

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 fish passage approvals under the FTAA by Winstone Aggregates for the **Hunua Quarry Development**

**MEMORANDUM OF COUNSEL ON BEHALF OF THE APPLICANT IN
RESPONSE TO COMMENTS**

18 August 2026

**PHERNNE
TANCOCK**

Duncan Ballinger/Aidan Cameron

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

MAY IT PLEASE THE PANEL:

1. We act for Winstone Aggregates (**Applicant**) in relation to its substantive application for the Hunua Quarry Development (**the Project**).
2. This memorandum provides legal submissions and describes how the Applicant has responded to:
 - (a) Section 51 Reports including:
 - i. Department of Conservation (**DOC**): Fast Track Approval's Report (dated July 2026) in relation to the Wildlife permit.
 - ii. Fast-track Approvals Act: Complex freshwater fisheries activity approval report (dated July 2026) and supporting technical advice.
 - iii. Heritage New Zealand (**HNZHPT**): Fast Track Approvals Act report for the Hunua Quarry Development dated 28 July 2026. Including suggested approval terms for an approved person and permit terms. (section 51(2)(d) FTAA).
 - (b) Comments received in relation to the Project under section 53;
 - (c) The Panel's further requests in Minutes 4 and 5.
3. It also provides an update on draft conditions and further engagement between the parties.
4. These submissions should be read together with the opening legal submissions presented by the Applicant at the Panel Briefing on [8] July 2026.

DEPARTMENT OF CONSERVATION

Wildlife Permit - Section 51 Report

5. DOC's section 51(2)(c) Report on the Wildlife Act approval concludes that, subject to recommended conditions, the proposed activities are broadly consistent with the Wildlife Act.
6. DOC expressed concerns about the suitability of the Applicant's proposed lizard relocation site (Hunua Ranges Regional Park). There was no issue with the proposed capture of lizards at Hunua Quarry as part of the development, but during post-lodgement engagement, DOC proposed an alternative lizard release site, at Tiritiri Matangi Island, which in the Director's view, was preferable to the Applicant's proposed Hunua Ranges release site for elegant geckos.
7. The Applicant is agreeable to using Tiritiri Matangi as a release site and has amended its Wildlife Application and Lizard Management Plan to allow the Panel to consider both Tiritiri Matangi and the Hunua Ranges as potential relocation sites. We submit there is scope for the proposed relocation to Tiritiri Matangi, if the Panel agrees with the Director's

preference.¹ As the High Court has recently held, the FTAA envisages that projects will be modified as they progress, including as influenced by consultation.² No further approvals are necessary to facilitate the change in release site.

8. The Applicant considers that both the Hunua Ranges release site (initially proposed) and Tiritiri Matangi are suitable release sites but notes the Director-General's preference for Tiritiri Matangi for elegant geckos. Previous lizards from Hunua Quarry have been released to Tiritiri Matangi, and the Applicant has no objection to this site being used.
9. DOC has informed and sought the views of Tiritiri Matangi: Ngāti Manuhiri; Te Kawerau ā Maki; and Te Patukirikiri, who have a particular interest in lizard relocation on the island in July. Counsel has inquired with DOC this afternoon and confirmed that no response has been received to date.
10. The Applicant has provided minor amendments to the permit and conditions/LMP in response to DOC's section 51 report. There is a high level of agreement with DOC on the Wildlife Authority conditions and the Lizard Management Plan.

Complex Freshwater Fisheries Application -Section 51 Report

11. DOC also provided a report under section 51(2)(e) in relation to the approvals sought for:
 - (a) Dispensation from provision of fish passage through two culverts;
 - (b) The diversion of 1200m of a tributary of the Mangapū stream;
 - (c) The construction of two culverts as part of the Stage 2 haul road; and
 - (d) An associated approval for fish salvage and relocation is also sought under s26ZM Conservation Act 1987.
12. DOC considered that the risks to freshwater values and habitat in relation to freshwater fisheries habitat in tributary 1 can be adequately managed.
13. However, the Report identified that there was insufficient information about:
 - (a) The stream extent and habitat in tributaries 3 and 4;
 - (b) The presence of short-jaw Kokopu (to determine its presence);
 - (c) The timing of the loss of tributaries 3 and 4 in relation to fish passage, which DOC considered necessary to assess the values impacted by blocking fish passage into the tributaries.

¹ Applying the rationale in *Sutton v Moule* (1992) 2 NZRMA 41 (CA) at 46, and the focus on substance over form when considering applications of this nature.

