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 IN ACCORDANCE WITH MINUTE 10 – APPLICANT FEEDBACK ON DRAFT CONDITIONS

29 September 2026

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MAY IT PLEASE THE PANEL:

1. Counsel for the Applicant is grateful to the Panel for its carefully considered and detailed draft decision and draft conditions dated 22 September 2026.

2. In accordance with Minute 10 and paragraph 81 of the draft decision, the Panel invited an initial response from the Applicant on the draft conditions in tabular form. That is set out in **Schedule 1.** The Applicant largely supports the draft decision and draft conditions. Their response is aimed at:

    a. clarifications to ensure the operational workability of the draft conditions;

    b. tidying drafting errors/inconsistencies with the decision;

    c. making minor amendments to align various aspects of the consent; and

    d. correcting factual errors.

3. In Minute 10 (paragraph 4) and the draft decision (paragraph 81) the Panel also noted that:

    > "No substantive comments are sought (or can be made) on the draft decision, apart from the Ministers above, but grammar/drafting errors, technical interpretation errors or legal errors may be noted (and if so ideally provided to us in tabular form)."

4. **Schedule 2** contains a table containing some relatively minor matters noted in counsel's review of the draft decision that the Panel may wish to consider when drafting the final decision.

5. An updated Schedule A to the conditions is also provided, in the form requested by the Panel.



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P TANCOCK
Counsel for the Applicant

Dated 29th September 2026

Schedule 1

Table of condition changes

Based on Draft Decision version of conditions dated 22nd September 2026.

Any conditions not included in the table below are accepted by Winstone as drafted and are not subject to further comment or changes.

A new Schedule A has been provided as a separate attachment.

Condition number	Condition as per draft decision	Changes sought by Winstone	Reasons
Key Project terms	Offset and Compensation Sites: Is the land identified as "potential offset sites" on plan "Offset/Compensation Site Locations" prepared by Boffa Miskell Limited at **Appendix B12.4.5** Ecological Assessment. Refer to Figure 3 of Schedule A to the conditions.	Winstone seeks to amend the definition of the key project term 'Offset/Compensation Site Locations' to refer to 'offset sites' Offset and Compensation Sites: Is the land identified as "~~potential~~ offset sites" on plan "Offset/Compensation Site Locations" prepared by Boffa Miskell Limited at **Appendix B12.4.5** Ecological Assessment. Refer to Figure 3 of Schedule A to the conditions.	The offset and compensation sites are not actually proposed.
1	(a) the information submitted with the Application (including updates to the Application documents dated 28 April, 22 June and 17 July 2026); (c) the Consent Holder's responses to section 51 FTAA reports and comments received in relation to the Project dated 27 and 28 July 2026; and (d) the Consent Holder's responses to the section 51 Reports, the section 53 comments, and to the Panel dated 24 August, 11 September and 15 September 2026.	(a) the information submitted with the Application (including updates to the Application documents dated 28 April, 22 June, 6 July and 17 July 2026); (c) the Consent Holder's responses dated 18 August 2026 to ~~section~~ 51 ~~FTAA reports~~ and s53 comments received in relation to the Project ~~dated 27 and 28 July 2026~~; and (d) the Consent Holder's responses to the Panel on 24 August, 26 August, 1 September, 3 September, 10 September, 11 September and 15 September 2026. ~~section 51 Reports, the section 53 comments, and to the Panel dated 24 August, 11 September and 15 September 2026.~~	Request by the Panel to ensure these conditions clauses are correct. All Winstone's comments and changes to conditions were referenced in a s55 report provided to the Panel on 18th August 2026. Conditions 1(a) and (d) have been updated to capture the additional information provided by the Applicant. To the extent that Minute 10 was seeking confirmation as to the final versions of the various documents relied upon, we can confirm that the material in Condition 1(b) is correct with the exception of the Lizard Management Plan which is now dated 29 September 2026 (see below for further explanation of changes).

<table>
<tr><th>Condition number</th><th>Condition as per draft decision</th><th>Changes sought by Winstone</th><th>Reasons</th></tr>
<tr><td>26</td><td>Table 1: Management and Monitoring Plan submission timeframes<table><tr><th>Management or Monitoring Plan</th><th>Condition reference</th><th>Submission timeframe to AC for certification / information purposes</th></tr><tr><td>Lizard Management Plan (LMP)</td><td>63 to 64</td><td>20 working days prior to commencement of Construction works</td></tr></table></td><td>Winstone seek to amend Take 1 as follows:<table><tr><th>Management or Monitoring Plan</th><th>Condition reference</th><th>Submission timeframe to AC for certification / information purposes</th></tr><tr><td>Lizard Management Plan (LMP)</td><td>63 to 64</td><td>20 working days prior to commencement of Construction works:
<u>where Conditions 30 to 32 apply and certification by Council is required; or</u>
<u>otherwise as approved by Condition 1(d) of this consent is provided for the purposes of information only.</u></td></tr></table></td><td>As per Paragraph 667 and the list of appendices, the Panel is approving the Lizard Management Plan as part of granting the Wildlife Act Authority, recognising that the LMP is also applicable to the resource consents. This needs to recognised in Table 2.</td></tr>
<tr><td>15</td><td>The purpose of the Kaitiaki Forum is to:
(a) identify mana whenua communication and liaison procedures to be included in the QMP under Condition 39(i);
(b) facilitate feedback to the Consent Holder on detailed design plans;
(c) facilitate feedback to the Consent Holder on the maintenance requirements associated with completed infrastructure authorised by this consent;
(d) facilitate feedback to the Consent Holder to inform the preparation of any of the Monitoring or Management plans required by the conditions of this consent;
(e) facilitate ongoing cultural and environmental engagement on any other matters relating to the Project;
(f) assist with the preparation of a Cultural Management Plan in accordance with Condition 35;
(g) facilitate discussions of opportunities for tikanga and cultural monitoring and opportunities for cultural and ecological enhancement where appropriate;
(h) facilitate opportunities to participate in landscape and natural character planting where appropriate;
(i) enable hapū with mana whenua and the Consent Holder to work collaboratively and constructively in relation to the Project;
(j) facilitate involvement of mana whenua at agreed key stages of the stream realignment and restoration process;
(k) enable Kaitiaki Forum members to inform individual hapū organisations, entities and/or constituents in relation to the Project; and
(l) facilitate the appropriate tikanga and kawa (customary practices and protocols) being applied throughout the design, construction, and operation of the Project.</td><td>Winstone seeks to include the following Advice Note:

