

29 May 2026

[DRAFT] Report on land exchange

Belmont Quarry – FTAA-2603-L003



Department of
Conservation
Te Papa Atawhai

**Te Kāwanatanga
o Aotearoa**
New Zealand Government

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Cover photo: Mount Ngongotaha Scenic Reserve (credit: Nicole Porter Photography)

1 Introduction

This report has been prepared on behalf of the Director-General of Conservation under section 35(3) of the Fast-track Approvals Act 2024 (**FTAA**) by the Department of Conservation (**DOC / the Department**). It provides information and advice for Winstone Aggregates (**the Applicant**) for the Belmont Quarry development project. In accordance with section 35(7) this report must be provided to the applicant by 7 July 2026 as specified by the Panel convener.

Pursuant to section 35(3), this report must include certain information. The requirements and where the information can be found is set out in the table below.

Section	Requirement	Report section
s 35(3)(a)	the matters specified in clause 26 of Schedule 6	Section 5
s35(3)(b)(i)	the information lodged under s33(1)	Appendix 1
s35(3)(b)(ii)	any comments received under subsection (1) or (5)	Appendix 1 Appendix 3

This report may also include advice on matters relevant to sections 82-84 under s35(4) as set out below.

Section	Requirement	Report section
s82(2)	consideration of any document provided for in a relevant Treaty settlement, the Marine and Coastal Area (Takutai Moana) Act 2011, or the Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019	Section 6.1
s82(3)	whether granting the approval would comply with s7	Section 7
s83	Conditions – noting that a condition must not be more onerous than necessary to address the reason for which it is set	Section 5.7
s84	Conditions which may be set 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	Section 5.7.1.3

While the land exchange proposal is for the purposes of an application to extend the life of the Belmont Quarry and store overburden, this report does not consider any future land uses and concentrates entirely on the effects of a change in ownership.

2 The land exchange application

Winstone Aggregates lodged an application for a land exchange relating to the Belmont Quarry Development project (a listed project under the FTAA) with the Department of Conservation on 10 December 2025. Belmont Quarry is accessed off Hebden Crescent, approximately 1.7 km to the south-west of the Dry Creek entrance to Belmont Regional Park. The quarry occupies part of the escarpment defining the edge of the Hutt Valley, approximately 6 km north-east of the Lower Hutt CBD.

The proposed exchange involves land adjoining the existing quarry. This application forms part of a broader development proposal that will be advanced through a subsequent substantive application under section 42 of the FTAA.

The application is for up to 34 hectares of Fletcher-owned land to be added to the conservation estate and approximately 23.24 - 23.86 ha hectares of conservation land within Belmont Regional Park to be transferred to Winstone Aggregates. The land exchange report prepared on behalf of the Applicant explains that the exact area of land will be confirmed once a topographical survey of the exchange areas is completed. For the purposes of this application, it is noted that there is inconsistent use of areas due to the paper road, including different approaches to rounding in the expert reports and whether or not the alignment of the paper road footprint has been excluded from the land to be exchanged. This results in variances in the description of area from approximately 23.24 ha to 23.86 ha (including the paper road area). For avoidance of doubt, the area including the paper road is sought for exchange and will form part of the footprint for the Resource Management Act 1991 (RMA) approvals in the future substantive FTAA application.

The land exchange application can be found at: <https://www.fasttrack.govt.nz/projects/belmont-quarry-development/land-exchange-application>.

2.1 The land proposed to be exchanged by the Crown

Winstone Aggregates is a division of Fletcher Concrete and Infrastructure Limited which owns the land Winstone Aggregates offers in exchange. 'DOC-Give' refers to the Crown reserve land within Belmont Regional Park that Winstone seek to obtain for an overburden disposal area as part of the Belmont Quarry Development Project.

The DOC-Give site was vested in the Crown on 13 September 1979 for state housing purposes pursuant to section 32 of the Public Works Act 1928 (New Zealand Gazette 1979, p 2687). Pursuant to section 42 of the Public Works Act 1981, these titles were declared to be Crown land under the Land Act 1948 on 8 March 1983 (New Zealand Gazette 1983, p 751).

The DOC-Give site was later set apart as a recreation reserve under the Reserves Act 1977 by notice in the New Zealand Gazette on 10 June 1989 (No. 107, p. 2757). On 24 May 10991 Greater Wellington Regional Council was appointed by the Minister of Conservation to control and manage for recreation purposes the Dry Creek Recreation Reserve (New Zealand Gazette 1991 No. 80, p. 1765). The underlying freehold interest in the land remains vested in the Crown. The DOC-Give site is essentially a Crown-owned reserve managed by Greater Wellington Regional Council. It is classified as a recreation reserve and subject to the Reserves Act 1977.¹

¹ Land Exchange Report, Wikaira Consulting, dated December 2025 at [5.38-5.40]



Figure 1: Overview of proposed land exchange parcels²

The DOC-Give site is located immediately north of the Belmont Quarry.

The DOC-Give site is described as predominantly regenerating native broadleaf forest that increases with age towards the stream. Its highest point is 210 metres above sea level down to 152 metres above sea level at its lowest point. The western gullies are more steeply incised, while the eastern network is broader and supports wetlands. The Applicant's landscape assessment describes the physical attributes as a rolling ridge top and spur which is flanked by the upper reaches of steep undulating gullies. The wider landscape comprises of a series of gullies contained beyond steeper spur faces which rise from the Hutt Valley floor. There are no buildings although there are wire fences reflective of historic farming activity. The National Grid electricity transmission towers and conductors extend along the northern boundary.

Jeremy Head (landscape architect advisor to DOC) has supplemented this with the following description of the physical values:

- Source water for downstream wetlands and several streams that eventually flow into the Hutt River (tributaries).
- The wetlands (0.23 ha) and waterways that are present have not been modified in recent times and have well-vegetated riparian margins in a 'natural' state.
- Regenerating wetland forest, including 'good quality' wetlands within the area as well as directly to the northeast of the land parcel.

² Land Exchange Report, Wikaira Consulting dated 7 December 2025 page 31

- d. Vegetation includes some Nationally Threatened plant species.
- e. Ridges between the arms of the headwaters include large 'old man' pine, macrocarpa and regenerating kāmahi or mānuka type forest.
- f. Edges are sound without obvious areas for weed species invasion.
- g. The flat area in the central / north part of the land parcel once included farm buildings, where the area is now mostly in large macrocarpa with some open exotic grassed areas.
- h. No planting or major earthworks are present, other than an old pylon access track / farm road.
- i. Approximately 340 m long shared boundary with the quarry.

The range of habitats includes:³

- a. Natural inland wetlands - The vegetation in these areas is predominantly kiokio, native sedges (*Carex geminata*), rushes and ferns with edges of tree fern, mānuka and broadleaf shrub species.
- b. Pioneer shrublands and emerging scrub. Where pasture has most recently been the vegetation cover, gorse is the main pioneer species.
- c. Māhoe-tree fern forest – this is a continuous strip along the main valley floor.
- d. Māhoe / broadleaved scrub – this is found in several south-facing gullies. The canopy ranges from 3-8 m height. These areas have a good diversity of under-canopy.
- e. Mānuka scrub ranging from 3-6 m in height. The understorey can be reasonably dense.
- f. Exotic trees, comprising macrocarpas located on the upper ridge.

As described by Matt Ward⁴ (botanist advising DOC), the DOC-Give site is dominated by mānuka/kanuka on the eastern edge, while the southwestern edge contains tawa, kāmahi, podocarp forest (regionally endangered with 22% remaining). The DOC-Give site also has sections of kahikatea and pukatea forest (regionally critically endangered with 1% remaining). A key species present is the *Syzygium maire* – swamp maire, which is a specialist obligate wetland species and a Threatened - Nationally Vulnerable species. Apart from nearby along the western edge, this species is not found in any other part of the Belmont Regional Park. The gullies are in good health with a canopy of tree fern and a general absence of weed species.

There are three short intermittent stream reaches in this area, but of most significance is the ephemeral headwaters of six gully systems that feed into the perennial systems and the natural inland wetland. Four hundred metres of each reach of the central main stem and western main stem were surveyed for macroinvertebrates, fish and habitat conditions. The perennial reaches are described as having good macroinvertebrate habitat and kōura. A single shortfin eel, single longfin eel and kōura were observed.⁵

The recreation assessment notes the presence of a 4WD track of around 400 m length which forms an extended loop off the Buchanan Road Tramping Track. The estimated number of users are around 6,570 per year as it is not marked on the Track route.⁶, although Michael Harbrow (advisor to DOC) has some concerns about these numbers due to the dependence on data captured by Strava which is more likely to be used by participants in active sports like cycling and running.⁷

Where land proposed to be exchanged is Crown-owned reserve managed by someone other than DOC, in preparing this report the Director-General is required to consult the manager of the reserve pursuant to

³ Ecological Assessment, BlueGreen Ecology, dated December 2025, pages 57-61

⁴ Statement of advice – Botanical and ecological restoration, Matt Ward dated April 2026 at page 11

⁵ Ecological Assessment, BlueGreen Ecology, dated December 2025, section 8

⁶ Recreation Assessment, Rob Greenaway & Associates, dated December 2025, pages 6 and 9

⁷ Statement of advice of Michael Harbeow, dated 21 April 2026 at [49-50]

clause 26(3) of Schedule 6. In relation to this application, this requirement is engaged due to management of the DOC-Give land by Greater Wellington Regional Council.

The extent of communications between DOC and Greater Wellington Regional Council are as follows:

- a. Pre-lodgement discussions relating to the exchange and future designation requirements.
- b. Invitation to comment under section 35 of the FTAA (28 January 2026).

This is further addressed in Section 5 below. The Applicant outlined its engagement with Greater Wellington Regional Council as follows:⁸

- a. 2018-2021 early discussions about a potential exchange.
- b. 2024 discussions regarding its application to be a listed project.
- c. 2025 site visits with Elected Members.
- d. 2025 discussions regarding the proposed land exchange.

2.2 The land offered by the Applicant

'DOC-Get' refers to the four Fletcher-owned parcels proposed to be transferred to the conservation estate called the Northern Gully, Southern Gully, Firth and Dry Creek blocks. The land adjoins Belmont Regional Park and includes a mix of forest, scrub and wetland environments. Four parcels are proposed to be transferred to DOC and adjoin Belmont Regional Park. A description of each parcel is outlined below.

Northern Gully

The block is privately owned by Winstone Aggregates and there is currently no public or recreational access.

The site is L shaped and located north-west of the quarry, and measures 12.62 ha. A QEII covenant is located over part of this block that was put in place in 2016. The purpose of the covenant is to protect and maintain the natural character of the covenant area and covers 2.87 ha. The objectives of this covenant are:

- a. Protection and enhancement of the natural character of the Covenant Area with particular regard to the indigenous flora and fauna;
- b. Maintenance and enhancement of the landscape values of the Covenant Area;
- c. Enhance the contribution that the Covenant Area makes to the protection of indigenous biodiversity, by encouraging (where appropriate) the restoration of indigenous vegetation cover on the Covenant Area; and
- d. Prevention of subdivision (within the meaning of the Resource Management Act 1991 or any other equivalent replacement legislation) of the Covenant Area.

⁸ Land Exchange Report, Wikaira Consulting dated 7 December 2025 at section 8.2 and 8.3

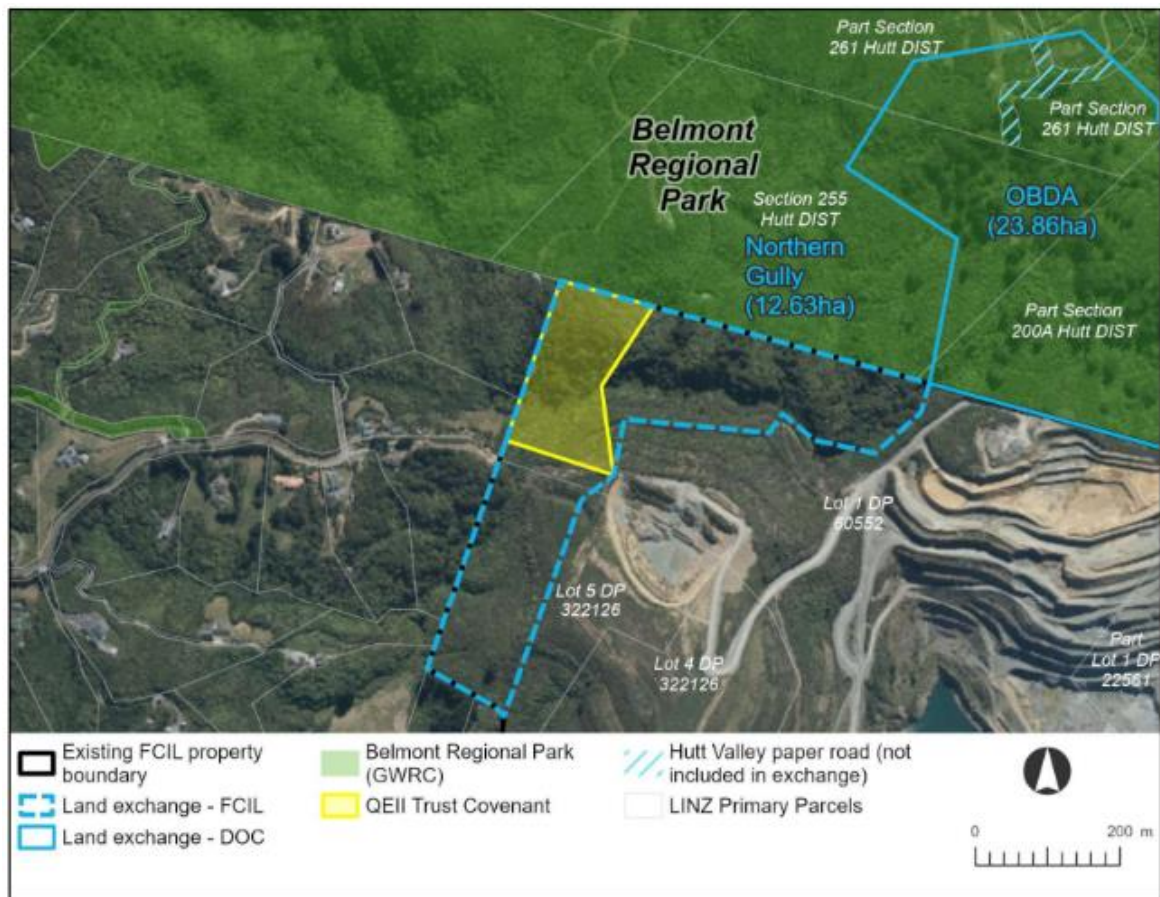


Figure 2: Northern Gully

The physical attributes of this block are described as a steep sided gully with a stream of approximately 350 metres at the bottom. The northern corner adjoins the Belmont Quarry and then continues ascending into the Belmont Regional Park. The groundcover comprises regenerating native vegetation with mature tawa and kāmahī forest which merges into broadleaf forest along the gully floor.

The southern-western margins are more reflective of regenerating native and exotic vegetation on historic overburden. Existing vehicle access links to the stream.

Mr Head notes the following additional physical attributes:⁹

- There is an area directly adjacent to the Belmont Regional Park which includes 'good quality' kāmahī and pukatea along the margins of several tributaries.
- The land parcel includes landform modifications including the dumping of cleanfill material. In addition, approximately one third of the area includes a channelised watercourse / modified stream.
- There is a small area of natural regeneration along the central western edge of the 'Cottle Block' adjacent to neighbouring private property.
- Part of the topography has been reshaped and replanted due to quarrying activity.

The vegetation is comprised of established native forest with a dominant tawa, kāmahī and pukatea canopy spanning the northern side of the watercourse. Apart from the established forest, the remainder of the block is regenerating native bush. The southern portion has been subject to overburden placement and subsequent rehabilitation, including native planting.

⁹ Landscape statement of advice, Jeremy Head, May 2026 at page 11

The Applicant describes the vegetation in this site as including regenerating (seral) broadleaf forest, mature tawa forest remnants, and riparian vegetation that provides important stream cover. The forest is primarily dominated by tawa and pukatea, with kāmahī, rewarewa, pigeonwood and māhoe forming parts of the canopy and understorey. Notably large pigeonwood trees and some miro and historic rātā are present. The northwestern plateau is the most intact and mature forest area, with minimal herbivore impact. Surrounding areas include regenerating vegetation and some invasive species at the boundaries. Stream edges are well vegetated, ensuring good riparian cover. The Applicant notes the presence of ramarama (a nationally critical threatened species), with three specimens recorded during a 2025 survey. The southern section is regenerating although there is a mature tawa patch.

Mr Ward describes the QEII covenanted portion as containing some quality forest including mature pukatea, miro and tawa, although the understorey is hollow due to recruitment failure and pest management is required. The forest type and age is consistent with the neighbouring Belmont Regional Park. The stream has good riparian vegetation and settled edges.

The Northern Gully has two main perennial streams, with the larger piped under the quarry to the Hutt River and the other leading into the Southern Gully and then down into Hutt River after traversing two waterfalls.

In terms of slope stability, the parcel is partly unmodified natural slopes, and rehabilitated overburden slopes that have been engineered to achieve acceptable levels of stability.

Southern Gully

Southern Gully is 3.9 hectares and is contiguous with the Northern Gully block. It is a lower vegetated gully that separates modified terraces that are gradually revegetating overburden and a rural lifestyle development established along Liverton Road. The site is owned by Winstone Aggregates.

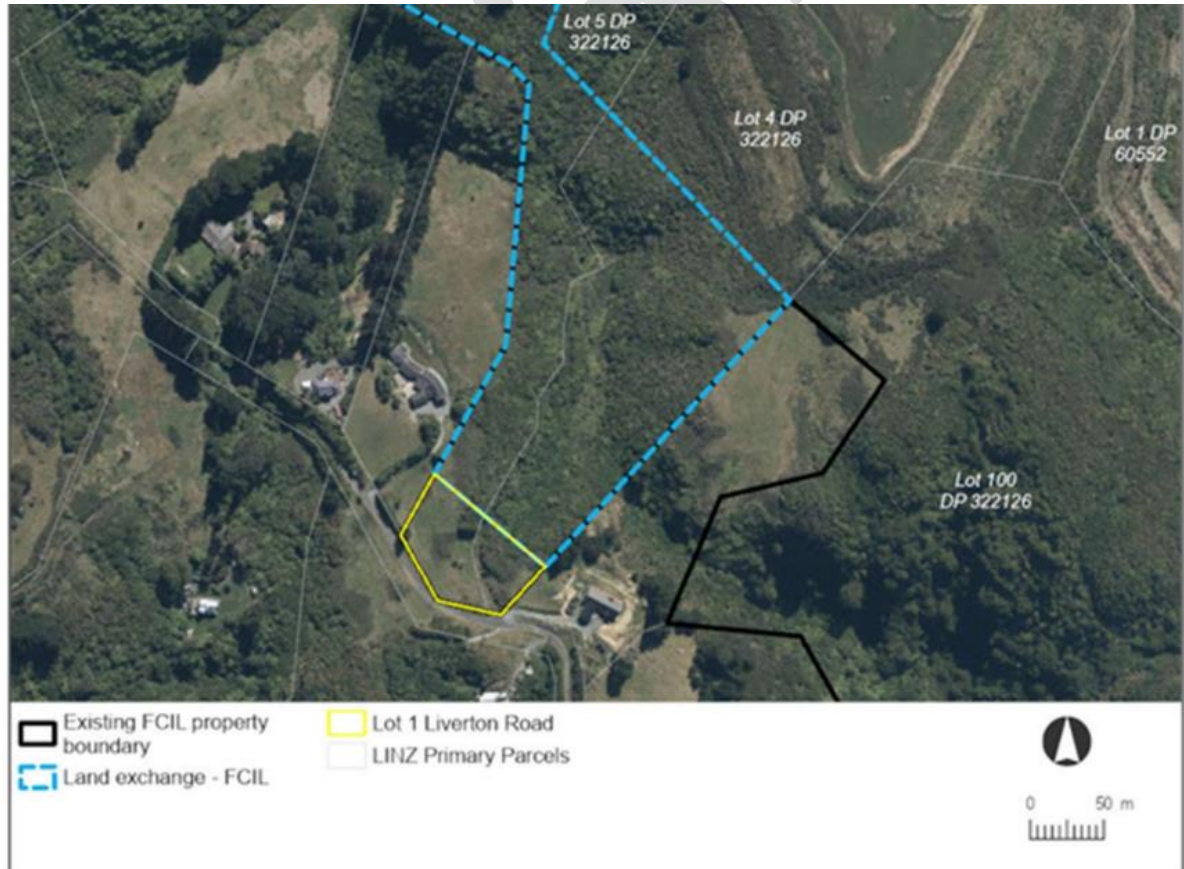


Figure 3: Southern Gully

There are a number of notations on this block including:

- a. Right of way, telecoms, and electricity supply which burdens Lot 4 DP 322126 and benefits Lot 5 DP 322126;
- b. Easements in Gross (in favour of Fletcher). This is an easement / private land covenant in favour of Fletcher (Grantee) over Lots 4, 5 and 100 DP 322126 (Grantor) for the emission of noise, vibration, earthworks and dust; and
- c. Consent notice which affects future buildings and use of the site (matters such as water supply, wastewater and stormwater drainage, grazing of pigs and goats, building consent plan specifications). This does not affect the use of the land for quarrying activities or conservation activities.

The Southern Gully comprises both sides of a 225 m stream that drains from the headwaters below Kaitangata Crescent. The southern parts of the block are rehabilitated overburden with visible benching. The topography rises 50 metres with the low point being the stream, and the high point located in the north-eastern corner. The vegetation is later seral broadleaf with emergent tōtara and rimu, although the overburden area is more sparsely vegetated. A 0.27 ha wetland contains a mix of indigenous and exotic plant species but is dominated by sedges.

Mr Head also describes the site as being clothed in regenerating native (largely māhoe) and exotic vegetation cover including blackberry and gorse, which has overgrown the area in places.

This block is described as late-stage, mid-successional native vegetation, with some rimu and tōtara in the northeast and riparian vegetation near the stream. Aside from a wetland area, the Southern Gully consists largely of early- to mid-stage regenerating forest. The stream shows signs of being a high-quality aquatic habitat. A number of wetland species have been planted, and the natural inland wetland occupies an area of 0.27 ha and is regenerating. The gully contains a 225 m section of an unnamed stream, which eventually joins the Hutt River after traversing a series of waterfalls.

The stream in the Southern Gully was not surveyed by the Applicant for fauna but visual observations indicate it has good instream aquatic habitat quality, a mixed hard-substrate base under forest canopy, and at least banded kōkopu. Through the lower wetland, it is more entrenched and narrower, with a dense sedge and grass cover.

Access into this block is from the road frontage between 174 and 184 Liverton Road by way of a benched access track. The construction of this section of overburden was completed in 2015 and no instability has been noted since. The stability of the slopes has been confirmed by a geotechnical assessment.

Firth Block

This elevated area is located to the east of the Belmont Quarry and is a roughly triangular piece of land wedged between the quarry and the Western Hutt Road. It covers an area of 9.6 hectares and the entire block is subject to a QEII covenant. The objectives of this covenant are the same as the QEII covenant applying to the Northern Gully.



Figure 4: Firth Block

The physical attributes of this block are described as being part of the steep and convoluted slopes of the Western Escarpment. The elevation ranges between 32-180 m above sea level, with 130 m stream length passing through the northeast corner. Previous excavation has led to the presence of terraces in the lower portions. Vegetation is regenerating, and comprises a mix of early, mid and later seral forest with tawa-kāmahi forest near the upper edge of the spur. Mr Head observed that there are some wetlands present.

This block is part of the Western Escarpment and contributes a prominent slope that is visible from urban areas. Views from the Hutt Valley show an area with little modification and a prominent green backdrop.

The Applicant describes the prominent ridge and steep, previously quarried south-facing slopes as supporting early- to mid-stage regenerating broadleaf scrub. More mature tawa forest containing a mix of canopy species, including hīnau, pukatea, rewarewa, kahikatea, nīkau, black beech and some young rimu, miro and tōtara seedlings located at the head of the south-draining gully.

Upslope vegetation includes mānuka over kiokio, while downslope areas transition to rewarewa–broadleaf forest. Surrounding steep slopes are a mosaic of later-stage broadleaf and tree fern communities extending toward a pond/lake area. Eastern slopes are mid-seral and notable for a high presence of māpou.

It has the following notations on the title:

- a. An encumbrance in favour of Hutt City Council for the protection of vegetation on part of the land (measuring 7 m wide and adjoining the northern boundary). The encumbrance prevents the removal or destruction of vegetation within a 7 m strip along the northern boundary of the Firth QEII block, except to control weeds; and
- b. Open Space Covenant 5-07-755 (Covenant 10476608.1).

The block is described as a mix of broadleaf scrub and tree fern, with an older tawa stand at the head of a south-draining gully. Small patches of mānuka occur on upper slopes, while the eastern faces contain māpou in the canopy. Established native forest is located at the head of the central gully. A farm pond and associated wetland are located near the boundary with the proposed overburden area. Waterways appear not to have been modified in recent times.

There is no public or recreational access to this block. It is owned by Winstone Aggregates.

In terms of the geotechnical characteristics, remnant quarry batters are part of this block which were completed over 50 years ago. The geotechnical assessment recommends a setback in one area to ensure a low risk of instability.

Dry Creek

Dry Creek is a U-shaped area comprising 7.94 hectares in area. It is located around the edge of a retired clean fill face and includes areas that were not subject to quarrying or clean fill activities. In some places the slopes are very steep, particularly where these were the former batter slopes. Based on the report undertaken by Baseline Geotechnical Ltd (2025), slope stability hazard in Dry Creek is limited to very localised areas of old access roads,



Figure 5: Dry Creek

The physical attributes of this block are dominated by the terraced benches from the former quarry. It is very steep in places, rising from 50 to 180 metres above sea level, with the highest point being a vegetated spur running along the northwest boundary. A stream remains culverted through this block. Vegetation is regenerating with areas of early and late seral broadleaved forest. The faces of the former cleanfill site are more modified and less vegetated. National Grid transmission lines cross the upper corner of Dry Creek.

Mr Head notes that this site is very weedy but includes some natural regeneration of native plant species through the weed cover. The central area (outside the land exchange Application) is essentially fully clothed in weed cover which may spread into the DOC-Get part of the land parcel.

