

**BEFORE THE EXPERT CONSENTING PANEL**

**IN THE MATTER** of an application for approvals under section 42  
("Application") of the Fast-track Approvals Act 2024  
("FTAA")

**AND**

**IN THE MATTER** of King's Quarry Expansion, a project listed in  
Schedule 2 to the FTAA

---

**MEMORANDUM OF COUNSEL ON BEHALF OF KINGS QUARRY LIMITED -  
RESPONSE TO COMMENTS RECEIVED ON DRAFT CONDITIONS**

**10 DECEMBER 2025**

---

**MAY IT PLEASE THE PANEL:**

**INTRODUCTION**

1. On 26 November 2025, the Expert Panel ("**Panel**") issued Minute 15 inviting comments from Kings Quarry Limited ("**KQL**"), parties who provided comments on the Application, and Auckland Council, on draft conditions of consent ("**Draft Conditions**").
2. KQL provided its comments on the Draft Conditions on 3 December 2025. The other parties who provided comments on the Draft Conditions were:
  - (a) Katharine Jones and Charles Wedd ( [REDACTED] );
  - (b) Auckland Conservation Board;
  - (c) Auckland Council;
  - (d) The Department of Conservation;
  - (e) Berry Simons, on behalf of various landowners on Pebble Brook, Hararu and Waitoki Roads;
  - (f) The Minister for Infrastructure;
  - (g) Royal Forest and Bird Protection Society of New Zealand Inc; and
  - (h) Raymond Phillips ( [REDACTED] ).
3. In accordance with section 70(4) of the FTAA, KQL has provided a response to the comments received on the Draft Conditions, which is set out in the **attached** table.
4. KQL has accepted a number of the changes proposed by the above parties where they are workable and necessary. However, many of the changes sought or new conditions proposed are unnecessary or go beyond what can be lawfully imposed under the FTAA, as they are more onerous than are necessary to address the matter for which they are set.

**CONCLUSION**

5. KQL appreciates the Panel's consideration of the Application and now awaits its determination.

**DATED** 10 December 2025

A handwritten signature in blue ink, appearing to read 'D Minninnick', is positioned above a horizontal line.

Daniel Minninnick / Sian Kilgour / Kieran O'Connor

**Counsel for Kings Quarry Limited**

**ATTACHMENT**

# Response to Comments Received on Draft Conditions

Condition number	Comments received requesting changes to conditions	Applicant Response
Auckland Council		
70	<p>Quarry operational hours must be limited to between 5am – 7pm Monday to Saturday. Quarrying activity must not occur on Sundays and Public Holidays. Within that there are further limitations as follows:</p> <ul style="list-style-type: none"> <li>Truck movements in and out of the site, including loading of trucks, must be limited to between 6.30am – 5.30pm Monday to Friday and from 7am – 4.00pm on Saturdays.</li> <li>Between 6.30am and 7.00am Monday to Friday, there <del>must</del><sup>shall</sup> be no more than two return truck trips (and their loading).</li> <li>Noise generating quarrying or mineral extraction activities, including overburden removal works, must be limited to 7am – 5.30pm Monday to Friday and from 7am - 4pm on Saturdays.</li> </ul>	KQL accepts this minor wording amendment.
89	<p><u>Within an appropriate planting season, the consent holder must undertake the planting as specified in the LRPP referenced in Condition 54.</u> Following establishment of the required planting as specified in <u>the</u> LRPP referenced in Condition 54 the consent holder must submit a completion report to the Council for certification. The survival rate of plants must not be measured any sooner than 12 months following planting. This report must confirm that all plantings have been completed in accordance with the approved planting plans including evidence of eco-sourcing.</p>	<p>Auckland Council recommended these changes to be included for transparency and clarity on implementation and timing of planting. The Council acknowledged that the LRPP will specify this detail.</p> <p>KQL accepts the suggested addition specifying that remediation planting works occur “within an appropriate planting season”. However, KQL is of the view that this is best to be included as a separate condition prior to condition 89, as condition 89 relates to a completion report.</p> <p>KQL accepts the minor wording amendment for the inclusion of “the”.</p>
N/A	<p>We acknowledge and confirm that we have reviewed the Panel’s justification in the draft decision for the removal of the Condition survey conditions (pre- and post- works).</p>	<p>KQL does not agree with the inclusion of this condition. While 220 Pebble Brook Road is close to the modelled boundary, it is not located within the area where dewatering will occur. As outlined in</p>

Barker & Associates

+64 375 0900 | admin@barker.co.nz | barker.co.nz

Kerikeri | Whangārei | Warkworth | Auckland | Hamilton | Cambridge | Tauranga | Havelock North | Wellington | Christchurch | Wānaka & Queenstown

	<p>Apologies for the lack of clarity on this in our earlier feedback. The conditions were recommended initially to be included by Council's Environmental Monitoring (EM) Team when they reviewed the draft conditions of consent. This recommendation was subsequently reviewed by the GW specialist who concurred that it would be appropriate in this instance for 220 Pebble Brook Road given the proximity of the dwelling to the modelled groundwater drawdown boundary.</p> <p>144 and 175 Pebble Brook Road are notably further from the groundwater drawdown boundary and we are satisfied that the risk of adverse effects on these buildings are negligible, such that a condition survey is not required for these properties.</p> <p>We would therefore request the panel re-consider the inclusion of these conditions for 220 Pebble Brook Road only.</p> <p>Council's Team Leader - Coastal and Water Allocation has reviewed the background and discussions and agrees with the above position.</p>	<p>Williamson Water and Land Advisory's response to comments (Attachment O to KQL's response to invited party comments) received, these properties are situated on the opposite side of the Waitoki Stream. The stream serves as a natural control on groundwater levels, given that the quarry will not extend below the stream bed. Accordingly, requiring pre- and post-works condition surveys for 220 Pebble Brook Road is considered more onerous than necessary, particularly as groundwater drawdown is not anticipated at this property or any nearby dwellings.</p>
142	<p>Three flow monitoring sites must be established in the Waitoki Stream adjacent to the Kings Quarry, one upstream and one downstream. Flow measurements must be taken through the summer period from 1 December to 30 April to determine a correlation to the Council flow gauge at Kaukapakapa.</p> <p>The flow monitoring site must be installed and thereafter maintained at least two months before the Commencement of Dewatering, in accordance with the location and monitoring frequencies specified in Schedule C below: Schedule C: Stream Flow Monitoring Frequency</p>	<p>KQL accepts the reinstatement of this condition as per the Auckland Council comments.</p>

	<p><u>The monitoring frequency may be changed if approved by the Council. Any change must be specified in the MCP. In addition, the three month monitoring period post Completion of Dewatering may be extended by the Council, if measured Waitoki Stream flow rates are not consistent with inferred seasonal trends.</u></p>	
Department of Conservation		
Wildlife Act Approval		
1	<p><del>Approved</del> <del>Authorised</del> activity</p> <ul style="list-style-type: none"> <li>Activity <ul style="list-style-type: none"> <li>Catch alive and liberate protected wildlife for the purpose of salvage, to protect lizards from adverse effects associated with quarrying.</li> <li>Incidentally kill protected wildlife, as a result of unsuccessful salvage <u>or any activities undertaken in relation to Kings Quarry Expansion Stage 2 project</u>, provided all reasonable steps are taken in accordance with this <u>approval authority</u> to avoid killing wildlife.</li> </ul> </li> </ul>	KQL accepts the suggested changes to this condition.
7A	<p><u>Death of wildlife</u></p> <p><u>If any lizards should die as a result of or in the process of carrying out the Approved Activity of catch alive and liberate for the purpose of salvage, the Approval Holder must:</u></p> <ul style="list-style-type: none"> <li><u>inform the Auckland DOC Operations Manager (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</u></li> <li><u>send the body to Massey University Wildlife Post Mortem Service for necropsy OR as otherwise advised by the Auckland DOC Operations Manager, along with details of the animal's history; and</u></li> </ul>	KQL accepts the inclusion of this condition.