<u>15A: For the avoidance of doubt, the scope of the Kaitiaki Forum is an advisory and consultative forum to:</u>
<u>facilitate the exchange of information between the Consent Holder and the members of Kaitiaki Forum and</u>
<u>for the Consent Holder to receive and take into account feedback from the members of Kaitiaki Forum.</u></td><td>The Advice Note that reflects the one applied to the CLG to ensure it is clear that, whilst holding an important role in the development of the quarry, the purpose of the Kaitiaki Forum differs from that of Auckland Council and it does not hold an approval or certification function.</td></tr>
<tr><td>27</td><td>Where any condition(s) requires the Consent Holder to submit a Management or Monitoring Plan to the Council for "certification", (including full or partial certification in accordance with Conditions 23 – 27, and amended certified or approved Management or Monitoring Plans in accordance with Condition 30), it</td><td>Winstone seeks to strengthen Condition 27(b) as follows:

(b)The certification process must be confined to confirming that the Management or Monitoring Plan gives effect to its objective, complies with the information requirements, and will achieve any performance standards specified in these condition(s). <u>Certification does not constitute a reconsideration</u></td><td>Winstone wants to ensure that it is clear the certification process is not an opportunity to relitigate matters.</td></tr>
</table>

Condition number	Condition as per draft decision	Changes sought by Winstone	Reasons
	means the process set out in the following paragraphs (a) to (b) and the terms "certify" and "certified" have the equivalent meanings: (a) The Consent Holder submits the Management or Monitoring Plan to the Council, and the Council technically assesses the documentation submitted; and (b) The certification process must be confined to confirming that the Management or Monitoring Plan gives effect to its objective, complies with the information requirements, and will achieve any performance standards specified in these condition(s).	of the merits of the consent or approval of matters outside the scope of those conditions.	
37A	The CMP records the engagement undertaken by the consent holder with mw in preparing the CMP.	The CMP records the engagement undertaken by the consent holder with mana whenua in preparing the CMP.	The amendment is required to provide clarity.
49	The AQMP must include:…	Winstone seeks to include the following Advice Note: 49A: An AQMP was provided as part of the application package (Appendix B12.8.1) and approved as part of this consent (refer Condition 26 Table 2)). This achieves the purposes of Conditions 48 and 49 above and does not need to be certified in accordance with Conditions 23 to 27 if this is the version to be implemented in accordance with Condition 29. Should an amended version be developed, this will need to proceed through the amendment and revision certification process for approved Management or Monitoring Plans as set out in Conditions 30 to 32.	This reflects the same approach taken for the ONMP, which is being approved by the Panel.
60	The EcMP must include: (a) description of the terrestrial and freshwater ecology and biodiversity values to be addressed by the EcMP; (b) plans identifying the locations of all offset and compensation areas; (c) description of the approach to developing all offset and compensation areas, including staging of planting; (d) actions to: (i) recover and propagate regionally at risk and threatened flora; and (ii) minimise the loss of ecological values prior to watercourse and wetland works; and (iii) manage adverse edge effects on adjoining existing vegetation; (e) a description of the indicative source, species mix, size, spacing, density, and layout, of plants and planting methods to be used at each offset and compensation area. Native Plants should be sourced from the Ecological Region, and where practicable the Ecological District, in which the relevant Focus Area is located. Advice notes: *60A: Focus Area 1 (Hunua Quarry and surrounds) is in the Manukau Ecological District (Auckland Ecological Region)* *60B: Focus Area 2 (Meremere Quarry) is in the Hapuakohe Ecological District (Waikato Ecological Region)* *60C: Focus Area 3 (Hunua Ranges Regional Park) is in the Hunua Ecological District (Auckland Ecological Region)* (f) framework for developing and implementing Site Specific Planting Plans on a staged basis at each offset and compensation area and the process for	Winstone seeks the following amendments to Condition 60: (k) Prior to confirmation of wetland offset and compensation locations and preparation of the EcMP, all prospective wetland features to be enhanced are to be delineated using NPS-FM wetland delineation protocols to confirm the required wetland offset extent, as set out in Condition 162 Table 2, is achieved. (p) a process for incorporating specimens of all regionally threatened and at risk (RTAR) flora species identified within the Project Footprint into planting plans for Focus Areas, in (i) Require a representative pre-clearance survey for threatened and at-risk plant specimens within the Project Footprint to be undertaken by a SQEP. ~~(noting location, number, age classes, size and relevant characteristics (maturity, presence of propagules, translocation viability)~~.	The amendment to condition 60(k) ensures that the requirement to confirm the wetland offset extent is not misinterpreted as a new offset exercise. Winstone provided the wording for Condition 60(p) (i) to (vi) but now seeks an amendment to Condition (p)(i). On reflection, the proposed wording requires an overly onerous effort that is unnecessary to achieve the outcome of recovering and propagating regionally at risk and threatened flora (Condition 60(e)) and identifying such plants to repopulate worked areas.

