BEFORE THE HUNUA QUARRY DEVELOPMENT EXPERT PANEL **FTAA-2603-1185**

Under	the Fast-track Approvals Act 2024
In the matter of	an application by Winstone Aggregates for: (a) new resource consents and changes to existing resource consent conditions; (b) a wildlife approval; (c) an archaeological authority; and (d) complex freshwater fisheries activities approvals

Draft Decisions of the Expert Panel under s 87 of the Fast-track Approvals Act 2024

Draft Decision 1: Resource consents that would otherwise be applied for under the Resource Management Act 1991 are **granted** subject to conditions and existing consent condition **changes / cancellation** (consent 8739).

Draft Decision 2: A wildlife approval that would otherwise be applied for under the Wildlife Act 1953 is **granted** subject to conditions.

Draft Decision 3: An archaeological authority that would otherwise be applied for under the Heritage New Zealand Pouhere Taonga Act 2014 is **granted** subject to conditions.

Draft Decision 4: Complex freshwater fisheries activities approvals that would otherwise be applied for under the Freshwater Fisheries Regulations 1983 and Conservation Act 1987 are **granted** subject to conditions.

Date of Draft Decisions: 22 September 2026

Date of Final Decisions: [To insert]

Expert Panel
David Allen (Chair)
David McMahon (Member)
Martin Neale (Member)

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PART A: EXECUTIVE SUMMARY

1. This is an application by Winstone Aggregates (**Winstone** or **Applicant**) for various approvals (**Application**) under the Fast-track Approvals Act 2024 (**FTAA**) to expand and deepen the existing Symonds Hill Pit (**Symonds Pit**) within the Hunua Quarry to access additional high-quality greywacke resource and enable a peak production capacity of up to 5.4 million tonnes per annum of processed aggregate (**Project**).

2. The Project was included as a listed project in Schedule 2 of the FTAA.

3. On 22 June 2026, an expert panel was appointed to determine the Application (**Panel**). The Panel commenced work on 29 June 2026.[1]

4. The Panel has assessed the Application applying the relevant statutory criteria within the purpose and context of the FTAA.[2]

5. The Panel received, and has carefully considered, the following information in evaluating the Application:

   (a) reports from the Department of Conservation (**Department**) and Heritage New Zealand Pouhere Taonga (**HNZPT**) as required by s 51 of the FTAA and a response from the Applicant;

   (b) comments on the Application from parties invited under section 53 of the FTAA;

   (c) a response to those comments from the Applicant under section 55 of the FTAA;

   (d) further information provided following the project overview conference on 8 July, the administrative workshop with the Applicant on 24 August, the ecology workshop on 3 September and the conditions workshop with the Applicant on 15 September, and in response to the Minutes issued by the Panel; and

   (e) [to insert comments on the draft conditions under section 70 of the FTAA and comments from the Minister for Māori Crown Relations: Te Arawhiti and Minister for Māori Development under section 72 of the FTAA.]

6. This [draft] decision is made in accordance with section 87 of the FTAA and covers all the approvals sought under the Application, namely:[3]

   (a) new resource consents that would otherwise be applied for under the Resource Management Act 1991 (**RMA**);

   (b) changes / cancellations to existing resource consent conditions which are material to the implementation or delivery of the Project;

   (c) a wildlife approval that would otherwise be applied for under the Wildlife Act 1953 (**Wildlife Act**);

[1] Minute 3 of the panel convener at [8] and [11].
[2] Legislation Act 2019, s 10; and Fast-track Approvals Act 2024, ss 3, 7 and 10 and schs 5, 7, 8, and 9.
[3] FTAA, ss 42(4)(a), (b), (h), (i) and (j)(i), (ii) and (iv).

(d) an archaeological authority that would otherwise be applied for under the Heritage New Zealand Pouhere Taonga Act 2014 (**HNZPT Act**); and

(e) complex freshwater fisheries activities approvals that would otherwise be applied for under regulations 42 and 43 of the Freshwater Fisheries Regulations 1983 (**Freshwater Fisheries Regulations**) and s 26ZM(2)(a)[4] of the Conservation Act 1987 (**Conservation Act**).

7. For the new resource consents that would otherwise be applied for under the RMA, the Applicant seeks an unlimited duration for the land use consents and a 35-year duration for the water take and use and all discharge permits. A 5-year lapse period is sought for all resource consents. The Applicant sought a 10-year duration for both the archaeological authority and the wildlife approval.

8. For the reasons given in the decision, the Panel has determined that:

(a) the Project will deliver regionally significant (and likely nationally significant) benefits including because of:

(i) the ongoing supply of aggregate to the Auckland market which is essential for the needs of residential, business, infrastructure and road construction requirements and consistent with relevant Government policies;

(ii) the economic benefits of the construction of the Project (some $150m although the actual amount and benefit was challenged);

(iii) the operational benefits of continuing the quarrying operation including the ongoing employment of some 46 workers plus some 20 contractors onsite and the existing business and value of aggregate (of some $5.4b although the actual amount and benefit was challenged);

(iv) avoided costs of some $663-$853m;

(v) additional benefits including supply chain resilience, efficient use of natural and physical resources (including an existing quarry that has been in operation for some 100 years) and market competition (although the actual level of benefit was challenged); and

(vi) the economic costs, while not quantified by the Applicant, were agreed by Auckland Council's expert to be relatively small (and not out of proportion to the benefits);

(b) in relation to the principal issues in contention:

(i) for traffic / transport the concerns raised by Auckland Transport in relation to the corner by 272 Hunua Road are not associated with the Project (but are appropriately addressed by the Applicant in any event) and the wider transport system (including intersections) can safely and adequately accommodate the

[4] Part A of the Application at [5] refers to s 26ZM(3)(b). We were told at the project overview conference that approval was sought for movement of aquatic life to freshwater systems where these species already exist and the Application otherwise refers to s 26ZM(2)(a), including Appendix A6.3 to, and Part E of, the Application. The memorandum of counsel on behalf of the Applicant in response to comments also clarifies at [17]–[18] that approval is sought under s 26ZM(2)(a).

increased truck movements such that with the [draft] conditions in **Appendix B** imposed, potential traffic / transport effects of the Project are appropriately addressed and there will not be any significant residual traffic / transport impacts;

(ii) for noise and vibration (including blasting) robust conditions are critical for neighbouring properties and through the [draft] conditions in **Appendix B** these potential adverse effects will be managed to levels equalling, or more stringent than provided by, the AUP, such that they are appropriately addressed (managed to reasonable levels) and there will not be any significant residual noise or vibration impacts;

(iii) for air quality robust conditions are critical for neighbouring properties and through the [draft] conditions in **Appendix B** potential adverse air quality effects will be managed to appropriate levels (in particular in relation to dust, PM10 and RSC) and there will not be any significant residual air quality impacts;

(iv) for landscape, natural character and visual amenity potential adverse effects:

(1) for landscape effects, the effects on the ONL and the physical effects of the Project (recognising the timeframe to rehabilitation), will, with the [draft] conditions in **Appendix B** imposed, be appropriately addressed;

(2) for natural character effects on the Mangapū Stream tributary, will, with the [draft] conditions in **Appendix B** imposed, be appropriately addressed;

(3) for visual effects on neighbouring amenity the [draft] conditions in **Appendix B** offer planting on identified properties to reduce effects (and the rehabilitation planting and revegetation of the Site will, over time, also reduce effects) such that the adverse visual amenity effects will be appropriately addressed; and

(4) in relation to landscape and visual effects from Pukekōiwiriki Pā they will, with the [draft] conditions in **Appendix B** imposed, be appropriately addressed,

such that with the [draft] conditions in **Appendix B** imposed, there will not be any significant residual landscape, natural character or visual amenity impacts.

(v) for freshwater ecology, the realignment of the Mangapū tributary is unlikely to achieve the same level of ecological functioning as the current tributary but is clearly designed to be significantly more than a simple diversion channel and, given the extent of the offset and compensation package, with the [draft] conditions in **Appendix B** imposed, the effects management approach for freshwater ecology appropriately addresses the relevant effects such that there will not be any significant residual freshwater impacts;

(vi) for terrestrial ecology the offset and compensation outcomes are appropriate and, the [draft] conditions (especially in relation to ensuring successful implementation and monitoring) in **Appendix B** appropriately addresses terrestrial ecology issues and there will not be any significant residual terrestrial ecology impacts; and

(vii) for potential adverse cultural effects identified by tangata whenua and, while such matters may not have been fully addressed to the satisfaction of all tangata whenua we find that the adverse cultural effects have been appropriately mitigated, including through the engagement and response approach of the Applicant throughout this process, the Applicant's commitment to ongoing engagement (including invitations to tangata whenua) and the [draft] conditions in **Appendix B** relating to the Kaitiaki Forum and the Cultural Management Plan such that there will not be any significant residual cultural impacts;

(c) in relation to consideration of the resource consents and change/cancellation to the conditions under the relevant RMA provisions (as amended by the FTAA) that:

(i) when relevant planning documents are read as a whole, the Project achieves, at least, the broad policy intent of each document;

(ii) applying, as relevant, Part 2 of the RMA that the Project (with the [draft] conditions in **Appendix B**) promotes sustainable management of natural and physical resources; and

(iii) the [draft] condition changes / cancellation in relation to Consent 8730 in **Appendix B** are appropriate and are material to the delivery of the Project;

(d) in relation to the wildlife approval, with the [draft] conditions in **Appendix D**, the wildlife approval is broadly consistent with the purpose of the Wildlife Act and effects on lizards will be appropriately avoided, minimised and mitigated;

(e) in relation to the archaeological authority, with the [draft] conditions in **Appendix D** (and the LMP in **Appendix E**), the archaeological authority is consistent with the relevant requirements of the HNZPT Act and the relevant statement of general policy;

(f) in relation to the freshwater fisheries regulations, with the [draft] conditions in **Appendix F** (and AMP in **Appendix G**) the Project aligns with best practice and the New Zealand Fish Passage Guidelines, and that freshwater values and habitats have been appropriately addressed;

(g) with the [draft] conditions imposed, there are no adverse impacts that are sufficiently significant to be out of proportion the Project's significant regional (and likely national) benefits that we have found them to be; and

(h) while each approval sought can be granted applying the relevant legal framework for them as set out in Part C of this [draft] decision and without resorting to a balancing process where the purpose of the FTAA is given the greatest weight, doing so, and

increasing the focus on the regional (and likely national) benefits of the Project, further shifts the balance in favour of the approvals being granted.

9. As is apparent from the above summary the relevant conditions are critical to our decision that the project's adverse effects are appropriately addressed. The Applicant provided a detailed set of conditions that, as explained in Part K of this [draft] decision has been through many iterations as it has been tested by the Panel, s51 Reports, section 53 comments, workshops and the Panel again. Several neighbours who chose to comment, and Auckland Council and the Department, stressed the importance of robust and enforceable conditions. We agree and consider that the [draft] conditions to this [draft] decision achieve those outcomes.

10. [Insert update following comments on the draft decision and draft conditions.]

11. The Panel therefore **grants** the approvals sought, as set out in **Appendices A–H** to this [draft] decision.

12. The [draft] decision covers all the approvals sought in the Application and includes:

    (a) the Panel's [draft] decision on the approvals;

    (b) the reasons for the Panel's [draft] decision;

    (c) a statement of the principal issues in contention; and

    (d) the main findings of the principal issues in contention.

13. We thank Ms Maggie Burns and Ms Nicole Regnaud from the EPA for their considerable assistance throughout this process. We also thank Ms Chelsea Easter and Ms Jacqui Manning for their assistance with pulling this [draft] decision and the [draft] conditions together.

14. We extend our appreciation to those who were involved in this process, especially iwi and those neighbours who choose to provide comments on the Application. That takes time and effort and provides us with important context as to the local environment and potential adverse effects we need to consider. We mention several times through the decision the very helpful and pragmatic approach taken by Auckland Council, the Department and HNZPT. We are very grateful for the way they have positively assisted us in making this [draft] decision and developing the [draft] conditions. Finally, we also thank the Applicant for the approach it has adopted in providing robust information and working constructively with all relevant parties to resolving issues where they could. That approach, combined with that adopted by the other parties, has resulted in us being able to make a more robust [draft] decision.

PART B: OVERVIEW OF THE APPLICATION AND PROCEDURE

Applicant and the Project

15. Winstone is the applicant and the authorised person under s 42 of the FTAA for the Project as listed in schedule 2 of the FTAA. The listed project description is to:

> Expand the existing quarry to increase annual quarry production to approximately 5.4 million tonnes of aggregate, and to enable the extraction of aggregate for a further 80 years.

Site context and existing environment

16. The Hunua Quarry (the **Site**) has been operating since the 1920s.[5] The Site is located approximately 5 km southeast of Papakura and 35 km southeast of Auckland's CBD (see **Figure 1**).

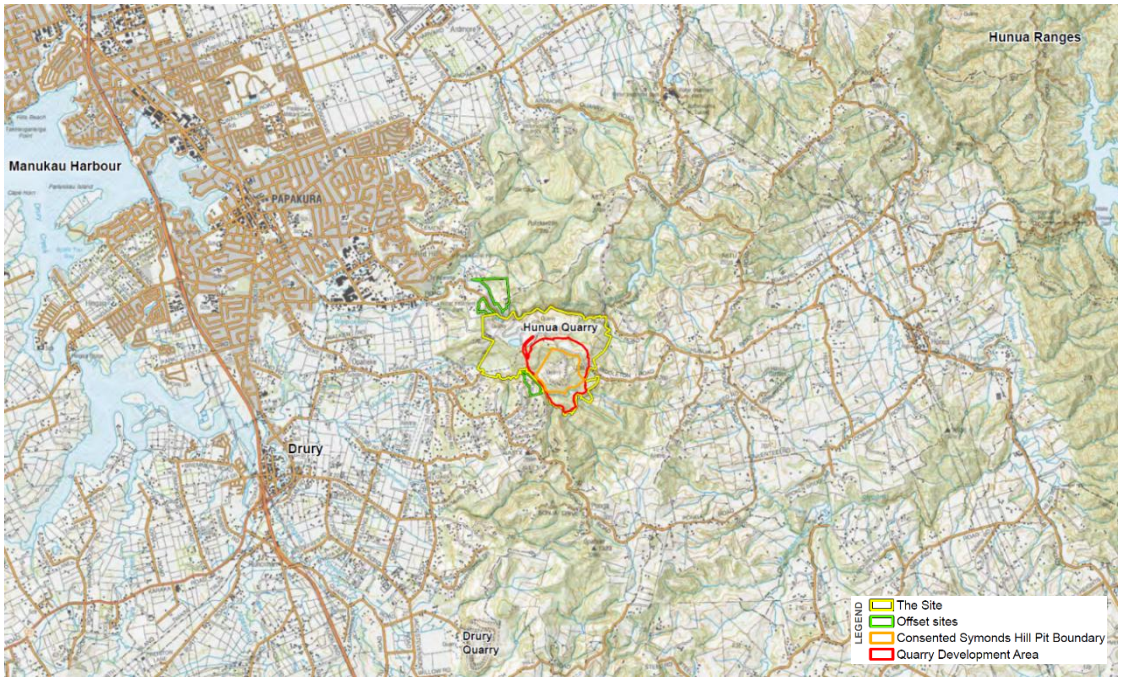

Figure 1 – Landscape context[6]

17. The Site has been used as a quarry for some 100 years (80 years by Winstone). The present landholding is some 360ha in size and, in terms of quarrying operations involves:[7]

(a) Site access (off Hunua Road);

(b) the key site support, stockpile and load out areas;

(c) the original Hunua Quarry pit (backfilling of this pit commenced in 2014) which is now an overburden and disposal (clean waste) area; and

(d) the Symonds Pit (started operating in 2014).

[5] Appendix B12.4.10a at section 1.1.
[6] See Appendix B12.4.10c at Figure 1.
[7] AEE at [5]–[7] and [53]–[74]; Appendix B12.2b at Figure 6.

18. The Applicant holds existing resource consents for current works and activities with a range of expiry dates.[8] These consents enable and will be used to allow ongoing works in the northwest of the site during Stages 1 and 2 of the Project. The current works and activities lie within the Special Purpose – Quarry Zone (**SPQZ**) under the Auckland Unitary Plan (**AUP**). The existing quarry operations and consents are shown in **Figure 2** below.[9]

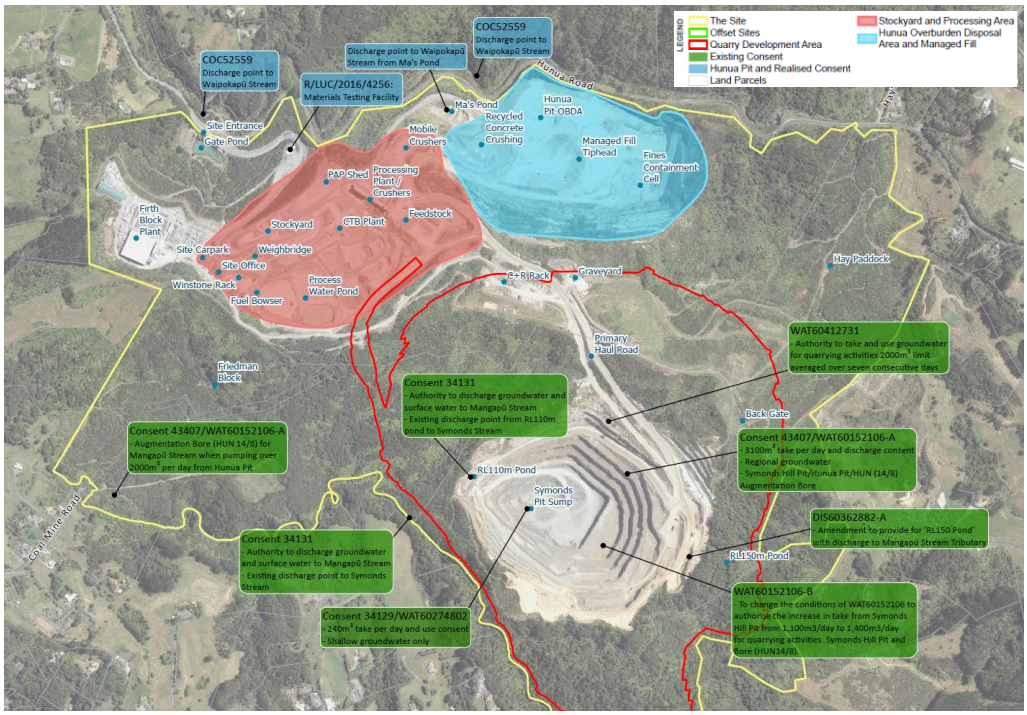

Figure 2 – existing operations and consents[10]

19. The current approved Symonds Pit extent is 42.2ha[11] with the consents enabling the extraction of approximately 15-20 million tonnes, at an average of 3 million tonnes per year.[12] Depending on extraction rates (which reflect demand) existing consented rock reserves are forecast to be exhausted by 2039.[13] Presently the Symonds Pit floor level is RL -5m with the groundwater level fluctuating between RL 67m and RL 60m.[14]

20. The Application includes a detailed description of the existing environment in section B2 of the AEE.

21. More detail on the Site context and the existing environment is provided in Part F of this [draft] decision.

The Resource

22. The resource at the Hunua Quarry is summarised in the Geological and Resource Assessment prepared by the Applicant as follows:[15]

[8] AEE at [349]–[351] and Table 17.
[9] Appendix B12.2b at Figure 13.
[10] See Appendix B12.2b at Figure 13.
[11] Appendix B12.2b at Figure 7.
[12] AEE at [7]. Section 3.4 of Appendix B12.4.4 records the recent average output as 2.72 million tonnes per year.
[13] Appendix B12.4.12 at page 6; and superseded 30 March 2026 version at [38]. The updated 22 June 2026 version of the AEE mistakenly omits the second half of this paragraph.
[14] Appendix B12.4.9a at pages ii and v and sections 1.2 and 1.3; and AEE at [635] and Table 31.
[15] Appendix B12.4.16 at section 1.3.

The Hunua Quarry extracts indurated Waipapa Group greywacke, a strong, durable rock that has supplied Auckland's civil infrastructure market since the 1920s.

Within the Symonds Hill Pit and proposed expansion areas, the resource comprises variably weathered greywacke basement rock locally overlain by younger sedimentary units (predominantly Waitemata Group and minor Waikato Coal Measures), which form overburden.

The resource is characterised by:

• Laterally extensive sandstone-dominant greywacke forming the principal aggregate source;

• Localised argillaceous domains, interpreted as fault-bounded panels;

• Irregular but predictable weathering profiles; and

• Structurally controlled corridors influencing local variability but not overall continuity.

Investigations confirm a substantial volume of extractable greywacke sufficient to support long-term quarry operations, with projected supply capacity extending for 80+ years under current production rates.

23. Aggregate testing:[16]

Confirm[s] that sandstone-dominant greywacke sourced from slightly weathered to fresh domains within the existing Symonds Hill pit produces high-quality aggregates suitable for concrete and roading applications. Durability indicators are strong, deleterious clay fractions are low in representative production materials, and weak particles are rare where extraction targets competent domains.

24. Economic viability of the resource:[17]

… is governed primarily by the relationship between overburden thickness, weathering distribution and recoverable resource rock.

…

Modelled results indicate:

• Favourable strip ratios in southern and eastern panels where tertiary cover is absent or minimal;

• Increased stripping in areas where Waitemata Group or Waikato Coal Measures are preserved;

• Strong economic potential where greywacke occurs at shallow depth; and

• Manageable variability through staged sequencing and selective extraction.

25. The Geological and Resource Assessment concludes:[18]

The combined evidence from drilling, mapping, laboratory testing, operational history and economic modelling demonstrates that:

• The Waipapa Group greywacke resource beneath the proposed expansion is laterally continuous at quarry scale;

• Sandstone-dominant domains are capable of producing high-quality concrete and roading aggregates consistent with long-term production history;

[16] Appendix B12.4.16 at section 1.5.
[17] Appendix B12.4.16 at section 1.7.
[18] Appendix B12.4.16 at section 1.9.

• Variability is structurally controlled, spatially constrained and operationally manageable; and

• Economic viability is supported by favourable strip ratios in key panels and by the ability to sequence extraction to manage overburden and weathering distribution.

The Application

26. The Application is very thorough and detailed, providing significant material. The quality and robustness of the information provided has greatly assisted the Panel in making its decision.

27. The Application relates to:[19]

    (a) the Site;

    (b) the areas, located within the Site, where Project works such as stream diversion and mineral extraction and all other necessary activities to enable the further development of Symonds Pit occur (**Quarry Development Area**); and

    (c) the offset sites adjacent to the Site.

28. In accordance with its listing, the Project as set out in the Application will deliver the long-term efficient development, expansion and use of the Symonds Pit.

29. Winstone seeks a series of approvals necessary for authorising the Project under the FTAA. Those approvals comprise resource consents (including subdivision consent for a boundary adjustment), changes / cancellation to existing consent conditions which are material to the implementation of the Project, a wildlife approval, an archaeological authority and complex freshwater fisheries activities approvals.[20]

30. The proposed activity is described in Part A of the Application and in section B3 of the AEE.

31. The Project comprises the expansion of the existing Symonds Pit to access additional greywacke resources and enable production capacity of up to 5.4 million tonnes per annum of processed aggregate. The Project will require the following works to be undertaken:[21]

    (a) deepening the pit progressively to an ultimate floor elevation of approximately RL -50m, enabling quarry development below that level as part of the long-term development of the pit;

    (b) realigning approximately a 1,200m length of a tributary to Mangapū (Symonds) Stream;

    (c) constructing new sediment retention ponds, haul road, drainage networks, and stream tributary realignment integrated with the existing quarry systems;

    (d) rationalising the areas of existing indigenous vegetation to be protected by covenants on the Site;

[19] Part A of the Application at [15].
[20] Part A of the Application at section A5.1 and AEE at section B1.1.
[21] AEE at section B.3.

(e) removing 44.46ha of indigenous vegetation, associated with the stripping of overburden and associated offsets;

(f) implementing progressive rehabilitation (where practicable), ecological compensation and stream enhancement measures throughout quarry development;

(g) constructing the western haul road to provide a more efficient connection between the pit and the processing yard;

(h) providing for some in-pit crushing to enable a greater volume, and more efficient, processing of aggregate;

(i) providing for the placement of a greater volume of overburden within the Site;

(j) upgrading the access to the Site to ensure the safe and efficient operation of Hunua Road;

(k) maximising processing and operational hours; and

(l) undertaking a boundary adjustment to assist with mitigating effects on an adjoining property.

32. The Symonds Pit will be expanded over eight indicative stages.[22] The stages are important to understand to grasp the extent of works and activities over time (and some are beyond the 35-year scope of the applications we are considering) and the potential adverse effects they may cause (and in some places overlap). This is explained in detail in Appendix A6.6 to the Application and in the Geological and Resource Assessment. Of particular relevance:

(a) Stage 1: Mangapū Stream realignment;

(b) Stage 2: stream realignment completed and construction of the western haul road;

(c) Stage 3: incremental stripping campaigns to the south (towards the realigned stream) down to RL 120m;

(d) Stages 4 to 6: progressive enlargement (to the south) and deepening of the pit;

(e) Stage 7: realignment of the western haul road, anticlockwise extraction from the southwest to the northwest pushing the pit further back to the north (to around the paper road extension of Middleton Road (and the existing powerlines)) and deepening the pit; and

(f) Stage 8: extending the pit to the north and northwest (and lowering the skyline of that ridge).

33. The logical nature of this approach was apparent from our site visit. The level of overburden to the south is significantly less than to the north. By progressing to the south first, then progressively deepening the pit before moving north the overburden can be efficiently deposited within the deepened pit. Further:

[22] As described in Table 7 and illustrated in Figure 16 of the AEE. These are simply development stages of the one project. The Application is not a staged project for the purposes of ss 13(4)(f)(i) and 43(2)(b) of the FTAA, see Part A of the Application at [59] which was reiterated in the Applicant's legal submissions at [1.12].

(a) establishing the western haul road early at Stage 2 (and then amending its alignment during Stage 7 when the area will be quarried) will significantly improve the efficiency of hauling the aggregate out of the pit; and

(b) Stages 3-6 primarily involve deepening of the pit progressively south such that offsite amenity effects are greatly reduced during that time. Offsite visual effects especially will come to the fore during Stages 7 and 8.

RMA planning controls

34. The Project extends the quarry and associated works and activities beyond the SPQZ. The zoning and planning framework for the Project is contained in Part B of the Application.[23] As illustrated in **Figure 3**, the Site is located within the SPQZ (H28) and Rural – Mixed Rural Zone (**RMRZ**) (H19.4) zones in the AUP.[24]

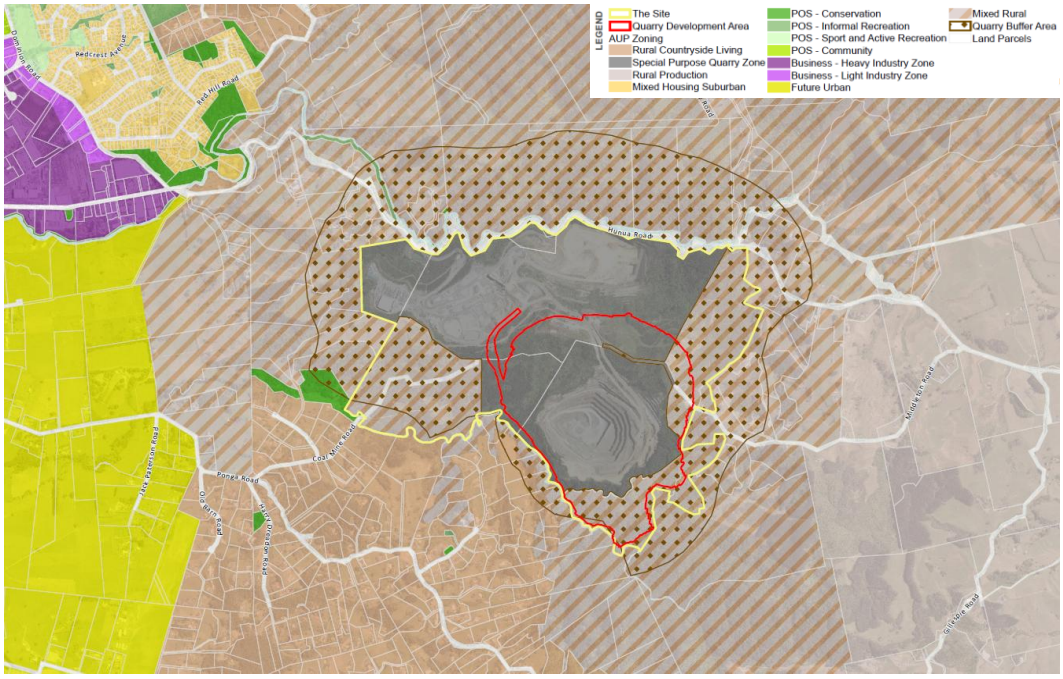

Figure 3 – AUP zoning[25]

35. The overlays and controls in the AUP relevant to the Site are:[26]

(a) Significant Ecological Areas (**SEA**) Overlay (D9);

(b) Outstanding Natural Landscapes (**ONL**) Overlay (D10);

(c) Natural Stream Management Areas Overlay (D4);

(d) Quarry Buffer Area Overlay (D27); and

(e) Airspace Restriction Designation – Ardmore Airport Ltd – Height Restrictions (D23).

[23] AEE at section B6.3; and Appendix B12.2b at Figure 3.
[24] The AEE at [417] and [472] also refers to the Rural – Countryside Living Zone (H19.7) which is not included in Table 1 of the AEE. Appendix B12.10 also refers to the Rural – Countryside Living Zone.
[25] See Appendix B12.2b at Figure 3.
[26] AEE at Table 1; and Appendix B12.2b at Figures 3, 4 and 5. The AEE at [472] also refers to the High-Use Stream Management Areas Overlay (D3) which is not included in Table 1 of the AEE or the figures in Appendix B12.2b.

36. By way of some greater detail, and as illustrated in **Figure 4** below, the quarry will extend into an area identified as an Outstanding Natural Landscape (Area 60 Ponga Road) and several SEAs intersect with the Site including SEA_T_5323 (which is within the Quarry development Area), SEA_T_7032, SEA_T_7033. The Mangapū Stream and the Mangapū Tributary are identified as being within a Natural Stream Management Area Overlay and SEA (SEA_T_5323) Overlay in the AUP.

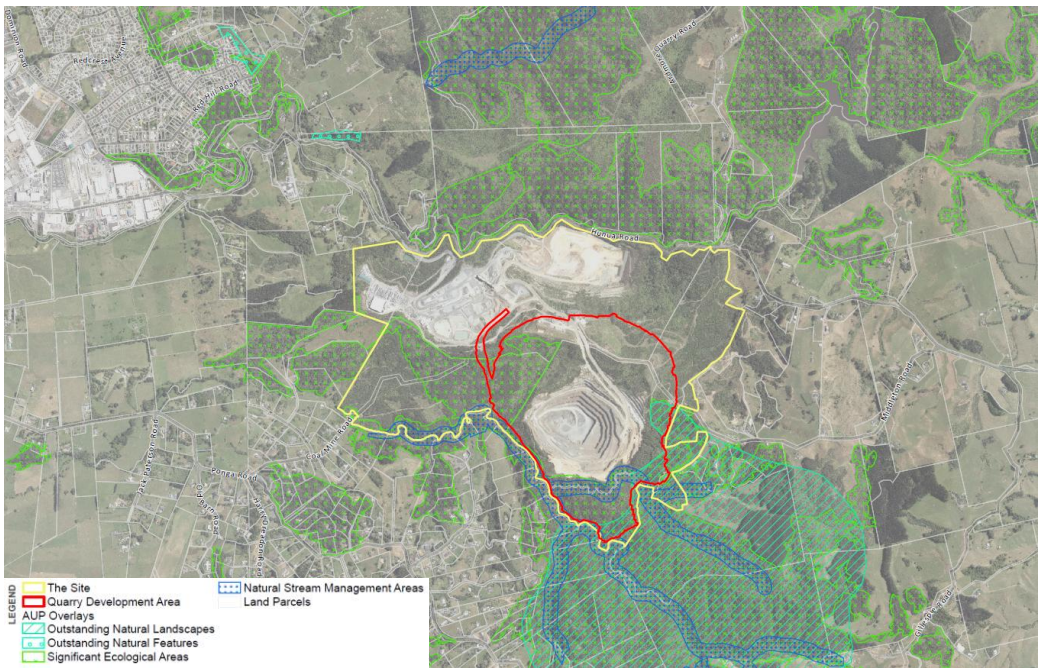

Figure 4 – AUP overlays[27]

37. Sections B6 and B9 of the AEE and Appendices B12.9 and B12.10 to the Application provide more detail on the relevant planning framework and statutory framework.

Resource consents

38. As set out in sections B1.2 (including tables 2, 3 and 4) and B4.2 of the AEE, resource consents are required under the:

    (a) the AUP as a non-complying activity;[28]

    (b) the Resource Management (National Environmental Standards for Freshwater) Regulations 2020, as amended in 2025 (**NES-F**) as a discretionary activity; and

    (c) the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (**NES-CS**) as a controlled activity.

39. Resource consents are required for land use (including earthworks, mineral extraction activities and vegetation clearance and the disposal of overburden), water take, use and diversion, discharges (for stormwater, dewatering and discharges to air) and subdivision (boundary adjustment).

[27] See Appendix B12.2b at Figure 4.
[28] A mix of controlled, restricted discretionary, discretionary and non-complying activities.

40. Given the interconnected components, the Panel agrees with the Applicant that a 'bundled' approach is appropriate and the overall activity status for the Project resource consents is non-complying.[29] A list of the resource consents is set out in **Appendix A** to this decision. The Panel provided the Applicant with a draft list of resource consents on 15 September 2026. The Applicant provided a response on 16 September 2026.

41. The Applicant seeks:[30]

    (a) a 35-year duration for the water take and use and all discharge permits;

    (b) unlimited duration for the land use consents; and

    (c) a 5-year lapse period for all resource consents.

Change or cancellation of resource consents conditions

42. The Applicant holds several existing resource consents,[31] including a consent to undertake vegetation removal and associated revegetation activities (8730 – Symonds Pit). The Applicant seeks to change / cancel conflicting and outdated conditions in consent 8730.[32]

Wildlife approval

43. The Applicant has sought a wildlife approval to authorise the capture, handling and relocation of native lizards including elegant gecko (*Naultinus elegans*)[33] to minimise injury and mortality during vegetation removal.[34] As lodged, the proposed activity would be restricted to:[35]

    (a) the land at the Site where the lizards will be captured; and

    (a) to land where the lizards will be released into appropriate locations in the Hunua Ranges Regional Park.

44. As discussed further in Part H of this [draft] decision, following post-lodgement discussions with the Department, the Applicant updated the LMP and Part C of the Application on 17 July 2026 to allow for the translocation and release of up to 75 elegant geckos on Tiritiri Matangi Island.[36]

45. The Applicant sought a 10-year duration from 1 September 2026 to 1 September 2036.[37] As noted in Part H of this [draft] decision, during the ecology workshop on 3 September

[29] AEE at section B1.3.
[30] AEE at section B1.4.
[31] Winstone's existing resource consents are set out in section B4.1 and Table 17 of the AEE.
[32] AEE at Table 5 and section B4.4. For completeness, we checked with the Applicant, and it confirmed it is not seeking to cancel Consent 34131 / DIS60362882 – Symonds Pit but rather it will surrender that consent. We checked as Table 5 of the AEE states that a s127 application will be sought to vary that consent but Table 17 of the AEE states that no change is required and it will be surrendered.
[33] Referred to in Figure 3 of Appendix B12.8.4 and Figure 4 of Appendix B12.4.5a as 'Auckland green gecko'.
[34] Part C of the Application at section C2. Section A5.1.1 of Part A of the Application refers to the wildlife approvals including "fish salvage/relocation", but that is not included elsewhere in the Application in respect of the wildlife approval.
[35] Part C of the Application at [4] and [13]–[15]; and superseded Appendix B12.8.4 at section 3.2.1 and Figure 1. Later translocations of elegant gecko between 2011 and 2025 moved lizards to a release site on Tiritiri Matangi Island, see Appendix B12.4.5a at section 5.2.2.1 and superseded Appendix B12.8.4 at section 5.1.
[36] Section 51 wildlife approval report at [21], [26], [30], [40]–[41] and [45]; memorandum of counsel on behalf of the Applicant in response to comments at [6]–[7]; Appendix B12.8.4 17 July version at sections 3.2.1 and 6.4.3.1; and updated Part C of the Application at [15]–[16] and [37].
[37] Updated Part C of the Application at [17] and [66]; and Appendix B12.8.4 at section 2.

2026, the Applicant and the Department agreed that an October 2027 start date was appropriate. No express lapse period is sought for the wildlife approval.

Archaeological authority

46. The Applicant has sought an archaeological authority for the Quarry Development Area on a precautionary basis (where required) to address the potential for unrecorded archaeological material to be exposed during the disturbance of land.[38] The Applicant seeks a 10-year duration.[39]

Complex freshwater fisheries activities approvals

47. At lodgement, the Applicant sought the following complex freshwater fisheries activities approvals:[40]

    (a) approval for a permanent diversion structure (a diversion channel) in a tributary of Mangapū Stream that will provide fish passage for native climbing species;

    (b) approval for a new culvert in Tributary 3 and a new culvert in Tributary 4 as part of the Stage 2 haul road which will be unable to provide for fish passage (as water velocities are too fast and flow depths are insufficient); and

    (c) approval for fish salvage and relocation activities.

48. As discussed further in Part J of the decision, following the Department's s51 Report the Applicant updated the Application to provide for fish passage in the culvert in Tributary 3.[41]

Procedure

Lodgement of the Application and completeness

49. An authorised person for a listed project may lodge a substantive application with the Environmental Protection Authority (**EPA**).[42] Winstone is the authorised person for the Project. The substantive application is required to comply with ss 43 and 44 of the FTAA. The Applicant lodged the substantive application on 31 March 2026. The amendments made in the Fast-track Approvals Amendment Act 2025 therefore apply to the Application.[43]

50. The EPA decided that the Application was complete and within scope on 23 April 2026.[44] The EPA made a recommendation on whether there are competing applications or existing resource consents for the same activity on 7 May 2026.[45]

Updated information received from the Applicant

51. On 28 April 2026, the Applicant provided the following documents which had been inadvertently overlooked when uploading the Application:

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[38] Part D of the Application at [5]–[6], [20] and [27]–[30].
[39] Part D of the Application at [7] and [39]–[40].
[40] Part E of the Application at [4]–[6], [36]–[40], [81]–[92] and [103]–[104].
[41] Response to comments s 55 report, Appendix 2, at 9.015, Response to comments s 55 report, Appendix 3 at page 20 and Memorandum of counsel on behalf of the Applicant in response to comments at [15].
[42] FTAA, ss 4 and 42.
[43] Fast-track Approvals Amendment Act 2025, s 2; FTAA, sch 1 cl 8 provides that the FTAA as in force on 31 March 2026 applies in respect of an application lodged on or after 31 March 2026. The Applicant's legal submissions address this at [1.1]–[1.2].
[44] FTAA, s 46.
[45] FTAA, s 47.

(a) Appendix B12.4.10aa Landscape Effects Assessment Appendix 1 CVs; and

(b) Appendix B12.4.10e Landscape Effects Assessment Appendix 4 Graphic Supplement.

52. On 22 June 2026, the Applicant provided an update to the Application following further consultation feedback.[46] The Applicant also filed updated versions of the following documents:

(a) Appendix A6.4 – Consultation Summary Report;

(b) Part B – Assessment of Environmental Effects;

(c) Appendix B12.3b – Subdivision Plans;

(d) Appendix B12.3c – Written Approvals;

(e) Appendix B12.4.4 – Economic Impact Assessment;

(f) Appendix B12.4.7 – Erosion and Sediment Control Assessment Report;

(g) Appendix B12.7 – Conditions;

(h) Appendix B12.8.4 – Lizard Management Plan (**LMP**);

(i) Appendix B12.8.12 – Groundwater Monitoring and Contingency Plan; and

(j) Appendix B12.10 – Compliance Table.

53. The Applicant and Auckland Council filed a joint memorandum on 26 June 2026 identifying any likely remaining issues, or areas of contention or dispute.

54. On 6 July 2026 the Applicant filed legal submissions in advance of the project overview conference on 8 July 2026.[47]

55. On 8 July 2026 the Applicant filed a letter:[48]

(a) clarifying that the structure to liven the realigned Mangapū Stream Tributary channel is a weir and including the requisite assessment; and

(b) providing a correction to paragraph 483 of the AEE.

56. On 14 July 2026 the Applicant filed an amended version of the conditions in response to feedback from the Panel in Appendix 1 to its Minute 1 and feedback received since 22 June 2026 from Auckland Council and the Department.[49]

57. On 17 July 2026 the Applicant updated the LMP and Part C of the Application.[50]

[46] Applicant's letter to the EPA dated 22 June 2026.
[47] Applicant's legal submissions.
[48] Applicant's letter of 8 July 2026. Inadvertently dated 8 June 2018.
[49] Appendix B12.7 14 July version.
[50] These updated documents were referred to in the s 51 wildlife approval report and provided to the Panel in August 2026.

Initial project overview conference and site visit

58. On 8 July 2026, the Panel attended a briefing session arranged by the Applicant to provide a more detailed overview of the site, material provided by the Applicant, legal framework and key issues. This included:

    (a) presentations on behalf of the Applicant by:

        (i) Phernne Tancock, legal counsel for Winstone (Aidan Cameron was online);

        (ii) Messrs Phil Heffernan, Ian Wallace and Paul Herbert from Winstone;

        (iii) Mr Leo Hills, Traffic;

        (iv) Mr Greg Akehurst, economics;

        (v) Ms Amanda Anthony, landscape, natural character and visual;

        (vi) Mr Andrew Curtis, air quality;

        (vii) Mr Jon Styles, noise;

        (viii) Dr Parviz Namjou, groundwater;

        (ix) Dr Ian Boothroyd and Dr Sarah Flynn, ecology

        (x) Jade Wikaira, cultural engagement; and

        (xi) Mr Ken Gimblett, Nick Pollard, Lucy Deverall and Clare Kelly (planning);

    (b) attendance and brief comments from Warwick Pascoe and Emma Chandler on behalf of Auckland Council; and

    (c) attendance and brief comments from Jeremy Prebble and Emily Bayliss, on behalf of the Department.[51]

59. On 9 July 2026 we undertook a site visit. We found the site visit exceptionally useful and well managed and thank those who organised it.

60. Our visit:

    (a) Started from the site offices (with a view of the Firth Block Plant) with a drive around the processing plant / crusher and stockyard location with an explanation of the processes involved and how a quarry practically operates to get the aggregate out the gate. The processing plant was not operational on the day of our visit, but several mobile crushing plants were operating providing a good insight into how they work (and the noise and dust involved).

    (b) Moved to the closed Hunua Pit which is being progressively filled with overburden, with a drive past the clean fill tip head (and past managed piles of clean fill being tested to ensure acceptance compliance and the concrete recycling area).

[51] HNZPT stated via email to the EPA on 7 July 2026 that it had "*agreed conditions with the Applicant in relation to the archaeological authority, so do not see that we can provide any information to assist the Panel with this matter. I also do not have any matters to raise with the Panel."* That was very helpful notice for the Panel.

(c) Progressed past the feedstock (to the processing plant) area towards the Symonds Pit. We stopped at the recently formed RL 150m platform (at the northeastern side of the pit) where we could see the overburden levels to the north, the red/brown coloured low quality greywacke resource and the higher quality, bluer, greywacke resource – **Figure 5**) and we could look across the southwestern area to be extended (and behind which the tributary of the Mangapū Stream to be realigned) as shown in **Figure 6**.

Figure 5 - Symonds Pit: looking northeast from the RL 150m platform

Figure 6 - Symonds Pit: looking southwest from the RL 150m platform

(d) We then headed to the south to the RL 150m sediment control pond (which discharges down into the tributary of the Mangapū Stream to be realigned but the terrain was too rough for us to readily enter) before driving down to an active quarrying site as shown in **Figure 7** (taken from the RL 150m platform). After watching the loading of some trucks, we headed down to the base of the Symonds Pit (presently RL 60m) where we viewed the sump and pump.

Figure 7 - Symonds Pit: Active quarry location with digger and trucks (taken from the RL 150m platform)

(e) We proceeded back to the RL 110m Pond (where the sump pump discharges and which discharges into Tributary 3) and parked behind the active quarry area where we walked down to the entry of Tributary 3 to the Mangapū Stream as shown in **Figure 8** (which is also a Monitoring Site). **Figure 9** shows the Mangapū Stream (looking upstream) from this location (which is unaffected by the application).

Figure 8 – Entry of Tributary 3 into the Mangapū Stream.

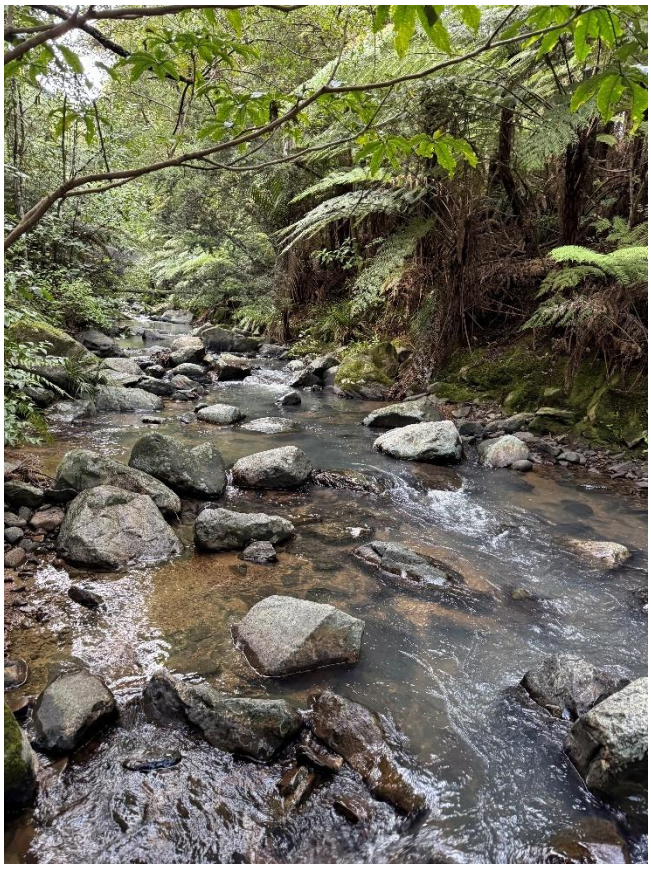

Figure 9 – Mangapū Stream (looking upstream), taken from slightly below the tributary entry above.

(f) We then drove back through the processing and stockpile area and parked by the gate (Gate Pond) to watch trucks enter and exit the site. We then drove north along Hunua Road (again passing the corner at 272 Hunua Road), along Boundary Road, Opaheke Road (heading south) onto Ponga Road. We turned off Ponga Road onto Judge Richardson drive and stopped across from 25 Judge Richardson Drive and also further down just past 68 Judge Richardson Drive. Both locations provided us with a clear understanding of the views to, and noise from, the quarry (as above the operational area was near to these locations). **Figure 10** shows the view (zoomed in) from below 68 Judge Richardson Drive.

Figure 10 – Taken just past 68 Judge Richardson Drive looking towards the Hunua Quarry (zoomed in)

(g) We then drove along Ponga Road (noting at various point some additional views of the Quarry and the headwater farmland) and back onto Hunua Road before driving up Middleton Road (where we viewed the Quarry and looked into the area of the Tributary to be realigned). We entered back into the site via the 'Back gate' and stopped at the crest of the Symonds Pit (looking northwest). **Figure 11** illustrates the view from this location.

Figure 11 – At the crest of the Quarry from past the 'Back Gate' looking northwest

(h) Finally, we then drove back via the 'graveyard', past the feedstock, process water pond and maintenance area to the site office where the site visit concluded.

61. Driving to the site we took the route from SH1 along Beach Road, Settlement Road and turned onto Hunua Road by Edmund Hillary School. Before the entry to the site we pulled over in the driveway of 272 Hunua Road so we could consider the scale of any benching earthworks and watch traffic navigate the corner of concern to Auckland Transport. On the way back we took Boundary Road, Opaheke Road, Butterworth Ave and Great South Road before again turning onto Beach Road. From this we saw the heavy freight use of the main Beach, Settlement, Hunua route and got an understanding of the industrial area to the south as well as some of the more settled areas. On our return we saw no large trucks after crossing the Boundary Road railway line.

Panel meetings

62. As required, from time to time, the Panel has met in person (following the project overview conference) and primarily online (Microsoft Teams meetings). Much of the Panel's correspondence occurred over email.

Withholding and redaction of information

63. The EPA has the discretion to withhold information that the FTAA requires to be received by the EPA or a panel, if satisfied there would be good reason to withhold the information if it were requested under the Official Information Act 1982.[52] For example, some of the

[52] FTAA, s 93(3). See also ss 70(2)(c) and 88(4) in respect of the EPA withholding information in the draft conditions and in the final decision document.

Application was redacted as a result of the EPA exercising its discretion. The Panel has considered all information in this process in its unredacted form.

64. In addition, we have the discretion to prohibit or restrict the publication or communication of any information in respect of the new resource consents and changes to existing resource consent conditions, if we are satisfied that an order:[53]

    (a) is necessary to avoid:

        (i) serious offence to tikanga Māori; or

        (ii) the disclosure of the location of waahi tapu; or

        (iii) the disclosure of a trade secret or unreasonable prejudice to the commercial position of the person who supplied, or is the subject of, the information; and

    (b) in the circumstances of the particular case, the importance of avoiding such offence, disclosure, or prejudice outweighs the public interest in making that information available.

