UNDER THE FAST-TRACK APPROVALS ACT 2024

FTAA-2603-1185

UNDER	the Fast-track Approvals Act 2024
AND	
IN THE MATTER	of approvals for resource consents, wildlife approvals, an archaeological authority and complex fish passage approvals under the FTAA by Winstone Aggregates for the **Hunua Quarry Development**

MEMORANDUM OF COUNSEL SEEKING MINOR AMENDMENTS TO FINAL CONDITIONS OF CONSENT

5 November 2026

PHERNNE TANCOCK

Duncan Ballinger

Barristers, Harbour Chambers
phernne.tancock@legalchambers.co.nz
duncan.ballinger@stoutstreet.co.nz

+64 21 496 823

MAY IT PLEASE THE PANEL:

Introduction

1. This memorandum provides comment in respect of minor corrections to the Panel's decision document, in accordance with s 89(1) of the Fast-track Approvals Act 2024 ("**FTAA**"). Section 89(1) provides:

> *A panel may, within 20 working days after issuing a decision document under section 88(1), issue an amendment to the document to correct minor omissions, errors, or other defects in it.*

2. The Panel issued its decision on 15 October 2026. The Panel would need to issue any such amendments by 13 November 2026.

3. The following are matters of minor omissions, errors or other defects that the Applicant respectfully requests the panel consider and issue an amended decision under s 89(1).

The Final Decision

4. The Final decision appears to contain several drafting errors, left over from the draft decision, which counsel brings to the Panels attention, as being items that they may wish to correct:

    a. Paragraph 8(c)(ii) still refers to the "[draft] conditions;"
    b. Paragraph 80 contains a placeholder from the draft decision, "[and section 70 comments of the Panel's draft conditions and section 72 comments by the Ministers on the decision- comments to come];"
    c. Paragraph 161(a) -last paragraph reads "this has been quantified in Error! Reference source not found…"
    d. Paragraph 161(c) contains a similar error "as shown Error! Reference source not found;"

Schedule 1

5. Schedule 1 contained a table of minor errors and defects identified in Appendix B of the resource final decision; the consent conditions, along

with reasons for the changes and suggested replacement text, are included in the table.

Revised set of figures to now include Figure 12

6. An amendment has also been requested to include specific reference to this in general condition 1 of the changes to conditions of consent on consent 8730; The final decision version of this condition still referred to a placeholder “Appendix XXX of BUNXXXXXXX”. Winstone requests that this be replaced with a reference to Figure 12 in Schedule A.

7. A revised Schedule A (that now includes this Figure 12 provided to the Panel in March), which shows the Section 127 Variation Covenant Replacement Areas, is also included. Regrettably, this updated plan was mistakenly omitted from Schedule A (application plans). The Plan is required for condition 1 of the change of consent conditions to be clear and certain as to the areas that must be covenanted.



P TANCOCK
Counsel for the Applicant

Dated 5 November 2026

FTAA-2603-1185

Table of Changes Requested to Appendix B – Resource Consents Conditions: Decision

Condition	Change sought by Winstone
PART C – SPECIFIC CONDITIONS – CONSTRUCTION WORKS AND MINERAL EXTRACTION ACTIVITIES LUC60464054, LUS60464055, DIS60464131 AND DIS60464059.	
Condition 78 Access Upgrade from Hunua Road Advice Notes: *The final detailed design of the Hunua Road carriageway upgrade works and vehicle access intersection must be agreed with Auckland Transport as part of the Engineering Approval process. This includes:* *i. Structures within the Road reserve:* *a. Any retaining structures must be constructed under engineering supervision.* *b. The consent holder must ensure that all necessary design/approvals for* *c. retaining walls are obtained prior to commencement of any Construction works.*	Lines ib. and ic. should be one line not two, and the following change is sought to ensure the Advice Note is clear: *b. The consent holder must ensure that all necessary design/approvals for* ~~*c.*~~ *retaining walls are obtained prior to commencement of any Construction works.*
Safe System Audit Report: Hunua Road Carriageway Upgrade Works	Winstone had sought that the wording 'commencement of the proposed quarry activity; be removed as the Hunua Road access