Condition number	Condition as per draft decision	Changes sought by Winstone	Reasons
	preparing and certifying these plans at least 20 working days prior to Construction works commencing in accordance with (o); (g) description of how all planting will be protected from stock; (h) timeframes for the implementation of Site-Specific Planting Plans before Construction works occur in the staged area; (i) Performance measures for all restoration planting, including the following targets: (i) For terrestrial riparian and wetland revegetation will be assessed as completed when all of the following metrics are achieved: • 80% canopy closure in general accordance with composition and densities specified in detailed planting plans; and • Minimum plant survival rate of 90% planted specimens (or the original planting density); and • all planting areas free of invasive weed species (<5% vegetation cover). (ii) Infill planting in indigenous forest and scrubland will be assessed as completed when the following metrics are all achieved: • Plant specimens established in general accordance with composition and densities specified in detailed planting plans; • Minimum plant survival rate of 90% planted specimens (or the original planting density); and • All planting areas free of invasive weed species (<5% vegetation cover) (j) Specifications for maintenance, monitoring and progress reporting with respect to performance targets, and to enable timely identification and remedy of defects; (k) Prior to confirmation of wetland offset and compensation locations and preparation of the EcMP, all prospective wetland features to be enhanced are to be delineated using NPS-FM wetland delineation protocols to confirm the required wetland offset extent is achieved. (l) All prospective wetland features to be enhanced shall also be assessed using wetland condition indices relevant to the wetland type. Methods shall follow Clarkson, B.R., Sorrell, B.K., Reeves, P.N., Champion, P.D., Partridge, T.R. and Clarkson, B.D., 2003. Handbook for monitoring wetland condition. Coordinated monitoring of New Zealand wetlands. A Ministry for the Environment SMF funded project. Ministry for the Environment, Wellington (or subsequent revisions). (m) procedures for reporting on the performance of planting through the Annual Monitoring Report required by Condition 73; (n) methods to ensure integration with the following associated Management Plans: (i) Landscape Rehabilitation Strategy and Management Plan; (ii) Stream Realignment Management Plan; (iii) Aquatic Fauna Salvage and Relocation Plan; (iv) Lizard Management Plan; and (v) Pest Management Plan; and (o) a process for review and amendment of the EcMP (and any subsequent re-certification in accordance with Conditions 23 – 27 and 30 – 31) by a SQEP appointed by the Consent Holder: (i) for the Site-Specific Planting Plans in response to (f); and (ii) to implement adaptive management provisions in response to any reporting in (m) and / or changes in the receiving environment. including the identification and implementation of corrective actions where monitoring indicates that the anticipated outcomes, management objective or performance criteria of the EcMP are not being achieved. (p) a process for incorporating specimens of all regionally threatened and at risk (RTAR) flora species identified within the Project Footprint into planting plans		

Condition number	Condition as per draft decision	Changes sought by Winstone	Reasons
	for Focus Areas, in sufficient numbers to establish self-sustaining populations. The EcMP shall: (i) Require a pre-clearance survey for threatened and at-risk plant specimens within the Project Footprint (noting location, number, age classes, size and relevant characteristics (maturity, presence of propagules, translocation viability). (ii) Specify that material shall be eco-sourced from populations within the relevant Ecological District. Where practicable, plant material will be translocated or propagated from the Project Site to the Hunua Focus Area. (iii) Identify suitable sites within identified offset Focus Areas for establishment of each RTAR species, and site preparation required prior to planting out of specimens. (iv) Specify optimal timing of salvage and relocation to ensure successful survivorship and growth. (v) Specify protocols for seed collection/ root ball protection/ propagation/ hygiene. (vi) Specify performance criteria for survivorship and growth of planted RTAR specimens. Advice Note: *60D: The purpose of the wetland condition assessment is to demonstrate that selected features are degraded and in need of enhancement and have restoration potential. Not all WCI parameters are useful for assessing changes related to site-specific management over practical monitoring timeframes and are therefore a WCI score is not proposed as a performance measure.*		
64	The LMP must include:… Advice Note: 64A: Any capture and relocation of indigenous lizards must be undertaken in accordance with the Wildlife Permit approved under the Wildlife Act 1953. The LMP matters to be addressed as required by Condition 63 should reflect and not conflict with the conditions of the Wildlife Permit.	Winstone seeks to include the following Advice Note: <u>64B: An LMP was provided as part of the application package (Appendix B12.8.4) and approved as part of this consent (refer Condition 26 Table 2)). This achieves the purposes of Conditions 63 and 64 above and does not need to be certified in accordance with Conditions 23 to 27 if this is the version to be implemented in accordance with Condition 29. Should an amended version be developed, this will need to proceed through the amendment and revision certification process for approved Management or Monitoring Plans as set out in Conditions 30 to 32.</u>	This reflects the same approach taken for the ONMP, which is being approved by the Panel.
68	The objective of the Stream Realignment Management Plan (SRMP) is to detail the process for the design, construction, and long-term establishment of the Mangapū Tributary realignment in a way that: (a) as far as practicable, creates a channel form and functioning watercourse with characteristics of the restored reach upstream, and the natural stream downstream; and (b) achieves no net loss of value; and incorporates riparian planting along the full extent of the realigned stream corridor, and revegetation on the quarried benches above using native species to enhance natural character and ecological function consistent with the certified LRSMP required by Condition 24(a) and 24(f); (c) supports a healthy, resilient, and culturally aligned freshwater ecosystem that achieves the following indicative thresholds: (i) Habitat Quality Score band: = or > good; (ii) Deposited fine sediments (Bankside visual estimate % fine sediment cover): <20%; and (iii) Biotic Index (MCI score): = or > Good (MCI score = > 100 (d) ensures compliance with Conditions 118 – 121 and 136 - 139. Advice Note:	Winstone seeks the following amendment to Condition 68: (c) supports a healthy, resilient, and culturally aligned freshwater ecosystem that achieves the following indicative thresholds: (i) Habitat Quality Score band: = or > good; (ii) Deposited fine sediments (Bankside visual estimate % fine sediment cover): <20% <u>or within 10% cover of reference cover estimate</u>; and (iii) Biotic Index (MCI score): = or > Good (MCI score = > 100 <u>or within 10% cover of reference MCI score</u>.	The reason for the qualifiers to the thresholds (ii) and (iii) is to provide a 'control' or 'reference' site for comparative purposes. A stand-alone threshold risks failure even if the failings are occurring elsewhere in the catchment or out of the control of Winstone. An example would be a landslip upstream (such as on Tributary 2) pulsing sediment into the stream which would breach the threshold in the realignment but is in fact also being recorded at the 'reference' site. The habitat quality score is different as that is more established as part of the design and can generally be rectified through adaptive measures.
		None.	Winstone notes that at Paragraph 442 of the draft decision, the Panel has stated 'We consider that the effects management approach for freshwater issues proposed by the Applicant will not achieve no net loss across all areas.' Condition 68 which sets out the