	<ul style="list-style-type: none"> <li>• <u>pay for any costs incurred in investigation of the death of any lizard; and</u></li> <li>• <u>if required by the DOC Auckland Operations Manager, cease the Authorised Activity for a period determined by the DOC Operations Manager</u></li> </ul>	
8	<p>If any lizards are found injured <del>as part of during exercise of the</del> <u>Approved</u> <del>Authorised</del> Activity, the <u>Approval Authority</u> Holder must contact the Project Ecologist to get advice on management of the lizard. The <u>Approval Authority</u> Holder is authorised to euthanise injured lizard(s) on recommendation of the Project Ecologist or a veterinarian.</p>	KQL accepts this minor wording amendment.
10	<p>For the life of this <u>Approval</u> <del>the wildlife approval</del>, the <u>Approval Authority</u> Holder must provide annual reports to DOC on the following activities:</p> <ul style="list-style-type: none"> <li>• Pest plant removal</li> <li>• Photo record of lizard habitat development</li> <li>• Success of the lizard habitat planting, including but not limited to, numbers and species planted, annual survival of planting, number/species of plants replaced.</li> <li>• Number location and size of eco-stacks (both rock and woody debris).</li> </ul>	KQL accepts this minor wording amendment.
11	<p>The <u>Approval Authority</u> Holder may apply to the Director-General for variations to this <u>Approval Authority</u> in accordance with clause 7(2) of Schedule 7 of the Fast-track Approvals Act 2024</p>	KQL accepts the minor wording amendment.
12	<ul style="list-style-type: none"> <li>• The Director-General may revoke this <u>Approval Authority</u> in whole or any part at any time (pursuant to clause 7(4) of Schedule 7 of the Fast-track Approvals Act 2024) if: <ul style="list-style-type: none"> <li>o The <u>Approval Authority</u> Holder breaches any of the conditions of this <u>Approval Authority</u>.</li> </ul> </li> </ul>	KQL accepts the minor wording amendment.



	<ul style="list-style-type: none"> <li>o In the Director-General's opinion, the exercise of this <u>Approval Authority</u> has caused, or is likely to cause, any unforeseen adverse effects on lizards.</li> <li>• If the Director-General intends to revoke this <u>Approval Authority</u> in whole or in part, the Director-General will give the <u>Approval Authority</u> Holder such prior notice as the Director-General considers reasonable and necessary in the circumstances.</li> </ul>	
13	The <u>Approval Authority</u> Holder must pay the Department of Conservation's standard charge-out rates for any staff time and mileage required to monitor compliance with this <u>Approval Authority</u> and to investigate any alleged breaches of the terms and conditions of it.	KQL accepts the minor wording amendment.
14	Kings Quarry Limited agrees to exercise the <u>Approval Authority</u> at Kings Quarry Limited's own risk and releases, to the full extent permitted by law, the Director-General and the Director-General's employees and agents from all claims and demands of any kind and from all liability which may arise in respect of any accident, damage, or injury occurring to any person or property arising from Kings Quarry Limited's exercise of the <u>Approval Authority</u> .	KQL accepts the minor wording amendment.
15	Kings Quarry Limited must comply with all <u>statutes, bylaws, and regulations, and all</u> notices, directions, and requisitions of the Director-General and any competent authority relating to the exercise of the <u>Approval Authority</u> .	KQL accepts the minor wording amendment.
16	<u>Employees, contractors or agents</u> <ul style="list-style-type: none"> <li>• <u>Kings Quarry Limited is responsible for the acts and omissions of its employees, contractors, and agents.</u></li> <li>• <u>Kings Quarry Limited is liable under the Approval for any breach of its terms by employees, contractors, or agents, as if the breach were committed by Kings Quarry Limited.</u></li> </ul>	KQL accepts the inclusion of this condition.

	<ul style="list-style-type: none"> <li>Where obligations bind more than one person, those obligations bind those persons jointly and separately</li> </ul>	
Resource Consent		
37	<p>A Threatened and At Risk Plant Management Plan must be prepared and must include as a minimum:</p> <ul style="list-style-type: none"> <li>A schedule of the threatened and At Risk plant species identified within the Project and that are to be addressed by the Plan</li> <li>Methods for seed collection, as appropriate, planting and maintenance</li> <li><u>Species-specific protocols for contractors and a requirement that vegetation clearances are supervised by a suitably qualified restoration ecologist with documented experience of leading or advising on restoration projects of this type and scale in New Zealand</u></li> <li><u>Translocation of threatened and At Risk plants discovered within the Project footprint that are of a size that can be moved and replanted elsewhere (not including large trees or shrubs)</u></li> <li>A requirement that all plants be ecosourced</li> <li>The location(s) and timing of planting</li> <li>Weed management, including strategies to prevent or minimise spread of weed species within the planting area</li> <li>Success targets, methods for monitoring and reporting to determine the effective establishment of plantings, for a minimum of five years following each area of planting.</li> <li>Contingency actions and further monitoring for any targets that are not met.</li> </ul>	<p>KQL agrees to these additional requirements; however, it considers the proposed wording of 37(c) is overly onerous and unnecessary. A suitably qualified person will be able to identify Threatened or At Risk plant species and it is not necessary to require this person to also have documented experience of leading or advising on restoration projects of this type and scale in New Zealand. The expectation of the Management Plan is that most of the management would be undertaken prior to vegetation clearance (seed collection, and relocation where plants could be dug out) rather than during, when fauna management would have greater focus. Proposed amendments to 37(c) are set out below (new sub-clause):</p> <p><u>(c) Species-specific protocols for contractors and a requirement that vegetation clearances are supervised by a suitably qualified restoration ecologist with documented experience of leading or advising on restoration projects of this type and scale in New Zealand</u></p>
47(a)	<p>A pest exclusion fenced area on the Oldfield Road site within which all target pest species, including mice, rats (Norway and ship), weasels, stoats, ferrets, possums, hedgehogs, feral cats, rabbits, hares, goats, pigs and deer must be eradicated, with ongoing pest surveillance and incursion response</p>	<p>KQL accepts the amendments to this condition.</p>

	protocols, as well as fence maintenance and inspection protocols. <u>These protocols will be as specified in sections 3.6 and 3.7 of the Residual Effects Management Plan.</u>																						
51, Table 2	<table border="1"> <thead> <tr> <th>Pest Species</th><th>Management Target</th><th>Threshold</th></tr> </thead> <tbody> <tr> <td colspan="3"><b>Mammalian Pest Exclusion Area</b></td></tr> <tr> <td>...</td><td>...</td><td>...</td></tr> <tr> <td colspan="3"><b>Mammalian pest suppression area</b></td></tr> <tr> <th>Pest species</th><th>Management Target</th><th>Threshold</th></tr> <tr> <td>...</td><td>...</td><td>...</td></tr> <tr> <td>Pigs, <del>deer</del> and goats</td><td>Initiate control if observed</td><td>Any observation (incl. sign)</td></tr> </tbody> </table>	Pest Species	Management Target	Threshold	<b>Mammalian Pest Exclusion Area</b>			...	...	...	<b>Mammalian pest suppression area</b>			Pest species	Management Target	Threshold	...	...	...	Pigs, <del>deer</del> and goats	Initiate control if observed	Any observation (incl. sign)	KQL accepts the amendments to this condition.
Pest Species	Management Target	Threshold																					
<b>Mammalian Pest Exclusion Area</b>																							
...	...	...																					
<b>Mammalian pest suppression area</b>																							
Pest species	Management Target	Threshold																					
...	...	...																					
Pigs, <del>deer</del> and goats	Initiate control if observed	Any observation (incl. sign)																					
51, Table 2	<p>Add the following footnote at both references in the table to “Monitoring frequency”:</p> <p><u>For rodents, mustelids and possums, monitoring frequency will be in accordance with DOC’s best practice methods as follows:</u></p> <ul style="list-style-type: none"> <li><u>DOC tracking tunnel guide v2.5.2: using tracking tunnels to monitor rodents and mustelids</u></li> <li><u>Possum Population Monitoring</u></li> </ul>	<p>KQL alternatively proposes the following wording as a footnote following the first reference to "monitoring frequency":</p> <p><i>"Monitoring frequency will follow DOC’s best practice methods (e.g., DOC Tracking Tunnel Guide v2.5.2 and Possum Population Monitoring), or any updated DOC-approved methods available at the time of implementation."</i></p>																					
52	<p>Pest populations shall be controlled to the targets specified in Table 2 above. Additional pest management will be required to meet targets if monitoring identifies that:</p> <p>...</p> <p>(c) For the pest exclusion area <del>ant</del> <u>any</u> pest has been detected.</p>	This typo has been corrected as part of KQL’s comments on the draft conditions issued by the Panel.																					
90	<p>Plant maintenance in accordance with the LRPP and details approved under Condition 54 must occur until <del>80%-90%</del> canopy closure has occurred and a minimum survival rate of the plants (being 90% of the original density through the entire planting area(s)) has been achieved. The maintenance</p>	KQL does not agree with the amendments sought by DoC. Industry best practice deems 80% canopy coverage is sufficient to achieve the intended visual, ecological and amenity outcomes for the development. This aligns with NZTA P39 Landscaping guidance																					

	period <del>must be a minimum of five years and</del> must commence once the completion report for each stage has been certified by the Council in accordance with Condition 54. Plant maintenance includes the ongoing replacement of plants that do not survive.	document, which recognises 80% canopy coverage as an appropriate and effective benchmark.
116(b)	Provide that maintenance must continue until <del>80%</del> <u>90%</u> canopy closure has occurred and a minimum survival rate of the plants (being 90% of the original density through the entire planting area(s)) has been achieved. <del>The maintenance period must be a minimum of five years or until 80% canopy closure has occurred, which ever is lesser.</del> Plant maintenance includes the ongoing replacement of plants that do not survive.	KQL does not agree with the amendments sought by DoC. Industry best practice deems 80% canopy coverage is sufficient to achieve the intended visual, ecological and amenity outcomes for the development. This aligns with NZTA P39 Landscaping guidance document, which recognises 80% canopy coverage as an appropriate and effective benchmark.
Neighbours collective		
N/A	The Consent Holder must seal Pebble Brook Road (from the approved quarry access to the intersection of Pebble Brook Road and Waitoki Road) in consultation with Auckland Transport	<p>KQL does not agree with the inclusion of this proposed condition.</p> <p>Proposed condition 101 of the draft resource consent requires that sealing be considered by the consent holder within three months following completion of Year 8 of the Quarry stage, with any recommendations indicated to be implemented by the consent holder prior to Year 11, to reflect the increase of traffic volume that occurs from Year 11 onward. KQL accepts proposed condition 101 of the draft conditions.</p> <p>Pebble Brook Road is not required to be sealed from the commencement of Stage 2 given there is no change in traffic volumes from the current Stage 1 consent, which already includes an upgrade to Pebble Brook Road as required by Auckland Transport.</p>