The eastern and northern boundaries contain advanced regenerating broadleaf forest with emergent rewarewa above a diverse understorey of ferns, seedlings and species typical of mature forest succession. Epiphytes, vines and a well-developed bryophyte layer are present, especially in wetter areas.

The southwestern boundary supports varied vegetation, including wet seral forest and mixed regenerating communities with species such as māhoe, pigeonwood, mānuka, and karaka, alongside fern-dominated understories.

The western slopes are rocky and dominated by regenerating native species, while earlier-stage vegetation elsewhere is patchy and often includes invasive exotics (e.g. gorse, buddleia, wattle), mixed with developing native species like karamu, māhoe, and kānuka.

507 m of waterways are present although it is unknown if ephemeral, intermittent or perennial. Waterways have been modified in the Dry Creek block downstream of the proposed give site.

It is subject to the following notations on the title:

- a. A Right of Way which favours the recreation reserve land owned by the Crown and is used for the Dry Creek loop track. This easement will become redundant if the area comes into Crown ownership.
- b. Gazette notice taking 1,203 m² from the front of the block for roading purposes.

The block is contiguous with regenerating native bush that connects to the Regional Park.

2.3 Improvements offered

The Application offers the following improvements as part of the land exchange:¹⁰

Northern Gully:

- Pest animal control for 5 years
- Weed control for 5 years

Southern Gully:

- Pest animal control for 5 years
- Weed control for 5 years
- Establishment of 200 swamp maire > 2m in height

Dry Creek:

- Supplementary planting of indigenous species for 2 years of an area of 0.8 ha with approximately 7,000 plants
- Maintenance of planting for 4 years to achieve 90% establishment
- Weed control

Firth Block:

- Planting of approximately 1,000 kāmahī and 1,000 *Olearia paniculata* and kānuka along the quarry edge. This is to be planted within a year.

¹⁰ Land Exchange Report, Wikaira Consulting dated December 2025, page 79

- Maintenance of planting for 4 years to achieve 90% establishment
- Rat trapping

An Ecological Restoration Plan is proposed in response to mana whenua feedback to integrate mātauranga Māori with ecological science to support Taranaki Whānui to strengthen their relationship and whakapapa to the area. This approach is intended to align pest plant management, indigenous restoration, wānanga and educational activities.

3 Invitations to comment on the application

On 28 January 2026 the Director-General of Conservation invited comments on the proposed land exchange from the parties specified in section 35(1) of the Act. The list of those invited to comment is included in [Appendix 1](#). Responses to that invitation to comment are included in [Appendix 1](#), summarised in [Appendix 2](#), and discussed further in [section 8.1](#) of this report.

4 Draft report *[Placeholder section to be completed after comments are received]*

On 29 May 2026 the Director-General of Conservation invited comments on the draft report from the Applicant and the parties who provided comments under section 35(1), pursuant to section 35(5). Responses to the invitation to comment on the draft report are included in [Appendix 3](#) and discussed further in [section 8.2](#) of this report. Where comments on the draft report have identified amendments warranted to the content of the draft report, these changes have been made as necessary.

5 Section 35(3)(a) requirements

This section of the report addresses the requirements of section 35(3)(a) which requires the matters specified in clause 26 of Schedule 6 be included. There are two key requirements set out in clause 26:

- information to address the matters in clause 29(1)(a)(ii)-(vi) and (b) (which sets out matters the Panel must take into account or may consider when considering a land exchange), including the information specified in clause 26(1)(a) to (g); and
- any conditions of those specified under section 78 that the Panel must impose in accordance with clause 33.

These are discussed in turn below.

In addition, clause 26(3) requires that where Crown-owned reserve managed by someone other than the Department is proposed to be exchanged, the manager of the reserve must be consulted in the preparation of the report. The Applicant undertook several pre-lodgement meetings with Greater Wellington Regional Council since early 2024. The issues raised by Greater Wellington Regional Council relating to the proposed exchange include:¹¹

- Impact on recreation values: concerns the land exchange proposal would remove existing recreation tracks disrupting walking and biking connections within this part of the regional park.
- Ecological values at Dry Creek: concern that parts of the Dry Creek site had low ecological value due to historic quarry and clean fill use.

¹¹ Consultation Report, Wikaira Consulting, dated December 2025, page 4

- c. Impact on natural wetland and swamp maire: concern that the footprint included a significant natural wetland and a mature population of threatened swamp maire.
- d. Whether the exchange was fair value, given that it included low quality Dry Creek land.
- e. The possibility of new tracks connecting the land being acquired by the Crown as part of the proposed exchange to the existing track network in the Belmont Regional Park. Winstone explored both Northern Gully Track and Dry Creek Track options. Greater Wellington Regional Council did not want any new tracks, although the reasons are not recorded in the consultation record.

In its communication to DOC dated 4 December 2025, Greater Wellington Regional Council explained that it is neutral on the proposed land exchange proposal.

Greater Wellington Regional Council was invited to comment on the land exchange application. The comments received from Greater Wellington Regional Council on 13 February 2026 set out that it had no further comments specific to the land exchange beyond those it provided in the pre-application stage.

Relevance of QEII covenant affecting some of the land proposed for exchange

The land exchange application was lodged on 10 December 2025 which was prior to the amendments to the FTAA made by the Fast-track Approvals Amendment Act 2025 (**FTAAA**) coming into force.

While this report is prepared under the provisions of the FTAA prior to amendment, the Department considers the correct legal position is the Panel's decision on any substantive application for approvals by Winstone will be required to be made under the provisions as amended by the FTAAA. This is addressed in Appendix 5.

Of particular relevance is the new clause 29(2A) in Schedule 6 inserted by ss 55(12) of the FTAAA. This requires the Panel, in considering the conservation values of the land to be acquired by the Crown, to discount the extent to which the conservation values of that land are affected by the QEII covenant on the title for that land:

(2A) When considering the conservation values of land to be acquired by the Crown, for the purpose of forming its view under sub clause (2), the Panel must discount the extent to which the conservation values of that land are affected by anything registered or noted for conservation purposes on the record of title for that land

The significance of this to the Belmont land exchange application is that 2.87 ha within the Northern Gully and the entirety of the 9.6 ha Firth Block are subject to a QEII conservation covenant. This covenant was registered to protect identified areas of open space, ecological, and landscape value in perpetuity. The Open Space Covenant was registered in 2016 between Fletcher and the QEII National Trust.

Open Space Covenant 5-07-755 is held in Covenant 10476608.1 pursuant to Section 22 of the Queen Elizabeth the Second National Trust Act 1977 (QEII Act 1977) dated 23/06/2016. This Covenant applies to WN31B/39 and WN31D/969. The purpose of the covenant is to protect and maintain the natural character of the covenant area. The covenant applies to three mapped areas (Areas A, B, C) within DP 494230. The covenant restricts the use, development and modification of the land except as permitted under its terms.

As noted, the Department considers the Panel's consideration of the land exchange must be based on the amended version of the FTAA including new clause 29(2A) of Schedule 6. However, it is also acknowledged that there are opposing views, including by Winstone, that the Panel is bound by the law as it was when the land exchange application was lodged, i.e. pre-amendment.

If the Panel considers the post-amendment exchange provisions of the FTAA apply, when considering the conservation values of the land to be acquired by the Crown, it must discount the extent to which those conservation values are affected by the QEII covenant.

Preparation of this report by the Department is clearly under the law as it stood when the Application was lodged. Which version of the FTAA applies in its decision making on the substantive land exchange application is something the Panel will need to determine.

DOC has assessed the conservation values of the DOC-Get sites including the QEII covenanted land. In DOC's view this is within the scope of the FTAA as it applied pre-amendment.

The Panel can also request further information from the Department in the event it considers that the new law applies, and/or there is insufficient information on which to make an informed decision on the exchange proposed (referring to ss 67 and 68 of the FTAA).

5.1 Conservation values of the land (cl 26(1)(a))

A Panel cannot approve a land exchange unless satisfied that the exchange (taking into account any money that may be received and any conditions that may be imposed) will enhance the conservation values of land managed by the Department (cl 29(2), Sch 6.).

When considering a land exchange, the Panel must take into account the conservation values of the land concerned, including how threatened or abundant they are, and a comparative assessment of the values that relate to each area of land concerned.

The FTAA requires the Department to consider the following criteria:

(1) The report referred to in [section 35\(3\)](#) must include information to address the matters in [clause 29\(1\)\(a\)\(ii\) to \(vi\)](#) and [\(b\)](#), including—

- (a) the conservation values of the land concerned, including how threatened or abundant they are, and a comparative assessment of the values that relate to each area of land concerned; and*
- (b) the financial implications for the Crown of the land exchange; and*
- (c) whether the consequences of the land exchange would be practical to manage on an ongoing basis, including consideration of whether the land exchange would result in an enclave of private land within a conservation area or a Crown-owned reserve; and*
- (d) the legal and financial liabilities, and health and safety risks, for the Crown associated with the land exchange; and*
- (e) statements of general policy approved under [section 17B](#) or [17C](#) of the Conservation Act 1987; and*
- (f) any conservation management strategy, conservation management plan, or reserve management plan that has been co-authored, authored, or approved by a Treaty settlement entity; and*
- (g) any conditions that should be imposed in accordance with [clause 31](#) or [32](#) or [section 84](#).*

This report provides the necessary elements for the Panel to make a conclusion on whether conservation values will be enhanced.

Conservation values are comprised of biodiversity values, freshwater values, recreational values, landscape and cultural and heritage values (including natural, scenic, archaeological, historical, biological, geological, scientific, educational, or community values that contribute to these).

While the Applicant is proposing improvements such as mammalian pest control, weed control and propagation of swamp maire, the assessment of conservation values has undertaken two assessments – without the improvements proffered in the first instance, and secondly taking those measures into account.

5.1.1 Terrestrial fauna values

The Applicant's assessments of biodiversity values are contained in the following reports:

- a. Overview of Ecological Values, BlueGreen Ecology Ltd dated 26 February 2025;
- b. Lizard Assessment, Blueprint Ecology dated 3 December 2025.

A review of the Applicant's assessment was undertaken for DOC by Dr Rhys Burns for terrestrial fauna ([Appendix 4B](#)). Birds, lizards and bats were the main focus of the Applicant's reports and the species most likely to be affected by the proposed changes to land use. Dr Burns' review notes that mobile species such as birds and bats (if present) would be expected to use all sites similarly, but can be influenced by habitat quality. Less mobile species such as lizards are expected to mainly be influenced by habitat quality. In both cases, animal pest management may increase their survival and breeding success.

Lizards

Lizard surveys were undertaken in the DOC-Give site which found four grass skinks (*Oligosoma polychroma*; At Risk - Declining and three ngahere geckos (Mokopirirakau "Southern North Island"; At Risk – Declining). No lizard surveys were undertaken in the DOC-Get sites due to very steep terrain and dense vegetation. This makes it difficult to compare across the sites. In the absence of numbers of lizards, the Applicant's assessment has focused on the habitat type and inferred the suitability of each for lizards. Dr Burns largely agrees with the assumption in the Applicant's assessment that lizard diversity and density could have some correlation to habitat maturity and complexity. It is expected that northern grass skink and/or a low number of forest lizard species would be recorded at each site, with possible presence of barking gecko or ngahere gecko occurring in high-quality habitat "hot spots".

The Applicant's report considers that DOC would receive a significant increase in lizard habitat extent and quality as part of the proposed land exchange.¹² It also noted that native planting, weed control and targeted rat control will provide a considerable improvement to lizard habitats over the medium- to long-term.

¹² Lizard Assessment, Blueprint Ecology dated 3 December 2025 at page 12.



Figure 6: Quality of habitat for lizards (high habitat quality – red, moderate habitat quality – orange, low habitat quality – green) Source: *Lizard Assessment, Blueprint Ecology*

Avifauna

The Applicant derived data from field surveys, acoustic monitoring devices and supplementary datasets from the wider landscape. The majority of species recorded in the area are native, Not Threatened and primarily associated with native forests and shrublands (e.g. kereru, fantail, silveryeye, grey warbler, ruru, tūī, and bellbird).¹³ The Dry Creek site is a known habitat for at least one pair of breeding New Zealand bush falcon, which is classified as both nationally and regionally Threatened. The DOC-Give site is located within an eco-corridor. The greatest number of species were recorded at the lake, and the bioacoustics recorders picked up two Threatened species (Caspian tern and long-tailed cuckoo) and one At Risk species (North Island robin) at that same location.

Dr Burns noted that it is not clear whether the 'mānuka' site (AR4) in the DOC-Give site (described as Mānuka Mixed Broadleaf Forest) was analysed for bird calls (noting the contradiction between the text stating it had not been analysed and Table 10 which implies it was). He considers the AR4 site represents more mature forest than the AR2 site that was analysed by the Applicant, which would have the effect of understating the avifauna values because AR4 is likely to have a higher density of native birds.¹⁴

In terms of avifauna, Dr Burns considers the areas of tawa-kāmahi forest, hīnau-kāmahi forest, pukatea-rewarewa forest and pukatea-tawa forest in the Northern Gully site and the tawa-kāmahi forest in the Firth Block should offer better quality native forest bird habitat than most areas present in the DOC-Give site.¹⁵ He considers that the Southern Gully and Dry Creek are in early succession or dominated by exotic species and weeds meaning lower quality for native forest birds.

¹³ Overview of Ecological Values, BlueGreen Ecology Ltd dated 26 February 2025 at section 7.1.

¹⁴ Statement of advice on terrestrial ecology, Rhys Burns dated 15 April 2026 at [28].

¹⁵ Statement of advice on terrestrial ecology, Rhys Burns dated 15 April 2026 at [30].

He agrees with the statement that the forest bird species are mobile and so if present in one area, are likely to also be present in the other forested areas.¹⁶ The exception to this are territorial robins, but Dr Burns is sceptical about their presence.

Bats

While monitoring was undertaken for the presence of bats over three weeks, no bats were detected and there was no evidence of foraging.¹⁷

Dr Burns observed that information was not provided as to whether the conditions were optimal for bat activity (and therefore detection). It is therefore not known whether the data can be completely relied upon.¹⁸

Invertebrates

Invertebrate monitoring was not undertaken by the Applicant, but Dr Burns notes there are no known threatened invertebrate species present at the site. He noted that the brightly coloured endemic moth *Macarostola miniella* (At Risk – Declining) is often associated with swamp maire meaning these moths may be present.¹⁹ As swamp maire is only found in the DOC-Give site and not in any of the other proposed DOC-Get areas, Dr Burns considers the terrestrial invertebrate values in the DOC-Give to be higher than the other lands available for the proposed land exchange due to the potential presence of this moth.²⁰

Pest management

Dr Burns outlined the benefits of pest management. Because the DOC-Give site is part of the Belmont Regional Park, it benefits from pest control. While pest management is not being currently carried out at the DOC-Get sites, the number of successful nests and quality of food resources will increase with future pest management. He noted the high perimeter to area ratio for the DOC-Get sites, making it more difficult to protect from pest animal incursions, and the elongated nature of the land making it less likely to achieve effective pest control that can benefit native fauna.

Dr Burns notes errors in the Applicant's calculations of habitat areas, meaning they cannot be relied upon. He noted too that the ecological assessment includes a fifth block (Cottle Block) that is not mapped, however this appears to be a subset of the Northern Gully.

Overall

The Applicant's assessment considers that both the DOC-Give and the DOC-Get sites are comparable habitat types, although the DOC-Get sites cover more land area and includes patches of more advanced native regeneration and retained mature forest. Other key elements in terms of fauna are:²¹

- a. Both areas have a small number of rare taxa (lizards and birds).
- b. Both DOC-Give and DOC-Get have similar faunal habitats, although the DOC-Get sites have more mature habitat.

The Applicant's overall assessment is that the land proposed for addition to the conservation estate (DOC-Get) is greater in area and holds higher ecological value than the land to be exchanged (DOC-Give).²² The Applicant has not split out its assessment of the fauna and flora values however, instead amalgamating them.

¹⁶ Statement of advice on terrestrial ecology, Rhys Burns dated 15 April 2026 at [39].

¹⁷ Overview of Ecological Values, BlueGreen Ecology Ltd dated 26 February 2025 at section 7.2.

¹⁸ Statement of advice on terrestrial ecology, Rhys Burns dated 15 April 2026 at [47].

¹⁹ Statement of advice on terrestrial ecology, Rhys Burns dated 15 April 2026 at [49].

²⁰ Statement of advice on terrestrial ecology, Rhys Burns dated 15 April 2026 at [51].

²¹ Overview of Ecological Values, BlueGreen Ecology Ltd dated 26 February 2025 at page 1.

²² Overview of Ecological Values, BlueGreen Ecology Ltd dated 26 February 2025 at page 1.

Notwithstanding this, Dr Burns concludes the DOC-Get sites to be of slightly higher value to terrestrial fauna than the current DOC-Give. This is mainly due to greater maturity, complexity and area of habitat. He considers the values for terrestrial fauna to be Moderate for the DOC-Give site. He considers the overall amalgamated terrestrial fauna value of the DOC-Get sites to be Moderate-High.²³ This gives a higher value than if the sites are considered individually.

The key area where the values are higher for the DOC-Get sites is representativeness, diversity and rarity and distinctiveness, although Dry Creek and Southern Gully both have lower values across all criteria than the DOC-Give site. More mature habitats enable a greater diversity and density of birds and lizards.

Dr Burns undertook an assessment of the terrestrial fauna values if the improvements offered by the Applicant are implemented, and he has assumed five years for the duration of the interventions. This results in an increase in the values for the Firth Block and Southern Gully. He considers the Firth Block will benefit from the rat control offered and it is likely that wetland birds may benefit from this pest control. As rat control alone is offered, and only seasonally (to benefit bird nesting), accompanying benefits to lizards will be low, as lizards can be vulnerable to rat predation throughout the year. Indigenous revegetation measures will have little impact on bird values but may marginally benefit lizards within five years.²⁴

Dr Burns considers that the possum control for the Southern Gully should cause a marginal increase in food resources for birds, hence the small uplift in values.²⁵ Dr Burns considers the amalgamated values for terrestrial fauna including the improvements offered by the Applicant are Moderate-High.²⁶

DOC's Overall value ranking – Terrestrial fauna		
		Assessment including the proffered improvements
DOC-Give site:	Moderate	N/A
DOC-Get sites:		
Northern Gully	Moderate	Moderate
Firth Block	Moderate-Low	Moderate
Dry Creek	Low	Low
Southern Gully	Low	Low to Moderate-Low
Amalgamated (all Get sites)	Moderate-High	Moderate-High

Table 1: Conservation values for terrestrial fauna

5.1.2 Flora values

BlueGreen Ecology undertook an ecological assessment for the Applicant. This was reviewed by Matt Ward who provided advice to DOC (Appendix 4A). The vegetation composition of each of the sites is very different.

DOC-Give

The Applicant acknowledges there are a range of values (Low to High) associated with the age and extent of seral development, noting that there are gaps and missing taxa and a lack of evidence of later seral stage species. Several rare taxa are present in low abundance, often as young specimens, suggesting the area has potential for these species (e.g. swamp maire, ramarama). The open central exotic pine and grassland ridge is identified as being currently of Negligible value. The rest of the areas

²³ Statement of advice on terrestrial ecology, Rhys Burns dated 15 April 2026 at [56].

²⁴ Statement of advice on terrestrial ecology, Rhys Burns dated 15 April 2026 at [62-64].

²⁵ Statement of advice on terrestrial ecology, Rhys Burns dated 15 April 2026 at [66].

²⁶ Statement of advice on terrestrial ecology, Rhys Burns dated 15 April 2026, page 24].

(later seral broadleaf and mānuka-kānuka scrub) are assessed as Moderate ecological value (comprising one high and the rest moderate or lower).²⁷

Mr Ward similarly considers values of the DOC-Give site range from Moderate for ecological context and representativeness, to High for rarity and distinctiveness. Overall, he considers the indigenous flora value for the DOC-Give site to be Moderate-High.²⁸

Northern Gully

Mr Ward noted that the northeastern section has a somewhat similar mature forest to the QEII covenanted area although it lacks species diversity. The western section is low value replanted overburden area. Mr Ward considered that this factor combined with the reshaping detracts from the overall value and natural features present and results in an overall Low value.

This differs from the Applicant's assessment which rates the overall indigenous flora value as High. This is due to its more mature canopy, threatened regional habitat type, diversity of types and its functional role in stream protection.²⁹

Southern Gully

The Applicant rated the rarity and distinctiveness as High due to the wetland, and the ecological context as High due to the connection this site provides between the northern tawa-kāmahi areas and the southwestern gully forest. These two elements increase the overall value to High.³⁰ This differs considerably from Mr Ward's overall indigenous flora value as Low-Moderate. Mr Ward ranked representativeness as Low-Moderate because it only has 33 of the 602 native plants listed in the Wellington Ecological District plant species list. The central wetland is overrun with blackberry. Mr Ward also ranked ecological context as Low-Moderate as it is bordered by privately owned farmland and a quarry, making it susceptible to edge effects. He notes that the wetland is not particularly natural and is lacking original or naturally regenerating vegetation. He ranked diversity and pattern and rarity and distinctiveness as Moderate.³¹

Dry Creek

Mr Ward agrees with the description in the Applicant's report. In particular he noted the level of weed species and observed that it currently serves as a buffer between the central area of the former quarry which is very weedy.³² He considered it would be an expensive liability for the management of the Belmont Regional Park due to the need to manage weeds.

The Applicant considers this site to have Low values³³, and this is consistent with Mr Ward's assessment.

Firth Block

Mr Ward agrees with the assessment in the Applicant's report and describes it as a regenerating ex-quarry face. He noted that one edge has integrity by being adjacent to the Belmont Regional Park. The assessments of overall values differ however, with the Applicant rating the Firth Block as having Moderate value with a range of developing seral broadleaf stages and one mature tawa,³⁴ while Mr Ward rates the Firth Block as Low-Moderate with the main area of disagreement being representativeness, which the Applicant assesses as High but Mr Ward assesses as Moderate.

²⁷ Ecological Assessment, BlueGreen Ecology dated October 2025 at page 65.

²⁸ Statement of advice – botanical and ecological restoration, Matt Ward dated April 2026, page 10

²⁹ Ecological Assessment, BlueGreen Ecology dated October 2025 at page 40.

³⁰ Ecological Assessment, BlueGreen Ecology dated October 2025 at page 45.

³¹ Statement of advice – botanical and ecological restoration, Matt Ward dated April 2026, page 27

³² Statement of advice – botanical and ecological restoration, Matt Ward dated April 2026, page 15

³³ Ecological Assessment, BlueGreen Ecology dated October 2025 at page 50.

³⁴ Ecological Assessment, BlueGreen Ecology dated October 2025 at page 55.

Overall

Mr Ward considers that the amalgamated value of the DOC-Get sites is Low-Moderate.³⁵

Mr Ward assessed the effect on values of the improvements offered. The key changes are in the values for Dry Creek which increases from Low to Low-Moderate, and Southern Gully which increases from Low-Moderate to Moderate. Mr Ward observes that for Dry Creek, the removal of the weed species will allow the vegetation to 'catch up' with the rest of the Belmont Regional Park which has ongoing weed and pest management. The recalibration will take time however.³⁶

With regards to the improvements offered for the Southern Gully, Mr Ward considers that the removal of weeds will enable natural buffering and increase the resilience of the edges. If this were to remain weed free in the long term (25 years) it would be measurably improved.³⁷ He considers that the amalgamated values increase to Moderate with the successful implementation of the improvements offered by the Applicant.³⁸

DOC's Overall value ranking – Flora		Assessment including the proffered improvements
DOC-Give site:	Moderate - High	N/A
DOC-Get sites:		
Northern Gully	Moderate	Moderate
Firth Block	Low-Moderate	Low-Moderate
Dry Creek	Low	Low-Moderate
Southern Gully	Low-Moderate	Moderate
Amalgamated (all Get sites)	Low-Moderate	Moderate

Table 2: Conservation values for flora

5.1.3 Freshwater values

BlueGreen Ecology addresses benthic macroinvertebrates, habitat and the presence of some fish species in its ecological assessment, while the hydrology of the sites is addressed in the hydrological analysis undertaken by Landscape Dynamics Limited (December 2025). The supplementary information provided by the Applicant expanded the information available to DOC.

DOC-Give site

Of the three short intermittent stream reaches in this area, the Applicant classifies the northern main stem as highly representative (despite the general absence of fish), with moderate rarity and distinctiveness, moderate in terms of pattern and diversity and with a moderate ecological context creating a high value aquatic system. The western branch ranks moderate for all factors and is considered, therefore, to be of Moderate aquatic habitat value.³⁹

Jacob Williams undertook an assessment of freshwater values in his advice to DOC (Appendix 4D) and expresses some concerns about the location where the eDNA surveys were collected. He considers there may be additional species not captured because of the location of the sample points. He

³⁵ Statement of advice – botanical and ecological restoration, Matt Ward dated April 2026, page 10

³⁶ Statement of advice – botanical and ecological restoration, Matt Ward dated April 2026, page 15

³⁷ Statement of advice – botanical and ecological restoration, Matt Ward dated April 2026, page 27

³⁸ Statement of advice – botanical and ecological restoration, Matt Ward dated April 2026, page 10

³⁹ Ecological Assessment, BlueGreen Ecology dated October 2025 at page 75.

considers that the calculations for the area of the wetlands are not clear and the assessment of the species likely to be present will change depending on the hydrology of the waterways at any given time.

Mr Williams' review of the Applicant's survey / information provided indicates MCI scores of fair-good quality and excellent quality downstream of the site. Mr Williams categorised the rarity and distinctiveness as Medium-High because of the wetlands present in the site - only 3% of wetlands remain in the Greater Wellington Region, and the presence of longfin eel (At Risk - Declining) and kōura likely present (seasonally). Modelled presence indicates that additional fish species such as banded kōkopu and redfin bully may be present. He rated the ecological context as Low-Medium for reasons including the presence of barriers to fish passage and that the DOC-Give site is a source of water for the tributaries of the Hutt River and downstream wetlands.⁴⁰

Northern Gully

Mr Williams notes the MCI score for some waterways in the Northern Gully are excellent quality. Surveys for fish recorded the presence of longfin eel (At Risk - Declining), shortfin eel (Not Threatened) and kōura (Not Threatened). Modelled fish presence indicates additional species (banded kōkopu, redfin bully) may be present. Mr Williams therefore rates the freshwater values for the sites as mostly Medium, with the exception of ecological context, which he rates Low-Medium because the connectivity for fish movement is marginal given the location of the catchment and known fish barriers downstream.⁴¹ The Applicant's assessment notes that there are significant constraints to fish passage from the Hutt River due to the piping of the perennial stream and two waterfalls.

