

Comments on the draft report by the Department of Conservation on the land exchange application in Belmont Regional Park

Friends of Belmont Regional Park
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Introduction

The Friends of Belmont Regional Park are grateful for the invitation to comment on the draft Department of Conservation report on the proposed land exchange regarding Belmont Regional Park and Winstone Aggregates Belmont quarry site, FTAA-2603-L003.

These observations are in addition to our earlier comments on the application (lodged under Invited comments, on the FastTrack web page :

<https://www.fasttrack.govt.nz/projects/belmont-quarry-development/land-exchange-application>.

The Friends of Belmont Regional Park (FoBRP) remain strongly opposed to the proposed land exchange as it would result in the unacceptable loss of a valuable ecological treasure and equally vital public recreation area, and that the initial concept for the application was rooted in inadequate environmental surveys.

Section 29(2) of the FTAA states that “*The panel must not grant the approval unless the panel is satisfied that the land exchange (including any money that may be received under clause 30 and any conditions that the panel may impose in accordance with clause 32) will enhance the conservation values of conservation areas and Crown-owned reserves considered as a whole.*” The DoC assessment shows that the proposal would give no net gain, and the FoBRP will argue that there is actually a clear net loss.

In particular the FoBRP believes that the assessment is inconsistent in that it specifically ignores some future land-use changes (that would be an inevitable consequence of the land exchange being approved) but accepts other proposed “improvements”. This results in a skewed comparison that could be construed as favouring the application.

FoBRP strongly agree with the majority of the DoC draft report’s contents, most importantly :

- The overall assessment (p34) of no net gain when all environmental value categories are taken together (actually a net loss from the “Moderate” value of DoC give land, to “Low”/“Low-Moderate” for the proposed DoC-get lands). Noting that a net gain is a prerequisite for a land exchange to be approved.
- The recognition of ambiguity around which version of the FTAA should be used, and that if the amended (current) version of the FTAA is deemed applicable, then the QEII covenanted land would be discounted from the value comparison, which would significantly lower the overall value of the DoC-get area (p17).
- The precious nature and rarity of the healthy swamp maire population (p5) and associated wetland habitats, and the high risk and unproven suitability of the Southern Gully for any mitigation planting (p78)

- The recognised well-used recreational value of the DoC-give land (p44), and a low-nil recreational value of DoC-get lands (p26)
- The very poor level of weed control in much of the DoC-get areas currently owned by the Applicant - eg Dry Creek cleanfill (p 14) and Southern Gully wetland (Appendix 4A, and p11), and hollow understorey elsewhere (eg p10, p32)
- The increased pest and weed incursion, with associated cost and responsibility to DoC, and risk to the existing KNE, given the greatly increased edge-effect that the proposal would create (pp38-40).

Our comments on the DoC draft report concern :

1. The ambiguity regarding potential incorporation of DoC-get land into the regional park
2. Clarification of the management of the DoC-give parcel
3. Considerations around the statutory Management Plan : Toitū Te Whenua
4. The viability and risk of the proposed swamp maire re-planting proposal
5. That the effect of the land-exchange on recreation values would be a significant loss (not “no net gain”)
6. Nil recreation value of DoC-get areas
7. The relevance of changes consequent to any land exchange
8. That the quoted “*net benefit for landscape and natural character & terrestrial fauna*” actually presents a net loss
9. The overall assessment of relative values argues against the land exchange; the aggregate value change does not offer a net gain in conservation values, but the FoBRP believes that there is a clear overall net loss in conservation values.
10. FoBRP recommends that the Department adds a further condition of the application, under section 5.7.1 of their report to the panel.
11. Alternative quarry sites

1. The ambiguity around potential incorporation of Doc-get lands into Belmont Regional Park

Page 42 of the DoC draft report contains an assumption that the DOC-get land will become “*incorporated into Belmont Regional Park*”; page 43 says “*DOC-Get sites may be administered by Greater Wellington*”. This is ambiguous, because GWRC has not agreed to take on management of the DOC-get land, and important because the draft report highlights the contaminated soil and weed liabilities that may deter interest, especially after mitigation work concludes.

Management responsibility for the Park is currently integrated. Belmont Regional Park was deliberately created to combine land owned by DoC/GWRC/HCC/WCC into an integrated management unit for public visibility & transparency, and efficient and effective management.

If the DoC-get parcels are not brought into the Park - which must be assumed without any agreement from GWRC to incorporate them - DoC will need to manage the DoC-get lands long-term, resulting in an enclave of DoC-managed land distant from other DoC-managed reserves. This would be inherently inefficient and cost-burdensome to DoC.