N/A	The Council must conduct an audit to ensure that all Stage 1 consent conditions have been complied with before Stage 2 is operational.	<p>KQL does not agree with the inclusion of this proposed condition.</p> <p>The conditions of BUN60373589 ('Stage 1 consent') relevant to commencement of Stage 2 are the traffic mitigation measures required under conditions 25a, 25b and 25c. Condition 75 of the draft resource consent conditions requires that quarry operations must not commence until such time that these conditions have been implemented and as such an additional condition requiring an audit is not considered necessary.</p>
42	Amendment to Condition 42 to include deer as a target pest species at the quarry site and adjacent site at 306 Pebble Brook Road. The Consent Holder shall maintain populations at an appropriate management target.	KQL accepts the amendments to this condition.
51, Table 2	Amendment to Condition 51 (Table 2) to include deer within the mammalian pest suppression area with appropriate management targets and thresholds.	KQL accepts the amendments to this condition.
68(g)	Amendment to Condition 68(g) to include resident complaints.	<p>A response to the obligations required by Condition 68, including subclause (g), was provided at Section 2 of the Memorandum of Counsel submitted in response to Minute 15 of the Panel. As with the requirement to manage customer complaints, the management of resident complaints is considered more onerous than necessary and problematic. This is due to the potential for complaints to be submitted incorrectly or without sufficient timeliness through Auckland Transport, and the likely risk that KQL may receive all complaints relating to this section of road, irrespective of whether the issue is related to the quarry activities.</p> <p>KQL opposes the inclusion of the Maintenance Management Plan condition. If the Panel are minded to impose Condition 68, the proposed amendments within KQL's response to Minute 15 need to</p>

		be implemented, and a complaints process agreed with Auckland Transport.
78	Condition 78 is to specify what neighbours are to be notified by text message or email of the upcoming blast.	<p>"Neighbours" within Condition 78 refers to properties directly adjacent the quarry, as identified within Appendix 11 of the lodged Fast-Track Application.</p> <p>KQL proposes the following amendment to Condition 78 in response to this comment:</p> <p><i>Neighbours, <b><u>being properties directly adjacent to the site</u></b>, must be notified by text message or email of the upcoming blast at least 24 hours in advance. The QNMP must set out the notification procedure.</i></p>
86	Amendment to Condition 86 to include earthworks on site, and outside the site boundary.	The proposed amendment to Condition 86 is not considered necessary, as no works are proposed outside the site boundary. Notwithstanding, if the intention is to capture maintenance works to Pebblebrook Road, this amendment is still unnecessary as the maintenance and repair of existing road can be undertaken as a permitted activity (Table E26.2.3.2(A67) of the AUP (OP)). As such, KQL does not agree with the inclusion of this condition.
N/A	If road maintenance work exceeds 4 times per year due to faults, the Consent Holder is to seal the road to ensure acceptable public road standards in consultation with a suitably qualified and experienced Pavement/Geotechnical specialist in consultation with the Council and Auckland Transport. This must be undertaken at the Consent Holder's expense.	<p>This comment relates to proposed Condition 68 of the draft resource consent, which is opposed by KQL for the reasons outlined in KQL's response to Minute 15.</p> <p>The suggestion by the Neighbours Collective that sealing of Pebble Brook Road is required should road maintenance work exceed 4 times per year due to faults is also opposed by KQL and reinforces the impracticality of condition 68.</p> <p>Consideration of road sealing based on the number of times road maintenance is required is not standard practice by Auckland</p>

		Transport across the unsealed roading network and is entirely unreasonable to expect KQL to comply with. Further to this, the terms "road maintenance work", and "faults" give rise to interpretation issues.
141	Condition 141, the Monitoring and Contingency Plan is to include contact details of a Kings Quarry Limited representative to whom complaints can be directed if adverse effects arise at Farm Bore 947-11255.	The proposed amendment to Condition 141 to include contact details of a Kings Quarry Limited representative for complaints regarding the bore is considered unnecessary. The Mitigation Plan protocol specified in Conditions 143 through 147 of the groundwater diversion permit WAT60450003 is considered sufficient for managing potential adverse effects on the water quality of the bore. Additionally, this amendment would likely result in KQL receiving complaints in relation to this bore irrespective of the actual issue.
Responses to proposed amendments to DMP and proposed operational (Air Discharge Monitoring) condition	The Consent Holder must engage a suitably qualified and experienced person to prepare and conduct dust monitoring near sensitive receptors along Pebble Brook Road. The monitors shall be installed and calibrated as per the manufacturer's instructions by a suitably qualified and experienced professional.	KQL does not agree with the inclusion of the proposed conditions as these are details that will be addressed in the DMP. Commentary against each specific item is provided below.  Dust monitoring is already proposed to occur near the entrance to the Kings Quarry site, as outlined in the DMP. This dust monitoring data will be used to inform potential effects on sensitive receptors along Pebble Brook Road. The requirement that the monitors be installed and calibrated by a suitably qualified and experienced person is likewise considered unnecessary.
	The monitor shall utilise nephelometry, optical particle counting, beta attenuation technology or equivalent technology to record real-time concentrations of at least PM <sub>10</sub> . If nephelometry or optical particle counting technologies are used, the equipment will be appropriately calibrated	The monitor technology proposed to be used at site will utilise nephelometry and/or optical particle counting. These monitors will be calibrated on a quarterly basis (per manufacturers recommendations).

against beta attenuation or similar equipment to ensure that the concentrations measured are accurate.	<p>At this stage, calibration against a beta attenuation monitor is not necessary because the purpose is to verify control effectiveness and not the assessment of health.</p> <p>A period of calibration against beta attenuation equipment will be incorporated into the DMP for the monitor placed near Pebble Brook Road because it will be used to indicate health effects on neighbours.</p>
The monitors shall be located suitably to assess dust generated by traffic movements on Pebble Brook Road, in order to determine the potential for health effects on the nearby residential receptors, in particular those located within 100 m of the road.	The monitor located near Pebble Brook Road will be positioned in a manner which allows for indicative assessments of effect to sensitive neighbours and to regulate the mitigation of dust from truck movements.
The monitors shall be connected to a data logger capable of sending real-time alerts to site staff to notify them of elevated concentrations.	All monitors will data log and be telemetered to allow for real time alerts, as already set out in the DMP.
The trigger levels presented in Table 1 shall be adopted, with the data logger programmed so that site staff are alerted of the trigger levels if they are exceeded.	The DMP already adopts the 1-hour average trigger levels in Table 1.
The ambient air quality standard for PM10 specified in Table 1 must not exceed its threshold concentration in an airshed (50 micrograms per cubic metre expressed as a 24-hour mean). The standard is breached if PM10 exceeds its threshold concentration in an airshed and the exceedance is not a permissible exceedance.	The Kings Quarry site is not within an airshed nor is it close enough to impact on one.
The Consent holder is allowed 1 exceedance in a 12-month period as per Schedule 1, ambient air quality standards for contaminants, of the Resource Management (National Environmental Standards for Air Quality) Regulations 2004.	Ambient air quality standards apply within airsheds. The Kings Quarry site is not within an airshed nor is it close enough to impact on one.
If at any time the trigger levels in Table 1 are exceeded, the Consent Holder is to:	The DMP already covers trigger levels and the process for where an exceedance of a dust trigger level occurs.



- Cease all material transportation and employ dust suppression measures such as immediate watering.
- Contact the Council as soon as possible in the event there has been an exceedance. The following information must be supplied:
  - o Details of the nature of the discharge;
  - o An explanation of the cause of the incident; and
  - o Details of remediation action taken.