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	68A: The Consent Holder has agreed with DOC that the Stream Realignment Management Plan will be provided to DOC for review prior to certification by the Council. Any comments received from DOC prior to lodgement with the Council will be recorded in the SRMP.		requirements for the Stream Realignment Management Plan (SRMP), one of matters to be achieved is 'no net loss of value' as highlighted below. Winstone is bringing this to the Panel's attention as it seems there is a potential disconnect between the Panel's findings and the outcome sought by the condition. Condition 68 The objective of the Stream Realignment Management Plan (SRMP) is to detail the process for the design, construction, and long-term establishment of the Mangapū Tributary realignment in a way that: (a) as far as practicable, creates a channel form and functioning watercourse with characteristics of the restored reach upstream, and the natural stream downstream; and (b) achieves no net loss of value; and incorporates riparian planting along the full extent of the realigned stream corridor, and revegetation on the quarried benches above using native species to enhance natural character and ecological function consistent with the certified LRSMP required by Condition 24(a) and 24(f);..
78	Prior to operational use of the Western Haul Road, the Consent Holder must upgrade the Site access on Hunua Road in general accordance with Figure 11 of Schedule A. The upgrade works must be certified by the Council prior to commencing use of the Western Haul Road and must include the following: (a) Provision of a full right-turn bay on Hunua Road for vehicles turning right into the Site; (b) Upgrade to the existing road corridor pavement on both sides of the vehicle access, including a 100 m taper on the western side of the vehicle crossing, and undertake road shoulder widening on the eastern side of the vehicle crossing, in accordance with Figure 11 of Schedule A. (c) Road widening works should include minimum 1m road shoulder. (d) Detailed stormwater design details must be provided to ensure that stormwater collection from the road carriageway area is appropriately collected and discharged. (e) Road markings and signage for the road widening works/right turning bay/flush median. (f) Relocating any existing power poles clear from the proposed road widening works. (g) Provide tracking curves demonstrating safe truck movements on both directions (turning left in & turning right out from the Site) demonstrating no overlapping occurs for the largest size of the trucks. (h) Removal of the existing stonewall near the existing gate to achieve sight lines. (i) At the location shown the map shown in Figure 8 of Schedule A to the consent, the installation of audio tactile profiled centreline	A minor amendment is sought to Condition 78: Prior to operational use of the Western Haul Road, the Consent Holder must upgrade the Site access on Hunua Road in general accordance with Figure 11 of Schedule A. The upgrade works must be certified by the Council prior to commencing use of the Western Haul Road and must include the following: … (i)At the location shown on the map shown in Figure 8 of Schedule A to the consent, the installation of audio tactile profiled centreline markings (rumble strips) along the centreline at this corner on Hunua Road:	A minor grammatical change.