Condition	Change sought by Winstone
79. Prior to commencing the Access Upgrade works and commencement of the proposed quarry activity, the Consent Holder must engage an independent and suitably qualified Safety Engineer to undertake and complete an independent Preliminary Design Road Safety Audit of Hunua Road carriageway upgrade works near the Site entrance and benching on the inside of the curve on Hunua Road as shown in Figure 11 in Schedule A to the consent.	works are tied to the Western Haul Road becoming operational and not the commencement of the proposed quarry activity. Winstone seek that Condition 79 be amended as follows: Prior to commencing the Access Upgrade works ~~and commencement of the proposed quarry activity~~, the Consent Holder must engage an independent and suitably qualified Safety Engineer to undertake and complete an independent Preliminary Design Road Safety Audit of Hunua Road carriageway upgrade works near the Site entrance and benching on the inside of the curve on Hunua Road as shown in Figure 11 in Schedule A to the consent.
120. The Consent Holder must ensure that all pumps are not used to remove residual pools the existing section of the Mangapū Tributary being realigned for the purposes of fish and aquatic fauna salvage must have a 3mm mesh screen to present fish from entering the pump.	The wording of this Condition is very confused and needs to be amended as follows for clarity: The Consent Holder must ensure that all pumps ~~are not~~ used to <u>dewater</u> ~~remove residual pools~~ the existing section of the Mangapū Tributary being realigned ~~for the purposes of fish and aquatic fauna salvage~~ must have a 3mm mesh screen to present fish from entering the pump.
132. If analysis of instream samples taken under Condition 131131(a) and 131(b) indicates that discharges from the Site have increased the TSS (or NTU equivalent) as measured	Winstone seeks a minor administrative change to remove duplication of condition reference.

Condition	Change sought by Winstone
from point (a) to point (b), by 20% or more, operations must be modified and/or water quality control measures implemented.	132. If analysis of instream samples taken under Condition ~~131~~131(a) and 131(b) indicates that discharges from the Site have increased the TSS (or NTU equivalent) as measured from point (a) to point (b), by 20% or more, operations must be modified and/or water quality control measures implemented.
139. All planting required by Conditions 136 – 138 must be maintained for a minimum of five (5) years after planting is completed or until it is demonstrated that the revegetated areas have been established to a point where 90% canopy cover is achieved, planting density meets or exceeds those specified in the SRMP (required by Condition 6868(b) and 6969(h)), there are no fruiting or flowering weed species present and long-term health and sustainability is ensured without the requirement for intensive management whichever is the latest. Maintenance must include replacement of dead, dying, or diseased plants until canopy closure is achieved; and any additional works required to ensure successful establishment and ongoing sustained vegetation growth.	Winstone seeks a minor administrative change to remove duplication of condition reference. 139. All planting required by Conditions 136 – 138 must be maintained for a minimum of five (5) years after planting is completed or until it is demonstrated that the revegetated areas have been established to a point where 90% canopy cover is achieved, planting density meets or exceeds those specified in the SRMP (required by Condition ~~68~~68(b) and ~~69~~69(h)), there are no fruiting or flowering weed species present and long-term health and sustainability is ensured without the requirement for intensive management whichever is the latest. Maintenance must include replacement of dead, dying, or diseased plants until canopy closure is achieved; and any additional works required to ensure successful establishment and ongoing sustained vegetation growth.
140. Prior to the commencement of each of Stages 6, 7, and 8, the Consent Holder must prepare and submit to the Council for certification in accordance with Conditions 23 – 27 a Detailed Landscape Design and Planting Plan for progressive	Winstone seeks a minor administrative change to remove duplication of condition reference.