65. On 18 August 2026 the Applicant made a request regarding non-publication of certain cultural and property specific information. The Applicant provided us with additional clarifying information on 26 August 2026, 10 September 2026 and 11 September (including an updated LMP) and we made our decisions in Minutes 7 and 9.

Statutory reports

66. We received the following reports from the relevant agencies:

    (a) a s18 Report from the Ministry for the Environment (**MfE**) relating to Treaty settlements and other obligations;

    (b) a s51 Report from the Department relating to the wildlife approval and freshwater fisheries approvals; and

    (c) a s51 Report from HNZPT relating to the archaeological authority.

Persons invited to comment

67. Section 53 of the FTAA requires the Panel to invite comments on the Application from certain persons. The persons relevant to this Application comprise the relevant local authorities, iwi authorities, Treaty settlement entities, the owners and occupiers of the Site and any adjacent land, relevant Ministers and administering agencies, the Director-General of Conservation, the New Zealand Conservation Authority (**NZCA**), the Auckland Conservation Board (**Conservation Board**), the New Zealand Fish and Game Council (**Fish and Game**) and the Game Animal Council NZ (**Game Animal Council**).

68. In addition to these mandatory invitees, section 53(3) empowers a panel to invite comments from "any other person the panel considers appropriate". We exercised this discretion to invite comments from:[54]

[53] FTAA, sch 3 cl 11; and RMA, s 42.
[54] In exercising our discretion, we considered the memorandum from the Applicant dated 13 July 2026.

(a) other parties the applicant has engaged with not otherwise invited (including owners of land contacted directly by the applicant as listed in Appendix B12.6 of Part B of the Application);

(b) other Māori groups identified in the s18 Report;

(c) potentially affected bore owners (list supplied by the EPA);

(d) the owners of land offered offsite mitigation planting on their land;

(e) the owner of land identified as a sensitive receptor in relation to offsite dust effects and not otherwise invited;

(f) the owner of land identified in the Acoustic Report and not otherwise invited; and

(g) the owner of land identified from the Panel's site/locality visit and not otherwise invited.

69. On 14 July 2026 the Panel invited comments on the Application.[55] Responses to this invitation were due on 11 August 2026. Comments were received on time from the following:

(a) Auckland Council;

(b) the Department;

(c) HNZPT;

(d) Te Ākitai Waiohua Settlement Trust;

(e) Te Whakakitenga o Waikato Incorporated;

(f) the Minister for Infrastructure;

(g) the Minister for Resources;

(h) the Minister of Climate Change;

(i) Brian and Kate Park;

(j) Gavin and Rebecca Giles;

(k) Gerald Masters and Anita Masters;

(l) Joe Shannon and Jan Dupker;

(m) Paul and Vivienne Manak; and

(n) Paul Aylett.

70. A late comment was received from the Auckland Conservation Board. The Panel has exercised its discretion under s 81(6) of the FTAA to consider this late comment.[56]

71. The comments received were analysed in full by the Applicant.[57] The Panel has read the comments received by invited parties and the Applicant and summarise and address them

[55] Minute 2 of the Panel. In its Response to comments s 55 report, Appendix 1, at [2], stated that 139 parties were invited to comment.
[56] Minute 5 of the Panel.
[57] Response to comments s 55 report, Appendix 2.

as relevant in our decision. The Panel would like to thank all persons who commented for their contributions.

Applicant's response to s51 Reports and invited persons comments

72. On 18 August 2026, the Applicant provided a response to the s51 Reports from the Department and HNZPT and to the comments received on the Application. This included:

    (a) a memorandum of counsel on behalf of the Applicant in response to comments;

    (b) a summary report; and

    (c) a range of appendices including responses for technical experts, updated conditions and an updated LMP.

73. The Panel has considered the Applicant's responses and, where appropriate, refers to those responses in later parts of this decision.

Further information and workshops

74. On 24 August 2026 we held a short workshop with the applicant to address administrative matters and to discuss a process for further testing some key ecological matters.[58] We issued Minute 6 following that workshop, setting out the key outcomes and the next steps.

75. On 3 September 2026 we held an ecology workshop.[59] The workshop traversed a range of ecological issues and questions of interest to the Panel, including the wildlife approval, complex freshwater fisheries activities approval, the Mangapū Stream realignment, the location of the Meremere focus area and terrestrial effects management (application of the Biodiversity Offset Accounting Model (**BOAM**) and planting timelines). The workshop was recorded and is available in the EPA website.[60] Following that workshop, we issued Minute 8 directing further actions from the Applicant, Department and Auckland Council.[61]

76. Following the ecology workshop the Panel sought further information at set out in Minute 8. The Department[62] (and Auckland Council) responded on 9 September 2026 and the Applicant responded on 11 September and 15 September 2026.

77. On 15 September 2026 Mr McMahon held a workshop with the Applicant's planning experts to undertake a mechanical check of, and work through, potential conditions.[63]

Unsolicited provision of information

78. We received two proposals[64] to provide the Panel with additional, late, information responding to the response. We recognise the importance of the process to neighbouring landowners, and that some Panels have accepted late information in the circumstances of their process (as decisions by panels on process matters always reflect the circumstances of that particular process).[65] We are also aware of the broad discretion placed on our

[58] A recording of the workshop can be found at Conferences, workshops and hearings.
[59] A recording of the ecology workshop can be found at Conferences, workshops and hearings.
[60] https://www.fasttrack.govt.nz/projects/hunua-quarry-development/conferences,-workshops-and-hearings
[61] Minute 8 of the Panel.
[62] Noting that its terrestrial ecologist was unfortunately unwell and unable to respond in time.
[63] A recording of the workshop can be found at Conferences, workshops and hearings.
[64] One from Gavin and Rebecca Giles on 24 August 2026 and the other from Brian and Kate Park on 10 September 2026.
[65] See for example Lake Pūkaki Hydro Storage and Dam Resilience Works Decision at [52]–[54].

consideration of such information under s 81(6) and cl 10(1) of sch 3 of the FTAA. We did not accept (or receive) this information in this case as:

(a) primarily, we were satisfied that we already had the necessary information (across the process as a whole) to make our [draft] decision

(b) the FTAA process does not enable responses to responses (which then due to fairness and natural justice necessitates another response from the Applicant);

(c) accepting the information would not deliver timely, efficient and cost-effective processes.

No hearing required

79. The Panel is not obligated to hold a hearing.[66] The Panel was able to adequately consider all relevant issues based on the information available including the Application, the s51 Reports and section 53 comments received, the Applicant's responses to comments, the process summarised above, [and the section 70 comments of the Panel's draft conditions and section 72 comments by the Ministers on the [draft] decision – comments to come]. The material issues involved were comprehensively addressed in the documentation provided, thereby resolving any technical expert differences of opinion. Residual issues were sufficiently clear for the Panel to consider.

Release of draft decision and draft conditions

80. This is the Panel's draft decision and draft conditions released in accordance with ss 70 and 72 of the FTAA. Responses to this draft decision and/or draft conditions are as follows:

(a) the Applicant and parties invited under section 53 of the FTAA (including the Department and Auckland Council who also have statutory responsibility to enforce or monitor compliance with the conditions) have five working days to comment on our draft conditions only;[67]

(b) the Minister for Māori Crown Relations: Te Arawhiti and the Minister for Māori Development have 10 working day to comment on our draft decision and draft conditions;[68]

(c) the Applicant has five working days to respond to the comments on the draft conditions only;[69] and

(d) the Applicant may respond to any comments from the Minister for Māori Crown Relations: Te Arawhiti and the Minister for Māori Development within two working days of receipt.[70]

81. To assist commentors engaged with the process above, it is solely a response to the draft conditions and provision of drafting where practicable, ideally provided in tabulated form with reasons, that will most relevantly assist the Panel. No substantive comments are

[66] FTAA, s 56.
[67] FTAA, s 70(1) and (2).
[68] FTAA, s 72.
[69] FTAA, s 70(4).
[70] Not provided for explicitly in the FTAA but required as a matter of natural justice.

sought (or can be made) on the draft decision apart from the Ministers above, but grammar/drafting errors, technical interpretation errors or legal errors may be noted (and if so, again ideally provided to us in tabulated form).

Responses to draft decision and draft conditions

82. [To insert in final decision once responses above received.]

Timing of the Panel decision

83. The Panel is required to issue its decision documents by 20 October 2026.[71]

[71] Minute 3 of the panel convener at [13]; FTAA, ss 79(1)(a).

PART C: LEGAL MATTERS

84. The FTAA provides a "one-stop shop" for seeking a range of approvals that would otherwise have been sought under different legislative processes. The approvals covered by the FTAA[72] include those sought for the Project which would otherwise have been applied for under the RMA, the Wildlife Act, the HNZPT Act, the Freshwater Fisheries Regulations and the Conservation Act respectively.

85. In this section, we set out a general overview of the legal context covering the purpose of the FTAA, the specific decision-making provisions, the grounds when approvals must or may be declined, the relevant criteria, and the content of expert panel decision documents. We undertake the substantive evaluation and assessment of these provisions and record our [draft] decision on each of the approvals sought in later parts of this [draft] decision.

86. In addition to the very thorough and detailed Application, counsel for the Applicant helpfully provided legal submissions in advance of the project overview conference. Among other matters, the Applicant's legal submissions step through the legal framework for our decision.[73] We accept the Applicant's summary as accurately reflecting the FTAA and the approach taken by other expert panels.

Purpose of the FTAA

87. The purpose of the FTAA is to "facilitate the delivery of infrastructure and development projects with significant regional or national benefits".[74]

88. The Application referred to the significant regional benefits for Auckland[75] and assessed the Project as achieving that purpose:[76]

> The Project meets the purpose of the FTAA, as it facilitates the delivery of significant mineral resource which will provide critical support to housing and infrastructure over the next 80 years. Parliament has already determined (by listing the Project in Schedule 2 of the FTAA) that it has significant regional and/or national benefits.
>
> The Hunua Quarry Development responds to a long-standing structural shortfall in Auckland's aggregate market, in which demand has exceeded local supply for at least 15 years. Hunua Quarry is recognised as one of Auckland's three most strategically important aggregate sources.

89. Put simply, for the reasons set out in Part E of this [draft] decision, we agree with this statement. But in doing so and setting the wider scene for the assessment in Part E of this [draft] decision, there are two legal matters to first briefly address. As there was no opposition to the fact that the Project delivers significant economic benefits (at least at a regional level) we only consider that matter at a high level just to be clear as to the approach we have applied.

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[72] FTAA, ss 4 and 42(4).
[73] Applicant's legal submissions at [3.1]–[3.16], [4.1]–[4.4], [5.1], [6.1], [7.3], [8.3] and [8.6].
[74] FTAA, s 3.
[75] Part A of the Application at [37]–[42].
[76] Part A of the Application at [35]–[36].

90. A key first step is the drafting "regional **or** national benefits" (emphasis added). Only one benefit is required to be significant, not both.

91. Then, as recognised by the *Bledisloe North Wharf* Panel there is no definition of what a "significant" regional or national benefit might be within the purpose of the FTAA.[77] However, it pointed out that for a referral application, section 22 of the FTAA sets out what the Minister may consider when determining significant regional or national benefits. We agree with the *Pound Road Industrial Development* Panel that (footnotes removed):[78]

> These criteria are consistent with the purpose of the Act in s 3 and while they do not directly apply to our substantive consideration given this Project was listed, they provide a "flavour of, or guide to" what might be required to demonstrate significant regional or national benefit.

92. That quote follows an earlier decision of the *Maitahi Village* Panel with which we agree and follow, and reads:[79]

> … The question of whether a project is indeed one with significant regional or national benefits remains an intensely factual determination turning on the particular circumstances of the Application.
>
> …
>
> For present purposes, the Panel is content to use the meaning [of "significant"] as "sufficiently great or important to be worthy of attention; noteworthy" as a working definition.

93. A further, related, legal issue arose, which we briefly cover here for ease, in relation to the type of economic assessment required. Ultimately the position did not matter in the circumstances of this project, but we consider it worth briefly addressing.

94. Auckland Council's considered that a cost-benefit analysis of the Project as a whole (including opportunity costs of land and labour, as well as infrastructure costs and environmental effects) is required.[80] The Applicant's position is that the Input – Output (IO) framework for the economic assessment completed by Mr Greg Akehurst is sufficient for the FTAA. Counsel for the Applicant made legal submissions in response to Auckland Council's expert's position and referred to other panel decisions that a full cost-benefit analysis is not required.[81]

95. We agree with the Applicant. We recognise that (in different factual circumstances) there have been different positions adopted by FTAA panels.[82] We agree with the *Waihi North*, *Pound Road Industrial Development,* and *The Point Mission Bay*[83] panels for the reasons they give. We also agree with the Applicant that if a benefit-cost ratio (**BCR**) approach was to be adopted we would have to be mindful of, and avoid, any double counting in our

[77] Bledisloe North Wharf Decision at [285]. See also the Applicant's legal submissions at [3.15].
[78] Pound Road Industrial Development Decision at [642].
[79] Maitahi Village Decision at [515] and [516].
[80] Section 53 comments from Auckland Council, Annexure 10 Economics memo at section 3.
[81] Memorandum of counsel on behalf of the Applicant in response to comments, at [39]-[42].
[82] For example, the First Delmore Decision at [500] versus the Waihi North and Pound Road Industrial Development Panels (see the following footnote).
[83] Waihi North Decision at [784]–[787];Pound Road Industrial Development Decision at [647]; and The Point Mission Bay Decision at [324] and [342.2].

assessments. We have assessed the benefits relied on by the Applicant separately from the adverse environmental effects addressed in the technical reports.[84]

Decision-making provisions

96. Sections 81 to 85 of the FTAA set out the key provisions relevant to our decision-making on the approvals sought.

97. Section 81 of the FTAA prescribes the criteria for the decisions on approvals and is set out below as relevant to the Application:

> (1) A panel must, for each approval sought in a substantive application, decide whether to—
>
> (a) grant the approval and set any conditions to be imposed on the approval; or
>
> (b) decline the approval.
>
> (2) For the purpose of making the decision, the panel—
>
> (aaa) must, if the substantive application relates to an unlisted project, consider the Minister's reasons for accepting the referral application that are stated in the notice given by the responsible agency under section 28(1):
>
> (aab) must consider a relevant Government policy statement:
>
> (a) must consider the substantive application and any advice, report, comment, or other information received by the panel under section 51, 52, 53, 55, 58, 67, 68, 69, 70, 72, or 90:
>
> (b) must apply the applicable clauses set out in subsection (3) (see those clauses in relation to the weight to be given to the purpose of this Act when making the decision):
>
> (c) must comply with section 82, if applicable:
>
> (d) must comply with section 83 in setting conditions:
>
> (e) may impose conditions under section 84:
>
> (ea) may impose conditions under section 84A:
>
> (f) may decline the approval only in accordance with section 85.
>
> (3) For the purposes of subsection (2)(b), the clauses are as follows:
>
> (a) for an approval described in section 42(4)(a) (resource consent), clauses 17 to 22 of Schedule 5:
>
> …
>
> (c) for any other approval described in section 42(4)(b) (change or cancellation of resource consent condition), clause 23 of Schedule 5:
>
> …
>
> (i) for an approval described in section 42(4)(h) (wildlife approval), clauses 5 and 6 of Schedule 7:
>
> (j) for an approval described in section 42(4)(i) (archaeological authority), clauses 4 and 5 of Schedule 8:
>
> (k) for an approval described in section 42(4)(j) (complex freshwater fisheries activity approval), clauses 5 and 6 of Schedule 9:
>
> …
>
> (4) When taking the purpose of this Act into account under a clause referred to in subsection (3), the panel must consider the extent of the project's regional or national benefits.
>
> (5) For the purposes of subsection (4), if the substantive application was made under section 42(1)(aa) or (b), the panel—

[84] Adopting the approach as per the Drury Quarry Expansion Sutton Block Decision at [159].

(a) must treat the stage of the project to which the application relates as constituting the project; but

(b) may consider the regional or national benefits of the whole project, having regard to the likelihood that any later stages of the project will be completed.

(6) Despite subsection (2)(a), the panel—

(a) is not required to consider any advice, report, comment, or other information it receives under section 51, 53, 55, 67, 69, 70, or 72 after the applicable time frame; but

(b) may, in its discretion, consider the information as long as the panel has not made its decision under this section on the approval.

(7) To avoid doubt, nothing in this section or section 82 or 85 limits section 7.

98. In summary:

(a) sections 81(1) and (2) apply to our decision on all approvals;

(b) section 81(3) and the relevant clauses in schs 5, 7, 8 and 9 prescribes the specific criteria to be considered for the different approvals sought;

(c) section 81(4) is relevant for our consideration of the different approvals sought, and requires us to consider the extent of the project's regional or national benefits;

(d) section 82 relates to the effect of Treaty settlements and other obligations in relation to decision-making and is addressed in Part D of our decision;

(e) sections 83 and 84 relate to conditions and are addressed in Parts D and J of our decision; and

(f) section 85 sets out the limited circumstances when approvals must or may be declined and is addressed below.

Mandatory and discretionary grounds to decline

99. Sections 85(1) and (2) set out when we must decline an approval. Of relevance to the Application:

When approval must be declined

(1) The panel must decline an approval if 1 or more of the following apply:

(a) the approval is for an ineligible activity:

(b) the panel considers that granting the approval would breach section 7:

(c) in the case of an approval described in section 42(4)(b) (change or cancellation of resource consent condition), the approval must be declined under clause 23 of Schedule 5:

…

(2) A panel must decline an approval described in section 42(4)(a) (resource consent) for any area for which the approval must not be granted under clause 17(5) of Schedule 5.

100. The Application states that none of the mandatory grounds to decline apply.[85] That was not contested and we agree with the Applicant.

101. The Panel also has a discretion as to whether to decline an approval. Sections 85(3)–(5) set out when an approval may be declined:

[85] AEE at [887]; and Appendix A6.2.

Approval may be declined if adverse impacts out of proportion to regional or national benefits

(3) A panel may decline an approval if, in complying with section 81(2), the panel forms the view that—

(a) there are 1 or more adverse impacts in relation to the approval sought; and

(b) those adverse impacts are sufficiently significant to be out of proportion to the project's regional or national benefits that the panel has considered under section 81(4), even after taking into account—

(i) any conditions that the panel may set in relation to those adverse impacts; and

(ii) any conditions or modifications that the applicant may agree to or propose to avoid, remedy, mitigate, offset, or compensate for those adverse impacts.

(4) To avoid doubt, a panel may not form the view that an adverse impact meets the threshold in subsection (3)(b) solely on the basis that the adverse impact is inconsistent with or contrary to a provision of a specified Act or any other document that a panel must take into account or otherwise consider in complying with section 81(2).

(5) In subsections (3) and (4), adverse impact means any matter considered by the panel in complying with section 81(2) that weighs against granting the approval.

102. There is limited scope to decline an application. We cannot decline the Project due to effects that are less than significant, and only then if the significant effect is out of proportion to the regional or national benefits of the Project.

103. The Application states that there are no circumstances which would warrant the Panel exercising its discretion to decline an approval.[86] We address the discretionary ground for decline in Part L of this [draft] decision.

Relevant assessment criteria

104. The relevant provisions for the Application are:

(a) clauses 17, 18 and 23 of schedule 5 for the resource consents and changes to existing conditions;

(b) clauses 5 and 6 of schedule 7 for the wildlife approval;

(c) clauses 4 and 5 of schedule 8 for the archaeological authority; and

(d) clauses 5 and 6 of schedule 9 for the complex freshwater fisheries activities approvals.

105. For all the approvals sought (except the changes to existing conditions) we are required to give the greatest weight to the purpose of the FTAA.[87] This does not, however, mean that the purpose of the FTAA necessarily outweighs all other considerations.[88] Other criteria must receive genuine consideration where relevant. We have first individually assessed all relevant matters uninfluenced by the purpose of the FTAA, before standing back and conducting an overall balancing where the purpose of the FTAA is to be given greatest weight. This approach is consistent with those taken by other expert panels, including in the *Waihi North*[89] decision, and is the approach suggested by the Applicant.[90]

[86] AEE at [889]–[891].
[87] Sch 5 cl 17(1)(a); sch 7 cl 5(a); sch 8 cl 4(1)(a); and sch 9 cl 5(a).
[88] Maitahi Village Decision at [70].
[89] Waihi North Decision at [4].
[90] Applicant's legal submissions at [3.12].

106. There is no requirement that the Project be consistent with or give effect to the various listed criteria. For all the approvals sought (except the changes to existing conditions) the statutory direction is to "take into account". The direction to "take into account" requires us to give the matter genuine attention and thought and weigh it against other relevant matters.[91]

Resource consents and changes to conditions

107. Clause 17 of schedule 5 is the key decision-making clause for resource consents. The relevant parts of it state:

> **17 Criteria and other matters for assessment of consent application**
>
> (1) For the purposes of section 81, when considering a consent application, including conditions in accordance with clauses 18 and 19, the panel must take into account, giving the greatest weight to paragraph (a), —
>
> (a) the purpose of this Act; and
>
> (b) the provisions of Parts 2, 3, 6, and 8 to 10 of the Resource Management Act 1991 that direct decision making on an application for a resource consent (but excluding section 104D of that Act); and
>
> (c) the relevant provisions of any other legislation that directs decision making under the Resource Management Act 1991.
>
> (2) For the purpose of applying any provisions in subclause (1),—
>
> (a) a reference in the Resource Management Act 1991 to Part 2 of that Act must be read as a reference to sections 5, 6, and 7 of that Act; and
>
> …
>
> (c) to avoid doubt, for the purposes of subclause (1)(b), when taking into account section 104(1)(c) of the Resource Management Act 1991, any Mana Whakahono ā Rohe or joint management agreement that is relevant to the approval is a relevant matter.
>
> (3) Subclause (4) applies to any provision of the Resource Management Act 1991(including, for example, section 87A(6)) or any other Act referred to in subclause (1)(c) that would require a decision maker to decline an application for a resource consent.
>
> (4) For the purposes of subclause (1), the panel must take into account that the provision referred to in subclause (3) would normally require an application to be declined, but must not treat the provision as requiring the panel to decline the application the panel is considering.
>
> …
>
> (6) For the purposes of subclause (1), the provisions referred to in that subclause must be read with all necessary modifications, including that a reference to a consent authority must be read as a reference to a panel.
>
> (7) Sections 123 and 123A of the Resource Management Act 1991 apply to a decision of the panel on the consent.

108. Clause 18 is procedural and directs that, in setting conditions, the provisions of Parts 6, 9 and 10 of the RMA apply subject to any necessary modifications to reflect the FTAA. We discuss the [draft] conditions in Part K of this [draft] decision.

109. Clause 23 of schedule 5 is the key decision-making clause for changes to / cancellation of conditions:

[91] See *Bleakley v Environmental Risk Management Authority* [2001] 3 NZLR 213 (HC) at [72]; and *Trustees of the Motiti Rohe Moana Trust v Bay of Plenty Regional Council* [2024] NZCA 134, (2024) 25 ELRNZ 1047 at [15].

23 Criteria for assessment of application for change or cancellation of condition

For the purposes of section 81, when considering an application for the change or cancellation of a condition,—

(a) the panel must apply section 127(1) and (3) of the Resource Management Act 1991 as if—

(i) in section 127(3) of the Resource Management Act 1991, the reference to sections 88 to 121 of that Act were to the provisions of Part 6 of that Act that relate to decision making on a resource consent; and

(ii) the provisions of Part 6 of that Act were read with all necessary modifications, including that a reference to a consent authority must be read as a reference to a panel; and

(b) the panel must consider any Mana Whakahono ā Rohe or joint management agreement that is relevant to the approval; and

(c) to avoid doubt, section 127(4) of the Resource Management Act 1991 does not apply.

110. Our assessment of, and [draft] decision on the resource consents and changes / cancellation to conditions is provided in Part G of this [draft] decision.

Wildlife approval

111. The assessment criteria for wildlife approval applications are set out in clause 5 of schedule 7 as follows:

5 Criteria for assessment of application for wildlife approval

For the purposes of section 81, when considering an application for a wildlife approval, including conditions under clause 6, the panel must take into account, giving the greatest weight to paragraph (a),—

(a) the purpose of this Act; and

(b) the purpose of the Wildlife Act 1953 and the effects of the project on the protected wildlife that is to be covered by the approval; and

(c) information and requirements relating to the protected wildlife that is to be covered by the approval (including, as the case may be, in the New Zealand Threat Classification System or any relevant international conservation agreement).

112. Our assessment of the wildlife approval is provided in Part H of this [draft] decision.

Archaeological authority

113. The assessment criteria for archaeological authority applications are set out in cl 4 of sch 8 as follows:

4 Criteria for assessment of application for archaeological authority

(1) For the purposes of section 81, when considering an application for an archaeological authority, including conditions in accordance with clause 5, the panel must take into account, giving the greatest weight to paragraph (a),—

(a) the purpose of this Act; and

(b) the matters set out in section 59(1)(a) of the HNZPT Act; and

(c) the matters set out in section 47(1)(a)(ii) and (5) of the HNZPT Act; and

(d) a relevant statement of general policy confirmed or adopted under the HNZPT Act.

(2) For the purposes of subclause (1), the provisions of the HNZPT Act referred to in that subclause must be read with all necessary modifications, including that a reference to Heritage New Zealand Pouhere Taonga must be read as a reference to the panel.

114. Our assessment of the archaeological authority is provided in Part I of this [draft] decision.

Complex freshwater fisheries activities approvals

115. The assessment criteria for complex freshwater fisheries activities approvals applications are set out in cl 5 of sch 9 as follows:

> **5 Criteria for assessment of applications for complex freshwater fisheries activity approval**
>
> For the purpose of section 81, the panel must take into account, giving the greatest weight to paragraph (a),—
>
> (a) the purpose of this Act; and
>
> (b) the alignment of the proposed activity with best practice and the New Zealand Fish Passage Guidelines; and
>
> (c) how the proposed activity will manage risks to freshwater values or habitat, including prevention of access to or spread of invasive species; and
>
> (d) the availability and quality of the habitat upstream and downstream of the proposed activity; and
>
> (e) the presence of threatened, data-deficient, or at-risk species under the New Zealand Threat Classification System in the vicinity of the proposed activity; and
>
> (f) the advantages and disadvantages of providing fish passage upstream or downstream of the proposed activity.

116. Our assessment of the complex freshwater fisheries activities approvals is provided in Part J of this [draft] decision.

Content of the decision

117. For each approval sought in the Application, we are required to prepare a decision document which states our decision, our reasons for that decision, a statement of the principal issues in contention and our main findings on those issues.[92] This [draft] decision document:

(a) includes separate parts of the decision for each of the approvals sought (Parts G to J of this [draft] decision); and

(b) addresses the principal issues and contention and our main findings on those issues in Part L of this [draft] decision (with the main consideration being contained in Part F).

118. Matters which are common to one or more parts of the [draft] decision, such as our evaluation of effects and our discussion on conditions, are collated into separate parts with cross-referencing where appropriate.

Legal issue: Freshwater Fisheries Regulations

119. Regulation 42 of the Freshwater Fisheries Regulations states (our emphasis added):

> **42 Culverts and fords**
>
> (1) Notwithstanding regulation 41(2)(d), **no person shall construct any culvert** or ford in any natural river, stream, or water **in such a way that the passage of fish would be impeded, without the written approval** of the Director-General incorporating such conditions as the Director-General thinks appropriate.

[92] FTAA, s 87.

(2) **The occupier of any land shall maintain any culvert** or ford in any natural river, stream, or water (including the bed of any such natural river, stream, or water in the vicinity of the culvert or ford) **in such a way as to allow the free passage of fish**:

provided that this requirement shall cease if the culvert or ford is completely removed or a written exemption has been given by the Director-General.

(3) A person who contravenes this regulation commits an infringement offence and is liable to—

(a) an infringement fee of $800; or

(b) a fine imposed by a court not exceeding $1,600.

120. There was disagreement between the Applicant, and the Department and Auckland Council, as to whether providing fish passage in existing culverts can be considered compensation. The Department and Auckland Council consider the Applicant is already under a statutory obligation to provide fish passage in existing culverts.[93] In Minute 8 we sought further legal support from the Department and the Applicant on their respective positions.[94]

121. The Department and the Applicant agree that reg 42(2) of the Freshwater Fisheries Regulations applies to all culverts and fords regardless of the time they were constructed.[95] We accept that agreement.[96] However, the Applicant disagrees with the Department as to what regulation 42(2) requires an occupier to do.

122. The Department considers:[97]

(a) there is an existing obligation to remediate the culverts under regulation 42(2) of the Freshwater Fisheries Regulations; and

(b) the onus is on the Applicant to show that the culverts have fish passage or an exemption from that requirement (presumably where it would be unjust to require fish passage).

123. The Applicant considers that an upgrade or improvement to allow fish passage is not required if the existing culvert did not already allow for fish passage:[98]

(a) the dictionary definition and ordinary meaning of 'maintain' do not include upgrades or improvements;[99]

[93] Section 53 comments from the Department at section 4.1 and footnote 12; and Section 53 comments from Auckland Council, Annexure 6 Streamworks and Freshwater and Terrestrial Ecology memo at sections 3 and 6.4.2.
[94] Minute 8 of the Panel at [3(i)].
[95] Memorandum of counsel on behalf of the Applicant in response to Minute 8 at [14]; and FTAA-2603-1185-Hunua-Quarry-DOC-Legal-response-to-Minute-8-080926.pdf at page 2.
[96] We note that reg 41(1) provides that Part 6 of the Freshwater Fisheries Regulations applies to every dam or diversion structure. Some, but not all, culverts would fit within the definition of diversion structure in reg 2. Regulations generally do not have retrospective effect unless expressly provided for. However, the New Zealand Fish Passage Guidelines at page 31 states that reg 42(2) "applies to all culverts or fords built before and after 1984".
[97] Department's legal response to Minute 8.
[98] Memorandum of counsel on behalf of the Applicant in response to Minute 8 at [15]–[27].
[99] The Applicant referred to *Port Otago Ltd v Dunedin City Council* EnvC Christchurch C004/2, 22 January 2002 at [41] and *Outstanding Landscape Protection Society Inc v Hastings District Council* EnvC Wellington W024/07, 13 April 2007 at [90(c)] which refer to the Oxford dictionary definition.

(b) the New Zealand Fish Passage Guidelines refer to regulation 42(2) as requiring the culvert or ford to "be maintained to prevent the development of fish passage barriers";[100] and

(c) when the Freshwater Fisheries Regulations came into effect there would have been "thousands" of existing culverts or fords which did not provide for fish passage:

(i) because they were built prior to 1983, they were not subject to the requirement in regulation 42(1) to be constructed in a way that allows fish passage; and

(ii) it does not make common sense to impose a burden on those occupiers.

124. The Applicant has confirmed that:[101]

(a) the culverts at issue were constructed prior to 1983 in a way that does not allow the free passage of fish; and

(b) the lack of fish passage is not due to a lack of maintenance of the culverts.

125. We have carefully considered regulation 42 as a whole and prefer the Applicant's interpretation of regulation 42(2):[102]

> That is, the regulation requires land [sic] landowners to undertake maintenance of culverts and fords that allow free passage of fish so that barriers do not develop (such as a culvert silting up). But it does not require an upgrade or improvement to the culvert or ford if it does not already allow free passage of fish

126. In our view, regulation 42(2) means that any culvert existing in 1983 which provided for some form of fish passage must continue ('maintain') that level of fish passage.[103] But requiring an increased level of fish passage is not within scope as that would be an improvement rather than maintenance. We are supported in our finding by the following reasons:

(a) The meaning of legislation must be ascertained from its text and in the light of its purpose and its context, including if relevant, the social, commercial or other objective of the enactment.[104] However, the purpose and context are constrained by the plain and ordinary meaning of the text.[105] In our view, any protective purpose

[100] New Zealand Fish Passage Guidelines at page 31. The Applicant also refers to the New Zealand Forest Road Engineering Manual at section 8.1. As noted in Parts I and J of this decision, we are required by the FTAA to take into account the New Zealand Fish Passage Guidelines.
[101] Memorandum of counsel on behalf of the Applicant in response to Minute 8 at [24]–[25].
[102] Memorandum of counsel on behalf of the Applicant in response to Minute 8 at [19].
[103] See for example the Departmental Report on the Conservation (Indigenous Freshwater Fish) Amendment Bill, Appendix 3 Paper 1: Fish passage barriers background information at [6] – [7] which notes that fish movement can be impeded by a range of factors and many barriers are not absolute.
[104] Legislation Act 2019, s 10(1). *Accident Compensation Corporation v TN* [2023] NZCA 664, [2024] 2 NZLR 107 at [60]; and *Commerce Commission v Fonterra Co-operative Group Ltd* [2007] NZSC 36, [2007] 3 NZLR 767 at [22]. The Freshwater Fisheries Regulations were promulgated under s 89(1)(f) of the Fisheries Act 1983 which allowed regulations to be made "Requiring and authorising the provision of devices and facilities to permit or control the passage of fish through or around any dam or other structure impeding the natural movement of fish upstream or downstream". The Freshwater Fisheries Regulations now fall under s 48A(1)(n) of the Conservation Act 1987. Section 48A(1)(na) which allows regulations "prohibiting, restricting, or regulating any structure or alteration to a water body that could impede or affect the passage of freshwater fish or specified freshwater fish" was added by the Conservation (Indigenous Freshwater Fish) Amendment Act 2019.
[105] *Holler v Osaki* [2014] NZHC 1977, [2014] 3 NZLR 791 at [32]. The Conservation Act does not have a standalone purpose section, but the purposive approach to interpretation applies regardless (Legislation Act, s 10(2)). The Long Title of the Act states: "An Act to promote the conservation of New Zealand's natural and historic resources, and for that purpose to establish a Department of Conservation." The Environment Court in *Re Auckland Regional Council* [2002] NZRMA 241 (EnvC) at [50]–[51] found that the "thrust of the regulations is conservation and preservation" and the purpose "is the narrow and circumscribed process of the preservation and protection of freshwater fish and their habitats".

cannot override the plain and ordinary meaning of "maintain" (and extend it as proposed by the Department).

(b) The dictionary definitions of 'maintain' referred to by the Applicant have not substantially changed from those referred to in the Environment Court decisions relied on by the Applicant. For instance, the Collins dictionary defines 'maintain' as meaning "to continue or retain; keep in existence" and "to keep in proper or good condition".[106]

(c) More recently the High Court has stated that (our emphasis added):[107]

> Second, although I accept Mr Enright's submission that there is a difference between "maintenance" and "enhancement", I also accept Ms Gepp's submission that it is not possible to simultaneously maintain and enhance something. **"Maintenance" refers to keeping something as it is, while "enhancement" refers to making some kind of improvement.** If something is enhanced, it is not maintained, and vice versa. …

(d) Finally, in a different legislative context, regulation 69(2)(a) of the NES-F requires any resource consent for the placement, use, alteration, extension, or reconstruction of a culvert to include conditions that "require monitoring and maintenance of the structure that is sufficient to ensure that its provision for the passage of fish does not reduce over its lifetime". Again, this indicates that a requirement to 'maintain' fish passage is to keep it as is, rather than to enhance it.

[106] See MAINTAIN definition and meaning | Collins English Dictionary under "maintain in British English" at 1 and 2.
[107] *Valley Residents Against Gravel Extractions Inc v Tasman District Council* [2026] NZHC 2202 at [119]. In that decision the Court was considering objectives and policies in a plan which concerned the maintenance and enhancement of amenity values. Section 7(c) of the RMA similarly refers to both maintenance and enhancement, indicating they are separate concepts.

PART D: IWI AND TREATY SETTLEMENT MATTERS

127. Sections 7, 18, 82 and 84 and schedule 3 clause 5 of the FTAA address iwi and Treaty settlement matters. We outline those provisions and indicate how they have been addressed, before setting out our overall evaluation and findings on compliance with the FTAA obligations.

128. MfE prepared a report of Treaty settlements and other obligations as required by section 18 of the FTAA (and s 49) (s18 Report). Section 18(2) provides:

> (2) The report must include the following matters:
>
> (a) any relevant iwi authorities and relevant Treaty settlement entities:
>
> (b) any Treaty settlements that relate to land, species of plants or animals, or other resources within the project area:
>
> (c) the relevant principles and provisions in those Treaty settlements, including those that relate to the composition of a decision-making body for the purposes of the Resource Management Act 1991:
>
> (d) any recognised negotiation mandates for, or current negotiations for, Treaty settlements that relate to the project area:
>
> …
>
> (j) if the proposed approvals include an approval described in any of section 42(4)(a) to (d) (resource consent, change or cancellation of resource consent condition, certificate of compliance, or designation),—
>
> (i) iwi authorities and groups that represent hapū that are parties to any relevant Mana Whakahono ā Rohe or joint management agreements; and
>
> (ii) the relevant principles and provisions in those Mana Whakahono ā Rohe and joint management agreements:
>
> (k) any other Māori groups with relevant interests:
>
> …

129. The s18 Report identifies the following relevant iwi authorities, Treaty settlement entities, and other Māori groups under section 18(2):

(a) Ngāi Tai ki Tāmaki Trust for Ngāi Tai ki Tāmaki;

(b) Ngāti Tamaoho Settlement Trust for Ngāti Tamaoho;

(c) Ngāti Pāoa Iwi Trust for Ngāti Pāoa;

(d) Tūpuna Taonga o Tāmaki Makaurau Trust/Whenua Haumi Roroa o Tāmaki Makaurau Limited Partnership for Ngā Mana Whenua o Tāmaki Makaurau;

(e) Hako Tūpuna Trust for Ngāti Hako;

(f) Ngāti Maru Rūnanga Trust for Ngāti Maru (Hauraki);

(g) Ngāti Tamaterā Treaty Settlement Trust for Ngāti Tamaterā;

(h) Ngaati Whanaunga Incorporated Society and Ngaati Whanaunga Ruunanga Trust for Ngaati Whanaunga;

(i) Taonga o Marutūāhu Trustee Limited and Marutūāhu Rōpū Limited Partnership for the Marutūāhu Iwi collective;

(j) Te Ākitai Waiohua Settlement Trust and Te Ākitai Waiohua Waka Taua Inc for Te Ākitai Waiohua;

(k) Te Whakakitenga o Waikato Incorporated for Waikato-Tainui (remaining claims);

(l) Ngāti Te Ata Claims Supports Whānau Trust for Ngāti Te Ata;

(m) Ngāti Koheriki Claims Committee for Ngāti Koheriki; and

(n) the Hauraki Māori Trust Board and Te Ahiwaru Trust as other Māori groups with relevant interests.

130. The s18 Report identifies five Treaty settlements under s 18(2)(b):

(a) Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014;

(b) Ngāi Tai ki Tāmaki Claims Settlement Act 2018;

(c) Ngāti Tamaoho Claims Settlement Act 2018;

(d) Ngāti Pāoa Claims Settlement Act 2025; and

(e) Te Ākitai Waiohua deed of settlement (signed in 2021).

131. The Application also identifies the Waikato Raupatu Claims Settlement Act 1995 as relevant because the Project area falls within the broader Waikato-Tainui area of interest.[108]

Section 7

132. Section 7(1) requires the Panel to act in a manner that is consistent with the obligations arising under existing Treaty settlements.[109] 'Treaty settlement' is defined in s 4(1) to mean a 'Treaty settlement Act' or a 'Treaty settlement deed', which are defined as:

> **Treaty settlement Act** means—
>
> (a) an Act listed in Schedule 3 of the Treaty of Waitangi Act 1975; or
>
> (b) any other Act that provides redress for Treaty of Waitangi claims, including Acts that provide collective redress or participation arrangements for claimant groups whose claims are, or are to be, settled by another Act, including—
>
> …
>
> (ii) the Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014:
>
> …
>
> **Treaty settlement deed**—
>
> (a) means a deed or other agreement that—
>
> (i) has been signed by or on behalf of a Minister of the Crown and representatives of a group of Māori; and
>
> (ii) is in settlement of the claims of that group or in express anticipation, or on account, of that settlement; and
>
> (b) to avoid doubt, includes a deed or other agreement of the kind described in paragraph (a) that relates to the claims of a collective or combination of Māori groups; but
>
> (c) does not include an agreement in principle or any document that is preliminary to a signed and ratified deed

[108] Appendix A6.7 at [3.12].
[109] We do not consider that s 7(2), which refers to "a court or a person exercising a judicial power or performing a judicial function or duty", exempts the Panel from the obligation in s 7(1).

133. The Application and s18 Report provided details on the Treaty settlements.[110] The Application also included details on iwi who are in the Treaty settlement process, but do not fall within the FTAA definition of 'Treaty settlement'.[111]

134. There are no redress provisions in the Treaty settlements that affect the natural and physical resources relevant to the Project or the Project area.[112]

135. For the reasons outlined in this [draft] decision, the Panel considers its decision-making processes, and this [draft] decision, are consistent with the obligations in section 7.

Section 82 and clause 5 of schedule 3

136. In making this [draft] decision, we must comply with s 82 as there are relevant Treaty settlements.[113] Section 82 provides:

> **82 Effect of Treaty settlements and other obligations on decision making**
>
> (1) This section applies if a Treaty settlement, the Marine and Coastal Area (Takutai Moana) Act 2011, or the Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019 is relevant to an approval.
>
> (2) If the settlement or Act provides for the consideration of any document, the panel must give the document the same or equivalent effect through the panel's decision making as it would have under any relevant specified Act.
>
> (3) The panel must also consider whether granting the approval would comply with section 7.
>
> (4) In this section, document—
>
> (a) means any document, arrangement, or other matter; and
>
> (b) includes any statutory planning document amended as a result of the settlement or Act referred to in subsection (1).

137. The Applicant[114] and the s18 Report[115] identify Ngāti Tamaoho's statutory acknowledgement over the Otūwairoa Stream and its tributaries, which include the Mangapū Stream. At the project overview conference, the Applicant informed us that initial discussions had been held regarding the Mangapū Stream realignment.[116] The Applicant also identifies Ngāi Tai ki Tāmaki's statutory acknowledgement over the Wairoa River and its tributaries, which sits to the northeast of the proposed Symonds Pit extent.[117]

138. The statutory acknowledgements require a consent authority to provide a summary of the application to the trustees of the Ngāti Tamaoho Settlement Trust and the trustees of the Ngāi Tai ki Tāmaki Trust respectively, and the consent authority must have regard to the statutory acknowledgements in making notification decisions under the RMA. The Panel acts as the consent authority in this instance. The Ngāti Tamaoho Settlement Trust and the Ngāi Tai ki Tāmaki Trust were invited to comment on the Application under section 53 of the FTAA. The invitation to comment complies with the procedural obligations under the statutory acknowledgements, as required by clause 5 of schedule 3 below.

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[110] Section 18 report at [36]–[65]; and Appendix A6.7 at [3.1]–[3.13].
[111] Appendix A6.7 at [3.2] and [3.14]–[3.22]; Part A of the Application at [28]; and AEE at [181].
[112] Appendix A6.7 at [3.4]; Part A of the Application at [31]; AEE at [486]; and Applicant's legal submissions at [1.27].
[113] FTAA, s 81(2)(c).
[114] Appendix A6.7 at [3.6]; AEE at [184]–[186]; Appendix A6.10; and Applicant's legal submissions at [1.28(a)].
[115] Section 18 report at [42]–[43] and Attachments 4 and 5.
[116] See also Appendix A6.7at [5.10] and Appendix B12.8.7 at page 6. Those discussions have also involved Te Ākitai Waiohua and Ngāti Te Ata.
[117] Appendix A6.7 at [3.9]; Appendix A6.10; and Applicant's legal submissions at [1.28(b)]. On 8 July 2026 the Applicant clarified that the zone of influence for groundwater effects which Winstone is seeking to approved does not include the catchments of the Wairoa River and its tributaries.

139. We are required to comply with clause 5 of schedule 3, which provides:

> **5 Conduct of hearings and other procedural matters in context of Treaty settlements and other arrangements**
>
> (1) This clause applies if any Treaty settlement Act, the Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019, or any other iwi participation legislation, or any Mana Whakahono a Rohe or joint management agreement, includes procedural arrangements relating to the appointment of a decision-making body for hearings and other procedural matters, such as the following:
>
> (a) a requirement for iwi or hapū to participate in the appointment of hearing commissioners to determine resource consent applications or notice of requirement lodged under the Resource Management Act 1991:
>
> (b) a requirement that notice be given to any person or specified class of person of any steps in a resource management process:
>
> (c) any consultation requirements with iwi or hapū:
>
> (d) any other matter of procedure for determining a matter granted under a specified Act that corresponds to an approval under this Act.
>
> (2) The panel convener or panel must—
>
> (a) comply with the arrangements in the legislation, arrangement, or agreement referred to in subclause (1) as if they were a relevant decision maker (such as a local authority, department, Crown entity, or board of inquiry); or
>
> (b) obtain the agreement of the relevant party under the legislation, arrangement, or agreement to adopt a modified arrangement that is consistent with achieving the purpose of this Act and the other legislation, arrangement, or agreement referred to in subclause (1).
>
> (3) The party referred to in subclause (2)(b) may not unreasonably withhold their agreement to a modified arrangement (as described in that subclause).
>
> …

140. The s18 Report identifies that the wildlife approval and complex freshwater fisheries activities approvals sought by the Applicant are within scope of conservation relationship agreements provided for in the relevant Treaty settlements:[118]

(a) the Ngā Mana Whenua o Tāmaki Makaurau collective redress deed provides for a conservation relationship agreement with the Department which:[119]

(i) may include the conservation legislation approvals sought by the applicant; and

(ii) requires iterative engagement with Ngā Mana Whenua on identified categories of authorisation and consultation procedures; and

(b) the Ngāi Tai ki Tāmaki, Ngāti Tamaoho and Te Ākitai Waiohua deeds of settlement provide for conservation relationship agreements with the Department,[120] which state they are to be read in conjunction with the relevant parts of the Ngā Mana Whenua o Tāmaki Makaurau conservation relationship agreement.

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[118] Section 18 report at [48]–[56] and attachments 6 and 7. See also [64].

[119] See the conservation relationship agreement in the documents schedule to the Tāmaki Makaurau Collective Redress deed of settlement.

[120] See cl 2.2 of the conservation relationship agreement in the documents schedule to the Ngāi Tai ki Tāmaki deed of settlement, cl 5.2 of the conservation relationship agreement in the documents schedule to the Ngāti Tamaoho deed of settlement; and cl 8.2 of the conservation relationship agreement in the documents schedule to the Te Ākitai Waiohua deed of settlement. Clause 5.33 of the Ngāti Paoa deed of settlement requires the parties to use reasonable endeavours to agree, and enter into, a conservation relationship agreement by the settlement date. The s 18 report at [57] records that a conservation relationship agreement has not yet been entered into.

141. The Department has prepared s51 Reports on the wildlife approval and complex freshwater fisheries activities approvals sought. The Department notified Treaty partners of the application, including Ngāi Tai ki Tāmaki, Ngāti Tamaoho and Te Ākitai Waiohua. The Department noted that the Applicant would be required to consult and the Treaty partners would be invited to provide comments to the Panel on the application. The Department also identified that its role in the FTAA process is to provide reports and comments on the application, not to act as the decision-maker as it usually would.[121]

142. The Panel is satisfied that Ngā Mana Whenua o Tāmaki Makaurau, Ngāi Tai ki Tāmaki, Ngāti Tamaoho and Te Ākitai Waiohua have been sufficiently notified and provided opportunity to make their views known to the Department on the wildlife approval and complex freshwater fisheries activities approvals. Further:

(a) Ngā Mana Whenua o Tāmaki Makaurau, Ngāi Tai ki Tāmaki, Ngāti Tamaoho and Te Ākitai Waiohua were invited by the Panel to comment on the Project; and

(b) the Applicant:

(i) has been in ongoing communication with Ngāti Tamaoho and Te Ākitai Waiohua regarding the project since April 2024, including through Kaitiaki Forum hui;[122] and

(ii) has also held hui with Ngāi Tai ki Tāmaki.[123]

143. Overall, the Panel is satisfied that it has complied with the procedural requirements in relation to Treaty settlements and has met its obligations under clause 5 of schedule 3 of the FTAA.

Section 84

144. In making our decision, we may impose conditions under s 84.[124] Section 84 provides:

> **84 Conditions relating to Treaty settlements and recognised customary rights**
>
> (1) For the purposes of section 7, the panel may set conditions to recognise or protect a relevant Treaty settlement and any obligations arising under the Marine and Coastal Area (Takutai Moana) Act 2011 or the Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019.
>
> (2) This section applies in addition to, and does not limit, any other powers to set conditions under this Act.

145. The Panel considers no [draft] conditions are required to recognise or protect a relevant Treaty settlement. However, as set out further in Parts F and K of this [draft] decision, we have imposed additional [draft] conditions to address matters raised by iwi.

Evaluation and findings

146. The Applicant has engaged extensively with iwi groups, including prior to the enactment of the FTAA, and has an ongoing relationship with Ngāti Tamaoho, Te Ākitai Waiohua, Ngāti Te Ata Waiohua, Ngāi Tai ki Tāmaki and Ngaati Whanaunga. The history of the Applicant's

[121] Section 51 wildlife approval report at [101]–[106]; and s 51 complex freshwater fisheries activity approval report at [11.1.1]–[11.3.5].
[122] Appendix A6.7 at [5.7]–[5.8]; and AEE at [433]–[434] and [436]. Ngāti Te Ata Waiohua have also been attended Kaitiaki forum hui.
[123] Appendix A6.7 at [5.10]. The Applicant has also held hui with Ngaati Whanaunga.
[124] FTAA, s 81(2)(e).

engagement with iwi is addressed in the Application in section B5.3 of the AEE and in section 5 and the iwi engagement record and summary appendix of Appendix A6.7 to the Application.