Incorporation of DoC-get lands into the Park would also create the contradiction of having parts of the park without any physical public access. This could require signage and fencing to effect in practice.

FoBRP recommend that DoC's final report should make this clear and remove the ambiguity on pp42-43, regarding the prospect of the DoC-get lands being incorporated into Belmont Regional Park, and make clear who would be responsible for management and liabilities of the DoC-get lands.

2. Clarification of the management of the DoC-give parcel

Page 5 of the draft DoC report notes that GWRC was appointed to "control and manage" Dry Creek Recreation Reserve in 1991, by Gazette notice.

The legal test in cl29(2) of the FTAA (before the December amendment) relates to "*land managed by the Department of Conservation*". The FTAA (after amendment) changed this to "...*Crown-owned reserves...*". The DoC-give land is "*a Crown-owned reserve*" but it is not "*land managed by DoC*".

The Applicant has argued that the FTAA (before amendment) should apply; while DoC believes the amended Act should apply (and therefore discount the value of the QEII-covenanted DoC-get areas). DoC has so far left it to the Panel to judge which version of the law to apply.

The draft report points out to the Panel the pertinent change to cl29(2A), but does not point out the pertinent change to cl29(2). The FoBRP considers that this calls into question whether the land exchange falls under the pre-amendment FTAA. We consider that this should be part of the Panel's legal considerations.

FoBRP recommends that the DoC final report should point out to the Panel the change in wording of c29(2) between versions, just as it does for cl29(2A).

3. Considerations around the statutory Management Plan : Toitū Te Whenua

Page 45 of the DoC draft report describes Toitū Te Whenua, the statutory management plan covering the DoC-give land. The draft rightly assesses the proposal against Toitū Te Whenua goals, but it has overlooked the policies in 6.2.1 (especially 1P, 5P, 6P, 7P, 8P, 11P and 12P, some of which are very pertinent to the flora impacts of the proposal). It also overlooks Natural Heritage Outcomes in 6.2.2, p47, (especially (A) i and ii) :

A. Natural heritage values are enhanced:

- i. Biodiversity values are improved, ecosystem resilience and mauri is strengthened*
- ii. All wetlands and waterways are protected with their riparian vegetation progressively restored, supporting mahinga kai species*

FoBRP recommends that the DoC final report should expand that section to describe and assess against the relevant policies and outcomes from Toitū Te Whenua.

4. The viability and risk of the proposed swamp maire mitigation planting

The proposal to plant many swamp maire (*Syzygium maire*) in the southern gully wetland seems increasingly to FoBRP to have a high risk of failure.

It is clear that the proposed area for re-planting contains no natural swamp maire specimens. However, if that location were a suitable habitat for swamp maire to exist (let alone flourish) then swamp maire should already be there, given the plentiful seed source so close by, the plentiful avian seed dispersal mechanisms, and the significant age and health of that *Syzygium* seed population.

Now we can see (eg from Fig 23 & Fig 24 of Appendix 4A Botany, p 29) what the location in question looks like, the proposition looks even more futile. The blackberry infestation would take many years to eradicate, and require significant amounts of herbicide, effort and cost, before any mitigation planting could be started. Blackberry is one of the hardest species to remove, and regular (4-6 per year) on-going maintenance of the infestation would be required to make any progress. We say this from many years experience elsewhere within the park.

As well as the overwhelming weed problem, the area proposed for maire mitigation planting is bare and open, without a closed canopy, thus presenting an entirely different ecology from the existing swamp maire locations in the DoC-give area. The Southern Gully central wetland area clearly fails to provide a suitable habitat for *Syzygium*. From a recreation perspective, the replanting would be irrelevant because of its inaccessibility to the public, and from an environmental perspective, those 200 or 1800 swamp maire could well be safer left in the nursery than moved to an unsuitable habitat.

Consequently, the FoBRP considers that it would be extremely difficult to achieve any adequate offset from swamp maire replanting under these circumstances.

FoBRP recommends that the DoC final report should make explicit that the swamp maire within and immediately adjacent to the DoC-give area are the only known mature swamp maire in Belmont Regional Park, and some of the most mature and healthy specimens of them locally.

The FoBRP also recommends that the DoC final report should more explicitly consider the risks of mitigation planting . The current trees are clearly suited to their closed-canopy habitat and appear to be well-protected from Myrtle Rust. The mitigation plantings would bear the risk of them not taking to selected alternative habitats, and increased susceptibility to Myrtle Rust exposure. Given the high risk, the FoBRP considers that a sufficient financial bond should be placed in case the mitigation planting of swamp maire would fail.