Condition	Change sought by Winstone
rehabilitation of the quarry faces and slopes and OBDA within that stage (to align with Condition 141141(a)). The Detailed Landscape Design and Planting Plan must expand on the rehabilitation plans within the certified LRSMP required under Conditions 24(a) and 24(f) and must include:	140. Prior to the commencement of each of Stages 6, 7, and 8, the Consent Holder must prepare and submit to the Council for certification in accordance with Conditions 23 – 27 a Detailed Landscape Design and Planting Plan for progressive rehabilitation of the quarry faces and slopes and OBDA within that stage (to align with Condition 141~~41~~141(a)). The Detailed Landscape Design and Planting Plan must expand on the rehabilitation plans within the certified LRSMP required under Conditions 24(a) and 24(f) and must include:
PART E – SPECIFIC CONDITIONS - GROUNDWATER PERMITS (s14 RMA) WAT60464058 and WAT60464047	
235. Following commencement of augmentation, the receiving environment must meet the following criteria: (a) The water temperature of Mangapū Stream and Waipokopū Stream below the augmentation flow discharge point must be equal to or less than the water temperature above the discharge point; and (b) The dissolved oxygen concentration below the discharge point must be equal to or greater than 6 milligrams per litre. (c) The pH concentration below the discharge point must be within one whole unit of upstream value; and (d) The turbidity levels must not exceed a 20% change between upstream and downstream monitoring points. (e) The obligation to measure dissolved oxygen concentration in accordance with Condition 233 may be dispensed with at the Council's discretion, provided the Council receives technical information demonstrating that the dissolved oxygen concentration below the discharge point has	Winstone seeks a minor administrative change to the condition. 235. Following commencement of augmentation, the receiving environment must meet the following criteria: (a) The water temperature of Mangapū Stream and Waipokopū Stream below the augmentation flow discharge point must be equal to or less than the water temperature above the discharge point; and (b) The dissolved oxygen concentration below the discharge point must be equal to or greater than 6 milligrams per litre. (c) The pH concentration below the discharge point must be within one whole unit of upstream value; and (d) The turbidity levels must not exceed a 20% change between upstream and downstream monitoring points. (e) The obligation to measure dissolved oxygen concentration in accordance with Condition 233 may be dispensed with at the Council's discretion, provided the Council receives technical information demonstrating that the dissolved

Condition	Change sought by Winstone
consistently been equal to or greater than six 6 milligrams per litre over the previous two years. This information must include measurements on at least three days when the published maximum Auckland air temperature is equal to or greater than 25°C.	oxygen concentration below the discharge point has consistently been equal to or greater than ~~six~~ 6 milligrams per litre over the previous two years. This information must include measurements on at least three days when the published maximum Auckland air temperature is equal to or greater than 25°C.
Water Supply Mitigation Plan 244. Subject to any landowner or user accepting an offer made in accordance with the requirements of Conditions 240 to 242 or required in writing by the Council in accordance with Condition 233, the Consent Holder must develop a Water Supply Mitigation Plan (WSMP). The WSMP must be submitted for review to the Council and for review and written approval of the owner or user within 14 days of the Council's written requirement or landowner acceptance. Any approved Plan must be implemented within 14 days of the owner or user's written approval. The Council will advise the Consent Holder in writing if any aspects of the WSMP are considered to be inconsistent with achieving compliance with the conditions of this consent. Offers of mitigation may include but not be limited to:	Winstone seeks a minor administrative change to the condition to ensure correct cross referencing. 244. Subject to any landowner or user accepting an offer made in accordance with the requirements of Conditions ~~240~~ 239 to 242 or required in writing by the Council in accordance with Condition ~~233~~ 243, the Consent Holder must develop a Water Supply Mitigation Plan (WSMP). The WSMP must be submitted for review to the Council and for review and written approval of the owner or user within 14 days of the Council's written requirement or landowner acceptance. Any approved Plan must be implemented within 14 days of the owner or user's written approval. The Council will advise the Consent Holder in writing if any aspects of the WSMP are considered to be inconsistent with achieving compliance with the conditions of this consent. Offers of mitigation may include but not be limited to:
PART G – CHANGES TO CONDITIONS OF RESOURCE CONSENT 8730 (Council ref. LUC60105191-A)	
General Accordance: 1. That the vegetation removal and associated revegetation activities must be undertaken in general accordance with the information provided in the land use consent application dated 26 April 2007 (including plans and further information prov ided	Condition 1 refers to a plan but does include its location. The Plan 'Section 127 Variation – Covenant Replacement Areas' should be included in Schedule A and amend the condition accordingly.