147. As noted above, we invited the relevant iwi authorities and Treaty settlement entities to comment on the Application. Our consideration of the comments received from iwi is provided in Part F of this [draft] decision.

148. We take into account the acknowledgement by the Crown of Ngāti Tamaoho's association with the Otūwairoa Stream and its tributaries and Ngāi Tai ki Tāmaki's association with the Wairoa River and its tributaries.

149. For the reasons generally provided in this Part of this [draft] decision, we find that the relevant FTAA requirements relating to iwi and Treaty settlement matters have been met:

    (a) granting the approvals would comply with s 7 (for the purpose of s 82(3) of the FTAA);

    (b) there are no conditions beyond those that we are imposing that are necessary to appropriately recognise or protect the Treaty settlements (for the purpose of s 84(1) of the FTAA); and

    (c) the Panel has met its obligations under clause 5 of schedule 3 of the FTAA.

PART E: REGIONAL OR NATIONAL BENEFITS

AEE/technical reports

150. An Economic Assessment was prepared on behalf of Winstone by Mr Greg Akehurst from Market Economics.

151. Overarching context to his assessment is the scale and rate of growth anticipated within the Auckland region (in line with Government policies such as the Going for Growth agenda (2025)[125]) and the importance of this region to the economy of New Zealand as a whole. To put this in perspective the Economic Assessment states:[126]

> Auckland is also New Zealand's largest growing market, adding between 20,000 and 25,000 residents every year and is expected to account for between 40% and 50% of national growth over the next few decades.

152. Within that context, is the importance of aggregate supply in enabling the delivery of that growth.[127] Aggregate is essential for the needs of residential, business, infrastructure and road construction requirements. The Economic Assessment states "Auckland's built future is effectively reliant upon maintaining sustainable sources of aggregate."[128]

153. In addition, the importance of a local aggregate supply is important. The Economic Assessment states:[129]

> As a low-value, high-volume commodity, the delivered cost of aggregate is highly sensitive to transport distance and the ability of local supply to respond to demand.

154. Given this reliance on, and importance of, aggregate, for the last 15 years at least, Auckland has been in an aggregate shortfall.[130] Aggregate has therefore been imported into the region from the Waikato or Northland (at considerable additional cost). Given the anticipated growth in Auckland the current deficit (without additional consented supply[131]) is expected to grow from around 2m tonnes annually today to between 6.2m tonnes and 9.0m tonnes by 2055.[132]

155. Within the aggregate market, Hunua Quarry is one of three major quarries that provides aggregate to Auckland. Three quarries have had recently consented approvals (Brookby, 2.6m tonnes), Drury Sutton Block, 1.3m tonnes and Kings Quarry Stage 2 (0.5m tonnes). But even with these approvals, should the Hunua Quarry extension not be approved:[133]

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[125] Going for Growth – MBIE (February 2025). In relation to the quantities of aggregate required each new dwelling in Auckland requires approximately 250 tonnes of aggregate, and the construction of a single kilometre of two-lane motorway requires approximately 14,000 tonnes. Appendix B12.4.4 at page 8.
[126] Appendix B12.4.4 at page 5.
[127] See the importance of aggregate as explained in A Minerals Strategy for New Zealand to 2040 – MBIE (January 2025).
[128] Appendix B12.4.4 at page 5.
[129] Appendix B12.4.4 at section 1.1, page 11. The importance (and adverse economic effects) of distance travelled is set out in section 3.1.1 of Appendix B12.4.4.
[130] As set out in Appendix B12.4.4 at section 4.1 there is no definitive source of aggregate production levels in New Zealand. Section 3.2 of Appendix B12.4.4 also refers to a 2020 NZTA survey of aggregate supply levels.
[131] Noting the FTAA approvals granted to both the Kings Quarry Expansion Stages 2 and 3 and the Drury Quarry Expansion Sutton Block, and the resource consents granted to the Brookby Quarry Stage 3 under the COVID-19 Recovery (Fast-track Consenting) Act 2020. Section 4.6 of Appendix B12.4.4 explains insufficient aggregate demand further.
[132] For example, the Drury-Opāheke structure plan area is very near to Hunua Quarry and is expected to add 25,000 dwellings over the coming years, in addition to retail, businesses, roading infrastructure and a large medical facility. Further the Drury Metropolitan Centre Consolidated Stages 1 and 2 received FTAA approval in November 2025.
[133] Appendix B12.4.4 at pages 5–6 and see also Tables 2 and 3.

> … the Auckland Regional aggregate shortfall will increase by an average of 2.8 million tonnes annually, growing from 6.1m – 7.4m tonnes (2040) to between 9m and 11.8m tonnes by 2055 … .
>
> If the shortfall increases, it will have the effect of increasing Auckland building and infrastructure costs, increasing greenhouse gas emissions as transportation increases significantly and increasing social costs as vehicle accident rates increase. The Auckland economy will be less efficient which means New Zealand, overall, will be less efficient.

156. The Economics Assessment sets out the three characteristics that define the economics of aggregate supply as being:[134]

    1. Non-substitutability. Aggregate performs specific functions that cannot be replicated by alternative materials. Specifications are typically determined by engineering standards rather than market preferences.

    2. Low value-to-weight ratio. Aggregate is a bulk commodity. Because it is required in large volumes, delivered prices are determined by distance, travel time, the availability of proximate sources (competition) and rock types. There is an acute sensitivity to transport costs.

    3. Supply inelasticity. Aggregate production requires substantial up-front capital investment (e.g., extraction equipment, processing plants, resource consents and land acquisition), long-term resource security and operational infrastructure. New commercial quarries can take around 10 years to operationalise and around $300m17. Equally, established quarries cannot usually scale output quickly. When demand surges, supply cannot respond immediately. The result is price escalation, project delays or, in some markets, rationing of available aggregate to priority clients. An example commonly cited in New Zealand is the construction of the Transmission Gully in Wellington, where some of the aggregate needed to be sourced from Waikato due to local scarcity.

157. Presently the Hunua Quarry employs 46 workers on site, plus support workers in Penrose at Fletchers HQ and between 20 and 40 contractors on site at any one time and requires inputs from intermediate suppliers across Auckland.

158. In summarising the economic effects of the Project:[135]

    (a) Construction effects: benefits associated with the expenditure required to extend the quarry. This includes direct and indirect expenditure, including on all the necessary work to expand and deepen the quarry, construct the new haul road and ecological mitigation. This has been quantified in Error! Reference source not found..

Region	Direct	Indirect	Induced	Total
Auckland	68.9	33	29.8	131.7
Rest of North Island	0	5.8	6.6	12.4
Rest of NZ	0	3.1	2.8	5.9
Total New Zealand	68.9	41.9	39.2	150

Figure 12 - Contribution to GDP from the development of the Project ($m PV$_{8\%}$)

[134] Appendix B12.4.4 at section 3.1.
[135] Noting the caveats and limitations as listed in the Appendix B12.4.4 at section 1.5

(b) Operational effects: benefits associated with the continuation of Hunua Quarry as an existing business and the value of aggregate able to be extracted. Presently the quarry turns over $65m annually. Taking an average gate price of $24/tonne, the quarry will turn over $80m annually (at 3.3m tonnes per year; the "High Future"). With an estimate of 225m tonnes of rock able to be extracted through the Application that would equate (using the same $/tonne figure) to some $5.4 billion dollars.

(c) Avoided costs: Benefits associated with a range of avoided costs for the Auckland economy such as savings arising from transport costs, emission costs[136] and social costs.[137] This is a category where the project delivers a major benefit, primarily given the cost of transporting aggregate as shown Error! Reference source not found..[138]

Cost Category	Low	Mid	High
Transport Savings	$467	$478	$600
Social Cost Savings	$20	$20	$25
Emission Cost Savings	$177	$180	$228
Total Benefits	**$663**	**$677**	**$853**

Figure 13 - Transport, emissions and social cost savings low, medium and high production ($m $PV_{5\%}$)

(d) The significant benefits of the proposed new western haul road which:[139]

> nearly halves the average circuit distance from pit to crusher from 2.3km to 1.2km, and lowers the elevation gain from 142m to 80m. In turn, this will reduce the calculated circuit time by 33%, from 16.6 minutes to 11.2 minutes per truck. This translates into a 32% increase in tonnes delivered to the crusher per scheduled hour per truck.

(e) Qualitative benefits including:

(i) supply chain resilience (the Project preserves the ongoing operation of one of the three major quarries in the Auckland region);

(ii) competitive market effects and exerting downward pressure on gate prices;

(iii) business continuity and established relationships and operations lowering friction and decrease project risks for customers;

(iv) housing and infrastructure delivery by the Project delivering a reliable and proximate source of aggregate required to meet a share of this demand;[140] and

[136] Two types of emission costs were calculated: the health costs from air pollution (particulates, nitrogen oxides, etc) and greenhouse gas emissions.
[137] Based off Ministry of Transport Fleet statistics and the social cost of road crashes and injuries.
[138] With the Smythes Quarry in the Waikato used as the comparator. Equivalent costs for the Maungaturoto (Northland) counterfactual are significantly higher.
[139] Appendix B12.4.4 at section 5.6.
[140] For example, most recently, products from Hunua Quarry have contributed to the construction of the Western Ring Route, Taxiway Mike at Auckland International Airport, the Waterview Tunnel and the City Rail Link. Appendix B12.4.4 at section 2.1.2.

(v) enabling effects on the broader economy given aggregate is a foundational input so its economic impact is therefore not confined to the construction sector – it is captured through the infrastructure that construction delivers.[141]

(f) Economic costs of the Project, including:

(i) opportunity costs of Winstone investing in the Hunua Quarry versus returning monies to shareholders;

(ii) adverse amenity effects on immediate neighbours (these have not been quantified but are assessed by the relevant technical experts as addressed below[142]); and

(iii) economic costs associated with indigenous biodiversity effects of the loss of high-quality habitat (noting mitigation / offsetting /compensation is proposed as addressed below). Again, these matters have been separately assessed by relevant technical experts and have not been quantified.

159. The Economic Assessment relies on an IO framework to assess the economic impacts.[143] It is noted that this is a well-established approach and subject to known limitations. The IO framework assesses gross economic activity; it does not represent net welfare gains. The Economic Assessment assesses this approach against the *Pound Road Industrial Development* decision (see Part C of our [draft] decision) in supporting not adopting a full monetised cost-benefit analysis. The Economic Assessment considers that the IO analysis establishes the order of magnitude of economic activity and identifies the breadth of sectors affected with adverse environmental effects (such as ecology and amenity) left to subject matter experts to assess and are not economically quantified.

160. In relation to the overall economic assessment:

(a) The economic costs are (relying on the relevant technical reports on behalf of Winstone) are "are assessed as small and do not detract from the significant economic benefits the quarry expansion is expected to deliver."[144]

(b) The economic benefits are significant and sustained and the Project "will generate very significant regional economic benefits."[145]

Project overview conference

161. Mr Greg Akehurst took us through the key summary slides[146] and points of his assessment (as set out above). He emphasised the significance of the quarry in supplying the aggregate needs of Auckland region.

162. As we set out in Part C of this [draft] decision, the FTAA requires significant regional *or* national benefits. The Panel however asked him about significant benefits at a national level. He accepted that at a national economic scale it is much harder for a single project

[141] Appendix B12.4.4 at section 5.7.
[142] Appendix B12.4.4 at page 9 notes that this avoids double counting.
[143] Appendix B12.4.4 at section 5.3.
[144] Appendix B12.4.4 at page 9.
[145] Appendix B12.4.4 at page 10.
[146] Applicant's slides for the project overview conference.

to be significant. But in his opinion, given the importance of quarrying to Auckland, and the importance of Auckland to New Zealand's growth and economy, it could also be considered nationally significant.

163. Mr Akehurst also raised the issue of his IO assessment versus a BCR assessment and why he had not tried to monetise and assess the adverse environmental effects addressed by matter specific independent experts on behalf of the Applicant.

Comments received

164. The Minister for Infrastructure expressed his "broad support for projects that deliver positive outcomes for New Zealand, including the Hunua Quarry Development project." He supports the Project "as a reflection of the Government's economic growth and infrastructure priorities."[147]

165. The Minister for Resources noted the volume of aggregate unlocked and the scale of avoided costs (see above). He also commented on alignment of the Project with the following:[148]

(a) the Minerals Strategy, and he emphasised the strategic importance of the production of aggregate;

(b) the Going for Growth and Going for Housing Growth strategies, noting that access to long-term sources of aggregate is important to delivering the infrastructure pipeline necessary to achieve these strategies; and

(c) the Critical Minerals List which identifies aggregate as a critical mineral due to its high level of economic importance and need for location near demand centres.

166. The Minister for Climate Change "broadly supports projects that deliver significant regional or national benefits, including the Hunua Quarry." He recognised the proximity of the aggregate supply to Auckland and also the benefits from the proposed haul road.[149]

167. Auckland Council provided an expert review of the Economic Assessment. Overall, while having some specific concerns, the conclusion was that the Project aligns with the purpose of the FTAA and is supported on economic grounds. The expert review:[150]

(a) agrees with the importance of aggregate to the economy and that it is costly to transport;

(b) considers that the estimated shortfall in aggregate in the region may be overstated;

(c) considers that the quarry operational and construction activities are important to Auckland but on their own are not nationally or regionally significant;

(d) agrees that the benefits from haulage costs through supplying aggregate in the region (avoidance costs) are likely to be regionally significant;

(e) considers that additional economic benefits are likely to be small; and

[147] Section 53 comments from the Minister for Infrastructure.
[148] Section 53 comments from the Minister for Resources.
[149] Section 53 comments from the Minister for Climate Change.
[150] Section 53 comments from Auckland Council, Annexure 10 Economics memo at section 3.

(f) considers that while the Economic Assessment does not quantify costs (relying on the other technical reports) "it is likely that such costs would be relatively small and unlikely to be out of proportion to the regional benefits identified."

168. The Auckland Council Planning Memorandum overall agreed that "the provision of local aggregate will contribute to the development of land and infrastructure for urban land uses in Auckland, and that this will likely be regionally significant."[151]

169. The Applicant did not provide a technical economic response to comments but, in line with previous comments, counsel for the Applicant did make legal submissions in relation to the economic assessment required.[152] That issue is addressed in Part C of this [draft] decision. The Applicant's Planning Matters[153] response did provide some succinct planning responses to economic matters raised in submissions (relying on the Economic Assessment addressed above).

Panel evaluation and findings (including [draft] conditions)

170. We recognise that there are some technical arguments as to methodologies and whether some individual elements are individually regionally significant. However, that the Project would not deliver significant regional economic benefits was unchallenged. Considering all the information received, and summarised above, we agree with the Applicant that the Project will deliver regionally significant benefits, especially in relation to avoided costs. Aggregate supply is an essential input into the economy (being fundamental for infrastructure development and construction). Further, we also consider that the project, enabling the ongoing operation of an existing quarry, is an efficient use of an existing physical resource and its operations are an efficient use of a natural resource (especially without needing to establish a 'greenfields' quarry at a new location (and with the Quarry Development Area largely contained within existing quarrying zoning (SPQZ)).

171. We accept that other quarries within the region have gained recent FTAA approval. However, we do not see that as significantly altering the economic benefits of this Project. While the exact demand shortfall may be disputed / uncertain there is no doubt to the Panel from the material if there is a need for substantial aggregate supply to enable anticipated growth and development across the Auckland Region. Further, different sources of aggregate enable the development of a competitive market that, along with the availability of a good supply of aggregate, may deliver purchaser options and pricing benefits. We therefore do not consider that, even if it was the case which we do not have any evidence that it is, choice of supply and /or oversupply of such a critical component to our economy would be a negative outcome.

172. Given our finding above whether there are significant national economic benefits is rendered nugatory. However, having listened to Mr Akehurst, given the importance of aggregate to underlying development within Auckland, and hence the growth within the

[151] Section 53 comments from Auckland Council at [182(c)].
[152] Memorandum of counsel on behalf of the Applicant in response to comments, at [39]-[42].
[153] Response to comments s 55 report, Appendix 2.

Auckland region (which is critical to New Zealand as a whole), we also consider that there are likely significant national economic benefits from the Project.[154]

173. While there are no specific conditions relating to economic benefits, we have been cognisant throughout our consideration of the [draft] conditions that they must be no more onerous than reasonably necessary and we have applied a practicality lens over the [draft] condition set and the changes we have made to it.

174. Finally, in terms of the type of economic assessment to be undertaken, we agree with the Applicant that a BCR is not required for the reasons set out in Part C of this [draft] decision. The 'environmental costs' not assessed have all been assessed by the Applicant's independent technical experts and addressed in Part F of this [draft] decision.

[154] A similar finding was made by the Expert Panel in Drury Quarry Expansion Sutton Block Decision at [161].

PART F: EVALUATION OF POTENTIAL ADVERSE EFFECTS

176. We have read and considered all the extensive information provided to us through the process. It is simply not efficient to set out every matter raised in detail. Where this [draft] decision report does not address a particular adverse effect on the environment, the Panel accepts the conclusions in the Application and the AEE (including as relevant the technical reports and updated information provided during this process) and, as relevant, the conditions proposed by the Applicant subject to any condition amendments.

177. As required by s 87(1) of the FTAA (see Part L of this [draft] decision) the principal issues that were in contention related to (in no order or priority but as addressed below):

(a) traffic / transportation effects;

(b) noise and vibration effects;

(c) air quality effects;

(d) landscape, natural character and visual amenity effects;

(e) ecological effects (terrestrial and aquatic); and

(f) cultural effects.

178. While not principal issues we also address several 'other matters' raised in the Application and/or through comments.

Traffic effects

AEE/technical reports

179. A Transport Assessment was undertaken for the Applicant by Mr Leo Hills.[155] It assessed the existing transport environment (both network and near the site entrance (on Hunua Road)) and also the transport effects generated by the Project (in particular at the Hunua Quarry, along Hunua Road and at key intersections).

180. Key aspects from the Transport Assessment are:

(a) Hunua Road is two lane with an approximate sealed width of 7.5m and a posted speed limit of 80km (although given the corners in the location of the Site, and the numbers of trucks during our site visit, the actual speeds are typically much lower) and 60km at the Site entrance.

(b) There is an existing freight route (as part of the Auckland Strategic Freight Network) that connects the Site to SH1 (and also via Dominion Road to the north).

(c) The truck[156] movements (to and from the Site) are set out in **Table 1**.

[155] Appendix B12.4.14.
[156] Based on 35-35 tonne trucks which include a truck and trailer.

Table 1 – Truck movements to and from the Site

	Current (2023)	**Proposed**	**Increase**
AM peak[157]	76 movements	161 movements	86 movements
PM peak[158]	64 movements	135 movements	72 movements

(d) The Project therefore represents a 111% increase in daily truck movements and while staff (non-truck) movements are expected to remain steady (due to greater automation) staffing may increase by 10%.

(e) Given the freight route designation the intersections are already well designed and have capacity to "acceptably manage" the proposed additional vehicles without upgrades (and we noted from our site visit that the road seal along the route is in good condition despite the truck numbers).

(f) The Hunua Road / Settlement Road intersection (in the vicinity of Edmund Hillary School) survey was initially undertaken when Edmund Hillary School was not operating. A revised count was undertaken following the matter being raised by Auckland Transport.

(g) The midblock analysis shows the capacity for Hunua Road between Hunua Gorge Bridge and the Quarry entrance to be 2,300 vehicles per hour (**vph**), the present usage to be some 344 vph in the am peak and 292 vph in the pm peak, which will increase with the Project to 429 vph in the am peak and 362 vph in the pm peak. Even with a general anticipated 2-3% per annum increase in background traffic Mr Hills concludes this use will be well below capacity.[159]

(h) The safety record of Hunua Road was assessed and "no significant safety concerns related to the Quarry entrance or Quarry trucks"[160] but the existing access (which has no right hand turn bay into the Site) is deficient as per Austroads "Guide to Traffic Management Part 6: Intersections, Interchanges and Crossing Management" relating to right turn entries and the number of quarry trucks to be accommodated (and we saw that position during our site visit though we noted that the non-quarry traffic appeared highly aware of the quarry entry and the trucks using it).

(i) A further safety record assessment was undertaken back to the Settlement Road intersection and again no "significant safety concerns / patterns regarding truck movements on Hunua Road between the quarry access and Settlement Road"[161] were identified.

(j) An assessment of the Project against the relevant Auckland Unitary Plan provisions[162] was undertaken and concluded that "Overall, the proposal meets

[157] 7:15am to 8:15am.
[158] 4:15pm to 5:15pm was reassessed following comments from Auckland Transport.
[159] Appendix B12.4.14 at section 6.
[160] Appendix B12.4.14 at section 2.6.
[161] Appendix B12.4.14 at section 2.6.1.
[162] Chapter H28 SP-QZ, assessment criteria H28.7.2.(1)(a) (i) & (ii) and Chapter E27 provisions.

Unitary Plan requirements or has been specifically designed to cater for the Quarry operation."[163]

(k) The Project requires part of a paper road to the north of the site (an extension of Middleton Road from the 'Back gate' and which we travelled along during our site visit) will need to be stopped. That will, in the regular and normal way, require a separate statutory process outside of what is before (and can be considered by) the Panel.

181. Following the summary above, Mr Hills in his Traffic Assessment recommends that the current Site entrance off Hunua Road is upgraded to provide a right-hand turn bay (and generally redesigned) to allowing trucks to safely enter the Site.

182. While safety records are summarised above, Auckland Transport highlighted to the Applicant a concern with two serious crashes (in 5 years) on a corner of Hunua Road at 272 Hunua Road. Mr Hills in his Transport assessment, did not consider two crashes in 5 years to be a trend but did suggest "additional rumble strips along the centreline of the corner could be included [to] discourage drivers from crossing the centreline … ."[164]

183. Considering the above matters Mr Hills recommends:[165]

> The Consent Holder must upgrade the site access on Hunua Road in general accordance with the drawings in the Transport Assessment, Appendix D (Plan J003408 Hunua Access Upgrade (Figure 1-5) dated 19 March 2026). The upgrade must include:
>
> a) Provision of a full right-turn bay on Hunua Road for vehicles turning right into the site.
>
> b) Formation of the access generally perpendicular (90°) to Hunua Road.
>
> c) Provision of at least 40 m stacking length in the right-turn bay (two trucks).
>
> d) Provision of a central solid splitter island at the site entry to ensure trucks do not cut across the entry.
>
> e) Sealing of the first 50 m of the internal access from Hunua Road. f) Installation of an after-hours gate at least 50 m inside the entrance so at least two truck and-trailer units can queue on-site clear of Hunua Road.
>
> g) Retention and maintenance of the existing "Trucks Crossing" warning signage.
>
> h) Further Investigation of the revised accessway level and gradients against Unitary Plan requirements via a 3D design of access.

184. Overall, with his recommendations in place, Mr Hills concludes:[166]

> The proposal, despite almost doubling production at the quarry, is considered to result in a net positive gain for the transport network due to the recommended right turn bay upgrades, and additionally the increase in truck volumes is not anticipated to adversely impact on the safe or operation of the wider transport network.

[163] Appendix B12.4.14 at section 8.
[164] Appendix B12.4.14 at section 2.6.1.
[165] Appendix B12.4.14 at section 9.
[166] Appendix B12.4.14 at section 9.

Project overview conference and site visit

185. During the project overview conference Mr Hills summarised the relevant slides[167] and his assessment above with a focus on Auckland Transport's concerns related to the corner at 272 Hunua Road. He explained that neither crash was caused by a truck but by a (westbound) passenger vehicle crossing the centre line. He explained that while he did not consider any trend of concern, as stated in his Traffic Assessment rumble strips on the centreline of the corner could be included (which he considered to not be necessary but to be a "show of good faith" by the Applicant). He disagreed with Auckland Transport that benching of the inside corner to improve sightlines is required as it does not address the actual cause of the crashes and quarry trucks are not the cause of the crashes (they are not an effect of the quarry).

186. In relation to the corner at 272 Hunua Road counsel for Winstone was also clear that, relying on Mr Hills, there is "no causal connection between the upgrade works … and the effects that can be said to reasonable arise from the Application" and that the works sought by Auckland Transport "are disproportionate".[168] Ms Tancock was also clear that the proposed rumble strip condition (Condition 73(i)) is volunteered on an *Augier* basis.

187. As stated in Part B of this [draft] decision we had a good look around the wider transport network from SH1 to the Site (and have included some of our specific observations above). Of relevance we stopped at both the corner at 272 Hunua Road, as well as drove around it a few times, to observe trucks and general traffic movements around that corner. We also saw how the trucks follow the freight routes across the wider network and to SH1 (including through the relevant intersections).

Comments received and Applicant's response

188. Brian and Kate Park[169] commented on the increase in traffic associated with the Project and the assessment failing to consider "rat-run" routes used by quarry trucks on Boundary, Opaheke, Sutton and Great South Roads. They consider those roads to be at capacity at peak times with "significant" congestion and associated transport issues and that the conclusion in the AEE that current transport routes are adequate to accommodate the increase in traffic is "grossly misleading".

189. The Applicant's transport expert, Mr Hills, recognised that trucks can take other routes but considered the routes he assessed to be the "routes for the majority of quarry trucks".[170] Mr Hills also notes that Boundary, part of Opaheke and Great South Roads are arterial roads and while Sutton Road is not it already caters for industrial activity with a heavy vehicle percentage between 9% and 19%.

190. Auckland Transport reviewed the Transport Assessment.[171] Auckland Transport supports the proposed access gate works (new right hand turn bay into the quarry). But Auckland Transport "considers that there is the potential for significant adverse impacts on the road

[167] Applicant's slides for the project overview conference.
[168] Applicant's legal submissions at [8.11] and [8.12].
[169] Section 53 comments from Brian and Kate Park.
[170] Response to comments s 55 report, Appendix 8 at section 3.4.
[171] Section 53 comments from Auckland Council, Annexure 4 Auckland Transport memo.

network and the safety of road users." That issue relates to the corner at 272 Hunua Road (**Figure 14**) for which it considers that two crashes in 2023 and 2025 indicate "an existing and ongoing safety concern" and "the emergence of a discernible safety pattern." That concern relates to poor site lines and road geometry. Auckland Transport considers the proposed increase in truck movements are "likely to increase safety risks", that the installation of rumble strips (which it supports) is insufficient and it is "inappropriate to adopt a "wait and see" approach." At seeks that the Applicant explore additional mitigation measures, through conditions, which may include benching of the slope on the inside of the curve and an updated sightlines assessment and a Preliminary Design Safety Audit report.

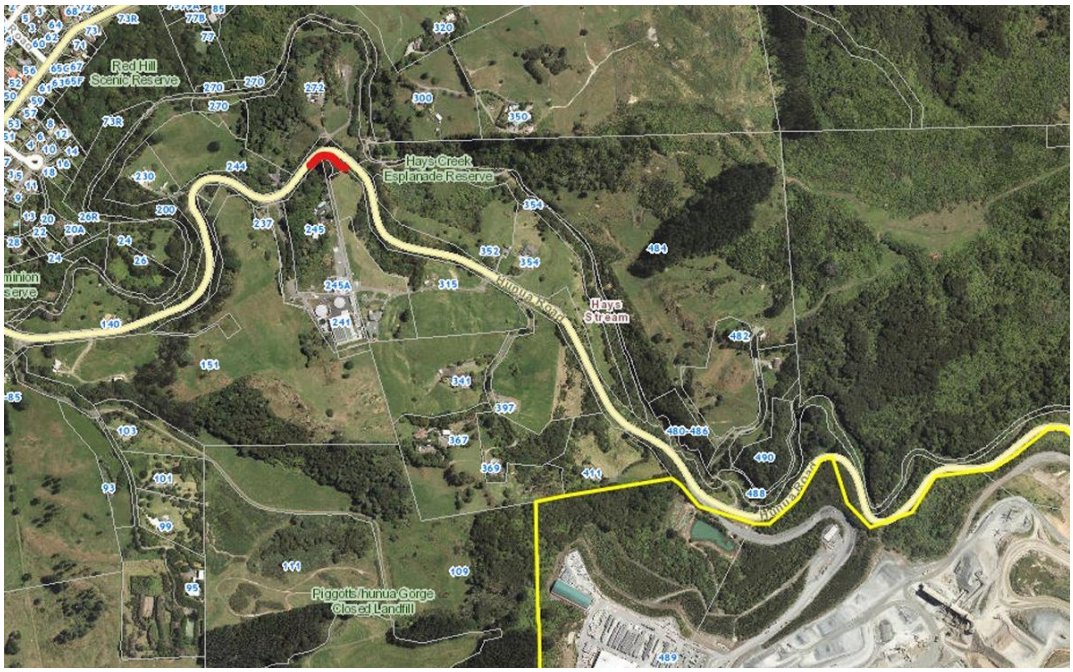

Figure 14 - Aerial image showing the Site (outlines in yellow) and area of concern raised by Auckland Transport (red)[172]

191. Auckland Council's transport assessment[173] focused primarily on the internal operation of the proposed quarry (with Auckland Transport having assessed the surrounding transport network and road user safety). Auckland Council's assessment related to internal quarry roading (for which a condition is not pursued due to scope), paving the first 50m of the access road (which it recognises is addressed by a proposed condition), internal lighting for the haul roads (and managing light spill) and the inclusion of a "protection of public assets" condition. Subject to these matters the project was supported.

192. Auckland Council's planning assessment[174] considered both the Auckland Transport and Auckland Council technical assessments above:

    (a) With lighting and the access sealing addressed through conditions the planning assessment considered that managing internal haul roads to be out of scope as they are not accessible to the general public (with onsite management for health and

[172] See Section 53 comments from Auckland Council at Figure 1.
[173] Section 53 comments from Auckland Council, Annexure 3 Traffic Engineering memo.
[174] Section 53 comments from Auckland Council at [78]–[96].

safety considered appropriate). Mr Hills for the Applicant agreed as to scope but also stated that the Hunua Quarry has been operating for many years with haul roads constantly changing and that adequate space will be provided to ensure no queuing onto Hunua Road.

(b) For the corner at 272 Hunua Road acknowledging the Applicant's position and generally concurring with respect to the nature of the crashes and the implications of the Strategic freight Network. However, as a further response from the Applicant was awaited no conclusion was reached. In addition, it was acknowledged that that from a planning perspective, the AT condition would not be appropriate as it would "trigger additional consent requirements, may not be practical to deliver, and could have significant impacts for/on adjoining properties." The overall conclusion was that there "are potentially significant adverse effects on road safety" and the further response from the Applicant is awaited.

193. Mr Hills for the Applicant provided a detailed response to Auckland Transport's comments, in relation to the corner by 272 Hunua Road. His opinion is that:[175]

> The crashes were not caused by trucks but rather by passenger vehicles approaching the corner, ignoring guidance signage, crossing the centreline and colliding with an oncoming vehicle, which happened to be a truck.

194. Nor did Mr Hills consider that four crashes (over 20 years) involving trucks at the corner showed a trend of serious truck related crashes. Mr Hills considers that the audio-tactile marking (rumble strips) proffered by the Applicant "are appropriate mitigation in that they specifically address the cause of the crashes".[176] He did however undertake the requested additional assessment of intervisibility/sightlines and found that they met the Austroad recommendations.

195. In relation to Auckland Transport's recommendation to bench the corner Mr Hills stated:[177]

> • Will not address the actual cause of the crashes (vehicle crossing the centreline);
>
> • Is not the responsibility of the applicant as the trucks generated by the quarry have not caused the crashes;
>
> • The corner is located on a section of Hunua Road classified as a freight route, level 1B. It is expected that maintenance and upgrades are undertaken by Auckland Transport to ensure that the existing freight network is adequate for its intended use, which includes large trucks and trailers; and
>
> • Is likely to involve extensive works on the inside of the corner including works within the private property on the inside corner … ;
>
> • There is already extensive / appropriate signage installed on the corner approaches; and
>
> • The road drops away on the outside of the curve meaning any works on the outside of the bend would be extensive.

[175] Response to comments s 55 report, Appendix 8, at section 2.1.
[176] Response to comments s 55 report, Appendix 8, at section 2.1.
[177] Response to comments s 55 report, Appendix 8, at section 2.2.

196. Counsel for the Applicant made legal submissions[178] in response to Auckland Transport's expert's position on roading upgrades. Counsel reiterated the Applicant's position that its position is there is no direct connection between the alleged effect and the activity. Overall, counsel's position was on the proposed condition included that it:

(a) does not comply with s108AA of the RMA;

(b) does not comply with the requirements of conditions as required by case law;[179] and

(c) is more onerous than reasonably necessary.

197. Finally, Auckland Council's comments included short feedback from the Franklin Local Board.[180] They noted the considerable increase in truck movements with "significant" concerns about Hunua Road "which is narrow and windy with sight line issues …". The feedback also comments that the community reports that trucks regularly cross the centreline and are a safety risk. Therefore, the Franklin Local Board seeks road widening and realignment as be considered as conditions to address these concerns.

198. In response to comments from the Franklin Local Board Mr Hills noted that the proposed 111% increase in truck volumes is at full capacity (with a gradual increase in volumes over time) and that the relevant part of Hunua Road is part of the Auckland Strategic Freight Network such that maintenance and upgrades to ensure its use for freight is expected.

Panel evaluation and findings (including [draft] conditions)

199. We have very carefully considered the safety issue at 272 Hunua Road, with the technical evidence, Auckland Council's helpful comments in its Planning Memorandum, and the Applicant's helpful legal submissions, front of mind. Having done so we find that the safety issue at the corner of 272 Hunua Road is not an effect linked to the Project. Having visited the corner at 272 Hunua Road and considered the technical material provided (including the further intervisibility/sightlines assessment), we agree with the Applicant's technical evidence on this matter as summarised above.

200. The Applicant has proffered an *Augier* condition to apply audio tactile marking (Condition 78(i)). We recognise that this condition is provided on an Augier basis, but we have made some minor amendments (no substantive change) to aid clarity. We discussed these changes with the Applicant during the conditions workshop on 15 September 2026 and they accepted them. We consider that this condition will provide beneficial safety outcomes at the corner and agree with the Applicant's expert that it will assist in addressing the issue of crossing the centreline.

201. There is agreement as to the Site access from Hunua Road upgrade (with of course additional requirements outside this FTAA processes related to works on public roads (covered through advice notes to Condition 78). We also discussed these changes with the Applicant during the conditions workshop on 15 September 2026 and amendments were made.

[178] Memorandum of counsel on behalf of the Applicant in response to comments at [54]–[60].
[179] *Waitakere City Council v Estate Homes Ltd* [2007] 2 NZLR 149 (SC) at [66].
[180] Section 53 comments from Auckland Council, Annexure 17 Franklin Local Board memo.

202. Otherwise, the relevant conditions are agreed (including Conditions 83 and 84-86). Those conditions address a range of other matters such as the removal of dust and material deposited on the road and making good damage caused by earthwork and construction activities.

203. We agree with the Auckland Council Planning memorandum, and the Applicant's expert response, summarised above, that issues as to within Site transport requirements are outside the scope of the FTAA. We accept though the lighting conditions proposed and agreed (Conditions 99-105) and that the QMP must include traffic management measures (Condition 39).

204. Finally, while implicit, we have provided greater clarity to Condition 9 in relation to the community liaison group receiving and discussing feedback on potential offsite issues arising from the Project for nearby landowners and/or the community.

205. We recognise that the Project, if full production is achieved, will significantly increase associated truck operations. We also recognise that Hunua Road is "narrow and windy" as raised by the Local Board. We carefully considered the expert material on the key intersections and looked at them during our site visit (especially in relation to Edmund Hillary School). We agree with the Applicant's technical expert that the intersections can safely accommodate proposed transport volumes. We also agree with the Applicant's expert that the wider transport system can safely and adequately accommodate them. The network predominantly used is part of the Auckland Strategic Freight Network which, by its very nature, must safely accommodate trucking movements. We recognise that some trucks from the quarry may use other routes but agree with the Applicant's expert that most movements will occur on the strategic freight network (or on arterial roads with capacity to accommodate them and with existing truck movements).

206. Overall, the Panel finds that, with the [draft] conditions imposed (which we consider to not be more onerous than necessary), potential traffic / transport effects of the Project are appropriately addressed and there will not be any significant residual traffic / transport impacts.

Noise and vibration effects

AEE/technical reports

207. An Acoustics and Vibration Assessment was undertaken by Mr Jon Styles.[181] It assessed the existing noise environment, relevant AUP provisions (an important part being the Symonds Pit extension going beyond the SPQZ and into the Rural Zone) and based on identifying all the potential noise and vibration sources, specific noise and vibration measurements and information provided by Winstone Aggregates. He used that information to model predicted noise and vibration effects on the surrounding environment such that mitigation measures (as required) can be recommended.

208. As stated in Part B of this [draft] decision, the Hunua Quarry has been in operation for some 100 years. Emission of noise and vibration into the surrounding environment has been

[181] Appendix B12.4.11.

occurring over that time (and quarrying operations were audible offsite during our site visit). While the existing quarry is consented to operate 24 hours a day, general sales "are restricted to between 6:00am to 5:30pm on Monday to Friday and between 6:00am to 4:00pm on Saturdays."[182] From a noise perspective the Hunua Quarry operates under the AUP noise standards for the SPQZ (standard H28.6.2.1). Two key components of those requirements are that noise effects are only measurable at the notional boundary of dwellings that existed pre-2001 and noise levels at other sites are measured at the quarry effects line (these are addressed further below).

209. The Acoustics and Vibration Assessment identified the major noise and vibration generating activities associated with the Project as being:[183]

> • construction works for vegetation clearance, new sediment retention ponds, a new western haul road, eastern access road, drainage networks, construction of culverts, stream diversion works, and rehabilitation works
>
> • stripping overburden
>
> • blasting and excavation of greywacke
>
> • use of a mobile crusher in the Symonds Hill Pit • continued use of the existing processing, stockpiling, and dispatch facilities in the main operations area
>
> • up to 160 purchasing truck movements per hour and processing work between 5:00 am and 7:00 am during periods of high demand.

210. The Acoustics and Vibration Assessment includes short-term attended noise measurements on-site and long-term noise monitoring of the existing activities and quarry fleet at Hunua Quarry. The noise monitoring was undertaken to ensure that the computer noise models were as accurate as possible.[184] Indeed, then Acoustics and Vibration Assessment states:[185]

> To our knowledge, the CetawareTM measurement campaign at Hunua Quarry is the most comprehensive quarry noise measurement project that has been undertaken to date in New Zealand. We consider that the data provided by the CetawareTM system for input into a computer noise model are the most accurate and reliable that can practicably be obtained at this time. The site and plant specific data provided by CetawareTM has enabled us to calibrate our noise models to represent the operations at Hunua Quarry with a high degree of accuracy and reliability.

Operational noise standards

211. As stated elsewhere the existing Symonds Pit is within the SPQZ, but the Project will result in it extending into the RMRZ. This is important as the noise limits within the zones are different. The Acoustics and Vibration Assessment sets out the existing AUP standards as follows:

[182] AEE at [126].
[183] Appendix B12.4.11 at section 2.
[184] Appendix B12.4.11 at sections 4.3 and 4.4.
[185] Appendix B12.4.11 at section 4.3.

> • At the notional boundary of any dwelling outside the SPQZ that existed at 1 January 2001 (the pre-2001 notional boundary limits):
>
> o 7:00 am to 6:00 pm on Monday to Friday: 55 dB LAeq
>
> o 7:00 am to 4:00 pm on Saturday: 55 dB LAeq o All other times: 45 dB LAeq and 75 dB LAmax.
>
> • Noise levels received at all other sites outside the SPQZ are controlled by the following noise limits at the quarry effects line (**QEL**) … :
>
> o 7:00 am to 6:00 pm on Monday to Friday: 65 dB LAeq
>
> o 7:00 am to 4:00 pm on Saturday: 65 dB LAeq
>
> o All other times: 45 dB LAeq and 75 dB LAmax.

212. Key aspects of these standards are the application to pre-2001 dwellings and the use of the QEL. The Acoustics and Vibration Assessment notes that all the nearest dwellings to the Quarry were built after 2001 such that the only noise restriction relevant to them is the QEL. Mr Styles in his assessment (and during the project overview conference as below) was clear that compliance with the QEL noise limit does not ensure that adverse noise effects will be reasonable at those dwellings. Put simply the QEL is an unreliable proxy for appropriate noise control at houses built after January 2001.[186] Further, as the Symonds Pit expands the QEL becomes no longer relevant (and it suffers may other issues including reliable measurement along its boundary).

213. Therefore, Mr Styles recommends, and the Applicant has accepted, that the same noise limits apply at all notional boundaries irrespective of when the dwelling was constructed.

214. As already mentioned, the Symonds Pit (and activities associated with them Project) will occur outside the SPQZ and within the RMRZ. The relevant RMRZ standard is:[187]

> The noise (rating) level from any activity in the Rural – Mixed Rural Zone measured within the notional boundary on any site in any rural zone must not exceed the following limits:
>
> ▪ Monday to Saturday 7:00 am – 10:00 pm: 55 dB LAeq
>
> ▪ Sunday 9:00 am – 6:00 pm: 55 dB LAeq
>
> ▪ All other times: 45 dB LAeq and 75 dB LAmax.

215. The Acoustics and Vibration Assessment notes the RMRZ noise standards are similar to those in the SPQZ except they allow some higher noise levels on Saturdays and Sundays. Given the two zones, the different noise standards (albeit similar), that quarry activities (and machinery) will constantly move across the zone boundaries, it creates practical limitations to actual monitoring compliance. Therefore, Mr Styles recommends adopting a:[188]

> single operational noise limit and assessment location for the proposed activities. This would enable robust noise monitoring and compliance assessments, and effective management of noise effects on the receivers.

[186] Appendix B12.4.11 at section 4.1.1.
[187] Appendix B12.4.11 at section 4.1.3.
[188] Appendix B12.4.11 at section 4.1.3.

216. Mr Styles considers that adopting a single operational noise limit and assessment location "would enable robust noise monitoring and compliance assessments, and effective management of noise effects on the receivers."[189]

217. In relation to existing quarry operational noise at the Site the Acoustics and Vibration Assessment found "compliance with both the QEL noise limits and the pre-2001 notional boundary limits at receivers"[190] assessed.

218. For the Project operational noise effects[191] were assessed in the Acoustics and Vibration Assessment, which recommends as follows:[192]

> We consider that where noise emissions are managed through the ONMP to comply with the proposed limits at the nearest sites:
>
> • noise emissions will be consistent with the character, timing, duration, and frequency of noise emissions that are enabled by the AUP in the SPQZ and between sites in rural zones
>
> • operational noise levels above 55 dB LAeq will no longer be enabled at the nearest notional boundaries, which is an improvement for the receivers
>
> • the duration of operational noise from the quarry will be extended due to the additional years of quarrying in the expansion areas.
>
> We have weighed these factors and consider overall that noise emissions from the proposed operation of Hunua Quarry will not exceed a reasonable level provided that our proposed conditions are adopted. Noise is not expected to cause disruption to rural activities during the day, or sleep disturbance at night for any existing or future receivers.
>
> Where noise effects are managed to be reasonable at the nearest receivers, the noise effects at more distance receivers will be lower and reasonable.

Construction noise and vibration standards

219. Existing construction noise is managed as per the generic AUP construction noise standard E25.6.27. As for operational noise the nearest sensitive activities are dwellings. As construction will continue for more than 20 weeks the limits are further reduced (by 5dB). Given the proposed timing of noisy construction works the "noise limits are therefore 70 dB LAeq and 85 dB LAmax at 1 m from the most exposed façade of any occupied dwelling."[193]

220. Presently construction vibration from Quarry activities "must comply with AUP standard E25.6.30" being a "day-time vibration limit of 2 mm/s PPV in any occupied building containing an activity sensitive to noise and compliance with the guideline vibration values of DIN 4150–3:1999 in all buildings (whether occupied or not)."[194] In turn:

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[189] Appendix B12.4.11 at section 4.1.3.
[190] Appendix B12.4.11 at section 3.8.
[191] Which also included overburden stripping and blasting activities associated with the stream realignment as it will occur together with operational excavation and processing activities. In the same manner, all works associated with blasting for the purpose of excavating rock are considered operational noise effects.
[192] Appendix B12.4.11https://www.fasttrack.govt.nz/__data/assets/pdf_file/0022/24880/Hunua-Quarry-FTAA_Appendix-B12.4.11-Acoustics-and-Vibration-Assessment_20260330.pdf at section 6.
[193] Appendix B12.4.11 at section 3.5.
[194] Appendix B12.4.11 at section 3.6.

(a) The 2 mm/s PPV standard is designed to avoid adverse effects on people inside buildings (so only applies to occupied buildings. In Mr Styles' experience, such vibration levels are noticeable inside buildings during normal residential activities but are unlikely to cause complaint if the source of the vibration is known and the receivers know that the effects are temporary.

(b) DIN 4150–3:1999 sets out vibration limits to manage building damage, with Line 2 of the standard being applied as all the nearest structures are dwellings. In addition, Mr Styles' experience is that "measuring vibration in modern residential dwellings is that vibration generated by heavy trucks and machinery operating at quarries typically meets the short-term criteria."[195]

221. The Acoustics and Vibration Assessment found no construction noise or vibration monitoring undertaken to determine compliance during previous construction works. However, Mr Styles expected that "compliance will have been achieved historically by a significant margin based on the plant that was used and the significant separation distances to neighbouring properties."[196]

222. For the Project all construction noise the vibration standards are proposed to be complied with. The Acoustics and Vibration Assessment concludes that:[197]

> The predicted construction noise levels demonstrate that the relevant AUP limits of 70 dB LAeq and 85 dB LAmax will be complied with by significant margins. This is mainly due to the substantial separation distances between the works and receivers.
>
> …
>
> Construction noise will comply with the relevant AUP limits by an even greater margin at all other neighbouring sites and for all other construction activities. We expect that it may be audible and potentially distinguishable above operational noise for short periods at some dwellings when works occur in the portions of the Site closest to them, but it will otherwise range from inaudible to just perceptible. Noise from construction work is unlikely to cause annoyance or disruption on any neighbouring site.

223. In relation to construction vibration the Acoustics and Vibration Assessment concludes that:[198]

> Any vibration generated by construction work associated with the proposal will comply with the AUP permitted construction vibration amenity limit of 2 mm/s PPV and will be significantly lower than the AUP vibration limits for avoiding building damage.
>
> …
>
> … It is unlikely to be perceptible within any neighbouring dwelling.

Blasting noise and vibration standards

224. AUP standard H28.6.2.2 sets out blasting noise and vibration limits and timing restrictions for blasting at the existing quarry within the SPQZ. Mr Styles considers that the AUP

[195] Appendix B12.4.11 at section 3.6.1.
[196] Appendix B12.4.11 at section 3.8.
[197] Appendix B12.4.11 at section 5.3.
[198] Appendix B12.4.11 at sections 5.4 and 8.

controls for noise and vibration from blasting in the SPQZ are unclear and conflicting.[199] Mr Styles therefore recommends that conditions are imposed for blasting noise and vibration that deliver the same fundamental outcome and level of effect as the AUP standards but ensure that the limits are clear and certain to all stakeholders and apply to all receivers.

Existing resource consents

225. The existing consent conditions and a Certificates of Compliance were reviewed in the Acoustics and Vibration Assessment. Ultimately the report recommend that a global noise limit condition is applied to the Project. The recommended consent conditions will apply a single cumulative noise limit to all activities in the daytime and one set of noise limits at night, regardless of nature and location of the activity or when the receiver's house was constructed. Again, we assess these further below.

Consent Conditions

226. The Acoustics and Vibration Assessment states that the:[200]

> … recommended noise limits will deliver consent conditions that:
>
> • are practicable for Winstone to comply with
>
> • are practicable for Winstone and Auckland Council to monitor and assess compliance against
>
> • are consistent with the existing noise limits in the surrounding rural zones and the existing noise limits at dwellings that existed at 1 January 2001
>
> • ensure that noise levels are reasonable under all operating scenarios
>
> • ensure that noise levels generated by the quarry comply with the guidance of NZS 6802:2008 for the reasonable protection of health and amenity
>
> • provide certainty for Hunua Quarry, the receivers, and Auckland Council.

227. In relation to blasting the Acoustics and Vibration Assessment recommends new conditions (due to the ambiguity within existing provisions explained above) that:[201]

> … will not enable any increase to noise and vibration effects at any site, and they will impose overpressure limits at the receivers nearest to the Symonds Hill Pit where there are presently none. The conditions will provide more appropriate controls on noise and vibration effects at the neighbouring sites and remove ambiguity for Winstone when undertaking monitoring, predictions, and assessments.

Project overview conference and site visit

228. Mr Styles took us briefly through the relevant slides[202] and clearly summarised his noise assessment as set out above. Helpfully he explained the issues with the current noise and vibration regime for the site and the proposed new conditions regime (addressed below).

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[199] Like for construction and operational noise above they only apply at dwellings that existed at 1 January 2001, for damage to buildings three different measurement locations and two different Standards are referenced and only control vibration in the horizontal axis (inconsistent with the guidance of DIN 4150–3:1999 which is the Standard that is referenced in the AUP standard itself).
[200] Appendix B12.4.11 at section 4.1.
[201] Appendix B12.4.11 at section 4.5.1.
[202] Applicant's slides for the project overview conference.

229. At the project overview conference, we asked Mr Styles about noise emanating from mobile crushing plants. He was not concerned about that. During the site visit we got to see (and hear) such plant operating (noting there is a variance in the type of such plant) and agree that at the scale of the Quarry, the likely locations of use and the conditions (addressed below) that concerns as to noise can be readily managed.

