

1 Invited parties: Department of Conservation

Table 1.1: Department of Conservation - comment received 25/09/25 summary and applicant response

Response prepared by Ecology experts Chris Wedding, Treff Barnett and Jennifer Shanks, with input from the Applicant.

Response No.	Comment summary	Applicant response
1.1.1.	Complex Freshwater Fisheries activity - Applicant has not assessed whether complex freshwater fisheries approval is required, despite significant stream loss and diversion. - Permanent diversion and persistent disturbance may trigger approval requirements. For example, DOC considers that any permanent diversion of streams meets the definition of a complex freshwater fisheries activity if diversion requires the construction of a dam or diversion structure.	The Applicant does not consider a complex freshwater fisheries approval under section 42(4)(j) of the FTAA is required – this specifically relates to Regulations 42 and 43 of the Freshwater Fisheries Regulations 1983. The EclA (Section 3.4.2) describes the fish populations within the Sutton Block and illustrate the paucity of fish species and the significant downstream barrier to migration provided by the large waterfall. As discussed in the EclA, the only species that were recorded from trapping, electric fishing and eDNA sampling were eels, and they were only found occasionally and in very low numbers. In accordance with Regulation 42, the new culvert will be designed to provide for fish passage in accordance with the New Zealand Fish Passage Guidelines, and the stream diversion downstream of the culvert will be co-designed by the engineer and the project ecologist to provide similar instream habitat as the current stream. With only elvers (juvenile eels) and potentially banded kokopu able to negotiate the large downstream waterfall into the catchment, and the culvert and diversion designed to provide for fish passage the risk, the design aligns with best practice for fish passage. On this basis, approval under Regulation 42 is not required. In accordance with Regulation 43, a stream diversion is included in the application and therefore the application may trigger the assessment as a complex freshwater fisheries activity under the FTAA. However, detailed design of the stream diversion has not been completed to date and will be undertaken once the approvals under the substantive application have been granted. At this stage, it is not clear whether approval under Regulation 43 is required. However, the Applicant notes that section 42(4) of the FTAA outlines the types of approvals that an applicant may seek when making a substantive application– the FTAA does not require all necessary approvals are obtained at once. Finally, it appears the definition for ‘complex freshwater fisheries activity’ is a bespoke term for the FTAA. While sub-parts (a) and (b) clearly align with Regulations 42 and 43 respectively, sub-part (c) does not align with the two applicable approvals under the FTAA.
1.1.2.	Request for information - Ecology - Panel has requested further information on ecological matters (RFI 2); DOC identified many of the information gaps raised by the Panel. - Applicant recently provided updates responding to Auckland Council feedback. DOC welcomes the opportunity to provide feedback on the information provided if the Panel directs in accordance with section 67(5) of the Act. - If the Applicant's proposed package of biodiversity offsets can achieve the net gain outcome and captured in clear, enforceable conditions, ecological effects of the proposal can be appropriately managed.	Noted. The updated terrestrial package already provided (EMP with sub-plans updated on 17 July 2025; REAR-TE; NGDP: Planting Plan; NGDP: Pest & Weed Control) provides the measurable targets, monitoring schedules, and adaptive triggers the Panel asked for. The Applicant agrees these should be locked in via clear, enforceable conditions (see “Ecology conditions” below). Amendments will be made to the Applicant’s draft conditions to be provided to the Panel in due course.

