BEFORE THE EXPERT PANEL

IN THE MATTER	of an application by Graymont (NZ) Limited ("**Applicant**") for approvals under section 42 of the Fast-track Approvals Act 2024 ("**FTAA**")
AND	
IN THE MATTER	of Oparure Quarry South-Western Pit, a project referred under the FTAA ("**Project**")

MEMORANDUM OF COUNSEL ON BEHALF OF THE APPLICANT
RESPONSE TO MINUTE 2

16 OCTOBER 2026

Russell McVeagh

A A Arthur-Young | K J C O'Connor
P +64 9 367 8000
F +64 9 367 8163
E kieran.oconnor@russellmcveagh.com
PO Box 8
DX CX10085
Auckland

MAY IT PLEASE THE PANEL:

Introduction

1. On 17 July 2026, the Applicant lodged a substantive application for fast-track approvals under the FTAA ("**Application**"). The Application seeks resource consents to develop, operate and rehabilitate a new pit ("**SW Pit**") adjacent to the existing pit ("**Oparure Pit**") at the Oparure Quarry near Te Kūiti.

2. On 5 October 2026, the Panel convened a Project Overview Conference at which the Applicant and its representatives provided an overview of the Project. Following the conference, the Panel sought further information from the Applicant ("**Minute 2**").[1] This memorandum addresses those points.

Concurrent operations of Oparure Pit and South-Western Pit

3. Notwithstanding that the Application is for the SW Pit, the assessment of effects submitted with the Application also considered cumulative effects on the basis there would be a period of concurrent operation of the existing Oparure Pit and the SW Pit. The relevant effects considered in this context are sediment, dust, noise and traffic:[2]

   (a) The **water assessment** considered the period when both pits are operating and considered sediment effects in two ways:[3] the concentration of sediment in the receiving waters, and the total sediment load entering the catchment over time.

      (i) *Concentration*: Continuous monitoring at Pōtea Spring has shown rising and falling turbidity in response to rainfall events in the catchment.[4] The responses recorded at Pōtea spring occur following a delay due to the time it takes for water and sediment to move through the karst system and emerge at the springs.[5] The duration over which turbidity and therefore sediment concentration rises and

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1 Minute 2 of the Expert Panel dated 6 October 2026 at paragraph [8].

2 The remaining assessments, for instance geotechnical and archaeology, address effects confined to the SW Pit footprint. Those effects do not depend on whether the Oparure Pit is operating at the same time.

3 Application, Appendix I – Water Assessment, at sections 4.0–4.3.

4 Application, Appendix I – Water Assessment, at section 2.7.2.

5 Application, Appendix I – Water Assessment, at section 2.7.2.

falls is also spread over a longer period.[6] Because the SW Pit is further from the springs than the Oparure Pit, the sediment is subject to a longer delay and the peak suspended sediment concentrations arising from each pit will arrive at the spring with offset timing.[7] Sediment produced from the SW Pit is also expected to arrive at Pōtea Spring over a longer duration, and the associated peak sediment concentration is expected to be lower as a result.[8] Discharges from SW Pit will also comprise finer grained particles due to the proposed sediment control measures, specifically the design of sediment retention ponds.[9] Combined with the progressive backfilling of the Oparure Pit, the sediment concentrations in the Mangawhitikau Stream while both pits are operating are expected to be no greater than current levels.[10]

(ii) *Load*: While both pits are operating, there may be a temporary increase in the total sediment load to the catchment. That increase is expected to be more than offset by the betterment measures. The water assessment concludes there would be, at worst, no net increase in sediment load.[11]

(b) The **air quality assessment** considered the cumulative dust effects of the Oparure Pit and the SW Pit operating together. It concluded that any measurable cumulative effect would be limited to a low-sensitivity area within the site between the two pits, and that off-site cumulative effects would be negligible.[12] The combined exposed area of the two pits may be slightly larger than the current Oparure Pit for a period. However, because production will remain similar and quarrying and backfilling are progressive, the assessment concludes that water demand for dust suppression is highly unlikely to increase

6 Application, Appendix I – Water Assessment, at sections 4.0–4.2.
7 Application, Appendix I – Water Assessment, at sections 4.0–4.2.
8 Application, Appendix I – Water Assessment, at page iv.
9 Application, Appendix I – Water Assessment, at page 31.
10 Application, Appendix I – Water Assessment, at page 31.
11 Application, Appendix I – Water Assessment, at page 32. Those betterment measures were also conservatively sized to offset all of the SW Pit's sediment on its own, without relying on any reduction from the Oparure Pit.
12 Application, Appendix L – Air Quality Assessment, at page iii and section 7.7.

from current levels and will remain well within the available water take capacity.[13]

(c) The **traffic assessment** anticipated that both pits would operate at the same time for a period and be serviced by the existing single vehicle access.[14] The assessment concludes that the road network has substantial spare capacity, and that traffic effects are at worst minor and acceptable.[15] The assessment also expects truck movements to and from the quarry will not significantly change from current levels.[16]

(d) The **noise modelling** predicted cumulative noise levels from activities in the SW Pit together with the simultaneous operation of noise sources within the Oparure Quarry, including the fixed processing plant, across the life of the SW Pit.[17] On that basis, the assessment concluded that the Project will readily comply with the permitted noise standards at all receivers that have not given written approval, and that noise and vibration effects will be less than minor.[18]

4. Active extraction from both pits is intended to overlap for a transitional period, as extraction moves progressively from the Oparure Pit to the SW Pit, and the Oparure Pit is closed.[19] The Applicant expects the main transition to take approximately five years, noting the Applicant will need to retain some operational flexibility, particularly during the initial stages of the SW Pit. The quarry produces three separate grades of limestone, and some blending of material from both pits may be needed to meet customer specifications until the SW Pit is well established. Accordingly, while the bulk of extraction is expected to have moved to the SW Pit within approximately five years, some extraction from the Oparure Pit may continue for up to 10 years.

