry and should be provided for as a condition of consent. Winstone does not consider that the works are needed for the following reasons:
- (a) There is no causal connection between the upgrade works sought by Auckland Transport and the effects that can reasonably be said to arise from the application; this is an existing situation.
 - (b) The condition (and works) sought by Auckland Transport is disproportionate and does not arise from an effect of the application.
- 8.12 Winstone has volunteered (in an effort to resolve Auckland Transport's concerns) a draft *Augier* condition¹⁰⁵ to install rumble strips to provide a warning to motorists crossing the centre line. Winstone does not accept that the need for this work can be said to arise as a result of the application.

9 CONCLUSION

- 9.1 The Project will secure a continuous, long-term supply of aggregate for Auckland's housing, transport and infrastructure programmes for the next 80 years and beyond, while delivering significant economic benefits and managing environmental effects through a comprehensive package of conditions, offset and compensation.
- 9.2 It is respectfully submitted that the Project is a worthy candidate for consent it will facilitate significant regional benefits, appropriately manage its effects, and achieve the purpose of the FTAA.¹⁰⁶
- 9.3 Lastly, counsel would like to thank the Panel for its attention to this application; entering the processing stage is a milestone for the Winstone team. Counsel appreciates that there is a large amount of material and tight timeframes for completing the Panel's work.
- 9.4 The Panel will find the Applicants' team receptive, willing and able to assist in any way it can with the Panel's assessment and processing of the

¹⁰⁵ Draft condition 73(i)

¹⁰⁶ FTAA, section 81.

application. Winstone has consulted extensively and has a well-established working relationship with iwi, stakeholders, and administering agencies involved in the application. It will continue to engage with those parties as it enters the processing stage; Counsel will keep the Panel updated as to the outcome of those discussions. Winstone is also willing to participate in both informal and formal conferences, workshops, or other sessions (if the Panel consider that they would assist).

Dated: 6 July 2026

A handwritten signature in blue ink, consisting of a stylized, cursive 'P' followed by a horizontal line.

Phernne Tancock | Duncan Ballinger | Aidan Cameron

Counsel for Winstone Aggregates (a division of Fletcher Concrete and Infrastructure Limited)

Schedule 1 — Consolidated Issues list

Part B: As between Auckland Council & the Applicant (RMA approvals):

This list under Part B – RMA approvals is a consolidated list of outstanding issues identified in joint memoranda dated 22 and 29 June, between the Applicant and Auckland Council as of 3 July.

It is acknowledged by both parties that additional issues may arise from the Panel's processing of the application and in response to other parties' comments.

Other s53 parties (RMA approvals):

The Applicant has identified the following general areas of focus or key themes, based on feedback obtained during consultation and engagement (as outlined in counsel's memorandum to the Panel Convenor), it is expected that section 53 parties may raise the following issues in the invitation to comment.

- a. Landscape and visual impacts, part of the application, is within an outstanding natural landscape.
- b. Ecological effects, including the impact of the proposed stream diversion, vegetation removal within a significant ecological area and associated offsets;
- c. Amenity effects of the proposal on neighbours.
- d. Groundwater, including its impact on neighbouring bores.
- e. Cultural effects.

The Applicant has worked hard to avoid, remedy or mitigate effects via design and proposed conditions to acceptable levels. Substantial offsets and/or environmental compensation are also proposed, consistent with national policy direction.

Part D: As between NZHPT and the Applicant (Archaeological approval):

Pre-lodgement consultation with NZHPT has resulted in agreement of the conditions of the authority. The Applicant is not aware of any outstanding issues at this stage.

Parts C and E: As between the Department of Conservation and the Applicant (Wildlife Permit & Complex Fish Freshwater Passage Approvals)

Pre- and post-lodgement consultations have also occurred with the Department of Conservation (and are ongoing); Winstone understands that the Department is still

assessing the application material and, to date, those discussions have primarily focused on clarifying aspects of the proposal.

The Applicant voluntarily provided updated material on 29 June, addressing matters raised by the Department in its comments on the EPA completeness check of the Wildlife permit application. The parties are not yet in a position to identify any issues in dispute.

Part B: Approvals under the Resource Management Act 1991

Air Quality

1. No outstanding issues

Archaeology

2. No outstanding issues.

Land contamination

3. No outstanding issues.

Economics

4. Auckland Council's expert peer reviewer has confirmed that the project has significant regional and national benefits, but is of the view that a cost-benefit analysis should be provided rather than an economic impact assessment. The Applicant disagrees.
5. The Council's expert peer reviewer has also raised a number of issues with the Applicant's economist's methodology, but it is agreed these do not change the overall conclusion that the economic benefits of the proposal would be regionally significant.

Ecology

6. Conferencing on ecological matters continues, resulting in significant refinement of the issues. At present, the outstanding issues are:
 - a. The Applicant and Council's ecologist disagree over the quantification of the offset.

b. The Council's ecologist considers that the biodiversity values remain incomplete and is concerned that the Applicant has under-assessed the offset required for the following reasons:

i. The Biodiversity Offset Accounting Model has been applied in a fairly limited capacity, with respect to both the number and nature of attributes used. Many of these are formed from aggregated indices. The issue with applying aggregated values in this manner is that it increases the risk of concealed losses and does not explicitly enable the transparent identification of 'gains' and 'losses' of various attributes that make up the 'Biodiversity Value'.

ii. The potential wetland values need to be assessed to the same detail as the proposed offset.

iii. Offset receptor sites are likely to have some biodiversity and should not score zero.

iv. The existing flow monitoring sites, data and how the MALF is calculated to feed into the augmentation requirements is to be provided. This is key to understanding how stream flows and associated biodiversity will be maintained; and

v. The SEV calculations have recently been provided in Excel format. (Council reserves its position on those, as they are still under review).