Table 1: PM <sub>10</sub> Trigger Levels		
Average	Alert	Concentration (µg/m <sup>3</sup> )
1-hour	Warning	120
	Exceedance	150
24-hour	Warning	40
	Exceedance	50
Notes:		

158

Processes on site **and during transportation of material on Pebble Brook Road (from the approved quarry access to the intersection of Pebble Brook Road and Waitoki Road)** must not give rise to dust or the deposition of particulate matter that causes a noxious, dangerous, objectionable or offensive effect beyond the boundary of the site.

KQL does not agree with the amendments to this condition. The consent relates to activities at 186 Pebble Brook Road. The boundaries of this address are considered to be the site. This does not include Pebble Brook Road.

Kings Quarry does not have control over Pebble Brook Road. The responsibility of maintaining the public roading network of Auckland lies with Auckland Transport. There are also other users of this road and not all road dust will be attributed with Kings Quarry vehicle movements. Kings Quarry therefore has limited control over the effects from dust arising from the Pebble Brook Road's use.

While the additional trucks using Pebble Brook Road will cause increased dust generation, mitigation actions have been proposed to minimise these effects. These actions are focused on controlling potential dust with water (initially), dust suppressant use (if

		deemed necessary) and sealing the road (if other controls are deemed ineffective).
167	Condition 167 is amended to include the contact details of a Kings Quarry Limited representative to whom complaints can be directed.	KQL does not agree with the amendment to this condition.  It is not considered practicable to have contact details of KQL be set out within the condition as any change to the contact detail or change of consent holder would require an application to vary the condition. Contact details for KQL can be easily found online.
Royal Forest and Bird Protection Society of New Zealand Inc		
7	Delete "Subject to condition 8 below" or amend to refer to condition 10.	KQL does not agree with the amendment to this condition.  Condition 7 requires the clause of "Subject to condition 8 below" to enable the function of Condition 8, being to allow for an alternative independent process should agreement not be reached with the Council. Without the clause it would inadvertently require all management plans to be certified by Council, even if the alternative process is implemented.
8	The part of the condition from "If upon resubmission..." onwards should be deleted.	KQL does not agree with the amendment to this condition.  As set out above, Condition 8 provides an alternative independent process should agreement not be reached with the Council. This condition is considered integral to the operation of the consent as it provides an independent mediation process for if there are any disputes regarding the finalised management plans.
54	There appears to be an error in Condition 54 referring to condition 1. This should be a reference to Condition 2	It is confirmed that Condition 54 should reference the 'Activity in Accordance with Application' condition (Condition 2).
111	Forest & Bird considers that a bond is the most appropriate way to ensure that conditions necessary to deliver the outcomes of offset and compensation measures on which consent is to be granted.	Within the draft decision the Panel set out that they do not consider that a bond is necessary, given:

		<ul style="list-style-type: none"> <li>The key effects that might require the imposition of a bond can be appropriately managed;</li> <li>They do not consider that the AUP directs the imposition of a bond in this situation; and</li> <li>The requirements of section 83 of the FTAA.</li> </ul> <p>KQL concur with the reasons provided by the Panel and consider that the comments received do not provide any additional evidence contrary to the Panel's draft decision.</p>
Auckland Conservation Board		
N/A	We restate our recommendation for the appropriate authorities to require a bond or mechanisms for environmental management beyond the life of the consent, given that all the proposed ecological benefits will only accrue in the very long term.	Please refer to the response provided above regarding appropriateness of bonds, provided against the Royal Forest and Bird Protection Society of New Zealand Inc comments on Condition 111.
Charles Wedd and Dr Kate Jones		
Definitions	<p>Add:</p> <p>Overseeing Committee (OC) – A committee comprising a representative of each of the following:</p> <ul style="list-style-type: none"> <li>The Applicant</li> <li>Auckland Council</li> <li>Local Board (optional)</li> <li>One member representing adjacent property owners from Pebble Brooke Rd residents who have submitted on the FTAA application.</li> <li>One member representing adjacent property owners from Haruru Rd residents who have submitted on the FTAA application.</li> </ul>	<p>This definition is considered unnecessary as KQL opposes the formation of an <i>'Overseeing Committee'</i> for the reasons set out below and in response to <i>'Condition 17b'</i>.</p> <p>The requested condition establishing an Oversight Committee is not considered necessary and is likely to be problematic. The monitoring and implementation of the consent conditions can be appropriately monitored by the Council, and additional governance structures of this nature fall outside the scope of what is required to address actual or potential effects.</p> <p>The proposed condition is considered more onerous than necessary and would impose significant administrative and financial obligations on the consent holder. Matters such as community</p>

		<p>engagement, complaint management, and compliance oversight are already provided for within the existing conditions and Council's functions.</p> <p>Overall, KQL does not agree with the inclusion of this definition.</p>
Definitions	<p>Add:</p> <p>Area-A means the area referred to as Pit-A in the AEE.</p>	<p>KQL does not agree with the inclusion of this definition and considers it unnecessary as the conditions and Assessment of Environmental Effects consistently refers to A-Pit.</p>
1.1	<p>Register a 1st priority lien over the Oldfield Road property in favour of Council for an amount sufficient to cover all future costs for full implementation of all environmental off-setting proposed at Oldfield Road including:</p> <ul style="list-style-type: none"> <li>• The construction of the predator-proof fence</li> <li>• All proposed planting</li> <li>• Pest management</li> <li>• Monitoring</li> <li>• And any other costs expected from complying with these conditions of consent.</li> </ul>	<p>The response provided above regarding the appropriateness of bonds is considered relevant to the imposition of a lien. Please refer to the response provided against the Royal Forest and Bird Protection Society of New Zealand Inc comments on Condition 111.</p>
1.2	<p>Register a 1st priority lien over the Pebble Brook Road quarry property in favour of Council for an amount sufficient to cover all future costs for:</p> <ul style="list-style-type: none"> <li>• implementation of all environmental remediation including planting</li> <li>• an amount to remediate the quarry site should quarrying activity be abandoned without all consent conditions being fully given effect</li> </ul>	<p>As above in response to 'Condition 1.1'.</p>
1.3	<p>Put in place insurance cover sufficient to cover any future damage to adjacent properties from works undertaken by KQL such as quarrying, roading and filling of area-A. Such cover to extend at least 25 years subsequent to the quarry closure.</p>	<p>KQL does not agree with the inclusion of this condition as a condition requiring insurance cover is not considered appropriate. The assessments undertaken in relation to site stability and groundwater effects have not identified any potential effects that could result in damage to adjacent properties. Furthermore, a</p>

		comprehensive suite of conditions has been proposed to manage any potential effects on adjacent properties.
1.4	The value of the 1st priority liens for both properties and insurance cover to be reviewed annually and increased as necessary. The review and increase in cover to be approved by the OC.	As above in response to 'Condition 1.1' and 'Condition 1.3'.
2.(c)	Any supplemental correspondence to/from the applicant as listed	This additional clause is considered unnecessary as correspondence from KQL provided through the FTAA process is included as part of the application formally received by the Environmental Protection Authority.
3	Change to \$50,000 and add ... as attached to these consents, including: <ul style="list-style-type: none"> <li>• certification of all of the plans listed in condition 6 and</li> <li>• certification of any report confirming appropriate physical works required prior to quarrying starting or of any native vegetation removal have been completed.</li> </ul>	As set out in the condition's accompanying advice note, the initial monitoring deposit is to cover the cost of inspecting the site, carrying out tests, reviewing conditions, updating files, etc. As such, a deposit of \$50,000 is not considered appropriate for initial monitoring. Actual and reasonable costs of monitoring the conditions, including certification of plans, will be charged at the relevant hourly rate applicable at the time.
6	Amend to read "... submitted to Council and the Oversight Committee, together with a summary of all changes from those plans submitted with the FTAA application ..." The following management plans have been missed from the list: <ul style="list-style-type: none"> <li>• (v) Pebble Brook Road pavement audit and upgrade plan</li> <li>• (w) Traffic Management Plans</li> </ul>	<p>This amendment is considered unnecessary as KQL opposes the formation of an 'Overseeing Committee' for the reasons set out below in response to 'Condition 17b'.</p> <p>It is anticipated that the 'Pebble Brook Road pavement audit and upgrade plan' referred to is the Maintenance Management Plan ('MMP') required by proposed Condition 68. KQL does not consider the MMP should be listed, given its imposition is opposed. However, if the Panel remains minded to require an MMP, then it should be listed accordingly.</p>