230. During our site visit we also travelled around the Quarry (as explained in Part B of the [draft] decision). While quarry operations could be heard offsite, they were very much part of the background sound, we experienced the effect of landscape buffering quarry noise, and we did not consider the noise at that time to be intrusive or unreasonable in any manner. That gave us confidence to Mr Styles' succinct slide on outstanding issues (from a technical perspective) during the project overview conference that simply stated "none".

Comments received and Applicant's response

231. Comments received from neighbours relating to noise, and the Applicant's response included:

(a) Hours of operation. Joe Shannon and Jan Dupker[203] seek that Condition 81 (now 91) be amended so construction activities cease at 1pm on Saturdays (as opposed to 6pm). Paul Aylett asks that the hours worked (with particular interest in the Symonds pit) are not extended beyond the current hours. Auckland Council's expert reviewer commented:[204]

> The existing quarry is consented to operate on a 24-hour basis, but hours for general sales are restricted to between 6:00 am and 5:30 pm on Monday to Friday and between 6:00 am and 4:00 pm on Saturdays. The Project will generally retain these hours but will include occasional early morning activity during periods of high demand, when purchasing trucks will access the Site from 5:00 am. The noise from the purchasing trucks has been included in the operational noise assessments and calculation have shown that noise from the purchasing trucks complies with the proposed operational noise limits and will not exceed a reasonable level.

(b) The Applicant acknowledged these concerns and responded to the comment on working Saturday afternoons stating that it does not support an earlier (1pm) cut off as it seeks to retain flexibility in its operations enabling it to respond to "operational requirements, maintenance, weather conditions and customer demand."[205] The Applicant also[206] noted that it proposes to substantially continue the existing consent controls which Mr Styles supports.

(c) Operational Noise.

(i) Gavin and Rebecca Giles[207] consider that the applicant relies heavily on technical compliance limits but provides insufficient property level certainty. Quarry related noise is already experienced but given the increase in duration and scale of the operations they seek "greater weight on preserving the

[203] Section 53 comments from Joe Shannon and Jan Dupker.
[204] Section 53 comments from Auckland Council, Annexure 8 Noise and Vibration memo at section 3.
[205] Response to comments s 55 report, Appendix 10 in response to comment 1.
[206] Response to comments s 55 report, Appendix 10 in response to comment 6.
[207] Section 53 comments from Gavin and Rebecca Giles.

established values of rural residential properties", and that their property remains suitable for residential occupation, especially as quarrying moves closer to residents. Mr Styles responded on behalf of the Applicant that the proposed noise conditions provide better controls for ensuring that noise does not exceed a reasonable standard than those in the AUP.[208] As set out below the Auckland Council reviewer agreed and considered that noise will be reasonable at neighbouring properties. In its own response the Applicant emphasised that effects management at their property does not depend on neighbouring ownership and stated that "it remains willing to engage directly with [them]."[209]

(ii) Paul Aylett has concerns over the modelling as he lives in an elevated position, such that he may receive more noise than modelled. Mr Styles responded on behalf of the Applicant that this was considered in the modelling.[210]

(iii) Paul and Vivienne Manak are also concerned that the modelling and compliance assessments do not necessarily reflect the day-to-day experience of residents. They state that in a rural environment quarry noise can be particularly noticeable and intrusive at certain times and weather conditions. They have heard quarry related noise as early as 5:30am and note the many potential adverse effects that operational noise can have on residents and their lifestyles. They therefore consider the proposed mitigation measures to be inadequate and seek several condition changes. Mr Styles responded on behalf of the Applicant that he did not consider it necessary to adopt standards more restrictive than the AUP permitted activity standards for the quarry, including those that apply to early morning operations.[211]

(d) Blasting and vibrations.

(i) Gavin and Rebecca Giles[212] concerns included damage to buildings ("fears of structural damage") and residents ("comparable to a small earthquake"). While the drilling and blasting levels may be technically compliant, they have significant impact on wellbeing (especially in relation to the frequency, duration and intensity of blasting as quarrying moves closer). They want to ensure their property remains suitable for residential occupation. Mr Styles responded on behalf of the Applicant that noise and vibration from drilling and blasting will reduce over time at their property as it proceeds deeper underground.[213] He also considers that the proposed standard is designed to avoid structural and cosmetic damage to buildings from blasting and that the proposed conditions include restrictions on the timing and frequency of

[208] Response to comments s 55 report, Appendix 6 at section 2.2.
[209] Response to comments s 55 report, Appendix 10 in response to comment 7.
[210] Response to comments s 55 report, Appendix 6 at section 2.1.
[211] Response to comments s 55 report, Appendix 6 at section 2.5.
[212] Section 53 comments from Gavin and Rebecca Giles.
[213] Response to comments s 55 report, Appendix 6 at section 2.2.

blasting (Condition 98(c)). As set out below the Auckland Council expert reviewer considers that the standards provide better protection than the AUP.

(ii) Gerald and Anita Masters were also concerned as to the blast frequency, airblast and ground vibration limits, seeking several conditions including pre-blasting notification, permitted hours and a pre-commencement condition survey. Mr Styles responded on behalf of the Applicant that, as above, the conditions include restrictions on the timing and frequency of blasting. He accepted that the ONMP could include a process for providing advance notice to nearest residents as practicable.[214]

(iii) Paul and Vivienne Manak raised considerable concerns in relation to property damage especially from blasting activities. They attached photos they consider (and they fairly note that Winstone disagrees) have been caused to their house by blasting and vibration. They also seek a baseline assessment (and several other conditions) so that neighbours are not left in the position of needing to establish damage after the event with no baseline. Mr Styles responded on behalf of the Applicant that, in his opinion, the proposed blasting (overpressure and vibration) limits will ensure the effects are reasonable.[215]

232. Auckland Council's expert reviewed the Acoustics and Vibration Assessment and assessed the effects of construction noise and vibration as well as operational noise and vibration (including blasting).

233. In relation to operational noise and vibration the Council's expert reviewer agrees that the proposed conditions apply better standards than the AUP for all surrounding residents in terms of potential noise and vibration effects. The reviewer considers that with the recommended conditions and adherence to the ONMP overall operational noise and vibration effects "will be unlikely to exceed a reasonable level at neighbouring properties."[216]

234. In relation to construction noise and vibration the Council's expert reviewer agreed with the Acoustics and Vibration Assessment that "due to the substantial separation distances between the works and receivers, the predicted construction noise and vibration levels will comply with the relevant AUP limits by significant margins."[217]

235. Auckland Council's expert reviewer supported the Applicant's proposed conditions, with some suggested amendments,[218] particularly in relation to the blasting condition (addressed below).

236. The Auckland Council Planning Memorandum[219] also concluded that adverse construction noise effects can be appropriately managed and there are no significant residual construction noise and vibration impacts.

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[214] Response to comments s 55 report, Appendix 6 at section 2.4.
[215] Response to comments s 55 report, Appendix 6 at section 2.5.
[216] Section 53 comments from Auckland Council, Annexure 8 Noise and Vibration memo at section 3.
[217] Section 53 comments from Auckland Council, Annexure 8 Noise and Vibration memo at section 3.
[218] Noting the proposed deletion of the ONMP conditions was not supported in the Auckland Council Planning Memorandum: Section 53 comments from Auckland Council at [64(b)].
[219] Section 53 comments from Auckland Council at [65] and [66].

Panel evaluation and findings (including [draft] conditions)

237. The Panel recognises that potential noise and vibration effects from the Hunua Quarry are of particular interest and concern to residents. Such effects have the potential to disrupt their enjoyment of their property, their wellbeing and, in the worst cases, to cause damage to their properties.

238. The Hunua Quarry has been in operation for some 100 years and is presently located within the SPQZ. However, the Project will enable significant expansion of the Symonds Pit, move approximately 6ha of the quarry outside the SPQZ (and into the RMRZ), and move significant works and activities closer to many dwellings.

239. We agree with those who commented on the need to ensure robust monitoring, reporting and controls on noise and vibration from the Quarry. The Applicant's acoustic expert has undertaken a detailed and robust assessment of the potential for adverse noise and vibration levels (often using measurements as relevant of present noise sources). In doing so, a conditions approach has been proposed by the Applicant, supported by Auckland Council (with the amendments addressed above), and which we also support, that:

    (a) for operational noise:

        (i) a single operational noise limit is provided (as opposed to different limits for different zones) with clear assessment locations (notional boundaries of all dwellings) (Condition 96);

        (ii) a ban is placed on tonal reversing alarms (Condition 97) and

        (iii) an ONMP is provided (Conditions 40-41 – to which we have made some changes, the most substantive being to include procedures to provide advance notice to nearest residents in relation to blasting where practicable[220]);

    (b) for construction noise:

        (i) it will comfortably comply with the relevant AUP noise limits included within Conditions 91-93; and

        (ii) while it was agreed to include an advice note to Condition 93 as to what 'construction work' includes, as that term is defined in the conditions, we have not included it (and the Applicant agreed at the conditions workshop on 15 September 2026); and

    (c) for operation (Condition 98) and construction (Conditions 94 and 95) blasting (overpressure and vibration) the conditions deliver the same fundamental outcome and level of effect as the AUP standards but ensures that the limits are clear and certain to all stakeholders and apply to all receivers.

[220] In accordance with the comments in Response to comments s 55 report, Appendix 6, at section 2.4. We note that Mr Styles used the word "could". We consider that as it is feasible, and it will respond to legitimate concerns raised by neighbouring residents, it should be imposed.

240. In addition, neighbours can raise concerns directly with the Applicant through the Community Liaison Group (and we have provide greater clarity to Condition 9 in relation to addressing complaints received) and can formally complain to the Applicant (Conditions 20-22) at any time and that must be recorded, considered and summary responses and actions taken provided to the Community Liaison Group (and a review of the conditions if required by the Auckland Council under Condition 76 as we have amended it).

241. That does not mean that quarry noise / vibration will not be audible / detectable at neighbouring properties. It will be (and already is). But it will be managed to levels equalling, or more stringent than provided by, the AUP.

242. We do not consider there to be any significant noise / vibration effects requiring additional measures. While we recognise the concerns raised in relation to potential (and alleged actual) property damage, Mr Style's Noise and vibration Assessment, and response to comments, satisfies us that such issues will not be associated with activities (blasting) at the Hunua Quarry as enabled for the Project. We also recognise that several comments sought more stringent controls, but the expert evidence is clear that the proposed controls are robust and will ensure reasonable noise and vibration levels.

243. Overall, the Panel finds that, with the [draft] conditions imposed (which we consider to not be more onerous than necessary), potential noise and vibration effects of the Project are appropriately addressed (managed to reasonable levels) and there will not be any significant residual noise or vibration impacts.

Air quality effects

AEE/technical reports

244. An Air Quality Assessment was undertaken by Mr Andrew Curtis from PDP.[221]

245. As stated in Part B of this [draft] decision, the Hunua Quarry has been in operation for some 100 years. Air emissions into the surrounding environment have been occurring over that time.

246. The existing environment relevant to air quality includes the rolling hill topography (that affects wind speeds and directions), the vegetated nature of the surrounding area, and the pattern of rural residential development around the Site. While much of this rural residential development is set back from the site, several dwellings are considered "close" to the Site, and a number are at an intermediate distance. Those locations having higher chances of being potentially adversely affected by air quality issues.

247. Of relevance to the potential for adverse air quality effects:

    (a) the predominant wind is from the west southwest which occur approximately 20% of the time which is consistent with the typical wind conditions of Auckland; and

    (b) the average daily precipitation for the years 2024 to 2025 (considered to be typical of those experienced at the Site) there were "351 days with <0.2mm of rain in a 24-hour period (or 'dry days') which corresponds to almost half of the time (48%). During

[221] Appendix B12.4.1.

the drier months (Jan, Feb, and Mar) the percentage of dry days increases to 67% of the days."

248. The Air Quality Assessment refers to five compliance incidents since 2018 relating to air quality, four associated with blasting and one relating to an uncovered truck. All complaints were investigated and no enforcement action was taken.[222]

249. In relation to AUP rules mineral extraction in the SPQZ is a permitted activity and, as relevant, the standards can be met. But, as elsewhere, part of the Hunua Quarry will extend into the RMRZ. Therefore, as set out in **Appendix A** to this [draft] decision, discretionary activity consent is required (but the AUP states that the Council will have regard to the standards for permitted activities when assessing effects).[223]

250. The Air Quality Assessment included a representative selection of receptors with the assessment concluding that "the receiving environment is generally of a low to moderate sensitivity with the identified receptors being of a moderate to high sensitivity given their rural residential nature."[224] In relation to activities on the Site the assessment spilt it into three primary areas being: the processing plant area; the overburden disposal and managed fill areas; and the Symonds Pit area. The activities proposed within each area, the staging of the Project, and the potential for air emissions were then considered.

251. Existing mitigation and monitoring measures were then listed[225] for the relevant activities (which we address further below).

252. Having set out the monitoring methodologies and assessment criteria,[226] the analysis of the historical quarry monitoring data identified that:

    (a) existing dust monitoring of 1-hour average Total Suspended Particulate (TSP) showed:

        (i) trigger levels in the MfE Good Practice Guide for Assessing and Managing Dust (GPG Dust) for moderately sensitive receptors (250 µg/m³) were exceeded twice, once each at the main gate (in 2024) and the Symonds Hill (in 2021) monitoring stations; and

        (ii) during overburden stripping, at a high level, historically, at most a relatively minor effect on the average and 99th %ile, if any. When monitors have been downwind of the Symonds Pit during strong winds during overburden stripping, the concentrations are still low (and there is an insignificant difference between downwind and non-downwind concentrations while stripping is occurring);

    (b) a review of 24-hour average data recorded by the three monitors since 2022 shows that there have been no exceedances of the site's 24-hour average TSP consent

[222] Appendix B12.4.1 at section 2.2.
[223] Appendix B12.4.1 at section 2.3.
[224] Appendix B12.4.1 at section 2.4.
[225] Appendix B12.4.1 at section 6.
[226] The methodologies are set out in Appendix B12.4.1, section 3, the assessment criteria in section 4 and the data analysis in section 7.

limits at the Main Gate and Ponga Road monitoring sites, and only one exceedance at the Symonds Hill site, which occurred in the May 2021 (as above); and

(c) a two-month monitoring campaign to record ambient concentrations of PM_{10} during dry, summer conditions (commencing 27 November 2025) was undertaken near to the dwellings located on Judge Richardson Drive. The findings were compared to 24-hour average Resource Management (National Environmental Standards for Air Quality) Regulations 2004 [227] (**NES-AQ**) Ambient Air Quality Standard (**AAAQ**) of 50 µg/m³.

253. Environmental effects assessments were undertaken in relation to:

(a) PM_{10};

(b) Respirable Crystalline Silica (**RSC**); and

(c) Dust.

PM_{10}

254. In relation to health effects associated with PM10 the Air Quality Assessment included a short-term monitoring study (see above) which indicated no exceedances of the NES-AQ AAAQ of 50 µg/m³ as a 24-hour average. The results were considered in line with other quarries around New Zealand and indicative of general rural background concentrations. The average reading was approximately 25% and the maximum reading approximately 50% of the NES AQ AAAQ recommended 24-hour average. The Air Quality assessment also considered that while these measurements were only for 3 months, they covered the period when dust effects are generally greatest due to the warmer temperatures.

255. Overall, the Air Quality Assessment considered that:

(a) the monitoring results indicated "that the site made very little, if any, contribution to ambient PM_{10} concentrations, and no concentrations were recorded that would suggest the potential for human health to be affected";[228] and

(b) the proposed dust mitigation measures also effectively control the potential PM_{10} discharges.

Respirable Crystalline Silica

256. Prolonged or repeated exposure to RCS can pose significant health risks when inhaled, as it may lead to serious respiratory diseases such as silicosis, lung cancer, and chronic obstructive pulmonary disease. Crystalline silica in all forms is classified as a human carcinogen by WorkSafe New Zealand.

257. The Applicant has been undertaking on-site workplace exposure monitoring though the Air Quality Assessment comments that it does "not follow a standard methodology, and consequently, has reservations about its use in a comprehensive air quality assessment."[229] With that important matter noted, the Air Quality Assessment reviewed

[227] Resource Management (National Environmental Standards for Air Quality) Regulations 2004.
[228] Hunua Quarry Air Quality Assessment at 9.7.1.1.
[229] Appendix B12.4.1 at section 9.7.2.1.

the data and concluded that "on the basis of on-site data there is no risk of off-site effects from RCS in the area surrounding Hunua Quarry."[230]

258. The Air Quality Assessment also considered data from another NZ quarry, overseas data and applying US EPA methodology which all supported the position that there are unlikely to be any offsite adverse effects.[231] Overall, the assessment concludes that "that there is an extremely low potential for any off-site health effects from RCS."[232]

259. Nevertheless, the Air Quality Assessment recommends:[233]

(a) that at least 3 months baseline monitoring is undertaken before the project commences using recognised methodologies (to set a clear baseline to assess any effects against); and

(b) once the Project has commenced 12 months of monitoring using the same methodology (the monitoring continues if the annual average limit is exceeded).

260. These recommendations are commented on further below.

Dust

261. In relation to dust nuisance effects the Air Quality Assessment considered typical variables, and recognised guidance documents, to state that dust nuisance effects are generally only experienced within 300 and 500 m of unmitigated dust sources.[234] The Air Quality assessment finds that "that the most common type of materials that have the potential to generate dust emissions from the project are topsoil and clay from the overburden. Dust from the quarried material is typically denser and consequently does not travel as far."[235]

262. The Air Quality Assessment considered:

(a) The processing plant area. Assessed against the FIDOL[236] factors the Air Quality Assessment found a low likelihood of offensive or objectionable dust effects being experienced off-site.[237] This was:

(i) predominantly due to the largely enclosed fixed processing plant and the receptors all being located at significant distances from the nearest potential dust source; and

(ii) supported by the TSP monitoring showing that generally low concentrations of dust recorded near to the site entrance (which is closer to the processing plant than any of the receptors).

(b) The Project to Stage 4 (35 years). Dust generating activities include overburden removal and transportation and resource extraction and transportation. Assessed against the FIDOL factors the Air Quality Assessment found that while there are a

[230] Appendix B12.4.1 at section 9.7.2.2.
[231] Appendix B12.4.1 at sections 9.7.2.3, 9.7.2.4 and 9.7.2.5.
[232] Appendix B12.4.1 at section 9.7.2.6.
[233] Appendix B12.4.1 at section 9.7.2.1.
[234] Recognising here that there are both minimisation of effects, including due to terrain, vegetation and dampness of quarried material, and also mitigations imposed through the consent conditions.
[235] Appendix B12.4.1 at section 8.
[236] Frequency, Intensity, Duration, Offensiveness, Location.
[237] Appendix B12.4.1 at section 9.1.6.

number of nearby (especially R13-R16 with R15 being less than 100m) receptors that are relatively frequently downwind of the Project during strong winds, historic TSP monitoring recorded low TSP concentrations such that any dust discharges will be of a low offensiveness. Given the proposed conditions, discharges will be of short durations. Overall, the Air Quality Assessment concluded[238] that considers that there is a low likelihood of offensive or objectionable dust effects being experienced off-site (but the proposed conditions are particularly important in this assessment).

(c) The Project, Stages 5 - 8. Assessed against the FIDOL factors the Air Quality Assessment found that while nearby receptors are relatively frequently downwind of the Project during strong winds (and two receptors are within 100m), as for (b) with the proposed conditions the Air Quality Assessment concluded[239] there is a low likelihood of offensive or objectionable dust effects being experienced off-site.

(d) OBDA and MF area. This includes the overburden disposal area in the former Hunua Pit (**OBDA**), the Managed fill (**MF**) area, the fines disposal area and the Concrete recycling plant. Concrete dust is likely to be lighter in colour and "may have greater potential to be considered offensive if detected offsite."[240] Assessed against the FIDOL factors the Air Quality Assessment concluded[241] that that there is a low likelihood of offensive or objectionable dust effects being experienced off-site (primarily due to the proposed conditions and the separation distances to the nearby receptors).

(e) Cumulative effects. The Air Quality Assessment found that all nearby receptors are located at least 600 m from the second nearest area of the three assessed, such that "there is a very low potential for nuisance dust to be experienced at an off-site receptor which has originated from multiple sources. Consequently, PDP considers that there is a very low potential for cumulative effects to occur."[242]

Project overview conference and site visit

263. During the project overview conference session Mr Curtis took us through the relevant slides[243] and explained the existing air quality environment to us, took us through the key potential air quality effects of the Project (as above PM_{10}, RCS and dust) and through the proposed mitigations to be applied by Winstone. Mr Curtis emphasised that, while there were (currently) no air quality issues in dispute and extensive (robust and in accordance with industry best practice) air monitoring programme and range of mitigation measures was proposed.

264. When visiting the site, although the processing plant was not operating, we got to see various dust generating activities onsite including operating mobile crushers and the collection and loading of aggregate into the dump trucks (and their operation). We also experienced the size of the site, the different areas of operation and the local terrain all

[238] Appendix B12.4.1 at section 9.2.6.
[239] Appendix B12.4.1 at section 9.3.6.
[240] AEE at [582].
[241] Appendix B12.4.1 at section 9.4.6.
[242] Appendix B12.4.1 at section 9.5.
[243] Applicant's slides for the project overview conference.

which are relevant to air quality considerations. The day we visited was in winter and damp; while we saw dust rising from operations (such as from mobile crushers), none of it seemed to (visually at least) travel far (and certainly we had no awareness of it offsite).

Comments received and Applicant's response

265. Gavin and Rebecca Giles[244] noted that with a greater extraction area and increased activity, the potential for dust to be generated increases. At the same time the quarry will move closer to their dwelling. Their concerns include residential amenity, cleanliness of homes, vehicles etc, human health and effects on vegetation and pasture. They seek ongoing, property specific monitoring and enforceable response measures following complaints. The Applicant's Planning Matters response comments that property specific monitoring is not required given the robust, enforceable, conditions imposed.[245] The response also states:[246]

> All monitoring data will be reviewed by Council via the quarterly and annual monitoring requirements set out in the proposed consent conditions. Additionally, consent conditions associated with the air discharge specify air quality management measures to be undertaken on site, with triggers stipulated in the management plan (which is required to be complied with via consent conditions) and the monitoring reports and air quality management plan are required to be provided to the Community Liaison Group.

266. Gerald and Anita Masters noted that their property is frequently downwind, and the major overburden removal proposed. They acknowledge that the Applicant presently does well by holding regular meetings and sharing monitoring information. They want that conditioned along with more robust dust management activities. The Applicant in its own response[247] noted that community meetings and sharing of information was conditioned and stated that it values its relationship with the community and intends to continue meaningful engagement with the community as the project progresses. The Applicant's Planning Matters response to the Master's comments on monitoring is as quoted for the Giles above.[248] The response provides additional details on dust monitoring, including reference to the relevant triggers and process for corrective action,[249] and also explained that the Air Quality Assessment assessed all receptors within 1km of the Site, including the landowners property.[250]

267. Paul and Vivienne Manak state that potential dust effects are a major concern ("even on weekends when the quarry is not operating"). They experience substantial dust in windy conditions and at time "thick dust" settles on their roof, cars and in their water tanks. They therefore question the effectiveness of existing controls and that the Applicant has not provided sufficient assurance that dust emissions can be controlled. The Applicant's Planning Matters response to the Manak's comments states:[251]

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[244] Section 53 comments from Gavin and Rebecca Giles.
[245] Response to comments s 55 report, Appendix 2 in response to comment 7.008. The Applicant did not provide a technical response to comments in relation to air quality.
[246] Response to comments s 55 report, Appendix 2 in response to comment 7.002.
[247] Response to comments s 55 report, Appendix 10 in response to comment 10.
[248] Response to comments s 55 report, Appendix 2 in response to comment 10.017.
[249] Response to comments s 55 report, Appendix 2 in response to comment 10.029.
[250] Response to comments s 55 report, Appendix 2 in response to comment 10.035.
[251] Response to comments s 55 report, Appendix 2 in response to comment 11.002. A further response is provided to comments 11.012 and 11.018.

> As set out in section B7.5 of the Assessment of Environmental Effects, and in the Air Quality Assessment (Appendix B12.4.1), the Proposal is anticipated to result in no more than minor adverse effects as a result of dust as it is proposed to continue implementing the existing (and proven) mitigation measures and any others that become available during the life of the quarry. In addition to specified limits, the Air Quality Management Plan sets out a range of dust suppression measures, and recommendations to not undertake certain activities during strong winds, stabilise and revegetate exposed land, undertake processing activities within buildings and manage the height of stockpiles. These recommendations are included via consent conditions and management plan content.

Auckland Council comments

268. The Air Quality Assessment was reviewed by Auckland Council's expert[252] who considered that:

    (a) the current operations achieved good air quality outcomes (and the existing air environment is well characterised and supported by a long history of compliance); and

    (b) the Project is acceptable from an air quality perspective, and the effects are no more than minor, with the proposed conditions (which reflect good practice) imposed.

269. The Auckland Council Planning Memorandum concludes that adverse air quality effects can be appropriately managed through the conditions and there are no significant residual air quality impacts.[253]

Panel evaluation and findings (including [draft] conditions)

270. The comments received from surrounding residents, and the Air Quality Assessment, drove home to us the importance of robust air quality conditions. In relation to the conditions the alignment with Auckland Council's expert, as with other areas of alignment, gave us comfort in their appropriateness such that we made only a few changes (as mentioned briefly below).

271. There are extensive conditions proposed in relation to:

    (a) Dust: the [draft] conditions include the community liaison group (Conditions 9-13 and we have provided greater clarity to Condition 9 in relation to considering complaints); a complaints register (Condition 20), the AQMP Conditions 48-49) (with triggers and mitigation measures – we have made some minor amendments to Condition 49, including adding potential actions to mitigate offsite effects on neighbouring properties (should they occur)), air quality limits (Conditions 171-174), air quality management measures (Conditions 175-187); air quality monitoring for TSP (Conditions 188-192) and air quality reporting (Conditions 195-197 (with a minor alignment amendment);

    (b) PM10: as for the conditions listed above for dust;

[252] Section 53 comments from Auckland Council, Annexure 5 Air Quality memo.
[253] Section 53 comments from Auckland Council,

(c) RSC: as for the conditions listed above for dust and Conditions 193-194 provide a specific RSC monitoring programme (to which we have added a requirement to Condition 194 that there is SQEP reporting and potential actions if needed given the potential health effects of RSC).

272. We agree with the Applicant's expert, and the Auckland Council expert reviewer, that the Project is appropriate from an air quality perspective (in particular dust, PM10 and RSC) for the reasons set out above. Considering the comments received we have carefully reviewed the proposed conditions and amended them where we have considered it necessary (as explained above).

273. The Panel finds that with the [draft] conditions imposed (which we consider to not be more onerous than necessary), potential air quality effects of the Project are appropriately addressed (managed to reasonable levels) and there will not be any significant residual air quality impacts.

Landscape, natural character and visual amenity effects

AEE/technical reports

General context

274. A Landscape Effects Assessment (**LEA**) was undertaken by Mr John Goodwin and Amanda Anthony and peer reviewed by Rhys Girvan.[254] The LEA evaluated the landscape, natural character and visual effects associated with the Project.

275. As stated in Part B of this [draft] decision, the Hunua Quarry has been in operation for some 100 years. The establishment and operation of the Hunua Quarry over that time has changed the landscape and visual environment of the surrounding area.

276. In relation to the existing environment and landscape setting, as already mentioned, Hunua Quarry is located 5km southeast of Papakura. At a broader landscape level Manukau Harbour is to the west and the Hunua Ranges are to the east. It is within an area characterised by "established rural residential subdivisions, rural land uses, and extensive areas of indigenous vegetation …".[255] The AEE goes on to summarise this context as follows:[256]

> To the north, Crown- owned indigenous forest used by the New Zealand Defence Force forms a large contiguous vegetated backdrop, while rural lifestyle properties line Middleton Road to the east. South of the quarry, steep ridges and incised stream gullies within the ONL create a more enclosed landscape. To the southwest, lifestyle properties along the foothills of Ponga Road—often positioned on ridgelines—gain partial, sometimes filtered views of the quarry. To the west, the rural environment transitions toward urban influence, with emerging residential development around Drury and existing suburban and industrial areas in Red Hills and Papakura.

277. At a more Site-specific level the LEA comments:[257]

[254] Appendix B12.4.10a.
[255] AEE at [608].
[256] AEE at [609].
[257] Appendix B12.4.10a at section 4.5.1.

> Within the broader hill-country setting, parts of the landscape display coherent landform patterns, extensive indigenous vegetation, and clear stream corridors that contribute to a rural character and sense of visual amenity.
>
> Alongside these qualities, the long-standing Hunua Quarry is also a notable feature of the local landscape, contributing a more modified, extractive character in its immediate vicinity. Elements such as exposed quarried faces, the haul road, stockpiles, and historic landform changes add a working rural landscape dimension to local visual amenity values. As a result, the landscape context is a blend of natural and modified features, rather than a pristine environment.

278. In relation to the Quarry Development Area itself the LEA states:[258]

> The quarry development area is located within the Ararimu Greywacke Dominant Hill Country landscape character area, which is defined by a north-south orientated dissected hill ridge system generally rising above 100m, with steep gully networks enclosing broad inland valleys with rolling pastoral terrain. While the area was formerly dominated by a range of indigenous forest types, it is now characterised by a mosaic of pastoral farming, fragmented production forestry, extensive indigenous vegetation across the western hills, dispersed rural residential settlement, and established working landscapes shaped by farming and quarrying, together with stream systems draining both west and east.

279. The Quarry Development Area will encroach into the Ponga Road ONL (ID 60) overlay with some 6ha (approximately 1.5%) of the ONL affected. This is shown in **Figure** 4 in Part B of this [draft] decision. The Quarry Development Area is predominantly within the Rural Zone (with the entire present Hunua Quarry within this zone). However, the Project extends the Quarry Development Area into the neighbouring RMRZ. Relevant to the landscape assessment the Quarry Development Area is also subject to the following planning overlays:

    (a) Quarry Buffer Area (Chapter D27);

    (b) High Use Stream Management Area (**HUSMA**); and

    (c) Natural Stream Management Area (**NSMA**).

280. The key landscape matters associated with the Project include extending the existing (consented) quarry footprint from 42ha to approximately 108ha, deepening the pit to around –50m RL, constructing a new western haul road, creating additional overburden disposal areas, and realign approximately 1,200m of the Mangapū Stream Tributary into a newly constructed 570m meandering realignment.

281. The Project will result in the loss of some 44.46ha of indigenous vegetation, mostly within SEAs.[259]

282. The LEA identifies five "key landscape considerations"[260] being:

    (a) the Mangapū Stream Tributary realignment;

    (b) indigenous vegetation clearance within the ONL and adjacent areas within SEAs;

[258] Appendix B12.4.10a at section 6.1.2.
[259] SEA_T_5323 and SEA_T_7032.
[260] Appendix B12.4.10a at section 3.2.

(c) landform modification within the ONL;

(d) western Haul Road construction; and

(e) overburden Disposal Areas.

283. The methodology followed in the LEA when considering the level of landscape and visual effects recognised that change itself does not necessarily constitute an adverse effect and included the following important factors:[261]

> - The degree to which the quarry development area contrasts, or is consistent, with the qualities of the surrounding landscape.
>
> - The proportion of the quarry development area that is visible, determined by the observer's position relative to the objects viewed.
>
> - The distance and foreground context within which the quarry development area is viewed.
>
> - The area or extent of visual catchment from which the quarry development area is visible.
>
> - The number of viewers, their location and situation (static or moving) in relation to the view.
>
> - The backdrop and context within which the quarry development area is viewed. The predictable and likely known future character of the locality.
>
> - The anticipated outcomes sought in the statutory provisions, including zoning.
>
> - The quality of the resultant landscape, its aesthetic values and contribution to the wider landscape character of the area.

284. The LEA considered that the key elements of the project giving rise to landscape, natural character and visual effects are:[262]

> - Changes in the legibility of the landform resulting from expanded quarry activity and visible benching, modifying existing slopes.
>
> - Changes to the landform and associated vegetation patterns of the ONL.
>
> - Changes to the lower reaches of the tributary of the Mangapū Stream resulting from the stream realignment, including areas of riparian planting, ephemeral wetlands and terrestrial planting.
>
> - Changes in outlook of existing quarrying activity and potential for additional or expanded views giving rise to adverse effects on visual amenity.

285. In relation to the AUP the LEA comments:[263]

> The key landscape issue under H19 of the Unitary Plan (relating to the Mixed Rural Zone) is not whether quarrying is present (it is), but whether the scale, intensity and location of the expanded activity remains within a predominantly "working rural" landscape. …
>
> …

[261] Appendix B12.4.10a at section 6.
[262] Appendix B12.4.10a at section 6.
[263] Appendix B12.4.10a at section 6.5.

From a landscape perspective, the quarry development area is generally consistent with the intent of H19 in that it occurs within, and remains legible as part of, a working rural landscape, and its amenity effects are addressed through containment, staging and mitigation. In relation to D10, the quarry development area results in localised adverse effects on ONL values where landform and vegetation are directly modified; however, these effects are spatially contained, occur adjacent to an existing quarry modification, and are mitigated through a rehabilitation and revegetation programme designed to restore vegetated patterns and soften visual effects over time. Overall, the Project is not considered inappropriate at the broader landscape scale because the adverse effects have been adequately managed. Provided that mitigation and progressive rehabilitation are implemented as proposed, these measures will continue to maintain the visual coherence and physical integrity of the ONL.

Landscape values and effects

286. The Ponga Road ONL Values are set out in **Table 2** below.

Table 2 – Ponga Road (ID 60) ONL Values[264]

ONL Description	**Landscape type, Nature and Description**	**Hill country Cultured nature/wild nature (hill country)** Extensive sequence of mature and regenerating indigenous forest, combined with strongly articulated stream corridors that reinforce the natural qualities of this rolling to dissected hill country landscape.
	Elements, patterns, processes	Interplay of indigenous forest remnants and pasture, reinforcing topography.
Natural Science Factors	**Geological Topographical**	**High** Strong elevated relief as part of wider hill sequence.
	Ecological	**High** Extensive areas of indigenous forest, shrubland and stream corridors.
Aesthetic Values	**Memorability**	**High** Very marked naturalness values and strong interplay of underlying topography with areas of bush and more peripheral pockets of pasture.
	Naturalness	**High** Strong sense of naturalness evident in the forest and shrubland areas, together with the terrain
Expressiveness		**High** Very apparent greywacke hill landform overlain with shrubland/ forest/ stream corridor sequence.

[264] See Appendix B12.4.10a at Table 3.

287. The LEA identified the values in **Table 3** relating to the ONL at the local scale:

Table 3 – Site Scale ONL Values[265]

Physical	• The Site exhibits strong, elevated greywacke hill country with a rolling to steep landform pattern, providing coherence through its ridge to gully sequences and steep faces. • The extensive indigenous forest is recognised as a Significant Ecological Area (SEA_T_5323) consisting of mature taraire, tawa and podocarp forest. • The strongly articulated stream corridors of the Mangapū Tributaries occupy gullies, reinforcing the natural grain of the hill country and supporting hydrological connectivity.
Perceptual	• The Site's forested ridges, dissected gullies, and strong relief are highly legible and clearly expressed within the southern extent. • High naturalness is evident by extensive taraire, tawa and podocarp forest, relatively unmodified stream corridors and less-accessed slopes. • Views are experienced as layered, textural and deep greens of forest and shrubland canopies, providing visual unity and coherence and with vegetative patterns emphasising the underlying landform.
Associative	• It is also recognised that the Otūwairoa Stream and its tributaries, including Waipokapū Stream, Mangapū Stream, and Waihoehoe Stream, and adjacent contiguous vegetation, are within statutory acknowledgement areas and hold particular importance and significance to iwi.

288. The LEA also recognises cultural values within the affected ONL area, including the importance of the awa, including quoting from the Ngāti Tamaoho Statutory Acknowledgment that:

> Mangapū (Symonds Stream) drains from the foot-hills east of Drury and the Pahurehure Inlet. From here it flows west, eventually joining Outwairoa (Slippery Creek). It then meets with Te Manukanuka o Hoturoa near the former Opaheke kainga. Mangapū once flowed through the vast Mangapikopiko wetlands which lay stretched across the Drury lowlands. This was an especially important place for Ngāti Tamaoho who drew many resources from it. Building materials such as raupo and flax could be obtained from its shallow waters as could many important medicinal plants. The use of Mangapikopiko and of Mangapū was a source of great mana to Ngāti Tamaoho who cherished them and their mauri.

289. Cultural values are addressed further in their own section below.

290. The LEA comments on the ONL policy context as follows:[266]

> The AUP requires ONLs to be protected from inappropriate subdivision, use and development, with an emphasis on maintaining their natural landforms, vegetation patterns, high naturalness, physical and visual integrity. At the same time, it recognises that rural production activities can form part of ONL values, and it enables appropriate rural production and restoration or enhancement where this maintains or improves the values or appreciation of the ONL.

291. While being significant to our assessment, landscape values are, of course, not solely related to the ONL. Wider landscape effects are also relevant. The wider landscape context has been summarised above.

292. In evaluating landscape effects, the LEA evaluated:

[265] See Appendix B12.4.10a at Table 4.
[266] Appendix B12.4.10a at section 5.3.

(a) The physical effects of each stage of the project, including, in particular, in relation to:

(i) Stage 1 and:

(1) the removal of approximately 1,200m of the existing Mangapū Stream tributary, which will be replaced with a 570m meandering realigned channel;

(2) the removal of existing riparian and terrestrial vegetation (some 7ha) around Mangapū Stream Tributary;

(3) the removal of ridges and hillslopes within the ONL.

(ii) Stage 2 and the construction of the western haul road (with removal of some 1.8ha of vegetation and the culverting (East Culvert (75m) and West Culvert (40m)) of Tributaries 3 and 4.

(iii) Stages 3-5 and the removal of the existing ridge crest, hillslopes, Mangapū Stream Tributary corridor, and some 8ha of indigenous vegetation.

(iv) Stage 6 and the significant deepening of the Symonds Pit.

(v) Stage 7-8 with the relocation of the western haul road, the removal of Tributaries 3 and 4 (and the culverts above) and the western, northern and eastern extents of the pit will be expanded.

(vi) The rehabilitation planting proposed throughout (although frequently limited by the ability to rehabilitate working (and to be reworked) areas).

(vii) With the overall physical landscape effects:[267]

> … at the local level are considered to be **high** (adverse) during operation (before mitigation) and reduce to **moderate to moderate-high** (adverse) at completion after mitigation (after 10 years).
>
> …
>
> … At this broader scale, during operation (before mitigation), physical landscape effects are considered to be **low** (adverse), decreasing to **very low** (adverse) at completion (after mitigation).
>
> Across the offset sites, opportunities for native revegetation have been identified, including 18.1ha of native revegetation, which will remain discernible and contribute to a more cohesive visual and physical outcome apparent at the broader landscape scale. Once established, and when combined with the physical effects of the Project, this will result in **low-moderate** (adverse) residual physical effects. …

(b) Landscape character effects[268] noting the rural landscape (with its range of uses and vegetation), the incised valleys and lower levels of built development within which

[267] Appendix B12.4.10a at section 6.1.1.
[268] Derived from the distinct and recognisable pattern of elements that occur consistently in a particular landscape and particular combinations of geology, landform, soils, vegetation, land use and features of human settlement.

the existing quarry is a prominent feature. The Project will increase the scale of the quarry over time (as the stages develop) with the intensity of landform modification notably increasing. This will increase the contrast with the existing pastoral and vegetated qualities of the surrounding area (with rehabilitation occurring over time). Overall:[269]

> … until later stages of the Project and rehabilitation, the overriding character within the quarry development area will remain dominated by large-scale terraced landforms rather than vegetated, steep hillslopes. Based on this, the landscape character effects at the Site and immediate surrounds level are considered to be **moderate-high** (adverse) during operation (before mitigation), reducing to **moderate** (adverse) at completion after mitigation has become established.
>
> …
>
> … the landscape character effects at the broader landscape scale (Ararimu Greywacke Dominant Hill Country Landscape Management Area) are considered to be **low** (adverse) during operation (before mitigation), reducing to **very low** (adverse) at completion after mitigation has become established.

(c) Landscape value effects on the ONL (see above) with the LEA commenting on the "interplay of indigenous vegetation, steep dissected terrain, and natural drainage patterns contributes to the ONL's very high naturalness, physical and visual integrity, and legibility as a unified, predominantly indigenous landform."

(d) The Project will result in the loss of approximately 6ha of indigenous vegetation directly affecting the ONL's indigenous vegetation pattern that expresses and reinforces the underlying hill country landform. The Project will also alter the ridge and lower hillslopes along the northern edge of the broader ONL landform sequence affecting its physical integrity and legibility, which supports the more prominent elevated ridge. This will locally reduce the clarity of how the landforms are read as part of the wider sequence.

(e) While within Site mitigation is limited, offset mitigation of indigenous revegetating of approximately 18ha of land is assessed within the LEA to enable:[270]

> the long-term landscape pattern associated with the ONL margins can be partially reinstated and, over time, strengthened. While there is a direct physical loss of indigenous vegetation and localised reduction in landform legibility at the ONL interface, the core ONL values, continuous forested ridges, strongly defined hill-country terrain, natural drainage sequences, and pronounced naturalness, remain defining values of this landscape, which remain protected from significant adverse effects.

(f) Overall, the LEA concludes that:[271]

[269] Appendix B12.4.10a at section 6.1.2.
[270] Appendix B12.4.10a at section 6.1.3.
[271] Appendix B12.4.10a at section 6.1.3.

At the broader hill country landscape scale, effects on the landscape values of the ONL are more contained, as the elevated forested ridges, upper slopes, and wider natural landform sequence remain largely unaffected. Based on this, the adverse effects on landscape values of the broader ONL are considered to be **low-moderate** (adverse) during operation (before mitigation), reducing to **low** (adverse) at completion (after mitigation).

Regarding RMA s6(b), t*he protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development*, the Project will result in **moderate** (adverse) effects on the Site ONL, particularly in the form of localised changes to extensive indigenous vegetation cover and connectivity, landform intactness, coherence, and the site-wide landscape pattern. At the broader landscape context scale, the elevated ridges, upper slopes, and wider ONL landform sequence will remain largely intact as the development will modify a small portion (6ha) of the larger ONL landscape (394ha). Given this and the ability to mitigate the loss of vegetation and connectivity with native planting across the offset sites and rehabilitation of the quarry benches, including overburden disposal areas, the Project will, in time, protect the characteristics, values and integrity that make the Ponga Road natural landscape "outstanding" as anticipated by s6(b). Taking the above into account, along with the proposed mitigation and the surrounding landscape context (including the existing Hunua Quarry and its immediate surrounds), the effects on the ONL are not considered inappropriate.

293. The Landscape effects overall are summarised in **Table 4** (from the LEA) as follows:

Table 4 – Landscape effects table[272] *(the local level represents the Site and its immediate surrounds, which the broader landscape considers the wider landscape context surrounding the Site)*

Landscape Effects and scale		**During Operation (before mitigation)**	**At completion (after mitigation)**
Physical Effects	Local level	**High** (adverse)	**Moderate to Moderate-High** (adverse)
	Broader Landscape	**Low** (adverse)	**Very Low** (adverse)
	Local level	**Moderate-High** (adverse)	**Moderate** (adverse)
Landscape Character Effects	Broader Landscape	**Low** (adverse)	**Very Low** (adverse)
Effects on the Ponga Road ONL	Site ONL	**Moderate** (adverse)	**Low-Moderate** (adverse)
	Broader ONL	**Low-Moderate** (adverse)	**Low** (adverse)

Natural character

294. In relation to wetlands the natural character values were assessed in the LEA as: [273]

[272] Appendix B12.4.10a at Table 7.
[273] Appendix B12.4.10a at section 4.6.1.

(a) **high** for the Parataniwha gully / terraced wetlands with a high ecological value; and

(b) **low** for the exotic dominated wetlands.

295. In relation to the Mangapū stream mainstem the LEA commented:

> The natural character of the Mangapū Stream is influenced by a combination of its sinuous channel form and numerous tributaries, together with riparian indigenous vegetation. Sections of the stream adjacent to the quarry retain elements of naturalness, particularly where vegetated margins soften the modified context and reinforce the legibility of natural drainage patterns. As a result, the Mangapū Stream is considered to have **moderate-high** levels of natural character overall, with higher natural character evident in more vegetated and less modified reaches.

296. In relation the Mangapū Stream Tributary to be diverted within the Quarry Development Area the LEA characterised the natural character values as set out in **Table 5**.

Table 5 – Key characteristics of the Mangapū Stream Tributary[274]

• The lower reach of the Mangapū Stream Tributary displays a diverse range of natural features, including incised channel sections, waterfalls, and a sinuous, meandering path within a corridor that reflects natural fluvial processes rather than engineered modification. • Hydrological heterogeneity is high along the reach with a mix of runs, riffles and deep and shallow pools present. Large boulders and bedrock are abundant, with cobbles and gravels common.[17] • The lower reach of the Mangapū Stream Tributary, its margins and wider landscape context exhibit a high degree of natural character, evidenced by the presence of mature indigenous vegetation, located within SEA_T_5323, (and limited exotic weed species) providing extensive and continuous canopy cover. This vegetation contributes to shading, bank stability, and habitat connectivity. • Riparian vegetation is well established with a thick canopy and abundant understorey, providing shade to over 90% of the stream surface. The riparian community consists of abundant nikau, ponga and abundant parataniwha (*Elatostema rugosum*) along the stream banks. Bryophytes are abundant on large boulders and bedrock banks.[18] • The form and behaviour of the Mangapū Stream Tributary are strongly influenced by the surrounding landform, with geomorphology and surface topography guiding channel alignment, gradient, and flow dynamics. • The tributary and Mangapū Stream are partly located within an ONL, which also reinforces its high natural character.	
Modifications include minimal presence of weedy plant species, remnant post/wire fences, 4WD track and other small-scale foot tracks and a bridge crossing.	
Natural Character Rating	**High to Very High**

297. As already mentioned, Stage 1 of the project involves the loss of approximately 1,200m of the existing Mangapū Stream tributary (including several Parataniwha gully and terrace wetlands), which will be replaced with a 570m meandering realigned channel. There will be extensive earthworks, a temporary bridge crossing and, ultimately, an engineered benched alignment. The LEA considers[275] that (noting the importance of the conditions to deliver the long-term outcomes) the natural character of the realigned tributary will initially be **low**, increasing to **low-moderate** over 10-20 years and to **moderate** after 20-50 years (provided that the channel design supports natural processes, habitat diversity, plant establishment and high-quality ecological conditions). Further:[276]

[274] Appendix B12.4.10a at Table 5.
[275] Appendix B12.4.10a at section 6.2.
[276] Appendix B12.4.10a at section 6.2.

> …the immediate effects of the lower reach of the Mangapū Stream Tributary realignment (including the removal of the parataniwha gully/terrace wetlands) are assessed as **high** (significant) adverse at the tributary scale. … At this scale, adverse effects will gradually reduce as natural character is restored resulting in long-term **moderate** adverse effects, accounting for measures which ensure riparian vegetation and habitat quality will improve. The extent to which the natural character values are ultimately restored depends heavily on the success of the realignment design and management, … . Once rehabilitated, the level of natural character of the Mangapū Stream system is considered to remain **moderate-high** overall and result in very low adverse level effects.
>
> Regarding RMA s6(a), the … [Project] will initially result in **high** (significant) adverse effects at the tributary scale, with a reduced level of effects at the wider Mangapū Stream and catchment scales.

298. Overall, in relation to natural character, the conclusion of the LEA is set out in **Table 6**:

Table 6 – Summary of natural character condition and effects[277]

Waterbody	Existing Natural Character Condition	Post Construction Natural Character Condition	Natural Character Effects
Lower Reach of Mangapū Stream Tributary (the Site)	**High - Very High**	**Low** (initially) **Low-moderate** (10-20 years) **Moderate** (20-50 years)	**High** (adverse) (initially) **Moderate-High** (adverse) (10-20 years) **Moderate** (adverse) (20-50 years)
Mangapū Stream	**Moderate-High**	**Moderate** (initially) **Moderate-High** (10-20 years) **Moderate-High** (20-50 years)	**Low-moderate** (adverse) (initially) **Low** (adverse) (10-20 years) **Very Low** (adverse) (20-50 years)

Visual amenity

299. The rural, hill country setting, surrounded by an expanding Auckland, rural and rural lifestyle environments and the Hunua ranges has been described above. Also already described is the ongoing operation of the Hunua Quarry since the 1920s.

300. To inform the visual catchment from which the Quarry Development Area may be visible, the LEA undertook a series of zones of theoretical visibility (ZTV) analysis (across the various stages of the Project). This provided a detailed understanding of the public and private viewing locations / audiences.[278] By way of very brief summary:

(a) North: Public views from Hunua Road are short range but very brief (and exclude Symonds Pit). Views from Ardmore Quarry Road and Hays Creek Road are fully screened by vegetation. From the Red Hills suburb views are long distance with the upper slopes of Hunua Pit visible (and Symonds Pit is not visible).

[277] Appendix B12.4.10a at Table 8.
[278] Set out in Table 6 of the Appendix B12.4.10a.

(b) East: Views from Jones Road are long-distance and predominantly screened by vegetation. From Middleton Road visibility varies from long-distance to close range. From further back parts of the upper slopes and eastern ridge are visible and at closer locations some of the lower slopes become visible.

(c) South: Views from Ponga Road include intermittent longer distance (some 900m) of the upper slopes of Symonds Pit. From Sonja Drive and Gillespie Road there are intermittent views of the upper slopes, and the wider site, although these are also longer distance and filtered by vegetation.