² *Jones v Environmental Protection Agency* [2026] NZHC 1872 at [37], noting that (at the time of writing) leave to appeal had been sought from the Supreme Court.

14. The Applicant accepts that the application could have been clearer about the timing and impeding of fish passage for the culvert (at stage 2) and removal of the remainder of tributaries 3 and 4 (in circa years 43 -73 as part of stage 7). To clear up any confusion, it has provided a comprehensive response to those issues in the technical, ecological and planning memoranda filed.
15. By way of summary, in response to comments, the Applicant confirms that:
- (a) It intends to re-design the stage 2 culvert for Tributary 3 to provide for fish passage (predominantly eels) in response to DOC's concerns; - offset for loss of tributary 4 has been factored into the stage 2 offset.
 - (b) Apart from culverting works, tributaries 3 and 4 will not be reclaimed until stage 7 (circa years 43 - 73). Those approvals are outside the maximum duration that the Panel can approve and will be subject to a future consenting process.
 - (c) The stream survey work identified by DOC, Auckland Council (and the Panel in Minute 4) as being important has also been completed, confirming both their extent and values of tributaries 3 and 4.
 - (d) No short-jaw Kokupu were identified by night spotlighting
 - (e) eDNA survey results are expected by Friday 21 August 2026.
16. This information forms part of the technical response from the Applicant's freshwater ecologist, PDP, and further planning response from Boffa Miskell.

Section 26ZM(2)(a)

17. Finally, under this heading the Applicant also sought approval under section 42(4)(j) FTAA for an approval otherwise provided for under section 26ZM(2)(a) of the Conservation Act (the movement of aquatic life between locations where the species already exists). DOC's report at para 6.6 notes:

"Approval for associated fish salvage and relocation activities is also sought (under s26ZM of the Conservation Act 1987) as provided for in the amended section 42(4)(j) FTAA. DOC's view is that permission is not required under the FTAA for relocation activities as the application does not include the transfer of aquatic life to a new location where the species does not already exist pursuant to s26ZM(3) of the Conservation Act 1987."

(emphasis added)

18. DOC may have completed its assessment based on the wrong section. The Applicant sought approval under s 26ZM(2)(a), for the movement of aquatic life between locations *where the species already exists* as a precaution (in case it was needed given its intention to remove (and return) fish to the same tributary). It did not seek approval under s 26ZM(3)(a) for

the transfer of aquatic life to a new location where the species *does not already exist*. As a result, the Panel may need to seek further advice from DOC on this approval pursuant to its powers under s 67(1)(a)(iii).

HERITAGE NEW ZEALAND POUHERE TAONGA -Section 51 Report

19. The NZHPT Report recommends that the archaeological authority be granted with conditions. NZHPT proposed minor amendments to the archaeological management plan (“**AMP**”), which the Applicant accepted. Updated documentation has been provided, which has been accepted by NZHPT.
20. In response to an invitation to comment, Te Ākitai Waiohūa does not “*support reliance on the NZHPT (sic) process*” and seeks that AMPs be prepared in stages and provided to Te Ākitai Waiohūa for review and feedback prior to approval.
21. The Applicant acknowledges the concerns held by Te Ākitai. However, we submit that:
 - (a) The requested relief is inconsistent with the statutory framework for decision-making under Schedule 8 of the Act, in the context of the application as it stands which anticipates the approval of the Draft AMP at the same time as the authority; and
 - (b) The request needs to be considered in the context of the application itself, which is being sought on a precautionary basis and in the absence of any recorded archaeological sites associated with pre-1900 human activity.
22. Under cl 5 of Sch 8 of the Act, the Panel may impose conditions on an archaeological authority. These include the condition agreed between NZHPT and the Applicant that all works must be undertaken in accordance with the AMP prepared by Clough Associates.
23. Unlike the management plan conditions sought to be imposed on the resource consent, NZHPT does not have a role in certifying the AMP. The final form of the AMP is fixed by the Panel under proposed condition #2 and can only be amended through submitting updated AMPs post-approval to NZHPT for its written approval. There is no feedback loop for the AMP, and the requested amendment is not necessary to address the potential effects on archaeological sites within the area of the proposed stream reclamation.
24. For this reason, the Draft AMP under Schedule 9 is not identified in the list of management plans which are reviewed by the Kaitiaki Forum under draft condition 15(c) of the RMA approvals. Those conditions only relate to the review of the relevant management plans prepared in support of the RMA approvals.
25. Proposed condition #4 to the archaeological authority provides that any archaeological work must be undertaken in conformity with any tikanga Māori protocols agreed between the Applicant and (inter alia) Te Ākitai Waiohūa. The condition also allows for tikanga protocols to be undertaken (including access), as well as information in relation to the discovery of

potential taonga tūturu or kōiwi tangata. In our submission, the proposed condition adequately addresses the matters of concern to Te Ākitai, such that providing for further review of the AMP (prior to works commencing) is not necessary.