		A Traffic Management Plan is not proposed or required by the conditions.
7	<p>Add an additional sentence:</p> <p>Where appropriate any works conditional on the implementation of any management plan may not commence until certification from a suitably qualified professional has been received by Council, certifying that the management plan has been implemented and any as-builts have been constructed to specification.</p> <p>Add an advice note:</p> <p><i>Any comments or suggestions from members of the Oversight Committee are to be directed to the Council and copied to the applicant and independent arbitrator (if any), however Certification is fully the responsibility of Council.</i></p>	<p>KQL does not agree with the amendments to this condition as it is not considered necessary for the implementation of the required management plans. Where required, the management plans will stipulate when Council needs to be notified. Council will monitor compliance with the conditions and the implementation of the consent in accordance with best practice.</p> <p>The proposed advice note is considered unnecessary as KQL opposes the formation of an 'Overseeing Committee' for the reasons set out below in response to 'Condition 17b'.</p>
8.	<p>(1) Change "not able" to "will not", is a better word choice.</p> <p>(2) Add the following:</p> <p>"... Council to appoint an independent and suitably qualified person, at the consent holder's cost, to arbitrate any points of difference. ..."</p> <p>(3) 5 days is probably too tight to be practical, change to 10?</p>	<p>KQL does not agree with the proposed amendments to Condition 8. It is considered that the proposed amendments do not provide any functional improvement to the condition. The proposed 5 working day timeframe is considered sufficient by KQL. Additionally, the Council, who has reviewed the draft conditions, has raised no concerns with the timeframe.</p>
17A	<p>Finalised Quarry Management Plan</p> <p>Prior to any earthworks, vegetation clearance, filling or any other activities enabled by this consent the Quarry Management Plan (QMP) must be updated to prove that the consented activities can be given practical effect to the full extent as outlined in the application.</p> <ul style="list-style-type: none"> <li>As a minimum the following should be included:</li> </ul>	<p>KQL does not agree with the proposed inclusion of 'Condition 17A' for the following reasons:</p> <ul style="list-style-type: none"> <li>The location and size of stockpiles and associated loading areas will change depending on where quarry operations are being undertaken. Such a condition would require constant certification by the Council;</li> </ul>

<ul style="list-style-type: none"> <li>o For each aggregate size stockpile: Location of each shown on an aerial map, to scale</li> <li>o Stockpile height and diameter</li> <li>o Number of weeks stock holding</li> <li>• Location of the crusher shown on an aerial map, to scale</li> <li>• Location of the roading network within the quarry pit, shown on an aerial map, to scale</li> <li>• Location(s) of the truck loading area(s) shown on an aerial map, to scale</li> </ul> <p>Details are to be included for each of the three maximum proposed extraction levels at:</p> <ul style="list-style-type: none"> <li>• Years 1 to 5, 195,840 tonnes</li> <li>• Years 6 to 10, 300,000 tonnes</li> <li>• Years 11 to 45, 500,000 tonnes</li> </ul> <p>For each of the cumulative stockpiles of topsoil and overburden, the above details should also be shown for each of the year ends, 1,2,5,10 and each 5 years thereafter.</p> <p>Calculations used to arrive at the above are to be made available to the OC and for an independent reviewer if required by the OC.</p> <p>Limitations as to physical space or health and safety considerations must be identified.</p> <p>No stage 2 works may commence until the consent holder is able to show the consent can safely be given practical effect.</p>	<ul style="list-style-type: none"> <li>• The location of the crusher will change as the quarry progresses. Similar to the above, such a condition would require constant certification by the Council;</li> <li>• The proposed haul roads have been provided within the application material;</li> <li>• Health and safety procedures within the Quarry are not a resource management matter. These matters are provided for under the Health &amp; Safety at Work (Mining Operations &amp; Quarrying Operations) Regulations 2016 and WorkSafe Guidelines.</li> </ul>
---	--

	<p>If the consent as granted cannot be given practical effect, then the consent shall lapse.</p> <p>The Finalised QMP must be in general accordance with the Draft Quarry Management Plan referenced in Attachment 1. Any subsequent review of the QMP must also be submitted to Council for certification in accordance with condition 6 above.</p>	
17B	<p>The applicant is to draft operation procedures for the running of and timeframes for the Oversight Committee (OC), which will include as a minimum:</p> <ul style="list-style-type: none"> <li>• Confirmation that the first meeting is to: <ul style="list-style-type: none"> <li>o Elect Chair</li> <li>o Confirm the contact emails and phone numbers of the members and any proxies</li> <li>o Ratify the operation procedures, with any changes the OC considers appropriate</li> </ul> </li> <li>• Establish a meeting schedule</li> <li>• Agenda responsibility, content and timing before meetings</li> <li>• Confirm Committee members are to be paid at Council rates per Fees schedule.</li> <li>• Meetings open to any residents or their representatives, at no cost to the Applicant.</li> </ul> <p>All costs of the OC are to be met by the Applicant in full. These roles should be remunerated at the rate equal to that set by Auckland Council for their representative for meeting attendance, preparation time and any additional work required to be undertaken.</p>	<p>The requested condition establishing an Oversight Committee is not considered necessary and would create significant governance and operational issues. The monitoring and implementation of the consent conditions is a matter for the relevant consent authority. In this case, the consent conditions can be appropriately monitored by the Council, and additional governance structures of this nature fall outside the scope of what is required to address actual or potential effects.</p> <p>The proposed condition is considered more onerous than necessary and would impose significant administrative and financial obligations on the consent holder. Matters such as community engagement, complaint management, and compliance oversight are already provided for within the existing conditions and the Council's functions.</p>



	The Chair of the OC to be set by the majority of OC members. Committee processes, meeting schedules, meeting locations, etc to be agreed on by majority vote at the initial meeting from draft documentation prepared by the Applicant.	
20	S128 review add the following words: Or at any time the Applicant materially breaches any conditions of consent, as determined by a majority vote of the Oversight Committee or issuance of a Council abatement notice.	This amendment is considered unnecessary as KQL opposes the formation of an ' <i>Overseeing Committee</i> ' for the reasons set out above in response to ' <i>Condition 17B</i> '.
24-25	Change "The" to "Additional" to the last sentence of paragraph 1 as GD05 includes comprehensive objectives that shouldn't be overwritten, but can be added to. It would now read: "Additional objectives of the ESCP are to:" Slight wording tweak to ensure there is no misunderstanding that all other relevant aspects of GD05 must also be addressed in the ESCP. "The ESCP must also contain sufficient detail to address the following matters:"	KQL opposes the proposed amendments to Conditions 24 and 25. It is considered that the proposed amendments do not provide any improvement to the conditions as it is clear that the Erosion Sediment Control Plan is required to be in accordance with GD05 and the requirements of the conditions.
26	As above add "also" to advice notes: <i>Certification of the sediment and erosion control structure should <b>also</b> contain sufficient details to address the following matters:</i>	As above in response to Conditions 24 and 25.
41B	Prior to any activities in the Waitoki Stream, written permission for the proposed activities must be obtained by the Applicant from the relevant adjoining property owners. This must be submitted to Council and the Oversight Committee at least 10 days before the proposed activity commences.	It is noted that the Waitoki Stream is generally contained within its own parcel or located within the site. All Waitoki Stream Flow Monitoring occurs within the site or public land. Any freshwater fish relocation will not be undertaken on adjacent properties. As such, it is considered that this proposed condition is not required.
46B	Feral cat management	This condition is considered more onerous than necessary and outside the scope of the consent. Feral cat trapping is a common and routine activity within rural environments, and the

	<ul style="list-style-type: none"> <li>At least 30 days prior to any feral cat management activities being undertaken, the applicant must offer to each adjoining property owner to microchip all of their domestic cats, at the applicants cost.</li> <li>Any subsequent cats acquired by an adjoining property owner can also be micro-chipped at the applicants cost.</li> <li>Feral cat management must be in the form of live trapping with the following conditions: <ul style="list-style-type: none"> <li>during the trapping activity all traps to be monitored twice daily; once in the early morning and again in the late afternoon.</li> <li>Prior to the killing of any cat caught, it is to be checked to ensure it is not a domestic cat and is not a micro-chipped.</li> <li>Any domestic cats are to be returned to their owner, unharmed.</li> <li>Only feral cats can be euthanised.</li> <li>If any domestic cat is harmed as a result of trapping the applicant is to pay all vet costs associated with an injury.</li> </ul> <p style="padding-left: 40px;">If any domestic cat is killed the Applicant is to pay the owners \$10,000 damages and the trapping program procedures modified to prevent any further domestic cat deaths.</p> </li> </ul>	management of domestic animals remains the responsibility of their owners, with such animals not expected to be present on the site. Pest management activities will be undertaken in accordance with the Mammalian Pest Control Plan. As such, it is considered that this proposed condition is not necessary.
54.	Prior to the commencement of <del>all</del> <u>any</u> Stage 2 quarrying activities	KQL accepts this minor wording amendment.
65A	<p>Prior to any earthworks or vegetation clearance permitted by this consent an automated noise monitoring device is to be installed at the notional boundary of the house at 782 Haruru Road. Such device to automatically send notification to both the applicant and the owners of the house at 782 Haruru Road that noise levels have been exceeded.</p> <p>The cost of installation and ongoing monitoring is to be at the applicants cost.</p>	A response to the proposal for continuous monitoring at 782 Haruru Road was provided by Hegley Acoustic Consultants in response to invited party comments. It was noted that weather and extraneous noise make permanent noise loggers difficult to use in practice. It was also noted that, for much of the quarry's life, the uppermost level of noise will be to neighbours other than 782 Haruru Road. Alternative noise monitoring is provided for within