(d) West: Accessible views at relatively close distances of Symonds Pit, albeit filtered and softened by vegetation, occur from Judge Richardson Drive and Ponga Road. Given the closeness (around 300m) the quarry occupies a noticeably larger proportion of the view, making it more visually apparent. From Coal Mine Road and Kauri View Road the views are longer distance with Symonds Pit being a more contained feature and " a subordinate element in the wider landscape and does not visually dominate."[279] From Sutton Road and Great South Road, the upper slopes of the Symonds Hill Pit are visible but at these distances occur within a wider productive and vegetated hillslope context.

301. In addition, the LEA included the preparation of visual simulations.[280]

302. In relation to public view points the LEA concluded that:

(a) From Hunua Road the Project will result in the ongoing infilling of Hunua Pit with the Symonds Pit not visible until Stage 8 (by which time the infilling and revegetation of Hunua Pit OBDA will provide some screening). As the quarry is already visible the adverse visual effects were assessed in the LEA as **low**, and as planting over the OBDA establishes will be **very low**.

(b) From Jones Road the only change will occur at Stage 8 when the distant (2-3km) ridgeline will lower by up to 15m (and revegetation will then occur). The adverse visual effects were assessed in the LEA as **low**, and **very low** once planting establishes.

(c) From Middleton Road for close views visibility of quarry activity and cut faces will occur from Stage 1 with more distant views being able to partially discern activities in Stages 7 and 8. In time revegetation will soften these views. The adverse visual effects were assessed in the LEA as **low-moderate**, reducing to **low** once planting establishes.

(d) From Ponga Road while quarrying presently is visible it will become more dominant through Stage 7 and onto Stage 8. Again, revegetation will soften the views over time. The adverse visual effects were assessed in the LEA as **low-moderate**, reducing to **low** once planting establishes.

[279] Appendix B12.4.10a at Table 6.
[280] Appendix B12.4.10e.

(e) From Judge Richardson Drive various views of Stage 2 and 7 to 8 will be visible and the scale of the quarry will expand and become more dominant over time. Again, revegetation (in the Judge Richardson Drive offset site) will soften the views over time. The adverse visual effects were assessed in the LEA as **moderate**, reducing to **low-moderate** once planting establishes.

(f) From other nearby roads (Coal Mine Road, Kauri View Road) Stages 7 and 8 will increase the scale and discernability of the quarry (while remaining moderated by distance). Again, revegetation will soften the views over time. The adverse visual effects were assessed in the LEA as **low-moderate**, reducing to **low** once planting establishes.

(g) From more distant local roads viewing distances are greater and the visible landscape patterns and context broader. While Stage 8 will include a reduction in the ridgeline by up to 15m and the quarry will become more discernible, revegetation will soften the views over time. The adverse visual effects were assessed in the LEA as **low**, reducing to **very low** once planting establishes.

303. Visual effects from private properties were grouped in four key groups (north, east, south, west) and then within subgroups for each group. A summary of the assessment in the LEA for each group is:[281]

(a) North:

(i) N1 (northwest, lower evaluation) properties are not expected to see quarry activities and the Site at any stage.

(ii) N2 (Red Hill residential area) properties currently experience intermittent views may become more perceptible at Stages 7 and 8 but as a small part of a wider view (and soften by planting over time) such that before mitigation the adverse effects were assessed as **low** and **very low** to **neutral** after mitigation.

(iii) NS (NZ Defence force land) where visibility of the quarry is very limited and vegetation screens to Quarry Development Area. Before mitigation the adverse effects were assessed as **low** and **very low** to **neutral** after mitigation.

(iv) N4 (north-east) properties will not be able to see quarrying activities and the ultimate changes to the eastern ridgelines will not be perceptible with before mitigation adverse effects assessed as **very low** and **neutral** after mitigation.

(b) Eastern viewing groups:

(i) E1 (within 500m) properties experience varying visibility due to local vegetation, landform and elevations. The most notable change will be during Stages 7 and 8 (with the ridgeline lowering by up to 15m). Rehabilitation

[281] Explained more fully in Appendix B12.4.10a at section 6.3.2.

planting after Stage 8 will reduce effects. Before mitigation adverse effects were assessed as **low-moderate** and **low** after mitigation.

(ii) E2 (500m-1km) properties currently experience no visibility of the quarry but will during Stage 8 when the ridgeline is lowered (especially for two properties). Rehabilitation planting after Stage 8 will reduce effects. Before mitigation adverse effects were assessed as **low** and **very low** after mitigation.

(iii) E3 (over 1km) properties currently experience no visibility of the quarry and distance, landform and vegetation is expected to result in this continuing.

(c) Southern viewing groups:

(i) S1 (Elevated ridges closest to the existing quarry) properties already have partial visibility of Symonds Pit from their elevated position, and all Stages will be visible with views broadening through Stages 7 and 8 and rehabilitation only becoming visible at stage 8. Before mitigation adverse effects were assessed as **moderate-high** to **moderate** and **moderate** to **low-moderate** after mitigation.

(ii) S2 (Elevated dwellings north of Ponga Road) properties sit above the quarry and already experience views of it. Like for S1 all Stages will be visible with the views broadening over time and rehabilitation only visible at Stage 8. Before mitigation adverse effects were assessed as **moderate-high** to **moderate** and **moderate** to **low-moderate** after mitigation.

(iii) S3 (More distant southern dwellings, >1 km) properties have more mixed visibility between the elevated properties and the lower ones which have no visibility. Although the early Stages will be partially perceptible, Stages 7 and 8 will be the most perceptible with rehabilitation only visible at Stage 8. Before mitigation adverse effects were assessed as **low** and **very low** after mitigation

(d) Western viewing groups

(i) W1 (Closest western dwellings, varied elevations) properties currently have partial views of the upper eastern slopes of the Symonds Pit. As the stages of the quarry progress exposed rock faces and benches will become more prominent with Stages 7 and 8 creating the greatest change with the faces becoming a dominant feature. Rehabilitation will not be noticeable until the later stages. Before mitigation adverse effects were assessed as **moderate-high** to **moderate** and **moderate** to **low-moderate** after mitigation.

(ii) W2 (Elevated western dwellings slightly further from the Site) properties are as for W1 but slightly further away with the present quarry being a background element and the Project progressing, to Stages 7 and 8 as being an expansive mid-range view. Rehabilitation will not be noticeable until the later stages. Before mitigation adverse effects were assessed as **moderate-high** to **moderate** and **moderate** to **low-moderate** after mitigation.

(iii) W3 (More distant western dwellings, >1 km) properties have varied visibility. elevated properties along Kauri View Drive and Coal Mine Road have partial views of the quarry, while lower dwellings along Ponga Road and Harry Dreadon Road experience limited or no visibility. Again Stage 7 and 8 will be the most visible expanding the quarry face across the skyline. Rehabilitation will not be noticeable until the later stages. Before mitigation adverse effects were assessed as **low-moderate** and **low** after mitigation.

Cumulative effects

304. The LEA focused on cumulative effects of the project with the Drury Quarry approximately 4km away. The landform and vegetation patterns were found to preclude simultaneous visibility. At a broader landscape character scale both sit within working environments with both creating localised modification rather than connected landscape change. The LEA concludes that therefore, with each quarry experienced in its own immediate landscape context, they "collectively they do not fundamentally alter the character, coherence, or legibility of the wider rural hill country landscape."[282]

Pukekōiwiriki Pā in Red Hill

305. While not addressed in the LEA, an additional report (including graphic supplements) was completed by its authors to assess the landscape and visual effects of the Project on Pukekōiwiriki pā and Red Hill Scenic Reserve in Red Hill (Pukekōiwiriki Pā Report).[283]

306. The Pukekōiwiriki Pā Report was prepared in response to the initial Cultural Values Assessment by Te Ākitai Waiohua (see the cultural effects section below) which stated:[284]

> The Kaitiaki Team recommends a further assessment of the landscape character and visual effects of the project from Pukekōiwiriki pa in Red Hill as a site of cultural significance and Red Hill Scenic Reserve as a public park and cultural redress statutory acknowledgement site in the Te Ākitai Waiohua Treaty settlement package.

[282] Appendix B12.4.10a at section 6.4.
[283] Applicant's letter to the EPA dated 22 June 2026 at Appendix 5.
[284] Cultural Values Assessment Addendum by Te Ākitai Waiohua dated 2026.

307. Pukekōiwiriki Pā and the Red Hill Scenic Reserve are located as shown in **Figure 15**.

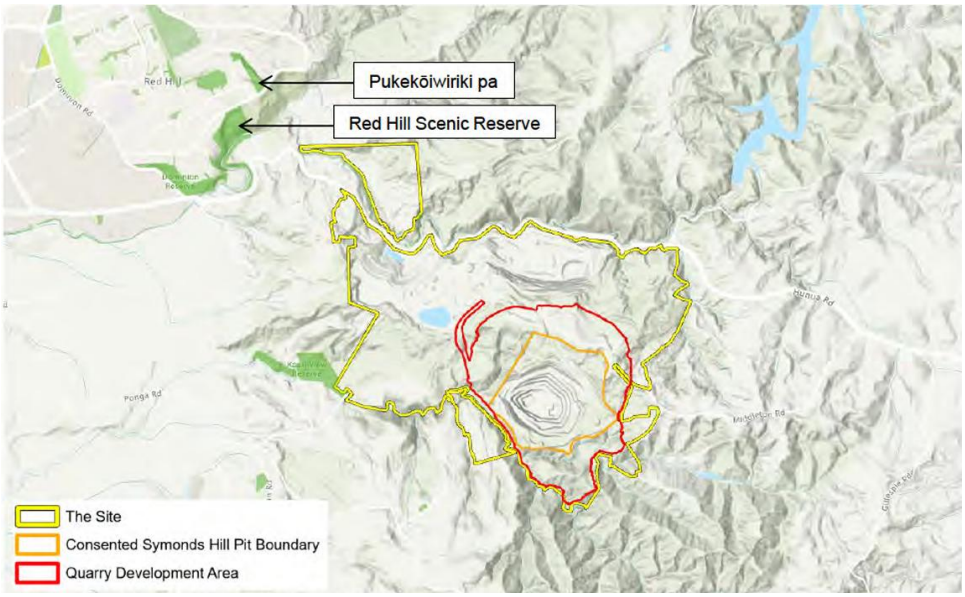

Figure 15 – Location of Pukekōiwiriki Pā and the Red Hill Scenic Reserve[285]

308. The Pukekōiwiriki Pā Report describes the location as:[286]

> Pukekōiwiriki pā and Red Hill Scenic Reserve are zoned Open Space – Conservation Reserve. Pukekōiwiriki pā is located on the northern side of Red Hill Road, and Red Hill Scenic reserve is located on the southern side. Access to the pā is from an informal roadside parking area, through a waharoa, and via a steep stepped ascent to a mown grassed area. The pā is set within a framework of mixed indigenous and exotic trees and shrubs, which provide a degree of enclosure and separation from the road environment and surrounding residential houses below.
>
> The landform retains clear and well-preserved archaeological features, including defensive earthworks and storage pits, which remain readily legible across the site. The majority of the reserve is visually contained by topography and vegetation, and views toward the Hunua Quarry are largely screened. However, there is a distinct elevated viewpoint at the southern edge of the pā where the landform drops steeply toward Red Hill Road. From this location, views are available in a northeast to southeast direction, as illustrated in Viewpoint 1. This includes foreground views of rural lifestyle development and more distant (mid-ground) views of the NZ Defence land and the Hunua Quarry.
>
> The pa is identified as an Outstanding Natural Feature (ONF) relating to the Red Hill Volcanic Centre (ID 179), based on the 'excellent exposures of bedded tuff resulting from explosive eruption phases in a complex volcanic centre that was active c. 1.1 million years ago'.

309. The Te Ākitai Waiohua Cultural Values Assessment commented:[287]

> The eastern section of Papakura is also known as Kirikiri that incorporates Pukekōiwiriki (Red Hill) a maunga (mountain) pā (settlement) site occupied by Waiohua and their Ngā Oho, Ngā Iwi and Ngā Riki ancestors. This connection continued through to the time of Te Ākitai Waiohua in the 19th Century led by paramount chiefs Ihaka Takaani and his father Pepene Te Tihi. The name Pukekōiwiriki or 'hill of the

[285] Applicant's letter to the EPA dated 22 June 2026 at Appendix 5, at Image 2.
[286] Applicant's letter to the EPA dated 22 June 2026 at Appendix 5, pages 3-4.
[287] Cultural Values Assessment Addendum by Te Ākitai Waiohua dated 2026 at page 23.

small skeleton' relates to the remains of ancient chiefs at this site that permanently stained the earth red with blood. The name Red Hill is also a reference to the naturally red soil found in the region.

310. In relation to landscape effects the Pukekōiwiriki Pā Report states:[288]

> Existing quarry operations are already well established within this landscape, and the proposed extension will generally appear as a continuation of current activities when viewed from the Red Hill Scenic Reserve and Pukekōiwiriki pa. Changes to landform will be characterised by the progressive excavation of quarry faces, resulting in a transition from steeply sloping vegetated hillsides to more defined cut faces. However, due to the quarry's siting, the modified landforms will typically be perceived in the mid to distant view (over 3 km away for Stage 1 and 2.7km for Stage 8) and will not visually dominate the surrounding landscape. The altered landform will remain visually contained within the largely vegetated surrounding hills and ridgelines, which limit the extent of visible change.

311. The Pukekōiwiriki Pā Report notes, and the 3D views illustrate, that as the stages progress land cover in affected areas will shift from vegetated areas to quarry faces and some (such as the Hunua Quarry OBDA), post mitigation, back to vegetated areas. These are typically smaller areas, with the Hunua Quarry OBDA being the largest single feature (although it appears in a landscape already affected from quarrying). The rehabilitation is considered to assist in reducing visual contrast between quarried surfaces and the surrounding vegetated backdrop and will re-establish a more naturalised appearance over the long term. Therefore, while the landforms within the Site will change when seen from the pā and Reserve they are confined and remain visually subordinate within the broader landscape. Therefore, the landscape effects were **low-moderate** (adverse), reducing to **low** over time with mitigation.

312. In relation to visual effect is the Pukekōiwiriki Pā Report states:[289]

> … the top of Pukekōiwiriki pā affords elevated and relatively open views toward the Hunua Quarry and the surrounding landscape. The viewing distance from this southernmost elevated location to the closest site boundary on Hunua Road is approximately 1.4km, while the proposed quarry works within the eastern extent of the Site (Stage 1 within the ONL) are located at distances of over 3km. From this viewpoint, existing quarry operations visible within the mid-ground include stockpiles, quarry infrastructure, machinery, the Hunua Pit OBDA and sections of the existing haul road. These elements are read within a broad rural landscape context, with extensive areas of indigenous vegetation, forestry and rolling pasture forming much of the mid-ground and background view.

[288] Applicant's letter to the EPA dated 22 June 2026 at Appendix 5, page 5.
[289] Applicant's letter to the EPA dated 22 June 2026 at Appendix 5, page 6.

313. The viewpoint from Pukekōiwiriki Pā is shown below in **Figure 16**:

Figure 16 – viewpoint from Pukekōiwiriki Pā[290]

314. The Pukekōiwiriki Pā Report concludes that the visual effects of the Project from the pā are **low-moderate** (adverse) and as the rehabilitation planting establishes reduce to **low** (adverse).

315. The Red Hill Scenic Reserve is set lower than the pā with topography and vegetation limiting views. The visual effects of the Project from the reserve are assessed as **very low**.

316. Therefore, while acknowledging the "enduring cultural importance of these places to Te Ākitai Waiohua" the Pukekōiwiriki Pā Report concludes that the Project will not have significant landscape or visual effects on either the pā or the reserve (but acknowledges that it is not a cultural assessment).

Project overview conference and site visit

317. During the project overview conference session Ms Anthony canvassed briefly the slides[291] on landscape (context, effects and very briefly the landscape rehabilitation strategy) and natural character effects (realignment of the Mangapū Stream tributary and proposed mitigation) before focusing on visual effects from neighbouring private dwellings and the proposed offsite mitigation planting for those dwellings identified in the LEA as having moderate-high (adverse) visual effects.

318. When visiting the site and its surrounds (see the phots and summary above) we carefully considered the relevant landscape, natural character and visual context and potential (adverse) effects. We got a good high-level understanding of the setting of the quarry, the surrounding ONL and SNAs and the rural residential setting on the surrounding properties

[290] Applicant's letter to the EPA dated 22 June 2026 at Appendix 5, Appendix A, Figure 2.
[291] Applicant's slides for the project overview conference.

and dwellings. Especially in relation to those properties offered offsite mitigation the site visit enabled us to understand their proximity (and views into) the quarry both now and over the life of the Project.

Comments received and Applicant's response

319. In relation to adverse amenity effects:

(a) Joe Shannon and Jan Dupker[292] noted the moderate-high visual effect assessment from their property. Given the level of assessed effect, and that their property had not been visited they sought a digital terrain model be applied to test mitigation planting. They also sought that the applicant visits their property to discuss potential mitigation planting as soon as possible and "before consent is granted."

(b) In its response the Applicant's landscape experts:

(i) Stated that there was intention to meet[293] with the landowners to confirm visibility and identify property specific mitigation in accordance with, now, Conditions 143-151 (provision of off-site visual mitigation planting). Generally, though the response was clear as to the approach applied as set out in the LEA and that the moderate-high (adverse) rating reflected an upper-level adopting a precautionary approach due to the lack of a site visit.

(ii) Provided 3-D modelled views (from the upper level) using the LiDAR datasets.[294]

(iii) Proposed changes to the conditions in response that the off-site visual mitigation planting condition "should be updated to reflect that planting should be implemented well in advance (a minimum of 5 years) of the quarry stages expected to create the most noticeable change for each dwelling that accepts the offer: ideally, the process should get underway following the grant of consent."[295]

(c) Paul Aylett sought that the visual impact be kept to a minimum through planting and considered that even grasses would limit the impact (even temporarily on areas to be disturbed again at a later stage).

(d) In its response the Applicant's landscape experts acknowledged the importance of progressive rehabilitation and early landscape planting and noted that the property falls within the off-site mitigation planting (Conditions 143-151). They stated that that process will enable a property-specific assessment and for mitigation opportunities to be identified.[296]

(e) Gerald and Anita Masters commented that that the existing screening between their property and the quarry includes mature poplars, so their view of the quarry is

[292] Section 53 comments from Joe Shannon and Jan Dupker.
[293] Response to comments s 55 report, Appendix 5, section 1 and response to comment 1.005.
[294] Response to comments s 55 report, Appendix 1, Figures 1-19.
[295] Response to comments s 55 report, Appendix 5 at section 2.1.
[296] We also note that Conditions 152-157 provide for temporary mitigation planting related to identified parts of Stages 0 and 1 and they have been updated by the Applicant in response to Minute 6 (Landscape response to Minute 6 and Applicant's response to Minute 8).

greatest in winter. They accepted the moderate to high rating but were concerned about several matters including no visual simulation being undertaken from their property. They emphasised that the real effect is long lasting and for the proposed mitigation planting on their land they sought that the maintenance period be extended, that the offer must be enforceable, not simply a fixed 5m width and they should approve the design.

(f) In response the Applicant's landscape experts accepted that deciduous trees will only provide limited screening during winter. They noted that:

(i) the visual simulation was of a representative western viewpoint (and the discrepancy is that it is near the shared driveway of both 80 and 108 Judge Richardson Drive)

(ii) that the moderate-high rating recognises the property's proximity, elevation and orientation towards the quarry;

(iii) that the owners are eligible for the site-specific assessment and visual mitigation planting;

(iv) acknowledged that the effects are real and long-lasting, but rehabilitation planting will in the long-term reduce those effects and in the interim mitigation planting on the owner's property is available; and

(v) provided 3D modelled views (using the LiDAR datasets);[297]

(vi) acknowledged that the offsite mitigation maintenance period was too short and proposed it be doubled to 12 months (which "would be reasonable"[298]), but while agreeing that a plant specific survival standard (such as 90% and require replanting) would provide a reasonable assurance that the agreed design had been successfully implemented considered that height and density requirements be property specific;

(vii) noted that the offer of planting is compulsory on the Applicant (but up to the landowner to accept), acknowledged that a 5m wide planting width "may not be effective in every case",[299] and that the planting is developed between the SQEP

(g) Paul and Vivienne Manak have a direct view of the quarry, making visual effects from the expanded quarry a key concern. They note that while mitigation planting is proposed, it may take many years to mature and may never fully screen the quarry.

(h) In response the Applicant's landscape experts:

(i) acknowledge that planting will take time to mature but note the long time period until Stages 7 and 8;

[297] Response to comments s 55 report, Appendix 1 at Figures 22–40.
[298] Response to comments s 55 report, Appendix 5 at section 7.
[299] Response to comments s 55 report, Appendix 5, section 7 and 7.1.

(ii) note that the intent of the off-site mitigation planting is not to completely screen the quarry but rather, along with the rehabilitation planting, to "reduce visual contrast and filter views over time."[300]

320. Te Ākitai Waiohua commented on the significant adverse cultural effects that "cannot be avoided or fully mitigated", including the removal of indigenous vegetation in ONLs.[301] They noted the history of Pukekōiwiriki Pā and how it has been heavily modified with recent efforts to protect, celebrate and enhance the pā. Ākitai Waiohua "remains concerned that the overburden area is very large and will occupy a considerable portion of the central view" with the mitigation planting taking many years to establish. Further, Stage 7 will provide a "noticeable" lowering of the ridgeline which "has historically served as an important navigational marker."[302]

321. In response the Applicant's landscape experts noted the assessment in the Pukekōiwiriki Pā Report (see above) and accepted that the "OBDA will remain a sizable and perceptible component of the central outlook during its formation and while [mitigation] planting establishes."[303] The response acknowledges:

(a) the importance of progressive rehabilitation as individual areas become available;

(b) landscape (and cultural) effects of the lowering of the northeastern ridgeline by 15m which "will be perceptible" and cannot be resolved through planting alone, recommending mitigation measures be addressed directly with Te Ākitai Waiohua through the CMA and Kaitiaki Forum

(c) noted that the visual rating of the reduced height of the ridgeline "does not diminish or override Te Ākitai Waiohua's assessment of cultural importance of the affected sightline".[304]

322. The Department sought that native planting used in visual mitigation planting be sourced from the Hunua Ecological district and the Applicant's landscape experts agreed.[305] We address this matter, and the correct ecological districts, in the ecology section below.

323. The LEA was reviewed by Auckland Council's expert[306] who considered that it acknowledges the high physical landscape effects and the moderate-high natural character effects during operation and before mitigation. The Council expert reviewer also concurred with the LEA's assessments as to effects within the ONL. While the landscape effects reduce with mitigation that will only become effective in the later stages of the Project (some 50 plus years away). Such magnitude of effects is "as may be expected for a project of this scale" and that effects at a local scale on landscape, and natural character, will remain more than minor (but not significant[307]) after mitigation. Visual effects for a limited number of properties will also remain more than minor after mitigation and off-site mitigation

[300] Response to comments s 55 report, Appendix 5, section 8.
[301] Section 53 comments from Te Ākitai Waiohua, section 4.2.
[302] Section 53 comments from Te Ākitai Waiohua, section 4.3.
[303] Response to comments s 55 report, Appendix 5, section 3.
[304] Response to comments s 55 report, Appendix 5 at section 3.
[305] Response to comments s 55 report, Appendix 5 at section 6.
[306] Section 53 comments from Auckland Council, Annexure 7 Landscape and Visual Amenity memo.
[307] Section 53 comments from Auckland Council, Annexure 7 Landscape and Visual Amenity memo at section 5.

planting on those properties is to be proffered. In relation to cumulative effects the reviewer agrees with the LEA that the Project and the Drury Quarry will not give rise to more than low cumulative effects.

324. The Council expert reviewer retained concerns as to the successfully delivery of the Mangapū Tributary Realignment given its complexity the real challenges in achieving it.[308] Success will require a relatively high input over a prolonged period of time. Long term mitigation is also required for landscape revegetation and rehabilitation and offsite mitigation. Noting the importance of long-term mitigation the expert reviewer considers that the "conclusions of the [LEA] are reliable, and the level of effects predicted are accurate."[309]

325. In relation to conditions, the Council expert reviewer made some recommendations, primarily in relation to maintenance planting which the Applicant has accepted.

326. Auckland Council's Planning Memorandum picks up the concerns raised as to the long-term successful delivery of the mitigation will require "thorough conditions".[310] It also notes that zoning needs to be considered – here the majority of the activity occurs within the SPQZ with a "small" area extending into the RMRZ (within which quarrying is provided for as a discretionary activity and can fit within a working landscape). The Planning Memorandum accepts "that a visual outcome of unnatural horizontal benches that would result from such quarrying activity is likely anticipated by the statutory context of the site."[311]

327. The Planning Memorandum concludes that with the recommended conditions imposed there are no significant residual landscape and visual effects.

328. In response, the Applicant's landscape experts:

    (a) accepted that the "during operation" landscape and visual effect ratings may apply for a substantial portion of the quarry's operational life; but effects will reduce progressively as areas are rehabilitated.;

    (b) noted the difference between the Area C (Judge Richardson Drive) offset planting and the offsite visual effects mitigation planting; and

    (c) noted the extensive conditions and management plans associated with the successfully delivery of the Mangapū Tributary Realignment.

329. On 11 September 2026 the Applicant responded[312] to questions within Minute 6 related to:

    (a) The ridgeline changes, and its visibility from Pukekōiwiriki Pā as set out in Minute 6. The response emphasised that the lowering of the ridgeline will occur gradually over time but ultimately that the ridgeline would not retain its prominence (but will continue to form part of the midground).

[308] For completeness, the section 53 comments from the Department, while focused on ecological matters, do overlap with natural character in relation to the effects on, and methods to appropriately respond to those effects on the Mangapū Stream tributary and its realignment. Those matters have been factored into our assessment in this section but are principally addressed in our ecological sections.
[309] Section 53 comments from Auckland Council, Annexure 7 Landscape and Visual Amenity memo at section 5.
[310] Section 53 comments from Auckland Council at [116].
[311] Section 53 comments from Auckland Council at [117].
[312] Landscape response to Minute 6 and Appendix 1 Graphic supplement to the landscape response to Minute 6.

(b) The ability to deliver revegetation on exposed areas that will not be reworked for many years. The response explained the present proposal and provided some amended consent conditions to improve it.

Panel evaluation and findings (including [draft] conditions)

330. As is evident from our summary above, we were provided with extensive landscape, natural character and visual effect material. That reflects the extensive landscape, natural character and visual effects a Project of this scale has, and the significance in ensuring that adverse effects are appropriately addressed.

331. We largely accept the conditions proposed by the Applicant and agree with Auckland Council that the conditions need to be "thorough". We have made amendments to the [draft] conditions to:

(a) provide some greater clarity, while implicit, to Condition 9 in relation to the community liaison group receiving and discussing feedback on potential offsite issues arising from the Project for nearby landowners and/or the community;

(b) provide an explicit additional opportunity in the CMP (Condition 35) for Te Ākitai Waiohua to be involved in potential additional mitigation, if any, in relation to cultural effects from Pukekōiwiriki Pā related to landscape (ridgeline) and visual matters (the Applicant had proposed this be in the LRMP but as these are fundamentally cultural effects, we considered the CMP to be the right place);

(c) provide explicit reference in the CMP (Condition 35) as to opportunities for mana whenua to participate in planting and appropriate salvage or relocation activities;

(d) provide two additional landscape components (largely to align with comments from the Applicant's expert's response with which we agree,[313] to the LRSMP (Condition 58) to:

(i) be clear that individual benches, batters and OBDA areas of suitable size are rehabilitated as they become available on the basis that we consider it important that rehabilitation commences as soon areas of suitable size become available and not just on completion; and

(ii) set out clear annual reporting requirements to ensure visibility of the key rehabilitation steps and processes (with a process for changes to be implemented if warranted through that reporting).

(e) make minor amendments to Conditions 139 and 142 to provides certainty as to maintenance requirements;

(f) make a minor amendment to Conditions 140 and 141 in relation to rehabilitation of quarry faces and slopes and the OBDA areas, to align with the change to Condition 58 above, that suitably sized areas being remediated as soon as they are available;

[313] Response to comments s 55 report, Appendix 5. Recognising too that the rehabilitation in the LRSMP covers landscape, natural character and visual effects not just landscape.

(g) include additional measures (including an increased maintenance period in Condition 147 to provide what we consider to be a more reasonable maintenance period given the importance of the planting) for the offsite visual mitigation planting (Conditions 143-151) to align with the Applicant's landscape experts' response to comments with which we agree to provide greater scope and clarity to what is proposed and to reflect a later offer, solely if the initial offer is not accepted at a property, prior to Stage 7 being commenced to reflect the time lag before that stage commences and the need to ensure that is appropriately addressed from a visual effects perspective from neighbouring properties;

332. In relation to landscape effects, the loss of some 6ha of ONL (and its various vegetation types) cannot be downplayed. But our focus was on the values of the ONL affected, how those effects were proposed to be addressed (through the proposed mitigation/offset planting areas and the long-term rehabilitation planting) and the overall effects on the ONL.

333. Our focus on landscape effects did not solely focus on the ONL but on other factors too, especially physical effects (again unavoidable by a Project of this type and scale). The landscape setting / context is also important in this assessment, and we agree with the LEA as to that. We also agree with Auckland Council's Planning memorandum that in relation to a large part of the Project occurs within the SPQZ (but not of course the extension into the ONL). We recognise too the long timeframe between effects occurring and their mitigation/offset/rehabilitation. That cannot, and has not, be ignored in our consideration (and as emphasised by Auckland Council's expert reviewer increases the importance of strong conditions).

334. Ultimately, we agree with the LEA as to the effects of the Project on the ONL (and the other aspects of the landscape) as summarised above. We agree that the mitigation (18ha) and rehabilitation planting within the Site will, over a long period of time (with short- and medium-term effects being important to consider and we have) assist to reduce the effects of connectivity and the harshness of the cuts and benches. But adverse landscape effects will occur in the short- and medium-term and persist; this is not a nil effects outcome. But nor does it need to be. Rather, we consider that with the amendments we have made to the conditions (see above) that the landscape effects will be appropriately addressed.

335. There is a landscape effect, and a specific visual effect, relating to Pukekōiwiriki Pā and Red Hill Scenic Reserve. An important landscape effect is the lowering of the historical marker ridgeline. The Applicant's landscape experts have acknowledged that this change will be visually "perceptible" and recommended mitigation measures be addressed directly with Te Ākitai Waiohua through the cultural assessment and Kaitiaki Forum processes.[314] We agree with that recommendation as it enables a direct process of engagement to occur and recognises the importance of the ridgeline to Te Ākitai Waiohua; see our suggested condition changes above. Therefore, in relation to the landscape and visual effects, the Panel agrees with the effects assessment contained in the Applicant's Pukekōiwiriki Pā

[314] Response to comments s 55 report, Appendix 5 in response to comment 3.009. See also Landscape response to Minute 6.

Report (summarised above) and its conclusion that the Project will not have significant landscape or visual effects on either the pā or the reserve.

336. We acknowledge, as quoted above, that Te Ākitai Waiohua commented on the significant adverse *cultural* effects, which included landscape, natural character and visual effects, that "cannot be avoided or fully mitigated".[315] That is correct. But, for the reasons above, we consider that, with changes to the [draft] conditions, the adverse landscape and visual effects will be appropriately addressed.

337. Natural character of the Mangapū Stream tributary is assessed by the Applicant's experts as high to very high and the immediate effects on it are high (moderate longer term). However, once rehabilitated, the Applicant's experts LEA consider that the natural character of the tributary will become moderate-high (with adverse effects being very low). It is clear from this the importance of rehabilitation and why Auckland Council (and the Department more broadly) has considered this so carefully. As set out in our ecology discussion in this Part, above, we carefully considered the relevant rehabilitation conditions and are satisfied that the [draft] conditions appropriately address the potential adverse effects and are sufficiently robust to deliver the long-term natural character outcomes as stated by the Applicant.

338. Visual effects are focused predominant on nearby neighbouring properties. This was an important issue in the comments received from nearby properties and we acknowledge its importance. The landscape of the area is complex (which provides considerable screening in some locations and reduces the effects of longer views) but, especially to the west and south, there are views into the Site. The LEA recognises that for some dwellings the effect will be moderately high and has proposed off-site visual mitigation for them. While we recognise the concerns raised in comments, and that views of the Site will not disappear through mitigation or offset, we consider, with amendments to the [draft] conditions as above, such an approach to appropriately address the visual effects of the quarry, especially on neighbouring residents (who also have the benefit of the community liaison group (Condition 9) to which, while implicit we have provided some greater clarity in relation to it receiving and discussing feedback on potential offsite issues arising from the Project for nearby landowners and/or the community);

339. We agree with the Applicant's LEA (summarised above) that cumulative effects of the Project with the Drury Quarry approximately 4km away will not occur in the same visual catchment and will not fundamentally alter the landscape context.

340. Overall, the Panel finds that with the conditions imposed (which we consider to not be more onerous than necessary), potential landscape, natural character and visual amenity effects of the Project are appropriately addressed and there will not be any significant residual landscape, natural character or visual amenity impacts.

[315] Section 53 comments from Te Ākitai Waiohua at page 4.

Ecological effects

Context

341. The nature of quarrying means that large scale effects relating to land clearance and extraction of material are unavoidable. These effects potentially impact terrestrial, surface freshwater and groundwater environments. As a result, a large body of technical information has been prepared to support the Application.

342. In general, the assessment of the ecological values of the Site and the magnitude of potential effects on those values has been undertaken in a comprehensive manner according to best practice guidance. We were provided with little evidence to the contrary.

343. The management of the potential effects was the main ecology topic for which we received comments from parties invited to comment, including technical experts from the statutory agencies (Auckland Council and the Department). The Panel appreciates the constructive way ecological issues have been raised, discussed and resolved (in part) by the Applicant and commentors, which has assisted us and narrowed the scope of issues in contention.

AEE/technical reports

344. An Ecological Assessment prepared by Boffa Miskell was provided as part of the Application documents.[316] The ecology assessment described the terrestrial and freshwater values of the Site, the ecological effects associated with the Project and the effects management approach.

345. The Ecological Assessment was supported by, and relies on, several related documents, including:

    (h) Mangapū Tributary Realignment – Preliminary Design and Effects Technical Report;[317]

    (i) Aquatic Fauna and Salvage and Relocation Plan;[318]

    (j) Lizard Management Plan;[319]

    (k) Pest Management Plan;[320]

    (l) Stream Realignment Management Plan;[321]

    (m) Ecological Management Plan;[322] and

    (n) Groundwater Effects Assessment.[323]

346. The Ecological Assessment covers three key aspects, which are summarised below.

[316] Appendix B12.4.5a and Appendix B12.4.5b.
[317] Appendix B12.4.6a and Appendix B12.4.6b.
[318] Appendix B12.4.3.
[319] Appendix B12.8.4. Updated versions were filed by the applicant during the process: Appendix B12.8.4 22 June version; Appendix B12.8.4 17 July version; Appendix B12.8.4 17 August version; and Appendix B12.8.4 11 September version.
[320] Appendix B12.8.5.
[321] Appendix B12.8.7.
[322] Appendix B12.8.10
[323] Appendix B12.4.9a and Appendix B12.4.9b

Ecological Values

347. The Site is in the Manukau Ecological District and, outside of the operational quarrying areas, contains stands of forest, most of which is in various stages of successional development following clearance or harvesting in the last 200 years. The exception is remnant stands of 'kauri, podocarp, broadleaf forest' (WF11) that indicate long-term forest continuity.[324]

348. The forested areas are contiguous with, or proximal to, extensive areas of native vegetation, with several Significant Ecological Areas (SEA) in the surrounding area. The forest in the Site comprises part of SEA_T_5323.[325]

349. The WF11 vegetation, along with the areas of 'tawa-taraire forest with mature kanuka' (WF9) are recorded as endangered under the IUCN ecosystem threat classification. In addition, 14 plant species of conservation interest (threatened or at risk) were recorded within the site, most in low abundance and within the tawa-taraire forest.[326] The mature forest is assigned an ecological value of high.[327]

350. The vegetation within the Site currently supports populations of native lizards and birds with values assessed as moderate.[328] An existing salvage and relocation programme is in place for elegant gecko (at risk) under the current consents.

351. Most bird species observed at the site were not threatened or introduced species.[329] Species of conservation interest were low in abundance, with single individuals observed of weweia (NZ dabchick – threatened), māpunga (black shag – at risk) and kawaupaka (little shag – at risk). Multiple individuals were only observed for one species of conservation interest (pīhoihoi (NZ pipit – at risk)).

352. While some of the mature forest provides potential bat habitat, surveys (in 2021 and 2025/6) have not detected bat activity within the site or surrounds.[330]

353. Nine small areas of wetland were identified in the Ecological Assessment. Seven were classified as forest seepages in gullies associated with streams based on the presence of hydric soils. It is noted that the dominant vegetation in these features was not hydrophilic, so they were not identified as wetlands using the NPSFM wetland delineation protocols.[331] The two remaining wetlands were patches of swamp dominated by exotic grasses. The total area of wetland features was estimated at 0.44ha and they were assigned moderate to high ecological value.[332]

354. Most of the Site drains to the Mangapū Stream catchment, with the Mangapū Stream mainstem running alongside the south-western boundary of the Site. While the Mangapū

[324] Appendix B12.4.5a at section 5.1.1.7.
[325] Appendix B12.4.5a at figure 13.
[326] Appendix B12.4.5a at section 5.1.3.
[327] Appendix B12.4.5a at section 5.3.
[328] Appendix B12.4.5a at section 5.3.
[329] Appendix B12.4.5a at section 5.2.3.
[330] Appendix B12.4.5a at section 5.2.4.5.
[331] Appendix B12.4.5a at section 5.4.2.1.
[332] Appendix B12.4.5a at section 5.4.2.2.

Stream itself remains outside of the Site, several tributaries of the stream traverse the Site (and the Quarry Development Area).

355. A range of water quality, habitat and biological surveys were conducted to describe the ecological values of relevant streams. The streams surrounding the Site are hard bottomed systems that have a diversity of habitat types, densely vegetated riparian margins and support invertebrate and fish species indicative of good to very high ecological conditions.[333]

356. The presence of waterfalls, which form natural fish migration barriers downstream of the tributaries, limited the fish fauna to climbing species. Longfin eel and banded kokopu (both at risk) and shortfin eel (not threatened) were the only fish species recorded.[334]

Ecological Effects

357. The Ecological Assessment acknowledges that the proposed quarry expansion would result in a range of effects on biodiversity and ecological features.

358. The most obvious effect is the vegetation clearance to enable access to the underlying rock resource. Over the course of the Project, this will result in the removal of 44.46ha of indigenous terrestrial vegetation and 4.15ha of exotic scrub.[335] The indigenous vegetation is 4.55% of SEV_T_5323 and includes 15.19ha of endangered vegetation types (WF11 and WF9).

359. In addition to the direct removal of the vegetation, effects relating to fragmentation, connectivity and edge effects are recognised, with the Project resulting in an increase of 24% in the extent of exposed forest edge.[336] Furthermore, effects on forest fauna (lizards and birds) are anticipated from direct mortality and loss of habitat.

360. Wetlands within the Site (0.44ha) will also be lost, either from direct removal within the Quarry Development Area, or drainage effects due to their proximity.

361. The earthworks and supporting infrastructure to enable the Project will result in effects on the Mangapū stream and its tributaries.

362. Direct effects involve the permanent removal and loss of 1,200m of the main Mangapū tributary to enable overburden removal and access to the rock resource underneath.

363. In addition, culverts are proposed to be placed in tributary 3 (75m) and tributary 4 (40m) to enable the construction of a new haul road to connect the Symonds Pit to the processing areas. These culverts will result in the loss of stream habitat (115m) across the two tributaries, and fish passage restriction to 151m of tributary 4 upstream of the culvert.

364. We have relied on Table 1 in the Ecology Memorandum[337] (dated 18 August 2026) provided as part of the Applicant's Response to Comments to describe the culverting in these tributaries as it supersedes the main Ecological Assessment.

[333] Appendix B12.4.5a at section 7.0.
[334] Appendix B12.4.5a at section 7.4.6.
[335] Appendix B12.4.5a at Table 17.
[336] Appendix B12.4.5a at section 8.2.2.
[337] Response to comments s 55 report, Appendix 3 at Table 1.

365. The issue of whether tributaries 3 and 4 will be completely removed as part of future stages is beyond the scope of this application as it is anticipated to occur more than 35 years in the future. Hence, this loss is not considered further in this [draft] decision.

366. The Project will require an increase in the dewatering of Symonds Pit below the groundwater level (this is also addressed in the hydrology and groundwater section in Part F of this [draft] decision). The dewatering is estimated to change baseflows of the nearby streams,[338] resulting in habitat, water quality and ecology effects. In the absence of effects management, the ecological effects on dewatering on Mangapū stream are described as a potential significant adverse effect.[339]

Effects Management

367. The Ecological Assessment and supporting documents describe an effects management approach, including how the Effects Management Hierarchy has been sequentially applied to manage effects:

(a) Avoid:[340]

(i) avoidance of impact on indigenous vegetation, riparian areas and streams and wetlands is provided to some extent by project design;

(ii) avoid fauna effects by salvage and relocation; and

(iii) avoid tree felling during bird nesting season.

(b) Minimise and Remedy:[341]

(i) further salvage and relocation during works;

(ii) pest management - update for existing areas and apply to enhancement areas;

(iii) flow augmentation to address flow reductions; and

(iv) realignment of 571m of the Mangapū tributary.

(c) Offset and Compensation (for residual effects):[342]

(i) revegetation planting of 85.62ha;

(ii) enhancement of 16.33ha of existing bush;

(iii) formal legal protection of 83.9ha of land;

(iv) weed and pest management of >100ha of land;

(v) riparian margin enhancement for 3,680m of stream channel;

(vi) removal of fish migration barriers for over 2,500m of stream channel;

[338] Appendix B12.4.5a at Table 20.
[339] Appendix B12.4.5a at section 8.6.2.
[340] Appendix B12.4.5a at section 9.3.
[341] Appendix B12.4.5a at section 9.4
[342] Appendix B12.4.5a at section 9.5

(vii) enhanced connection of Meremere Quarry Stream with Whangamarino wetland;

(viii) re-establishment or enhancement of 2.51ha of wetlands; and

(ix) improved water quality in headwater catchments from stock exclusion and revegetation.

368. The offset and compensation activities are proposed to be undertaken in three Focus Areas (Hunua Quarry and surrounds, Meremere Quarry and Hunua Ranges Regional Park). The approach of using focus areas is intended to provide for the expansion and improvement of existing ecological features, including indigenous forest, streams and wetlands.[343]

369. The Ecological Assessment provides a detailed assessment of the proposed offset and compensation actions against the principles of offsetting and compensation outlined in the NPSFM and NPSIB.[344]

370. Two models have been used to guide the type and quantum of offset and compensation actions. The BOAM was used for terrestrial and wetland systems,[345] and the Stream Ecological Valuation (SEV) and Environmental Compensation Ratio (ECR) for streams.[346]

371. This analysis is used by the Applicant to conclude that while the offsetting actions do not fully account for effects on terrestrial and stream systems, in combination with additional compensation actions, net gains in terrestrial, wetland and stream values will be achieved.[347] The integrated approach to offset and compensation is described as an important aspect of the effects management package.

Project overview conference and site visit

372. During the project overview conference Dr Boothroyd and Dr Flynn took us briefly through the relevant slides[348] and provided a summary of the ecological aspects of the Project. The proposed activities in tributaries 3 and 4 were clarified, as it was recognised that this issue was not as clear as it could be in the application documents.

373. During the conference, the integrated nature of the effects management package was reiterated, along with the use of models as informing the outcome, rather than defining the outcome. We noted that both the Department's and Auckland Council's representatives were complimentary about the scope and detail of the ecological information provided with the Application.

374. During the site visit, key areas we were able to view from an ecological perspective were some of the forested areas of the site, along with the Hunua Pit which is proposed to be revegetated as part of the effects management package.

375. Many parts of the Site are difficult to access, so we were only able to view some of the streams that are relevant to the Project. We viewed parts of tributary 3, and its confluence

[343] Appendix B12.4.5a at section 9.5.2.
[344] Appendix B12.4.5b at Tables 23 and 24.
[345] Appendix B12.4.5b at section 9.7.
[346] Appendix B12.4.5b at section 9.10.
[347] Appendix B12.4.5b at section 14.0.
[348] Applicant's slides for the project overview conference.

with the main Mangapū Stream (see **Figures 8** and **9**). It was apparent to us during the site visit the extent of pest control measures that were in place throughout the parts of the Site we were able to view.

Comments received and Applicant's response

Ecological values and effects

376. Several of the comments we received included a high-level reference to the ecological effects of the Project, however few commentors provided specific and detailed comments relating to ecological issues.[349]

377. In relation to the assessment of ecological values and the description of the effects, we did not receive any comments that fundamentally challenged the ecological information provided by the Applicant.

378. The main issue raised in relation to ecological value was the potential presence of shortjaw kokopu in the tributaries of the Mangapū Stream. In their s51 report, the Department considered that further information was required on the potential presence of this species because it has been recorded from nearby streams and it is of high conservation interest (nationally vulnerable and regionally critical).[350]

379. The Applicant undertook additional surveys of tributaries 3 and 4 in response to this issue and found no evidence of shortjaw kōkopu presence and concluded that the habitat was not optimal for this species.[351] This addressed the concerns of the Department on this issue.[352]

Effects Management

380. The focus of the comments that we received on ecological issues was on the effects management package, and whether the effects of the Project were appropriately managed.

381. In particular, we received a large body of technical material that describes, analyses and critiques the issues relating to the Mangapū stream realignment.

382. For example, the focus of the Department's section 53 comments were on whether the realignment should be considered remediation or offsetting.[353] This was considered more than semantics as it has implications for the application of offset principles (as set out in the NPSFM) and offset calculations, which ultimately affect the quantum of effects management that may be required.

383. This argument was supported by similar comments from Auckland Council, which considered the stream realignment "to be the highest risk from an ecological effects assessment point of view".[354] While the intention to create a biodiverse channel was

[349] Including BD & CM Park (Section 53 comments from Brian and Kate Park). Their comments identified potential for ecological opportunities on 243 Kauri View Road. It its response the Applicated stated it would be happy to discuss the opportunities identified but it would be outside of this process.
[350] Section 51 complex freshwater fisheries activity approval report at [4.6]–[4.7].
[351] Response to comments s 55 report, Appendix 3 and memorandum from Boffa Miskell dated 24 August 2026.
[352] Department's completed table for the ecology workshop.
[353] Section 53 comments from the Department at [3.15].
[354] Section 53 comments from Auckland Council, Annexure 6 Streamworks and Freshwater and Terrestrial Ecology memo at section 6.4.1.2.

recognised, it was stated that there is a very low likelihood of achieving equivalent ecological values to the high-quality stream that currently exists due to the stream diversion being carved out of rock in a steep bank, the proximity of a haul road, and narrow riparian areas. The Auckland Conservation Board provided a similar comment, stating that "it is unlikely that the proposed new sections of streams will closely replicate the existing complex natural environment"[355]

384. Comments from both the Department[356] and Auckland Council[357] also questioned the proposed monitoring for the stream realignment, which sets out performance targets for monitoring metrics (RHA, sediment and MCI) that were below the condition of the reach being reclaimed.

385. Further comments were provided in relation to the freshwater offset and compensation activities, with the Department recording that the description was confusing, and it was not possible to systematically assess the proposed offset and compensation measures in relation to the effects they were proposed to manage.[358] Similarly, detailed comments were provided by Auckland Council about the application of the SEV and ECR, with concern about the use of proxy measurements (rather than actual measurements) in the calculations, with a recognition that there is shortfall of about 1,000m in the quantum of offset proposed and an overall loss of stream extent for which compensation is proposed.[359]

386. The Applicant's response to comments clarified the extent of effects and provided a revised set of stream offset and compensation activities.[360] The Applicant reiterated that the offset and compensation package has been informed by the SEV and ECR, but it has "not relied on the quantifications alone". The rationale being that benefits for aquatic systems can be derived from management that is not incorporated into the ECR/SEV methodology, including improvements to fish passage, benefits for threatened species and enhancements to fish spawning sites.

387. Further commentary on the Mangapū tributary realignment was also provided, stating that the new channel will retain a natural flow regime and the source of animal colonists is retained due to the upstream connection. Further, it is stated that the ecological values are not expected to be exactly the same, but are expected to reflect the natural processes, aquatic biodiversity and food web structures that occur in high value streams.

388. The setting of monitoring metrics below the current condition of the stream to be realigned is explained as reflecting the variation in the relevant reaches of the Mangapū Stream (rather than the exact reach to be realigned). The selection of the performance metrics, in particular the absence of the SEV is justified because it is influenced mainly by riparian planting (which is limited in this case).

[355] Section 53 comments from the Auckland Conservation Board.
[356] Section 53 comments from the Department at Appendix 1.
[357] Section 53 comments from Auckland Council, Annexure 6 Streamworks and Freshwater and Terrestrial Ecology memo at section 6.4.1.2.
[358] Section 53 comments from the Department at Appendix 1.
[359] Section 53 comments from Auckland Council, Annexure 6 Streamworks and Freshwater and Terrestrial Ecology memo at section 6.4.2.
[360] Response to comments s 55 report, Appendix 3 at Table 1.

389. We also received comments from the Department and Auckland Council about how the resolution of fish barriers may not be an appropriate component of the effects management package. The Applicant proposed to remedy four existing culverts and farm ponds to provide for fish passage as part of the effects management package, resulting in an estimated 2.5km of stream channel being made available to migratory native fish where passage is currently blocked.[361]

390. The Department[362] and Auckland Council[363] provided comments that the provision of fish passage at these structures was already required under the Freshwater Fisheries Regulations, and therefore this action could not be considered as part of the effects management as it fails the additionality test. This issue was subject to legal debate between the Department and the Applicant that we have addressed in Part C of this [draft] decision.