5. Overburden from the SW Pit will be placed in the Oparure Pit for roughly the first 13 years of the SW Pit's development, before backfilling moves into

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13 Application, Appendix L – Air Quality Assessment, at page 35.

14 Application, Appendix N – Traffic Assessment, at section 5.1.

15 Application, Appendix N – Traffic Assessment, at section 7.

16 Application, Appendix N – Traffic Assessment, at page 28.

17 Application, Appendix M – Noise and Vibrations, at page 5-6.

18 The only receiver at which noise is predicted to exceed the permitted standards is 966 Oparure Road, and only in the evening and night-time periods. The owner and occupier of that property has given written approval for the Project.

19 As set out in the expert reports accompanying the Application, eg Appendix L – Air Quality Assessment, at page 22, and Appendix N – Traffic Assessment, at section 2.1.

worked-out parts of the SW Pit.[20] This overburden placement provides for rehabilitation of the Oparure Pit.[21]

Existing and sought water consents

6. No new water take is sought for the Application. All water used for dust suppression at the SW Pit will come from the Applicant's existing on-site supply, being:[22]

   (a) Stormwater that collects in the sediment and stormwater pond within the Oparure Quarry site. The Applicant is authorised under AUTH140823 to take up to 200 m³ per day of this water for dust suppression.

   (b) Groundwater from an on-site bore. The Applicant is authorised under AUTH142709 to take up to 100 m³ per day from this bore. The bore is primarily used for potable water and in the processing plant, but the water assessment concluded on average, around 58 m³ per day remains available to supplement the stormwater supply.

7. The stormwater pond is fed by rainfall runoff and by water from the truck wash and wheel wash areas, which is directed through sediment traps. Water is pumped from the pond around the site for dust suppression.[23]

8. The water permit sought for the SW Pit is for the use of water that has already been lawfully authorised under these existing consents, for dust suppression within the SW Pit and along the haul road.[24] In other words, the SW Pit will use the Applicant's existing water allocation more efficiently, across a larger area. The Application does not require any new allocation of water or any change to the existing take consents.[25]

9. The consents set out in paragraph 6 above were granted on 23 October 2019 and expire on 31 October 2039. The bore consent expires on 18 July 2058.

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20 Application Report, at page 48.

21 Application Report, at section 4.7-4.8.

22 Application, Appendix L – Air Quality Assessment, at section 9.1.1. The Applicant is also permitted under AUTH140690 for the damming, diversion and discharge of stormwater, and associated bed and soil disturbance, in connection with the Oparure Pit; it does not authorise any take of water.

23 Application, Appendix L – Air Quality Assessment, at section 9.1.1.

24 See Condition 1(a) of the Waikato Regional Council proposed condition set.

25 See Application Report at page 113.

10. The water permit sought for the SW Pit has a proposed duration of 35 years, and with the exception of the bore take, extends beyond the current expiry of the take consents. The Applicant intends to apply to renew the take consents before they expire.

11. Any replacement application would be assessed under the Waikato Regional Plan, which gives priority to the replacement of existing water takes.[26] When assessing a replacement application, the Council must have particular regard to whether an applicant has demonstrated a continued need for the volume sought, based on water use records, efficiency of use, compliance history and industry good practice, as well as the social and economic benefits of existing takes and the investment that relies on them.[27]

12. The Applicant has metered its stormwater pond take since October 2021.[28] Its recorded use is well within the consented volume, its supply is predominantly recycled site stormwater, and the SW Pit will make more efficient use of that existing allocation without any increase in current production rates.[29]

Waikato Regional Council

13. In Minute 2, the Panel asked Waikato Regional Council and Waitomo District Council (together, the "**Councils**") to list the experts who will comment in their section 53 responses. The Councils responded in a joint memorandum dated 8 October 2026.

14. The Applicant endorses that response, including the Councils' confirmation that no technical issues remain in contention, that there are no information gaps, and that the Application contains sufficient technical information for the Panel to assess it.

15. That position reflects the extensive engagement between the Applicant, the Councils and their experts that preceded the filing of the Application. As outlined at the Project Overview Conference, Graymont first applied for resource consent for the Project under the Resource Management Act 1991 in October 2022, following several years of engagement with Councils and other key stakeholders. While the Application is for a new pit, the Project is not new

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26 Waikato Regional Plan, Chapter 3.3.

27 Waikato Regional Plan, Chapter 3.3, policy 11(t).

28 Application, Appendix L – Air Quality Assessment, at section 9.1.1.

29 Application Report at page 43 and 113, and Appendix L – Air Quality Assessment, at section 9.1.1, Appendix U11 at section 4.1.

to the Councils, who have been closely involved, with their experts, in its development over several years.

DATED: 16 October 2026



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