

BEFORE THE PANEL CONVENER

IN THE MATTER

of an application for approvals by Graymont (NZ)
Limited under section 42 of the Fast-track Approvals
Act 2024 ("FTAA")

AND

IN THE MATTER

of the development, operation and rehabilitation of a
new South-Western Pit at the existing Oparure Quarry
in the Waitomo District and Waikato Region, referred
under the FTAA ("**Project**")

**MEMORANDUM OF COUNSEL FOR THE APPLICANT
RESPONDING TO MINUTE 1 OF THE PANEL CONVENER**

4 SEPTEMBER 2026

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MAY IT PLEASE THE PANEL CONVENER:

Introduction

1. This memorandum is prepared on behalf of Graymont (NZ) Limited ("**Applicant**") in relation to the Project and addresses the matters set out in the Panel Convener's Minute 1 dated 1 September 2026.
2. The Applicant lodged a comprehensive resource consent application with the Waikato Regional Council and Waitomo District Council (together, the "**Councils**") under the Resource Management Act 1991 ("**RMA**") in October 2022 for a larger footprint at the same site.
3. Before, and since that time, the Applicant has undertaken extensive technical assessments and engagement with the Councils, Te Nehenehenui, Oparure Marae and other key stakeholders, resulting in a substantial reduction in the footprint of the proposed pit, refinement of proposed conditions, and further comprehensive monitoring, fieldwork, and consultation.
4. The Applicant has subsequently withdrawn that RMA application, and lodged an application under the FTAA ("**Application**").¹

Schedule 1 Matters

Approvals

5. All approvals sought are resource consents which would otherwise be applied for under the RMA, being land-use consents, water permits, and discharge consents. The details of the approvals sought are outlined in Section 5 of the Application. The necessary Wildlife Act approvals have already been obtained.

Complexity

6. The Applicant notes the following in relation to the Project:
 - (a) **Legal complexity:** it is not anticipated the Project will involve any novel or difficult legal issues.
 - (b) **Evidentiary complexity:** the Application is accompanied by a wide range of expert reports and draft management plans, and the

¹ Oparure Quarry South-Western Pit, Substantive application under the Fast-track Approvals Act 2024 – FTAA 2606-1251, dated 17 July 2026.

information provided is typical of a quarry expansion project. It contains a range of technical analysis. The Applicant is not aware of any conflicting expert evidence on these matters and considers the significant lead-in time and years of technical investigation, expert conferencing and stakeholder engagement that have preceded the Application's filing have already substantially tested and refined this evidence, such that there is unlikely to be material conflicting factual or opinion evidence on technical issues. In relation to cultural effects, it is noted that while Te Nehenehenui has provided technical comments supportive of a number of the proposed conditions and measures, Oparure Marae (as mana whenua) does not support the proposal.

- (c) **Factual complexity:** the Application raises some complex factual matters, particularly in relation to underground karst systems and hydrology. However, the Applicant considers matters of factual complexity have been substantially addressed through the technical assessments and draft conditions included in the Application, and refinement of the Project over many years.

Issues

- 7. A summary of the engagement undertaken by the Applicant is set out in Appendix C of the Application, including extensive consultation with the Councils, Te Nehenehenui, Oparure Marae, the Waikato River Authority and the Department of Conservation.² The Applicant will continue engaging with these parties, with a view to refining any outstanding issues and conditions prior to the Panel inviting parties to comment on the Project.
- 8. As a result of engagement to date, the Applicant considers the key issues are:
 - (a) the physical protection of the Camelot Cave system and the wider karst system during quarrying and blasting activities, including the mechanism for confirming the cave's extent and geometry, and sediment and water quality management for the Mangawhitikau Stream and Camelot Stream catchments; and
 - (b) cultural effects, noting that while Oparure Marae does not support the Project, it has continued to engage with the Applicant on cultural matters.

² Oparure Quarry South-Western Pit, Appendix C - Records of Consultation.

9. The Application concerns an activity very similar to that proposed in the Applicant's RMA consent application in October 2022. That application was for a larger footprint at the same site. Following extensive engagement with the Councils and key stakeholders, the Applicant refined the Project in 2024, resulting in a substantial reduction in the footprint of the proposed pit.
10. The Applicant considers that more than 30 working days will be required for the Panel to make a decision (as set out below).

Panel membership

11. The Applicant confirms its understanding that the Panel will comprise three members: one appointed by the Waikato Regional Council, one appointed by the Waikato River Authority, and an independent chairperson jointly appointed by both, in accordance with the co-management framework established under the Ngā Wai o Maniapoto (Waipā River) Act 2012 and the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010.
12. Given the technical matters raised by the Project, the Applicant considers the Panel would benefit from members with expertise in planning and freshwater ecology, for the purposes of clause 7(1) of Schedule 3 of the FTAA. The Applicant is not otherwise aware of any particular knowledge, skills or expertise required to decide the Application.

Procedural requirements

13. The Applicant is willing to engage directly with the Panel as necessary to advance the Project and considers it would be useful for the Applicant to provide the Panel with a briefing on the Project early on in the Panel's assessment.
14. At this stage, the Applicant considers:
 - (a) it is unlikely a hearing will be required;
 - (b) any matters in respect of which the Panel requires clarification can be addressed through requests for further information; and
 - (c) any matters relating to conditions can be addressed through the statutory process for providing comments on draft conditions.

Timing of Panel's decision

15. The Applicant considers 45 working days after the date specified for receiving comments to be sufficient in deciding the Project, taking into account the extensive work and consultation to date, and limited number of issues.

DATED: 4 September 2026



A A Arthur-Young | K J C O'Connor
Counsel for Graymont (NZ) Limited