391. The outcome is that the Panel considers the enhancement of these structures to allow for fish passage is appropriate to include in the effects management package, and we consider the positive effects of these actions in this [draft] decision. We also note that the benefits of removing fish barriers are not well captured by the SEV/ECR methodology because it is applied at a reach scale. Therefore, the benefit of restoring fish passage to a stream catchment is not captured by the SEV/ECR method.

392. Overall, while the comment process has assisted the Panel to narrow the issues of contention, it was clear that issues associated with the Mangapū Stream realignment remained in contention.

393. The second ecological issue where we received comments from the Department, Auckland Council and the Auckland Conservation Board was the management of Terrestrial Biodiversity effects.

394. While the Department considered the proposed terrestrial offset and compensation package to be an appropriate response to the loss of mature indigenous vegetation, it considered the loss is still ecologically significant.[364] It was stated that there is uncertainty in the timeframe (but likely many decades) for replacement habitats to develop into functioning forest ecosystems, but the removal will occur well before this eventuates. Given the delay, it was stated that the offset and compensation planting should occur prior to vegetation clearance.[365] A similar comment was received from the Te Ākitai Waiohua where support was stated for planting to occur with the granting of consent so that benefits of the mitigation can be derived as soon as possible.[366] In addition, both Auckland Conservation Board[367] and the Department[368] stated the requirement for effective monitoring of terrestrial revegetation outcomes to ensure success.

[361] Appendix 12.4.5 at section 9.10.6.
[362] Department's legal response to Minute 8.
[363] Section 53 comments from Auckland Council, Annexure 6 Streamworks and Freshwater and Terrestrial Ecology memo at section 6.4.2; and Memorandum of counsel on behalf of the Applicant in response to Minute 8.
[364] Section 53 comments from the Department at [3.4].
[365] Section 53 comments from the Department at [3.5].
[366] Section 53 comments from Te Ākitai Waiohua at section 4.5.
[367] Section 53 comments from the Auckland Conservation Board.
[368] Section 53 comments from the Department at [4.12].

395. The application of the BOAM for informing the terrestrial vegetation offsets was questioned by Auckland Council. While the BOAM was recognised as an industry standard tool, the manner in which the Applicant has applied it is stated as creating uncertainty in the output.[369] This arose from how the Applicant parameterised the BOAM, including the number and choice of attributes used, and the values used for these attributes. Mr Rossak did recognise that the effect of this issue is unclear, and states that there is no certainty that changing these factors would greatly alter the calculated offset extent.[370]

396. On the issue of offset extent, we also received comments from the Department that the proposed offset and compensation was considered an appropriate response for terrestrial flora,[371] wetlands[372] and riparian margins.[373] Further, the comments from the Auckland Conservation Board stated that "Winstones appear to have adopted a strategy of over-offsetting."[374]

397. In the response to comments, the Applicant provided a detailed explanation of why the attributes used in the BOAM were selected and quoted the BOAM user manual to support their approach.

398. The final substantive issue in relation to terrestrial effects management was the selection of the Meremere location as one of the focus areas. Comments from Auckland Council raised concerns about the distance from the impact location, and how this means the planting at this location does not meet the offsetting principles of the Auckland Unitary Plan.[375] A similar comment was received from Te Ākitai Waiohua, who were not opposed to the revegetation at Meremere, but considered it should be no more than 10% of the required offset as it is outside the traditional Te Ākitai Waiohua area of interest.[376]

399. The Applicant provided a detailed response about the selection and appropriateness of the Meremere location in their response to comments.[377] The Memo provided an assessment of the suitability of the Meremere locations against a wider set of considerations using the Guidance for Good Practice Biodiversity Offsetting in New Zealand, and commentary (but no detail) on efforts to find alternative locations close to Hunua Quarry.

400. In addition, the Applicant's response explains that the Meremere site is an Ecological District (Hapuakohe) that is adjacent to the Hunua[378] Ecological District with similar geology, climate and representative forest types that support similar fauna species. Given these similarities, the Applicant concludes that Meremere site has sufficiently similar ecological characteristics to be considered like-for-like.

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[369] Response to comments s 55 report, Appendix 3 at section 6.4.3.
[370] Response to comments s 55 report, Appendix 3 at section 6.4.3.
[371] Section 53 comments from the Department at [3.3].
[372] Section 53 comments from the Department at [3.6].
[373] Section 53 comments from the Department at [3.9].
[374] Section 53 comments from the Auckland Conservation Board at page 7.
[375] Section 53 comments from Auckland Council, Annexure 6 Streamworks and Freshwater and Terrestrial Ecology memo at section 6.3.2.
[376] Section 53 comments from Te Ākitai Waiohua at section 4.5.
[377] Response to comments s 55 report, Appendix 3 at page 4.
[378] We note that the Hunua Quarry is in the Manukau Ecological District, but is close to the boundary of the Manukau and Hunua Ecological Districts.

401. The final ecological issue on which comments were received was flow effects in streams downstream of the quarry arising from the dewatering of the Symonds Pit. Comments from the Department consider that the proposed approach of managing flows in the streams to prevent them from falling below Mean Annual Low Flow (MALF) will not address all flow related effects. Dr McEwan, the Department's freshwater expert, considers that effects from flow reduction are not confined to flows below MALF and may occur at higher flows.

402. We note that Auckland Council considers the maintenance of flows at or above MALF is appropriate for maintaining stream habitat extent and does not seek a different augmentation trigger.[379]

403. A related issue was raised by BD and CM Park in their comments, where they have noticed reductions in flow volumes downstream of the quarry from operations under the current consent and request continuous flow monitoring to manage this issue.[380]

404. In their response to comments, the Applicant reiterated their approach to using MALF and explained that ensuring that flows do not fall below the natural low flow baseline (or MALF) is the most important factor for stream health. Stating that flows below MALF are outside the range of natural variability and it is these conditions that are most likely to cause significant ecological stress.

Ecology Workshop

405. Following the comments process, the Panel considered there were several outstanding ecological issues and that ongoing discussions between the Applicant, the Department and Auckland Council were occurring to resolve the issues where possible.

406. To assist the Panel, an Ecology Workshop with the above parties was held on 3 September 2026 as directed in Minute 6. The workshop was recorded and is available on the EPA website (see Part B of this [draft] decision).

407. The Panel greatly appreciated the participation of all parties, and the discussions were very helpful in increasing our understanding of the outstanding issues, and in some cases resolving them.

408. Issues relating to the wildlife permit and complex freshwater fisheries approvals were resolved as part of the workshop process. The detail of these issues is contained in Parts H and J of this [draft] decision.

409. The focus of the remainder of the workshop was the Mangapū Stream Diversion, the Meremere focus area, the application of the BOAM and dewatering effects.

410. While several of the topics of discussion related to terminology and assumptions in effects management models and processes, it was agreed that the ecological outcome is most important. In this context, there remained disagreement about whether the realignment would provide a full remedy for the values of the current stream. Dr Boothroyd recognised that the diversion channel will not replicate the existing stream exactly, and that ecological

[379] Table of ecological issues compiled for ecology workshop.
[380] Section 53 comments from Brian and Kate Park. The Applicant responded in Response to comments s 55 report, Appendix 4. We accept that response.

functions will be provided within the constraints of the location. Mr Rossak and Dr McEwan agreed that a functioning channel can be created, but there will be some values that cannot be replicated (so they will be lost). Hence, Mr Rossak and Dr McEwan remained of the view that the diversion channel would likely have lesser ecological value than the original tributary.

411. It was agreed that the scientific literature on the effectiveness of stream realignments is sparse and given this context, the Panel members requested that Mr Rossak and Dr McEwan provide specific information about which values would be lost as part of the post-workshop information request. This was provided in a spreadsheet on 9 September 2026 and using the SEV framework, they considered that the new stream channel would have lesser scores for the following:

    (a) channel modification;

    (b) channel lining;

    (c) floodplain connectivity; and

    (d) riparian areas (age and width).

412. The metrics for the proposed outcome monitoring were discussed, in particular given the comments from the Department and Auckland Council on these being set below the current condition. It was agreed that a suite of indicators is appropriate, and Dr Boothroyd stated that using bands for the metrics allows for some variability. It was requested that Dr Boothroyd consider using the banding system used to describe the stream values in the SRMP (i.e. the long standing 'Stark' bands for MCI) rather than the NPSFM bands for consistency. A revised set of performance targets was provided to address this matter on 10 September 2026[381] and are reflected in Condition 68(c).

413. While the outcomes of the stream diversion remain an issue of disagreement between the ecologists, it was agreed that the Department should be able to review the finalised SRMP prior to certification by Auckland Council and be furnished with the results of the outcome monitoring. The Applicant agreed and has provided updates to the conditions to provide for this (Advice Notes to conditions 68 and 69).

414. In relation to the Meremere offset location, Mr Rossak reiterated his concern about the lack of proximity of this location to the impact site and questioned the rationale for its selection. Dr Boothroyd stated that the site being owned by the Applicant was positive in that the security, governance and certainty of outcomes can be controlled, and that it was not a simple matter of convenience. Dr Flynn provided additional context for the principles, stating they are 'soft' words and not prescriptive. She recognised that is important to take a balanced approach and general (rather than exact) accordance with the principles is normal practice.

415. While there is no legal requirement for demonstrating alternatives in offsetting processes, the Applicant offered to prepare a brief memo to outline the process taken to arrive at the

[381] Applicant's response to item 3(e) in Minute 8 (indicative performance targets).

use of the Meremere location. This was provided on 11 September 2026 (and is dated 8 September 2026).[382]

416. For the issues on the application of the BOAM, Mr Rossak recognised that the guidance around its use is not comprehensive and therefore there is wide scope for how it may be used. Dr Flynn stated that she had discussed alternative attributes with Mr Rossak but considered that the most appropriate attributes had been used in this situation. It was recognised that there are limits to the use of offsetting models, and no further action was required on this issue.

417. The final substantive issue discussed was dewatering effects and Dr McEwan stated that there may be flow related effects other than those related to MALF. Dr Boothroyd commented that the shape of the channels he had viewed at the site were incised, and his view was that wetted area is not really reduced as flow drops. Dr McEwan considered this issue unresolved, and the Applicant was invited to consider providing a short response on this issue.

418. The Panel issued Minute 8 after the workshop, requesting specific information from various parties.

419. Most of the information requested in Minute 8 was provided to the Panel through correspondence dated 9 September 2026 (from the Department and Auckland Council) and 11 and 15 September from the Applicant.[383] We have reviewed this information and rely on it in this [draft] decision as appropriate.

Panel evaluation and findings (including [draft] conditions)

General issues

420. The use of the Meremere locations as an offset and compensation focus area has been the subject of multiple comments and discussions.

421. The offset principles in the NPSFM and NPSIB state the offsetting should preferably be in the same Ecological District, rather than requiring it to be. The AUP framework does not mention Ecological District but does state that actions should be undertaken close to the location of development. Proximity is also potentially relevant to the offsetting in the Hunua Ranges Regional Park which is in a different Ecological District (Hunua) than the impact site (Manukau), although the physical distance is less.

422. The Applicant has provided information on the ecological similarities of the Ecological Districts in which the Meremere site and the Hunua Quary are located (noting that the Ecological Districts in question are adjacent to one another). The Applicant also considers that the AUP provisions should be read and applied in the round, rather than a strict interpretation of individual considerations, and that using the Meremere site will result in the best ecological outcome (consistent with the AUP provisions).

[382] Applicant's Response to item 3(h) in Minute 8 (process and reasons for selecting Meremere offset site).
[383] These documents can be found at Correspondence.

423. We were provided with evidence that using the Meremere site is not simply a matter of convenience, and the alternatives memo provided by the Applicant was helpful in clarifying the process that resulted in the location being included in the effects management package.

424. Given that proximity is stated as a preference, rather than a requirement of the NPSs and that the Applicant has provided compelling evidence of the ecological similarities between the adjacent Ecological Districts, we consider that the Meremere location is a suitable location for part of the effects management as proposed by the Applicant.

425. The proposed conditions referred to Ecological Districts when specifying where plant stock should be sourced for the implementation of the effects management package. Specifically, Conditions 60(e) and 136(b) stated that plants should come from the Hunua Ecological District. We consider such a requirement is inappropriate for planting to be undertaken at the Hunua Quarry and surrounds (which is the Manukau Ecological District) or Meremere (which is in the Hapuakohe Ecological District). We have adopted the approach described in the EMP where it is stated that "native plant material shall be from the relevant Ecological Region, and preferably Ecological District".[384]

426. Models have been used to guide the offsetting of ecological effects for terrestrial and freshwater systems. We have been guided by previous decisions and case law, that caution against an unduly technical approach to the application of models.[385]

427. We consider the BOAM and the SEV/ECR are helpful decision support tools, but they require subjective decisions in terms of the choice of model, and the input and output parameters used. In particular, the use of models in ecological applications require judgements about the state of the environment to be impacted and the likely ecological outcomes from management interventions (that always have a degree of uncertainty).

428. In a project with complex ecological effects and issues to be assessed and managed, differences in professional opinion on the detail of the models is to be expected. We are also cognisant of the limited time frame available to the Panel to seek iterative changes to models and the focus of the FTAA. Consequently, we have applied a test of reasonableness to the applications of models to this Application. Specifically, are the models conceptually fit for purpose, have they been applied in a sensible manner and are the anticipated outcomes realistic?

Freshwater issues

429. The realignment of the Mangapū tributary has been the issue that has created the most discussion between the experts. We accept the Applicant's view that there is an 'unavoidable loss' of approximately 1200m of the tributary to enable access to the quarry resource in that area of the Site.

[384] Appendix B12.8.10 at section 4.3.
[385] See for example Brookby Quarry Stage 3 decision under the COVID-19 Recovery (Fast-track Consenting) Act 2020 at [235] referring to *Te Rūnanga o Ngāti Whātua v Auckland Council* [2023] NZEnvC 277 at [747].

430. The diversion of flows into a new channel to the south of the Quarry Development Area is required to accommodate water flows that would otherwise enter the Symonds Pit. This was made clear during the panel overview conference.

431. We accept the design of the new channel is intended to provide for an ecologically functioning stream channel (rather than a simple diversion channel) but agree with the Department and Auckland Council that the new channel is unlikely to achieve the same level of ecological functioning as the current tributary for the reasons presented in their section 53 comments and responses during the Ecology Workshop. This finding is consistent with the proposed performance standards for outcome monitoring not being set at the same values as the current tributary.

432. We also find that considering the new channel as a remedy action is unusual and consider that the new channel is more consistent with an offsetting action. This is because:

(a) remediation requires effects to be made good or rectified;[386]

(b) the original channel is lost, which is recognised by the applicant "notably with quarry expansions, once the watercourses are removed, they cannot be replaced, and the effect is permanent", so cannot be remedied or rectified;[387] and

(c) the new channel is created in a narrow quarry bench and a different location (up to 300m away in this case).

433. Notwithstanding this issue, the new channel is an important part of the effects management package for the Project, and the Panel recognises the effort taken by the Applicant to design a new channel that provides ecological continuity and connectivity and is complementary (as far as is practicable) to the upstream and downstream reaches of the Mangapū tributary. The new channel is clearly designed to be significantly more than a simple diversion channel.

434. In addition, we recognise that unlike the management of some of other ecology effects, streams cannot be created where they were not before. We note the direction of Policy 7 in the NPSFM 2020 (Amended December 2025) to avoid loss of river extent and values has complicated the use of the SEV and ECR for managing impacts on streams.

435. Prior to the NPSFM 2020, the SEV and ECR were routinely used to manage effects on stream values and extent, but we recognise the professional debate that currently exists on this topic that was raised by the Department and Auckland Council in their statement following the Ecology Workshop.[388] On this issue, we constrain our evaluation to the effects of the Project, rather than a broader evaluation of the management of stream extent issues using the SEV and ECR.

[386] Case law tends to refer to the dictionary definition of 'remedy' when determining what is required, including the Supreme Court in *Trans-Tasman Resources Ltd v Taranaki-Whanganui Conservation Board* [2021] NZSC 127, [2021] 1 NZLR 801 at footnote 131. See also REMEDY definition and meaning | Collins English Dictionary under "remedy in British English", at 5 which states "to put to rights (a fault, error, etc); correct".
[387] Appendix B12.4.5a at section 8.5.1.
[388] Joint statement from the Department and Auckland Council in response to item 3(f) in Minute 8.

436. In this case, we must weigh up the adverse effects of 1,315m[389] of permanent stream loss in the three Mangapū tributaries, and restriction to fish passage to 151m of tributary 4, with the positive effects of the proposed offset and compensation activities,[390] including:

(a) 571 m of stream realignment;

(b) 3,680m of stream restoration; and

(c) removal of fish migration barriers for in excess of 2,500m of stream.

437. We also accept that there are less tangible benefits associated with the integrated nature of the offsets and compensation activities. That is, there are benefits associated with headwater enhancements, connectivity with existing areas of high ecological value and integration of stream, wetland and forest restoration and enhancements. These benefits are not well accounted for by the offset models.

438. The issue of dewatering and whether MALF is an appropriate tool for the management of flow related issues was raised in the Ecology Workshop. The Applicant has proposed using MALF to manage flow effects and this approach is supported by the technical expert from Auckland Council. We appreciate there may be variability in flow regimes above MALF as discussed in the workshop, but we were provided with no technical evidence about what those effects would be and how they would be managed. Therefore, we find the MALF based flow management approach (as set out in Conditions 227 to 230) is appropriate.

439. We appreciate the manner that the parties have engaged in proposing and strengthening Management Plans and Conditions to ensure freshwater outcomes. Most conditions have been agreed, including those relating to Erosion and Sediment Control (Conditions 44 – 45), Water Quality Monitoring and Management (Conditions 50 – 51), Ecological Management Plan (Conditions 59 – 60), Aquatic Fauna Salvage and Relocation Plan (Conditions 61 – 62).

440. The Panel has amended the proposed conditions relating the Mangapū Stream diversion. We agree with the revised performance measures for the stream described in Condition 68(c), however find the proposed inclusion of a comparison with reference unhelpful. The reference condition for deposited fine sediments and MCI score was not defined and, in our view, added unnecessary complication to the condition. We prefer the absolute numbers that were discussed at the Ecology Workshop and proposed by Dr Boothroyd without a reference comparison.

441. We were also somewhat surprised to see reference to pumps in relation to dewatering the Mangapū Stream channel. The Applicant's ecologist has stressed the importance of a staged transition of flows over two years from the original tributary to the realigned channel, using a temporary weir structure to gradually divert a greater proportion of the flow (as described in the SRMP). In this context, we do not see a requirement for pumping flows and have adjusted Condition 120 to reflect this.

[389] Comprising 1200m of Mangapū Tributary, 75m culvert in Tributary 3 and 40m culvert in Tributary 4.
[390] Response to comments s 55 report, Appendix 3 at Table 1.

442. We consider that the effects management approach for freshwater issues proposed by the Applicant will not achieve no net loss across all areas; the realignment of a near-pristine forested tributary channel into a new channel created on a quarry bench is we find likely to result in loss of ecological value that has not been fully accounted for in the effects management package. But, given the activities and extent of the offset and compensation package, together with the [draft] conditions imposed as addressed above, we consider the conditioned approach to effects management for freshwater ecology issues to appropriately address the relevant effects such that there will not be any significant residual freshwater impacts.

Terrestrial issues

443. We appreciate the commentary on the BOAM and understand that its flexibility is both an advantage and a disadvantage. An advantage in that it is flexible enough to be applied to many situations, but a disadvantage in that the flexibility provides scope for differing views on what attributes should be used and how they should be quantified.

444. In a project with complex ecological effects and issues to be assessed and managed, differences in professional opinion on the parameterisation of the model is to be expected. We consider that many of the technical issues raised in relation to models are not consequential in terms of the overall outcomes. For example, section 53 comments from the Department and Auckland Conservation Board provide supportive comments about the quantum of terrestrial offset and compensation, and the focus of their comments are on the implementation, and success monitoring of the proposed revegetation and pest control activities, rather than the quantum required.

445. The Applicant has proposed monitoring of the terrestrial offsetting and compensation outcomes, and these are now specified in conditions rather than the Management Plans. This includes performance measures for all restoration planting (Condition 60(i)) and pest management (Conditions 167 – 169). As previously discussed, the only change to the conditions made by the Panel relate to terrestrial biodiversity is the reference to the appropriate Ecological District for source plants, which recognises that the three focus areas are in different Ecological Districts (Conditions 60(e) and 136(b)).

446. We further note the integrated nature of the freshwater and terrestrial offset and compensation activities, and their proximity to existing SEAs or other high value habitats. Therefore, we anticipate that there will likely be additional cumulative benefits associated with undertaking the activities in the three focus locations, arising from large extents of indigenous biodiversity and ecological sequences among the different habitat types (i.e., forest, streams and wetlands). These considerations are not readily accounted for in the offset models, including the SEV/ECR and BOAM. With the [draft] conditions imposed as addressed above, we consider the conditioned approach to effects management for terrestrial ecology issues to appropriately address the relevant effects and there will not be any significant residual terrestrial ecology impacts.

Conclusion

447. Ecological effects management packages always have a degree of inherent uncertainty in their outcomes, and this application is no different. But extensive and robust conditions are provided, which have been considerably enhanced during the process. Overall, while there is a large-scale and comprehensive effects management package, there may be residual ecological effects that are not fully managed. In our view, this is principally related to the realignment of the Mangapū tributary. But, as addressed above, with the [draft] conditions imposed we do not consider this gap in achieving full offset leaves any significant residual ecology impacts.

448. Auckland Council's planning assessment[391] provides commentary on this issue, stating that any missing information represents a gap in mitigation, offset and compensation levels (not a full loss) and therefore the residual effects are unlikely to be out of proportion with the benefits of the Project.

Cultural effects

Introduction

449. The Applicant has established ongoing relationships with Ngāti Tamaoho, Ngāti Te Ata Waiohua and Te Ākitai Waiohua as part of its current operations at Hunua Quarry, including through the Kaitiaki Forum for Hunua Quarry. The Applicant also consulted Ngāi Tai ki Tāmaki and Ngaati Whanaunga on the Project.[392]

450. At the project overview conference, the Applicant explained that the Kaitiaki Forum was established in 2015 for the purposes of discussing operations at Hunua Quarry.[393] In response to questions from the Panel, the Applicant explained that the forum is specific to Hunua Quarry and that Winstone tabled the FTAA process at one of the Kaitiaki Forum hui before the application for listing was made.

451. The Application provides a detailed summary of the consultation undertaken and the Applicant's broader notification.[394] In addition:[395]

(a) Te Ākitai Waiohua provided a Cultural Values Assessment in 2024 and a Cultural Values Assessment Addendum on 30 March 2026 which records that Te Ākitai Waiohua opposes the Project in principle;

(b) Ngāti Te Ata Waiohua provided a memorandum in March 2026 setting out its position on the Project, following hui and workshops;

(c) Ngāti Tamaoho provided a memorandum, dated 23 March 2026, that:[396]

(i) provided a neutral summary of the Application and key aspects including, environmental, cultural and procedural considerations; and

[391] Section 53 comments from Auckland Council, Table in [183].
[392] AEE at [433]–[434]; and Appendix A6.7 at section 5.
[393] The Applicant's slides for the project overview conference identified Ngāti Tamaoho Settlement Trust, Ngāi Tai ki Tamaki Trust, Te Ākitai Waiohua and Ngāti Te Ata Claims Support Whānau Trust as members of the Kaitiaki Forum.
[394] Appendix A6.7 at section 5 and the iwi engagement record and summary appendix; and AEE at section B5.3.
[395] AEE at [437] and [732]–[735].
[396] Appendix A6.7 at [5.12].

(ii) stated that a cultural values assessment is currently being prepared and may be provided in the post-lodgement phase; and

(d) Ngaati Whanaunga provided a Cultural Values Assessment dated 8 April 2026 which provides recommendations.[397]

452. The Applicant has amended the Project in response to the cultural values identified by mana whenua.[398] In response to questions raised by Te Ākitai Waiohua in pre-lodgement consultation the Applicant also undertook further work to assess the landscape character and visual effects of the project on Pukekōiwiriki Pā in Red Hill as:[399]

(a) part of a site of cultural significance and Red Hill scenic reserve as a public park; and

(b) part of the cultural redress statutory acknowledgement site in the Te Ākitai Waiohua Treaty Settlement.

453. An additional assessment, including a graphic supplement, was undertaken by Boffa Miskell Limited and provided to the EPA on 22 June 2026. We addressed that assessment earlier in this Part of this [draft] decision under the 'landscape, natural character and visual amenity effects' sub-heading.

454. At the project overview conference, the Applicant informed us that the additional assessment was provided to Te Ākitai Waiohua for consideration on 8 July 2026 along with an offer of a site visit with Boffa Miskell. Te Ākitai Waiohua's section 53 comments confirm that it has reviewed the further assessment and concluded that:[400]

> Te Ākitai Waiohua remains concerned that the overburden area is very large and will occupy a considerable portion of the central view. The proposed mitigation planting will take many years to become established (30+ years). Of additional concern is that Stage 7 will result in a noticeable lowering of the ridgeline, which has historically served as an important navigational marker.

455. Ngāti Tamaoho did not end up providing a cultural values assessment.

Cultural effects

456. The cultural effects that are relevant are those that affect the relevant iwi and their members. The following is a high-level summary of matters raised by Ngāti Tamaoho, Ngāti Te Ata Waiohua, Te Ākitai Waiohua, Ngāi Tai ki Tāmaki and Ngaati Whanaunga and is not intended to dilute the integrity of the matters raised by each group. In summary, the matters raised include:[401]

(a) recognition of mana whakahaere, the role of mana whenua and the ability to exercise kaitiakitanga;

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[397] The Memorandum of counsel on behalf of the Applicant in response to comments clarifies at [45]–[46] that this CVA was not forwarded to the EPA as intended. Instead, it was provided to the Panel as part of the Applicant's response to comments. See Response to comments s 55 report, Appendix 17.
[398] Appendix A6.7 at section 7; AEE at [438] and [737]–[741].
[399] Applicant's letter to the EPA dated 22 June 2026 at [23]–[24] and Appendix 5.
[400] Section 53 comments from Te Ākitai Waiohua at pages 4–5.
[401] Memorandum from Ngāti Tamaoho Settlement Trust dated 23 March 2026; memorandum from Ngāti Te Ata Waiohua dated March 2026; Cultural Values Assessment by Te Ākitai Waiohua dated 2024; Cultural Values Assessment Addendum by Te Ākitai Waiohua dated 2026; s 53 comments from Te Ākitai Waiohua; Response to comments s 55 report, Appendix 17; Appendix A6.7 at [5.12]–[5.16] and section 6; and AEE at [436]–[437] and [729]–[735]; and Applicant's slides for the project overview conference.

(b) protection of the mauri and ecological integrity of whenua and wai, particularly the Mangapū Stream, but also wetlands, terrestrial and freshwater ecology and taonga species;

(c) mahinga kai and resource use;

(d) cultural landscapes, including restoration;

(e) cultural heritage, including cultural landscapes, whakapapa, wāhi tuku iho and archaeological values; and

(f) archaeology and archaeological values beyond physical artefacts, including mātauranga, tikanga and the knowledge held by mana whenua.

Project overview conference

457. During the project overview conference Ms Jade Wikaira took us briefly through the relevant slides[402] and provided a summary of the cultural engagement the Applicant had undertaken.

Comments received from invited parties

458. The Panel invited comments from the relevant iwi authorities and Treaty settlement entities identified by MfE in its s18 Report. The Panel also invited Te Ahiwaru Trust and the Hauraki Māori Trust Board to comment.[403] Comments were received from Te Ākitai Waiohua Settlement Trust and Te Whakakitenga o Waikato Incorporated. Auckland Council also commented on cultural matters.

Te Ākitai Waiohua

459. Te Ākitai Waiohua supports conditions that seek to recognise and protect cultural values and the conditions requiring a Kaitiaki Forum. However, Te Ākitai Waiohua continues to oppose the Project in principle as it will have significant adverse cultural effects that cannot be avoided or fully mitigated. Te Ākitai Waiohu also seeks:[404]

(a) that the Kaitiaki Forum meets with greater frequency than existing arrangements, particularly during the review of management plans;

(b) additional involvement, including:

(i) in all stages of stream alignment and restoration; and

(ii) in development of Landscape Rehabilitation Strategy and Management Plan;

(c) opportunities for Te Ākitai Waiohua to exercise kaitiakitanga and mana motuhake within this significant area of its rohe;

(d) ongoing commitment from the Applicant to engage with Te Ākitai Waiohua to ensure that the Project respects and reflects the cultural values and aspirations; and

[402] Applicant's slides for the project overview conference.
[403] Minute 2 of the Panel.
[404] Section 53 comments from Te Ākitai Waiohua at pages 4–8.

(e) that while the ecological effects occur within its area of interest the amount of offset mitigation at Meremere Quarry, which is outside its traditional area of interest, be limited to no more than 10%.

460. Te Ākitai Waiohua also comments on the archaeological authority, which we address in Part I of this [draft] decision.[405]

461. In its response to comments, the Applicant:[406]

(a) recognised that participation in the Kaitiaki Forum does not require Te Ākitai Waiohua, or any other mana whenua participant, to relinquish or modify its own position on Project matters;

(b) confirmed its ongoing commitment to engage with Te Ākitai Waiohua throughout the development and implementation of the Project

(c) supported:

(i) the continuation of appropriate mechanisms for ongoing mana whenua engagement;

(ii) meaningful Te Ākitai Waiohua involvement; and

(iii) practical opportunities for Te Ākitai Waiohua to exercise kaitiakitanga through the Project, including through ongoing engagement, review of relevant management plans, cultural monitoring, planting and appropriate salvage or relocation activities;

(d) agreed that there may be periods where additional engagement is appropriate, but considered it was not necessary to prescribe a permanently increased meeting frequency of the Kaitiaki Forum;

(e) did not support a requirement that all offset or compensation measures must occur on the site or within its immediate environs or a fixed 10% cap at Meremere Quarry;

(f) reiterated that the appropriate statutory and operational responsibilities of the Applicant and relevant approval authorities would remain; and

(g) included within its condition set a CMP to (Condition 33 now contains revised wording):

> … record the preferred engagement and kaitiakitanga arrangements between the Consent Holder and Mana Whenua and to provide a framework through which cultural values can be recognised and provided for during the construction, operation, rehabilitation and ecological restoration associated with the Project.

Te Whakakitenga o Waikato Incorporated

462. Te Whakakitenga o Waikato Incorporated requests that:[407]

(a) the Panel recognise Waikato-Tainui's longstanding interests, authority, responsibilities and aspirations in relation to the Manukau Harbour and its connected

[405] Section 53 comments from Te Ākitai Waiohua at page 5.
[406] Response to comments s 55 report, Appendix 10 at response to comments 3.011, 3.012, 3.021, 3.022, 3.024, 3.029, 3.031, 3.034, 3.035 and 3.040; and Response to comments s 55 report, Appendix 2
[407] Section 53 comments from Te Whakakitenga o Waikato Incorporated at [3]–[5] and [14]–[16].

catchments when considering the Project (which is within the Manukau Harbour catchment);

(b) a request that meaningful and direct engagement between the Applicant and the relevant mana whenua groups continues throughout the life of the Project; and

(c) a request that conditions are consistent with, and where applicable give effect to, the relevant objectives, policies and methods of the Waikato-Tainui Environmental Plan (Tai Tumu, Tai Pari, Tai Ao).

463. Te Whakakitenga o Waikato Incorporated also supports the matters raised by mana whenua groups and expects that those will be appropriately recognised and addressed through the assessment, conditions and ongoing management of the Project.[408]

464. The Applicant's response notes that:[409]

(a) ongoing engagement is anticipated as the Project progresses;

(b) potential effects on the identified environmental values are appropriately managed by the proposed consent conditions; and

(c) as above, the Applicant proposed a CMP be included within the condition set.

Auckland Council

465. Auckland Council considered that adverse cultural effects had not been fully assessed and consultation was incomplete because Ngāti Tamaoho has not provided a Cultural Values Assessment and Te Ākitai Waiohua has not responded to the additional landscape assessment.[410]

466. We agree with the Applicant's response and consider we have sufficient information on cultural effects to reach a [draft] decision.[411] Further, as noted earlier in this Part of this [draft] decision:

(a) Te Ākitai Waiohua has provided comments on the additional landscape and visual assessment in respect of Pukekōiwiriki Pa; and

(b) Ngāti Tamaoho only stated that it may provide a cultural values assessment.

Panel evaluation and findings (including [draft] conditions)

467. We have carefully considered the cultural information provided to us. The inclusion of the CMP provides an important mechanism for mana whenua to engage with the Applicant, to document and kaitiakitanga arrangements, and to provide a framework through which cultural values can be recognised and provided for. We support that approach.

468. In relation to the cultural conditions, we largely support the relevant conditions proposed by the Applicant but have made several amendments as follows:

[408] Section 53 comments from Te Whakakitenga o Waikato Incorporated at [17].
[409] Response to comments s 55 report, Appendix 2; Response to comments s 55 report, Appendix 9 at [4.3].
[410] Section 53 comments from Auckland Council at [139]–[145] and [190].
[411] Memorandum of counsel on behalf of the Applicant in response to comments at [45]–[47] and [53]; Response to comments s 55 report, Appendix 2 in response to comments 8.356 and 8.369.

(a) the Kaitiaki Forum (Conditions 14 to 19) to:

(i) better link to the QMP (Condition 39) requirements;

(ii) link the Kaitiaki Forum to assisting with the preparation of the CMP;

(iii) provide for discussions of opportunities for cultural and ecological enhancement where appropriate;

(iv) facilitate involvement of mana whenua at agreed key stages of the stream realignment and restoration process; and

(v) explicitly enable more frequently meetings to be agreed; and

(vi) require an agenda, the Annual Monitoring Report and relevant material to be provided to members 5 working days before each meeting; and

(b) the CMP (Condition 35) to include:

(i) cultural inductions;

(ii) cultural monitoring associated with stream realignment and restoration;

(iii) opportunities for Te Ākitai Waiohua to be involved in potential additional mitigation, if any, in relation to cultural effects from Pukekōiwiriki Pā related to landscape (ridgeline) and visual matters (the Applicant had proposed this be in the LRMP but as these are fundamentally cultural effects, we considered the CMP to be the right place); and

(iv) opportunities to participate in planting and appropriate salvage or relocation activities.

469. We acknowledge that it is for tangata whenua to identify the cultural values relevant to a proposal, and the ways in which they consider effects on those values can be appropriately addressed. We acknowledge that the cultural effects include a range of matters, including and beyond those we have summarised earlier. We have approached our assessment on this basis.

470. As raised in the comments of Te Ākitai Waiohua, we recognise though that cultural values are holistic in nature and that tangata whenua are interested in many facets of the Project. That includes water (and associated groundwater, water quality, water flow augmentation and erosion and sediment controls), landscape (especially views from Pukekōiwiriki Pa and cultural effects caused by lowering the ridgeline) and ecology (especially the removal of indigenous vegetation and effects associated with the Mangapū Stream tributary realignment). Therefore, our review of, and findings on, those matters provide a holistic context to our [draft] decision on cultural matters.

471. We acknowledge that the in-principle opposition of Te Ākitai Waiohua to the Project remains. The Panel is cognisant of Te Ākitai Waiohua's position that there will be significant adverse cultural effects that cannot be avoided or fully mitigated. We also recognise that Te Ākitai Waiohua provided many practical and meaningful proposals that over time may be able to be developed to address its concerns (even if they have not been finally

implemented now). We have amended the [draft] conditions to accommodate many of those and recognise the Applicant's stated commitments. Other tangata whenua have a more neutral position.

472. While the cultural concerns raised by tangata whenua may not have been fully addressed to the satisfaction of all, and certainty have not been "fully mitigated", we find that the adverse cultural effects have been appropriately mitigated through:

(a) the Applicant's past and future approach on cultural matters, including:

(i) extensive engagement with tangata whenua to date to identify and address (as appropriate) issues raised (and this engagement has been underway long before this Application was initiated);

(ii) commitment to continue to engage throughout the development and implementation of the Project, including through the Kaitiaki Forum; and

(iii) invitations to Ngāti Tamaoho, Ngāti Te Ata Waiohua, Te Ākitai Waiohua and Ngaati Whanaunga to enter into memoranda of understanding / relationship agreements];

(b) the amendments made to the Project through the Application to address effects on cultural values;

(c) the Applicant's proposed changes to the conditions; and

(d) the further changes we have made to the [draft] conditions.

473. We agree with the Applicant's response to Auckland Council's comments and consider we have sufficient information on cultural effects to reach a [draft] decision. Further, as noted earlier in this Part of this [draft] decision:

(a) Te Ākitai Waiohua has provided comments on the additional landscape and visual assessment in respect of Pukekōiwiriki Pa; and

(b) Ngāti Tamaoho only stated that it may provide a cultural values assessment.

474. Overall, the Panel considers that potential adverse cultural effects have been appropriately addressed through the inclusive and detailed approach adopted by the Applicant and the [draft] conditions imposed (which we consider to not be more onerous than necessary) and conclude there will not be any significant residual cultural impacts.

Other effects

Erosion and sediment control

475. The Erosion and Sediment Control Assessment, prepared by Megan Dredge at MPD Environmental Limited, explained the proposed erosion and sediment controls, among other matters, and incorporated a draft Erosion and Sediment Control Plan (**ESCP**).[412] The Erosion and Sediment Control Assessment and draft ESCP were prepared in accordance

[412] Appendix B12.4.7.

with design principles of the Auckland Council Guideline Document 2016/005 Erosion and Sediment Control Guideline for Land Disturbing Activities in the Auckland Region (**GD05**)

476. The Erosion and Sediment Control Assessment recommended several conditions[413] and concluded that:[414]

> … provided best practice erosion and sediment controls are in place during land disturbing activities as described above, any adverse effects on receiving environments can be appropriately mitigated. Some sediment is likely to be discharged from sediment devices in areas of works during rainfall events, but this will generally occur when the streams are under higher flows and receiving sediment from other sources in the catchment. Given the natural conditions that exist, and assuming best practice erosion and sediment control as described in GD05, the effects of construction discharges on receiving environments should be no more than minor.

477. Auckland Council's expert reviewer considered the Erosion and Sediment Control Assessment and other documents and concluded that:[415]

> With regard to the proposed earthworks, the applicant states that best practice ESC measures will be utilised to ensure the proper management of any potential sediment related effects, and that any resulting effects will be less than minor. An assessment of the technical aspects of the earthworks and sediment control methodology has been undertaken and provided the earthworks are completed in accordance with the application documents and all supporting information, including any additional recommendations noted above, I concur with the applicant's assessment and consider that the potential effects associated with sediment discharge will be appropriately managed.

478. The Auckland Council's Planning Memorandum notes that earthworks can be appropriately managed by the proposed erosion and sediment controls and there are no significant residual sedimentation impacts.[416]

479. Te Ākitai Waiohua raised concern about potential sedimentation effects on downstream freshwater receiving environments and sought that the annual reporting requirement be amended to six monthly.[417] The Applicant's response referred to the erosion and sediment control measures, seasonal restrictions on earthworks, monitoring and the requirement to stabilise earthworks as being sufficient.[418] Having considered this matter we agree with the Applicant.

480. The Panel agrees with the Application and Auckland Council that, with the [draft] conditions imposed (which we consider to be robust and not be more onerous than necessary) potential erosion and sediment effects are appropriately addressed and there will not be any significant residual erosion and sediment impacts.

Subdivision/boundary realignment

481. Auckland Council considered that the lodged scheme plan showed the boundary adjustment between the Site and 163 Middleton Road in an atypical way and the proposed

[413] Appendix B12.4.7 at section 14.
[414] Appendix B12.4.7 at section 15.
[415] Section 53 comments from Auckland Council, Annexure 9 Regional Earthworks memo at section 6.3.
[416] Section 53 comments from Auckland Council at [21]–[28].
[417] Section 53 comments from Te Ākitai Waiohua at page 7.
[418] Response to comments s 55 report, Appendix 2 in response to comment 3.027.

boundary adjustment potentially triggered the esplanade reserve provisions in the RMA.[419] The Applicant provided an updated scheme plan dated 24 July 2026 to Auckland Council to clarify this matter and has reached agreement that the esplanade provisions in the RMA are not triggered.[420] The Applicant itself confirmed that the purpose of the subdivision is to adjust the boundary between the existing landholdings and is not intended to create an additional developable allotment (as had earlier incorrectly been shown).

482. The Panel is satisfied that this matter is resolved and the boundary adjustment does not trigger the esplanade reserve provisions.

Geotechnical

483. The Geotechnical Assessment Report, prepared by Tonkin and Taylor, concluded:[421]

> … the quarry development is feasible from a geotechnical perspective, and offsite effects such as slope stability, groundwater and rock mass dilation will not impact current nor future land use adjacent to the quarry operations. Geotechnical risks can be managed through conventional design methods. Ground movement impacts beyond FCIL owned land are likely to be negligible (less than 10 mm) and pose very low levels of risk ("R1", defined in Appendix H). Off-site effects are expected to be less than minor. Continued monitoring and adaptive management through the excavation phases will ensure that any emerging geological or hydrogeological risks are effectively identified and mitigated to acceptable levels (R1 to R2). The final pit slopes will be reviewed and certified by a suitability qualified geotechnical professional to confirm the final as-built cut meets closure stability criteria.

484. The Geotechnical Assessment Report recommended several conditions (Conditions 114-117) and a Trigger Action Response Plan (TARP) (Conditions 55-56).

485. Auckland Council's expert reviewer found that the Geotechnical Assessment gave:[422]

> … confidence that the author has a great understanding of the geology of the site, the characteristics and behaviour of materials in the quarry, and the effect of the proposed staged expansion works. In this regard I cannot see any issues or concerns from a geotechnical perspective should approval be given.

486. Auckland Council's Planning Memorandum notes the broad agreement in relation to geotechnical and stability effects and considers that with the proposed conditions there are no significant residual impacts.[423]

487. The Panel has carefully reviewed the conditions and made some minor amendments to aid certainty within the TARP, and we consider that, with the [draft] conditions imposed (which we consider to not be more onerous than necessary), potential geotechnical effects are appropriately addressed and there will not be any significant residual geotechnical impacts.

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[419] Section 53 comments from Auckland Council at [124]; and Section 53 comments from Auckland Council, Annexure 14 Parks Planning at page 3.
[420] Response to comments s 55 report, Appendix 2; Response to comments s 55 report, Appendix 10 response to comment 8.072 and 8.078; Response to comments s 55 report, Appendix 16.
[421] Appendix B12.4.8 at page 3.
[422] Section 53 comments from Auckland Council, Annexure 1 Development Engineering & Geotechnical memo at section 2.
[423] Section 53 comments from Auckland Council at [34].

Stormwater Management

488. The Application proposes to manage stormwater effects through an integrated approach including stormwater treatment, ESC, quarry dewatering, stream flow augmentation and operational management measures implemented through the conditions and management plans.

489. Auckland Council's expert reviewer considered the stormwater elements of the proposal.[424] This agreed that a discretionary activity consent was needed for a private diversion and discharge of stormwater as applied for by the Applicant. The expert reviewer questioned whether any industrial or trade activities are proposed within the expansion area to assist consideration of whether any additional consents are required.

490. Auckland Council's Planning Memorandum notes that the Applicant has not applied for industrial or trade activity consents (and so was out of scope) but considered it useful to have this confirmed. Relying on the expert review the Planning Memorandum concludes that there are no significant residual impacts on stormwater.[425]

491. The Applicant's Planning Response confirms that:

(a) The expansion area will not include any industrial or trade activities, as defined in the AUP;[426]

(b) That the project has "has addressed all stormwater discharges within the Hunua Quarry site including that discharging through the OBDA and Managed Fill, recognising the holistic response required to manage stormwater";[427]

492. The Applicant's own response[428] also agrees with Auckland Council that stormwater and water management associated with the project should operate as part of the wider quarry network, reflecting the intended approach, and a separate additional stormwater management framework is not required.

493. The Panel accepts the integrated stormwater management approach, recognises that no new industrial or trade activities are proposed within the Quarry Development Area and agrees with Auckland Council that there are no residual significant adverse impacts relating to stormwater.

Hydrology and groundwater effects

Context

494. The Hunua Pit and the Symonds Pit are located within the same regional aquifer but have separate surface water catchments and groundwater levels. The Hunua Pit is in the Waipokopu stream catchment and backfilling of the pit has raised groundwater levels in its vicinity from RL 20m to RL 52m (pre-quarry groundwater was approximately RL 64m).[429]

[424] Section 53 comments from Auckland Council, Annexure 15 Stormwater memo.
[425] Section 53 comments from Auckland Council at [48].
[426] Response to comments s 55 report, Appendix 2, 8.031 and 8.038. This is also confirmed by the Applicant at Response to comments s 55 report, Appendix 10, comment 8.
[427] Response to comments s 55 report, Appendix 2, 8.032.
[428] Response to comments s 55 report, Appendix 10, comment 8.032.
[429] Symonds Pit dewatering now controls regional groundwater levels so future backfilling will not cause any further increase.

The Symonds Pit is in the Mangapū Stream catchment and the current groundwater level, influenced by pumping from the Hunua Pit, fluctuates between approximately RL 67m and RL 60m (down from RL 75m).[430]

495. There are two groundwater systems; shallow groundwater and regional groundwater. Shallow groundwater is usually at elevations above RL 60m and generally remains unaffected by the regional groundwater dewatering due to hydraulic separation. Regional groundwater is recharged by downward percolation from the shallow groundwater or directly through greywacke outcrops in catchments. The flow pattern of regional groundwater is strongly controlled by structural features such as faults.[431]

496. The Symonds Pit is situated within the Hunua Greywacke Block hydrogeological unit which is separated hydrologically by a low-permeability zone from the Drury Greywacke Block to the south (where Drury Quarry dewatering operations occur). There is significant hydraulic connectivity across the Site, particularly to the south and southwest of the pits (see **Figure** 17 below), but reduced connectivity between the Symonds Pit and the wider Site.

[430] Appendix B12.4.9a at sections 1.2 and 4.1 and AEE at [96]–[97].
[431] Appendix B12.4.9a at sections 3.2–3.11 and 4.1 and AEE at [99]–[102].

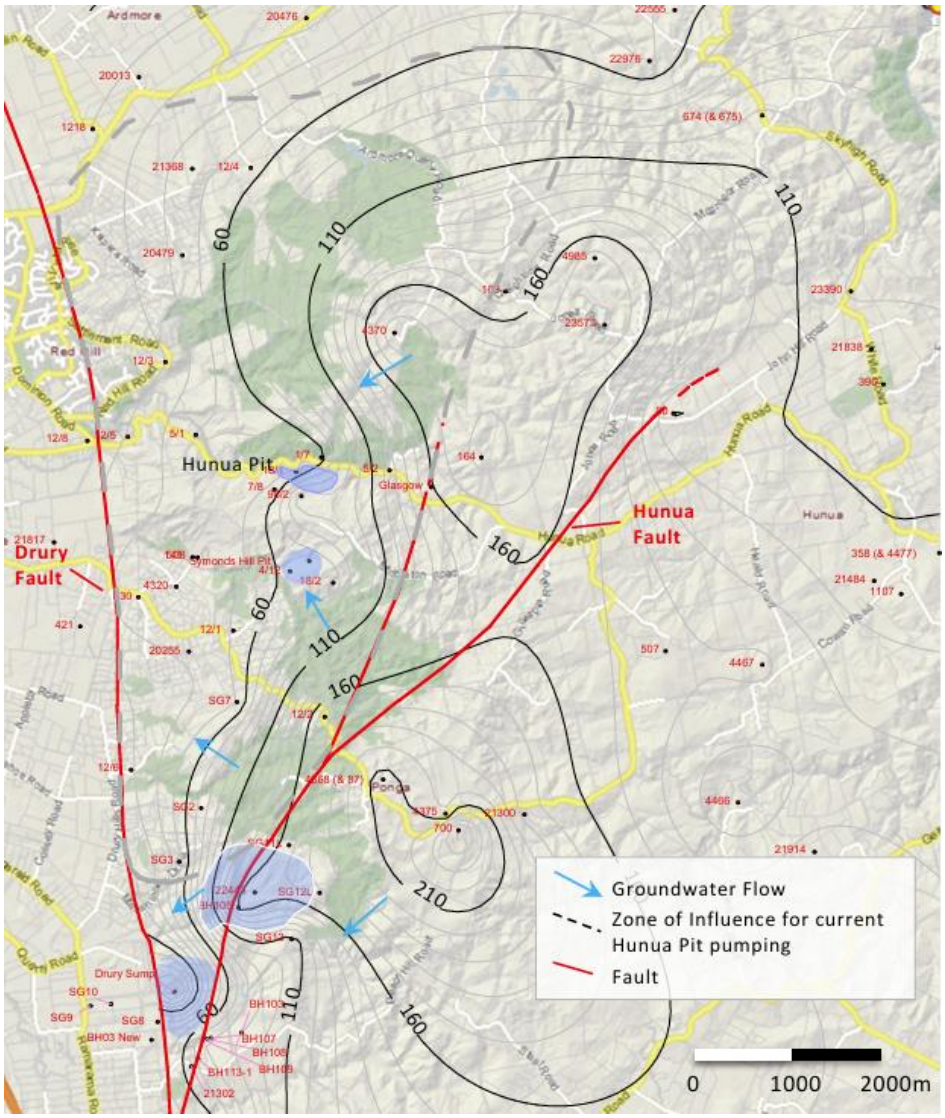

Figure 17 – Groundwater level contours for regional groundwater in Greywacke (September 2025)[432]

497. The Applicant's existing consent (WAT60152106-A) authorises the diversion and take of shallow and regional groundwater from the Hunua West Greywacke, Hunua Wairoa Greywacke, and Waitemata aquifers for dewatering both pits and for stream flow augmentation. The current quarry water supply for processing, dust suppression, and stream augmentation is sourced from water supply bore HUN14/8 (near Coal Mine Road) and the Symonds Pit sump.[433] **Table 7** below summarises the differences between the Applicant's existing consent and what would be permitted by the Project. The zone of influence will remain unchanged (bounded by faults).