65B	If noise levels exceed 45dB then all work on the site is to immediately cease until it can be established what has caused the noise level exceedance and that activity is to cease, if it is quarry related. If the cause cannot be established all work on the site is to cease for the remainder of the day.	the conditions of consent and is considered to be more effective. As such, it is considered that these proposed conditions are not required.																		
65C	Prior to restarting quarry activities after a breach of permitted sound levels the applicant will email the owners of 782 Haruru Road advising what caused the breach and confirming the problem has been resolved.																			
65D	All breaches of noise limits must be logged, identifying the cause and remedial action taken to resolve the problem and steps taken to prevent a reoccurrence.																			
65E	The log to be provided to the OC on a monthly basis.																			
65F	<div>The number of items of heavy equipment operating in the quarry must not exceed the following:<table><tr><td>Plant</td><td></td></tr><tr><td>Excavator</td><td>1</td></tr><tr><td>Front End Loader</td><td>1</td></tr><tr><td>Mobile Crusher</td><td>1</td></tr><tr><td>Rock Drill</td><td>1</td></tr><tr><td>Dump Truck</td><td>1</td></tr><tr><td>Water Truck</td><td>1</td></tr><tr><td>Bulldozer</td><td>1</td></tr><tr><td>Total</td><td><u>7</u></td></tr></table></div>	Plant		Excavator	1	Front End Loader	1	Mobile Crusher	1	Rock Drill	1	Dump Truck	1	Water Truck	1	Bulldozer	1	Total	<u>7</u>	The proposed conditions and table do not accurately represent the proposal. As set out by Hegley Acoustic Consultants in response to invited party comments, the critical assessment scenario already accounts for and has assessed multiple pieces of equipment operating simultaneously, including the possibility of an excavator working elsewhere in the quarry. As such, it is considered that these proposed conditions are not required.
Plant																				
Excavator	1																			
Front End Loader	1																			
Mobile Crusher	1																			
Rock Drill	1																			
Dump Truck	1																			
Water Truck	1																			
Bulldozer	1																			
Total	<u>7</u>																			
65G	No more than one item of heavy equipment may be operating within Area-A at any one time.																			
65H	Prior to the commencement of quarrying, vegetation removal, filling or any other quarry activities the NVMP must be implemented.	Condition 9 of the consent requires that all works must be carried out in accordance with the certified management plan(s), including the Noise and Vibration Management Plan. As such, this condition would be considered to be a duplication.																		
65 - 67	Replace the following words in proposed conditions 65 - 67:	Conditions 65-67 seeks to manage the placement of fill once excavation has occurred. As such, geotechnical investigation cannot																		

	<p>Replace “Prior to earthworks fill activities commencing for A-Pit” with “Prior to any earthworks, vegetation clearance or any fill related activities commencing in any part of Area-A”</p> <p>Replace “to the satisfaction of Council” should be amended to read: “... This report must be “approved by the OC and to be certified by Council”.</p>	<p>be undertaken until after vegetation removal and quarry excavations have occurred, therefore, this proposed amendment renders the conditions unworkable.</p>
65A	<p>Any earthworks and indigenous vegetation removal required to undertake subsurface investigations must be limited to the minimum reasonably necessary in order to provide access for appropriately sized equipment. Details of the earthworks and vegetation clearance are to be provided to the OC at least 10 days prior to works for approval.</p>	<p>As above, these conditions relate to the final stability of the site regarding the filling of A-Pit and not earthworks proposed for mineral extraction.</p>
67	<p>Change to a minimum of 10 years of annual monitoring, not 1.</p>	<p>One year of monitoring is considered appropriate to identify any stability issues for the fill activities.</p>
67C	<p>Prior to any earthworks, vegetation clearance, filling or any other activities enabled by this consent the consent holder shall undertake a sufficient number of subsurface investigations, across the proposed quarry area at representative locations to prove:</p> <ul style="list-style-type: none"> <li>• the existence of quality aggregate suitable for use in the building of infrastructure and development projects with significant regional or national benefits</li> <li>• the existence of a sufficient quantity of aggregate resource that can reasonably be extracted at the rate of 500,000 tonnes per year given the constraints of the quarry site.</li> <li>• That of the above 500,000 tonnes, 100,000 tonnes will be Decorative Pebbles</li> <li>• That there is a likely commercial market in Auckland for the remaining 400,000 tonnes</li> </ul>	<p>As above, these conditions relate to the final stability of the site regarding the filling of A-Pit, not earthworks proposed for mineral extraction. Additionally, this condition is not considered to manage a particular effect on the environment. Notwithstanding this, a comprehensive response regarding the geological analysis and estimated aggregate yields was provided by Aggretech in response to invited party comments, to which the Panel found they were satisfied the issue had been appropriately considered and addressed. As such, it is considered that this proposed condition is not required.</p>

	<ul style="list-style-type: none"> <li>That the above aggregates can be commercially extracted from Kings Quarry given the constraints of the quarry site.</li> </ul> <p>An independent and suitably qualified and experienced geologist must certify that the number of tests, locations and resource findings as to quality and quantity and economics are valid. Assertions as to quality are to be supported by appropriate tests</p> <p>and measurements against the standards used for roading and construction aggregates used in the Auckland Market.</p> <p>If the investigations show that there is less than 360,000 tonnes , being 80% of that stated by the Applicant, of quality aggregate able to be commercially extracted from Kings Quarry per year and that meets the standards appropriate for use in the building of infrastructure and development projects with significant regional or national benefits, then this and all related consents are to be cancelled.</p> <p><i>Advice notes:</i></p> <ul style="list-style-type: none"> <li><i>Cancellation is appropriate given it has meant the FTAA process has been abused, the panel misled and underlying application facts misstated.</i></li> <li><i>An appropriate standard for investigation and reporting to be used would be the Australasian Joint Ore Reserves Committee (JORC) code.</i></li> </ul>	
N/A	<p>A market analysis to be undertaken by an independent and suitably qualified professional to assess the size of the Auckland decorative pebble market and the percentage of that market reasonably able to be met by the type and size of pebbles extracted from Kings Quarry which will displace other aggregate suppliers outside of Auckland.</p>	<p>This condition is not considered to manage a particular effect on the environment. Notwithstanding this, a comprehensive response regarding the economics was provided by Market Economics in response to invited party comments. As such, it is considered that this proposed condition is not required.</p>

	<p>If the market analysis confirms decorative pebbles will be unable to displace less than 80,000 tonnes, being 80% of that stated by the Applicant, per year of the Auckland pebble market then this and all related consents are to be cancelled.</p> <p><i>Advice notes:</i></p> <ul style="list-style-type: none"> <li>• <i>This is required given the Applicant never bothered to respond to the Panels RFI no. 8 in terms of displaced aggregate.</i></li> <li>• <i>Cancellation is appropriate given it has meant the FTAA process has been abused, the panel misled and underlying application facts misstated.</i></li> </ul>	
70	<p>(a) Truck movements in and out of the site, including loading of trucks, must be limited to between 6.30am – 5.00pm Monday to Friday and from 7am – 1.00pm on Saturdays.</p> <p>(b) Between 6.30am and 7.00am Monday to Friday, there shall be no more than two return truck trips (and their loading).</p> <p>(c) Noise generating quarrying or mineral extraction activities, including overburden removal and filling works, must not commence prior to 7am or after 5pm Monday to Friday and 8am – 1pm Saturday.</p>	The condition as proposed by the Panel already accurately reflects the proposal. As such, KQL opposes the requested amendments by the commenters.
73A	Truck movements are counted as each of the number of trucks either entering or leaving the quarry entrance.	N/A – There is only one access point to the Stage 2 Quarry.
71B	Install a web enabled CCTV system monitoring all vehicle movements into or out of the entrance to Kings Quarry.	As set out in the Memorandum of Counsel provided in response to invited party comments, abatement notices do not constitute