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	markings (rumble strips) along the centreline at this corner on Hunua Road:		
79	Prior to commencing the Access Upgrade works commencement of the proposed quarry activity, the Consent Holder must engage an independent and suitably qualified Safety Engineer to undertake and complete an independent Preliminary Design Road Safety Audit of Hunua Road carriageway upgrade works near the Site entrance and benching on the inside of the curve on Hunua Road as shown in Figure 11 in Schedule A to the consent. (a) The Preliminary Design Safe System Audit must be completed in accordance with the New Zealand Transport Agency Procedure Manual ("Safe System Audit (SSA) Procedures for transport projects") by an independent and appropriately qualified safety audit team. (b) The completed Safe System Audit Report must be provided to the Council for certification and must address the proposed roading widening works at Hunua Road near the vehicle entrance. (c) The Consent Holder must adopt and address any recommendations made in the certified Safe System Audit (SSA) which is agreed with the Council (in consultation with Auckland Transport). (d) The Consent Holder must undertake remedial measures where the findings of the SSA identify any serious or significant traffic-related concerns, that in the opinion of the Council, in consultation with Auckland Transport, constitute an unreasonable disruption to the transport network and/or exacerbate traffic safety risk. Any remedial measures must be agreed by the Council, in consultation with Auckland Transport, and must be incorporated into the finalised design. (e) If any agreed mitigation measure(s) require a separate resource consent or third-party approval, it must be the sole responsibility of the Consent Holder to obtain such consents and/or approvals prior to any Construction works and implementation of such measure(s). (f) Construction works within the road reserve must not occur prior to the complete implementation of agreed recommendations, adopted changes and approval(s) (where required) agreed in the SSA. (g) The Consent Holder must provide to the Council for engineering application approval, the detailed design which implements the recommendations of the Preliminary Safe System Audit. (h) All work in the road reserve must be carried out in accordance with the general requirements of The National Code of Practice for Utility Operators' Access to Transport Corridors http://nzuag.org.nz/nationalcode/ApprovedNationalCodeFeb13.pdf and Auckland Transports Code of Practice https://at.govt.nz/about-us/auckland-transportcode- of-practice/.	The following amendments are proposed to Condition 79: Prior to commencing the Access Upgrade works ~~commencement of the proposed quarry activity~~, the Consent Holder must engage an independent and suitably qualified Safety Engineer to undertake and complete an independent Preliminary Design Road Safety Audit of Hunua Road carriageway upgrade works near the Site entrance and benching on the inside of the curve on Hunua Road as shown in Figure 11 in Schedule A to the consent. (a) The Preliminary Design Safe System Audit must be completed in accordance with the New Zealand Transport Agency Procedure Manual ("Safe System Audit (SSA) Procedures for transport projects") by an independent and appropriately qualified safety audit team. (b) The completed Safe System Audit Report must be provided to the Council for certification and must address the proposed roading widening works at Hunua Road near the vehicle entrance. (c) The Consent Holder must adopt and address any recommendations made in the certified Safe System Audit (SSA) which is agreed with the Council (in consultation with Auckland Transport). (d) The Consent Holder must undertake remedial measures where the findings of the SSA identify any serious or significant traffic-related concerns, that in the opinion of the Council, in consultation with Auckland Transport, constitute an unreasonable disruption to the transport network and/or exacerbate traffic safety risk. Any remedial measures must be agreed by the Council, in consultation with Auckland Transport, and must be incorporated into the finalised design. ~~(e) If any agreed mitigation measure(s) require a separate resource consent or third-party approval, it must be the sole responsibility of the Consent Holder to obtain such consents and/or approvals prior to any Construction works and implementation of such measure(s).~~ ~~(f) Construction works within the road reserve must not occur prior to the complete implementation of agreed recommendations, adopted changes and approval(s) (where required) agreed in the SSA.~~ ~~(g) The Consent Holder must provide to the Council for engineering application the detailed design which implements the recommendations of the Preliminary Safe System Audit.~~ ~~(h) All work in the road reserve must be carried out in accordance with the general requirements of The National Code of Practice for Utility Operators' Access to Transport Corridors http://nzuag.org.nz/nationalcode/ApprovedNationalCodeFeb13.pdf and Auckland Transports Code of Practice~~	The minor change to the chapeau is to remove unnecessary wording and improve legibility. The more substantive changes to Condition 79(e), (f) (g) and (h) are as follows: Condition 79(e) should be an Advice Note as conditions cannot require additional consents to be sought or be reliant upon the agreement of third parties. Condition 79(f) is more appropriately included as an Advice Note as it relates to construction works. Condition 79(g) is more appropriately addressed via an amendment to Advice Note80A to Condition 80, which relates to engineering approval. Condition 79(h) should an Advice Note because The National Code of Practice for Utility Operators' Access to Transport Corridors is a non-RMA and non-statutory document.
80.	The Consent Holder must submit final plans and specifications of the final design of the updated Site access (including a 3D design of the access that demonstrates compliance with the level and gradients in the AUP access standard) in Conditions 78 to 79 to the Council for certification in accordance with Conditions 23 – 27 and 30 - 31, 20 working days prior to the commencement of construction of the access upgrade.		

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	Advice Note: 80A: A separate engineering plan approval and vehicle crossing approval must be obtained from the Council for the detailed design of the vehicle access upgrade, prior to construction of the upgrades commencing.	~~https://at.govt.nz/about-us/auckland-transportcode- of-practice/.~~ **Advice Notes:** 79A…. 79B… 79C: If any agreed mitigation measure(s) require a separate resource consent or third-party approval, it must be the sole responsibility of the Consent Holder to obtain such consents and/or approvals prior to any Construction works and implementation of such measure(s). 79D: Construction works within the road reserve must not occur prior to the complete implementation of agreed recommendations, adopted changes and approval(s) (where required) agreed in the SSA. 79E: All work in the road reserve must be carried out in accordance with the general requirements of The National Code of Practice for Utility Operators' Access to Transport Corridors http://nzuag.org.nz/nationalcode/ApprovedNationalCodeFeb13.pdf and Auckland Transports Code of Practice https://at.govt.nz/about-us/auckland-transportcode- of-practice/ Condition 80: The Consent Holder must submit final plans and specifications of the final design of the updated Site access (including a 3D design of the access that demonstrates compliance with the level and gradients in the AUP access standard) in Conditions 78 to 79 to the Council for certification in accordance with Conditions 23 – 27 and 30 - 31, 20 working days prior to the commencement of construction of the access upgrade. Advice Note: 80A: A separate engineering plan approval and vehicle crossing approval which implements the recommendations of the Preliminary Safe System Audit must be obtained from the Council for the detailed design of the vehicle access upgrade, prior to construction of the upgrades commencing. .	
120	The Consent Holder must ensure that all pumps are not used to dewater the existing section of the Mangapū Tributary being realigned.	Winstone seeks the following change to Condition 120: The Consent Holder must ensure that all pumps used to ~~dewater~~ remove residual pools in the existing section of the Mangapū Tributary being realigned for the purposes of fish and aquatic fauna salvage must have a 3mm mesh screen to prevent fish from entering the pump.	The staged transition of flows from the Mangapū tributary to the created realigned channel, using a temporary weir structure to gradually divert a greater proportion of the flow (as described in the SRMP), is the mechanism for the livening of the realignment (and not pumping). Winstone agrees with the Panel that pumping is not the mechanism to be applied to the transition of flow from the Mangapū tributary to the realigned channel. However, it may be necessary to