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1.1.3.	Effects Management Hierarchy, Existing Consents and Rock Forest - Generally, the assessment of effects and effects management hierarchy has been applied in accordance with good practice. - Attempts to avoid adverse effects are evident to an extent (ie Kaarearea Paa) - Seeks clarification that all previous mitigation planting and other mitigation will be avoided, and conditions should specify any such areas to be avoided. - Justification required for removal of 0.65 ha rare rock forest; suitability of offset questioned. - Questions the suitability of offsetting for rock forest with puriri ecosystem type and whether confidence in restoration techniques is based on previous success in creating rock forest.	Avoidance has been applied to rock-forest remnants around Kaarearea Paa and vegetated margins. The 0.65 ha of rock forest identified for removal is limited to areas where quarry design and stability constraints make full avoidance impracticable. Residual effects are addressed through local, like-for-like offsetting on the Applicant's land contiguous with SEA_T_5323, legal protection, weed and browser control, and targeted revegetation to support rock-forest values. All mitigation planting and other mitigation required under previous consents are avoided by the Sutton Block works and not counted toward Sutton Block offsets. Rock forest For clarity, the rock forest required to be removed is not scheduled as an SEA under the AUP. It is degraded by historic and on-going farming impacts. In contrast, good quality, fenced off rock forest is found within SEA_T_5349 (Kaarearea Paa). Rock forest on boulderfield is classified as "Historically Rare" (Williams et al 2007), which means these particular ecosystems occupied less than 0.5% (i.e. <134 000 ha) of New Zealand's total area (268 680 km²) prior to human occupation. In the Auckland Region, rock forest is classified as a variant of puriri forest (Singers et al 2017), therefore the focus on puriri forest as the ecosystem type to be restored on boulderfield is considered to be appropriate for the Project. Confidence in restoration techniques is based on previous planting of rock forest. The Drury Quarry site contains a number of areas of volcanic boulderfield, much of which has been subject to historic vegetation clearance for farming. Earlier restoration planting to mitigate and offset the effects of the existing quarry activities has been established on some of these areas of the boulderfield, particularly adjacent to the eastern side of Kaarearea Paa and to the northwest of the existing quarry pit. These areas of boulder habitat have been successfully revegetated and are thriving (patches of boulders can be seen amongst the vegetation in the 2024/25 aerial imagery found on Auckland Council GIS). Due to the boulder substrate, the offset modelling (BOAM) for rock forest is very conservative, allowing for potentially slower growth rates as compared to other biodiversity types (REAR-TE Section 2.4). See photograph below of boulderfield proposed to be replanted on the western side of Karearea Paa. 
1.1.4.	Offset Measures Generally - The inclusion of a 10% net gain recommendation and how that will be measured needs clarification. - Details on offsets, especially for bats and other threatened fauna, are lacking. Should be clearly specified to ensure future monitoring. - Biodiversity Offset Accounting Model (BOAM) used appropriately, but details for biodiversity attributes and monitoring need clarity. Unclear how loss of potential habitat for long-tailed bats and other Threatened or At-Risk fauna have been accounted for. - Monitoring and trigger thresholds should relate to actual biodiversity measures input into BOAM—not just model outputs.	10% net gain has been factored into the BOAM models. Modelled NPV values include a 10% net gain or better. - Offsetting/compensation for bats and other threatened fauna were not required, as it was determined in the EclA that the level of effect was not high enough to lead to residual effects. - The triggers for response during monitoring are already tied to specific measures. These are provided within the REAR-TE and the NGDP-PP (e.g. targets set out in tables 39, 39 etc of the REAR-TE and monitoring methods in section 11 of NGDP-PP). - Units of measurement for vegetation attributes are based on the Recce method which is a well-known and understood method for assessing vegetation. Measures such as % cover relate back to the methods given in Hurst and Allen (2007)¹ Any future measurement of vegetation attributes should be undertaken using this method, as set out in the REAR-TE Tables 17 – 21 which also provide clear justifications and measurements.

¹ Hurst, J.M. & Allen, R.B (2007) Recce Method for Describing New Zealand Vegetation -Expanded Manual Version 4. Landcare Research Manaaki whenua P.O Box 40 Lincoln New Zealand.