Southern Gully

The stream in the Southern Gully was surveyed through additional eDNA surveys and visual observations indicate it has good instream aquatic habitat quality, with a mixed hard-substrate base under forest canopy. The lower wetland is more entrenched, with a dense sedge and grass cover, and is likely good kōura habitat.⁴²

Mr Williams rates the representativeness as Medium-High due to the largely unmodified state of the waterways and the presence of a wetland, with a similar rating for rarity and distinctiveness. The eDNA survey provided by the Applicant indicates longfin eel (At Risk - Declining), shortfin eel (Not Threatened), and banded kōkopu (At-Risk - Naturally Uncommon) present, with the potential for shortjaw kōkopu (Threatened - Nationally Vulnerable) also being present (although Mr Williams does not agree as there are no records of shortjaw kōkopu in the Hutt River catchment). The MCI score for one waterway in the Southern Gully is good quality.

Dry Creek

Mr Williams notes that there is no quantitative survey undertaken for the Firth Block or the Dry Creek site, and no quantitative survey for the Dry Creek site. Due to the significant fish passage barriers downstream (piped stream) fish diversity is likely to be minimal but there is likely to be a good macroinvertebrate community similar to the other blocks in the un-piped sections of waterway. The modelling suggests banded kōkopu, longfin eel and redfin bully may be present.

Mr Williams rated the Dry Creek values as all Low.⁴³ While there is 507 m of waterways, they have mostly been heavily modified.

⁴⁰ Freshwater statement of advice, Jacob Williams, April 2026 at page 3-4.

⁴¹ Freshwater statement of advice, Jacob Williams, April 2026 at page 5.

⁴² Ecological Assessment, BlueGreen Ecology dated October 2025 at page 78.

⁴³ Freshwater statement of advice, Jacob Williams, April 2026 at page 7.

Firth Block

The presence of a wetland in this site results in a Medium-High rating for representativeness, rarity and distinctiveness by Mr Williams. Other criteria are rated as Low-Medium due to a good MCI score, absence of fish species and restricted connectivity for fish movement downstream.⁴⁴

Overall

Mr Williams acknowledges that ephemeral and intermittent waterways may have less value as habitat for fish species, however, they still provide seasonal habitat for fish species, habitat for macroinvertebrates, act as buffers for downstream reaches and can help regulate water flows. Mr Williams derived the following overall ecological value based on the highest ranking for each criteria.

Mr Williams assessed the amalgamated values as Medium-High based on a combination of factors including the values assessments, area of wetlands, length of waterways, quality of waterways, fish passage barriers etc rather than assigning a numeric values-based assessment.

Mr Williams assessed the improvements proffered by the Applicant, but it did not change the freshwater values.

DOC's overall value ranking – Freshwater		
		Assessment including the proffered improvements
DOC-Give site:	Medium-High	N/A
DOC-Get sites:		
Northern Gully	Medium	Medium
Firth Block	Medium-High	Medium-High
Dry Creek	Low	Low
Southern Gully	Medium-High	Medium-High

Table 3: Conservation values for freshwater ecology

5.1.4 Recreational values

The Applicant undertook an assessment of recreational values (Rob Greenaway & Associates). Other relevant assessment includes a Health and Safety report, Contaminated Land report, Climate Change and Natural Hazards.

Mike Harbrow has undertaken an assessment of the recreational values in his advice to DOC in Appendix 4E.

The main recreation feature of the DOC-Give site is 400 m of 4WD track which forms an extended loop to the Buchanan Road Tramping Track. The 4WD track also provides access to the National Grid support structures. Usage of Buchanan Road Tramping Track is estimated by the Applicant to be in the vicinity of 6,570 each year based on data captured by a visitor counter, of which 41% is estimated to use the 4WD track portion. Mr Harbrow had some concerns about the accuracy of this data given the methodology with which it was collected. Loss of that portion of the 4WD track will not affect the use of any other tracks including the Buchanan Road Tramping Track, access to Boulder Hill or the Puke Ariki / Haywards Korokoro Traverse.⁴⁵

⁴⁴ Freshwater statement of advice, Jacob Williams, April 2026 at page 7-8.

⁴⁵ Recreation Assessment, Rob Greenaway & Associates dated December 2025, page 13.

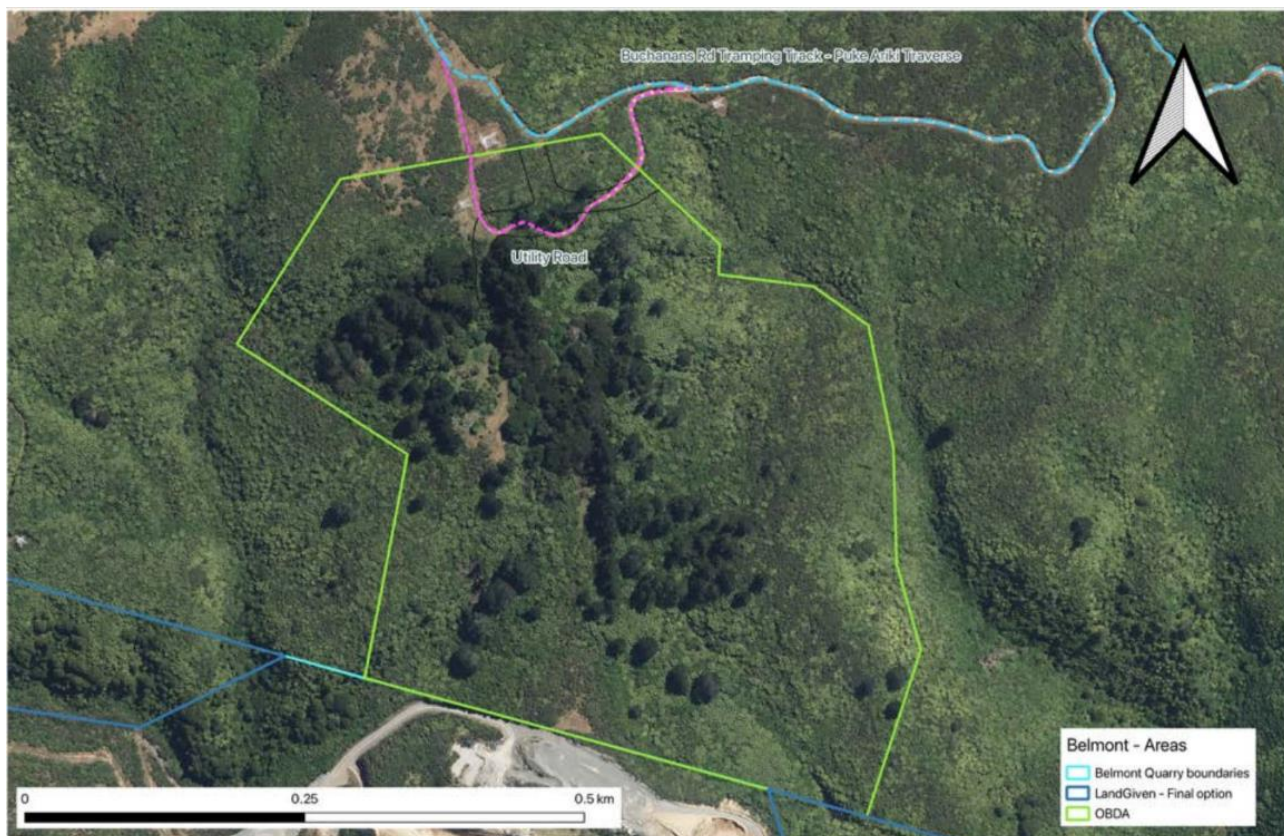


Figure 7: Relationship of the 4WD track (shown in pink) with the Buchanan Road Tramping Track

No recreation activities were recorded on the DOC-Give site and the recreation values beyond the track were considered to be 'insignificant' by the Applicant. This was based on the perceived lack of recreation activity in this area, although Mr Harbrow again had concerns about the collection of data and that it may not be representative.⁴⁶

The assessment by Mr Harbrow notes that the 4WD track provides access into the DOC-Give site, although the experience within the DOC-Give area is not exceptional with numerous other opportunities to explore areas off track in a bush setting in the Hutt Valley and in the wider region. The site does not provide connectivity to other locations of interest and does not contain significant points of interest that would appeal beyond a niche audience.⁴⁷ While the 4WD track provides an alternative route for a short section of the Buchanan Road Tramping Track, Mr Harbrow considers its recreation value to be low.⁴⁸ Mr Harbrow noted the presence of informal trails into the DOC-Give site, including trails used for predator control lines.

Recreation value of the DOC-Get land is confined to 33 m of a loop track on the Dry Creek site which is enabled by a public right of way. The Dry Creek entrance is used for access by walkers, mountain bikers, horse riders and campers, although no information is provided on the frequency of usage of the Dry Creek Loop Track. The Dry Creek entrance attracted 29,400 users in 2025 based on data sourced from Greater Wellington Regional Council. There will be no change in recreational values associated with Dry Creek.

The Firth Block, Southern Gully and Northern Gully sites currently have no public access due to their private ownership. The Applicant's assessment therefore describes their existing recreational values as

⁴⁶ Recreation statement of advice, Mike Harbrow dated April 2026 at [51].

⁴⁷ Recreation statement of advice, Mike Harbrow dated April 2026 at [26].

⁴⁸ Recreation Assessment, Rob Greenaway & Associates dated December 2025, page 4.

nil. If the land exchange goes ahead, public access to these blocks will be enabled resulting in a future recreation value of Low. This rating is generally because no recreational development is proposed and the core value is ecological. The proposed right of way from Liverton Road for the Southern Gully provides only for conservation activities and maintenance by DOC. Public access to the Southern Gully would be through the Northern Gully which would in turn be connected to the Regional Park.

The assessment by Mr Harbrow noted that access to and within the DOC-Get sites would be poor as the land is fragmented, the blocks lack existing tracks and are steep and generally not well connected to conservation land within Belmont Regional Park. This contrasts with the relative ease of access to the DOC-Give land.⁴⁹

The Applicant's assessment considers there to be no measurable gain or loss at the Regional Park scale, as the comparative recreation values are low for both the DOC-Get and the DOC-Give sites.⁵⁰ This differs from the assessment of Mr Harbrow who considers the current recreational value of the DOC-Get land to be Low⁵¹ and the value of the DOC-Give land higher at Low-Medium. The land exchange would therefore reduce the recreation value of conservation land. Key factors in his assessment are:⁵²

- The ease of recreational access both to and within the DOC-Give land compared to the DOC-Get land.
- The extent to which the DOC-Get land has been subject to human modification compared to the DOC-Give land.
- The contiguous nature of the DOC-Give land and length of experience that is possible within it, compared to the fragmented nature of the DOC-Get land and the smaller size of the individual blocks.

Mr Harbrow assessed the amalgamated values of the DOC-Get sites as Low.⁵³ Mr Harbrow assessed the improvements proffered by the Applicant, but it did not change the recreation values.

DOC's overall value ranking – Recreation		
		Assessment including the proffered improvements
DOC-Give site:	Low-Medium	N/A
DOC-Get sites:		
Northern Gully	Low	Low
Firth Block	Low	Low
Dry Creek	Low	Low
Southern Gully	Low	Low

Table 4: Conservation values for recreation

5.1.5 Cultural and heritage values

The Application is supported by the following assessments:

- Archaeological Assessment, Clough and Associates Ltd, November 2025
- Cultural Values Assessment, Hikoikoi Management Limited, December 2025
- Land Exchange Report, Wikairaa Consulting Limited, December 2025

⁴⁹ Recreation statement of advice, Mike Harbrow dated April 2026 at [28].

⁵⁰ Recreation Assessment, Rob Greenaway & Associates, December 2025, page 13.

⁵¹ Recreation statement of advice, Mike Harbrow dated April 2026 at [35].

⁵² Recreation statement of advice, Mike Harbrow dated April 2026 at [52].

⁵³ Recreation statement of advice, Mike Harbrow dated April 2026 at [56].

Historic heritage has been reviewed by Richard Nester and his advice provided to DOC ([Appendix 4F](#)).

Archaeology

The archaeological assessment notes that there are no archaeological or historic heritage sites recorded within or in close proximity to any of the land exchange sites.⁵⁴ The DOC-Give site, Northern and Southern Gully sites have the potential to contain archaeological sites associated with early European settlement, and accordingly the heritage values are estimated as being low to moderate.⁵⁵ The Firth Block is unlikely to have any archaeological sites due to the steep and hilly nature, and no evidence of an historical access track. Similarly, the Dry Creek site is unlikely to have any archaeological sites due to its topography and past usage for quarrying. Consequently the assessment considers that there will be no known effects on archaeological or historic values.⁵⁶ The assessment considers that the loss of the DOC-Give site will be compensated by the addition of the Northern and Southern Gully sites, both of which have some potential for containing archaeological sites of similar values.⁵⁷ The assessment concludes that the benefits of the land exchange are neutral.⁵⁸

The presence of archaeological sites associated with Māori occupation and settlement are considered to be very low.⁵⁹

Mr Nester undertook a review of the archaeological report and records of meetings between the Applicant and Heritage New Zealand Pouhere Taonga. He noted that the DOC-Give site has one recorded cultural heritage site. It is recorded by the New Zealand Archaeological site recording scheme as R27/910 and is described as the remains of 'Farm Building' and historic artefacts. The site includes a collapsed roof and associated building framing, roofing iron, concrete footings, fences and some artefacts (glass bottles). Although this indicates a previous land use, he considered that the significance of it is low.⁶⁰ He considered there is potential for partial remnant of a pre-1900 tramway used for timber extraction to be present in the Northern Gully and the Southern Gully although no tramway has yet been discovered.

Cultural values

The cultural values assessment notes that the land exchange sites form part of a wider cultural landscape. Local features include Pōkaimangumangu, Speedy's Stream which is a historic travel route and Puke Ariki Traverse which is another connection. Even though features such as travel routes and narratives of occupation may not be close to the sites, they indicate long-standing association.⁶¹ The DOC-Give site takes its cultural values from being part of the Belmont landscape and the whakapapa, identity and kaitiakitanga.

The DOC-Get sites all hold comparable cultural values, reflective of their limited cultural visibility and constrained access. The Northern Gully holds cultural value as part of the Belmont landscape and its mature and regenerating ngahere. The waterways of the Southern Gully have a hydrological and spiritual connection to Te Awa Kairangi which is a statutory area in Schedule 1 of the Port Nicholson Block (Taranaki Whānui ki Te Upoko o Te Ika) Claims Settlement Act 2009. The regenerating native vegetation in Dry Creek provides continuity between the site and adjoining parkland. The proposed weed management programmes provide tangible ways to improve the mauri and involve mana whenua in catchment care.

⁵⁴ Archaeological Assessment, Clough and Associates Ltd dated November 2025 at [26].

⁵⁵ Archaeological Assessment, Clough and Associates Ltd dated November 2025 at [62-63].

⁵⁶ Archaeological Assessment, Clough and Associates Ltd dated November 2025 at [66].

⁵⁷ Archaeological Assessment, Clough and Associates Ltd dated November 2025 at [68].

⁵⁸ Archaeological Assessment, Clough and Associates Ltd dated November 2025 at [74].

⁵⁹ Archaeological Assessment, Clough and Associates Ltd dated November 2025 at [42].

⁶⁰ Cultural heritage statement of advice, Richard Nester dated 22 April 2026 at [11 and 12].

⁶¹ Cultural Values Assessment, Hikoikoi management Limited, December 2025 at [27]

Firth Block is described as demonstrating the principles of Ki Uta Ki Tai and cultural integrity through its ridgelines, regenerating vegetation and wetland features.

The cultural assessment considers that a land exchange would change the legal tenure but does not change the relationship of mana whenua to the whenua, wai and wider landscape. The extent to which cultural benefit is realised depends on how access, restoration and management are implemented. A number of opportunities are identified including weed and pest management and revegetation, and these will result in strengthened cultural values.⁶²

Mr Nester agreed with the assessment and considered that the potential is for only low value, tangible cultural heritage to be located on the sites.⁶³

Overall

Mr Nester considered that the rating of the cultural heritage values of both the DOC-Give site and the DOC-Get sites is Low. He assessed the amalgamated values of the DOC-Get sites as Low.⁶⁴

Mr Nester assessed the improvements proffered by the Applicant, but it did not change the heritage values.

DOC's overall value ranking – Heritage		
		Assessment including the proffered improvements
DOC-Give site:	Low	N/A
DOC-Get sites:		
Northern Gully	Low	Low
Firth Block	Low	Low
Dry Creek	Low	Low
Southern Gully	Low	Low

Table 5: Conservation values for heritage

5.1.6 Landscape and natural character values

Rhys Girvan from Boffa Miskell undertook a landscape assessment of the DOC-Get and DOC-Give land on behalf of Winstone Aggregates. The landscape assessment followed Te Tangi a te Manu: Aotearoa New Zealand Landscape Assessment Guidelines. The parcels were assessed in terms of the following attributes:

- Physical - being the tangible elements of the landscape;
- Perceptual – which is how people experience and interpret the landscape; and
- Associative – which captures the cultural, historical and spiritual connections that people and communities have with a place.

This assessment has been reviewed by Jeremy Head in his advice to DOC ([Appendix 4C](#)).

The Applicant's landscape assessment and review of each parcel is summarised below, along with Mr Head's assessment.

⁶² Cultural Values Assessment, Hikoikoi management Limited, December 2025 at [48]

⁶³ Cultural heritage statement of advice, Richard Nester dated 22 April 2026 at [9].

⁶⁴ Cultural heritage statement of advice, Richard Nester dated 22 April 2026 at [19].

DOC-Give

The perceptual attributes are of this parcel being part of the broader rolling vegetated landscape of the Belmont Regional Park. The elevated parts of this parcel contribute to the green backdrop that frames the upper slopes of the western Hutt hills. It transitions between the pastoral grasses and the regenerating native vegetation. The nearest properties are rural residential and are located approximately 750 m away, with residential suburbs of Taitā and Pomare being the closest urban development. Most of these properties are described as having no view of the DOC-Give parcel beyond the vegetated slopes of the western escarpment, such as the residential development located on the eastern Hutt hills which has views of the DOC-Give parcel above the western escarpment.

Given its proximity to the Belmont Regional Park, Mr Girvan described the associative attributes as conservation, recreation and transitioning farming activity.

This area is assessed by the Applicant as having moderate landscape value and low-moderate visibility. Its proximity beside the established quarry reflects a relatively contained aspect of the broader Belmont Hills with capacity to absorb progressive quarry development. There are no significant cultural or historical associations in the context of former and existing quarrying activity.

All three attributes for the DOC-Give parcel are classed by the Applicant as having a Moderate value, giving an overall landscape value of Moderate. Mr Head agrees with this assessment.

Given the limited visibility of the block due to vegetation, intervening landforms and distance, the Applicant classified visibility as Low-Moderate. Mr Head agrees.

Mr Head noted that the DOC-Give site could reach a Moderate 'plus' value if there is no land swap and the block keeps getting managed as it is now through animal and weed pest control. He considers that there should be some level of improvement (above the 'Moderate' status quo) condition of the block over time.

Northern Gully

The Applicant described the perceptual attributes as being connected to the pattern of incised gullies that contrast with the more prominent spur of the Wellington Fault. The proximity to the Extraction Zone means this block is not memorable or visible. It is part of the broader elevated green backdrop above the western escarpment. The microclimates in this block add ecological and visual richness.

The presence of the QEII covenant supports ongoing conservation and ecological value, however no significant cultural or historical associations have been identified. The QEII covenanted area is not accessible by the public.

The Applicant considers the block has Moderate-High physical values, Moderate perceptual values and Moderate-High associative values. Mr Head elevates the associative values as Moderate-High to High for the QEII covenanted area and Moderate-High outside the QEII covenanted area. Mr Head considers that overall the site has Moderate-High landscape value with low visual sensitivity given it is visible from the quarry with only limited glimpses from the rural residential properties to the north of Kelson.

Southern Gully

The Applicant described the perceptual attributes as being derived from its location on the edge of the working quarry and the rural lifestyle development along Liverton Road. It is described as not being particularly memorable and is generally not visible above the more prominent western escarpment.

There are little associative values, and it is a localised area of regenerating vegetation with a wetland that contributes to the wider landscape.

The Applicant assessed the physical and perceptual values as being Moderate, with Low-Moderate associative values. This gives an overall Moderate landscape value and Low to Low-Moderate visual sensitivity. There is the potential for ongoing rehabilitation restoring natural character along existing streams and wetlands and expanding area of regenerating native vegetation. Mr Head agrees.

Dry Creek Quarry

The Applicant described the perceptual attributes as reflecting the former use as a quarry and cleanfill, however the original gully structure is still present. It is a missing piece of the wider escarpment system. When viewed closely, the benching does not have a high degree of naturalness however from a distance or in the context of the adjoining vegetated hills the sight aligns visually with the surrounding landscape.

The Applicant considered that the block has limited associative values reflecting its industrial history. Filming occurred at this site for Helm's Deep and Minas Tirith in the Lord of the Rings trilogy providing some more recent associative values.

The Applicant assessed Dry Creek as having Moderate physical and perceptual values, and Low-Moderate associative values, with an overall landscape value of Moderate and Low to Low-Moderate visual sensitivity. The visual sensitivity rating is due to its enclosed contained landform. There is the potential for ongoing rehabilitation restoring natural character along existing streams and wetlands and expanding area of regenerating native vegetation. Mr Head disagrees and classifies all landscape values for the Dry Creek site as being Low-Moderate.

Firth Block

The associative values are assessed by the Applicant as Moderate-High due to the presence of the QEII conservation covenant and its contribution to the broader vegetated western escarpment. Mr Head considered the associative values are Moderate-High to High. The Applicant assessed the physical values as Moderate-High, and perceptual values as High given its visual prominence.

The Applicant considered the overall landscape values to be Moderate-High, with High visibility. Mr Head assesses the Firth Block as having a slightly higher overall landscape value than that of the Applicant, with a Moderate-High to High value.

General comments

The capacity of the landscape was also assessed by the Applicant, with Belmont Hills having a moderate landscape capacity within the undulating round ridgetop which is stepped back from the western escarpment. The western escarpment by comparison has more limited capacity for change as it is more visible, with prominent revegetated spurs, enclosed wetlands and gullies. Mr Head agrees with the assessment and notes that capacity will be a relevant matter only when the substantive application is being assessed.

Mr Head agrees that the DOC-Get areas will not visually change much (if at all) when viewed from afar – especially to the lay person. He considered that the Firth Block and Dry Creek land parcels would consolidate the broader vegetated setting.

The Applicant's landscape assessment considers would be a net gain in landscape values by:

- a. Increasing the extent of high-value vegetated land with higher naturalness and intactness than the land removed.
- b. Maintaining the scenic backdrop role in the Hutt Valley, consistent with its recognition in the Greater Wellington Regional Council Parks Network Plan;
- c. Strengthening the contribution of landscape values to the conservation estate including connectivity and legibility along the western escarpment and the ongoing rehabilitation of Dry Creek.

Mr Head notes some omissions in Mr Girvan's assessment, such as the absence of any discussion of edge effects. The significance of edges is that they are particularly sensitive to weed and pest invasion. In addition, Mr Head considers that ecological values / levels of biodiversity should form a more transparent contribution towards a description of the various land parcels' levels of natural landscape character.

Mr Head considered the amalgamated landscape value for the DOC-Get sites as Moderate to Moderate-High.⁶⁵

Mr Head considered the effect on landscape values if the improvement proffered were successfully implemented. He concluded that the landscape values would be increased in the Northern Gully and Dry Creek. For Northern Gully, the increase is based on the combination of animal pest control and weed eradication enabling improvements to the forest understorey and the substantial removal of exotic canopy species which would otherwise continue to self-seed.⁶⁶ The increase in landscape value for Dry Creek is based on 90% weed eradication, canopy closure, natural regeneration and the beginning of natural ecological processes over the entire land parcel. The supplementary planting proposed also would enhance the landscape values. Including the improvements offered by the Applicant gives an overall landscape value for the DOC-Get sites as Moderate-High.⁶⁷

DOC's overall value ranking – Landscape and natural character		
		Assessment including the proffered improvements
DOC-Give site:	Moderate	N/A
DOC-Get sites:		
Northern Gully	Moderate-High	Moderate-High to High
Firth Block	Moderate-High to High	Moderate-High to High
Dry Creek	Low-Moderate	Moderate
Southern Gully	Moderate	Moderate

Table 6: Conservation values for landscape and natural character

⁶⁵ Landscape statement of advice, Jeremy Head, May 2026 at [46]

⁶⁶ Landscape statement of advice, Jeremy Head, May 2026, page 12

⁶⁷ Landscape statement of advice, Jeremy Head, May 2026 at [46]

5.1.7 Overall comparative assessment of conservation values

The Applicant's summary assessment of the conservation values of the sites (taking into account the proposed improvements), and whether there would be "net gain" to conservation values, is as follows:⁶⁸

	DOC-Give	DOC-Get	Net gain?
Ecology (habitat)	Moderate	Low - Very High	Yes
Ecology (birds)	Moderate	High	Yes
Ecology (bats)	Nil	Nil	Unchanged
Ecology (lizards) ⁶⁹	18.83 ha of habitat	33.19 ha of habitat	Yes
Landscape	Moderate	Moderate - High	Yes
Recreation	Low	Low	Unchanged
Archaeology	Very Low	Very low	Unchanged
Aquatic	1,855 m of stream length	3,029 m of stream length	Yes

Table 7: The Applicant's assessment of conservation values

The Applicant's assessment differs from the technical assessments undertaken for DOC, which are summarised in the following table (Table 8). The table also includes a "composite ranking" of all the conservation values of the DOC-Get sites. The assessments undertaken by DOC do not include the improvements offered by the Applicant in the first instance.