	<ul style="list-style-type: none"> <li>• Web access to recorded data is to be made available to all residents of Pebble Brook Road and submitters from Haruru Road, without restriction.</li> <li>• In the event of a failure of the CCTV all traffic generating activities to/from the site are to cease if not remedied within 24 hours.</li> </ul>	evidence of a systemic compliance failure. As such, the proposed monitoring method set out in Condition 73 is considered sufficient.
71C	The consent holder must report to the OC at least monthly, the maximum number of truck movements on an hourly, daily, weekly and monthly basis. The format of such reporting to be determined by the OC.	This additional condition is considered unnecessary as KQL opposes the formation of an ' <i>Overseeing Committee</i> ' for the reasons set out above in response to ' <i>Condition 17b</i> '.
N/A	<p>Traffic conditions need to be significantly expanded in line with issues identified including those by AT.</p> <p>Any amended conditions should include:</p> <ul style="list-style-type: none"> <li>• A pavement structural audit undertaken of the full length of Pebble Brook Road.</li> <li>• The pavement structure re-designed in line with the audit to ensure it is safe and capable of handling at least 90 fully laden truck and trailers plus 90 empty truck and trailers plus the existing road usage plus a factor for anticipated road activity growth.</li> <li>• Prior to any quarrying activity the above road design is to be implemented and audited for compliance with the design specifications by an independent roading engineer. Any non-compliance to be remedied.</li> <li>• Pebble Brook Road to be sealed for its full extent</li> <li>• A dual lane bridge to be built capable of handling the proposed traffic levels at the eastern end of Pebble Brook Road. This is necessary given the conflict with NZTA standards as to expected usage of a Class 1 bridge by Class 3 traffic.</li> <li>• Prior to any quarrying activity a certified completion report confirming roading upgrades comply with design specifications, completed by an</li> </ul>	<p>KQL opposes the requested amendments for the following reasons:</p> <ul style="list-style-type: none"> <li>• Upgrades to Pebble Brook Road are being undertaken as part of the Stage 1 Consent;</li> <li>• Condition 75 requires the traffic mitigation measures required under Conditions 25a-25c of the Stage 1 Consent to be implemented prior to quarry operations;</li> <li>• A response to the sealing of Pebble Brook Road has been provided above in response to the comments received by the Neighbours collective; and</li> <li>• As set out in KQL's response to comments received and draft conditions, the Pebble No.1 Bridge is an Auckland Transport asset that is actively monitored by Auckland Transport (on a two-yearly basis) and was not part of any upgrade requirements under the Stage 1 Consent.</li> </ul>

	independent and suitably qualified roading engineer is to be submitted to AC and the Oversight Committee.																											
77	<p>The table should be revised as below and an additional table added:</p> <table><tr><td><b>Noise Levels</b></td><td><b>Noise Levels</b></td></tr><tr><td><b>Times</b></td><td><b>Times</b></td></tr><tr><td>7am-5pm, Monday to Friday</td><td>LAeq 55dB</td></tr><tr><td>7am-1pm, Saturday</td><td>LAeq 55dB</td></tr><tr><td>All other times and on public holidays</td><td>LAeq 45dB</td></tr><tr><td></td><td>LAFmax 75dB</td></tr><tr><td colspan="2"><b>Noise Levels at the house at 782 Haruru Road</b></td></tr><tr><td><b>Times</b></td><td><b>Noise Levels</b></td></tr><tr><td>7am-5pm, Monday to Friday</td><td>LAeq 40dB</td></tr><tr><td></td><td></td></tr><tr><td>7am-1pm, Saturday</td><td>LAeq 40dB</td></tr><tr><td>All other times and on public holidays</td><td>LAeq 35dB</td></tr><tr><td></td><td>LAFmax 65dB</td></tr></table>	<b>Noise Levels</b>	<b>Noise Levels</b>	<b>Times</b>	<b>Times</b>	7am-5pm, Monday to Friday	LAeq 55dB	7am-1pm, Saturday	LAeq 55dB	All other times and on public holidays	LAeq 45dB		LAFmax 75dB	<b>Noise Levels at the house at 782 Haruru Road</b>		<b>Times</b>	<b>Noise Levels</b>	7am-5pm, Monday to Friday	LAeq 40dB			7am-1pm, Saturday	LAeq 40dB	All other times and on public holidays	LAeq 35dB		LAFmax 65dB	It is unclear where the commenters' proposed noise levels have been sourced. Condition 77 as proposed by the Panel, reflects the noise levels set out in Table 3 of the Assessment of Noise Effects report prepared by Hegley Acoustic Consultants.
<b>Noise Levels</b>	<b>Noise Levels</b>																											
<b>Times</b>	<b>Times</b>																											
7am-5pm, Monday to Friday	LAeq 55dB																											
7am-1pm, Saturday	LAeq 55dB																											
All other times and on public holidays	LAeq 45dB																											
	LAFmax 75dB																											
<b>Noise Levels at the house at 782 Haruru Road</b>																												
<b>Times</b>	<b>Noise Levels</b>																											
7am-5pm, Monday to Friday	LAeq 40dB																											
7am-1pm, Saturday	LAeq 40dB																											
All other times and on public holidays	LAeq 35dB																											
	LAFmax 65dB																											
79	The consent holder must ensure all mobile equipment is fitted with broadband reversing alarms, if audible reversing signals are necessary. No audible reversing signals should be activated in any equipment operating in any areas being filled, particularly Area-A.	Equipment operating in A-Pit may require reversing alarms for safety reasons. As such, the proposed amendment to Condition 79 forms an unworkable situation which could give rise to operational safety concerns. KQL opposes the amendment.																										
80A	Earth fill must be placed, spread, and compacted in controlled 250mm to 300mm thick (loose) lifts under the direction and supervision of a professionally qualified geotechnical engineer. The fill may comprise either granular or cohesive material subject to being free of any organic material and having no particles greater than 150mm diameter.	Works will be carried out in accordance with the application and required management plans as required by Conditions 2 and 9. This includes the recommendation made by CMW. As such, these additional conditions of consent are not considered necessary.																										
80B	All compacted layers must be tested by the geotechnical engineer to ensure they meet the below standards. Each layer of engineered fill is to be tested by a geotechnical engineer before the next lift is placed.																											



	<table><tr><th colspan="4">Summary of Earthfill Testing Requirements</th></tr><tr><th>Fill Type</th><th>Test Method</th><th>Frequency*</th><th>Compliance Criteria</th></tr><tr><td rowspan="2">Granular</td><td>Maximum Dry Density Scala Penetrometer</td><td>New material type 1 x 1m test/1,500m³</td><td>95% MDD 4 blows per 100mm</td></tr><tr><td>Vane Shear Strength</td><td>4 tests/1,500m³</td><td>Min. average 140kPa over 10 tests, min. single value 110kPa</td></tr><tr><td rowspan="2">Cohesive</td><td>Air Voids</td><td>1 test/1,500m³</td><td>Min. average 10% over 10 tests, max. single value 12%</td></tr></table>	Summary of Earthfill Testing Requirements				Fill Type	Test Method	Frequency*	Compliance Criteria	Granular	Maximum Dry Density Scala Penetrometer	New material type 1 x 1m test/1,500m³	95% MDD 4 blows per 100mm	Vane Shear Strength	4 tests/1,500m³	Min. average 140kPa over 10 tests, min. single value 110kPa	Cohesive	Air Voids	1 test/1,500m³	Min. average 10% over 10 tests, max. single value 12%	
Summary of Earthfill Testing Requirements																					
Fill Type	Test Method	Frequency*	Compliance Criteria																		
Granular	Maximum Dry Density Scala Penetrometer	New material type 1 x 1m test/1,500m³	95% MDD 4 blows per 100mm																		
	Vane Shear Strength	4 tests/1,500m³	Min. average 140kPa over 10 tests, min. single value 110kPa																		
Cohesive	Air Voids	1 test/1,500m³	Min. average 10% over 10 tests, max. single value 12%																		
	80C	No filling of Area-A during the winter works season (April-September) or during other times of the year when wet.	Appropriate seasonal restrictions are already provided for under Condition 86.																		
81A	Works may not resume until any discharges have been mitigated and/or rectified, the event logged and signed off by the Quarry Manager in an ESC breach log. The log is to be accessible for review at any time by Council and reported to the OC on a monthly basis.	All monitoring and management procedures will be undertaken in accordance with the Earthworks Adaptive Management Plan required under Condition 59. As such, this proposed condition is considered unnecessary.																			
81A	A concise report of all maintenance work and breaches is to be provided to the OC for its regular meetings.	This additional condition is considered unnecessary as KQL opposes the formation of an ‘Overseeing Committee’ for the reasons set out above in response to ‘Condition 17b’.																			
84	Notice must be provided to the Council and OC at least ten and no more than 20 working days prior to the removal of any erosion and sediment control works specifically required as a condition of resource consent or by the ESCP referenced in Condition 7. Notice is to outline why the devices are being removed and confirm that no adverse effects will occur as a result of the removal.	The proposed amendments to this condition are considered unnecessary as KQL opposes the formation of an ‘Overseeing Committee’ for the reasons set out above in response to ‘Condition 17b’.																			
84A	Should the Council or OC object to the device removal then the consent holder must not remove the device until written approval is received from the OC and Council.	This additional condition is considered unnecessary as KQL opposes the formation of an ‘Overseeing Committee’ for the reasons set out above in response to ‘Condition 17b’.																			
95A	In accordance with decision paragraph 46 the area of native vegetation cleared in Area-A in any one year, must not exceed that to be filled within the next 12 months and replanted within the next 18 months.	Condition 2 requires the application to be undertaken in accordance with the application which paragraph 46 of the decision																			