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	Proposal to commence offset planting in advance is positive, but it is unclear how any planting in advance will be tracked and accounted for. A condition committing to planting in advance has not been offered.	- Progressive 5-yearly performance targets are provided in the REAR-TE Section 3.1. These targets relate to the actual biodiversity measures from field surveys that were inputted to the models. They are informed by literature survey, National Vegetation Survey datasets for the Hunua Ecological District and other available growth data. They are not based on the BOAM model outputs and do not use NPV to track progress. - Advance planting accounting: Any advance planting credited to this consent will be tracked in a mapped ledger (GIS polygons, area, species mix, date planted), reconciled annually, with no double-counting of legacy mitigation. Remodelling at Year 10 will account for advance planting using actual monitoring results for planted vegetation performance. - Condition 61(2) requires all pioneer planting be completed within 16 years. This condition commits to planting in advance because only 33% of vegetation removal will have occurred by that time.
1.1.5.	Wetland Offset - Wetland offset proposal lacks detail—extent and restoration outcomes not clearly defined. Unclear how much of the proposed wetland offset will compromise recreated wetland and how much it will be existing wetland. - Biodiversity Compensation Model (BCM) use questioned; claims of net gain are not robust.	Refer to the response to Row 23 of the Applicant's response to the Panel RFI – Ecology dated 1 October, including the new plan "Tuakau Offset Site Existing Wetland Habitat Plan". The REAR-SW provides a description of the proposed outcome (Section 5.3), cross-sections (Figures 11 and 12), plans of the proposed wetland restoration areas (Figure 10) and the wetland restoration planting plans (E8:9 NGDP: Wetland Planting). The BCM was used to provide surety to the offset calculations. In accordance with the BCM methodology, a 'net gain outcome' target of 10% is considered to be generally appropriate, with a higher target meaning the greater likelihood of that No Net Loss or preferably Net Gain outcomes will be achieved. The BCM score for the proposed Tuakau wetland is 78%, which is many times greater than the target 10%. This indicated a very strong 'net gain' in biodiversity values, and confirms that the proposed actions are suitable to manage the ecological impact of the proposed wetland loss associated with the Sutton Block pit. For further information, please see the responses to questions relating to the use of the BCM provided in Rows 25 and 26 of Applicant's response to the Panel RFI – Ecology dated 1 October.
1.1.6.	Hingaia Island - Understands Hingaia Island no longer used for offset planting; recalculations needed to demonstrate net gain. - Anticipates the calculations will form part of the Applicant's response to RFI 2. - Requests clarification of how the effects management package has incorporated mana whenua values if Hingaia Island not to be planted. - Unclear how the loss of mature trees from the landscape will be addressed	Confirmed: Hingaia Island is not relied upon. Recalculations excluding 4.4 ha at Hingaia Island have been completed and were provided to the Panel (see link here). These calculations still demonstrate net gain using the Sutton Block local package (restoration + enhancement on SAL land contiguous with SEA_T_5323), front-loaded delivery, and long monitoring windows. (Ref. DOC report section 3.27–3.28.) However, the Applicant agrees that the proposed planting on Ngā Motu o Hingaia is a worthy restoration and enhancement project. Unfortunately, the landowner (DOC) could not provide landowner approval. The Applicant understood this was because Te Ākitai Waiohū (as part of the governance group for the islands) were reluctant to support the proposal and therefore it was removed from the restoration and enhancement package. If Te Ākitai Waiohū are now in a position whereby they support the inclusion of this area, this would be a change in advice from what the Applicant was advised. The Applicant is prepared to consider offering to still undertake this work, which would be above and beyond what is required as part of the offset package, but only if landowner approval is forthcoming within a set timeframe. A condition to this effect will be provided in the Applicant's draft condition set to be provided in due course. Mana Whenua were extensively consulted in relation to effects management. Iwi wishes to revegetate the areas surrounding the culturally significant Kaarearea Paa have been included in the design of the offset planting plan. Refer to the Consultation Documents Appendix F of the AEE, which sets out the requests and how these have been implemented in the proposed offset package. Loss of mature trees from the landscape has been addressed in the REAR-TE and the NGDP:PP. 887 replacement trees are to be planted in suitable habitats at Drury Quarry and the Tuakau site. The 113 totara trees originally planned to be planted on Hingaia Island 2 will now be located as seed islands amongst the VS2 kanuka offset planting at Drury Quarry.