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			carefully pump water from residual pools remaining within the Mangapū tributary for the purposes of fish and aquatic fauna salvage – this is not 'dewatering' in the sense of transitioning flows and functionality but is for the purpose of salvage and translocation of aquatic fauna. The condition has been amended to clarify this.
147	The Consent Holder must maintain the planting for 24 months after establishment, or as long as required thereafter, to ensure a minimum 90% plant survival rate. Maintenance must include replacement of dead, dying, or diseased plants; and any additional works required to ensure successful establishment. This condition does not apply if damage to the planting is caused by the landowner	Winstone seeks to amend Condition 147 as follows: The Consent Holder must maintain the planting for 1<u>2</u>4 months after establishment, or as long as required thereafter, to ensure a minimum 90% plant survival rate. Maintenance must include replacement of dead, dying, or diseased plants; and any additional works required to ensure successful establishment. This condition does not apply if damage to the planting is caused by the landowner	The change is required as the 24 month duration in Condition 147 does not align with the 12 month requirement in Advice Note 149A to Condition 149.
154	Where temporary hydroseeding and/or revegetation is assessed as reasonably practicable and capable of providing a visual benefit, the Consent Holder shall, during the first suitable planting season, implement the recommended treatment or any approved establishment trial.	Winstone seeks to amend Condition 154 as follows: Where temporary hydroseeding and/or revegetation is assessed as reasonably practicable and capable of providing a visual benefit, the Consent Holder ~~shall~~ <u>must</u>, during the first suitable planting season, implement the recommended treatment or any approved establishment trial.	The change amends the terminology to reflect that sought by Auckland Council.
164	The covenant must: (b) protect and maintain indigenous vegetation on-site (c) be drafted by the council's nominated Solicitor at the consent holder's cost; and (d) be registered against the Computer Register(s) (record of title) to the affected land by the consent holder at their cost; and (e) require the consent holder to: (i) be responsible for all legal fees, disbursements and other expenses incurred by the council in connection with the covenant, and procure its solicitor to give an undertaking to the council for payment of the same; and (ii) indemnify the council for costs, fees, disbursements and other expenses incurred by the council as a direct or indirect result of the council being a party to this covenant. 2. Within one calendar year of vegetation clearance, the Consent Holder must provide to Council evidence that offset works for Focus Area 3, in the "Formal Legal Protection" column of **Table 2**, have been completed.	Winstone seeks to amend Condition 164 as follows: The covenant must: (a) protect and maintain indigenous vegetation on-site (b) be drafted by the C~~c~~ouncil's nominated Solicitor at the C~~c~~onsent H~~h~~older's cost; and (c) be registered against the Computer Register(s) (record of title) to the affected land by the C~~c~~onsent H~~h~~older at their cost; and (d) require the consent holder to: (i) be responsible for all legal fees, disbursements and other expenses incurred by the council in connection with the covenant, and procure its solicitor to give an undertaking to the council for payment of the same; and (ii) indemnify the council for costs, fees, disbursements and other expenses incurred by the C~~c~~ouncil as a direct or indirect result of the council being a party to this covenant. …..	Minor grammatical changes.
166	No later than the commencement of Stage 6, the Consent Holder must submit to the Council for certification a Stream Offset and Compensation Plan (**SOCP**) prepared by a suitably qualified and experienced ecologist. The objective of the SOCP is to determine the actions, and the locations and extents of those actions in relation to the loss of all stream extents during Stage 7 noting that 191 m of upper reaches of Trib 4 will already have been offset/compensated	Winstone seek to amend Condition 166 as follows: No later than the commencement of Stage 6, the Consent Holder must submit to the Council for certification a Stream Offset and Compensation Plan (**SOCP**) prepared by a suitably qualified and experienced ecologist. The objective of the SOCP	A minor amendment for clarity.

Condition number	Condition as per draft decision	Changes sought by Winstone	Reasons
	during Tranche 1, to demonstrate how no net loss of freshwater values will be achieved	is to determine the actions, and the locations and extents of those actions in relation to the loss of all stream extents during Stage 7 noting that 191 m of upper reaches of Tributary 4 will already have been offset/compensated during Tranche 1, to demonstrate how no net loss of freshwater values will be achieved	
X	N/A	Winstone seek to add new condition after Condition 170 of Air Discharge Permit DIS60464130. Air permit 34130 must be surrendered on commencement of this consent.	The Air Discharge permit will replace the existing discharge permit and therefore the latter needs to be surrendered to avoid confusion and/or duplication. The Panel has already approved the AQMP.
199	Water permits WAT60152106-A, WAT60412731 and WAT60274802-A must be surrendered upon the commencement of this consent.	Winstone seek to amend Condition 199 as follows: Water permits WAT60152106-A, WAT60412731 and WAT60274802-A must be surrendered upon ~~the commencement of this consent~~ receipt of certification of the Groundwater Monitoring and Contingency Management Plan required under Condition 50.	Winstone cannot operate under Water Permits WAT60464058 and WAT60464047 until such time as a Groundwater Monitoring and Contingency Management Plan has been provided for feedback to the Kaitiaki Forum and the CLG and certified by the Council. In the meantime, Winstone will operate under its recently granted (renewal) water permit.
225	That the Consent Holder must ensure that the records collected under Conditions 216 – 223 (inclusive) for the preceding quarter must be submitted to AC by no later than 10 working days after 28 February, 31 May, 31 August and 30 November each year, and as part the Annual Monitoring Report required by Condition 73	Winstone seek to amend Condition 225 as follows: That the Consent Holder must ensure that the records collected under Conditions 216 – 223 (inclusive) for the preceding quarter must be submitted to ~~AC~~ the Council by no later than 10 working days after 28 February, 31 May, 31 August and 30 November each year, and as part the Annual Monitoring Report required by Condition 73	The change reflects the terms used for Auckland Council throughout the conditions.