5. Mitigation planting and its effect on recreation values

The FoBRP welcomes the recognition by DoC that the POBDA has a definite recreational value and usage. A part of that centres around the swamp maire populations and their environment - the next Wellington Botanical Society visit to view the swamp maire will be on October 3rd, and DoC staff will be welcome to attend (see <https://wellingtonbotsoc.org.nz/event/trip-belmont-regional-park-at-dry-creek-entrance/>).

Similarly, the Hutt Valley Tramping Club (HVTC) are planning a club visit to the area on

September 13th, to view the swamp maire, lake and the wetland environments. Note that our roping off of the swamp maire allows them to be viewed whilst protecting their fragile root systems. Ramarama and *Comptosia rubra* are also roped off.

The FoBRP notes that the proposal to plant swamp maire in the Southern Gully parcel ignores the recreation values of the park. Whether 200 or 1800 specimens are planted, it would be a considerable loss from a recreation perspective, since none of them will be accessible to park users. Even if the re-planting would be successful; the swamp maire wouldn't even be visible at a distance.

The draft report states that there is "*no net gain for biodiversity - flora and recreation*" but FoBRP believes this understates the case : **there would in fact be a significant net loss in recreation value**, mainly from the loss of the special upland wetland habitat that is unique to the park, and indeed the Wellington region.

FoBRP recommends that the DoC final report make clear that there would be a net loss of recreation values, not just “no net gain”.

6. Nil recreation value of DoC-get areas

Page 27 of the draft report states that “*If the land exchange goes ahead, public access to these blocks will be enabled resulting in a future recreation value of Low.*” Bearing in mind that there is no expectation that the DoC-get areas would be incorporated into the Park, and that physical access to much of the land would not be possible, we contend that the future recreation value of those lands would be nil. There can also be no public access from Liverton Road.

The recreation section considers only physical on-site matters but does not consider the landscape as viewed by recreators. As with the landscape assessment, the recreation assessment ignores the effect on track users beyond the boundaries of the DoC-give and DoC-get areas.

Both of these points further accentuate that the overall change in recreation values present a net loss.

FoBRP recommends that p27 of the final report be amended to make clear the nil recreation value of the DoC-get areas. Even if these lands were to be incorporated into the Park, quarrying activities and extremely steep terrain would make physical access impossible for much of the DoC-get areas.

7. The relevance of changes consequent to any land exchange

The Counsel acting for Winstone Aggregates, in their response to the invited comments on the proposal, states that “*The only effects that are relevant to the land exchange approval are those that arise from the change in the ownership and status of the land parcels following the exchange*”. And that “*At various points, the Friends and other commenting parties appear to show a misunderstanding of what topics are relevant to the land exchange application, and what will be relevant at the later stage when Winstone lodges its substantive application for other approval types.*”

However, the sole reason for the land exchange proposal, and the reason that it is being considered under the fast-track legislation, is to enable the quarry expansion. Therefore it would be inconsistent and disingenuous to ignore the effect of only some of the proposed changes when considering the values of the parcels. **If the Panel considers any proposed “improvements” to the DoC-Get parcels** (listed in section 2.3 - “Improvements offered” - such as mitigation planting and pest eradication), **then the panel must equally bear in mind the proposed detrimental changes to the DoC-Give parcel.** This is especially important when considering landscape and recreation values.

The Department's draft report (p4) similarly states *“While the land exchange proposal is for the purposes of an application to extend the life of the Belmont Quarry and store overburden, this report does not consider any future land uses and concentrates entirely on the effects of a change in ownership.”* Despite this, the FoBRP believes that future changes in land use cannot reasonably and fairly be ignored in the overall proposal, given that the land exchange is proposed specifically to allow changes in land-use that will negatively impact the local ecology and communities.

The comparative assessment section of the DoC draft report (p38) states *“Comparatively, some of the value from the DOC-Get land is only able to be realised with improvements offered by the Applicant”.* Again, the FoBRP holds that those potential improvements can not reasonably be taken into account if the negative effects of the proposal are to be ignored.

The FoBRP recommends that the Department clarifies the arguments that can be used regarding the proposed land exchange. If the Department concurs with the Applicant's Counsel, then FoBRP would appreciate a clear explanation as to why proposed improvements to DoC-get can be considered, but detrimental changes to DoC-give lands can not.

