

# Memo

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**TO** Emma Fahey, Permissions Advisor Department of Conservation (DOC)  
**CC** Jeremy Prebble, Barrister  
**FROM** Jade Wikaira, Wikaira Consulting  
**CC** Shalini Sanjeshni, Winstone Aggregates; Phernne Tancock, Barrister  
**DATE** 27 January 2026  
**KAUPAPA** FTAA S34 Completeness Decision – Belmont Quarry

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## 1 Purpose

- 1.1 This memorandum responds to the Department of Conservation’s section 34 completeness check for the Belmont Quarry Development land exchange application, lodged under section 33(1) of the Fast-track Approvals Act 2024 (the Act). DOC has confirmed that the application is complete and within scope for the purposes of section 34.
- 1.2 This response addresses three specific matters where DOC has indicated further information would assist with later decision making on the land exchange. These specific matters are:
- a) Clause 24, Schedule 6 requirements for information relating to habitat quality assessment for Lizards in the Southern Gully block;
  - b) Section 43(2) including the information requirement by section 13(4)(l); and
  - c) Section 42(2) including the anticipated commencement and completion dates for construction activities (where relevant) s13(4)(e).
- 1.3 All remaining matters will be provided to DOC by 26 February 2026.

## 2 Clause 24, Schedule 6 requirements

- 2.1 In relation to section 33 (1)(a), while DOC considers the application is complete, there are areas where further information will assist with later decisions on the land exchange. This includes:

### **Habitat quality assessment for Lizards in the Southern Gully block**

- 2.2 The DOC comment noted “there is no habitat quality assessment for Lizards in the Southern Gully block (Appendix B1, Figure 46)”.

### **Response**

- 2.3 This information was provided as part of the land exchange application including an assessment of lizard habitat quality in the Southern Gully **Figure 5** and **Table 3** of the Blueprint Ecology memo. The lizard habitat quality is outlined as follows:
- Seral forest, Moderate quality, over 2.26 ha.

- Gorse and rank grass, Low quality over 1.37 ha
- Total area = 3.63 ha.

### 3 Section 43(2) requirements

#### Section 13(4)(l)

- 3.1 The land exchange application contains the following paragraphs, which include a summary of the principles of the Treaty settlements:
- Para 7.13: “The Port Nicholson Block (Taranaki Whānui ki Te Upoko o Te Ika) Claims Settlement Act 2009 provides redress for historical breaches of the Treaty of Waitangi across the wider Wellington region. It acknowledges the deep cultural connection Taranaki Whānui holds with the Hutt Valley and associated landscapes.”
  - Para 7.17: “The Ngāti Toa Rangatira Claims Settlement Act 2014 provides redress for historical Treaty breaches and recognises Ngāti Toa’s enduring relationship with the Hutt Valley and wider Wellington region.”
- 3.2 The paragraphs set out above capture that the key provisions and principles of the Treaty settlements include redress for historic Treaty breaches and acknowledgement of the relationship or cultural connection of Taranaki Whānui and Ngāti Toa to the whenua.
- 3.3 There are no statutory sections in the Taranaki Whānui and Ngāti Toa settlement legislation that list any “principles” of the settlements, they have no principles clauses. Winstone is reluctant to provide a more detailed summary of the “principles” as there is a concern risk of any summary mischaracterizing or omitting some principle(s) of the settlement legislation or omitting important features.
- 3.4 We note that other applications have been processed with a similar high level of commentary about the “relevant principles” of Treaty settlements. For example, Ports of Auckland’s successful application for resource consents to extend the Bledisloe Wharf had two short paragraphs that simply stated that the relevant Treaty settlement legislation required resource consent applications for activities in certain areas to be provided to Ngāi Tai ki Tāmaki or Ngāti Tamaoho, and that those Treaty partners had been given details of the port project.<sup>1</sup>
- 3.5 Winstone will continue to engage with mana whenua in the manner already established for the land exchange application. Should engagement identify any additional matters that warrant clarification or further articulation of Treaty settlement principles for the purposes of the land exchange, this information will be provided to the Department.

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<sup>1</sup> [Ports of Auckland “Substantive application for the Bledisloe North Wharf and Fergusson North Berth Extension” \(March 2025\)](#) at paragraphs 12.4 and 12.5. The applicant’s [referral application](#) contained the same information.

### **Section 13(4)(e)**

- 3.6 In relation to section 13(4)(e) the only construction activity that is potentially relevant to the land exchange application is the boundary fence construction, and that this will be completed within the two-year lapse period (see the Land exchange application for Belmont at page 92). That automatically applies under s 86(2) FTTA. The land exchange application is essentially providing for a transfer of land, rather than a construction project.