COMMENTS RECEIVED

26. The substantive application received comments from 15 parties out of 139 parties invited.
27. The substantive application received generally supportive comments from:
 - (a) The Minister of Infrastructure;
 - (b) The Minister of Climate Change;
 - (c) The Minister of Resources;
 - (d) Heritage New Zealand Pouhere Taonga; and
 - (e) Auckland Conservation Board.
28. And the following technical aspects from Auckland Council:
 - (a) Development Engineer and Geotech;
 - (b) Economics;
 - (c) Policy Planner;
 - (d) Watercare Services Ltd;
 - (e) Contaminated Soils;
 - (f) Parks Planning;
 - (g) Stormwater;
 - (h) Archaeology;
 - (i) Franklin Local Board;
 - (j) Groundwater and dewatering;
 - (k) Traffic Engineering;
 - (l) Air Quality;
 - (m) Noise and Vibration; and
 - (n) Regional earthworks
29. Many other commenting parties have raised concerns with aspects of the proposal and suggested conditions that may help to mitigate those

concerns. The Applicant is grateful for the comments received and anticipates that these parties would be neutral towards the project if those concerns and proposed conditions were addressed.

30. A relatively small number of comments come from parties who are more strongly opposed to the project.
31. The Applicant has responded to most comments received, including with technical memoranda from necessary experts (where elaboration is required). The Applicant has also included a corporate response. In preparing the responses, while the Applicant has been responsive to the comments made, not every comment has been addressed; responses have been provided where they raise a matter that warrants a response.
32. In preparing those responses, the Applicant has worked with a team of experts to finalise the table; those experts are:
 - (a) Landscape and visual; (*Boffa Miskell*)
 - (b) Transport;(*Commute*)
 - (c) Groundwater;(*PDP*)
 - (d) Flooding & Stream diversion;(*PDP*)
 - (e) Ecology;(*Boffa Miskell*)
 - (f) Cultural and iwi engagement;(*Wikaria Consulting*)
 - (g) Acoustic and Vibration; (*Styles Group*)
 - (h) Planning (*Boffa Miskell*)

Legal response

33. Several matters raised require further legal comment. These are discussed further below.

Visually impacted properties

34. A number of residents³ sought visual assessments at their properties to better understand the effects. Desktop analyses have been provided, within the time allowed; however, the Applicant and its landscape architects will visit the properties to undertake those assessments and consider how visual mitigation could be provided.
35. Commentors were also critical of the *Augier* condition to undertake planting plan assessments on properties with a moderate to high level of visual effect to mitigate those effects. These needed to be volunteered

³ 736 Ponga Road, 52 Ponga Road and 52 and 68 Judge Richardson Drive.

because they are beyond the Panel's jurisdiction to impose, as they require third-party property/permissions.⁴

36. The volunteered condition is intended to provide a clear and unequivocal undertaking⁵ to residents that the Panel is entitled to rely upon, impose as a condition, and which can be enforced.

Outstanding areas of disagreement

37. The Applicant notes there are several outstanding areas of continued disagreement from commentators in respect of:
- (a) The need for a cost-benefit analysis;
 - (b) The need for upgrades to a corner of Hunua Road;
 - (c) Ecology – sufficiency of the offset and uncertainty surrounding the stream diversion and residual effects;
 - (d) Fish Passage;
 - (e) Cultural effects; and
 - (f) Further information.
38. The Auckland Council's and DOC's responses have also helpfully sought to set out areas where further information is required and/or amendments to conditions. Where the Applicant considers those requests are reasonable, that information has been provided now, or an explanation provided as to why it is not needed, (rather than waiting for the Panel to issue a s67 request for information). We address outstanding issues below.

The nature of the economic assessment required — cost-benefit analysis or input-output analysis?