		describes. As such, this proposed condition is considered unnecessary.
99.0	The consent holder to advise both the OC and Council at least 10 days and no more than 15 days of the date when the quarry will be operational.	The Council will be informed of the quarry commencing through the pre-start meeting required by Condition 10. This additional condition is considered unnecessary as KQL opposes the formation of an ' <i>Overseeing Committee</i> ' for the reasons set out above in response to ' <i>Condition 17b</i> '.
99	Should be amended to "Within six months, but no more than seven months...."	KQL opposes the proposed amendment as the timeframe for undertaking the assessment is sufficiently clear in the version proposed by the Panel.
98 & 99	Existing conditions 98 & 99 should be amended to ensure adequate notice is given and reasonable access provided to prevent these conditions being weaponised.	N/A – It is unclear how Conditions 98 and 99 require notice.
104	The Consent Holder must engage a suitably qualified independent person (but not Hegley) to prepare an annual report auditing on-going compliance with the noise limits in conditions 59 and 74. The report must be submitted to Council and the OC annually.	KQL opposes the proposed amendments for the following reasons: <ul style="list-style-type: none"> <li>• Hegley Acoustic Consultants are suitably qualified, and no reason has been provided for their exclusion;</li> <li>• Condition 59 relates to the Earthworks Adaptive Management Plan; and</li> <li>• KQL opposes the formation of an '<i>Overseeing Committee</i>' for the reasons set out above in response to '<i>Condition 17b</i>'.</li> </ul>
104A	Prior to assessing compliance matters that require access to any property not owned by the consent holder, the consent holder must request access to that property outlining: <ul style="list-style-type: none"> <li>• the purpose of the access and</li> <li>• the location from which monitoring will be undertaken</li> <li>• proposed time of access</li> <li>• the name of the person who will be accessing the property</li> </ul>	Condition 104 is a standard condition of consent for monitoring acoustic noise common on resource consent applications. KQL does not consider this additional consent to be necessary.

	<ul style="list-style-type: none"> <li>seeking confirmation of any stock management or health and safety matters that must be complied with.</li> </ul> <p>Such request to be made at least 10 working days prior to the proposed access by both email and in writing.</p> <p>Should access to a property for the purpose of this monitoring not be reasonably granted or an alternative date proposed that property may be excluded from the reporting.</p>	
105	The Consent Holder must engage a suitably qualified person to monitor noise and vibration from each blast for compliance with condition 75. The results must be submitted to Council and the OC annually.	The proposed amendments to this condition are considered unnecessary as KQL opposes the formation of an ' <i>Overseeing Committee</i> ' for the reasons set out above in response to ' <i>Condition 17b</i> '.
105A	<p>Prior to assessing noise and vibration from each blast for compliance, the consent holder must establish an agreed access and monitoring procedure recognising the same factors in condition 98 above. Such agreement would include a minimum of 48 hours' notice of each proposed blast, allowing time for confirmation of agreement by the property owner.</p> <p>Should access to a property for the purpose of this monitoring not be reasonably granted, that property may be excluded from the reporting.</p>	Condition 104 is a standard condition of consent for monitoring acoustic noise common on resource consent applications. KQL does not consider this additional consent to be necessary.
111	<p>Prior to any earthworks, vegetation clearance or other works at Kings Quarry, the consent holder must submit a covenant document to achieve the protection in perpetuity of the proposed indigenous revegetation planting to the Council for approval <del>within three months of the completion of the planting and commencement of enhancement works</del>. The covenant document must contain, but is not limited to, the following:</p> <ul style="list-style-type: none"> <li>A schedule of the calculated areas(s) of the indigenous revegetation planting.</li> </ul>	<p>KQL opposes the proposed amendments for the following reasons:</p> <ul style="list-style-type: none"> <li>A covenant cannot be placed on the quarry site until after the activity has occurred, otherwise, it would restrict works by protecting the existing vegetation;</li> <li>It is unclear why the stock-proof fence has been requested to be removed. The fence will ensure protection of the remediation and enhancement planting; and</li> <li>If the land is vested to Council it will no longer require the legal mechanism to be in place as it would be public land.</li> </ul>

- A covenant plan (Land Transfer Plan) accurately depicting the area/s of proposed indigenous revegetation planting as “areas to be subject to land covenant”.
- Inclusion, as a minimum, of the following clauses requiring the owner, or their successors in title to:
  - o Preserve in perpetuity the indigenous flora and fauna, wildlife habitats and the natural landscape within the “areas to be subject to land covenant”.
  - o Maintain any stock crossings and / or fish passage(s) in accordance with any easement(s) through the covenant areas.
  - o Not do anything that would prejudice the health or ecological value of the areas to be protected, their long-term viability and / or sustainability. Including but not limited to:
    - The land owner or their successors in title must not (without the prior written consent of the Council and then only in strict compliance with any conditions imposed by the Council) cut down, damage or destroy, or permit the cutting down, damage or destruction of the vegetation or wildlife habitats within the areas to be protected;
    - The landowner or their successors in title must maintain the protected area free from earthworks or land modification.
  - ~~o Maintain a permanent continuous stock proof fence (minimum seven wire post and batten fence with no gates) and other fencing (including demarcation posts) as approved by the Council in perpetuity around the perimeter of the area to be protected and keep stock out of these areas.~~
  - o Not be in breach of this covenant if any of the areas of planting to be protected die as a result of fire and/or natural causes not

	<p>attributable to any act or default on their part for which they are not responsible.</p> <ul style="list-style-type: none"> <li>o Pay the Council the fair and reasonable costs incurred by the Council in monitoring this condition. The owners will be advised of the costs, assessed under the Council's Schedule of Fees and Charges, as they fall due.</li> </ul> <p>A copy of the updated Computer Register and/or Record of Title showing that the legal mechanism has been registered must be provided to the Council to secure compliance with this condition.</p> <p><del>The legal mechanism under this consent will not be required if the land containing enhancement works is vested in the Council. If entered into, the legal mechanism may be extinguished if the land containing enhancement works is to be vested in the Council.</del></p>	
111A	<p>In relation to the Oldfields site the consent holder must submit a covenant document to achieve the protection in perpetuity of the indigenous revegetation planting to the Council for approval within three months of the completion of the planting and commencement of enhancement works. The covenant document must contain, but is not limited to, the following:</p> <ul style="list-style-type: none"> <li>• A schedule of the calculated areas(s) of the indigenous revegetation planting.</li> <li>• A covenant plan (Land Transfer Plan) accurately depicting the area/s of indigenous revegetation planting as "areas to be subject to land covenant".</li> <li>• Inclusion, as a minimum, of the following clauses requiring the owner, or their successors in title to:</li> </ul>	<p>The proposed offsetting and compensation at the Oldfield Road Site is sufficiently covered by Condition 111.</p>

- o Preserve in perpetuity the indigenous flora and fauna, wildlife habitats and the natural landscape within the “areas to be subject to land covenant”.
- o Maintain any stock crossings and / or fish passage(s) in accordance with any easement(s) through the covenant areas.
- o Not do anything that would prejudice the health or ecological value of the areas to be protected, their long-term viability and / or sustainability. Including but not limited to:
  - The land owner or their successors in title must not (without the prior written consent of the Council and then only in strict compliance with any conditions imposed by the Council) cut down, damage or destroy, or permit the cutting down, damage or destruction of the vegetation or wildlife habitats within the areas to be protected;
  - The landowner or their successors in title must maintain the protected area free from earthworks or land modification.
- o Maintain a permanent continuous stock-proof fence (minimum seven wire post and batten fence with no gates) and other fencing (including demarcation posts) as approved by the Council in perpetuity around the perimeter of the area to be protected and keep stock out of these areas.
- o Not be in breach of this covenant if any of the areas of planting to be protected die as a result of fire and/or natural causes not attributable to any act or default on their part for which they are not responsible.
- o Pay the Council the fair and reasonable costs incurred by the Council in monitoring this condition. The owners will be advised of the costs, assessed under the Council’s Schedule of Fees and Charges, as they fall due.

	<p>A copy of the updated Computer Register and/or Record of Title showing that the legal mechanism has been registered must be provided to the Council to secure compliance with this condition.</p> <p><del>The legal mechanism under this consent will not be required if the land containing enhancement works is vested in the Council. If entered into, the legal mechanism may be extinguished if the land containing enhancement works is to be vested in the Council.</del></p>	
--	---	--