⁶⁸ Land Exchange Report, Wikaira Consulting Ltd dated 7 December 2025, page 76

⁶⁹ Note corrected area of lizard habitat which was transposed in the Land Exchange Report

Value	DOC-Give	DOC-Get					
		Northern Gully	Firth Block	Dry Creek	Southern Gully	DOC-Get Composite ranking	Net gain?
Flora	Moderate-High	Moderate	Low-Moderate	Low	Low-Moderate	Low-Moderate	No
Terrestrial fauna	Moderate	Moderate	Low -Moderate	Low	Low	Moderate-High	Yes
Landscape and natural character	Moderate	Moderate-High	Moderate-High to High	Low-Moderate	Moderate	Moderate - Moderate-High	Yes
Recreation	Low-Medium	Low	Low	Low	Low	Low	No
Cultural heritage	Low	Low	Low	Low	Low	Low	No
Freshwater ecology	Moderate-High	Moderate	Moderate-High	Low	Moderate-High	Moderate-High	No
COMPOSITE OF ALL VALUES	Moderate	Low-Moderate - Moderate	Low-Moderate	Low	Low-Moderate	Low-Moderate - Moderate	No

Table 8: Conservation values as assessed in the advice to DOC

Table 8 demonstrates that based on the conservation values of the sites (without taking into account proposed improvements through conditions), there would be:

- a. no net gain for flora and recreation;
- b. no difference (and therefore no net gain) for cultural heritage values and freshwater ecology values; and
- c. a net benefit for landscape and natural character and terrestrial fauna.

This contrasts with the Applicant's assessment which indicates:

- a. a net gain for ecology (habitat, birds and lizards), landscape and aquatic;
- b. no difference for ecology (bats), recreation and archaeology.

The following table brings the previous two tables together and compares the different values between the Applicant's and DOC's assessment. The description of the values does not perfectly align with different values assessed and different measures. For example, Mr Williams provided a qualitative assessment for freshwater ecology whereas the Applicant calculated the stream length. It is likely the Applicant included freshwater habitats in its ecology (habitat) assessment.

	DOC-Give	Northern Gully	Firth Block	Dry Creek	Southern Gully	Net benefit
Ecology (habitat)	Moderate	Very High, High and Moderate	Moderate	Moderate and Low	High and Moderate	Yes
Flora	Moderate-High	Moderate	Low-Moderate	Low	Low-Moderate	No
Ecology (birds)	Moderate					Yes
Ecology (bats)	Nil					Unchanged
Ecology (lizards) ⁷⁰	18.83 ha of habitat					Yes
Terrestrial fauna	Moderate	Moderate	Moderate-low	Low	Low	Yes
Landscape	Moderate	Moderate-High	Moderate-High	Moderate	Moderate	Yes
Landscape and natural character	Moderate	Moderate-High	Moderate-High to High	Low-Moderate	Moderate	Yes
Recreation	Low	Nil	Nil	Low	Nil	Unchanged
	Low-Medium	Low	Low	Low	Low	No
Archaeology	Very Low	Very Low	Negligible	Negligible	Very low	Unchanged
Cultural heritage	Low	Low	Low	Low	Low	Unchanged
Aquatic	1,855 m of stream length					Yes
Freshwater	Moderate-High	Moderate	Moderate-High	Low	Moderate-High	No

Table 9: Comparison of the Applicant's assessment of values (black) against that undertaken on behalf of DOC (green)

⁷⁰ Note corrected area of lizard habitat which was transposed in the Land Exchange Report

This picture changes however when the effects of the proposed improvements are added into the assessments. Table 10 identifies the sites and assessments that experience an increase in values from the proposed improvements.

	DOC-Give	Northern Gully	Firth Block	Dry Creek	Southern Gully	Composite ranking	Net gain?
Flora	Moderate-High	Moderate	Low-Moderate	Low-Moderate	Moderate	Moderate	No
Terrestrial fauna	Moderate	Moderate	Moderate	Low	Low - Moderate-Low	Moderate-High	Yes
Landscape and natural character	Moderate	Moderate-High to High	Moderate-High to High	Moderate	Moderate	Moderate-High	Yes
Recreation	Low-Medium	Low	Low	Low	Low	Low	No
Cultural heritage	Low	Low	Low	Low	Low	Low	No
Freshwater Ecology	Moderate-High	Moderate	Moderate-High	Low	Moderate-High	Moderate-High	No

Table 10: Assessment of conservation values that change when the improvements offered are taken into consideration. The green shading indicates those values that increase as a result of the improvements offered by the Applicant.

While there are increases in values as a result of the improvements offered, there is no change to the conservation values that would experience a net gain (i.e. landscape and natural character and terrestrial fauna).

5.1.5.1 Conclusion on comparative assessment of values that relate to each area of land concerned

This section draws together the above discussion and provides an overall assessment of whether there is a gain/benefit in conservation values through the exchange.

The Applicant considers that there is a net gain in both ecological and landscape values, and when these are considered together with archaeological and recreational the proposed land exchange will result in a net benefit to the conservation estate.⁷¹

When the values are compared between the DOC-Give and DOC-Get sites as assessed for DOC, the only values where there would be a net benefit arising from the land exchange is landscape and natural character and terrestrial fauna. This result remains the same when the Applicant's improvements are included.

The land area proposed to be exchanged is larger for the combined DOC-Get, with 23.86 ha for the DOC-Give and 34.1 ha for the DOC-Get. The best gain for terrestrial fauna is that DOC gets an increased land area and some of it is of relatively high value, and better habitat for birds and lizards. That is countered by some land being of low value and requiring significant resources to maintain in good condition.

Other benefits include:

- a. an additional access point into the Regional Park from Liverton Road for conservation and maintenance, noting that public access will be expressly excluded;
- b. a gain in stream length (ephemeral/intermittent/perennial); and
- c. a gain in habitat associated with the increased length of stream, although the amount of habitat is unknown.

Comparatively, some of the value from the DOC-Get land is only able to be realised with improvements offered by the Applicant. If the improvements offered were successfully undertaken, the potential value and benefits would be:

- a. More comprehensive and effective pest and weed management.
- b. Increased restoration opportunities (noting the concern outlined below about monoculture). An increase in eco-sourced indigenous vegetation will be a benefit.
- c. Catalyst for research into swamp maire, including transplanting and propagating.
- d. If the proposal to propagate 200 swamp maire is successful, this will be a significant benefit to a Threatened - Nationally Vulnerable species.
- e. Animal pest control measures would be expected to increase breeding success of indigenous species. This could result in higher density of birds and lizards (if effective over a long time period: birds – about five consecutive years; lizards – approx. 20 consecutive years)
- f. Better quality habitat arising from restoration planting and weed management.
- g. Improvements to the landscape values of the Northern Gully arising from the combination of animal pest control and weed eradication enabling improvements to the forest understorey and the substantial removal of exotic canopy species which would otherwise continue to self-seed into the native forest cover.⁷²

⁷¹ Land Exchange Report, Wikaira Consulting dated 7 December 2025 at [9.107]

⁷² Landscape statement of advice, Jeremy Head, April 2026, page 12

- h. Improvements to the landscape values of Dry Creek. The increase is based on 90% weed eradication, canopy closure, natural regeneration and the beginnings of natural ecological processes over the entire land parcel and 90% plant establishment within the 'supplementary planting area' shown on the Boffa Miskell Landscape Appendix B6a.⁷³
- i. Opportunities for kaitiakitanga, and for mana whenua to partner in the restoration efforts

5.2 Financial implications for the Crown (cl 26(1)(b))

When considering a land exchange, the Panel must take into account the financial implications for the Crown of the land exchange.

Land value

The DOC-Give site has a book value of approximately \$6,590.68 per hectare.

The August 2025 valuation undertaken by Colliers⁷⁴ values the DOC-Get sites at \$539,000 and the DOC-Give site at \$428,000.

Given the difference in values, clause 31(2) of the Schedule 6 is relevant to this application. It requires:

No condition may be imposed in accordance with subclause (1) requiring the payment of money by the Crown to offset any inequality between the market value of the land to be acquired by the Crown and the land to be given by way of exchange by the Crown, and nothing in this Act otherwise requires such a payment.

In terms of the land valuation, there are no financial implications of the land exchange for DOC.

Operational costs

There are two works programmes that are involved in the proposed land exchange area, being:

- a. Parks operations (ranger services and asset maintenance work).
- b. Biodiversity, Key Native Ecosystem operations.

As these works programmes are applied to the whole of the Belmont Regional Park, Greater Wellington Regional Council has advised that the total operational expenditure for the DOC-Give land is in the vicinity of \$5,000 per annum.

Other operations relevant to the DOC-Give site includes pest and weed control which amounts to \$4,500 per annum ongoing pest animal control (ungulates, possums and mustelids). Greater Wellington Regional Council noted that the land that is proposed for DOC-Get has a much higher weed burden than the DOC-Give land. Managing weeds will likely require a greater investment than the current \$4,500.

The maintenance costs for the blocks are a liability for DOC as there is no operational expenditure or human resource capacity to manage the land, it is not a property that is an Outcome Plan site, has no ranking, and therefore additional time and money is not justified for biodiversity or public access reasons.

The conditions proposed by the Applicant include five years of plant and animal pest control, but following that the Applicant's responsibilities will end and the cost of ongoing maintenance will become an expense to DOC.

5.3 Consequences of the land exchange (cl 26(1)(c))

⁷³ Landscape statement of advice, Jeremy Head, April 2026, page 13

⁷⁴ Valuation Report, Colliers dated August 2025, page 54

When considering a land exchange, the Panel must take into account whether the consequences of the land exchange would be practical to manage on an ongoing basis, including consideration of whether the land exchange would result in an enclave of private land within a conservation area or a Crown-owned reserve.

DOC confirmed during consultation that the DOC-Get areas will be subject to the same management regime as other Crown-managed reserves in the Wellington region.

The most challenging characteristics of the DOC-Get sites are:

- a. The terrain and topography;
- b. Increased perimeter and therefore a greater risk of incursion by weeds and pests;
- c. Low level of regeneration in places; and
- d. Level of weeds already present.

The exchange will not create an enclave of private land. With the exception of the Southern Gully (which is connected by way of the Northern Gully), all the DOC-Get sites are contiguous with the Belmont Regional Park.

The Applicant considers that the ongoing management and maintenance burden on the Crown is anticipated to be low,⁷⁵ however given the level of weeds in some parts of the DOC-Get sites more intensive management will be required. If the land exchange is approved, the details and implementation of the improvement package (including significant weed and pest control and planting) will be critical to minimising the actions required to manage the land.

5.4 Legal and financial liabilities and risks (cl 26(1)(d))

When considering a land exchange, the Panel must take into account the legal and financial liabilities and health and safety risks for the Crown associated with the land exchange. The Exchange Application states (12.0 onwards) that there are limited legal and financial liabilities associated with the land parcels as part of the exchange.

Northern Gully

First, there is the QEII covenant over the Firth Block and the Northern Block. The covenant is an Open Space Covenant (10476608.1) pursuant to s 22 of the Queen Elizabeth the Second National Trust Act 1977. The instrument is the same for both and prevents⁷⁶ the following activities (in summary):

- a. The removal of native vegetation or planting of any non-native vegetation.
- b. Construction / erection of buildings or signs.
- c. Mining or quarrying.
- d. Depositing rubbish.
- e. Allowing livestock into the covenanted areas.
- f. Altering or disturbing water courses.
- g. Disturbing ground.

The only aspect of the Covenant that would seem a potential liability for the Department is the restriction on stock usage of the covenant. That might result in the Department having to take steps to fence the area, particularly if the current fencing is not adequate. The Covenant itself has requirements on fencing, which is to be discussed with the National Trust noting also the Fencing Act 1978 applies to the boundaries.

⁷⁵ Land Exchange Report, Wikaira Consulting dated December 2025 at [12.36]

⁷⁶ Valuation Report, Colliers dated August 2025, page 16

The Northern Gully has potentially been subject to overburden on the site (particularly on Lot 5). Part of Lot 1 is also subject to an open space covenant (Covenant 10476608.1) (addressed above). The Preliminary Site Investigation sets out the various approvals acquired for this purpose in the vicinity of the Northern Gully area.⁷⁷ This is noted as being unlikely to have involved hazardous material⁷⁸, however, this is not known for certain. In addition to overburden the wider property is listed on Greater Wellington Regional Council's Selected Land Use Register (SLUR) for mining extraction (quarrying activities) and the bulk storage of drums for fuel, chemicals or liquid waste.⁷⁹ It would be prudent for this to be further investigated as part of this exchange process, especially with regard to the fuel, chemical or liquid waste. Mr Ward's report includes a photograph of drums dumped in the stream and recommends this be remedied.

Part of the Northern Gully is a designed landform accommodating overburden. It is understood this has been designed to achieve acceptable levels of static and seismic stability (Damage Control Limit State) with calculated displacements in the Maximum Considered Earthquake of less than 170 mm.⁸⁰ Consequently the Applicant's report concludes there is limited slope instability hazards and negligible risk to persons and to conservation values.

Finally, there are Transpower overhead electricity transmission lines in the Northern Gully (which extend into the Belmont Regional Park). These lines will mean that there are some restrictions under the lines on the types of activities that can occur on the site, and the potential for future work to ensure adequate clearance between the top of the vegetation and the lines. In accordance with the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP34:2001).

Southern Gully

The Southern Gully is subject to a proposed right of way access via Liverton Road. The Colliers Report notes that this is proposed to be limited to maintenance purposes only.⁸¹ Legally this would not seem a liability but could impact on the conservation values of the block.

The Southern Gully has also been subject to overburden disposal, but again it is noted by the Applicant that this is unlikely to be hazardous.⁸² Without further onsite studies it is not possible to know if that is the case.

Firth Block

The Firth Block is subject to the QEII covenant (addressed above). It is also subject to an encumbrance in favour of Hutt City Council for the protection of vegetation on land which is in the process of being removed (9032630.1).

There are records of potential land contamination.⁸³ The north-western portion of the Firth Block falls within the SLUR delineation for the overall property, which is currently listed on Greater Wellington Regional Council's SLUR for mining industries (quarrying activities) and the bulk storage of drums for fuel, chemicals or liquid waste.

As noted in the geotechnical report, there is an area of instability between the Firth Block and the quarry pit wall.⁸⁴ The instability extends through the upper two batters, with debris spilling onto the benches below. The geotechnical assessment considered that a 6 m zone measured from the crest of the slope back into the Firth Block presents a higher risk of instability. The report recommends

⁷⁷ Preliminary site investigation – Northern Gully, Southern Gully and Firth block, PDP, dated 5 December 2025, pages 7-8

⁷⁸ Preliminary site investigation – Northern Gully, Southern Gully and Firth block, PDP, dated 5 December 2025, page 10

⁷⁹ Preliminary site investigation – Northern Gully, Southern Gully and Firth block, PDP, dated 5 December 2025, page 12

⁸⁰ Geotechnical Appraisal Report, Baseline Geotechnical Limited, dated December 2025, page 18

⁸¹ Valuation Report, Colliers dated August 2025, page 17

⁸² Preliminary site investigation – Northern Gully, Southern Gully and Firth block, PDP, dated 5 December 2025, page 10

⁸³ Preliminary site investigation – Northern Gully, Southern Gully and Firth block, PDP, dated 5 December 2025, page 12

⁸⁴ Geotechnical Appraisal Report, Baseline Geotechnical Limited, dated December 2025, page 14

excluding people from accessing this area through fencing positioned a minimum of 6 m from the crest of the quarry batters.

Dry Creek

The Dry Creek block has records of fill in the northern corner. It is not clear to what extent there has been past quarrying and whether impacted by that or associated use that might have contaminated the land being obtained. There is also a right of way road in the southern corner of the block.

The Application notes that there is the possibility for contamination on the site and that, in the future event of public tracks being constructed, steps would be needed to ensure this was safe for the public in future.⁸⁵ Overall the Applicant advises that contamination risk is identified as being low.

The geotechnical report notes that localised small-scale instability may still be possible in cut batters above the former quarry access road, but that scale of instability will present little risk to persons and negligible risk to conservation values.⁸⁶

Summary of key risks from land proposed to be obtained from exchange

Aside from the QEII covenant, a key risk is the potential for there to be ongoing contamination from the quarrying activities on adjacent sites. The assessment of risk based on what is currently known concerning contamination is limited. Depending on what forms of contamination / fill is present, and the amount of future predicted use, there is a risk that DOC will have a legal liability to clean some of the material if it becomes a hazard to the public. This is also a potential health and safety hazard for anyone using the areas once incorporated into the Belmont Regional Park.

DOC-Give site

The main legal risk to note is there is a paper road in the northern corner that belongs to the Hutt City Council. It will be necessary to consider what is going to occur to this as part of the exchange.

In addition, there is going to be a need for adequate public awareness of the new boundaries of the Regional Park.

Financial liabilities

Weed and pest control will financially be a liability that falls on DOC to maintain the DOC-Give sites as discussed in section 5.2.

5.5 Statements of general policy (cl 26(1)(e))

When considering a land exchange, the Panel must take into account statements of general policy under section 17B or 17C of the Conservation Act 1987.

The following documents are relevant.

5.5.1 Conservation General Policy

The Conservation General Policy (**CGP**) was prepared under section 17C of the Conservation Act 1987 to provide unified policy for the implementation of a number of Acts listed in the First Schedule of the Conservation Act. It provides guidance for the administration and management of all lands and waters and all natural and historic resources managed for the purposes of the specified Acts, excluding reserves administered by other agencies under the Reserves Act 1977.

⁸⁵ Preliminary and Detailed Site Investigation – Dry Creek, PDP, dated 5 December 2025.

⁸⁶ Geotechnical Appraisal Report, Baseline Geotechnical Limited, dated December 2025, page 9

The CGP also provides guidance for consistent management planning for the wide range of places and resources administered or managed by DOC, including the preparation of conservation management strategies, conservation management plans and sports fish management plans.

CGP does not apply to reserves controlled and managed by an administering body i.e. Greater Wellington Regional Council administers Dry Creek Recreation Reserve. This is due to the definition of “public conservation lands and water” being:

Lands and water areas administered by the Department of Conservation for whatever purpose, including the natural and historic resources of those areas covered by this general policy. Reserves administered by other agencies are not included in this definition.

The CGP is considered to apply to DOC for the purposes of this land exchange application even though in the future (if the land exchange is approved) the DOC-Get sites may be administered by Greater Wellington Regional Council.

Policy 6 states:

6. Changes to public conservation land

6(a) *Land acquisition or exchange (including boundary changes) may be undertaken to manage, for conservation purposes, natural resources or historical and cultural heritage; or for the benefit and enjoyment of the public, including public access, where the land has international, national or regional significance; or where land acquisition or exchange will either:*

- i. improve representativeness of public conservation land; or*
- ii. improve the natural functioning or integrity of places; or*
- iii. improve the amenity or utility of places; or*
- iv. prevent significant loss of natural resources or historical and cultural heritage; or*
- v. improve the natural linkages between places; or*
- vi. secure practical walking access to public conservation lands and waters, rivers, lakes or the coast; or*
- vii. achieve any other purpose allowed for under the relevant Acts.*

The policy sets out two appropriate circumstances for land acquisition or exchange. The first is where the land has international, national or regional significance, and the second is where the acquisition or exchange would meet one of the listed outcomes in (i) – (vii).

Based on the DOC technical assessments, the DOC-Get sites would not achieve the matters in (i), (iii) – (vii). The land exchange will achieve Policy 6(a)(ii) by providing for an improvement in the natural functioning of conservation land, in particular as Dr Burns evaluated the terrestrial fauna values of the DOC-Get sites as being slightly higher than the DOC-Give site. In addition, targeted weed and pest management and restoration planting will improve the natural functioning.

5.6 Strategies and plans (cl 26(1)(f))

When considering a land exchange, the Panel must take into account any conservation management strategy, conservation management plan or reserve management plan that has been co-authored, authored or approved by a Treaty settlement entity.

Where these documents exist but were not co-authored, authored or approved by a Treaty settlement entity, the Panel may consider them (but is not required to) (cl 29(1)(b) of Schedule 6). Clause 26(1) requires this report to include information on these documents,

The following documents are potentially relevant:

- Wellington Conservation Management Strategy 2019

- Toitū Te Whenua Parks Network Plan 2020-2030 management plan

5.6.1 Wellington Conservation Management Strategy 2019

The purpose of the Wellington Conservation Management Strategy is to describe the conservation values and issues for the Wellington region and how these will be managed by DOC. It recognises the partnerships, organisations and parties that collaborate to deliver the four values of historic, natural, recreation and engagement. Given that the Wellington Conservation Management Strategy applies to lands, waters and resources managed by DOC,⁸⁷ but not to conservation land administered by an administering agency, this document is not considered to be relevant (Greater Wellington Regional Council being the administering agency for the DOC-Give land).

5.6.2 Toitū Te Whenua Parks Network Plan 2020-2030 management plan

Toitū Te Whenua is the management plan for eight regional parks and forests and includes considerable detail for Belmont. This replaces all earlier park management plans, including the 1996 Belmont Regional Park Management Plan. The opportunities for the Belmont Regional Park include:

- Restoration, including opportunity for community-led restoration and predator free work;
- Master planning;
- Contributing to Greater Wellington Regional Council's climate change target through restoration;
- Heritage education opportunities;
- Development and promotion of key destinations in the park; and
- Natural heritage improvements through restoration of riparian areas.

The DOC-Give area proposed for exchange currently sits within Belmont Regional Park and is subject to the policies and direction set out in Toitū Te Whenua.

Section 7.3 is specific to Belmont Regional Park and sets out the key features and characteristics as well as opportunities. The proposed land exchange does not achieve the following goals:

Natural heritage Goal 1: Protect and restore high levels of terrestrial and freshwater ecosystem health to enhance biodiversity and ecosystem services

The DOC-Give site contains rare and threatened species including swamp maire and ramarama. The land exchange will not support the protection and restoration of these habitats.

Recreation experience Goal 2: Parks are highly accessible places for many visitors to enjoy; they offer a variety of interesting experiences, enhancing the health and wellbeing of local communities and broader regional economy

The DOC-Give site contains a 4WD track which will no longer be accessible in the event of a land exchange. Mr Harbrow recorded several predator control lines and informal trails extending from this area down through bush that has regenerated in the decades since the area ceased to be farmed. These routes are marked with permatat or flagging tape. Mr Harbrow described these trails to be well used and maintained, with clear ground trails.⁸⁸ This contrasts with the DOC-Get sites where access to and within sites would be poor. The land is fragmented, the blocks lack existing tracks and are generally not well connected to conservation land within Belmont Regional Park.

Cultural heritage features and landscape values Goal 3: A variety of landscape settings are preserved and enhanced reflecting social values; historic heritage features are protected and interpreted for visitors

⁸⁷ Wellington Conservation Management Strategy 2019-2029, page 15

⁸⁸ Statement of advice on recreation, Michael Harbrow, dated 21 April 2026 at [23-24]

The land exchange would mean that the archaeological site (R27/910) could not be accessed by the public, and therefore Goal 3 is partially achieved. The land exchange will have no impact on the presence of the archaeological site other than preventing public access.

Goal 4 is for DOC and the Council to determine in the future.

Goal 4: Working collaboratively and consistently with others, we enable learning and build strong partnerships to deliver more conservation and recreation benefits for parks, people and communities

Toitū Te Whenua classifies land / asset swap, disposal or acquisition for Belmont as a 'restricted activity'.⁸⁹ Primary consideration when making decisions is to be given to the land tenure and associated provisions in legislation for an area within the park. Policy 51P sets out 23 matters to consider when undertaking an exchange⁸¹.

5.7 Conditions (cl 26(1)(g))

This report must include information about any conditions that should be imposed in accordance with clause 31 or 32 of Schedule 6, or section 84, as well as being required to specify any conditions of those specified under section 78 that the Panel must impose in accordance with clause 33.

The Applicant proffered conditions (which form part of the exchange proposal) on the following matters:

- a. Separating the individual titles by obtaining a subdivision consent.
- b. Preconditions:
 - Review and approval of the survey plan
 - Outlines the encumbrances and covenants to remain on the titles
 - Installation of 60 m of fence set back 6 m from the Firth Block pit face
 - Full discharge/withdrawal of Encumbrance for Vegetation Protection from Hutt City Council
 - Costs to be met by the Applicant
 - Registration of an easement (Right of Way) for the purpose of conservation activity and maintenance undertaken by DOC or its agents
- c. Conditions:
 - The land being given by the Crown will be subject to no reservation, classification, interest or encumbrance
 - Outlines the encumbrances and covenants to remain on the titles
 - The Applicant must undertake the following improvement works for a period of five years
 - Northern Gully: 5.7 ha of pest animal management (goat and possum) control in the Northern Gully Tawa-Kāmahī Northwestern Forest and Eastern Pukatea Forest and 6.3 ha of weed management of old man's beard, tradescantia and exotic canopy trees and pest management (possum) in the Northern Gully Cottle Block.
 - Southern Gully: Undertake 3.6 ha weed control, and plant swamp maire, in the Southern Gully block.
 - Dry Creek: weed control over an area of 1.85 ha, and replanting of native species over an area of 0.80 ha.
 - Firth QEII Block: 9.6 ha of pest management including targeted rodent control around the water body boarding the Park, OBDA and Firth Block (Farm Pond) for a period of 10 years.
 - Active indigenous re-vegetation of 10 m band along quarry edge with Olearia, kāmahī and kānuka mix

⁸⁹ Toitū Te Whenua Parks Network Plan 2020–30 at page 190 (<https://www.gw.govt.nz/assets/Documents/2022/05/Parks-Network-Plan-2020-30-3.0.pdf>).

- Development of an Ecological Restoration Plan in consultation with Taranaki Whānui ki te Upoko o Te Ika and integrate mātauranga Māori measures alongside ecological science to guide monitoring and restoration.

It is noted the conditions do not reflect the improvements proposed by the Applicant as set out in the Land Exchange report. For example, the physical works for Dry Creek are described as:⁹⁰

- Drill and fill large exotic trees (*Acacia* spp);
- 2 x rounds (spring and autumn) of *C. vitalba* vine control work per year for five years. Hand pulling young vines and cutting and pasting established vines.
- Knapsack spray exotic weed species within the weed management area.
- Supplementary planting of 0.8 ha. An estimated 7,000 plants.

It may be that this level of detail is intended to be set out in the Ecological Restoration Plan, but it is not reflected in the conditions proffered.

5.7.1 Conditions proposed by DOC

In terms of this section, DOC has put together a set of conditions that it would recommend if the Panel were minded to approve the land exchange, based on the Applicant's proffered conditions as a starting point. To be clear, they are not put forward on the basis that they will satisfy the relevant tests in the Act, including clause 29(2) of Schedule 6. Rather, the conditions are put forward as required by clauses 26(1)(g) and 26(2).

It is for the Panel to consider whether the tests in the Act, including clause 29(2), are met and whether the land exchange and conditions will enhance the conservation values of conservation areas and Crown-owned reserves considered as a whole.