39. In the economic comments provided by Auckland Council, issue is taken with the lack of quantification of environmental impacts. We submit that, rather than requiring a full cost-benefit analysis, what the FTAA requires is that the economic assessment fairly accounts for any economic disbenefits, so that the benefits relied upon are not overstated.
40. That position now appears to be increasingly well-established and settled by other Panel decisions. In its decision on the Point development at Mission Bay, the Panel there confirmed:
- (a) Comprehensive cost-benefit analysis is not required;⁶

⁴ See for example *McKay v North Shore City Council* EnvC W146/1995 (where conditions sought to impose restrictions on third parties were found to be ultra vires and unenforceable.)

⁵ See *Frasers Papamoa Ltd v Tauranga City Council* [2010] 2 NZLR 202.

⁶ Relying on the decisions of other Expert Panels in Maitahi Village (18 September 2025), Rangitootuni (27 November 2025) and Ashbourne (21 April 2026).

- (b) For the purpose of determining the benefits of a project, the focus should be on gross, rather than net benefits, as to do otherwise risks double counting of adverse impacts and conflating the s 81(4) assessment with the s 85(3) weighing exercise;⁷ and
 - (c) Disbenefits (as opposed to adverse impacts) that can be identified and quantified should be taken into account in identifying the true scale of economic benefits.⁸
41. While the *Sunfield* Panel identified the limits of input-output modelling, and its tendency to overstate gross economic effects through a range of assumptions,⁹ those comments do not apply with the same force here. At the core of the Applicant's economic assessment is an avoided costs analysis, identifying those costs that would be incurred if aggregate was required to be trucked into the region from neighbouring Northland or Waikato-based quarries. That same analysis was accepted by the Expert Panel in the *Drury Quarry Expansion – Sutton Block* decision.
42. The economic analysis undertaken by Market Economics has adopted that orthodoxy. Importantly, while the peer review undertaken by Auckland Council asserts that it would have been "*relatively straightforward*" to quantify some of the externalities associated with the project, quantified costs would be "*modest and unlikely to outweigh the estimated benefits.*" We submit that this is not one of those rare cases where a more detailed cost-benefit analysis would assist the Panel in determining whether the relevant statutory tests are met, and the Panel can have confidence that, despite their differences, the economists agree that the project will have substantive regional and national benefits.

Cultural effects

43. Auckland Council has expressed some concern about the incomplete nature of consultation with interested iwi groups to date and have completed a proportionality assessment on cultural effects as part of its feedback noting that the Applicant has not completed consultation with iwi groups (as it is ongoing) and that there is inadequate information to allow an effects or necessary determination of the necessary management/mitigation measures or scale of those effects to be undertaken.¹⁰
44. At the same time, the Council's planning memo also states that the information provided to date from mana whenua groups is comprehensive and provides a good understanding of the cultural values as they relate to the site and scope of proposed works. The Council's planning memo notes an understanding that there are no fundamental issues that have been raised by mana whenua with the application in its current form (paras 141–142).

⁷ Ayrburn Film Hub (14 April 2026) at [158]-[161].

⁸ Ibid at [161].

⁹ Sunfield at [529] and [538].

¹⁰ Memorandum of Planning matters for Auckland Council dated 11 August 2026 at [145] at page 31.

45. The Applicant considers that the information before the panel about cultural effects is more than sufficient to reach a decision. Consultation has been extensive. The Panel have minutes, hui, workshop feedback and Cultural Values Assessments and memoranda and section 53 comments from:
- i. Ngāti Tamaoho (cultural memorandum).
 - ii. Te Ākitai Waiohua (CVA 2024 and CVA Addendum dated 30 March 2026 and s53 comment).
 - iii. Ngāti Te Ata (cultural memorandum dated March 2026).
 - iv. Ngaati Whanaunga (CVA 8 April 2026); and
 - v. Te Whakakitenga o Waikato Inc (s53 comment).
46. A CVA was received by the Applicant from Ngaati Whanaunga post lodgement. The Applicant has recently become aware that this was not forwarded to the EPA as intended so a copy is therefore included as part of the Applicant's s55 Comment Report at **Appendix 17**.
47. The consultation with iwi groups on the proposal has been extensive and is detailed in the Iwi Engagement Report. A further update on post-lodgement consultation is provided by way of a corporate response from the Applicant.
48. Only two of the 13 iwi parties invited to comment responded to the Panel's invitation during the Panel period. These parties were Te Ākitai Waiohua Settlement Trust (representing the views of Te Ākitai Waiohua and its kaitiaki organisations) and Te Whakakitenga o Waikato Incorporated (Waikato-Tainui).
49. Te Ākitai Waiohua Settlement Trust's comments referred to the previous cultural values assessment and addendum provided by that iwi and acknowledges the engagement of its kaitiaki team on the project with the Applicant. It also provides Te Ākitai Waiohua's comments on the additional landscape and visual assessment in respect of Pukekōiwiriki Pa, (requested via the CVA and undertaken by the Applicant post-lodgement).
50. Waikato-Tainui acknowledged the Applicant's assessment of cultural values and the various measures proposed to respond to the matters raised by mana whenua, and that engagement with mana whenua remains ongoing. It supported the matters raised by other mana whenua, which it expects to be appropriately recognised and addressed through the assessment, conditions and ongoing management of the Project.
51. As to the other mana whenua parties invited to comment, the absence of comments in response provides reasonable comfort that the Applicant's approach to consultation and Treaty settlement obligations is appropriate. The Applicant notes that there is no obligation on invited parties to provide comments in response to a section 53 invitation.
52. Many of the invited iwi parties have engaged directly with the Applicant – some have opted to provide information that they have requested be made