Condition	Change sought by Winstone
and the plan "Section 127 Variation – Covenant Replacement Areas" prepared by Boffa Miskell, dated 30 March 2026 as referenced in condition 1 and Appendix XXX of BUNXXXXXX) and information presented at the Council resource consent hearing, except as amended by the conditions of this consent. This must also include any other plan referred to in the conditions of this consent.	1. That the vegetation removal and associated revegetation activities must be undertaken in general accordance with the information provided in the land use consent application dated 26 April 2007 (including plans and further information ~~provided~~ and the plan "Section 127 Variation – Covenant Replacement Areas" prepared by Boffa Miskell, dated 30 March 2026 as referenced in condition 1 and ~~Appendix XXX of BUNXXXXXX~~ <u>included as Figure 12 in Schedule A)</u> and information presented at the Council resource consent hearing, except as amended by the conditions of this consent. This must also include any other plan referred to in the conditions of this consent.
6. Deleted That no vegetation must be removed within 30 metres of the legal boundary of Lot 1 DP 60065, or within 40 metres of this boundary where it coincides with a natural ~~watercourse, as measured in plan view ("**vegetation protection buffer areas**"). For information purposes, the indicative boundary of Lot 1 DP 60065 and the general location of the vegetation protection buffer areas are shown on Plan AD5120-200 Revision B (09/10/09).~~	Condition 6 needs to be amended to be removed the word 'deleted' and cross through the text for clarity and consistency. ~~That no vegetation must be removed within 30 metres of the legal boundary of Lot 1 DP 60065, or within 40 metres of this boundary where it coincides with a natural watercourse, as measured in plan view ("**vegetation protection buffer areas**"). For information purposes, the indicative boundary of Lot 1 DP 60065 and the general location of the vegetation protection buffer areas are shown on Plan AD5120-200 Revision B (09/10/09).~~
Revegetation Plantings: 8. Deleted All areas of revegetation must be established prior to the commencement of vegetation removal activities in stage 5.	Condition 8 needs to be amended to be removed the word 'deleted' and cross through the text for clarity and consistency. ~~All areas of revegetation must be established prior to the commencement of vegetation removal activities in stage 5.~~

Condition	Change sought by Winstone
9. Deleted That revegetation / enrichment planting of Area 1a (as shown on Figure 4.1 of the application documents) must be undertaken to ensure that views of the wider landscape from Lot 4 DP 152736 are retained.	Condition 9 needs to be amended to be removed the word 'deleted'. That revegetation / enrichment planting of Area 1a (as shown on Figure 4.1 of the application documents) must be undertaken to ensure that views of the wider landscape from Lot 4 DP 152736 are retained.
10. Deleted That the consent holder must undertake revegetation to provide replacement riparian margin habitat in the area identified on Plan WA-RP1 as soon as practicable following the grant of resource consent.	Condition 10 needs to be amended to be removed the word 'deleted' and cross through the text for clarity and consistency. ~~That the consent holder must undertake revegetation to provide replacement riparian margin habitat in the area identified on Plan WA-RP1 as soon as practicable following the grant of resource consent.~~
11. Deleted That the consent holder must ensure that prior to the commencement of stage 4, revegetation has been undertaken to ensure that replacement habitat of at least 8 hectares has been established to sustain indigenous bird species (including NZ pigeon) displaced through the removal of Vegetation Area 22.	Condition 11 needs to be amended to be removed the word 'deleted'. That the consent holder must ensure that prior to the commencement of stage 4, revegetation has been undertaken to ensure that replacement habitat of at least 8 hectares has been established to sustain indigenous bird species (including NZ pigeon) displaced through the removal of Vegetation Area 22.
12. Deleted Prior to the commencement of Stage 4, the consent holder must provide a report from a suitably qualified person which confirms that the requirements of condition 1 1 above have been satisfied. No work must commence on Stage 4 until	Condition 12 needs to be amended to be removed the word 'deleted'.

Condition	Change sought by Winstone
confirmation has been received in writing from the manager - resource consents (Papakura District Council) that condition 11 has been complied with to the satisfaction of the Council.	Prior to the commencement of Stage 4, the consent holder must provide a report from a suitably qualified person which confirms that the requirements of condition 1 1 above have been satisfied. No work must commence on Stage 4 until confirmation has been received in writing from the manager - resource consents (Papakura District Council) that condition 11 has been complied with to the satisfaction of the Council.