8. Landscape and natural character

On behalf of the Applicant, Boffa Miskell (BM) has provided an assessment of the landscape attributes of the various land parcels, and that assessment has in turn been reviewed by Jeremy Head for the Department of Conservation (JH). The Applicant's assessor (Mr. Girvan) has guided the DoC assessor through the relevant areas.

Mr Head, in reviewing the Applicant's assessment on landscape values, also takes the view of the Applicant's Counsel, ie, that *“any proposed changes to the land parcels that may occur in the future subject to the land exchange being approved are not within scope of this Application. Such changes may include vegetation removal and earthworks and its replacement with quarrying activity and in other areas the restoration and enhancement of natural landscape character. In this regard, the existing natural landscape character values of the various land parcels, and how the values of these land parcels contribute to the wider landscape forms the focus of this statement.”*

As we have mentioned above, the FoBRP hold that proposed improvements to some parcels should not be weighed in the balance, if other inevitable detriments are not. If the report and Panel were to ignore the impact of the land exchange on values (especially on landscape and recreation) by future actions of the Applicant on the DoC-give land, then any potential improvements must similarly be left out of the discussion. Potential improvements are also changes in future land-use, so cannot be selectively used if the comparison is to remain fair and impartial.

BM classified the DoC-Give parcel as having a low-moderate value in terms of visibility. JH agreed with that, but FoBRP disagrees. As we have previously pointed out, the DoC-Give parcel is visible from a large part of Belmont Regional Park, and is visible from about 40% of the most commonly used recreation track in the park. This might seem like an innocuous point, but it is important given the future changes proposed by the Applicant. In that context, the visibility of the DoC-give parcel we would classify as moderate at present, but high (in a strongly negative sense) if the land-exchange and consequent quarry expansion were to proceed. This is illustrated in Figs. 1, 2 & 3.

The effect of the substantive application would be to replace the current gullies and central plateau with a broad dome-like structure, similar to the previous Cottle-block OBDA, which presents an unnatural and artificially flat horizon when viewed from Liverton Road. A resident of that area has described the negative visual impact of that, but if the DoC-Give parcel were to be similarly changed, the resulting dome would be very visible to all park users in the Dry Creek area, and to the communities of Taita and Pomare.

The proposed land-swap and consequent effects would therefore create a definite loss in terms of landscape visibility, which would only be amplified by the noise from the site. This is in stark contrast to the current DoC view of a “net benefit for landscape and natural character & terrestrial fauna”.

The description of the DoC-give land fails to mention the park user context ie the visibility (and audibility of proposed use) of the land as part of the recreation experience for much of the popular walks up to Boulder Hill (from spots on the Kaitangata track and 40% of the Dry Creek road track to Boulder Hill). The landscape assessment does not consider the landscape as viewed by recreators, and it ignores the effect on track users beyond the boundaries of the DoC-give and DoC-get areas

The FoBRP agrees that the Dry Creek clean-fill site has very little in the way of landscape value. We would go further and point out that the abandoned and weedy site is a scar in the middle reaches of the valley. The Applicant has acknowledged to the Friends that “rehabilitation outcomes at Dry Creek could be improved”. Given the unnaturally tiered and weedy nature of the Dry Creek parcel, arising from it comprising ex-quarry workings, the FoBRP disagrees with the “moderate” landscape ranking for the Dry Creek site [in Table 6 of the DoC draft report]; we consider that the landscape ranking should be “low” or “Nil”.

The FoBRP agrees with Mr Head that the “*DOC-Get areas will not visually change much (if at all) when viewed from afar*” (p31) but stress that the DoC-Give area would gain undesirable visibility should the application and associated changes proceed.

We note that DoC’s table 6 has “N/A” in the third column “Assessment including the proffered improvements”. But Mr Head’s review noted that “the DOC-Give site could reach a Moderate ‘plus’ value if there is no land swap”.

The FoBRP recommends that the DoC final report takes into account the negative effect of the changes consequent to any land swap being approved, regardless of any legal claim that those changes would not be relevant. The visual impact arising from quarrying changes should the land exchange proceed would be drastic and prominent from the park surroundings and Lower Hutt residential areas.

The FoBRP also recommends that, although there may be a minimal net gain in terms of some landscape values, the DoC final report should more accurately describe the overall change in landscape values that would result from this application being approved, to be a net loss.