In developing the pre-conditions and conditions, DOC has been mindful of s 83 of the FTAA and the requirement for conditions to not be more onerous than necessary to address the reasons for which they are set.

5.7.1.1 Clause 31 preconditions

Clause 31 of Schedule 6 relates to preconditions for land exchange:

- (1) *For the purposes of sections 81 and 86,—*
 - (a) *a Panel may impose a condition that the applicant—*
 - (i) *obtain any resource consent or other matter necessary to enable the land exchange to be effected:*
 - (ii) *obtain any agreement with the holder of an interest in land:*
 - (b) *if the agreement of the holder of an interest in land is required for the land exchange to be effected, the Panel must impose a condition that the applicant obtain that agreement:*
 - (c) *if the land offered by the applicant is of lower market value than the land to be given by way of exchange by the Crown, the Panel must impose a condition that the applicant pay an amount of money to the Crown to offset the inequality.*
- (2) *No condition may be imposed in accordance with subclause (1) requiring the payment of money by the Crown to offset any inequality between the market value of the land to be acquired by the Crown and the land to be given by way of*

⁹⁰ Ecology report, BlueGreen Ecology dated December 2025, page 90

exchange by the Crown, and nothing in this Act otherwise requires such a payment...

DOC has proposed a number of additional pre-conditions to the set proffered by the Applicant. Each of the changes is outlined below and the reasons. The additional pre-conditions are considered necessary to enable the land exchange to be effected in accordance with clause 31(1)(a)(i) of Schedule 6.

Firstly, DOC has added in a draft process for the survey plan to provide sufficient time to review and make changes if necessary. This would then be followed by the approval of a finalised survey plan. This ensures there are no surprises for either party and allows input at an early stage. DOC considers it will result in a more efficient approval process.

DOC has deleted the requirement to vest the sites as a reserve subject to the Reserves Act 1977 as that is a future decision under clause 34(2) of Schedule 6 which cannot be fettered through this process.

The condition requiring full discharge / withdrawal of Encumbrance for Vegetation Protection over Part Lot 1 DP22561 is a requirement of the Applicant, so words have been added to this effect.

The requirement to survey (as well as register) the appropriate easements has been added for clarity.

A suite of pre-conditions around bonds has been added. The purpose of this is not only to ensure that the improvements offered (and conditioned) are successfully implemented, but also monitoring costs and to cover any risk to DOC.

DOC has converted the improvements offered by the Applicant into SMART⁹¹ conditions that are clear and enforceable. DOC recommends that the Ecological Restoration Plan covers both weed management and revegetation, while a Mammalian Pest Management Plan targets eradication of animal pests.

For each management / restoration plan there is a consistent structure comprising:

- a. a clear statement of purpose or objective;
- b. matters that the management / restoration plan must address in order to achieve the purpose;
- c. a list of information that must be included;
- d. direction on who prepares the management / restoration plan;
- e. a process for DOC to approve the management / restoration plan;
- f. identification of parties that must be consulted during the preparation of the management / restoration plan and a process for documenting any feedback received and the responses to that feedback (where appropriate);
- g. process for amending the management / restoration plan; and
- h. a requirement for activities to be undertaken in accordance with the approved management / restoration plan.

Clauses (a)-(f) above are considered to sit most appropriately as pre-conditions as they guide the development of the management / restoration plans. The requirement for DOC to approve the management / restoration plans as a pre-condition provides a level of certainty that the outcomes for weeds, revegetation and pest management can be achieved (and how they will be achieved) prior to the land exchange taking place. The implementation of the management / restoration plans will be through the conditions (rather than the pre-conditions).

DOC has converted the improvements offered by the Applicant into separate tables for:

- a. Weed management requirements;

⁹¹ Stands for Specific, Measurable, Achievable, Relevant and Time-bound

- b. Ecological restoration; and
- c. Mammalian pest control management.

The tables could be located in the pre-conditions or the conditions but given their relationship with the management / restoration plans they sit more logically in the pre-conditions. The detail on how the minimum requirements in the tables will be achieved will be outlined in the Ecological Restoration Plan and Mammalian Pest Management Plan.

The minimum requirements in the tables have been modified based on technical feedback. For example, the minimum number of swamp maire specimens has been increased to a rate of 200 plants per specimen. As there are nine swamp maire which will be lost to the conservation estate, technical advice of Mr Ward is that 1,800 specimens is a more appropriate level to ensure as far as practicable the value of the lost swamp maire is replaced. A measurable improvement of the Southern Gully would be the establishment and survival of at least 1,800 swamp maire specimens. A rate of 90% survival equates to 1,620 survivors in the ground after seven years of post care once planted at a minimum size of PB3 and a minimum vegetative height of 600 mm.

A pre-condition requiring the propagation of a minimum of 1,800 eco-sourced swamp maire specimens has been introduced as a pre-condition to ensure that there is a sufficient number of viable specimens to plant in the Southern Gully.

DOC has identified ten appropriate species for planting in Dry Creek for clarity, whereas no species were identified by the Applicant. Given the Nationally Critical status of ramarama, DOC's recommended conditions require a minimum of 500 of these to be planted at the Dry Creek site.

DOC supports the proffered condition which requires the Applicant to develop the Ecological Restoration Plan in consultation with Taranaki Whānui ki te Upoko o Te Ika. This supports Goal 4 of Toitū Te Whenua Parks Network Plan 2020-2030 management plan as outlined above. To ensure all feedback received from Taranaki Whānui ki te Upoko o Te Ika is captured, DOC has strengthened the conditions to require all feedback to be recorded and outline how it has been reflected in the Ecological Restoration Plan. DOC considers this will enable mana whenua to have meaningful input into the document and recognises their kaitiaki role.

DOC recognises that despite best efforts it will be impossible to achieve 100% weed eradication due to latent seeds but considers 90% to be reasonable and will result in an uplift in conservation values. This will require a baseline assessment of the weeds present to know how the eradication rate is tracking over time. Rather than specifying the target weed species, DOC prefers to refer to those listed in the document "List of environmental weeds in New Zealand 2024, Kate G. McAlpine and Clayson J. Howell, dated August 2024". This ensures key weed species are not excluded from the conditions simply because they were not listed.

Given the detail required in the management / restoration plans about methodology, DOC considers there is no need to specify in the conditions how weed species will be managed (e.g. spraying, drilling and filling, removal by hand).

DOC has increased the mammalian pest species to be managed to encompass all of the main predator species. It has also tailored the minimum requirements for recording the levels of each species, and the way species are monitored. The longer the duration of pest control, the more confident DOC is that the land is in better ecological condition than when it was exchanged. Two years of pest management would halt a decline in ecological condition, but five years (or longer) would potentially start to achieve conservation gains for indigenous fauna. In order to enhance ecological values, DOC considers ten years of pest management at a minimum is required.

Bonds

Bonds will assist in identifying risks (through requiring a risk assessment) and addressing any rehabilitation or works to avoid, remedy, or mitigate an adverse effect. Accordingly a suite of pre-conditions around the setting of a bond and use of the bond has been included.

Fencing across the quarry face

The proximity of the quarry face to the Firth Block poses a potential risk to safety of recreational users of this block. The Applicant has proposed a condition requiring a 60 m long fence to be located 6 m back from the quarry pit face. DOC would prefer certainty over the design of the fence, but that detail is not yet available. In the absence of a detailed design being set out in the conditions, DOC recommends inserting a requirement for the design to be submitted for its approval. It is important that this fence is appropriately designed for safety and to minimise risk. This will also have the effect of minimising risk to vegetation.

5.7.1.2 Clause 32 conditions

Clause 32 of Schedule 6 provides for other conditions a Panel may impose.

- (1) *The Panel may grant a land exchange subject to a condition that—*
 - (a) *the land being given by way of exchange by the Crown will be subject to a reservation, classification, interest, or encumbrance specified by the Panel:*
 - (b) *the applicant is required to undertake or bear the cost of any improvements to the land acquired by the Crown that the Panel thinks necessary as part of ensuring that the land exchange will enhance the conservation values of conservation areas and Crown-owned reserves considered as a whole.*
- (2) *The Panel may impose any condition to address impacts on any person who has a right to use the land, but the condition must not include the requirement for the applicant to obtain the person's agreement to the land exchange.*

Clause 29(2) Schedule 6 of the FTAA (as amended by the FTAAA see the above discussion) requires that the Panel must not grant the approval unless the Panel is satisfied that the land exchange (including any money that may be received and any conditions that the Panel may impose) will enhance the conservation values of conservation areas and Crown-owned reserves considered as a whole. It is noted, as referred to above, that at the time the application for exchange was made, this provision stated "land managed by the Department of Conservation." This wording was expanded to ensure it included Crown-owned reserves. For the purpose of this report, as also set out above, it does not materially impact on the assessment of values undertaken above. This report is prepared under the law as it existed when the application was filed, however, the nature of these criteria put the Panel in the position of being able to apply and consider the law as it stands when the substantive assessment is made.

The conditions proffered by the Applicant have been amended by DOC in collaboration with the technical advisors to ensure that the improvements offered translate into measurable and enforceable conditions. Following on from the preconditions, DOC has included SMART conditions for ecological restoration and management of animal pests. The conditions require the Applicant to undertake the activities in accordance with the approved Ecological Restoration Plan and Mammalian Pest Management Plan. The conditions also set out a process if the management / restoration plans need amending. This allows a level of adaptive management – if the six-monthly reporting is showing that the requirements for weed management, revegetation or management of animal pests are not being achieved, then the plans can be amended to increase the efforts or use alternative methods. Any amendments will require the approval of DOC and the conditions set out a process for this.

Additional conditions provide specificity about the restoration planting – namely that they be eco-sourced, must be of a certain size or larger, are supported with slow-release fertiliser and must be planted with mulch. This will give the plants the best chance to become established.

A condition has been added to require removal of rubbish from the sites. DOC is aware that there are drums and rubbish from past uses in the DOC-Give sites. DOC realises there are challenges in removing this material and considers five years for these tasks is realistic.

5.7.1.3 Conditions relating to Treaty settlements and recognised customary rights

Section 84 provides that 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.

While there are no conditions necessary for Treaty settlements and recognised customary rights, DOC supports the condition which requires the Applicant to develop the Ecological Restoration Plan in consultation with Taranaki Whānui ki te Upoko o Te Ika. The strengthened conditions which require the feedback and input to be recorded will effectively recognise their kaitiaki role and ensure they have a role in restoration and increasing the conservation values.

5.7.2 Section 78 conditions that must be imposed

Section 78 establishes that the Minister of Conservation may specify conditions that a Panel may be required to impose on a land exchange approval. Pursuant to clause 26(2) of Schedule 6, this report must specify any such conditions that the Panel must impose in accordance with clause 33. Conditions that are recommended to be imposed in accordance with section 78 are outlined below.

Contaminated land (Condition 55)

The contaminated land report prepared by PDP on behalf of the Applicant notes that the Firth Block and Northern Gully are identified on Wellington Regional Council's SLUR register, although it is more than likely that no HAIL activities have been undertaken on these sites. Soil testing of Dry Creek did not identify evidence that HAIL activities have occurred on the site. However, due to inaccessibility of thick vegetation not all parts of the site could be sampled. There is a risk of previously undiscovered contaminant is present, and for this reason DOC has included a condition around remediation.

Fencing (Condition 24)

This condition requires boundary fencing to be installed by the Approval holder to the Minister's satisfaction. This would only be required where the DOC-Give sites adjoin privately owned property.

Rates (Condition 27)

This condition requires no apportionment of rates or other outgoings paid by the parties.

Continuance of rights (Condition 56)

This condition enables the rights and obligations of the parties to continue beyond settlement.

Withdrawal by agreement (Condition 26)

Up until the settlement day, both parties may mutually agree in writing that they no longer wish to proceed with the exchange.

Existing structures (Conditions 28-32)

This condition applies to both parties in that the DOC-Give site is on an "as is, where is" basis. It also outlines that the Minister accepts no liability in relation to structures or improvements on the DOC-Give

site. Any structures are required to be removed from the DOC-Get land, including any reinstatement required as a result.

Biosecurity Act (Condition 25)

This condition requires that the DOC-Get land is compliant with any “good neighbour” rules under the Biosecurity Act prior to the settlement date.

First right of refusal (Condition 34)

This condition requires the Approval holder to waive any first right of refusal or similar obligations in terms of the DOC-Get land.

Costs (9-11)

There are also s78 conditions requiring all costs associated with the Exchange Agreement to be met by the Applicant.

Encumbrances (Condition 6)

This condition ensures that the DOC-Get sites are discharged from all mortgages, charges, and other encumbrances other than the QEII covenant 5-07-755.

6 Section 35(4) matters

Section 35(4) sets out matters that this report may include advice on which are discussed further below.

6.1 Effects of Treaty settlements and other obligations on decision making

Section 82 applies if a Treaty settlement, the Marine and Coastal Area (Takutai Moana) Act 2011 or Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019 is relevant to an approval. It provides that if the settlement or Act provides for the consideration of any document, the Panel must give the document the same or equivalent effect through its decision making as it would have under any relevant specified Act (in this case the Reserves and/or Conservation Act). In this context, “document” means any document, arrangement or other matter, and includes any statutory planning document amended as a result of the settlement or Act.

In addition, section 82 requires the Panel to consider whether granting the land exchange would comply with section 7. This requires all persons performing and exercising functions, powers and duties under the FTAA to act in a manner that is consistent with obligations under existing Treaty settlements⁹² and customary rights recognised under the Marine and Coastal Area (Takutai Moana) Act 2011 or Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019.

6.1.1.1 Obligations relating to Treaty settlements and recognised customary rights

There are two Treaty settlements of relevance:

Port Nicholson Block (Taranaki Whānui ki Te Upoko o Te Ika) Claims Settlement Act 2009

Cultural Redress Protocol with DOC is set out in Schedule 2 of the Deed of Settlement (19 August 2008) and acknowledged in the Act under section 29.

While Right of First Refusal regime is provided for, it does not include the Belmont Regional Park parcels proposed for exchange.

⁹² Means Treaty settlements that exist at the time the relevant function, power or duty is performed or exercised

Ngāti Toa Rangatira Claims Settlement Act 2014

The Statutory Acknowledgment and Deed of Recognition for the Hutt River and tributaries are relevant insofar as the proposed exchange area includes waterways. The Act has provisions relating to the transfer of reserves land, but they all appear to be linked to specific cultural redress sites and does not include the Dry Creek Recreation Reserve or Belmont Regional Park.

7 Treaty of Waitangi considerations

The Conservation Act, among other things, establishes the Department of Conservation. Section 4 of the Conservation Act outlines that the “*Act shall be ... administered as to give effect to the principles of the Treaty of Waitangi*”.

Based on the information provided in the application for land exchange, the Applicant has engaged meaningfully with mana whenua including Taranaki Whānui Ki Te Upoko O Te Ika, Ngāti Toa Rangatira Te Āti Awa Nui Tonu, Rangitāne Tū Mai Ra, and Muaūpoko. Two relevant Treaty Settlement deeds apply, and ongoing engagement is continuing to ensure cultural interests are woven into the design and respected.

The DOC-Give site is described through a mātauranga Māori lens as forming part of the Belmont landscape that holds enduring cultural association through whakapapa, identity, and kaitiakitanga responsibilities. The land is connected to the wider catchment system and reflects the principles of Ki Uta Ki Tai, where gullies, and waterways are understood as an interconnected whole.

The DOC-Get sites hold comparable cultural value at present with the DOC-Get site. Their current state reflects limited cultural visibility and constrained access, with few opportunities for mana whenua to exercise kaitiakitanga in an active and visible way. The proposed improvements package provides a pathway to uplift these values through targeted restoration and management. The cultural values assessment considers that the DOC-Get sites provide an opportunity to restore and improve the land and thereby give effect to kaitiakitanga.⁹³

Mana whenua considers that the exchange alters tenure but does not diminish the enduring relationship of mana whenua with the Belmont landscape. That relationship continues regardless of ownership. Cultural values remain present across the land and can be bolstered through initiatives that strengthen mana whenua presence, in particular the planned weed management programme at Dry Creek.

The cultural values report included with the application identifies opportunities to enhance cultural values through the exchange, including:⁹⁴

- a. Weed management at Dry Creek – improving the health of indigenous vegetation and strengthening catchment care.
- b. Co-lead restoration opportunities – involvement in planning and delivery of works to ensure cultural approaches guide outcomes.
- c. Cultural indicators – applying mātauranga Māori measures alongside ecological science to monitor the condition of vegetation, water, and soils.
- d. Application of Ki Uta Ki Tai – recognising the interconnection of uplands, waterways, and lowlands when planning and implementing management actions

The comments on the exchange application provided by Taranaki Whānui ki te Upoko o te Ika noted the comprehensive engagement on the proposed land exchange. The issues captured in the Cultural

⁹³ Cultural Values Assessment, Hikoikoi Management Limited dated December 2025, page 10-11

⁹⁴ Cultural Values Assessment, Hikoikoi Management Limited dated December 2025, page 1

Values Assessment and the associated improvements package prepared for the application are still relevant.

Te Rūnanga o Toa Rangatira expressed a neutral position to the proposed land exchange. It cautioned that DOC must be satisfied that the exchange results in a genuine conservation gain, with clear evidence that the values of the land received exceed, or appropriately offset, those of the land being relinquished. The feedback addressed the importance of ecological function, including the habitats, hydrological characteristics, species composition and regeneration potential. It noted the vulnerability of swamp forest and consideration of the regional scarcity of such ecosystems, and that swamp maire is a taonga species.

More specifically, the cultural values assessment sets out opportunities to strengthen cultural values where mana whenua involvement is embedded in access, restoration, and interpretation:⁹⁵

DOC-Give Block:

- No cultural enhancements proposed
- Cultural values remain as existing associations and responsibilities without additional expression or visibility

Northern Gully:

- Pest management: opportunity for mana whenua to shape the targeted pest management programme and provide hands on delivery and monitoring where appropriate.

Southern Gully:

- Weed and pest management: opportunity in both areas for mana whenua role in developing and implementing where appropriate.
- Cultural harvest opportunity: to ethically harvest fallen Swamp Maire materials for cultural practices

Firth Block:

- Active indigenous re-vegetation: opportunity for mana whenua to provide cultural oversight on how the active revegetation area is implemented and monitored. Identification of taonga species.
- Pest management: opportunity for mana whenua to shape the targeted pest management programme and provide hands on delivery and monitoring where appropriate.

Dry Creek:

- Active indigenous re-vegetation: opportunity for mana whenua to provide cultural oversight on how the active revegetation area is implemented and monitored. Identification of taonga species.
- Weed management: opportunity for mana whenua role in this programme.

Te Rūnanga o Toa Rangatira stated that the proposed land exchange does not alter the enduring relationship of mana whenua with the Belmont landscape. Kaitiaki responsibilities remain irrespective of land tenure. Based on the cultural values assessment, the DOC-Get sites appear to provide opportunities for partnership and active kaitiakitanga which accords with the principles of the Treaty of Waitangi - but only through the improvements offered, not through the land exchange itself.

⁹⁵ Cultural Values Assessment, Hikoiki Management Limited dated December 2025, page 14-15

8 Comments received

8.1 Comments on the Application

Of those invited to comment on the land exchange application, sixteen parties responded and their responses are available through the link included in Appendix 1. In accordance with s 35(2), the Applicant was required to provide any responses to the invited comments received by 5 March 2026, which it did. A summary of the Applicant's responses is included in Appendix 2.

There was a mix of comments supporting, opposing and neutral. A summary of the main themes is outlined below:

- a. The land exchange would be a net loss to biodiversity and conservation values in the Wellington region.
- b. The DOC-Give site has significant biodiversity, harbours several nationally threatened species, and has a long history of natural regeneration.
- c. Concern at the loss of the swamp maire.
- d. Concerns whether transferring nine swamp maire will be successful.
- e. The DOC-Get sites are not suitable for recreation due to topography and difficult access.
- f. The greater perimeter will increase the incursion of pests and weeds.
- g. The need for any legal or financial liabilities resulting from the land exchange, including bonds.
- h. The application will secure the long term future of the quarry.
- i. Housing and infrastructure growth means increased demand for concrete which in turn requires reliable, local aggregate.

Some of the comments raise concerns about the effect of the overburden on hydrology or visual effects. This is beyond the scope of the considerations for land exchange and therefore has not been taken into account.

The Applicant responded to the comments with a mix of technical addendum reports and memoranda, a planning response and legal memorandum. All feedback from Winstone's is premised on QEII covenanted land being included as having positive value in terms of the exchange, in alignment with its legal opinion.

The comments have been considered by DOC in the context of not only the assessment of the values of both the DOC-Give and DOC-Get sites, but also in the development of recommended conditions.

8.2 Draft report feedback *[Placeholder for after comments received]*

The list of those invited to comment on the draft report and their comments are included in Appendix 3. Include commentary on any late comments received if any and whether or not they have been considered with reasons if relevant. Summarise comments and DOC's response.

9 Summary of conclusions

As outlined in the Introduction, this report has traversed all of the relevant statutory criteria in s 35 and the associated provisions. It is prepared and assessed against the provisions in the FTAA that were in force when the Application was made. A decision by the Panel will be required on whether the new provisions apply at the time it makes its decision. The legal memorandum in Appendix 5 sets out the Department's view that these new provisions do apply to the Panel.

This report provides the necessary platform for a decision by the Panel on whether to approve the exchange under the key provisions in the FTAA (s 81 and Schedule 6) as they were when the Application for land exchange was lodged.

By way of overall summary on the values, based on the current values of the sites (i.e. not taking into account any possible improvements through conditions), the technical advice to DOC is that there would be:

- a. no net gain for biodiversity - flora and recreation;
- b. no difference (and therefore no net gain) for cultural heritage values and freshwater ecology values; and
- c. a net benefit for landscape and natural character and terrestrial fauna.

When the improvements offered by the Applicant are assessed, there are some small increases in the values. In terms of net benefit, all net effects remain unchanged if the improvements offered by the Applicant are implemented.

This contrasts with the Applicant's assessment which indicates:

- a. a net gain for ecology (habitat, birds and lizards), landscape and aquatic; and
- b. no difference for ecology (bats), recreation and archaeology.

Should the Panel be of the mind to approve the land exchange, the conditions recommended by DOC ensure there is a benefit to the conservation values as the weed removal, pest management and restoration plantings improve the values of some of the DOC-Get sites.

DOC has recommended substantial additions and amendments to the conditions proffered by the Applicant, not only to ensure they are SMART but also to provide certainty that the improvements will be carried out to an appropriate standard. Mandatory conditions under s78 are also proposed as relevant.

Appendix 1 – Application for land exchange and comments received on the application

This information can be found on the EPA website:

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

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Appendix 2 – Summary of comments received on the application and responses

Organisation or person	Response from Winstone Aggregates	Response from DOC
Friends of Belmont Regional Park Incorporated	The DOC-Get land (being private property subject to an Open Space Covenant) is not a conservation area or Crown-owned reserve as it is defined in Schedule 6 Clause 22, insofar as it is not subject to the Conservation Act. Therefore, the conservation values of DOC-Get land currently sit outside of the 'conservation areas'. The Applicant's comparison of values indicates that the conservation values of the DOC-Get land are greater than the DOC-Give land. The QEII covenants do not reduce the significance of their contribution to the DOC estate upon exchange.⁹⁶ This application to the Director-General was lodged before commencement of the Fast-Track Approvals Amendment Act 2025, therefore the Act as it stood pre-amendment is relevant to the consideration of the exchange.⁹⁷ While a good proportion of the valued mature forest is in the QEII area (especially the better	The technical assessments undertaken by DOC have both included and excluded the QEII covenanted land due to the changes to the FTAA legislation. With the improvements offered by the Applicant there will be a net increase in conservation values for landscape and natural character. There is an increase in the conservation values of landscape, terrestrial fauna and botanical and vegetation elements for particular DOC-Get sites.

⁹⁶ Planning memorandum, Jade Wikaira dated 5 March 2026 at [3.59-3.61]

⁹⁷ Planning memorandum, Jade Wikaira dated 5 March 2026 at [3.64]

Organisation or person	Response from Winstone Aggregates	Response from DOC
	tawa-kāmahi area) but the valued wetland area, the hinau-kāmahi forest and half of the northern mature forest as well as the mature pukatea forest and stream protection are additions and not currently in the QEII area.⁹⁸ The test that must be met is that set out in cl 29(2), requiring that the exchange will enhance the conservation values of land managed by DOC. This is not the same thing as a “net-conservation benefit” or a “net benefit for conservation.”⁹⁹	
Including the QEII areas gives a total DOC-Get value of 33.19, compared with 18.83 in DOC-Give. If the QEII areas, being already conserved, are excluded from the calculation, the DOC-Get value drops to 19.27. Concludes there would be little change to the lizard habitat values.	The extent of lizard habitat in the QEII covenant areas are to be considered in the application.¹⁰⁰ With regards to the relevance of the QEII covenanted areas, Clause 29(2) was amended in December 2025 by the Fast-track Approvals Amendment Act 2025, with the amendment to cl 29(2) coming into force on 17 December 2025. The land exchange application was lodged before the amendments came into force.¹⁰¹	The assessment undertaken by Dr Burns indicates that including the QEII covenanted areas does result in a slightly higher ecological value for lizards than if the QEII covenanted areas are excluded. With the inclusion of conditions requiring restoration planting, there will be an increase in the diversity of lizard habitat and result in higher quality habitat. The management of pests through the conditions is likely have a significant effect on lizard populations.
Significant loss in ecological habitat value given the importance of established 50 to 85	These matters are addressed in Reports: B1 Blue Green Ecology, B3 Blue Print Ecology,	This has been addressed in the botanical technical report, the submitter is correct, the

⁹⁸ Ecology Addendum, BlueGreen Ecology, dated 5 March 2026, page 10

⁹⁹ Legal memorandum dated 5 March 2026 at [75]

¹⁰⁰ Memorandum in response to The Friends of Belmont Regional Park, Blueprint Ecology, dated 3 March 2026.