[432] See Appendix B12.4.9a at Figure 6.
[433] Appendix B12.4.9a at sections 1.3 and AEE at [98] and [104]–[105] and [107]–[108].

Table 7 – Differences between existing consent and the Project

Aspect	Existing Consent (WAT60152106-A)	Proposed Development	Change
Pit Floor Level	RL -5m	RL -50m	Deeper by 45m
Total Take	5,340 m^3/d	5,820 m^3/d	+480 m^3/d (+9%)
Zone of Influence	31 km^2	31 km^2	Unchanged
Affected Bores	9 identified	19 identified (10 newly identified)	More users within same zone

498. The existing augmentation regime mitigates effects on low flows in streams and any bores on private property within the zone of influence affected by quarry dewatering.[434]

499. The existing groundwater discharge points are shown on **Figure 2** in Part B of this [draft] decision and water quality is monitored. Sampling indicated the quarry discharge does not have a significant impact on stream water quality.[435]

500. A key concern for groundwater, considered in our Minute 2 (invitations for comment, related to offsite bore water users and the potential adverse effects on them).

AEE/technical reports

501. A Groundwater Effects Assessment was undertaken by Parviz Namjou and Sean Wheeler at PDP to evaluate the effects on groundwater and surface water from the proposed development of the Symonds Pit. The hydrological setting, groundwater movements and levels, recharge of shallow and regional groundwater, and hydraulic conductivity (summarised under the context sub-heading above) were key to the effects assessment.[436]

502. The effects identified by the assessment included:[437]

    (a) potentially significant effects on bore users that take from regional groundwater pre-mitigation, lowering to no more than minor following mitigation;

    (b) less than minor effect on the Mangapū Tributary (0–1% flow loss);

    (c) an increase in effects for the Mangapū Tributary as the stages progress, with flow losses increasing due to shallow groundwater interception from 0–1% for Stages 0–2 (less than minor effects), to 5% for Stages 3–6, and 10% for Stages 7–8 which could result (pre mitigation) in significant adverse impacts on water quality and ecological values;

[434] Appendix B12.4.9a at page iii; AEE at [106].
[435] Appendix B12.4.9a at page iii; AEE at [103], [110]–[113] and [644].
[436] Appendix B12.4.9a at pages iii–iv and section 3; AEE at [634]
[437] Appendix B12.4.9a at pages vi–vii and sections 4 and 7 including Tables 11, 13, 14 and 18; AEE at [637]–[649].

(d) a conservative net total predicted baseflow reduction of 34% and 35% for the Mangapū and Waipokopu Streams respectively at RL -50m, with a less than minor residual effect after mitigation;

(e) potential adverse effects on wetlands located within the shallow groundwater zone from dewatering, but a low chance of any adverse effects on wetlands outside the shallow groundwater zone;

(f) a low chance of significant adverse effects on water quality; and

(g) no effects on Watercare's reservoir at Hunua as the groundwater systems are likely separate.

503. Mitigation, monitoring and augmentation measures are proposed to ensure that adverse effect will be no more than minor, including:[438]

(a) groundwater level monitoring programme to monitor drawdown effects;

(b) a requirement for the Applicant to mitigate any adverse effects on the neighbouring bores if trigger drawdown values are exceeded;

(c) remedial measures in the Groundwater Monitoring and Contingency Plan to address dewatering effects;

(d) stream flow monitoring, with triggers for when augmentation is required; and

(e) annual sampling of Bore HUN14/8 (Coal Mine Bore) and the Symonds Hill Sump to check water quality.

504. The Groundwater Effects Assessment concludes:[439]

> The key effects are similar in nature to those already assessed and consented under WAT60152106-A, but with increased magnitude for drawdowns within the Hunua Greywacke Block. In addition, a new effect, not present under the existing consent is that shallow groundwater interception may affect the baseflow of the proposed diversion stream after Stage 3. A comprehensive monitoring programme and mitigation measures are proposed to offset any loss of flow.
>
> The overall level of effect is considered to be less than minor, provided the recommended monitoring, augmentation, and mitigation measures are implemented. This is consistent with the findings of the existing consent assessment.

Project overview conference and site visit

505. The Applicant's legal submissions filed in advance of the project overview conference, confirmed there were no outstanding groundwater issues between the Applicant and Auckland Council, but further discussions were underway regarding minor amendments to the condition wording to better reflect expert discussions.[440] At the conference Dr Namjou referred to the relevant slides[441] and explained the groundwater context, effects and proposed augmentation/mitigation as summarised above. He was clear that there was no

[438] Appendix B12.4.9a at page viii and sections 5 and 6; AEE at [650]–[652].
[439] Appendix B12.4.9a at page vii.
[440] Applicant's legal submissions at Schedule 1.
[441] Applicant's slides for the project overview conference.

change to the zone of influence, while drawdown magnitudes increase, they have been conservatively assessed, and all adverse effects can be managed through the proposed monitoring and mitigation such that any residual adverse effects are less than minor.

506. During the site visit we drove down to the base of the Symonds Pit and observed the groundwater presently collected there, and the pump (currently one) used to pump that water up to the RL110m stormwater treatment pond (which we also drove past).

Comments received and Applicant's response

507. Paul and Vivienne Manak are concerned that deepening Symonds Pit will alter groundwater and that there will be a range of potential effects which can be difficult or impossible to reverse once they have occurred. If we grant the approvals, Paul and Vivienne Manak request that:[442]

(a) independent groundwater monitoring occurs before, during and after quarrying activities;

(b) there are clearly defined baseline conditions and enforceable trigger levels requiring investigation and operational changes where adverse effects are detected; and

(c) there is clear responsibility for restoring or replacing private water supplies if adverse effects on them are detected.

508. The Applicant's expert response clarified the safeguards that are already built into the Application and proposed conditions, including:[443]

(a) the significant baseline information from the existing groundwater take consents and the additional baseline monitoring proposed in the conditions; and

(b) the comprehensive suite of conditions relating to the management and monitoring of both groundwater and surface water.

509. In their comments, Brian and Kate Park:[444]

(a) expressed their concerns that:

(i) the quarrying/excavation has had a significant effect on the residual flow in the Mangapū Catchment, noticeable to their farming operation and take for stock watering; and

(ii) monitoring of the Mangapū Stream is limited and any augmentation is reactive not proactive; and

(b) sought that the consent has, as a minimum requirement, a properly designed and engineered stream monitoring and compensation control flow system, including a compressive steam hydrology characterisation and environment assessment.

510. The Applicant's expert response clarified the technical basis for:[445]

[442] Section 53 comments from Paul and Vivienne Manak.
[443] Response to comments s 55 report, Appendix 2 regarding comments 11.021 and 11.022; and Response to comments s 55 report, Appendix 4 regarding comments 11.007 and 11.008.
[444] Section 53 comments from Brian and Kate Park.
[445] Response to comments s 55 report, Appendix 4 regarding comments 12.003–12.007.

(a) the assessment of effects on stream flows, both during low-flow and high-flow conditions; and

(b) the stream flow monitoring and augmentation framework proposed for the Mangapū Stream.

511. There is broad agreement between Auckland Council and the Applicant in respect of groundwater related effects, despite Auckland Council disagreeing on some methodology and details.[446] Overall, Auckland Council:[447]

(a) considers that there are no significant groundwater issues that would preclude the granting on consents; and

(b) supports the groundwater take and diversion conditions proposed with the inclusion of additional conditions and changes agreed with the Applicant.

512. Watercare confirmed that:[448]

> Based on the location of the Project, the supporting assessments and the proposed conditions, Watercare agrees that the dewatering associated with the Project is unlikely to have any effect on the Hays Creek Dam.

513. Watercare sought an amendment to Condition 246 that if it is considered that it is likely the project is causing an adverse effect on its dam that the Applicant covers the costs associated with the investigation, assessment, monitoring, mitigation and implementation of any required measures. It also sought that it be provided with copies of all monitoring reports prepared under that condition. The Applicant's Planning Matters response was that copies of the reports can be provided but:[449]

> The Applicant accepts responsibility if it is proven that an amendment the operation of the Quarry is adversely impacting on Watercare's facilities. However, it prefers that any reference to costs associated with the investigation, assessment, monitoring, mitigation and implementation of adverse effects not be included in the conditions but addressed outside of the FTAA process.

514. In respect of Auckland Council's comments, the Applicant:[450]

(a) responds to the maters of disagreement with Auckland Council;

(b) address changes to the conditions; and

(c) reiterates that there are no significant disagreements on the substantive technical matters and the residual effects after mitigation are less than minor.

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[446] Section 53 comments from Auckland Council at [39]. Auckland Council disagrees that bores HUN5/2U and HUN4/12 and the Glasgow bore have not been affected by dewatering; disagrees with the use of AMRR for establishing groundwater trends in the Hunua Quarry Environment; and in relation to the assessed 'Envelope of Effects' in Appendix B12.8.12, PDP (2026) I disagree with the presentation of the drawdown effects presented in Table 11. See Section 53 comments from Auckland Council, Annexure 2 Groundwater and Dewatering memo at section 3.

[447] Section 53 comments from Auckland Council, Annexure 2 Groundwater and Dewatering memo at sections 4 and 5; and Section 53 comments from Auckland Council at [37]–[38].

[448] Section 53 comments from Auckland Council, Annexure 12 Watercare Services Limited comments at [14]. See also [18].

[449] Response to comments s 55 report, Appendix 2, at 8.282.

[450] Response to comments s 55 report, Appendix 4; Response to comments s 55 report, Appendix 2 regarding comments 8.104–8.106 and 8.108–8.116.

Panel evaluation and findings (including [draft] conditions)

515. We have carefully considered the extensive conditions relating to groundwater (Conditions 52-54 (GMCP) and 198-249) which provide an extensive and robust series of limits, drawdown steps, monitoring bores (and monitoring practices), augmented flows (and water quality monitoring), stream flow monitoring, mitigation measures (water loss, bores and stream flow) and in relation to Watercare's dam structure.

516. On that last matter Watercare sought two amendments to Condition 242. In relation to costs of the process, it is clear from the wording "the Consent Holder must" used in Condition 242 that all required actions will be at the Applicant's cost. The Applicant's response also indicates that is the case and we rely on that. Therefore, while making it explicit is not uncommon in conditions, given the similar approach adopted wider through the conditions, including in relation to bore owner effects, we consider the provision as drafted sufficiently addresses Watercare's concern. However, while agreed to by the Applicant, it has not included the provision of reports prepared under Condition 242 within that condition. We consider it should be included and have done so.

517. In relation to Condition 248, the Panel prefers the Applicant's approach that if bore monitoring shows an effect, to investigate and then cease, as opposed to Auckland Council's cease and then investigate approach.

518. Overall, the Panel agrees with the Groundwater Report (summarised above) that potential adverse groundwater effects have been appropriately managed (and any residual adverse effects are less than minor). We have made very slight amendments to the [draft] conditions as proposed (which we consider to be robust and not be more onerous than necessary) and conclude there will not be any significant residual groundwater impacts.

Flood risk

519. The Flood Risk Assessment,[451] prepared by PDP, focuses primarily on the culverts for the west haul roads but includes succinct assessment of overland flows, watercourses and flood plains within the Site. In relation to the culverts, it concluded:[452]

> The design of the culverts has taken into account the flood hazard, by considering the appropriate sizing to convey a defined flood size and to mitigate the localised effects of altering the stream channel by installing a structure. Localised effects include channel erosion at the culvert site which will be mitigated by the installation of rock armouring at the downstream end of the culvert. This mitigation will prevent bed scour and the potential for increased sediment transport, over and above what occurs naturally in a flood event.
>
> The risk posed by the hazard is not made worse by the development of the quarry, specifically the construction of the haul road and installation of culverts. Potential effects include slightly elevated water levels upstream of the structure, which are well contained within the stream gully and do not pose a residual risk to the quarry land or people and property outside of the quarry boundary.

[451] Appendix B12.4.15.
[452] Appendix B12.4.15 at section 4.2.

520. In relation to the Symonds Pit, it noted that the AUP flood hazard mapping is incorrect as it does not reflect the existing quarry and that:[453]

> In progressing the quarry expansion from stage 0 to stage 8, the streams and tributaries subject to the identified flood hazards, as well as the flood prone area to the west of the existing haul road, will be removed from the landscape as the ground they occupy will be excavated and removed to form the expanded quarry pit, thus removing the hazard from the area.

521. Auckland Council's engineer expert reviewer considered the Flood Risk Assessment and noted that it did not specifically consider the proposed Stage 1 diversion of the watercourse. However, the subsequent 18 June 2026 conditions update proposed detailed flood modelling to be undertaken during detailed design to confirm that the Project will not result in flood effects greater than those identified in the initial model. The Council's expert reviewer suggests some amendment to the proposed conditions requiring modelling prior to finalised design and a minor change to the SRMP. Overall, the Council's expert reviewer concluded:[454]

> Overall, it is anticipated that with suitable management of all works any potential adverse flooding effects can be suitably managed and avoided. The offered conditions of consent pertaining to further flood modelling and the Stream Realignment Management Plan condition are considered appropriate to ensure management of these works is suitably undertaken throughout works, subject to minor amendments.

522. Auckland Council's stormwater expert reviewer:[455]

(a) raised concerns about flooding due to blockages at the eastern Stage 2 culvert; and

(b) suggested that consideration be given to requiring verification of flood effects based on as built information following stream realignment.

523. Auckland Council's Planning Memorandum notes that its expert reviewers are "satisfied that the identified changes to downstream flood levels are acceptable, provided they are limited to the extent detailed in the application package."[456] The Planning Memorandum addressed the verification of flood effects based on as built plans and the insufficient assessment of the culvert in blockage conditions which it considered should be addressed via a condition that no overtopping will occur (via certification of final design). Subject to those condition amendments the Planning Memorandum concludes there are no significant residual flooding impacts.

524. PDP responded succinctly on behalf of the Applicant and agreed with Auckland Council's proposed change to the SRMP (Condition 69) and the proposed a new condition in relation to hydraulic modelling for the two culverts (Condition 89).

525. The Applicant's Planning Response:[457]

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[453] Appendix B12.4.15 at section 4.1.
[454] Section 53 comments from Auckland Council, Annexure 1 Development Engineering & Geotechnical memo at section 5.
[455] Section 53 comments from Auckland Council, Annexure 15 Stormwater memo at section 4.
[456] Section 53 comments from Auckland Council at [52].
[457] Response to comments s 55 report, Appendix 2 in respect to comments 8.043 and 8.044.

(a) adopted the Auckland Council recommended Downstream Flood Impacts condition (Condition 121); and

(b) rejected further hydrodynamic modelling post construction due to the limited flood hazard effects identified and that the detailed design modelling would confirm the position.

526. However, in relation to the flood hazard modelling condition, while considering the Auckland Council proposed condition to be "onerous" the Applicant's own response "supports appropriate as-built verification that the diversion channel has been constructed in accordance with the approved detailed design."[458] We agree with the Applicant that this is a reasonable measure to address this concern and have added this requirement to Condition 122. We also consider that such a requirement should occur for the two culverts in Condition 89 and have added it.

527. The Panel has carefully reviewed the conditions and made some minor amendments to reflect the Applicant supporting appropriate as-built verification of the diversion channel (which we have also applied to the culverts), and we consider that, with the [draft] conditions imposed (which include the SRMP requirements in Condition 69), and which we consider to not be more onerous than necessary, potential flooding effects are appropriately addressed and there will not be any significant residual flooding impacts.

Contaminated land

528. PDP undertook a Contaminated Site Assessment[459] (both a preliminary (**PSI**) and detailed (**DSI**) site investigation) as to potential sources of contamination within the Quarry Development Area. The PSI found that:[460]

> Therefore, the soil disturbance across most of the proposed pit development area (indicatively planned for Stages 1 to 6) within the first 35 years of the proposed pit development does not require any consents under the NES-CS or the contaminated land provisions of the AUP-OP.

529. However, the PSI did find some areas of potential concern, being the C+R Rack, Graveyard and extension of Graveyard areas around the former stockyards which were investigated further through a DSI. The DSI testing found soil samples within the stockyard areas contain concentrations of various heavy metal, PAH and/or TPH compounds that exceeded background criteria and the soils were found to not meet the requirements of Regulation 5(9) of the NES-CS. The Contaminated Site Assessment ultimately concluded:[461]

> As quarrying of the northern section of the pit development area is indicatively planned for Stages 7 and 8 (i.e. approximately 35-50 years after the start of the proposed pit development), it is recommended that further DSIs be undertaken on the stockyard and any other identified HAIL areas that may develop in the next 35 years prior to any soil disturbance in these areas and, if necessary, further consents obtained to the extent not already provided for by the controlled activity consent already required.

[458] Response to comments s 55 report, Appendix 10 in response to comment 8.044.
[459] Appendix B12.4.3.
[460] Appendix B12.4.3 at page iii.
[461] Appendix B12.4.3 at page 32.

530. The Auckland Council expert reviewer:[462]

(a) considered that the PSI and DSI were appropriately completed and adequately detailed the likely contamination;

(b) agreed that a further DSI be completed prior to Stages 7 and 8;

(c) considered the proposed conditions to be relevant;

(d) considered that this soil contamination profile is suitable for the proposed commercial/industrial land use and that there is a low risk to the human health of site workers and neighbours;

(e) agreed that the Project does not require consent under the AUP(OP) Chapter E30 contaminant provisions;

(f) agreed that the Project is a controlled activity Regulation 9(1) of the NES:CS and that the recommended conditions of consent are within the matters of control detailed within Regulations 9(2) of the NES:CS; and

(g) recommended a condition amendment (that the Applicant has accepted).

531. Auckland Council's Planning Memorandum[463] concluded that contaminated land effects can be appropriately addressed through the proposed conditions and that there are no significant residual contaminated land impacts.

532. The Panel has carefully reviewed the conditions relating to contaminated land (Conditions 42-43 and 107-113) and we consider that, with the [draft] conditions (which we consider to not be more onerous than necessary), potential contaminated land effects are appropriately addressed and there will not be any significant residual contaminated land impacts.

Archaeology and heritage

533. The archaeological assessment concludes that any adverse effects on unidentified archaeological sites are considered likely to be minor and can be appropriately mitigated.[464]

534. HNZPT agreed in its s51 Report with the archaeological assessment, including that:[465]

(a) the project area includes no recorded archaeological sites; but

(b) there is potential during the proposed works for:

(i) additional archaeological sites and material to be encountered; and

(ii) unrecorded sites to be modified or destroyed; and

(c) an Archaeology Management Plan is essential to ensure mitigation of any adverse effects.

535. Auckland Council's archaeologist and heritage specialist supports the agreed conditions as providing for effective management of effects on unrecorded archaeological material.466

[462] Section 53 comments from Auckland Council, Annexure 13 Contaminated Soils memo.
[463] Section 53 comments from Auckland Council at [76] and [78].
[464] Appendix B12.4.2 at [103], [104] and [113]. See also Part D of the Application at [84].
[465] Section 51 archaeological authority report at [16]–[21].
[466] Section 53 comments from Auckland Council, Annexure 16 Archaeology memo at section 4.

Auckland Council's Planning Memorandum[467] concluded that adverse effects on archaeology are not anticipated and there are no significant residual adverse archaeology impacts.

536. We agree with the Applicant and HNZPT that the potential adverse effects on archaeological values are likely to be minor and can be appropriately addressed through the [draft] conditions and there will not be any significant residual archaeological impacts.

Cumulative amenity / rural lifestyle effects

537. Several submitters[468] raised the issue of cumulative amenity effects for neighbours and their quality of life. The concern was the combined effect of noise, blasting / vibration, dust, visual impacts but also that matters such as traffic and "environmental degradation" caused by the Project will adversely affect the lifestyle of neighbouring residents. Paul and Vivienne Manak stated:

> People choose to live in this rural area because of its peaceful environment, clean air, open landscape and rural character.
>
> Further expansion of quarrying activities risks substantially diminishing those values.
>
> These adverse effects are also not temporary. They may continue throughout the remaining life of the quarry, potentially for many years, with some environmental and landscape effects continuing beyond the cessation of quarrying.
>
> For neighbouring residents, this means potentially living with the consequences of an expanded industrial activity for a significant portion of their lives.

538. The Applicant responded to these concerns in its Planning Matters Response. It stated:[469]

> The Proposal has been designed to avoid, minimise and mitigate adverse effects on neighbouring residents and the surrounding rural environment to the extent possible. The comprehensive suite of proposed consent conditions and management plans (including on-going monitoring and reporting requirements) will ensure the on-going management of environmental effects, such that there is no net loss of ecological values and no more than minor adverse effects on the wider environment.

539. For the Panel our key focus has been:

(a) to consider the relevant effects individually, and apply conditions as required, to ensure that they are appropriately managed; and

(b) to then consider those effects, with the conditions imposed, cumulatively to ensure that potential cumulative effects are appropriately managed.

540. As explained in Part B of this [draft] decision, the Hunua Quarry has existed for some 100 years and, presently, is contained within a SPQZ. Communities have established over time with the quarry present, but this is a significant expansion to set the quarry up for its future. Our response to the first matter is set out, for relevant potential adverse effects, above in this Part of the [draft] decision. Considering these matters cumulatively we consider that,

[467] Section 53 comments from Auckland Council at [132] and [133].
[468] Section 53 comments from Paul and Vivienne Manak.
[469] Response to comments s 55 report, Appendix 2 in response to comment 11.009.

with the [draft] conditions, cumulative amenity effects will be appropriately addressed, and the wellbeing of neighbouring residents is appropriately protected.

541. However, we recognise that living near to such a significant operation that cannot internalise all its effects comes with a need to ensure robust ongoing management. The community liaison group in Condition 9 provides a mechanism for the community to have direct conversations with the Applicant over matters of concern and our change to the review condition provides increased clarity for Auckland Council as to what may be considered during the annual review.

542. In addition, while implicit, we have provided some greater clarity, to Condition 9 in relation to the community liaison group receiving and discussing feedback on potential offsite issues arising from the Project for nearby landowners and/or the community.

PART G: EVALUATION OF RESOURCE CONSENTS AND CHANGES TO EXISTING CONDITIONS

RMA statutory instruments (and other relevant documents)

543. The Application identified the relevant RMA statutory instruments and provisions in the AEE and a detailed objectives and policies statutory assessment.[470] Auckland Council broadly agreed with the statutory instruments and provisions identified by the Applicant.[471] The Application also briefly covered the National Policy Statement for Urban Development 2020 (**NPS-UD**) and the New Zealand Coastal Policy Statement 2010 (**NZCPS**) as being relevant in part.[472] Auckland Council did not assess the NPS-UD or the NZCPS as it did not consider them to be substantive to the application.[473]

544. We have considered all relevant RMA statutory instruments,[474] but focus this Part of this [draft] decision on the:

(a) NES-F;

(a) National Policy Statement for Freshwater Management 2020 (amended December 2025) (NPS-FM);

(b) National Policy Statement for Indigenous Biodiversity 2023 (amended December 2025) (NPS-IB);

(c) National Policy Statement for Infrastructure 2025 (NPS-I); and

(d) AUP (including the Regional Policy Statement and Plan Change 120).

The Application

545. In respect of the NES-F, NPS-FM, NPS-IB and NPS-I, the Application indicated that the Project:

(a) has significant national or regional benefits;[475]

(b) has a functional and operational need to be located where the high-quality greywacke is readily accessible and where existing processing facilities are located;[476]

(c) has managed the effects through applying the effects management hierarchy;[477]

(d) has no practicable alternative location;[478]

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[470] AEE at sections B6.1–B6.3 and B9.2–B9.6; and Appendix B12.9.
[471] See Section 53 comments from Auckland Council at [152] which included the NES-AQ and did not include the NES-W.
[472] Appendix B12.9.
[473] Section 53 comments from Auckland Council, Annexure 11 Policy memo at page 3. However, in Auckland Council's general comments in included the NPS-UD as being relevant. See Section 53 comments from Auckland Council at [152].
[474] For example, the AEE also addresses the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations Land 2011 (**NES-CS**), NES-AQ and NES-W at sections B9.4.1, B 9.4.3 and B9.4.4.
[475] AEE at [795] and [814].
[476] AEE at [796], [808]–[809] and [816].
[477] AEE at [797] and [819].
[478] AEE at [815] and [817].

(e) will meet the outcomes sought by the NPS-I;[479]

(f) will achieve the relevant policies of the NPS-FM;[480] and

(g) will generally achieve the objective and relevant policies and provisions of the NPS-IB.[481]

546. In respect of the AUP, the Application indicated that the Project remains broadly consistent with the objectives and policies, despite being less aligned with some AUP provisions when read in isolation.[482]

547. The Applicant's legal submissions for the project overview conference concluded that:[483]

> The Project has a high degree of alignment with the relevant provisions of the AUP and higher-order instruments that govern mineral extraction, infrastructure, and urban growth. It engages the National Policy Statement for Freshwater Management (NPS-FM) and the National Policy Statement for Indigenous Biodiversity (NPS-IB). While strict avoidance of all indigenous biodiversity and freshwater values cannot be achieved, the Project has been designed to avoid those values where practicable and otherwise to minimise, offset or compensate for effects so as to achieve no net loss (freshwater) and a net gain (terrestrial), consistent with the effects management hierarchy and the significant regional benefit pathways for aggregate extraction in the NPS-FM, NES-F and NPS-IB.

Comments from Auckland Council

548. Auckland Council generally agreed with the Applicant's planning assessment,[484] including that:

(a) there is a functional and operational need for the Project to be undertaken in the proposed location and that there are no practicable alternatives;[485] and

(b) despite being inconsistent with, or possibly contrary to, some directive avoidance policies relating to ONLs, there is a policy pathway given the other policies recognising the functional and operational need and the provision of the effects management hierarchy.[486]

549. Auckland Council disagreed with the Applicant in a few discrete areas, including:[487]

(a) recommending that the Applicant make it explicit in the objectives and policies statutory assessment document that Policy 6 NPS-I has been responded to, which directs recognising and providing for Māori interests;

(b) disagreeing on the interpretation of Policy 3 of the NPSFM;

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[479] AEE at [804].
[480] AEE at [810].
[481] AEE at [812].
[482] Such as those related to protection of indigenous biodiversity and Natural Stream Management Areas and the protection/avoidance of effects on the values of ONLs. See the AEE at [820]–[830] including Table 35; and Appendix B12.9.
[483] Applicant's legal submissions at [4.14].
[484] Section 53 comments from Auckland Council at [153].
[485] Section 53 comments from Auckland Council at [169]; Section 53 comments from Auckland Council, Annexure 11 Policy memo at pages 3 and 4.
[486] Section 53 comments from Auckland Council, Annexure 11 Policy memo at page 7.
[487] Section 53 comments from Auckland Council at [170]–[171]; Section 53 comments from Auckland Council, Annexure 11 Policy memo.

(c) having some concerns (relying on its ecological expert) regarding the effects management hierarchy, including whether the Applicant has addressed the extent of loss of stream values;

(d) disagreeing on the assessment of Policy 4 of the NPS-IB and the relevance of Policy 9 of the NPS-IB; and

(e) questioning if the proposed mitigation, offset and compensation package is adequate (if the Panel considers it is, Auckland Council considered it can be found to be consistent with the NES-F, NPS-FM, NPS-IB and AUP).

550. Overall, Auckland Council considers that there is a policy pathway for the approval of the application.[488]

Applicant's response

551. The Applicant considers that no formal response was necessary for most of Auckland Council's comments relevant RMA statutory instruments and provisions.[489]

552. The Applicant's response to the Auckland Council's comments included:

(a) updating the objectives and policies statutory assessment document to provide substantive commentary on Policy 6 of the NPS-I and summarising the engagement with Ngāti Tamaoho, Te Ākitai Waiohua and Ngāti Te Ata;[490]

(b) providing further reasoning on policies 3, 4 and 5 of the NPS-FM in its response to comments relating to planning matters, but not updating the objectives and policies statutory assessment document;[491]

(c) providing further reasoning on why, for the exception in clause 3.22 of the NPS-FM, the Project has a regional benefit and a functional or operational need for the activity to be done in that location;[492]

(d) explaining that the Applicant deems the stream realignment to be a remediation not a loss and providing reference to where the loss of value is addressed;[493]

(e) elaborating on the matters it considered in respect of the 'landscape context' (principle 7 of Appendices 6 and 7 of the NPS-FM);[494]

(f) providing further reasoning on policies 4 and 9 of the NPS-IB;[495] and

(g) briefly noting how each step of the effects management hierarchy will be applied, including by reference to the ecology response (which did not appear to directly address this matter).[496]

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[488] Section 53 comments from Auckland Council, Annexure 11 Policy memo at section 7.
[489] Response to comments s 55 report, Appendix 1 regarding comments 8.202–8.208, 8.210–8.211, 8.213–8.214, 8.217, 8.219, 8.222 and 8.224–8.233.
[490] Appendix B12.9 18 August version. No other substantive changes were made to that document. See also Response to comments s 55 report, Appendix 2 regarding comments 8.209 and 8.212.
[491] Response to comments s 55 report, Appendix 2 regarding comment 8.215.
[492] Response to comments s 55 report, Appendix 2 regarding comment 8.216.
[493] Response to comments s 55 report, Appendix 2 regarding comment 8.218.
[494] Response to comments s 55 report, Appendix 3 at pages 4 and 19 regarding comment 8.220.
[495] Response to comments s 55 report, Appendix 2 regarding comment 8.221.
[496] Response to comments s 55 report, Appendix 2 regarding comment 8.223.

Assessment

553. We have considered all relevant planning documents and the considerable planning assessment material provided against our effects-based findings in Part F of this [draft] decision.

554. There was considerable alignment between the Applicant and Auckland Council on the assessment of relevant planning documents and their provisions. Of particular importance in this case was the alignment, with which we agree given the need for, and limitation of the resource (and the existence of an operational quarry), that the Quarry has a functional and operational need to be located in the proposed location (and environments).

555. We recognise that a Project of this scale will seldom (if ever) align with every individual policy. But nor do we consider that is required.[497] We recognise that there are cultural, ecological and landscape effects which we have addressed in Part F of this [draft] decision. We also recognise the nature of some of the relevant individual provisions. In relation to biodiversity and freshwater matters, avoidance cannot be achieved but we agree with the Applicant that the Project has been designed consistent with the effects management hierarchy and the significant regional benefit pathways for aggregate extraction in the NPS-FM, NES-F and NPS-IB.

556. We also acknowledge that in relation to specific AUP ONL provisions Auckland Council, correctly in our opinion (and helpfully) considered there is a policy pathway given the other policies recognising the functional and operational need and the provision of the effects management hierarchy.

557. Auckland Council's planning matters memorandum also provided a very helpful summary assessment of the key strategies and policies related to transport and ecology.[498] No policy concerns have been raised with the Applicant's assessment[499] in relation to cultural matters. In relation to:

(a) transport provisions, Auckland Council considered that if the Panel concluded the traffic issue at 272 Hunua Road is not related to the Project (which we have in Part F of this [draft] decision) then "the proposal could in turn be considered consistent with these provisions";[500] and

(b) ecology provisions, Auckland Council considered that if the Panel concluded that adverse effects are "suitably mitigated, or adequate off-site environmental benefits (offset and compensation) are provided", which we have in Part F of this [draft] decision, "then the application could be determined to be consistent with these [the ecological] statutory provisions".[501]

558. Overall, we agree with the Applicant, and the assessment by Auckland Council, that the Project is broadly consistent with all relevant planning documents (with the majority of it

[497] While we cannot consider s 104D of the RMA under the FTAA, RMA case law is still a helpful guide. See *Dye v Auckland Regional Council* [2002] 1 NZLR 337 (CA) at [25]; *Royal Forest and Bird Protection Society of New Zealand Inc v New Zealand Transport Agency* [2024] NZSC 26, [2024] 1 NZLR 241 at [79]–[80].
[498] Section 53 comments from Auckland Council, at section C.2.
[499] Appendix B12.9.
[500] Section 53 comments from Auckland Council, at [161].
[501] Section 53 comments from Auckland Council at [170]–[171].

occurring within the SPQZ). That does not mean it is consistent with every individual objective or policy within every document, but that, when the relevant planning documents are each viewed as a whole in light of our [draft] decision (including the [draft] conditions) that the Project achieves, at least, the broad policy intent of each document.

559. For completeness we have also considered the other relevant planning documents as set out in the AEE.[502]

Other relevant matters and RMA requirements

560. The AEE consideration of the other relevant matters[503] includes Treaty settlements / Deeds, (which we have addressed in Part D of this [draft] decision) and the Auckland Plan / Future Development Strategy the development within which the Applicant considers will be supported by the Project (and we agree).

561. For completeness, the Applicant provided several written approvals in relation to the Project.[504] Under s104(3)(a)(ii) of the RMA we have not had regard to any effect on those people.

[Draft] Decision on RMA resource consents

562. In considering whether to grant of decline the resource consents we have applied the relevant legal framework as set out in Part C of this [draft] decision. Iwi and Treaty settlement matters are set out in Part D of this [draft] decision and our relevant effect assessments are set out in Part F of this [draft] decision (and the principal issues are as set out in that Part). Critically, our position on the [draft] conditions is set out in Part K of this [draft] decision. Our consideration of the relevant planning provisions is set out above in this Part of this [draft] decision.

563. We accept the significant benefits of the Project (and have set them out in Part E of this [draft] decision. While the Applicant's experts consider that the ecological offset and compensation package provides an overall net gain,[505] our finding in Part C is that it may, but not for all matters, especially in relation to the Mangapū Stream realignment.

564. We also accept, and have considered, the long-term nature of many of the adverse effects before mitigation, remediation, offsetting and compensation 'kicks in'. In Part F of this [draft] decision, we have considered, and provided our conclusions in relation to, these matters all being (with the [draft] conditions imposed) appropriately addressed.

565. Overlaying the planning framework, as we have done above in this Part of the [draft] decision, has led us to a finding that overall, the Project meets, at least, the broad policy intent of each document.

566. When considering Part 2 of the RMA (and recognising we must not consider s 8 of the RMA and that we must apply clause 17 of schedule 5 of the FTAA), in relation to s 6 of the RMA the Project adversely affects several relevant matters (in particular cultural, biodiversity

[502] AEE at section B9.7.
[503] AEE at section B9.10.
[504] Appendix B12.3c.
[505] Appendix B12.4.5a at page 5.

(indigenous vegetation and fauna and natural hazards), landscape and natural character). In Part F of this [draft] decision, we have considered, and provided our conclusions in relation to, these matters all being (with the [draft] conditions imposed) appropriately addressed. We have also considered these matters in relation to the relevant planning framework above in this Part of this [draft] decision.

567. In relation to s 7 of the RMA, again several relevant matters apply, including kaitiakitanga, efficient use and development of natural and physical resources, maintenance of amenity values, maintenance and enhancement of the quality of the environment and finite characteristics of natural and physical resources. In Part F of this [draft] decision, we have considered, and provided our conclusions in relation to, these matters with those adversely affected all being (with the [draft] conditions imposed) appropriately addressed. We have also considered these matters in relation to the relevant planning framework above in this Part of this [draft] decision. We consider that the Project achieves efficient use and development of natural and physical resources be providing for ongoing quarrying operations within the (and beyond) the SPQZ. We recognise that the move into the RMRZ has raised amenity concerns (along with ongoing operations within the SPQZ) but that (6ha) incursion provides more efficient use and development of the resource.

568. While the Project does not avoid, remedy, mitigate or offset/compensate all residual adverse effects we have found that it does, with the [draft] conditions we propose appropriately address all adverse effects, so that there are no significant residual adverse effects, and that the benefits of the Project are regionally (and likely nationally, significant). Therefore, turning to section 5, we consider that the Project promotes sustainable management of natural and physical resources.

569. Various resource consents have been sought by the Applicant. To be clear, our [draft] decision is to grant all the consents / changes to consents listed within **Appendix A**, with the [draft] conditions in **Appendix B** (and the two approved management plans in **Appendix C**. That includes the subdivision consent (to enable the boundary adjustment[506]).

570. Finally, to ensure all relevant matters are covered, we have considered and applied (as required by the statutory framework in Part C of this [draft] decision) sections 105 and 107 to the relevant discharge consents. We have considered the relevant matters (summarised in the AEE[507]) and find they have been met (for the reasons explained in Part F of this [draft] decision).

[Draft] Decision on changes to / cancellation of existing conditions

571. The Applicant holds several existing consents.[508] To enable the Project the Applicant seeks to change / cancel conditions within its existing Consent 8730 related to vegetation removal and associated revegetation activities associated with Symonds Pit.

572. Consent 8730 needs the stipulated conditions changed / cancelled to:

[506] As shown in Response to comments s 55 report, Appendix 16.
[507] AEE at section B9.12.
[508] AEE at section B4.1.

(a) enable vegetation clearance for the Project (expansion of the Symonds Pit) to occur in areas where it is otherwise prevented; and

(b) provide for alternative revegetation areas (for previous vegetation loss (covenanted replacement areas[509])) as proposed for the Project.

573. The relevant parts of the FTAA are set out in Part C of this [draft] decision but, in summary:

(a) the Application sought the approvals under section 42(4)(b) of the FTAA;

(b) the Application includes the relevant information as required by clause 10 of Schedule 5 of the FTAA;

(c) in relation to the requirements of s42(6), we find that:

(i) the Application also seeks resource consents otherwise required under the RMA; and

(ii) the change / cancellation is material to the Project, the Project could not proceed as proposed if the consent is not changed for the reasons summarised above,

such that the requirements of section 42 of the FTAA are met; and

(d) as required by section 81(3) of the FTAA, in relation to clause 23 of Schedule 5 of the FTAA, we must (with the stipulated modifications) apply s127 of the RMA. While we recognise that this change / cancellation of conditions alters areas that were previously required to be protected, we accept that the covenanted replacement areas will deliver the same or similar outcomes. Therefore, we agree with the Applicant that "it can be considered that there will be no adverse effects arising from this change."[510] For completeness, we note there is no relevant Mana Whakahono ā Rohe or joint management agreement.

574. We therefore agree to the [draft] condition changes / cancellation in relation to Consent 8730 as set out in **Appendix B** to this [draft] decision.

[509] Appendix B12.3ae at Section 127 Variation – Covenant Replacement Areas.
[510] AEE at [402].

PART H: EVALUATION OF WILDLIFE APPROVAL

575. As noted in Part B of this [draft] decision, the Applicant is seeking a wildlife approval for the capture, handling and relocation of protected lizards including elegant gecko (*Naultinus elegans*) from within the Hunua Quarry for the purpose of minimising injury and mortality during vegetation removal. Specifically, the Applicant seeks approval to:[511]

(a) capture, handle, temporarily hold and relocate lizards to a prepared release site prior to site clearance works for the purpose of protecting lizards within the works footprint; and

(b) incidentally kill lizards,[512] as trapping and handling activities carry some risk of injury or mortality and undetected lizards may also incidentally be killed during site works.

576. The assessment criteria in clause 5 of schedule 7 are set out in full in Part C of this [draft] decision above and considered in detail below and concluded in Part L of this [draft] decision.

Purpose of the Wildlife Act and effects of the Project on the protected wildlife

577. The Wildlife Act does not contain a standalone purpose section. Its purpose is discernible from its provisions which include the protection of species and particular wildlife populations that are at risk. Protection is a part of the Wildlife Act's overarching purpose of regulating human interactions with wildlife.[513]

578. The Application summarises the potential effects of the Project on lizards as follows:[514]

a. In the absence of mitigation and specific fauna management, forest clearance will result in the likely mortality of lizards and the loss / modification of habitat, particularly of elegant gecko.

b. Loss of habitat will be offset/ compensated by revegetation to reinstate forest habitat over the medium to long term, and pest control to improve the viability of existing lizard populations in remnant forest areas, and over time, in adjoining revegetation sites.

c. Potential sub-lethal effects include ongoing disturbance from elevated noise, dust, light and vibration levels, associated with quarry activities which can impact lizard health and breeding success.

579. The Applicant's proposed LMP, as updated in its response to comments, provides for pre-salvage surveys, salvage following best practice methods, relocation, and release-site enhancement and monitoring.[515] The Ecological Assessment states that:[516]

> … With avoidance, minimisation and remedy through salvage and relocation there is no residual adverse effect on the local lizard fauna population to be managed. Loss of lizard habitat is compensated through revegetation and pest control and is anticipated to achieve and positive outcome for lizards that outweighs adverse effects within the term of the consent.

[511] Updated Part C of the Application at [12], [19], [29] and [59].
[512] This wording has now been made consistent in the wildlife conditions.
[513] Section 51 wildlife approval report at [75]. The Supreme Court has confirmed that the Wildlife Act has a protective purpose (although protection of wildlife is not the sole purpose of the Act); *Shark Experience Ltd v PauaMAC5 Inc* [2019] NZSC 111, [2019] 1 NZLR 791 at [44] and [66]. See also *PauaMAC5 Inc v Director-General of Conservation* [2018] NZCA 348, [2019] 2 NZLR 1 at [58].
[514] Part C of the Application at [27]. See also Appendix B12.4.5a at sections 8.3.1, 9.3.2.2 and 9.4.1.2; Appendix B12.8.4 at sections 5.4.3 and 5.4.4 and Table 5; and s 51 wildlife approval report at [53].
[515] Appendix B12.8.4 17 August version at sections 6.4.2, 6.4.3, 6.5 and 7. See also Section 51 wildlife approval report at [9]–[10] and [54]–[64].
[516] Appendix B12.4.5a at section 9.4.1.2. See also Section 51 wildlife approval report at [8].

580. Following post-lodgement discussions with the Department, the Applicant amended the LMP to allow for the relocation of up to 75 elegant geckos to Tiritiri Matangi,[517] which the Department considers will ensure that elegant geckos are managed in accordance with the purpose of the Wildlife Act.[518]

581. The LMP states that the Hunua Ranges Regional Park is provided as second release site in the event greater than 75 elegant geckos, or other species, are captured. However, based on the Application documents and discussion during the Ecology Workshop, we understand there is low likelihood of greater than 75 elegant geckos, or other lizard species, being captured during salvage at the site. Therefore, Tiritiri Matangi is likely to be the sole release site.

582. On this basis, the Applicant has removed the reference to mouse control in the Hunua Regional Park on the basis that is unlikely to be used as a release site. Despite this, the Hunua site is still listed as a release site in the latest version of the LMP and proposed conditions. Given this we consider it appropriate to retain the reference to mouse control and related management actions as originally stated in the LMP (**Appendix E**), but this requirement should only triggered in the event that the Hunua Ranges release site is required (i.e., if >75 elegant geckos, or other lizard species are captured at the site).

583. Three other material matters were raised in the Department's s51 Report, all of which were resolved during discussions and confirmed at the ecology workshop:

(a) First, because of the specialist nature of lizard salvage the Department prefers that specific herpetologists are named in Wildlife Approvals. The Application did not provide this information[519] and requested the Applicant provide named herpetologist(s). After discussion, the Applicant proposed two herpetologists that the Department considered had the required skills and experience. These experts are now named in Condition 10 (**Appendix D**).

(b) Second, the applicant had proposed adaptive management to allow for minor changes to the methods proposed in the LMP. The Department considered that this could lead to changes that would require an approved variation to the Wildlife Approval.[520] Following further discussions, the scope of adaptive management was refined to clarify that these minor changes would only result in the increased likelihood of capturing lizards. Given this clarification, the Department's herpetologist supported the amended description of the adaptive management, which is stated at section 6.4.6 of the LMP.

(c) Third, the start date for the commencement of the wildlife approval was discussed during the ecology workshop. The project proposes to begin vegetation clearance in 2028,[521] and the timing of the wildlife approval needed to be appropriate for this

[517] Appendix B12.8.4 17 July version at sections 3.2.1 and 6.4.3.1; updated Part C of the Application at [15]–[16] and [37]; and memorandum of counsel on behalf of the Applicant in response to comments at [6]–[7].
[518] Section 51 wildlife approval report at [13(d)], [26] and [40]–[41]; and s 53 comments from the Department at [3.24].
[519] Section 51 wildlife approval report at [63].
[520] Section 51 wildlife approval report at [14].
[521] Appendix B12.8.4 11 September version at page 21.

start date. It was agreed during the ecology workshop that a commencement date in October 2027 would be appropriate.

584. The Department considers that overall, subject to the amendment described above and the recommended conditions, the proposed activities are broadly consistent with the purposes of the Wildlife Act.[522] The Department's s51 Report concludes that:[523]

> … in general, the proposed management actions are aligned with the Wildlife Act's purpose of wildlife protection. Subject to recommended conditions being imposed and complied with, there may be a net benefit for the populations, even if there are some incidental deaths.

585. We agree with the Department that, subject to appropriate conditions, the wildlife approval is broadly consistent with the purpose of the Wildlife Act and effects on lizards will be appropriately avoided, minimised and mitigated. We are satisfied that the conditions agreed between Department and Applicant are appropriate to both maintain consistency with the purpose of the Wildlife Act and manage effects on wildlife.

586. The Auckland Conservation Board commented on the importance of carefully monitoring the effectiveness of any salvaged lizard relocation, given the low probability of success.[524] The LMP requires monitoring and reporting on the success of lizard relocation and the wildlife approval conditions require the authorised activity to be undertaken in accordance with the LMP.[525]

Information and requirements relating to the protected wildlife

587. The information and requirements related to the lizards proposed to be covered by the wildlife approval is summarised in Part C of the Application, the Ecological Assessment and the LMP.[526] The Application records that:[527]

(a) elegant gecko are present within the Site (they have previously been detected within the Site); and

(b) copper skink, ornate skink, forest gecko and pacific gecko may be present based on habitats and distribution records but have not been detected previously.

588. The threat classification of the species and the IUCN red list status are set out in **Table 8** below:[528]

Table 8 - Threat classification and IUCN Red List status

Common name	Scientific name	Threat classification	IUCN Red List status
Elegant gecko	*Naultinus elegans*	At Risk – Declining	Vulnerable (decreasing)

[522] Section 51 wildlife approval report at [6], [12] and [32].
[523] Section 51 wildlife approval report at [72].
[524] Section 53 comments from the Auckland Conservation Board at page 4.
[525] Appendix B12.8.4 17 August version at section 7; and Appendix B12.7 18 August version at conditions 1–3.
[526] Part C of the Application at [12]–[15], [18]–[46] and [62].
[527] Part C of the Application at [25]. See also Appendix B12.4.5a at section 3.2.2.1 and Table 2; Appendix B12.8.4 at section 5.2 and Table 1.
[528] Section 51 wildlife approval report at [76] and [86]; Part C of the Application at [24].

Common name	Scientific name	Threat classification	IUCN Red List status
Forest gecko	*Mokopirirakau granulatu*	At Risk – Declining	Vulnerable (decreasing)
Pacific gecko	*Dactylocnemis pacificus*	Not threatened	Least concern (stable)
Copper skink	*Oligosoma aeneum*	At Risk – Declining	Least concern (stable)
Ornate skink	*Oligosoma ornatum*	At Risk – Declining	Least concern (decreasing)

[Draft] Decision as to wildlife approvals

589. Taking into account all the material set out above, we consider it is appropriate to grant the wildlife approval, subject to appropriate conditions.

590. We comment on the [draft] conditions in Part K of this [draft] decision. The [draft] conditions we have imposed on the wildlife approval are set out in **Appendix D** to this decision. We find it is appropriate to grant the wildlife approval for a term of 10 years from October 2027 as sought by the Applicant and agreed to by the Department.

591. Finally, we understand that the Applicant has agreed to make a voluntary financial donation to the Supporters of Tiritiri Matangi based on the number of elegant geckos that are released on the island and will agree this directly with the Department. This replaces the compensation proposed in the original LMP. The Panel supports this agreement.

PART I: EVALUATION OF ARCHAEOLOGICAL AUTHORITY

592. As noted in Part B of this [draft] decision, the Applicant is seeking an archaeological authority for the Quarry Development Area on a precautionary basis only to address the potential for unrecorded archaeological material to be exposed during the disturbance of land. The assessment criteria in clause 4 of schedule 8 of the FTAA are set out in full in Part C of the [draft] decision, considered in detail below and concluded in Part L of this [draft] decision.

Matters set out in s 59(1)(a) of the HNZPT Act

593. The non-exhaustive matters in section 59(1)(a) of the HNZPT Act that cl 4(1)(b) of schedule 8 of the FTAA requires us to take into account are:

(a) the historical and cultural heritage value of the archaeological site and any other factors justifying the protection of the site;

(b) the purpose and principles of the HNZPT Act;

(c) the extent to which protection of the archaeological site prevents or restricts the existing or reasonable future use of the site for any lawful purpose;

(d) the interests of any person directly affected by the Panel's decision;

(e) a statutory acknowledgement that relates to the archaeological site or sites concerned; and

(f) the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tūpuna, wāhi tapu, and other taonga.

594. In taking those matters into account, we rely on HNZPT's guidance in its s51 Report that the matters set out in section 59(1)(a) of the HNZPT Act require "an overall assessment, rather than a hierarchy of matters for consideration".[529]

595. The Application provides an assessment of the Project against the matters in section 59(1)(a) of the HNZPT Act[530] and the archaeological assessment concludes that the matters specified in section 59(1)(a) are all consistent with the Project.[531] The s51 Report from HNZPT similarly confirms that the granting of the archaeological authority would be consistent with the matters set out in section 59(1)(a).[532] We agree with the Applicant and HNZPT.