APPENDIX D – WILDLIFE APPROVAL CONDITIONS

Condition number	Condition as per draft decision	Changes sought by Winstone	Reasons
4	This wildlife approval is valid for 10 years from 1 October 2027.	Condition 4 is sought to be amended as follows: This wildlife approval is valid for 10 years from 1 October 202~~7~~6.	The current Wildlife Act permit ends in October 2026. The intent was for this WA to replace it as it addresses lizard salvage and relocations from anywhere within the Hunua Quarry. As such, it is proposed to name Graham Ussher in Condition 10 to recognise existing contractual arrangements. *Graham Ussher is a suitably qualified and experienced herpetologist and Principal Ecologist with RMA Ecology Ltd. He holds a PhD in Environmental Management, an MSc in Conservation Ecology, and a BSc from the University of Auckland. His specialist expertise includes native lizard survey, salvage, handling and relocation, preparation and implementation of lizard-management measures, threatened-species management, ecological monitoring, and DOC wildlife permitting.*
10	**Lizard Capture and Handling** Lizards must only be handled by Katherine Muchna or Matt Turner or by others under the direct supervision of a SQEP.	Condition 10 is sought to be amended as follows: Lizards must only be handled by Katherine Muchna or Matt Turner or Graham Ussher or by others under the direct supervision of a SQEP.	

			He has been directly involved with ecological management at Hunua Quarry since 2007 and has detailed knowledge of the site's elegant gecko population, the 2011 Lizard Relocation Plan, and the subsequent salvage and translocation programme, under which 152 elegant geckos were relocated between 2011 and 2025. He has also provided specialist advice on the DOC Wildlife Act Authority governing the relocation of Hunua geckos to Tiritiri Matangi A minor amendment has also been made to the Lizard Management Plan to reflect amended October 2026 start date.
19	The DOC Operations Manager for Auckland must be contacted immediately [insert contact details] for further advice if lizard species other than those listed in Condition 2 above are located within the clearance area or within the release site.	The DOC Operations Manager for Auckland must be contacted immediately [~~insert contact details~~ auckland@doc.govt.nz] for further advice if lizard species other than those listed in Condition 2 above are located within the clearance area or within the release site.	The contact details for DOC Operations Manager for Auckland have been included for completeness.
20	If any lizards should incidentally die during the approved activities of catch, transfer or liberation, the Approval Holder must: (a) inform the Auckland DOC Operations Manager [insert contact details] within 48 hours, chill the body if it can be delivered within 72 hours, or freeze the body if delivery will take longer than 72 hours; and	If any lizards should incidentally die during the approved activities of catch, transfer or liberation, the Approval Holder must: (a) inform the Auckland DOC Operations Manager [~~insert contact details~~ auckland@doc.govt.nz] within 48 hours, chill the body if it can be delivered within 72 hours, or freeze the body if delivery will take longer than 72 hours; and	
22	A report summarising the salvage and relocation results must be prepared and submitted to DOC [Auckland Office, insert contact details] and permissionshamilton@doc.gov.nz within 30 working days from the completion date of the salvage.	A report summarising the salvage and relocation results must be prepared and submitted to DOC [~~Auckland Office, insert contact details~~ auckland@doc.govt.nz] and permissionshamilton@doc.gov.nz within 30 working days from the completion date of the salvage.	
X	N/A	Winsyone seeks to include a new section and condition or Advice Note: **Donation** The Authority Holder shall donate a maximum of $15,000 to the Supporters of Tiritiri Matangi Incorporated, calculated on the basis of $200 per successfully relocated lizard, up to a maximum of 75 lizards. Only live lizards salvaged from the approved Hunua Quarry project footprint and released on Tiritiri Matangi shall count towards the donation. Recaptured animals, or animals otherwise counted more than once, shall be excluded and the number of qualifying lizards	At Paragraph 591 of the draft decision, the Panel has supported Winstone making a voluntary financial donation to the Supporters of Tiritiri Matangi. While this donation does not seem to have materially informed the Panel's decision to grant the WAA, Winstone considers it appropriate to offer an Augier condition to provide certainty that the donation will be made.

		shall be confirmed through the salvage and relocation reporting under the Lizard Management Plan and reporting required by Condition 22.	