9. Overall assessment of relative values

As stated in the Department's draft report : *"A Panel cannot approve a land exchange unless satisfied that the exchange (taking into account any money that may be received and any conditions that may be imposed) will enhance the conservation values of land managed by the Department (cl 29(2), Sch 6.)."*

The draft report summarises the net results in Table 8 (p34) which describes a net gain for two of the six categories, but importantly, there is **no net overall gain**. For one of those two categories - terrestrial fauna - the DoC-get sites are assessed as having only *"slightly higher value"* (p21) than DoC-give, so, the net-gain quoted is minimal. In the other category (Landscape and natural character), we have pointed out above that the landscape assessment has ignored the impact of the effects which would follow on from the proposed land exchange, on Park users and local communities. With those effects taken into account, there appears to be an obvious loss in landscape values.

Table 10 (p37) is a modified version of Table 8, taking "improvements offered" into account; the results are essentially unchanged from Table 8 but, as already discussed, ignores unavoidable detriments that would result from the land exchange. The point of Table 10 is to examine the effect of proposed future changes, but when that is done equally and fairly, the last column should contain one slight gain and three losses.

Whether a value would undergo "no gain" or a "net loss" could be considered unimportant, but when aggregating the effects, "no gain" could be misconstrued as "no change", and consequently skew the overall composite value change. While there is one category which a slight gain, there are three (Flora, Landscape, Recreation) which we have argued constitute a net loss, and two (Freshwater ecology, Cultural heritage) with no change. One plus and three minuses cannot correspond to an overall gain.

The FoBRP agrees with the Department that there is no overall net gain in conservation values, but recommends that this message is made more clear in the summary texts, and that a net loss be described as such. The panel can only approve the application under certain conditions, and the FoBRP believes that those conditions are clearly not met.

10. Further condition

The FTAA requires inclusion of *"a list of conditions that should be imposed in accordance with clause 31 or 32 or section 84."*

Section 5.7 (p45) of the draft report lists conditions proffered by the Applicant. As FoBRP stated in our initial comments to the Department, *"the view of FoBRP is that - at the very least - the OBDA eastern boundary be brought west by about 200m to fully protect the pond and the full catchment of the shallow valley and wetland upstream from it, and so protect the swamp maire and ramarama populations in that valley. That would also protect the area containing the Ngahere gecko population, and potentially provide future recreation access to the forest in the QEII Firth block."* This recommendation is illustrated in Fig. 4.

The FoBRP recommends that the above suggestion be made a condition of the application to ensure that the most valued and important parts of the DoC-Give area would then be excluded from the proposed land exchange. That part would thus remain under DoC ownership, continue to be part of the Park, preserve public access and preserve the most significant conservation values of the lands in question.

11. Alternative quarry sites

The Applicant has, when talking about the need for the land exchange and subsequent overburden disposal, frequently described the vital nature of their operation, and the lack of alternative quarry sites. The FoBRP questions whether the lack of alternative quarry sites is overstated. Fulton Hogan's Willowbank Quarry opened to commercial customers in April 2025 with a 35-year consent. <https://www.fultonhogan.com/>. Yet, as recently as January 2024, no mention of Willowbank quarry was made by Winstone to GWRC <https://www.gw.govt.nz/assets/> where on page 3 it states "The main source of aggregate for the western Wellington region is now Winstone's Belmont Quarry, located within the Hutt Valley. In addition, there are smaller deposits at Horokiwi and Kiwi Point quarries."

We note that GNS Science Report 2024/09 refers to "several" and "significant" and "high opportunity" areas for Wellington Region hard rock aggregate supply.

<https://media.umbraco.io/te-waihangā-30-year-strategy/13vnynce/wellington-aggregate-modelling.pdf>

We acknowledge that this aspect of the application may be considered to be indirectly relevant to the land exchange itself, but is certainly relevant to the overall picture for the Panel to consider.



Figure 1: The DoC-Give area as seen from high on Buchanan Road recreation track. The entire middle skyline (tall pine trees immediately behind the pylons) would be replaced by a domed quarry disposal site, demonstrating the visibility of the DoC-give area, and how the landscape values would be adversely affected



Figure 2: The DoC-Give area as visible from the loop track north of Dry Creek, illustrating the high visibility of the area from the Park environs. If the exchange proceeds, the area of tall pines immediately behind the pylons would be replaced by a domed overburden disposal structure.



Figure 3: Current quarry activities south of the DoC-Give area, from high on Buchanan Road tramping track.



Figure 4: Based on Fig 2.1 from the Hydrology Report (Appendix B9), showing stream courses in blue/yellow, and the proposed land exchange area in red. We have added green dots to show swamp mair locations, and a green line indicating a reduced OBDA which would preserve threatened flora, wetland and lizard habitat, and preserve public recreation access to most of the area.