¹⁰¹ Legal memorandum dated 5 March 2026 at [17-30]

Organisation or person	Response from Winstone Aggregates	Response from DOC
year old and valuable tree species, and their associated wetlands within the DOC-Give site	B3 Boffa Miskell, B4 Greenaway and Associates. The methods and results of those reports was relied upon in preparing the Comparative Assessment of Conservation Values in Wikaira (2025). That Assessment concludes that the project will 'provide a net conservation benefit'. The proposed land exchange will not destroy or damage any ecological values in the exchange areas. Any impact on ecological values will be assessed separately at the substantive application stage.¹⁰² Five trees in the DOC-Give is not a forest and is not a habitat, they are five relatively young, isolated trees in gullies of seral broad leaf forest. The hot spot value is the central western gully where there are 14 canopy trees with significant fruiting and seedling establishment. This area has been removed from the exchange proposal.¹⁰³ The values in the DOC-Get areas, swamp maire aside, are better with more areas of mature forest and ramarama and rare habitat types. It is the presence of the many decades of advanced successional development in the DOC get areas	loss of the six headwater wetlands is significant and they do contain 9 (not 5 as suggested here by Winstones) Threatened – Nationally Vulnerable Swamp maire (<i>Syzygium maire</i>) specimens which are relict of a rare forest type to the Wellington region. Quantity of specimens is not important; existence of the species is important. The conditions proposed by DOC recommend a 1:200 replacement ratio and require 1,800 swamp maire of minimum PB3 size and vegetative height of 600mm to be propagated and planted in the Southern Gully.

¹⁰² Planning memorandum, Jade Wikaira dated 5 March 2026 at [3.93-3.94]

¹⁰³ Ecology Addendum, BlueGreen Ecology, dated 5 March 2026, page 9

Organisation or person	Response from Winstone Aggregates	Response from DOC
	that create much of the ecological gains e.g. in the pukatea gully, the tawa-kāmahi forest, hinau-kāmahi forest, and the tawa forest of the firth block. The north tawa also protects a valuable waterway. The inclusion of the southern gully wetland and the proposed improvement in establishing 200 new swamp maire also contributes to a net gain in conservation values for the DOC-managed land. The Applicant considers that the exchange is balanced in favour of DOC in terms of ecology.¹⁰⁴	
The DOC-Give site contains swamp maire, ramarama and other endangered species which will be destroyed	The Applicant's response is that that the land exchange proposal would not involve destruction of any species. Any proposal to undertake physical works within the area would require approval through the substantive application process under section 42 of the Fast-track Approvals Act 2024 as part of RMA approvals.¹⁰⁵ The presence of swamp maire is well documented with a specific section in BlueGreen Ecology. The Applicant considers this thoroughly and transparently documents the presence and distribution of that population.¹⁰⁶ There are 5 swamp maire (acknowledging the INaturalist suggestion of 14), with 17 others	The land exchange process will not result in destruction of these endangered species. That is an issue to be addressed in the substantive application. However additional planting of swamp maire and ramarama is required in DOC's recommended conditions. There are detailed conditions requiring the propagation and planting of swamp maire. The recommended conditions include a minimum of 500 ramarama to be planted in Dry Creek.

¹⁰⁴ Ecology Addendum, BlueGreen Ecology, dated 5 March 2026, page 10

¹⁰⁵ Planning memorandum, Jade Wikaira dated 5 March 2026 at [3.53]

¹⁰⁶ Planning memorandum, Jade Wikaira dated 5 March 2026 at [3.66]

Organisation or person	Response from Winstone Aggregates	Response from DOC
	being near but outside the OBDA and 14 of those outside the DOC-Give area. It will be recognised in the substantive application for resource consents that adverse effects on swamp maire must be appropriately managed. There is ramarama in the DOC-Give, but it is also present in the DOC-Get. The ramarama will not be affected by the land exchange process. There will be a process as part of the OBDA development for salvaging those through the substantive application. Similarly the values associated with the wetland species are also retained through the application and so the exchange does not cause the loss of those values to the DOC land.¹⁰⁷ The natural inland wetland area present on the DOC-Give is not irreplaceable; it is a relatively simple carex-kiokio wetland with some regionally underrepresented sedge and rush taxa that is in a modified state post farm use. Wetland recreation is typically successful throughout the country, but consider that the loss of the wetland area is a substantive application offset issue, and is not an effect of the land exchange.¹⁰⁸	

¹⁰⁷ Ecology Addendum, BlueGreen Ecology, dated 5 March 2026, page 11

¹⁰⁸ Ecology Addendum, BlueGreen Ecology, dated 5 March 2026, page 16

Organisation or person	Response from Winstone Aggregates	Response from DOC
If the application were to proceed, at the very least – the OBDA eastern boundary be brought west by about 200m to fully protect the pond and the full catchment of the shallow valley and wetland upstream from it, and so protect the swamp maire and ramarama populations in that valley	The spatial size, extent, layout, and orientation of the OBDA is carefully and iteratively designed with numerous factors in mind, including feedback from extensive consultation, geotechnical engineer, operational functions of machinery, and including but not solely to minimize effects on terrestrial biodiversity. It is likely that if the footprint shifts that there will be adverse effects on other matters as a consequence of redesigning the OBDA proposal.¹⁰⁹	Agreed that this suggestion would protect the Regionally Uncommon sedge <i>Carex maorica</i>, and the other obligate wetland species present as listed in Ward 2026 page 6. The assessment of the conservation values of the land exchange application is based on the proposal submitted by the Applicant.
The DOC-Get sites are not suitable for recreation due to topography and difficult access	During consultation, staff from Greater Wellington Regional Council presented a view that there was no appetite for the creation of new tracks.¹¹⁰ The Recreation Assessment (Rob Greenaway & Associates) concludes that there is no net loss in recreation values as a consequence of the exchange. Considers there is no existing demand for recreational track development in the exchange areas, which informed the assessment of low recreation value in both the DOC-Get and DOC-Give areas. As identified in the Network Plan, there may be demand for a new short walk in the Dry Creek area, subsequent to the	Agree, the DOC-Get land is fragmented, lacks existing tracks and is generally not well connected to conservation land within Belmont Regional Park. This contrasts with the relative ease of access to the DOC-Give land. (see Recreation Technical Report point 28). The steepness of the land is also noted at several points in the Recreation Technical Report. This is reflected in the Low classification Mr Harbrow has attributed to the recreation values for the DOC-Get land.

¹⁰⁹ Planning memorandum, Jade Wikaira dated 5 March 2026 at [3.98]

¹¹⁰ Planning memorandum, Jade Wikaira dated 5 March 2026 at [3.71]; Memorandum on recreation, Rob Greenaway dated 5 March 2026 at [4]

Organisation or person	Response from Winstone Aggregates	Response from DOC
	completion of the park master planning proposed by the Network Plan.¹¹¹ Not all areas of recreation reserve need to be immediately available or suitable for recreational use and access. There are significant areas of Belmont Regional Park and other land within the conservation estate that are not currently used for recreational purposes, including parts that are grazed by livestock or difficult to access — but that does not mean those areas are misclassified. The purposes of a recreation reserve are a balance between public use and environmental protection.¹¹²	
The Applicant's assessment of recreation values does not recognise the trails throughout the DOC-Give site, many of which are pest control lines that provide access throughout the site. The recreation value of the DOC-Give site could easily be increased through interpretative signs and Panels.	Off-track opportunities are common in most areas within the Regional Park and there are no indications that the study area is particularly unusual. The track counter data is very likely to have counted all those accessing this area of the park via Buchanan's Road, including those not using Strava. The site visit did not reveal any "well marked connecting paths" and remain of the view that it is not developed for general recreation. These were also not identified in the Xyst review. Well marked paths should be patently obvious.¹¹³	Agree. The presence of predator control lines and informal trails which appear well used and provide relatively easy travel is noted in the Recreation Technical report (point 24). Mr Harbrow notes the estimate of use of the Buchanan Road Tramping Track in the applicant's Recreation Assessment is flawed. Future development of recreation opportunities in this area, such as installation of interpretive signs and Panels, is considered in the Recreation Technical Report but is not a priority for either DOC or Greater Wellington Regional Council. In the absence of funding or

¹¹¹ Memorandum on recreation, Rob Greenaway dated 5 March 2026 at [8-9]

¹¹² Legal memorandum dated 5 March 2026 at [59]

¹¹³ Memorandum on recreation, Rob Greenaway dated 5 March 2026 at [14-16]

Organisation or person	Response from Winstone Aggregates	Response from DOC
	Improvements offered in the exchange process must focus on the parcels of land being exchanged. The existing environment reflects no expectations for new recreation developments in the parcels under consideration.¹¹⁴	management agreements for development by a third party, this is speculative.
The greater perimeter will increase the incursion of pests and weeds	Post-exchange, the increased perimeter length is an administrative matter, and ecologically is equally connected into a contiguous habitat. The boundary relates to land tenure, but the property boundaries are not the edge of ecological habitats. BlueGreen Ecology (2025, pg. 90) identifies weed control and pest management, in accordance with an ecological restoration plan, following the exchange as part of its proposed conditions. Any concern about edge effects can be addressed as part of that plan. This matter could be added to the list of items to go into the plan included in the proffered conditions.¹¹⁵ The Applicant does not consider that the proximity to weed populations materially changes and whatever the area, weed management is required and will be on going for the life of the quarry, but also in perpetuity in the	The length of the perimeter would increase and with it comes increased risk of weeds and pests. The conditions suggested by DOC require 90% weed control and comprehensive pest management.

¹¹⁴ Memorandum on recreation, Rob Greenaway dated 5 March 2026 at [10-11]

¹¹⁵ Planning memorandum, Jade Wikaira dated 5 March 2026 at [3.79-3.80]

Organisation or person	Response from Winstone Aggregates	Response from DOC
	Park and can be managed accordingly. ¹¹⁶	
The dispersed location of the DOC-Get sites will fragment the Belmont Regional Park	There is no real fragmentation. The north-western additions are continuous with the park vegetation north and bring better connection to the southern gully system. The Dry Creek additions add directly to the Dry Creek area, and it is only the Firth block that could be perceived to be more isolated, but it too retains strong connectivity east and north. ¹¹⁷	The DOC-Get sites are all contiguous with the Belmont Regional Park, however it would change the overall shape of the Regional Park around the quarry.
Little to no ecological value of Dry Creek	Considered the lower levels of the old Dry Creek quarry to be too weedy for inclusion in the exchange. The areas proposed for exchange do have values and values not dissimilar for fauna as the DOC-Give, only without swamp maire habitat. They, while weedy, have areas of good regeneration of native cover and there is a weed and pest management component to the exchange. ¹¹⁸	This matter is addressed in Ward 2026 page 10. Mr Ward assessed Dry Creek as having Low ecological value, consistent with the assessment of the Applicant.
The use of the DOC-Give site for overburden will remove the streams and affect the drainage characteristics	The effects of the development of the overburden area are to be considered as part of the substantive application. ¹¹⁹ The land exchange will have no effect on the existing hydrological processes, characteristics, or flow	The future use of the DOC-Give area could not be considered as part of the freshwater ecology assessment. This is a matter to address in the substantive application.

¹¹⁶ Ecology Addendum, BlueGreen Ecology, dated 5 March 2026, page 9

¹¹⁷ Ecology Addendum, BlueGreen Ecology, dated 5 March 2026, pages 9 and 10

¹¹⁸ Ecology Addendum, BlueGreen Ecology, dated 5 March 2026, page 15

¹¹⁹ Ecology Addendum, BlueGreen Ecology, dated 5 March 2026, page 16

Organisation or person	Response from Winstone Aggregates	Response from DOC
	regimes of the various drainage lines within any of the potential exchange areas. ¹²⁰	
The Hydrology assessment grossly misrepresents the actual hydrology of the DOC-Give site and therefore underestimates the likely impact.	It is impossible to traverse all the various watercourses and drainage lines contained within this area. Therefore, robust modelling of the drainage network, supported by field validation, was undertaken. This is the only way to provide a complete, consistent, and holistic assessment of the hydrological attributes of the various areas. The method adopted applied a consistent, industry-standard, methodology across all areas. All drainage lines were characterised by their catchment area, topographic form, and number of upstream tributaries. The hydrological modelling therefore provides an accurate quantification of the number, length and size of the various watercourses and drainage lines throughout all areas.¹²¹ The land exchange would result in a net increase in the length of streams and associated aquatic ecosystem protected within Belmont Regional Park.¹²²	This matter was considered when undertaking the freshwater ecology assessment.
The need for any legal or financial liabilities resulting from the land exchange, including bonds.	Proposed conditions requiring weed control, pest management and restoration planting	DOC is cognisant of the legal and financial liabilities and has addressed this through the conditions such as:

¹²⁰ Addendum to the Hydrological analysis, pages 1 and 3

¹²¹ Addendum to the Hydrological analysis, page 2 and 4

¹²² Addendum to the Hydrological analysis, page 3

Organisation or person	Response from Winstone Aggregates	Response from DOC
	across the DOC-Get land and the preparation of an Ecological Restoration Plan are provided in Wikaira (2025, p.91–94).¹²³ There is no ability for the Panel to impose a bond as a condition of the land exchange application. The scope of conditions that may be imposed on a land exchange is set by sch 6, cls 31 and 32.¹²⁴	• Bonds; • Remediation of any contaminated land; and • Fencing in the Firth block near the quarry pit face
The comments recommend that if the land exchange were to be approved: • it only be initiated if the substantive application is also approved; and • a plan change to the Hutt City District Plan to change the zoning to Natural Open Space Zone.	Winstone Aggregates has filed a submission on the Proposed Lower Hutt District Plan, but as submissions have closed there is no further opportunity through that process. Its submission points include a request for certain areas to be rezoned as Natural Open Space Zone with a Quarry Zone Protection Overlay, where those areas are anticipated to be owned by DOC as a consequence of the proposed land exchange.¹²⁵ Such a condition would not be appropriate and is likely to be <i>ultra vires</i>.	The land exchange process is separate to the substantive application and it cannot be assumed that the substantive application will be approved or declined at this stage. It is not appropriate for the conditions to require a plan change to change the zoning.
• Identification of new archaeological site (R27/910)	The new site is recorded as a ruinous 20th century farm outbuilding and does not alter the archaeological values of the proposed land exchange properties as presented in the	This site recognised in Mr Nester's assessment of heritage values.

¹²³ Planning memorandum, Jade Wikaira dated 5 March 2026 at [3.84]

¹²⁴ Legal memorandum dated 5 March 2026 at [45]

¹²⁵ Legal memorandum dated 5 March 2026 at [61-63]

Organisation or person	Response from Winstone Aggregates	Response from DOC
	archaeological assessment report for the land exchange. ¹²⁶	
Firth Industries		
- Supports the application and its plan to secure the long term future of the quarry - Housing and infrastructure growth means increased demand for concrete which in turn requires reliable, local aggregate	No response required	No response required
Fulton Hogan		
- Supports the land exchange proposal - Confirmed that the change in land ownership will not affect operation of the asphalt plant - Outlines the importance of the quarry to maintaining asphalt production. If the quarry were to close or significantly reduce its outputs, this would have flow on effects for key infrastructure and increased emissions to transport the product from further afield. This will have consequences for the wider community through higher project costs and delays on the delivery of essential infrastructure.	No response required	No response required
Greater Wellington Regional Council		
Summary of land on each site held by Greater Wellington Regional Council	No response required	No response required

¹²⁶ Archaeology memorandum, Ellen Cameron date 4 March 2026, page 2.

Organisation or person	Response from Winstone Aggregates	Response from DOC
Heritage New Zealand Pouhere Taonga		
Outlines its understanding that the land exchange proposal does not intend to modify or destroy any archaeological sites and therefore the Heritage New Zealand Pouhere Taonga Act 2014 is not triggered by the exchange proposal. Acknowledges that earthworks as part of the substantive application will involve earthworks that may modify or destroy an archaeological site(s) and an archaeological authority application will be required at that point.	No response required ¹²⁷	No response required
Hutt City Council		
Council expressed a neutral position	No response required	No response required.
Luke Wysocki		
• Neighbouring property owner • Supportive of ongoing trapping and researching in the Southern Gully site • Concerns about the forming of any new tracks providing public access from the dry creek to their property	Comments were directed to the Department of Conservation as future owner about future land use of the Southern Gully. Applicant considers there were no issues raised in relation to the land exchange application. ¹²⁸	The concerns are noted, although no action is required at this stage of the land exchange application.
Minister for Infrastructure		
No comments on the land exchange proposal, but acknowledges the project will deliver long-term benefits by providing a local source of the aggregate	No response required ¹²⁹	No response required

¹²⁷ Planning memorandum, Jade Wikaira dated 5 March 2026 at [3.15]

¹²⁸ Planning memorandum, Jade Wikaira dated 5 March 2026 at [3.9]

¹²⁹ Planning memorandum, Jade Wikaira dated 5 March 2026 at [3.12]

Organisation or person	Response from Winstone Aggregates	Response from DOC
materials that are essential for Wellington's growth, supporting housing, construction, and infrastructure.		
New Zealand Conservation Authority		
Opposes the exchange of land for the following reasons: Does not consider the exchange will result in a net benefit for conservation	The test that must be met is that set out in cl 29(2), requiring that the exchange will enhance the conservation values of land managed by DOC. This is not the same thing as a “net-conservation benefit” or a “net benefit for conservation”.¹³⁰	Based on the conservation values of the sites (without taking into account proposed improvements through conditions), there would be: - no net gain for biodiversity - flora and recreation; - no difference (and therefore no net gain) for cultural heritage values and freshwater ecology values; and - a net benefit for landscape and natural character and terrestrial fauna. This assessment changes slightly upon consideration of the improvements offered by the Applicant, with an increase in the conservation values of landscape, terrestrial fauna and botanical and vegetation elements for particular DOC-Get sites. The improvements offered by the Applicant do not result in an overall change in net gain however.
A lack of visibility in relation to iwi consultation	Detailed the comprehensive engagement and consultation with Taranaki Whānui ki te Upoko o Te Ika, Ngāti Toa Rangatira, Te Āti Awa Nui	The conditions proposed by DOC ensure Taranaki Whānui ki te Upoko o Te Ika is meaningfully involved in the development of the Ecological Restoration Plan. The conditions

¹³⁰ Legal memorandum dated 5 March 2026 at [75]

Organisation or person	Response from Winstone Aggregates	Response from DOC
	Tonu, Rangitāne Tū Mai Ra, and Muaūpoko in relation to the proposed land exchange. The outcomes of that engagement are reflected in the Cultural Values Assessment at Appendix B7 and summarised in the Consultation Record and Consultation Summary at Appendix C. These documents set out the matters raised by mana whenua and how they have been addressed in the application, including through proposed conditions and the improvements package. Explained that information has been redacted at the request of mana whenua.¹³¹	formalise the feedback from mana whenua and incorporation of those matters in the Plan.
Increase in perimeter length meaning greater management of incursions of weeds and pest species/predators from neighbouring private owners will be needed, and this comes with financial implications	The length of the property boundary from 16.31 km to 19.88 km, which is approximately a 22% increase. The property boundaries are not the edge of the ecological habitats as they are connected to a contiguous habitat to the north and east.¹³² Restoration efforts, including but not limited to pest plant and animal control, are proposed.¹³³ This will address edge effects from neighbouring rural lifestyle properties as part of the proposed management plan.	The landscape report raises the 'edge effect' issue regarding neighbouring private landowners at [34]: "The southern 'panhandle' of the Northern Gully and the Southern Gully 'Get' land parcels form a relatively narrow 100 m – 150 m wide 'peninsula' largely comprising 'edge' as opposed to 'patch' extending into a developing rural-residential area. This developed area may be the source of an ongoing spread of animal and plant pests." Mr Ward suggests the present exposed edge to the active quarry edge is 380 m, with the

¹³¹ Planning memorandum, Jade Wikaira dated 5 March 2026 at [3.23-3.25]

¹³² Planning memorandum, Jade Wikaira dated 5 March 2026 at [3.27-3.29]

¹³³ Land Exchange Report, Wikara Consulting dated 7 December 2025, pages 79-80

Organisation or person	Response from Winstone Aggregates	Response from DOC
	The Applicant does not consider that the proximity to weed populations materially changes and whatever the area, weed management is required and will be on going for the life of the quarry, but also in perpetuity in the Park (this is assumed) and can be managed accordingly. The DOC-Get land contains more mature forest areas and is also more resistant to weed invasion than the younger DOC-Give area (which includes later seral canopy weeds such as pine and holly). Management and its funding of the DOC-Get land has been proposed by Winstone as a condition of the exchange to reduce this risk.¹³⁴	suggested land exchange considered this increases to 5,000 m an increase 1,300%. The length of the perimeter would increase and with it comes increased risk of weeds and pests. The conditions suggested by DOC require 90% weed control and comprehensive pest management by the Applicant for five years.
The reduction in public access and likelihood of recreational opportunities. Fragmentation will affect the recreational values of the area given the proximity of the DOC-Give site to Buchanan's Walking Track. The DOC-Get land is challenging terrain to access	The absence of public access and tracks in the DOC-Get sites was based on the indications from Greater Wellington Regional Council that it had no desire for new tracks to be constructed on land it managed to allow for connectivity.¹³⁵ The Application considered the effects on recreation.¹³⁶ This assessment concludes that the loss of the utility track section of the Buchanan Road Tramping Track is immaterial.	The level of accessibility of each block is covered in the Recreation Technical Assessment (points 27 – 35) and is one of the key reasons the DOC-Get land is assessed as having low recreation value. This contrasts with the ease of access to the DOC-Give land from the Buchanan Road Tramping Track.
Set out the legislative context for the creation of the Belmont Regional Park and the framework for any land exchanges	No response required.	No response required

¹³⁴ Ecology Addendum, BlueGreen Ecology, dated 5 March 2026, page 2

¹³⁵ Planning memorandum, Jade Wikaira dated 5 March 2026 at [3.30]

¹³⁶ Recreation Assessment, Rob Greenaway & Associated, 2025.

Organisation or person	Response from Winstone Aggregates	Response from DOC
The DOC-Get land is in separate parcels raising questions about the ability of these parcels to serve as corridors for species	The Applicant states there is no fragmentation, only a change to where the bush edge is in one location for a limited time. While these areas may be legal separate parcels they are all connected to the park physically by adjoining vegetation and will remain so after the overburden area is in operation.¹³⁷ The mobile species are still able to navigate through native vegetation cover in a similar way as they can now move north and south, east and west.¹³⁸	The parcels are all contiguous with the Belmont Regional Park which means there is the potential for corridor function.
The loss of the DOC-Give block will also mean the loss of the regenerative aspects of native seedbank that has been building up in the approximately 50 years of recovery, revegetation and pest management	Not explicitly addressed.	The loss of the Threatened - Nationally Vulnerable swamp maire, will have an effect on the species' slow but steady spread in the area. It is unique to this area, not found anywhere else within the Belmont Regional Park. It is for this reason that DOC recommends a 1:200 replacement ratio for swamp maire. If successful this will result in 1,800 additional swamp maire. The conditions require the seeds to be eco-sourced. The propagation of the seedlings are recommended as a pre-condition.
Increase in the number of discovered swamp maire and ramarama trees in the DOC-Give site	Acknowledged that 17 swamp maire (as well as the presence of new seedlings) are present in the DOC-Give area. However only 5 swamp	Mr Ward confirms that there are 9 mature specimens of swamp maire in the DOC-Give site not 5.

¹³⁷ Ecology Addendum, BlueGreen Ecology, dated 5 March 2026, page 1

¹³⁸ Ecology Addendum, BlueGreen Ecology, dated 5 March 2026, page 15

Organisation or person	Response from Winstone Aggregates	Response from DOC
	maire sit within the proposed footprint of the overburden area, which is smaller (at around 15ha) than the proposed exchange land at around 24 ha). The impact of the proposed overburden area will be considered at resource consent stage. ¹³⁹	
The Applicant downgraded the ecological values of the DOC-Give site	All areas have a range of values. DOC-Give land contains some higher value areas related to special species or wetland, but these areas are the minority. The ecological assessment used an averaged valued which best represents and does not hide the actual ecological value. The same approach was adopted for the DOC-Get land. The averaged result was tempered with an increased focus on the greater values of especially swamp maire and its habitat. ¹⁴⁰	Mr Ward's assessed the DOC-Give as Moderate-High values for vegetation, the DOC-Get site is assessed as having Low-Moderate values.
New Zealand Transport Agency		
- New Zealand Transport Agency (NZTA) is a road controlling authority for the nearby state highway and an adjacent landowner to the Firth site and Dry Creek - Agrees with the Applicant that there will not be impacts on NZTA administered land, nor will the exchange and associated use prevent or hinder the NZTA's ability to give effect to its designation	Ongoing consultation with NZTA has confirmed that Agency staff have prepared an alternative management plan and are working through the approvals process of that plan becoming operative. An Outline Plan of Works has not been filed at Hutt City at this point in time but the Agency intends to do so. ¹⁴¹	No response required

¹³⁹ Ecology Addendum, BlueGreen Ecology, dated 5 March 2026, page 1

¹⁴⁰ Ecology Addendum, BlueGreen Ecology, dated 5 March 2026, page 3

¹⁴¹ Planning memorandum, Jade Wikaia dated 5 March 2026 at [3.20]

Organisation or person	Response from Winstone Aggregates	Response from DOC
Has an interest in the proposed exchange sites for offset planting but are working through an alternative location elsewhere	The Applicant is supportive of NZTA's proposal to undertake offset planting in other areas and expects the informal interest NZTA has noted can be resolved through discussions. The Applicant will continue to engage with Waka Kotahi and GWRC to keep the Director General updated on any developments. In the unlikely event that NZTA is unable to obtain approval to undertake its offset planting at other sites, this practical difficulty should be given very little weight in the statutory decision-making under the Fast-track Approvals Act.¹⁴²	
QEII		
- Neutral position - Primary interest in this proposed development is that the purpose and objectives of open space covenant 5-07-755 (instrument no. 10476608.1) are upheld, regardless of ownership	These matters have been adequately canvassed with QEII National Trust in pre-lodgement consultation. The application contains confirmation from DOC that it is accepting of the QEII Covenant without changes.¹⁴³	No response required
Taranaki Whānui ki te Upoko o te Ika		
Noted comprehensive engagement on the proposed land exchange. The issues raised by	No response required	No response required

¹⁴² Legal memorandum dated 5 March 2026 at [89-91]

¹⁴³ Planning memorandum, Jade Wikaia dated 5 March 2026 at [3.10]

Organisation or person	Response from Winstone Aggregates	Response from DOC
Taranaki Whānui are captured in the Cultural Values Assessment and the associated improvements package prepared for the application		
Te Rununga o Toa Rangatira		
• Neutral position • DOC must be satisfied that the exchange results in a genuine conservation gain, with clear evidence that the values of the land received exceed, or appropriately offset, those of the land being relinquished. • Importance of independent ecological assurance, and robust assessment of ecological function of the habitats involved, including hydrological characteristics, species composition and regeneration potential. • Loss and vulnerability of swamp forest and consideration of the regional scarcity of such ecosystems. Swamp maire is vulnerable to myrtle rust and is a taonga species. • Protection of water bodies and associated species, comprising tributaries, wetlands and taonga species within the Belmont catchment • The proposed land exchange does not alter the enduring relationship of mana whenua with the Belmont landscape. Kaitiaki responsibilities remain irrespective of land tenure.	The regional scarcity and vulnerability of swamp forest, including swamp maire, were discussed during the site visit and consultation with Ngāti Toa, noted in Appendix C of the application. Matters relating to the protection of water bodies and associated species including sediment control, water flow management, and monitoring frameworks will be addressed as part of the substantive application for RMA and wildlife approvals.¹⁴⁴	The conditions proposed by DOC ensure Taranaki Whānui ki te Upoko o Te Ika is meaningfully involved in the development of the Ecological Restoration Plan. The conditions formalise the feedback from mana whenua and incorporation of those matters in the Plan. Based on the conservation values of the sites (without taking into account proposed improvements through conditions), there would be: a. no net gain for biodiversity - flora and recreation; b. no difference (and therefore no net gain) for cultural heritage values and freshwater ecology values; and c. a net benefit for landscape and natural character and terrestrial fauna. This assessment changes slightly upon consideration of the improvements offered by the Applicant, with an increase in the conservation values of landscape, terrestrial fauna and botanical and vegetation elements for

¹⁴⁴ Planning memorandum, Jade Wikaia dated 5 March 2026 at [3.8]

Organisation or person	Response from Winstone Aggregates	Response from DOC
		particular DOC-Get sites. The improvements offered by the Applicant do not result in an overall change in net gain however. DOC recommends a 1:200 replacement ratio for swamp maire. If successful this will result in 1,800 additional swamp maire. The conditions require the seeds to be eco-sourced. The propagation of the seedlings is recommended as a pre-condition. Protection of waterbodies is a matter that would be addressed through a substantive application rather than the land exchange application.
Transpower New Zealand Limited (Transpower)		
- Transpower has statutory access rights under the Electricity Act 1992 that enable two separate transmission lines to cross the land that is to be swapped and become part of the Winstone Belmont quarry - Existing access tracks to the National Grid support towers are located within the land area to be transferred to the quarry. - The access tracks do not follow the legal road - In the event that the land exchange proceeds, Winstone and Transpower have agreed that alternative, suitable vehicular access that	No response required. ¹⁴⁵	No response required.