APPENDIX F – ARCHAEOLOGICAL AUTHORITY CONDITIONS

Condition number	Condition as per draft decision	Changes sought by Winstone	Reasons
Heading	**APPENDIX F – ARCHAEOLOGICAL AUTHROITY**	A change is sought to the heading as follows: **APPENDIX F – ARCHAEOLOGICAL AUTHORITY**	The change is required to correct a spelling error.
4	**Tikanga** Archaeological work must be undertaken in conformity with any tikanga Māori protocols agreed between the Authority Holder and Ngāti Tamaoho, Ngāti te Ata, Te Ākitai Waiohua and Ngāi Tai ki Tāmaki (relevant iwi). In addition: a. The Authority must be exercised subject to any health and safety requirements. b. If any possible taonga or Māori artefacts are encountered, relevant iwi must be informed to enable appropriate tikanga to be undertaken, so long as all statutory requirements under the Heritage New Zealand Pouhere Taonga Act 2014 and the Protected Objects Act 1975 are met. c. If any archaeological site is encountered and works modifying or destroying the archaeological site are undertaken, relevant iwi must be provided with a copy of any reports completed under Conditions 8 and 11 and be given an opportunity to discuss it with the section 45 Approved Person if required	None.	At Paragraph 601 of the draft decision, the Panel has requested that the Applicant confirm the proposed redrafting of Condition 4(a) to confirm it captures the intent of the condition and confirm the reference in Condition 4(c). Winstone confirms both matters above.

SCHEDULE 2

Applicant Feedback on Draft Decision in accordance with paragraph 4 of Minute 10.

Panel Decision – Para	Applicant Comment
45	Records "No express lapse period is sought for the wildlife permit," Winstone confirm they are comfortable with the 2 years from commencement default date (noting changes below)
441	Refers to the use of pumps for dewatering the Mangapū Stream channel concluding that the Panel was surprised by this and the need to include it and have rewritten condition 120 to avoid pumping. Winstone has proposed revised wording of this condition to make it clear that limited use of pumps is allowed to remove residual pools for the purposes of fish and aquatic fauna salvage, consistent with condition 3 of the Complex Freshwater Fish Passage approval.
271	Says that the Panel has made minor amendments to condition 49, including adding potential mitigation actions to mitigate offsite effects on neighbouring properties (should they occur) and air quality limits (conditions 171-174)..' Counsel was unable to locate the Panel's changes to draft conditions referred to in this paragraph, but confirm Winstone support the conditions in their current form.
331 (g)/338h	Panel may want to refer to conditions 143-157 (offsite mitigation planting) as being *Augier* conditions, volunteered by the Applicant. Winstone confirms it is comfortable with the Panel's amendments to these conditions.
434	Says the Panel notes 'the direction in Policy 7 in the NPSFM (amended direction December 2025) to avoid loss of river extent and values.' Suggest that the following text is added as its missing a key aspect of the Policy which reads 'to the extent practicable.'
540	The Panel's discussion and approach to cumulative effects could also include reference to the cumulative effects of other nearby Quarries (considered by the Applicants groundwater and landscape/visual assessments).
Not currently addressed	There is no reference in the decision to the permitted activity standards that the applicant has demonstrated compliance with, given RMA reform, it would be useful to refer to a list of activities that the Panel accepted that the Applicant had demonstrated were permitted as part of the application.
554 (cf. 548(a))	Does not say whether the Panel accepts the agreement between the Applicant and the Council that the proposed activity has "no alternative locations" (para 548(a)). Given the no-alternative-locations point is part of the NPSIB consent pathway (cl.3.11(c)), the Panel is respectfully invited to state that it accepted that point.

Panel Decision – Para	Applicant Comment
583	The Applicant seeks an amendment to the start date for the commencement of the wildlife approval – the Applicant had previously sought at the ecology workshop that it have a commencement date of October 2027 but now seeks this is on commencement of the consent due to the current wildlife permit expiring in November 2026, If this is acceptable to the Panel this will need to be updated accordingly, and the date changed in the permit condition 4 to delete October 2028 and replace with commencement on the day that consent is granted.
691	Applicant now seeks that the wildlife permit commences on the date that consent is granted.
702	The Panel's finding that there are no "significant adverse impacts" relies on the findings of no significant residual impacts in the effects assessment in Part F of the decision. The Panel may not have expressly considered in its s 85 analysis the definition of "adverse impacts" which includes any matter that may weigh against approval. The Panel is invited to make a statement as to whether there are any other matters such as planning provisions that it considered in reaching its conclusion on the section 85 test.
591	Refers to Winstone making a voluntary donation, which the Panel relies on in its assessment of the wildlife approval. That donation does not appear to be reflected in the conditions, which may mean it is not safe for the Panel to rely on the donation in forming its decision. This should be updated to provide an Augier condition in the wildlife permit as a record of this offer wording has been proposed by Boffa Miskell.
601	Applicant confirms that condition 4(a) of archaeological permit makes sense.
624(b)	Contains an apparent error. The paragraph suggests the Panel does not need to give the greatest weight to the purpose of the Act in relation to the complex freshwater fisheries activity approval. That is clearly wrong — see Schedule 9, clause 5(a). This should be corrected by deleting the words '~~and complex freshwater fisheries activities approval.~~' A further minor amendment would be needed to ensure that sentence made sense. The footnote could also refer to schedule 9 clause 5(a), which is equivalent to the other footnoted provisions.
698(b)(3)	Correct factual error Ngai Tai Tamaki sought a "potential relationship framework and opportunities" not a relationship agreement. Ngaati Whanaunga were not offered a MoU or a Partnership agreement.

Minor Typographical Corrections

Panel Decision – Para	Applicant Comment
Cover page	Refers to the wrong consent number for the change of conditions approval. Should say consent 8730.
158	Table cross-references are missing.
160(a)	Uses “are” too many times.
190	Sentence begins with At (a reference to Auckland Transport)
318	“Photos” — typo.
500	The closing bracket “)” is in the wrong place.
535	Footnote 466 is currently incorporated in the text.
639	“Overtime” should be “over time.”
673	“Tenants” should be “tenets.”