Matters set out in sections 47(1)(a)(ii) and (5) of the HNZPT Act

596. HNZPT has confirmed that sections 47(1)(a)(ii) and (5) of the HNZPT Act are not relevant to our decision as they only apply for an authority application made under section 44(b) of the HNZPT Act (a minor effects authority). The Application is not a minor effects application.[533]

[529] Section 51 archaeological authority report at [15].
[530] Part D of the Application at [74] and Table 1.
[531] Appendix B12.4.2 at [112].
[532] Section 51 archaeological authority report at [23].
[533] Section 51 archaeological authority report at [26].

Relevant statement of general policy confirmed or adopted under the HNZPT Act

597. HNZPT has confirmed that the relevant statement of general policy that we must take into account is the Tauākī Mātai Whaipara Archaeology Statement included in He Tauākī Kaupapahere Whānui Statements of General Policy dated October 2025.[534] The Applicant and the s51 Report from HNZPT both consider the Project aligns with this statement of general policy.[535] We agree with the Applicant and HNZPT.

[Draft] Decision as to archaeological authority

598. There are no outstanding issues between HNZPT and the Applicant, and HNZPT has recommended that the archaeological authority be granted with conditions.[536]

599. The Panel acknowledges Te Ākitai Waiohua's concerns including reliance on the archaeological authority process and the accidental discovery provision in the AUP.[537] However we consider that, for the purposes of the archaeological authority itself, adequate provision has been made for Te Ākitai Waiohua and effects on cultural values within the Archaeological Management Plan and conditions of the archaeological authority. Beyond the archaeological authority itself, the Cultural Management Plan provides further opportunities. We also note the Applicant's response that:[538]

> Winstone considers that the archaeological authority and applicable statutory archaeological requirements remain necessary and appropriate and should not be displaced. However, Winstone is supportive of those statutory processes operating alongside appropriate site-specific tikanga and discovery protocols developed through engagement with mana whenua, provided that the resulting requirements are integrated with the Archaeological Management Plan and do not create conflicting statutory or operational processes.

600. Taking into account the criteria in clause 4(1) of schedule 8 of the FTAA and the comments received, we consider it is appropriate to grant the archaeological authority, subject to appropriate conditions.

601. The Applicant has agreed conditions with HNZPT which we address briefly in Part K of this [draft] decision.[539] Auckland Council's archaeologist and heritage specialist supports the agreed conditions as providing for effective management of effects on unrecorded archaeological material.[540] The [draft] conditions we have imposed on the archaeological authority are as agreed between the Applicant and HNZPT (with one exception) and set out in **Appendix F** to this [draft] decision. The exception is that, as agreed, condition 4(a) did not make sense. We have proposed redrafting but request that the Applicant confirms we have captured the intention of the condition and confirms the reference in Condition 4(c).

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[534] Section 51 archaeological authority report at [27]. See He Tauākī Kaupapahere Whānui Statements of General Policy at pages 20–25.
[535] Part D of the Application at [76]; Appendix B12.4.2 at [111]; and s 51 archaeological authority report at [28].
[536] Section 51 archaeological authority report at [1]; and s 53 comments from HNZPT at [7].
[537] Section 53 comments from Te Ākitai Waiohua at section 4.4.
[538] Response to comments s 55 report, Appendix 10 at response to comments 3.014, 3.015, 3.016 and 3.020.
[539] Applicant's legal submissions at [6.4]; s 51 archaeological authority report at [34] and Appendix A; and s 53 comments from HNZPT at [8].
[540] Section 53 comments from Auckland Council, Annexure 16 Archaeology memo at section 4.

602. We find it is appropriate to grant the archaeological authority for a term of 10 years as sought by the Applicant.

PART J: EVALUATION OF COMPLEX FRESHWATER FISHERIES ACTIVITIES APPROVALS

603. As noted in Part B of this [draft] decision, the Applicant is seeking complex freshwater fisheries activities approvals for:[541]

(a) a permanent diversion structure (a diversion channel) in a tributary of Mangapū Stream that will provide fish passage for native climbing species;

(b) a new culvert in Tributary 3 with provision for fish passage;

(c) a new culvert in Tributary 4 as part of the Stage 2 haul road which will be unable to provide for fish passage (as water velocities are too fast and flow depths are insufficient); and

(d) fish salvage and relocation activities.

604. The assessment criteria in clause 5 of schedule 9 are set out in full in Part C of this [draft] decision above, considered in detail below and concluded in Part L of this [draft] decision.

Alignment of the proposed activity with best practice and the New Zealand Fish Passage Guidelines

605. The Applicant has designed the diversion channel in accordance with the New Zealand Fish Passage Guidelines. Full passage for native climbing species has been provided, and fish salvage and relocation will be undertaken in accordance with best practice.[542]

606. For the most part, the Department considers that the proposed activities are consistent with best practice and the New Zealand Fish Passage Guidelines. However, the Department raises some concerns regarding the culverts and fish passage due to uncertainty regarding:[543]

(a) further surveying in Tributaries 3 and 4 for shortjaw kōkopu; and

(b) certainty regarding the future of Tributaries 3 and 4.

607. In response the Applicant has clarified that:[544]

(a) no shortjaw kōkopu were identified by night spotlighting or eDNA surveys;[545]

(b) Tributary 3 will be re-designed to provide for fish passage; and

(c) Tributaries 3 and 4 will not be reclaimed (except for culverting works) until stage 7 which is approximately 43 – 73 years away.

608. We accept that the measures proposed by the Applicant align with best practice and the New Zealand Fish Passage Guidelines and therefore support the granting of approvals.

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[541] Part E of the Application at [4]–[6], [36]–[40], [81]–[92] and [103]–[104].
[542] Part E of the Application at [81] and [105(b)]; and Applicant's legal submissions at [7.4(b)].
[543] Section 51 complex freshwater fisheries activity approval report at [7.5]–[7.10]; and s 51 complex freshwater fisheries technical advice at section 2.
[544] Memorandum of counsel on behalf of the Applicant in response to comments at [14]–[16]; Response to comments s 55 report, Appendix 3 at pages 23–24 and Attachment 1.
[545] The eDNA results were confirmed by the Applicant at the workshop held on 24 August 2026. A memorandum from Boffa Miskell dated 24 August 2026 was also filed in response to Minute 4.

Management of risks to freshwater values or habitat, including prevention of access to or spread of invasive species

609. The Application specifies that:[546]

(a) risks to freshwater values and preventing access by exotic swimming species in the stream diversion channel will be managed through:

(i) the design (including waterfalls and cascades) and the gradient of the channel; and

(ii) an ongoing comprehensive monitoring, maintenance and pest management programme; and

(b) the culverts are unlikely to be suitable habitat for invasive species due to the steep gradient, increased velocities and insufficient flow depth.

610. The Department agrees that risks can be adequately managed for the stream diversion channel but considers the following are required for the culverts to ensure a robust risk assessment is possible:[547]

(a) certainty regarding the values of Tributaries 3 and 4;

(b) further surveying targeted at shortjaw kōkopu; and

(c) assessments updated with the latest threat classification for relevant fish species.

611. As noted above, the Applicant has now provided clarity on Tributaries 3 and 4 and shortjaw kōkopu. Also, during the ecology conference on 3 September 2026, the Applicant and the Department agreed that the threat classification dispute did not change the values the Applicant had assigned or how those species were treated.

612. We are satisfied that freshwater values and habitats can be appropriately addressed through the measures incorporated into the [draft] conditions. We therefore find that the risks to freshwater values or habitat do not preclude the granting of approvals.

Availability and quality of habitat upstream and downstream of the proposed activity

613. The Department considers that the Applicant has mostly provided sufficient information on the availability and quality of habitat upstream and downstream of the proposed activity.[548] The Application specifies that:[549]

(a) for the stream diversion channel, the proposed mitigation package will assist in generating a high-quality habitat within the channel diversion and maintaining habitat quality within the whole of Mangapū Stream (both upstream and downstream of the diversion); and

[546] Part E of the Application at [105(c)]; and Applicant's legal submissions at [7.4(c)].
[547] Section 51 complex freshwater fisheries activity approval report at [7.11]–[7.13]; and s 51 complex freshwater fisheries technical advice at section 3.
[548] Section 51 complex freshwater fisheries activity approval report at [7.14]–[7.15]; and s 51 complex freshwater fisheries technical advice at section 4.
[549] Part E of the Application at [105(d)]; and Applicant's legal submissions at [7.4(d)].

(b) for the culverts there is limited suitable habitat upstream, but proposed mitigation planting will assist in enhancing the quality of habitat downstream of the culverts where it is proposed to relocate aquatic fauna.

Presence of threatened, data-deficient, or at-risk species under the New Zealand Threat Classification System in the vicinity of the proposed activity

614. The Application specifies that:[550]

(a) within the Mangapū Tributary 1, longfin eel (At Risk-declining) is present;

(b) within Tributary 3 and 4 where the two culverts will be constructed, no threatened, at-risk or data deficient species were detected;

(c) within the main Mangapū Stream, freshwater limpet (data-deficient) is present.

615. The Department considers that the Application misclassified the threat classification of the species identified, including misclassifying banded kōkopu as 'Not Threatened' whereas the current classification is 'At-Risk – Naturally Uncommon'. The Department considers the species likely to be affected by the activities in terms of fish passage are longfin eel, shortfin eel, banded kōkopu, and shortjaw kōkopu may also potentially be present.[551]

616. The Applicant has confirmed that the fish species relevant to Mangapū Tributary 1, and Tributaries 3 and 4, are longfin eel, shortfin eel and banded kōkopu.[552] As noted above, during the ecology conference on 3 September 2026, the Applicant and the Department agreed that the threat classification dispute did not change the values the Applicant had assigned or how those species were treated.

Advantages and disadvantages of providing fish passage upstream or downstream of the proposed activity

617. The Application specifies that:[553]

(a) the stream diversion channel will provide for full fish passage for native climbing fish species, but providing passage for additional species risks enabling access for exotic or pest species; and

(b) for the culverts, providing fish passage would:

(i) offer limited benefit given the steep channel, the limited suitable upstream and the intended removal of those tributaries at later phases; and

(ii) risk enabling access for exotic or pest species.

618. The Department considers that: [554]

(a) there is a significant advantage to maintaining fish passage in the stream diversion channel in Tributary 1; but

[550] Part E of the Application at [75]–[78] and [105(e)]; and Applicant's legal submissions at [7.5].
[551] Section 51 complex freshwater fisheries activity approval report at [7.16]–[7.23]; and s 51 complex freshwater fisheries technical advice at section 5.
[552] Response to comments s 55 report, Appendix 3 at page 24.
[553] Part E of the Application at [105(f)]; and Applicant's legal submissions at [7.6].
[554] Section 51 complex freshwater fisheries activity approval report at [7.24]–[7.26]; and s 51 complex freshwater fisheries technical advice at section 6.

(b) the advantages and disadvantages of providing fish passage in the culverts in Tributaries 3 and 4 are unclear.

619. As noted above, the Applicant has now provided clarity on the species in Tributaries 3 and 4 and where fish passage will be provided (tributary 3) or not (tributary 4).[555]

[Draft] Decision as to complex freshwater fisheries activities approvals

620. The Panel is grateful for the additional investigations of tributaries 3 and 4 to clarify the extent of habitat about the culvert locations, and whether shortjaw kōkopu is present.

621. Taking into account the material set out above, we consider it is appropriate to grant the complex freshwater fisheries activities approvals sought, subject to appropriate conditions.

622. Our [draft] decision on conditions is set out in Part K of this [draft] decision. The [draft] conditions we have imposed on the complex freshwater fisheries activities approvals are set out in **Appendix H** to this [draft] decision.

[555] Ecology Memo provided as part of Applicant Response to Comments

PART K: [DRAFT] CONDITIONS

623. In this section we set out:

(a) the legal matters relevant to conditions including:

(iii) the general statutory requirements for conditions that are relevant to all approvals; and

(iv) the specific requirements and issues for each of the four categories of approvals sought;

(b) context;

(c) a summary of the evolution and scrutiny of conditions;

(d) a summary of the principal changes to the conditions;

(e) a summary of our approach and decision on management plans;

(f) the comments received on the draft conditions;

(g) the Panel's [draft] evaluation and findings; and

(h) the commencement of the approvals.

Legal matters

General statutory requirements for all conditions

624. In imposing any conditions on the approvals sought, the Panel:

(a) must not set a condition that is more onerous than necessary to address the reason for which it is set in accordance with the provision of this Act that confers the discretion;[556] and

(b) except for the change of conditions and complex freshwater fisheries activities approval, must give the greatest weight to the purpose of the FTAA.[557]

Resource consent conditions

625. Clause 18 of schedule 5 of the FTAA provides:

> **18 Conditions on resource consent**
>
> When setting conditions on a consent, the provisions of Parts 6, 9, and 10 of the Resource Management Act 1991 that are relevant to setting conditions on a resource consent apply to the panel, subject to all necessary modifications, including the following:
>
> (a) a reference to a consent authority must be read as a reference to a panel; and
>
> (b) a reference to services or works must be read as a reference to any activities that are the subject of the consent application.

626. For the purposes of setting conditions, sections 108, 108AA, 123 and 125 in Part 6 of the RMA are relevant to this Application.

[556] FTAA, ss 81(2)(d) and 83.
[557] FTAA, ss 81(2)(b) and (3)(a), (i) and (j), sch 5 cl 17(1)(a), sch 7 cl 5(a), sch 8 cl 4(1)(a).

627. Section 108 provides a relatively broad power to impose conditions (subject to s 108AA and case law). Relevant to the Application, s 108AA restricts us from imposing a condition unless:

(a) the Applicant agrees to the condition;

(b) it is directly connected to an adverse effect of the activity, an applicable district or regional rule, or a national environmental standard; or

(c) it relates to administrative matters that are essential for the efficient implementation of the resource consent.

628. The following principles from RMA case law on resource consent conditions remain relevant to our [draft] decision:

(a) a resource consent condition must:[558]

(i) be for a resource management purpose and not for any ulterior purpose;

(ii) fairly and reasonably relate to the proposal which is the subject of consent; and

(iii) not be so unreasonable that no reasonable decision maker could have imposed it;

(b) a resource consent condition must be clear, certain and enforceable; and

(c) a resource consent condition must not unlawfully delegate the making of any consenting or other arbitrary decision to any person, but may authorise a person to certify that a condition has been met or complied with or otherwise settle a detail of that condition.[559]

629. Relevant to the Application, s 123 provides that the duration of:

(a) a land use consent is unlimited, unless otherwise specified in the consent; and

(b) water take and use and discharge permits must not exceed 35 years.

630. Section 125 provides for a default 5-year lapse period, if no date is specified in the consent.

Wildlife approval conditions

631. Clause 6 of schedule 7 of the FTAA provides:

> **6 Conditions**
>
> (1) A panel may set any conditions on a wildlife approval that the panel considers necessary to manage the effects of the activity on protected wildlife.
>
> (2) In setting any condition under subclause (1), the panel must—
>
> (a) consider whether the condition would avoid, minimise, or remedy any impacts on protected wildlife that is to be covered by the approval; and

[558] *Newbury District Council v Secretary of State for the Environment* [1980] 1 All ER 731 (HL) at 739, endorsed in the context of the RMA in *Housing NZ Ltd v Waitakere City Council* [2001] NZRMA 202 (CA) at [18]. See also *Waitakere City Council v Estate Homes Ltd* [2007] 2 NZLR 149 (SC) at [66].
[559] *Turner v Allison* [1971] NZLR 833 (CA) at 855-857. See also *Apros v Wellington City Council* [2019] NZHC 1684, (2019) 21 ELRNZ 276 at [117]–[119].

(b) where more than minor residual impacts on protected wildlife cannot be avoided, minimised, or remedied, ensure that they are offset or compensated for where possible and appropriate; and

(c) take into account, as the case may be, the New Zealand Threat Classification System or any relevant international conservation agreement that may apply in respect of the protected wildlife that is to be covered by the approval.

Archaeological authority conditions

632. Clause 5 of schedule 8 of the FTAA provides:

> **5 Imposition of conditions on archaeological authorities**
>
> (1) In relation to an archaeological authority, a panel may impose any conditions, including conditions that—
>
> (a) the consent of the land owner and the holder of any specified registered interest must be obtained before the holder of an archaeological authority may enter the relevant site or undertake any activity under that authority; and
>
> (b) the site must be returned as nearly as possible to its former state (unless otherwise agreed between the owner of the land on which the site is located and the panel); and
>
> (c) any activity undertaken at the site under the archaeological authority must conform to accepted archaeological practice; and
>
> (d) Heritage New Zealand Pouhere Taonga, or the person approved under this schedule to carry out an activity, must provide a report to—
>
> (i) the holder of the authority; and
>
> (ii) the owner of the archaeological site concerned, if different from the holder of the authority; and
>
> (iii) Heritage New Zealand Pouhere Taonga, unless Heritage New Zealand Pouhere Taonga prepared the report.
>
> (2) The panel may impose a condition requiring an investigation under the HNZPT Act, but only if the panel is satisfied on reasonable grounds that the investigation is likely to provide significant information in relation to the historical and cultural heritage of New Zealand.

Complex freshwater fisheries activity approvals conditions

633. Clause 6 of schedule 9 of the FTAA provides:

> **6 Conditions on complex freshwater fisheries activity approval**
>
> A panel may impose conditions on an approval that the panel considers necessary to manage the effects of the activity on freshwater fish species, taking into account—
>
> (a) best practice standards; and
>
> (b) the New Zealand Fish Passage Guidelines.

Context

634. On 22 September we provided our draft conditions along with our draft decision.

635. The AEE associated with the Application included a proffered set of proposed draft conditions that applied generally and specifically to:[560]

(a) each of the Auckland Council applications – Land Use, Subdivision, and Stream Works consents, Discharge to Water, Water, and Air Discharge permits, and Changes to Conditions of Resource Consent 8730 applied for under the RMA; and

[560] Appendix B12.7.

(b) three non-RMA approvals required under the Wildlife Act, Freshwater Fisheries and Conservation Act, and the HNZPT Act.

636. The Applicant then provided an updated set of proposed draft conditions on 22 June 2026.[561] This version of the volunteered conditions reflected amendments that the Applicant had made in response to initial feedback on general planning, three waters, ecology, groundwater, earthworks, economics, subdivision, landscape, transport, and heritage matters from Auckland Council, Auckland Transport, the Department, HNZPT, Te Ākitai Waiohua, adjoining landowners, and their advisers.

637. It was the 22 June 2026 version of the draft condition set that we folded into our own review and was the version upon which we sought the input from relevant invited parties.

638. The Panel's evaluation of the actual and potential effects of the Project on the physical and natural environment including people, and communities that comprise that environment, and the influence of conditions on those effects in terms of avoidance, mitigation and remediation, has been canvassed in Parts E and F of this [draft] decision above. The conclusions reached were twofold:

(a) there will be several regionally significant (and likely nationally significant) positive effects arising from the Project as set out in Part E of this [draft] decision; and

(b) the actual and potential effects of the Project relating to several matters (including, but not limited to, groundwater and watercourses, erosion and sediment, ecology (terrestrial and aquatic), landscape, natural character. and amenity, traffic (construction and operational, inc. roading), noise and vibration, and cultural effects) will be appropriately avoided, remedied, mitigated, offset or compensated through a robust suite of conditions for the district and regional consents.

639. The key theme for the Panel in its effects assessment was the suitability of conditions to appropriately manage and reduce potential or actual adverse effects on the social, physical, and natural environment. The Panel also focused on the ability of conditions to ensure:

(a) changes can be responded to overtime as the Hunua Quarry expands;

(b) immediate community and mana whenua involvement is enabled and facilitated;

(c) key aspects of the Hunua Quarry construction and operation are managed, including the use of Management and Monitoring Plans; and

(d) protection, enhancement, mitigation, offset or compensation in relation to ecological values.

640. This focus on conditions was intentional and was open to scrutiny by all parties. To this end and given the importance of the suite of conditions that have been adopted, the Panel has carefully recorded below the evolution and scrutiny of conditions. Through that process

[561] Appendix B12.7 22 June version.

there was an initial focus on the mechanical construct of the conditions which evolved to a focus on the substantive matters.

641. The Panel appreciated the effort by the Applicant in the initial phase to work through the mechanics of the conditions; which allowed the Panel to focus on the substantive matters. Most focus was placed on conditions dealing with traffic; noise and vibration; air quality; landscape, natural character and visual amenity; hydrology and groundwater; ecology; and cultural conditions.

Evolution and scrutiny of conditions

642. The Panel initially conducted a preliminary mechanical or SMART[562] review of the Applicant's draft condition set relating to applications made under the RMA and non-RMA approvals but did not involve a review of Part G of the condition set relating to changes to the conditions of Resource Consent 8730.

643. The SMART review did not constitute substantive comments by the Panel on the draft condition set given that the Applicant was to provide an updated condition set on 7 July 2026. Rather, the Panel thought it helpful to provide the review and comment, affording the Applicant guidance for undertaking their own SMART review of the updated conditions prior to submission.

644. This resulted in the Panel inviting the Applicant, via Minute 1,[563] to consider the suggestions and comments that the Panel had made in a tracked version (inclusive of marginal comments) of the draft condition set attached to that Minute. In doing so, the Panel sought to emphasise that the tracked amendments were suggestions only and did not represent a concluded view.

645. A further updated set of proposed draft conditions was provided by the Applicant on 14 July 2026.[564] This version of the volunteered conditions responded to feedback from not just the Panel (Minute 1), but also feedback from Auckland City and DOC.

646. The Panel also conducted a conditions cross-checking exercise aimed at determining the extent to which the recommendations made in four technical reports[565] accompanying the applications had been followed through into the proposed conditions (and contents of management plans, where available). The Panel was clear that the exercise did not assess whether the conditions provided an adequate basis for the Panel to conclude that any adverse environmental effects of consequence associated with the activity for which consent is sought had been suitably addressed. Rather, the purpose was to check the mitigations / recommendations identified by the Applicant's technical experts had been replicated in the conditions.

647. The review identified only one minor matter for consideration by the Applicant in Section 6.2 of the Airport Quality Report related to dust management of managed fill, with there

[562] SMART – conditions that are Specific, Measurable, Achievable, Relevant and Time-based.
[563] Minute 1 of the Panel and Appendix 1, dated 1 July 2026.
[564] Appendix B12.7 14 July version in response to Panel's Minute 1 and Appendix 1 and feedback from AC and DOC (14 July 2026)
[565] Air Quality, Landscape, Acoustic and Vibration and Transport.

being no specific reference to the draft Air Quality Management Plan nor references in the condition set relating to drop heights or use of earth bunds as methods of dust management.

648. This resulted in the Panel inviting the Applicant, via Minute 3,[566] to undertake the same assessment for the ecological conditions and management plans in the same manner as used and expanded (with similar levels of detail and information) on by the Panel.

649. The Panel also undertook an initial review of the Wildlife approval conditions, recognising that discussions with DOC were still to be completed, to ensure the conditions were clear and worked in practice. The Panel sought the Applicant consider matters relating to:

(a) clarifying the land to which the approval applies;

(b) reference to accidental harm as well as death;

(c) inclusion of clauses on variation and termination / cancellation;

(d) necessity (or otherwise) for links to the RMA approval conditions; and

(e) definition of key terms.

650. Separately and subsequently (on 27 / 28 July 2026), the Panel received s51 Reports from DOC and HNZPT relating to the three non-RMA approvals required under the Wildlife Act, Freshwater Fisheries Regulations and Conservation Act, and the HNZPT Act. These reports contained recommendations in respect of the Applicant's proposed condition sets relating to the prospective approvals, expanding on the original conditions volunteered by the Applicant and attached to the substantive application.

651. The outcome of the completed condition / management plan cross checking exercise of the remaining topics by the Panel was set out in Minute 4,[567] where the Applicant was requested to consider briefly and respond within an efficient time.

652. Minute 4 also briefly addressed a matter of concern raised in the DOC's s51 Report on Complex Freshwater Fisheries Activities about the potential for the shortjaw kōkopu presence in tributaries 3 and 4. The Panel sought the Applicant provide a clear and robust response to the matter along with its response to comments.

653. The Applicant's response to the s51 Reports and section 53 comments (18 August 2026) provided an amended version of the draft condition set and a tabular assessment showing how the conditions and management plans implemented expert recommendations across the relevant topics. Recurring themes of the s51 Reports and section 53 comments related to ecology, streams and biodiversity; cultural effects and mana whenua interests; traffic and road safety; visual amenity and landscape effects; noise, blasting and vibration; water quality, flooding and groundwater; dust and air quality; the adequacy of mitigation and consent conditions; and economics.

654. The receipt of the amended draft condition set (dated 18 August) from the Applicant intersected with an earlier condition set version issued to the Panel (14 July) which included

[566] Minute 3 of the Panel and Appendix 1 (Table A), dated 15 July 2026.
[567] Minute 4 of the Panel and Appendix 1 (Table B), dated 29 July 2026.

the changes and amendments identified by the Panel through the SMART review. The 18 August version of the amended proposed conditions set helpfully identified where a change had been made in response to a comment, with the inclusion of the unique code for easy reference to the comment analysis provided by the Applicant in Appendix 1 to the response.

655. The Panel conducted a further two exercises in respect of the above amended draft condition set, being reviews to identify:

(a) changes made between the Appendix B12.7 and Appendix 11 to understand how the conditions addressed the concerns raised by the Panel (SMART review and Minutes 1, 3, and 4), and the section 51 and section 53 comments, and

(b) the existence of bottom-line conditions within the draft condition set to which each management plan is required to implement.

656. Our observation at this point in respect of the first exercise was that indicated:

(a) in the main, the Applicant indicated acceptance of suggestions for amendment or in some instances, some clarification was provided in response, including to the Panel queries, and additional or alternative wording suggested; and

(b) in the isolated instances where the Applicant indicated disagreement to suggestions to add, amend, or delete conditions, a response was provided by the Applicant (and was supported by further technical reporting / commentary where necessary) to explain the rationale for the disagreement.

657. The key matters identified by the Panel from the first exercise were:

(a) issues with condition formatting and cross-referencing and consistent use of terms within conditions;

(b) reference to Management / Monitoring Plans approved under the consent as having been *certified* and how that in turn related to the overall condition set for Management / Monitoring Plans and their subsequent need for amendment;

(c) a more specific adaptive management clause sought by the Panel on 8th July was still being considered by the Applicant; and

(d) changes to the conditions relating to groundwater settlement contingency and trigger values no longer contained triggers for timing of a report(s) to be provided to Auckland Council or when the drawdown should cease and Schedule A was pending confirmation of baseline information.

658. In respect of the second exercise, we determined that in the main, where a Management / Monitoring Plan condition cross-referenced to *bottom-line* conditions, the bottom-line conditions were appropriately and clearly expressed in the amended draft condition set.

659. Where the Management / Monitoring Plan conditions did not refer to appropriate bottom-line conditions, the Panel provided guidance on the recommended action to rectify this. In some instances, misalignments were also observed between Management / Monitoring

Plans and bottom-line conditions, and the Applicant was requested to comment on / resolve these.

660. A revised set of proposed conditions was issued to the Panel (2 September) by the Applicant which included changes and amendments made in response to the comments from the above exercises. The Panel conducted a review and identified changes to the conditions. Input to those changes was sought from the Applicant, via a workshop (15 September),[568] in respect of:

(a) administrative issues with the conditions that remained, including the mechanics of the Management / Monitoring Plans;

(b) identification of the changes agreed to by or in disagreement with the Applicant;

(c) demonstration by or reassurance from the Applicant that their responses to comments raised through the FTAA process to incorporate conditions had occurred; and

(d) further amendments to the conditions received from the Applicant by the Panel on 11 September.

661. A revised set of proposed conditions was issued (16 September) to the Panel by the Applicant in response to the above.

Principal changes to conditions

662. Overall, versions of volunteered conditions that were provided with the Application were amended and refined over the course of the FTAA process and were a result of addressing the following:

(a) concerns raised by invited parties, including Auckland Council, Auckland Transport, the Department, HNZPT, Te Ākitai Waiohua, adjoining landowners, and their advisers;

(b) agreed matters arising from the project overview conference, the ecology workshop and the conditions workshop; and

(c) clarifications sought by the Panel.

663. Whilst the details of the [draft] conditions are canvassed in each of the potential adverse effect topics in Part F of this [draft] decision, it is useful to highlight the key changes that were made to proposed conditions since the application was lodged. They are as follows:

(a) **Community and mana whenua involvement**:

(iv) Conditions 9 to 19 – new conditions for the involvement and participation of both a Community Liaison Group and Kaitiaki Forum, funding, timing for invitations and the information to be forwarded and outcomes expected, and potential suspension or reconvening of the meetings associated with each group.

[568] A recording of the workshop can be found at Conferences, workshops and hearings.

(v) Conditions 33 to 37 – new conditions included to provide for the preparation of a Cultural Management Plan. We return to the matter of Management Plans later in this section of our report.

(b) **Traffic**:

(vi) Condition 78 – amended to include greater detail regarding the formation of the access upgrade from Hunua Road.

(vii) Condition 79 – new condition, which developed from additional advisory notes that had been established, to address the safe system audit report for the Hunua Road carriageway upgrade works.

(viii) Conditions 87 to 90 – new conditions establishing design and formation standards for the West Haul Road, including the detail and design of the culverts required.

(c) **Lighting**: Conditions 99 to 105 – new conditions setting artificial lighting illuminance standards.

(d) **Rehabilitation and visual mitigation**:

(ix) Conditions 136 and 139 – modification of the conditions to set specific measurable standards with respect to vegetation establishment during phased site rehabilitation.

(x) Conditions 140 to 151 – amended and new conditions to address the specifics more clearly relating to the process associated with off-site visual mitigation for specific properties surrounding the quarry extension.

(xi) Conditions 152 to 157 – new conditions to address temporary revegetation of inactive disturbed areas within Stages 0 and 1.

(e) **Ecological**:

(xii) Conditions 163 to 165 – new conditions as to the imposition of Conservation covenants within specific focus areas.

(xiii) Condition 166 – new condition for Stages 7 and 8 relating to actions, and the locations and extents of those actions. in relation to the loss of all stream extents.

(xiv) Conditions 167 to 169 – new conditions providing the baseline standards for the Pest Management Plan.

Approach to management plans

664. The Applicant intends to prepare seventeen management plans to collectively manage the detailed design and construction and the operation of certain aspects of the Project together with some of the effects of those activities.

665. Sixteen management plans are particular to the resource consents:

(a) Cultural Management Plan (CMP);

(b) Quarry Management Plan (QMP);

(c) Operational (and Construction) Noise (and Vibration) Management Plan (ONMP);

(d) Contaminated Site Management Plan (CSMP);

(e) Erosion and Sediment Control Plans (ESCP);

(f) Chemical Treatment Management Plan (CTMP);

(g) Air Quality Management Plan (AQMP);

(h) Water Quality Monitoring and Management Plan (WQMMP);

(i) Groundwater Monitoring and Contingency Management Plan (GMCP);

(j) Trigger Action Response Plan (TARP);

(k) Landscape Rehabilitation Strategy and Management Plan (LRSMP);

(l) Ecology Management Plan (EcMP);

(m) Aquatic Fauna Salvage and Relocation Plan (AFSRP);

(n) Lizard Management Plan (LMP);

(o) Pest Management Plan (PMP); and

(p) Stream Realignment Management Plan (SRMP).

666. The wildlife approval also requires a LMP and the archaeological authority requires an Archaeological Management Plan (AMP).

667. The LMP features in both the wildlife approval and resource consents, and we understand it is intended to be the same document (which we support and find to be both efficient and certain), namely there are not two separate Lizard Management Plans.

668. Of the sixteen management plans associated with the resource consents, fourteen will be subject to a certification process (discussed briefly below) whilst two other management plans have been approved by the Panel as part of this [draft] decision (**Appendix C**). Those approved RMA management plans by the Panel are the ONMP and AQMP. We consider that determining who is the appropriate body to approval or certify a management plan is a case by case and fact specific decision. The Panel is conscious that other decision-makers have considered it is not appropriate for them to certify any management plans.[569] However, we consider we can approve the ONMP and AQMP on the basis that:

(a) the management plans were prepared as complete drafts by the relevant experts early on in the process and have been considered by Auckland Council; and

(b) relevant experts have considered those management plans and accept them as drafted.

669. Initially two other management plans (TARP and CTMP) were proposed for approval by the Panel; however, it became apparent that the draft of such plans had either not been

[569] See for example *Director-General of Conservation v Taranaki Regional Council* [2021] NZEnvC 27, (2021) 22 ELRNZ 557 at [55]; Waitaha Decision at [1166]; and Waihi North Decision at Part E1 at [9] and [11].

provided or were incomplete in terms of the body of the management plan document and supporting information referenced.

670. There was feedback from some invited parties on the (in)appropriateness of adopting a management plan process for such a major development. We consider that management plans are routinely used for major infrastructure and land development projects particularly as means of managing construction effects and dealing with enduring operational effects.

671. Furthermore, we consider that management plans are a very suitable mechanism for ensuring that 'outcome based' consent conditions that set standards or limits are complied with, and detailed environmental effects are managed appropriately.

672. Management plans also avoid cluttering the conditions with excessive detail, particularly regarding how certain construction works or mitigation actions will occur. The caveat is that the certification conditions for management plans must be comprehensive and as a minimum the conditions must set out:

    (a) the purpose (or objective) of the plan;

    (b) ideally which conditions it is designed to assist with implementing;

    (c) the minimum contents of the plan;

    (d) who is to prepare it (in this case that involves a SQEP which is a defined term);

    (e) who else should be consulted or involved in preparing a management plan;

    (f) the process for amending a plan;

    (g) that the works to which the plan relates must not commence until the relevant plan is completed to the administering authority's satisfaction (or certified); and

    (h) that the Project's activities must comply with the 'certified' plan.

673. In terms of the above, our review of management plan conditions has focused heavily on ensuring the above tenants of good management plan condition drafting have been observed in the [draft] condition set for the Project. Some of the specific management plan conditions proposed for the resource consents did not meet the caveats that we set out above. For example:

    (a) some of the proposed conditions did not specify the purpose of the plan;

    (b) other conditions lacked sufficient detail to enable compliance to be monitored and enforced or used vague terminology; and

    (c) some of the performance standards or limits that the activities must comply with were not specified in conditions.

674. We acknowledge the support of the Applicant, the Department and Auckland Council in this endeavour to achieve robust conditions governing the production and certification of management plans. We were very aware of the need for any performance standards or limits that the Project needs to comply with, and that will be monitored by the administering

authorities, to be clearly set out in conditions and not in the management plans per se. The rationale for our focus on this in the [draft] condition set is twofold:

(a) firstly, the management plans are instruments to deliver achievement of the standards or limits set in the conditions; and

(b) secondly, if there is conflict between the management plan and the conditions, then the conditions must prevail.

675. It is routine for a management plan to be submitted to the appropriate administering authority and thereafter 'certified', which for all intents and purposes is a delegated 'approval' process. In this case, as set out above, the Panel has approved two management plans as part of this [draft] decision and the Panel is satisfied that with the revised conditions, it is appropriate for the remaining fourteen draft management plans to proceed though the certification process.

676. For completeness, we note that any further changes to the approved management plans (and for all subsequently certified management plans) will be required to proceed through the same certification process as for the original management plans.

677. We amended the [draft] conditions of the approvals as outlined above.

Panel's [draft] evaluation and findings on resource consent conditions

678. The Applicant's revised conditions largely resolved the technical matters, identified by the Panel. The Panel's overall position is that it is now satisfied that as set out at the conclusion of the potential adverse effect topics in Part F of this [draft] decision, the suite of [draft] conditions is fit for purpose and capable of avoiding, remedying, mitigating, offsetting and compensating the actual and potential effects of the Project to an acceptable level and in an appropriate manner.

679. The Panel's assessment of specific conditions, insofar as they address the appropriateness of managing effects and the need for additional condition changes, is set out in the potential adverse effect topics in Part F of this [draft] decision in relation to the following principal issues in dispute:

(a) traffic;

(b) noise and vibration;

(c) air quality;

(d) landscape and natural character and visual amenity;

(e) ecological – terrestrial/aquatic; and

(f) cultural matters.

680. The [draft] conditions in **Appendix B** include additional minor amendments to aid readability and clarity as well as to assist implementation by the consent holder and enforcement by Auckland Council.

681. In revising the conditions, the Panel has taken into account comments received from invited parties and, where relevant, technical experts of the invited parties, the Council and the Applicant. In addressing those comments, the Panel considers that the [draft] conditions are fit-for-purpose and now provide greater specificity and certainty. In particular:

(a) there are now clear links to mitigation commitments in the AEE;

(b) the [draft] conditions apply SMART principles to ensure clarity for the consent holder, and are capable of implementation, monitoring, and enforcement; and

(c) there is a clear process for certification, including defined timing for staging and implementation requirements.

682. Overall, the Panel is satisfied that the [draft] condition framework is appropriate and capable of managing the effects of the project; particularly those relating to the most traversed issues, being traffic, noise and vibration, air quality, landscape and natural character and visual amenity, hydrology and groundwater, ecological - terrestrial/aquatic, and cultural.

683. Moreover, we are satisfied that the [draft] set of resource consent conditions is the most appropriate to avoid, remedy, mitigate, offset or compensate adverse effects of the Project, is workable from a SMART perspective, and is no more onerous than necessary as per s 83 of the FTAA.

[Draft] Conditions relating to the other approvals

684. The [draft] conditions for the wildlife permit are set out in **Appendix D** and the LMP in **Appendix E**. As we commented in Part H of this [draft] decision, the Department in its s51 Report raised some issues with the conditions, and as set out above in this Part we did to. The Applicant and the Department have agreed the conditions to the approval (including commencement), and we agree that they are appropriate and no more onerous than necessary as per section 83 of the FTAA.

685. In relation to the LMP (**Appendix E**) there was ongoing discussion throughout the process between the Applicant and the department on some technical elements with the LMP. As mentioned in Part H of this [draft] decision the Applicant has removed the reference to mouse control in the Hunua Regional Park on the basis that is unlikely to be used as a release site but we consider it appropriate to retain the reference to mouse control and related management actions as originally stated in the LMP, but this requirement should only triggered in the event that the Hunua Ranges release site is required.

686. As explained in Part I of this [draft] decision the archaeological authority approvals are agreed between the Applicant and HNZPT. These [draft] conditions are contained in **Appendix F,** and the AMP is in **Appendix G**. We agree that the [draft] conditions to the approval as agreed are appropriate and no more onerous than necessary as per section 83 of the FTAA.

687. The complex freshwater fisheries activities [draft] conditions are set out in **Appendix H** to this [draft] decision. We address the relevant matters to these approvals in Part J of this [draft] decision, key being the additional information provided by the Applicant, and the

change to fish passage in tributary 3. We agree that the conditions to the approvals are appropriate and no more onerous than necessary as per section 83 of the FTAA.

Comments on draft conditions

688. On 22 September 2026 we provided our draft conditions along with our draft decision.

689. [To insert once comments received.]

Commencement of approvals

690. In accordance with section 97(1)(a) of the FTAA, the resource consents, archaeological authority[570] and complex freshwater fisheries activity approvals commence on the date [the final] decision is issued.

691. In accordance with section 97(1)(b) of the FTAA, the wildlife approval commences in October 2027 as agreed at the ecology workshop on 3 September 2026, because:

(a) vegetation clearance will not start until 2028; and

(b) an October 2027 start time would give the Applicant sufficient time to begin the surveys ahead of vegetation clearance.

[570] The Applicant is the land owner and has provided consent for the authority, therefore s 97(2)(f) and sch 9 cl 6(1) of the FTAA do not apply.

PART L: OVERALL APPROACH

Principal issues in contention and our main findings on them

692. The principal issues in contention for the Project, in relation to resource consents, are set out and considered in Part F of this [draft] decision. This section provides our main findings from Part F in relation to each of them. To be clear this section only includes our main findings and overall position in summary form on each principal issue. It in no way limits the wider and more detailed assessment in Part F of this [draft] decision.

693. **Traffic / transportation effects**: Our main findings were that:

(a) the safety issue at the corner of 272 Hunua Road is not an effect linked to the Project;

(b) despite a significant increase in truck movements when/if the project becomes fully operational, Hunua Road, and the wider transport system can safely and adequately accommodate them; and

(c) with the [draft] conditions imposed, potential traffic / transport effects of the Project are appropriately addressed and there will not be any significant residual traffic / transport impacts.

694. **Noise and vibration effects:** Our main findings were that:

(a) we agree with those who commented on the need to ensure robust monitoring, reporting and controls on noise and vibration from the Hunua Quarry;

(b) noise and vibration effects will be managed through the [draft] conditions to levels equalling, or more stringent than provided by, the AUP, but that does not mean does not mean that quarry noise / vibration will not be audible / detectable at neighbouring properties (as it already is); and

(c) with the [draft] conditions imposed, potential noise and vibration effects of the Project are appropriately addressed (managed to reasonable levels) and there will not be any significant residual noise or vibration impacts.

695. **Air quality effects:** Our main findings were that:

(a) like for noise and vibration we agree with those who commented on the need to ensure robust monitoring, reporting and controls on air quality effects from the Hunua Quarry;

(b) extensive [draft] conditions are included (including the community liaison group, complaints register, management plans, air quality limits, air quality management measures, monitoring and reporting requirements and review, plus a specific RSC monitoring programme); and

(c) we agree with the Applicant's expert, and the Auckland Council expert reviewer, that with the [draft] conditions the Project is appropriate from an air quality perspective (in particular dust, PM10 and RSC) for the reasons and there will not be any significant residual air quality impacts.

696. **Landscape, natural character and visual amenity effects:** Our material findings were that:

(a) in relation to landscape effects, we agree with the Applicant's assessment that the effects on the ONL, and physical effects of the Project (and recognising the timeframe to rehabilitation), will, with the [draft] conditions imposed, be appropriately addressed;

(b) in relation to natural character effects on the Mangapū Stream tributary, we agree with the Applicant's assessment and, with the [draft] conditions imposed, will be appropriately addressed;

(c) in relation to visual effects on neighbouring amenity there will be certain properties affected by moderate-high (adverse) visual effects, but through the [draft] conditions they will be offered planting on their properties to reduce effects (and the rehabilitation planting and revegetation of the Site will, over time, also reduce effects) such that the (adverse) effects will be appropriately addressed;

(d) in relation to landscape and visual (adverse) effects from Pukekōiwiriki Pā we agree with the Applicant's assessment that they will, with the [draft] conditions imposed, be appropriately addressed;

(e) with the [draft] conditions imposed, potential landscape, natural character and visual amenity effects of the Project are appropriately addressed and there will not be any significant residual landscape, natural character or visual amenity impacts.

697. **Ecological effects (terrestrial and freshwater):** Our material findings were that:

(a) In relation to freshwater ecology the focus was on the realignment of the Mangapū tributary. While we accept that the realignment of the Mangapū tributary is intended to provide for an ecologically functioning stream channel we find that it is unlikely to achieve the same level of ecological functioning as the current tributary. However, the new channel is clearly designed to be significantly more than a simple diversion channel. While there is likely to be a small loss of extent and value from the Project, overall, given the extent of the offset and compensation package, with the [draft] conditions imposed, we consider the conditioned approach to effects management for freshwater ecology issues to appropriately address the relevant effects such that there will not be any significant residual freshwater impacts.

(b) In relation to terrestrial ecology we accept that the offset and compensation outcomes are appropriate and, with the [draft] conditions imposed (especially in relation to ensuring successful implementation and monitoring) we consider terrestrial ecology issues to have been appropriately addressed and there will not be any significant residual terrestrial ecology impacts.

698. **Cultural effects:** Our material findings were that:

(a) given the scale of the Project, it has numerous potential cultural effects (and holistic environmental effects especially related to landscape, ecology and water);

(b) that it is for tangata whenua to identify the cultural values relevant to a proposal, and the ways in which they consider effects on those values can be appropriately addressed and, while such matters may not have been fully addressed to the satisfaction of all tangata whenua, and certainty have not been "fully mitigated", we find that the adverse cultural effects have been appropriately mitigated through:

(xv) the Applicant's past and future approach on cultural matters, including:

(1) extensive engagement with tangata whenua to date to identify and address (as appropriate) issues raised (and this engagement has been underway long before this Application was initiated);

(2) commitment to continue to engage throughout the development and implementation of the Project, including through the Kaitiaki Forum; and

(3) invitations to Ngāti Tamaoho, Ngāti Te Ata Waiohua, Te Ākitai Waiohua and Ngaati Whanaunga to enter into memoranda of understanding / relationship agreements];

(xvi) the amendments made to the Project through the Application to address effects on cultural values;

(xvii) the Applicant's proposed changes to the [draft] conditions; and

(xviii) the further changes we have made to the [draft] conditions;

(c) we consider that potential adverse cultural effects have been appropriately addressed through the inclusive and detailed approach adopted by the Applicant and the [draft] conditions imposed and conclude there will not be any significant residual cultural impacts.

699. In relation to principal issues in respect of the wildlife approval and archaeological authority, there were none. We agree with the Drury Quarry Expert Panel decision that where there are no principal issues it is not appropriate to "invent something simply to meet the statutory requirement."[571] As summarised in Part H of this [draft] decision, like for the Drury Quarry Expert Panel, there were discussions, and some are ongoing, on now minor matters associated with the LMP. But they could not be categorised as 'principal issues' in contention. As summarised in Part I of this [draft] decision for the archaeological authority there are no issues in dispute.

700. In relation to the freshwater fisheries regulations there were some minor issues regarding the species in Tributaries 3 and 4 and where fish passage will be provided (tributary 3) or not (tributary 4). As summarised in Part J of this [draft] decision, these issues were resolved between the Applicant and the Department.

Section 85 "sufficiently significant" test

701. As addressed in Part C of this [draft] decision, we have a discretion to decline an approval if we reach a conclusion that there are adverse effects which are “sufficiently significant”

[571] Drury Quarry Expansion Sutton Block Decision at [482].

so as to be out of proportion to the Project's regional or national benefits after we have taken into the [draft] conditions (including conditions or modifications the Applicant may propose, which in this case includes a number of *Augier* conditions which we have accepted).

702. In Part F of this [draft] decision we step through the relevant issues and conclude that they have all, with the proposed [draft] conditions, been appropriately addressed such that there are no significant residual impacts. We have also been mindful of the limitation in section 85(4) of the FTAA (although in this case given our findings we have not needed to rely on this provision). It therefore follows that we do not consider that any of the Project's adverse impacts will be sufficiently significant so as to be out of proportion to the Project's regional or national benefits.

703. Out of an abundance of caution, if we were incorrect in our findings, and the adverse residual impacts related to those matters considered in Part F of this [draft] decision were significant (with the [draft] conditions imposed), we considered what the consequences would be. Having done so we do not consider that they would be sufficiently significant (individually or jointly) to be out of proportion to the Project's regional or national benefits and we would not exercise our discretion to decline the approvals. That is because of the many significant benefits of the Project (considered in Part E of this [draft] decision) and that the Project relates to an ongoing (efficient) use of an existing quarry (and largely occurs within a SPQZ).

Greatest weight to the purpose of the FTAA

704. As addressed in Part C of this [draft] decision, we have first individually assessed all relevant matters uninfluenced by the purpose of the FTAA (Parts G, H, I and J of this [draft] decision), before, in this Part of this [draft] decision, standing back and conducting an overall balancing where the purpose of the FTAA is to be given greatest weight.

705. For ease of reference, we repeat the purpose of the FTAA which is to "facilitate the delivery of infrastructure and development projects with significant regional or national benefits".[572]

706. We have set out our legal approach to the purpose in Part C of this [draft] decision and considered the potential adverse effects of the Project in Part F before assessing the individual approvals in Parts G to J and finally the [draft] conditions in Part K.

707. The benefits of the Project are considered, and our findings on them set out, in Part E of this [draft] decision. For the reasons set out in that Part, we find that the Project clearly achieves the purpose of the FTAA.[573]

708. For each approval sought we have found that they can be granted applying the relevant legal framework for them as set out in Part C of this [draft] decision and without resorting to a balancing process where the purpose of the FTAA is given the greatest weight. Doing

[572] FTAA, s 3.
[573] We note that Applicant has assessment the Project as being consistent with the FTAA's purpose. See Part C of the Application at [57]–[60]; Part D of the Application at [72] and [84]; Appendix B12.4.2 at [115]; Part E of the Application at [105(a)] and [106]; and Applicant's legal submissions at [5.5], [6.3] and [7.4(a)] and [7.6].

so and increasing the focus on the regional (and likely national) benefits of the Project, further shifts the balance in favour of the approvals being granted.

PART M: [DRAFT] DECISION

709. For the reasons set out in the above parts of this [draft] decision, the Panel grants:

(a) the resource consents in **Appendix A** subject to the [draft] conditions in **Appendix B** and the [draft] Management Plans we have approved in **Appendix C**;

(b) the wildlife approval subject to the [draft] conditions in **Appendix D** and the [draft] LMP in **Appendix E**;

(c) the archaeological authority subject to the [draft] conditions in **Appendix F** and the [draft] AMP is in **Appendix G**; and

(d) the complex freshwater fisheries activities approval subject to the [draft] conditions set out in **Appendix H**.

David Allen

(Chair)

David McMahon

(Member)

Martin Neale

(Member)

LIST OF APPENDICES

Appendix A – List of resource consents

Appendix B – [Draft] Resource consent conditions

Appendix C – [Draft] Approved RMA management plans

Appendix D – [Draft] Wildlife approval conditions

Appendix E – [Draft] Approved Lizard Management Plan

Appendix F – [Draft] Archaeological Authority

Appendix G – [Draft] Approved Archaeological Management Plan

Appendix H – [Draft] Complex freshwater fisheries activities approvals