¹⁴⁵ Planning memorandum, Jade Wikaia dated 5 March 2026 at [3.11]

Organisation or person	Response from Winstone Aggregates	Response from DOC
meets Transpower's requirements can be established Confirms that National Grid assets and operations are not adversely impacted by the proposed land exchange and therefore has no objection to the land exchange		
Wellington Botanical Society		
Opposes the land exchange		Noted.
Particularly concerned about the swamp maire as it is in serious decline throughout its range. Fewer than 100,000 individuals are thought to exist, with a decline in population of 30-50% expected over the next three generations	The land exchange does not result in the destruction of these plants. The land exchange proposal offers 200 new plants in habitat found to be suitable within the DOC-Get land as part of the exchange to increase the conservation values of the DOC-Get land by creating a significant swamp maire area. (a 20% increase of the current estimated number of 1000 swamp maire estimated by WBS in the Wellington region). These plants will be grown up and established in the DOC-Get area which is suitable habitat.¹⁴⁶	The Southern Gully is not a proven potential site suitable for the swamp maire mitigation plantings. The delicate ecology of this species has mostly been ignored, with methods of transfer and 'potting up' being suggested when there is no evidence of these methods being successful. DOC recommends a 1:200 replacement ratio for swamp maire. If successful this will result in 1,800 additional swamp maire. The conditions require the seeds to be eco-sourced, and the propagation of the seedlings are recommended as a pre-condition.
Ramarama (Threatened-Nationally Critical, Regionally Critical) is also present on the site	The ecological assessment acknowledges the threatened status of Swamp maire and ramarama, but note that ramarama is also present in the DOC-Get.	There is some ramarama present in the DOC-Get area. It is only seen in the northern border of the Northern Gully block and western QEII covenant, not at the same volume or frequency as found in the DOC-Give land so a net loss.

¹⁴⁶ Ecology Addendum, BlueGreen Ecology, dated 5 March 2026, page 3

Organisation or person	Response from Winstone Aggregates	Response from DOC
	The values in the DOC-Get areas, swamp maire aside, are better with more areas of mature forest and Ramarama and rare habitat types. ¹⁴⁷	Ramarama is identified as a species for revegetation of Dry Creek in DOC's recommended conditions with a minimum of 500 plants. Any successful planting of this species will increase the numbers of this species.
While moving the southern part of the western boundary eastwards to exclude fourteen 6-10m maire tawake is good, deposition of the quarry overburden upstream will alter the hydrology of the site and very likely kill the trees regardless	The modification of hydrological drainage patterns is not proposed as part of Land Exchange application to the Director-General. This application is made as a preliminary step for resource consent, to allow for the Director-General to prepare a report. Consideration of adverse effects on the environment will be addressed as part of the resource consent approvals that will be sought under the substantive application.¹⁴⁸ These effects arise from the development of the proposed overburden disposal area, rather than the land exchange, and accordingly will be assessed in detail at a later stage.¹⁴⁹	The future use of the DOC-Give area could not be considered as part of the freshwater ecology assessment.
- The ecological offset proposal to plant 200 maire tawake in Southern Gully is a reasonably positive action - The loss of ecologically complex forest, wetland, and loss of mature flowering and fruiting plants is not adequately compensated	The establishment of 200 new swamp maire in the southern gully is not an ecological offset, it is part of an improvement to provide a net benefit to conservation values in favour of DOC. The	This rate of compensation as proposed by the Applicant for the loss of swamp maire is insufficient. DOC recommends a 1:200 replacement ratio for swamp maire. If successful this will result in

¹⁴⁷ Ecology Addendum, BlueGreen Ecology, dated 5 March 2026, pages 2,8 and 10

¹⁴⁸ Planning memorandum, Jade Wikaira dated 5 March 2026 at [3.90]

¹⁴⁹ Ecology Addendum, BlueGreen Ecology, dated 5 March 2026, page 4

Organisation or person	Response from Winstone Aggregates	Response from DOC
by a gain of regenerating scrub and a grove of young saplings - Does not consider there is 'net ecological gain' from destroying 24 of healthy in-situ trees, along with their habitat, and replacing them with 200 young plants to be managed for five years - Doubts transferring nine swamp maire will be successful	action is to cause a net gain from the land exchange.¹⁵⁰ The plan is to safe guard against the possible failure of the proposed transplantation of the swamp maire. If the transplantation does succeed there will be a significant net gain in swamp maire and increased distribution in the local area. In addition, there will be cuttings taken from the affected trees (there is no swamp maire forest) for plant establishment to try to save the genetic material, this will include also taking seed from those affected maire too.¹⁵¹ The proposal to use the DOC-Give area as a site for an overburden disposal area is to be assessed at the substantive application stage, when Winstone will be seeking resource consents and other approval types to enable the overburden disposal and associated activities.¹⁵²	1,800 additional swamp maire. The conditions require the seeds to be eco-sourced, and the propagation of the seedlings is recommended as a pre-condition.
- The land exchange would be a net loss to biodiversity in the Wellington region and set back an area of Belmont Park's regeneration by decades. - The ecological report underrepresents the biodiversity value of the DOC land and overstates that of the Winstone Quarry.	Considers the entire exchange proposed will result in a net benefit in favour of the Conservation Estate. The outstanding value in the exchange is the swamp maire has been balanced by the improvement of establishing 200 swamp maire.	Based on the conservation values of the sites (without taking into account proposed improvements through conditions), there would be: no net gain for biodiversity - flora and recreation;

¹⁵⁰ Legal memorandum dated 5 March 2026 at [86-87]; Ecology Addendum, BlueGreen Ecology, dated 5 March 2026, page 4

¹⁵¹ Ecology Addendum, BlueGreen Ecology, dated 5 March 2026, page 4

¹⁵² Legal memorandum dated 5 March 2026 at [84]

Organisation or person	Response from Winstone Aggregates	Response from DOC
	The conservation values of the DOC Get land are further supported by the presence of tawa kahikatea forest within the northern gully, which is regionally rare.¹⁵³	b. no difference (and therefore no net gain) for cultural heritage values and freshwater ecology values; and c. a net benefit for landscape and natural character and terrestrial fauna. This assessment changes slightly upon consideration of the improvements offered by the Applicant, with an increase in the conservation values of landscape, terrestrial fauna and botanical and vegetation elements for particular DOC-Get sites. The improvements offered by the Applicant do not result in an overall change in net gain however.
Questions the location of the acoustic recorders and considers there would be little change to the avifauna ecological values	Explained where the acoustic recorders were located and the habitat each was sampling from.¹⁵⁴	This is addressed in paragraphs 28-29 of Dr Burns' assessment of terrestrial fauna. He notes the drawbacks of understanding the avian value of a site by relying on sound alone as some species rarely verbalise, particularly outside of the breeding season or away from nests so will not be recorded using this method. He considers that the areas of tawa-kāmahi forest, hīnau-kāmahi forest, pukatea-rewarewa forest and pukatea-tawa forest in the Northern Gully and the small area of tawa-kāmahi forest in the Firth block should offer better quality

¹⁵³ Ecology Addendum, BlueGreen Ecology, dated 5 March 2026, page 4

¹⁵⁴ Ecology Addendum, BlueGreen Ecology, dated 5 March 2026, page 6

Organisation or person	Response from Winstone Aggregates	Response from DOC
		native bird than most areas present in the DOC-Give site.
- The DOC-Give site has significant biodiversity, harbours several nationally threatened species, and has a long history of natural regeneration. - The land held by Winstone is in its earliest stages, has minimal biodiversity value, and will require significant investment for many years to achieve parity with other parts of the park.	Considers the entire exchange proposed will result in a net benefit in favour of the Conservation Estate. The outstanding value in the exchange is the swamp maire (predominantly in the DOC-Give), this has been balanced by the improvement being offered that provides for establishing 200 swamp maire in the DOC-Get area. The conservation values of the DOC Get land are further supported by the presence of tawa kahikatea forest within the northern gully, which is regionally rare.¹⁵⁵	As shown in the various technical assessments, there are some conservation values that score higher for DOC-Get sites than the DOC-Give.
Wellington Conservation Board		
- Prioritising avoidance of effects should be the principal concern in considering the application - Areas containing swamp maire and other scarce indigenous species and ecosystems should be protected wherever practicable	This project has the potential to substantially increase the population of swamp maire in the Region and provides an excellent opportunity for restoration, study and research into the species. The improvement package is a conservation gain.¹⁵⁶	The test in the FTAA for land exchange applications is not to avoid effects, but the point is noted. The conditions have been crafted to improve the conservation values. DOC recommends a 1:200 replacement ratio for swamp maire. If successful this will result in 1,800 additional swamp maire. The conditions require the seeds to be eco-sourced, and the propagation of the seedlings is recommended as a pre-condition.

¹⁵⁵ Ecology Addendum, BlueGreen Ecology, dated 5 March 2026, pages 4-5

¹⁵⁶ Ecology Addendum, BlueGreen Ecology, dated 5 March 2026, pages 7

Organisation or person	Response from Winstone Aggregates	Response from DOC
- Landscape-scale ecological connectivity and catchment-level hydrological considerations must be adequately addressed - Assessment of landscape-scale ecology within the park, and surrounding catchment would be helpful	The landscape assessment has already considered the exchange at a landscape character area scale (Belmont Hills and Western Escarpment) and treats landscape as a connected, integrated environment where changes in one area can influence wider patterns, views and the sense of openness / enclosure. In this context, the exchange results in a slight increase in visible land and waterways along the Western Escarpment to be incorporated within the Conservation Estate, strengthening the continuity of vegetated gully and spur systems.¹⁵⁷	The advice to DOC includes assessments on: - Landscape - Ecological – including freshwater, terrestrial fauna and flora A land exchange will not result in any change in hydrology, although this would be a relevant consideration for the substantive application.
It is hard to envisage how the proposed swap could provide land that is ecologically valuable as the park land considered for exchange	The DOC- Get land is part of the wider Belmont hills landform and biogeographical condition, it is not alien to the park and offers a rare larger wetland area. It has ecological value. The substantive RMA application will address the loss and relocation of swamp maire arising from the development of the overburden area. A full offset package will be developed for the loss or impact arising from that development, as part of the RMA approvals, to address those effects at that point.¹⁵⁸	The DOC assessments have assessed ecology in terms of: - Freshwater; - Terrestrial fauna; and - Flora Based on the conservation values of the sites (without taking into account proposed improvements through conditions), there would be: - no net gain for biodiversity - flora and recreation;

¹⁵⁷ Memorandum on landscape, Rhys Girvan dated 3 March 2026, pages 3-4

¹⁵⁸ Ecology Addendum, BlueGreen Ecology, dated 5 March 2026, page 7

Organisation or person	Response from Winstone Aggregates	Response from DOC
		b. no difference (and therefore no net gain) for cultural heritage values and freshwater ecology values; and c. a net benefit for landscape and natural character and terrestrial fauna. This assessment changes slightly upon consideration of the improvements offered by the Applicant, with an increase in the conservation values of landscape, terrestrial fauna and botanical and vegetation elements for particular DOC-Get sites. The improvements offered by the Applicant do not result in an overall change in net gain however.
Supports attempting to translocate 9 of the swamp maire to another location	While it is experimental, it is a very worthwhile attempt and will provide useful insight into the species.¹⁵⁹	Mr Ward has concerns about the viability of this. This is one of the reasons DOC recommends a 1:200 replacement ratio for swamp maire. If successful this will result in 1,800 additional swamp maire.
Sourcing suitable native species for replanting should be incorporated into plans	Consider that there is a suitable source of plants available locally.¹⁶⁰	Eco-sourced only can be accepted, as this is Greater Wellington Regional Council policy as the land managers. The requirements for eco-sourced species has been included in DOC's recommended conditions.
The timeframe and certainty of weed and pest control, and regeneration efforts is an important consideration for assessing overall conservation outcomes	Agree that weed and pest management are offered and for a suitable period.	DOC agrees and has put effort into crafting conditions that will ensure sufficient weed and pest control and restoration planting.

¹⁵⁹ Ecology Addendum, BlueGreen Ecology, dated 5 March 2026, page 7

¹⁶⁰ Ecology Addendum, BlueGreen Ecology, dated 5 March 2026, page 7

Organisation or person	Response from Winstone Aggregates	Response from DOC
- The offset proposal does not clearly specify the duration propagation and planning swamp maire, or how security of long-term funding would be protected - Restoration, pest control, and offsets must be secured, legally and financially, for the lifespan of the quarry (assumed 30-40 years)	The improvement package is a conservation gain, not an offset for a loss or removal of vegetation. This is a valuable conservation opportunity. Agree that 30-40 years is an appropriate time for Winstone's (the beneficiary of the land swap) to manage the swamp maire offered in the southern gully. land).¹⁶¹	Similarly DOC recommends the propagation of 1,800 swamp maire eco-sourced seedlings as a pre-condition of the land exchange. Written into the conditions is a minimum success rate to ensure an appropriate level of replacements for the loss of the 9 mature swamp maire.
If the exchange proceeds, it presents an opportunity for research relating to translocation of species, restoration efforts and changes in soil ecology over time	Agree that the exchange presents a considerable conservation opportunity to create a large swamp maire forest . This restoration project provides an excellent opportunity for research and further learning of this species and would support measures to ensure this is provided for in the development of the planting and management plan.¹⁶²	DOC agrees that it does present a research opportunity although Mr Ward has reservations about the likelihood of successful relocation of swamp maire.
- Finding a mechanism to honour the multi-generational commitment of volunteers in the park should be a key consideration in assessing the community impact - Growing native species for restoration activities, in conjunction with community organisations, including iwi, may provide an opportunity to further contribute to promotion of conservation values	The Applicant refers to the Ecological Restoration Plan, and states that allowance could be made for the integration and involvement of the community into the development of this plan and restoration planting. Given the interest of Friends and Botanical Society in swamp maire, provision could be made for their involvement in the development of this plan. ¹⁶³	DOC agrees that the Ecological Restoration Plan presents an opportunity to meaningfully involve mana whenua in restoration efforts. DOC would support the wider community being involved in conservation efforts also.

¹⁶¹ Ecology Addendum, BlueGreen Ecology, dated 5 March 2026, page 7

¹⁶² Ecology Addendum, BlueGreen Ecology, dated 5 March 2026, page 8

¹⁶³ Planning memorandum, Jade Wikaia dated 5 March 2026 at [3.35]

Organisation or person	Response from Winstone Aggregates	Response from DOC
The potential loss of amenity value and recreational opportunity should also be considered	Off-track opportunities are common in most areas within the Regional Park and there are no indications that the study area is particularly unusual. The track counter data is very likely to have counted all those accessing this area of the park via Buchanan's Road, including those not using Strava. The site visit did not reveal any "well marked connecting paths" and remain of the view that it is not developed for general recreation. These were also not identified in the Xyst review. Well marked paths should be patently obvious.¹⁶⁴ Improvements offered in the exchange process must focus on the parcels of land being exchanged. The existing environment reflects no expectations for new recreation developments in the parcels under consideration.¹⁶⁵	Acknowledged and covered in the Recreation Technical Report.
Supports incorporating mitigation efforts into a multi-generational, multi-organisation restoration plan for the park	The ecological improvements that are proposed as part of the land exchange will contribute to the restoration of values in the park and its surrounds. The Applicant is unaware of the other processes underway, but agree that there may be opportunity for collaboration.¹⁶⁶	The conditions require that the Ecological Restoration Plan be approved by DOC as a pre-condition. The Ecological Restoration Plan presents an opportunity to meaningfully involve mana whenua in restoration efforts. DOC would support the wider community being involved in conservation efforts also.

¹⁶⁴ Memorandum on recreation, Rob Greenaway dated 5 March 2026 at [14-16]

¹⁶⁵ Memorandum on recreation, Rob Greenaway dated 5 March 2026 at [10-11]

¹⁶⁶ Ecology Addendum, BlueGreen Ecology, dated 5 March 2026, page 8

***Appendix 3 – Comments received on the draft report
[placeholder]***

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Appendix 4 – Technical advice to DOC

- Appendix 4A – Botany, M Ward
- Appendix 4B – Terrestrial fauna, Dr R Burns
- Appendix 4C – Landscape and natural character, J Head
- Appendix 4D – Freshwater ecology, J Williams
- Appendix 4E – Recreation, M Harbrow
- Appendix 4F – Heritage, R Nester

DRAFT

Appendix 4A – Botany, M Ward

[Separate document]

DRAFT

Appendix 4B – Terrestrial fauna, Dr R Burns

[Separate document]

DRAFT

Appendix 4C – Landscape and natural character, J Head

[Separate document]

DRAFT

Appendix 4D – Freshwater ecology, J Williams

[Separate document]

DRAFT

Appendix 4E – Recreation, M Harbrow

[Separate document]

DRAFT

Appendix 4F – Heritage, R Nester

[Separate document]

DRAFT

Appendix 5 – Legal Memorandum

DRAFT

BEFORE THE PANEL

IN THE MATTER of the Fast-track Approvals Act 2024 (**FTAA**)

AND

IN THE MATTER of an application for land exchange by Winstone Aggregates under section 33 of the FTAA for the Belmont Quarry Development Project.

APPLICATION NO. FTAA-2603-L003 – Belmont Quarry Development – Land Exchange

**LEGAL MEMORANDUM – ANNEXURE TO REPORT PREPARED BY THE DIRECTOR-GENERAL OF
CONSERVATION UNDER SECTION 35 OF THE FAST-TRACK APPROVALS ACT 2024**

29 May 2026

Barrister Instructed:

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MAY IT PLEASE THE PANEL:

Introduction

1. This memorandum addresses the issue of what law the Panel's decision should be under with regard to the Fast-track Approvals Act 2024 (**FTAA**) as amended by the Fast-track Approvals Amendment Act 2025 (**FTAAA**). This issue arises because under the FTAAA the matters for the Department and the Panel for an exchange have been amended.

The change in provisions - purpose

2. The FTAAA sets out in s 55 the provisions that have changed. Without listing all detailed adjustments, the key changes to Schedule 6 are:
 - 2.1 For referral applications, in cl 23 in describing the conservation values, rather than just explaining why the exchange would benefit the conservation estate, there is a need to include the details of anything registered or noted for conservation purposes on the record of title for the land to be acquired by the Crown.
 - 2.2 Clause 26(1)(a) (which required a comparison of conservation values), to be replaced with more description, including when considering the conservation values of the land concerned:
 - 2.2.1 How threatened or abundant they are.
 - 2.2.2 A comparative assessment of the values that relate to each area of land concerned.
 - 2.2.3 An explanation of why the exchange would benefit the conservation estate.
 - 2.2.4 The impact of anything registered or noted for conservation purposes on the record of title for the land.
 - 2.3 For the Panel, changes to cl 29 including:
 - 2.3.1 Replacing "land managed by the Department of Conservation" with "conservation areas and Crown-owned reserves considered as a whole"
 - 2.3.2 Adding a new cl 29(2A), which provides: "When considering the conservation values of the land to be acquired by the Crown, for the purpose of forming its view under subclause (2), the Panel must discount the extent to which the conservation values of that land are affected by anything registered or noted for conservation purposes on the record of title for that land." This final change is arguably the most significant of the various amendments outlined above and in the FTAAA.
3. There is little guidance in the Select Committee material and Departmental Report on these amendments.¹⁶⁷ The Departmental Report provides the Government's overall intention is for the changes to commence as soon as practicable, to ensure the benefits from the amendments are

¹⁶⁷ The Select Committee Report does not address this point, simply noting in respect to transitional provisions that:
Include commencement and transitional provisions—The Government intends to set specific commencement dates for different provisions in the bill and include transitional provisions. These suggested provisions are set out in Appendix 2 of the departmental report (See departmental report pp 82–84 and Appendix 2). Broadly, the Government proposes that:
- amendments that would not require the EPA to make updates to its systems would come into effect the day after Royal assent
- amendments that would require the EPA to update its systems would come into effect on 31 March 2026
- further transitional provisions would be added to avoid adverse effects on applicants, commenters, and expert Panels for applications that are currently in train. (Refer to page 13 Select Committee Report on the Amendment Bill).

embedded in the system as soon as possible.¹⁶⁸ This could justify having the amendment not apply to an exchange application that is about to be filed, yet, with the passage of time, for the adjusted test applying to the Panel's substantive consideration.

4. The Table at the back of the Departmental Report confirms the transitional provisions will have two transition points, to ensure applicants are not adversely affected.¹⁶⁹ This also indicates that, with the expanded powers available to the Panel to seek more information, it is not unreasonable for the later substantive consideration to be subject to the enhanced test.
5. In making these changes, the legislation appears to be balancing applications about to be made or in train, against requiring significant rework before being considered. This was enabled by having the ability to have the report from the Director-General under the old law and, if any changes are significant, the Panel will determine them or seek further information.
6. A related matter is whether discounting is required under the "old" section 29(2). As this note sets out below, the law applies as it stood when the application was made. That requires consideration of whether the exchange will enhance the values of land managed by the Department. Arguably, this is not the same as applying a discounting with respect to the areas already protected.

The Report by the Director-General on the exchange

7. The pre-amendment provisions in the FTAA apply to the Director-General's exchange report (and the attached exchange report has been prepared on that basis):
 - 7.1 In preparing the Director-General's report on Belmont's exchange application under cl 26 of Schedule 6 to the FTAA the Department must do so in accordance with the FTAA provisions as they were immediately before the "first commencement date" (17 December 2025) (refer to FTAA schedule 1, clauses 5 and 6(1)).
 - 7.2 "Application" is defined in cl 5 to include both land exchange applications and substantive applications – the application already lodged with the Department being an exchange application, but not a substantive application.
 - 7.3 The FTAA, as it was before the 17 December 2025 amendments came into force, continues to apply to an exchange application lodged before 17 December 2025. Winstones' exchange application was lodged before 17 December 2025, so the old law applies to the exchange application report prepared by the Department.

The substantive application and consideration

8. The Panel will need to determine if it substantively is under the old or new law, as outlined below, and then make a decision on whether the report fundamentally provides all of the information required to make a decision under the FTAA, noting in particular the tests at clauses 29(1), (2) and (2A) above.
9. With respect to the substantive consideration of the proposed exchange by the Panel, the key provisions provide:
 - 9.1 Under s 35(9) of the FTAA there is no discretion, an applicant must not lodge a substantive application for an exchange for a project until they receive the report of the Director-General on the land exchange. That hasn't been provided, so Belmont is not yet entitled to lodge a substantive application. Noting "substantive application" means an application under s 42 of the

¹⁶⁸ FTAA Bill, Departmental Report, page 83.

¹⁶⁹ FTAA Bill, Departmental Report, page 88.

FTAA for one or more approvals for a listed or referred project.

- 9.2 An application, if it includes an exchange, must comply with s 35(9) – see s 42(8). It is clear an application for a substantive application cannot be lodged until the report is provided by the Department under s 35 if it involves a land exchange.
- 9.3 As a substantive application has not been lodged, the savings provisions in clauses 5 and 6 of Part 2 of Schedule 1 (as inserted by the FTAAA) will not apply to it. Rather, cl 8 of Schedule 1 and the new FTAA provisions that came into force on 31 March 2026 (“second commencement date” as per cl 5 of Schedule 1) will apply to any substantive application Winstone makes. The old law will not apply to their substantive application.
- 9.4 These provisions mean that, when the decision is made by the Panel on the substantive application, all of the new exchange provisions that will be in force will apply. This includes new clause 29(2A) inserted by s 55(12) FTAAA, which will require the Panel in considering the conservation values of the land to be acquired by the Crown, to discount the extent to which the conservation values of that land are affected by the QEII covenant on the title for that land.
10. The applicant asserts that a relevant consideration in this case is cl 27 to Schedule 6. Clause 27 provides that the information required for the land exchange is the application and the report from the Director-General (provided under s 35). The clause makes clear that nothing more can be provided under s 43 (cl 27(b)). Superficially this suggests the total information that the Panel will have is the application and Director-General exchange report and, since they must be under the old law, it cannot be the case that the Panel can consider anything further.
11. However, this is not correct for the reasons in this advice and as set out below.
 - 11.1 The criteria in cl 26 pre-amendment are broad enough to enable the Panel to apply the new provisions in cl 29 and 29(2A) in particular.
 - 11.2 It is an oversimplification to say an absurd result will arise if the Panel’s decision on the exchange is made under the new law. A key addition for the Panel in considering the exchange is cl 29(2A), noted above. Adding this consideration to the decision would not seem particularly onerous and would be able of being considered with the report as provided. The report has been carefully prepared to enable the Panel to consider what the position would be if the values attributed to the QEII land were discounted from the exchange consideration.
 - 11.3 If the Panel were to consider that the new provisions apply (as we consider it must), but thought it needed further information, there are mechanisms under the FTAA for that to be sought from the Department. For example, s 68 specifically provides that the Panel may request from the Director-General of Conservation any information on any issue relating to an application for land exchange.
12. When the Panel receives the Department’s exchange report, it will need to determine what law applies when making its decision under s 81 and whether, having made that decision, it needs further information from the Department. More information or advice could be sought on the implications under s 67, or s 68 of the FTAA.
13. Finally, it would seem difficult to argue the old provisions apply to the Panel and its consideration, but that these must be limited to the exchange. There are a range of generic provisions that have been amended, and it would arguably create more complexity and absurd consequences if the Panel was part in, and part out, of the old and new law.