available to the Panel (but not be made publicly available to other parties). It is submitted that the application material (including CVAs, memoranda, and hui minutes) provides the Panel with a good understanding of the cultural effects of the proposal, and in our submission more than sufficient information about cultural effects for the Panel to make a decision.

53. The nub of Auckland Council's concern about cultural effects appears to be the statements by the Applicant and mana whenua parties about consultation being ongoing (and therefore "not complete"). The ongoing nature of consultation reflects that the Applicant intends to continue to engage with mana whenua during the fast-track application process, and that mana whenua have opportunity to comment both through the formal EPA process and directly with the Applicant on a less formal basis. This does not mean there is inadequate information to assess cultural effects and the necessary management and mitigation measures.

Proposed condition requiring roading upgrades

54. Auckland Transport (**AT**) and Auckland Transport Traffic Engineers have provided comments on the traffic effects of the proposal and seeks a condition requiring the Applicant to upgrade Hunua Road at a bend approximately 1 kilometre to the west of the subject site (via benching).
55. The expert opinion of Mr Hills, the Applicant's traffic engineer, is that the condition is not necessary or appropriate to mitigate the effects of the proposed activities, as it does not relate to an effect of the activity for which consent is sought, and will not address the cause of the alleged effects (i.e. vehicles crossing the centreline).
56. Mr Hills has assessed crash risks associated with truck movements from the quarry and completed an intervisibility assessment of the sight lines, which are within acceptable limits, and considers that no further mitigation is required. There is, in our submission, no direct connection between the alleged effect and the activity. Therefore, the requested condition does not comply with section 108AA of the RMA and cannot be imposed.
57. In addition to section 108AA, which requires conditions that are "directly connected to ... an adverse effect of the activity on the environment", or "an applicable district or regional rule" case law further establishes that conditions must not rely on third parties,¹¹ must be for a resource management purpose (not an ulterior one), and must fairly and reasonably relate to the consented development.¹²
58. Section 83 of the FTAA¹³ sets a further requirement that when exercising a discretion to set a condition under the Act, a Panel must not set a condition that is more onerous than necessary to address the reason for which it is set, in accordance with the provision of the Act that confers the discretion. "Onerous" is not defined by the FTAA, but its ordinary meaning is "burdensome" or involving heavy obligations.¹⁴

¹¹ *McKays v North Shore City Council* EnvC W146/1995 NZLR 149.

¹² *Waitakere City Council v Estate Homes Limited* [2007] 2 NZLR.

¹³ Which is relevant, by dint of s 81(2)(d).

¹⁴ *Haldon Solar Farm* (10 August 2026) at [125].

59. The recommended upgrade works (and associated conditions) requested by AT and its Transport Engineers fail these tests and also fail the section 83 requirement. As Mr Hills confirms the proposed benching would likely involve extensive works on the inside of the corner (including works on private property) which, importantly, does not address the actual cause of the crashes.
60. Notwithstanding the lack of an effects basis, the Applicant has offered (as an *Augier* condition) to install rumble strips along the centreline of the corner, to discourage drivers from crossing the centreline.