(b) The Applicants' ecologists disagree with the matters raised by the Council ecologist and consider the information used and findings made align with best practice and are robust, and the conclusions are sound.

Stream realignment

7. Conferencing on the stream diversion continues and has resulted in significant refinement of the issues.
8. At present, the outstanding areas of disagreement between the Council and the Applicants' ecologists are:
9. The Council's ecologist is concerned that the proposed stream realignment is reported to maintain the values and potential of the existing watercourse. However, the Council's ecologist has questioned whether this is the case, noting:
 - a. The existing watercourse is a stable system with mature riparian habitat and instream habitat;
 - b. The realignment has narrow riparian margins and uncertainty in its final engineered habitat and stability;
 - c. Even with a time lag for the ecological processes to establish, the Council's ecologist does not consider that the realigned stream will be able to meet the current stream values (as assessed using SEV or RHA as proposed); and
 - d. Considers that there remains a high risk that the ecological outcomes of retaining existing stream potential cannot be achieved, particularly considering the hard rock batter slope and narrow riparian margins established on imported material.
10. The Applicants' ecologists disagree with the matters raised by the Council ecologist and consider the information used and findings made align with best practice and are robust, and the conclusions reached are sound.

Conditions – Ecology and Stream Diversion

11. Additional amendments to draft conditions that the Applicant is currently considering, based on high-level feedback from Auckland Council's ecologist, are conditions 54, 63, 96, 97, 106, 107, 114, 117, 127 -129, 180-182, 186 and Part G condition 1 – change to consent condition.

12. The draft condition set provided to the Panel on 22 June does not yet factor in these changes. The Applicant is currently considering this feedback and is drafting proposed amendments to the draft conditions and management plans to address these concerns.
13. The Applicant expects that the proposed revised wording will be provided to the Panel once the Applicant and Council's planning team have had the ability to confer and agree on any changes, and will endeavour to do so prior to the Panel briefing.

Erosion and sediment control

14. No outstanding issues.

Groundwater

15. No outstanding issues; further discussions are underway regarding minor amendments to the condition wording to better reflect expert discussions.

Landscape

16. No outstanding issues.

Cultural landscape

17. In response to questions raised by Te Ākitai in pre-lodgement consultation Winstone have undertaken further work to assess the landscape character and visual effects of the project on Pukekōiwiriki pa in Red Hill as part of a site of cultural significance and Red Hill scenic reserve as a public park and part of the cultural redress statutory acknowledgement site in the Te Ākitai Waiohua Treaty Settlement Package.
18. That work has been provided to both Te Ākitai and Auckland Council, however, Auckland Council has reserved its position until Te Ākitai's views are known. The Applicant has ongoing engagement with Te Ākitai in respect of the development.

Acoustics and vibration

19. No outstanding issues.

Geotech

20. No outstanding issues

Traffic

21. There is a disagreement as to whether the improvements sought by Auckland Transport to the corner of Hunua Road (at approximately 272 Hunua Road):
- a. are within the scope of the approvals sought;
 - b. can reasonably be said to be required to mitigate the effect of the development;
 - c. If they are, whether the conditions proposed by Auckland Transport are proportionate

Flood risk

22. No outstanding issues.

Planning

23. No outstanding issues, other than planning assessment of the issues identified above.

Legal

24. Legal issues are limited to the following points that have arisen from the technical feedback, to date (further issues may arise) as the application is processed:
- a. While both the Auckland Council and the Applicant's economic expert are in agreement that the Project will have significant regional and national benefits, there may be legal issues that stem from the remaining technical areas of dispute, in respect of economics, is whether a cost-benefit analysis of the proposal's environmental effects is required;
 - b. A potential issue as to whether the berm improvement works sought by Auckland Transport in condition 73(i) set out above at paragraph 21.

Draft Conditions

25. A revised set of conditions has been provided that reflect the agreements reached with Auckland Council and NZHPT and standard wording received from the Minister of Culture and Heritage.
26. Areas where there is a point of difference between the Applicant and the Council are:
 - a. condition 56(i)(i) (minor wording amendment yet to be agreed);
 - b. Condition 71(b) (duration of consent for streamworks);
 - c. Condition 72 (pre-start meeting);
 - d. Condition 73(i) (whether rumble strips are required to be implemented on the centre line at the corner of Hunua Road — see Traffic issue at 15 above).
 - e. Condition 100 (minor wording amendment to be agreed regarding use of “Site Validation” or “Works Completion” Report);
 - f. condition 124 (additional wording yet to be agreed);
 - g. condition 127 (additional wording yet to be agreed);
 - h. condition relating to section 224 requirements (Council proposal to delete not agreed);
 - i. Ecology conditions 54, 63, 96, 97, 106, 107, 114, 117, 127 -129, 180- 182, 186 and Part G condition 1 – change to consent condition are currently still being discussed between the ecologists. A further update will be provided on this.
 - j. Some further discussions on groundwater conditions.

Part D: Approval under Heritage New Zealand Pouhere Taonga Act 2014

27. No outstanding issues.
28. NZHPT has provided feedback on the draft conditions for the authority, which have been accepted by Winstone.