Shona Bradley / Jeremy Prebble
Counsel for the Director-General of Conservation
29 May 2026

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Appendix 6 – Draft conditions proposed by the Applicant

Proposed Draft Pre-conditions for land exchange (cl.31 sch.6)

To prepare the land for exchange, the following draft pre-conditions are proposed under schedule 6, clause 31:

- (1) The Minister or his delegate acting reasonably to review and approve the survey plan prepared by the Applicant to define the exchange land within 20 working days of receiving the plan.
- (2) The Applicant obtaining (on terms satisfactory to itself and the Minister of Conservation or his delegate) all consents and approvals required to separately define the Applicant's land and to enable ownership of Fletcher Infrastructure and Concrete Limited's land to be transferred to the Crown. The Applicant's land will be provided free of all encumbrances and interests, except for the following interests that must remain in place and brought down into the new titles:
 - a. Open Space Covenant Pursuant to Section 22 of the QEII National Trust Act 1977 (Lot 1 DP60552 and Part Lot 1 DP22561 – Creating document 10476608.1);
 - b. Encumbrance for Vegetation Protection Part Lot 1 DP22561 (Creating document 9032630.1);
 - c. Right of way over Part Lot 1 DP 28205 (Creating Document 701267); and
 - d. Easement in Gross -Quarrying effects, shown on Lots 4,5 and 100DP322126, burdened land Lots 4,5 &100 DP 322126 (creating document 583385.5) and vested as a reserve subject to the Reserves Act 1977 [with the reserve classification to be consistent with the classification specified by the Panel].
- (3) The Applicant obtaining (on terms satisfactory to itself) and the Minister of Conservation or his delegate) all consents and approvals required to separately define the Reserve land and to enable ownership of the Reserve land to be transferred to the Applicant as fee simple land. The Crown land will be provided free of all encumbrance and interests and without a reserve classification.
- (4) In preparing the land for exchange the Applicant must install 60m of fence set back 6m from the Firth Block pit face in the location shown on Drawing W15069_Land_Exchange_Concept Boffa Miskell 1 December 2025.
- (5) Obtain full discharge/withdrawal of Encumbrance for Vegetation Protection Part Lot 1 DP22561 (Creating document 9032630.1) and necessary approval of Hutt City Council.
- (6) For avoidance of doubt all costs associated with complying with conditions 1-5 shall be met by the Applicant.
- (7) Winstone shall register the appropriate easements as shown on Scheme Plan SC-02 (Appendix B10a) including but not limited to:
 - a. Easement Z (Right of Way) for the purpose of conservation activity and maintenance undertaken by DOC or its agents. The Grantee shall have the full and unrestricted right of access, including the right to enter, pass, and repass on foot or by vehicle or machinery, together with its employees and contractors, for the sole purpose of accessing adjoining conservation land for inspection and maintenance related to conservation purposes. Public access is expressly excluded unless otherwise agreed in writing by the Grantor. The Grantee shall have the right to carry out inspection, maintenance, repair, and improvement works on any tracks, roads, or structures within Easement Z as reasonably required for conservation purposes.

Draft Proposed Conditions (Cl.32 Sch.6)

To prepare the land for exchange, the following draft conditions are proposed under schedule 6 clause 32:

1. The land being given by the Crown by way of exchange will be subject to no reservation, classification, interest or encumbrance.
2. The Applicant's land will be provided to the Crown free of all encumbrances and interests, except for the following interests that must remain in place. These must be specified in the Gazette Notice and brought down into the new titles:
 - a. Open Space Covenant Pursuant to Section 22 of the QEII National Trust Act 1977 (Lot 1 DP60552 and Part Lot 1 DP22561 – Creating document 10476608.1).
 - b. Right of way over Part Lot 1 DP 28205 (Creating Document 701267); and
 - c. Easement in Gross-Quarrying effects, shown on Lots 4, 5 and 100 DP 322126, burdened land Lots 4, 5, & 100 DP 322126 (creating document 583385.5)
3. The Applicant is required to undertake the following improvement works for a period of 5 years as part of ensuring that the land exchange will enhance the conservation values:
 - a. Northern Gully
 - i. Undertake 5.7 ha of pest animal management (goat and possum) control in the Northern Gully Tawa-Kamahi Northwestern Forest and Eastern Pukatea Forest.
 - ii. Undertake 6.3 ha of weed management of old man's beard, tradescantia and exotic canopy trees and pest management (possum) in the Northern Gully Cottle Block.
 - b. Southern Gully
 - i. Undertake 3.6 ha weed control, and plant swamp maire, in the Southern Gully block.
 - c. Dry Creek
 - i. At Dry Creek, undertake weed control over an area of 1.85 ha, and replanting of native species over an area of 0.80 ha.
 - d. Firth QEII Block
 - i. Undertake 9.6 ha of Pest Management including targeted rodent control around the water body boarding the Park, OBDA and Firth Block (Farm Pond) for a period of 10 years.
4. The Applicant is required to undertake the following works:
 - a. Active indigenous re-vegetation of 10 m band along quarry edge with Olearia, kamahi and kānuka mix (as requested by QEII National Trust) to better manage quarry edge effects and agreed by Winstone.
5. The Applicant shall develop an Ecological Restoration Plan. The purpose of the Ecological Restoration Plan is to detail how compliance with Conditions 3 and 4 are achieved. The ERP shall address as a minimum:
 - a. A maintenance plan for all new planting.
 - b. Defined funding allocations and timelines.
 - c. Annual reporting for the first five years.

- d. Methods and specifications as to how the improvements listed in (3) and (4) are to be achieved.

- 6. The Ecological Restoration Plan shall be developed and implemented in consultation with Taranaki Whanui ki te Upoko o Te Ika and integrate mātauranga Māori measures alongside ecological science to guide monitoring and restoration. Design and implementation of the ERP may facilitate a pest plant management programme at Dry Creek to restore indigenous vegetation, opportunities for wānanga and educational activities alongside restoration efforts, and the opportunity to ethically harvest fallen Swamp Maire materials for cultural practices.

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Appendix 7 – Draft conditions recommended by DOC

Draft conditions proposed by Winstone and amended by DOC.

This approval for land exchange is conditional until the Minister of Conservation is satisfied that **Conditions 1 to 43** below (being pre-conditions imposed in accordance with clause 31 of Schedule 6 of the Fast-Track Approvals Act 2024) are complied with.

Proposed Draft Pre-conditions for land exchange

To prepare the land for exchange, the following pre-conditions are imposed under schedule 6, clause 31:

1. A draft survey plan shall be prepared by the Approval holder and provided to the Minister of Conservation for his review and feedback at least 20 working days before a finalised survey plan is submitted (as required by **Condition [2]**).
2. The Minister or his delegate acting reasonably will review and approve a finalised survey plan prepared by the Approval holder to define the exchange land.
3. The Approval holder shall obtain all consents and approvals required to separately define the Applicant's land and to enable ownership of that land to be transferred to the Crown. The Approval holder's land will be provided free of all encumbrances and interests, except for the following interests that must remain in place and be brought down onto the new titles:
 - a. Open Space Covenant Pursuant to Section 22 of the QEII National Trust Act 1977 (Lot 1 DP60552 and Part Lot 1 DP22561 – Creating document 10476608.1);
 - b. Right of way over Part Lot 1 DP 28205 (Creating Document 701267); and
 - c. Easement in Gross -Quarrying effects, shown on Lots 4,5 and 100DP322126, burdened land Lots 4,5 &100 DP 322126 (creating document 583385.5).
4. The Approval holder shall obtain all consents and approvals required to separately define the Reserve land and to enable ownership of the Reserve land to be transferred to the Applicant as fee simple land. The Crown land will be provided free of all encumbrances and interests and without a reserve classification.
5. In preparing the land for exchange the Approval holder must install 60 metres of fence set back 6 metres from the Firth Block pit face in the location shown on Drawing W15069_Land_Exchange_Concept Boffa Miskell 1 December 2025 for public safety

from the quarry pit edge. The design of the fence is to be submitted for approval by the Minister of Conservation prior to construction.

Encumbrances

6. The applicant will transfer its estate and interest in the First Land to the Minister free from all leases and tenancies and discharged from all mortgages, charges, and other encumbrances other than those listed in **Condition [3]**.
7. The Approval holder must obtain full discharge/withdrawal of Encumbrance for Vegetation Protection Part Lot 1 DP22561 (Creating document 9032630.1).

Costs

8. For avoidance of doubt all costs associated with complying with **Conditions [1-7]** shall be met by the Approval holder.
9. The Approval holder must pay the Minister's costs and expenses of, and incidental to, preparing and signing the Exchange Agreement or any extension or variation of it, including surveying, conveyancing and legal costs.
10. The Approval holder must pay to the Minister all costs associated with the Minister's work to give effect to the Exchange Agreement, determined at the standard rates then applying in the Department of Conservation for cost recovery.
11. The Approval holder must pay in full immediately and on demand all costs and fees (including solicitors' costs and fees of debt collecting agencies engaged by the Minister) arising out of and associated with steps taken by the Minister to enforce or attempt to enforce the Minister's rights and powers under the Exchange Agreement including the right to recover outstanding money owed to the Minister.

Easements

12. The Approval holder shall survey and register the appropriate easements as shown on Scheme Plan SC-02 (Appendix B10a) including but not limited to:
 - a. Easement Z (Right of Way) for the purpose of conservation activity and maintenance undertaken by DOC or its agents. DOC shall have the full and unrestricted right of access, including the right to enter, pass, and repass on foot or by vehicle or machinery, together with its employees and contractors, for the sole purpose of accessing adjoining conservation land for inspection and maintenance related to conservation purposes. Public access is expressly excluded unless otherwise agreed in writing by the Minister of Conservation.

DOC shall have the right to carry out inspection, maintenance, repair, and improvement works on any tracks, roads, or structures within Easement Z as reasonably required for conservation purposes.

Bonds

13. Before commencing the Activities, the Approval holder must provide either in cash or as a surety bond from a trading bank, insurance company or bond guarantor, a bond set in accordance with **Conditions [14 to 21]**.
14. If a surety bond is the Approval holder's preferred option, the surety must execute in favour of, and on terms acceptable to, the Minister of Conservation, a bond for performance by the Approval holder to the obligations under this agreement.
15. The Minister of Conservation will set the bond or surety bond amount following an independent risk assessment using a methodology set by the Minister.
16. The Minister of Conservation will set the bond amount annually taking into account a bond assessment carried out by an independent expert:
 - a. The bond assessment must take into account this agreement, any calculations and other matters submitted by the Approval holder which are relevant to the determination of the amount.
 - b. The risk assessment undertaken by the independent expert will commence within two months of the issue of an approved Authority to Enter. The Minister shall advise the amount of the bond to the Applicant within one month of receipt of the risk assessment
17. The process used by the Minister of Conservation will be based on:
 - a. The estimated costs (including any contingencies necessary) of rehabilitation in accordance with the conditions of this agreement, on completion of the Activities proposed for the next year and described in Tables 1-3;
 - b. Any further sum which the Minister considers necessary to allow for remedying any adverse effect on the environment that may arise from the exercise of this agreement;
 - c. The estimated costs of monitoring, in accordance with the monitoring conditions of this agreement until completion of this agreement; and
 - d. Any further sum which the Minister consider necessary for monitoring any adverse effect on the environment that may arise from the exercise of this agreement including monitoring anything which is done to avoid, remedy, or mitigate an adverse effect.

18. The bond or surety amount may be reviewed at the discretion of the Minister of Conservation at any time. Such review is to follow an independent risk assessment using a methodology set by the Minister.
19. The assessment in **Condition [18]** must use the assessment method in **Conditions [16 and 17]**.
20. The cost of any independent risk assessment or review must be paid by the Approval holder within 10 working days of being given a notice by the Minister of Conservation.
21. Alternatively, the cost of any independent risk assessment or review must be paid by the Approval holder upon receipt of an invoice.
22. Notwithstanding the variation (including as to term), expiry, surrender, or termination of this agreement, the bond is to remain in full force and effect until such time as all the Approval holder's obligations under this agreement have been complied with to the satisfaction of the Minister.
23. If the Approval holder breaches or fails to carry out any condition of this agreement, or in carrying out the Activities there arise adverse effects not authorised or reasonably foreseen in this agreement, the Minister may call on the bond or any portion of it to ensure compliance with the conditions or to remedy or mitigate those adverse effects.

Fencing

24. In addition to the fencing required by **Condition [5]**, the Approval holder will, at its own cost and to the Minister's satisfaction, construct any boundary fencing required around the land being received.

Biosecurity Act

25. The Approval holder will at its cost ensure that the land to be transferred to the Minister is compliant with any applicable "good neighbour" rules under the Biosecurity Act to the Minister's satisfaction prior to the Settlement Date.

Note: "Settlement Date" refers to that date that the land exchange is mutually agreed upon by the Crown (acting through Land Information New Zealand) and the Approval holder and is recorded in the Agreement for Exchange of Land.

Withdrawal by agreement

26. Up until the Settlement Date, both parties may mutually agree in writing that they no longer wish to proceed with the exchange, in which case the Minister is no longer

obliged to give effect to the exchange, and this agreement otherwise becomes void and of no effect.

Rates

27. There shall be no apportionment of rates or other outgoings paid by the Parties.

Structure and improvements, condition of land

28. The land being acquired by the Approval holder, including any structures or improvements thereon, is transferred and accepted by the Approval holder on an “as is, where is” basis.
29. The Minister accepts no liability (financial or otherwise) in relation to any structure or other improvement on the land being acquired by the Approval holder, including for any remedial, removal, or maintenance costs associated with any structure or improvement.
30. The Minister provides no surety and accepts no liability for any structure or other improvement on the land being acquired by the Approval holder.
31. Unless otherwise instructed by the Minister, the Approval holder will at its cost remove any structures and improvements from the land to be transferred to the Minister and will reinstate any land impacted by removal works.
32. The Approval holder will, at its own cost, ensure any structures and improvements remaining on the land to be transferred to the Minister are safe and lawful.
33. The Approval holder must at its own cost remove all rubbish from the land to be transferred and will reinstate any land impacted by removal works.

Rights of first refusal

34. The Approval holder confirms that any rights of first refusal or similar obligations that may otherwise be triggered by this land exchange have been waived.

Ecological Restoration Plan

35. The Approval holder must submit an Ecological Restoration Plan to DOC for approval. Approval is required to demonstrate that the Ecological Restoration Plan provides the means to achieve the purpose and matters set out in **Condition [37]**.
36. The Ecological Restoration Plan must be prepared by a suitably qualified and experienced ecologist.
37. The purpose of the Ecological Restoration Plan is to:
 - a. reduce weeds on the Northern Gully, Southern Gully, Firth block and Dry Creek sites, including the wetlands, to a minimum of 90% eradication;

- b. protect and improve the condition of indigenous vegetation on the sites;
- c. successfully establish 1,800 swamp maire;
- d. achieve 90% success rate of planted swamp maire so that at least 1620 specimens survive after seven years;
- e. achieve the standards in [Table 1] for weed species;
- f. achieve the standards in [Table 2] for replanting of indigenous vegetation; and
- g. achieve a 90% success rate for newly planted indigenous vegetation after five years (other than swamp maire which has a seven year timeframe).

To achieve this purpose, the Ecological Restoration Plan must include the following:

- h. Measures for how weed control will be undertaken on the sites. The target weed species are those listed in “List of environmental weeds in New Zealand 2024, Kate G. McAlpine and Clayson J. Howell, dated August 2024”;
- i. Measures for managing the introduction of weed plant species to the sites;
- j. Identification of times of year to focus on particular weed control strategies;
- k. Methods for giving effect to the Greater Wellington Regional Pest Management Plan;
- l. Mechanisms to report six-monthly on the results of weed management to the Department of Conservation;
- m. Baseline and ongoing monitoring of threatened plant populations and weed species at the sites;
- n. A planting plan for indigenous species including the timing of plantings;
- o. Adaptive management and restorative measures to ensure the survival of threatened plant populations on the sites.

Table 1. Weed management requirements

Location	Duration of management	Minimum requirement
Northern Gully	5 years	90% eradication of weed species. No exotic canopy tree species
Southern Gully	5 years	90% eradication of weed species.
Dry Creek	5 years	90% eradication of weed species.
Firth block	5 years	90% eradication of weed species.

Table 2: Ecological restoration requirements

Location	Indigenous Species	Minimum area / density / number of specimens	Timeframe and minimum success rate
Southern Gully	Swamp maire	1,800 individual plants to be planted when they reach at least PB3 size with a vegetative minimum height of 600 mm (not including the bag). This is likely to be 2-3 years after propagation of seedlings.	90% success rate in the seventh year following planting on the site.
Dry Creek	A mixture of the following species all eco-sourced: • Pigeonwood (<i>Hedycarya arborea</i>), • Ramarama (<i>Lophomyrtus bullata</i>), • Hebe (<i>Veronica stricta</i> var. <i>stricta</i>), • Kānuka (<i>Kunzea robusta</i>), • Five finger (<i>Pseudopanax arboreus</i>), • Wharangi (<i>Melicope ternata</i>), • Shining karamū (<i>Coprosma lucida</i>), • Thin-leaved coprosma (<i>Coprosma areolata</i>), • Kanono (<i>Coprosma grandifolia</i>), • Karamū (<i>Coprosma robusta</i>)	Replanting of 0.8 ha with indigenous species within three years Minimum 7,000 plants, of which at least 500 must be ramarama.	90% success rate in the fifth year following planting.
Firth block	Kāmahi (<i>Pterophylla racemosa</i>) Kānuka (<i>Kunzea robusta</i>)	Minimum of 1,000 of each species planted within 10 m of the quarry edge within one year The location must avoid the skink mitigation site that was previously established.	90% success rate in the fifth year following planting.

38. The Ecological Restoration Plan shall be developed and implemented in consultation with Taranaki Whānui ki te Upoko o Te Ika and integrate mātauranga Māori measures alongside ecological science to guide monitoring and restoration. Design and implementation of the ERP may facilitate a pest plant management programme at Dry Creek to restore indigenous vegetation, opportunities for wānanga and educational activities alongside restoration efforts, and the opportunity to ethically harvest fallen swamp maire materials for cultural practices. The Approval holder must obtain any necessary approvals required to harvest fallen swamp maire materials.
39. Prior to submitting the Ecological Restoration Plan to DOC, a copy of the draft Ecological Restoration Plan must be provided to Taranaki Whānui ki te Upoko o Te Ika. The Applicant must ensure that all written feedback on the draft Ecological Restoration Plan received from Taranaki Whānui ki te Upoko o Te Ika is provided to DOC when submitted for its approval. This must include a clear explanation of how each comment on the draft Ecological Restoration Plan has been addressed - whether it has been incorporated into the final Plan, and if not, the reasons for its exclusion. The Approval holder will bear all reasonable costs of DOC and Taranaki Whānui ki te Upoko o Te Ika performing their roles in **Conditions [38-39]** in respect of the Ecological Restoration Plan.
40. The Applicant must propagate a minimum of 1,800 eco-sourced swamp maire seedlings.

Mammalian Pest Management Plan

41. The Applicant must submit a Mammalian Pest Management Plan to DOC for approval. Approval is required to demonstrate that the Mammalian Pest Management Plan provides the means to achieve the purpose and matters set out in **Condition [43]**.
42. The Mammalian Pest Management Plan must be prepared by a suitably qualified and experienced ecologist.
43. The purpose of the Mammalian Pest Management Plan is to:
- a. provide details on how pest mammals will be managed on the Northern Gully, Southern Gully, Firth block and Dry Creek sites; and
 - b. achieve the target outcomes shown in **Table 3** below:

To achieve this purpose, the plan must:

- c. Identify measures for how pest management will be undertaken on each site;
- d. Identify times of year to focus on particular pest management strategies;
- e. Identify control targets for each pest species (e.g. using tracking tunnel and camera trap indices);
- f. Give effect to the Greater Wellington Regional Pest Management Plan;

- g. Establish mechanisms to report six-monthly on the results of pest mammal management to the Department of Conservation; and
- h. Set out the details of monitoring programmes for the following, as set out in **Condition [54]:**
 - i. Baseline assessments to determine the current level of pests;
 - ii. Monitoring of pest levels; and
 - iii. Response to achieve the minimum targets set out in Table 3.

Table 3. Mammalian pest control management

Location	Pest Species	Duration	Minimum requirement
Northern Gully Northern Gully Tawa-Kāmahi Northwestern Forest and Eastern Pukatea Forest	Possums Goats Rats	10 years	<1 possum / camera / week < 1 goat contact per 3 hunter days (8 hour days) measured over a year of hunting < 3 rats / camera / week (measured 3 x per year – February, May and November)
Southern Gully	Possums	10 years	<1 possum / camera / week (measured 1x per year)
Firth Block around the water body bordering the Park, OBDA and Firth Block (Farm Pond)	Rodents	10 years	< 3 rats / camera / week (measured 3 x per year – February, May and November) (< 3 mice/camera/week (3 x seasonally per year)
Northern Gully and Firth Block	Hedgehogs	10 years	< 3 hedgehogs/ camera/week (Oct-March only – measures in November and February
All sites	Mustelids	10 years	< 2 mustelids/ camera/week (3 x per year – February, May, November)
Northern Gully and Firth Block	Feral cats	10 years	< 2 cats/camera/week (3 x per year – February, May, November)

Proposed Draft Conditions (Cl.32 Sch.6)

To prepare the land for exchange, the following conditions are imposed under schedule 6 clause 32:

44. The land being given by the Crown by way of exchange will be subject to no reservation, classification, interest or encumbrance.
45. The Approval holder's land will be provided to the Crown free of all encumbrances and interests, except for the following interests that must remain in place. These must be specified in the exchange Gazette Notice and brought down onto the new titles:
 - a. Open Space Covenant Pursuant to Section 22 of the QEII National Trust Act 1977 (Lot 1 DP60552 and Part Lot 1 DP22561 – Creating document 10476608.1).
 - b. Right of way over Part Lot 1 DP 28205 (Creating Document 701267); and
 - c. Easement in Gross-Quarrying effects, shown on Lots 4, 5 and 100 DP 322126, burdened land Lots 4, 5, & 100 DP 322126 (creating document 583385.5)

Ecological Restoration

46. The Approval holder must undertake the anticipated activities in accordance with the approved Ecological Restoration Plan prepared in accordance with **pre-Conditions [35-38]** above at all times.
47. The Ecological Restoration Plan may be amended by the Approval holder at any time, provided the amendments are:
 - a. for the purpose of improving the efficacy of the management of weeds;
 - b. for the purpose of providing for better planting and maintenance methodology(s). This may include substituting plant species if it is found that a more appropriate plant species is better suited to this environment, whilst achieving biodiversity enhancements;
 - c. for the purpose of applying best practicable measures;
 - d. consistent with the conditions of this approval; and
 - e. submitted in writing to DOC for its approval, prior to any amendment being implemented.
48. All plants must be eco-sourced plants from local trees within the Wellington Ecological District and must be from a nursery or nurseries that have been approved by **[insert role]** at Greater Wellington Regional Council.
49. At the time of planting, plants must be no smaller than PB2 with the root ball completely filling the planter bag, the plants must not be root-bound, and the root ball and planter bag must be free of weeds.

50. Slow-release fertiliser tablets must be included at the rate recommended by the manufacturer with every plant, at the time of planting.
51. All plants must be planted with locally sourced and certified weed free mulch, to suppress weeds and retain moisture.

Mammalian Pest Management

52. The Approval holder must implement, and undertake activities in accordance with, the approved Mammalian Pest Management Plan at all times.
53. The Mammalian Pest Management Plan may be amended at any time, provided the amendments are:
 - a. only for the purpose of improving the efficacy of the management of pest mammals; or
 - b. for the purpose of applying best practicable measures to manage, monitor and report on pest mammals; and
 - c. consistent with the conditions of this approval; and
 - d. submitted in writing to DOC for approval, prior to any amendment being implemented.
54. The Approval holder must undertake the following monitoring of mammalian pest management:
 - a. Baseline monitoring: Prior to the commencement of mammalian pest management required by **Condition [52]**, pest monitoring must be undertaken to establish baseline data on pest animal densities of target species;
 - b. Reduction target monitoring: Commencing one year following the implementation of mammalian pest management required by **Condition [52]**, reduction target monitoring must be undertaken at times as outlined in Table 3 to verify that the reduction targets outlined in **[Table 3]** have been achieved for target species; and
 - c. Response monitoring: In the event monitoring required by **Condition [54(b)]** identifies that targets have not been achieved and pest levels are above the thresholds outlined in **[Table 3]**, the Applicant must implement additional mammalian pest management in accordance with the Mammalian Pest Management Plan and then accordingly monitor the result of implementing this additional management.

Contaminated land

55. If, within 12 months of the Settlement Date, the land being received by the Minister of Conservation is found to be contaminated with a previously undisclosed organic or inorganic substance due to previous activities that poses a risk to public health or to the environment, the Applicant will immediately, and at their cost, remedy the situation to the satisfaction of the Minister.

Continuance of rights

56. The rights and obligations of the parties under this agreement continue beyond settlement of this agreement and accordingly those rights and obligations will not merge in the settlement but will continue thereafter with full force and effect.

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