Ecology

61. The Applicant strongly disagrees with the views of Auckland Council, DOC and other submitters that:
- (a) The ecological offset and compensation offered for the project is inadequate;
 - (b) There are potentially unresolved effects of concern in this regard;
 - (c) As a result, the full adverse effects of the proposal are not properly addressed in accordance with the effects hierarchy and statutory framework¹⁵; and
 - (d) There is potential for residual effects, but insufficient information exists to confirm the scale of these effects.
62. The key remaining areas of disagreement relate to differences of technical opinion as to the level of information required to assess the effects, uncertainty and the appropriateness of the conditions to manage those effects.
63. The Applicant's ecology experts have provided a full and detailed technical response to those concerns, many of which are not supported on the evidence and/or seek a level of information detail that is unnecessary, and in the view of the Applicant's experts would not substantially alter the outcome.
64. While every effort has been made to provide information in response to these concerns (where it is considered helpful to the Panel and is proportionate to the potential effect), and clarify aspects of the proposal, the Applicant considers that the application material provides the Panel with a good understanding of the ecological effects of the proposal, and many of the matters raised are capable of through the proposed conditions which are designed to secure outcomes commensurate with the project's effects. Amendments to the draft conditions have been recommended in response to some of the matters raised.
65. The Applicant remains of the view that the offset package is robust, has been developed using best practice, is sufficiently certain, and appropriately avoids, mitigates, remedies, offsets or compensates for the

¹⁵ Memorandum of Planning matters for Auckland Council dated 11 August 2026, at 177 bullet point 2 and page 30 point 2.

proposal's environmental effects. Although not strictly required under the statutory framework of the FTAA, it satisfies the effects management hierarchy, avoids the loss of river extent and values to the extent practicable, and will deliver an overall net ecological benefit.

Intended post - comment engagement

66. The Panel has asked for an indication as to the extent of post-comment engagement the Applicant intends to undertake and the timing of that:

- (a) Engagement with Ngāti Tamaho and Te Akitai (and other iwi) will continue throughout the process. The Applicant will endeavour to keep the Panel updated with any developments; and
- (b) Te Akitai and Waikato - Tainui have both provided comments under section 53 and have expressed an interest in being involved in condition development as part of this process; the Applicant intends to seek their views on the wording of the following proposed draft conditions:

- i. Kaitiaki Forum (conditions 14- 19);
- ii. Management plan review process (conditions);
- iii. Cultural Values and Cultural Management Plan (condition 33);

Input into these conditions at an early stage is preferable, to allow the Panel to consider these parties' views when preparing draft conditions.

- (c) DOC has made efforts have been made to contact Ngāti Manuhiri; Te Kawerau ā Maki; and Te Patukirikiri in respect of DOC's proposed lizard relocation at Tiritiri Matangi (in conjunction with DOC). DOC have confirmed that no response has been received to date; a further update will be made if a response is received.
- (d) DOC on the complex freshwater fisheries proposals (discussions with the ecologists are underway on fish passage and effects of culverts and are expected to continue over the coming week).
- (e) DOC on comments received as part of its section 53 invitation, primarily relating to ecology (over the coming week);
- (f) Auckland Council on the following discrete topics:
 - i. Ecology including the terrestrial and aquatic offset arising from the Applicant's response to Councils and DOC's technical review / further requested information being provided;
 - ii. whether the information now provided and proposed conditions resolve any ongoing uncertainty about the stream relocation achieving equivalent values;
 - iii. Cultural values –considering the information received;

iv. Draft Conditions.

67. The Applicant does not intend at this stage to undertake further engagement with AT regarding the Hunua Road corner upgrade. This has been the subject of multiple technical memoranda and expert meetings since February but regrettably remains unresolved. The parties' positions are clear. Further discussion will be held with the Council planner, who identified a desire to receive planning and legal comment from the Applicant on this issue before confirming its position. However, the Panel may ultimately need to determine the matter.

Revised draft conditions

68. A number of amendments have been made to the draft conditions based on the Panel's recent direction in Minutes 4 and 5 and response to comments and section 51 Reports. A new set recording the basis for the change has been provided.

Further information

69. Once the Panel has completed an initial review of the material filed today, the Applicant would be happy to attend a teleconference to discuss whether any further technical information is required, what form would be most helpful, and any other steps the Panel considers necessary. Counsel notes that Ms Burns has provided a tentative date, but this has not yet been confirmed.

Concluding comment

70. The Applicant has been responsive to comments received and is grateful for the constructive approach taken by those who have provided comments.
71. The Applicant has carefully considered those comments and the matters raised and has comprehensively addressed these in its response. Where necessary, it has been receptive to revising conditions to address matters of concern, improve the draft conditions, and provide an additional level of comfort that the effects of the Hunua Quarry Development are appropriately managed.



P TANCOCK/D BALLINGER/A CAMERON
Counsel for the Applicant

Dated 18 August 2026