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1.1.7.	Treaty Obligations - DOC’s relevant Treaty obligations have been identified and discussed in 9.2 of the section 51 Report. DOC contacted the entities in Table 4 of that report, to share publicly available information on the application and seek engagement. Responses were received from Ngāti Paoa and Te Ākitai Waiohū. - Regarding comments from Te Ākitai Waiohū on the resource consents, DOC supports their view that buffer planting should be provided in addition to mitigation measures, and that a condition of consent confirming that a Closure and Rehabilitation Management Plan (CRMP) will be developed in collaboration with iwi and the Applicant will be appropriate.	Supported. The Applicant will continue engagement with identified Treaty partners, incorporate buffer planting where requested. There are no proposed or known rehabilitation works for the Sutton Block pit. As noted, Condition 66(g) requires the Quarry Management Plan to be updated with closure and rehabilitation details within five years of closure being confirmed. In addition, Condition 7(a) provides for mana whenua to prepare a Cultural Management Plan in conjunction with the Applicant. This condition allows for the opportunity for mana whenua involvement in the future closure and rehabilitation planning for the site. The Applicant is committed to an ongoing partnership with mana whenua to ensure meaningful and enduring outcomes for te Taiao.
1.1.8.	Comments on conditions <i>Certification of Management Plans</i> “Deemed approval” mechanism inappropriate; management plans should be certified by Council before works begin. - Need explicit requirement for plans to be certified and complied with prior to construction. <i>Ecology Conditions</i> - EMP and sub-plans (lizards, avifauna, bats, etc) need stronger objectives, performance standards, and monitoring. - Sub plans such as the fauna plans should also address habitat effects, not just direct disturbance. - Lizard Management Plan (LMP): requirements should reflect wildlife approval conditions and term, review at 10-year intervals. - Native Avifauna Management Plan (NAMP): conditions should extend to quarry operation; specify exclusion zones around nests. - Bat Management Plan (BMP): amendments proposed to provide more certainty in the event of roost discovery in an area subject to vegetation removal. Amendments also reflect DOC’s latest protocols, and link habitat replacement to offsets. <i>Ecology Net Gain Delivery and Offset Plans</i> - Offset-related conditions require substantive improvement—measurable, timebound targets, monitoring, trigger/contingency actions. - Targets and standards for pest and weed control should be explicit. - Advance planting should be mapped and explicitly linked to this application. - Remove references to “compensation” to avoid confusion. <i>Section 128 review conditions</i> - General support for use of section 128 RMA review conditions for unforeseen effects.	An updated set of consent conditions will be provided to the Panel on 10 October (subject to any further direction from the Panel). However, a summary of the proposed changes is set out below: <i>Certification of Management Plans</i> - The Applicant will amend proposed Condition 12 to require the certification of management plans prior to commencement of construction. <i>Ecology Conditions</i> - Condition 40 relating to the EMP will be updated to provide further objectives. - Additional details will be added to the LMP (Condition 45) - The feasibility of maintaining the NAMP to the operational phase of the quarry is unrealistic. Mitigation measures, such as buffer planting and fencing to reduce noise impacts, are already in place. - The BMP will be updated to reflect latest DOC bat-related protocols. In particular, further detail will be added to Condition 50. <i>Ecology Net Gain Delivery and Offset Plans</i> - Specific targets for predator control (5% TTI & RTC) will be included in Condition 58(f). Targets for individual vegetation parameters are too complex to include in a condition. Instead, it is more appropriate to refer to the relevant plans – amendments to Condition 58(g): NGDP:PWC and Condition 61(k) and 61(l): NGDP:PP will be made. - Condition 58 includes measurable timebound targets for pest control and requires adherence to vegetation 5-yearly targets contained in the NGDP-PWC. - Condition 61 includes a trigger value for implementation of contingency actions if planting performance falls below expected 5-yearly condition measures contained in the REAR-TE - Targets and standards for pest and weed control are explicit as set out in the REAR-TE Section 3. - Mapping of advance planting has been addressed above - please see response 1.1.4 above. - References to ‘compensation’ will be removed from the Condition set.