

BEFORE AN EXPERT PANEL

FTAA-2503-1037

UNDER the Fast-track Approvals Act 2024 (**FTAA**)

AND

IN THE MATTER OF a substantive application for approvals for resource consents, a wildlife approval and an archaeological authority under the FTAA by Stevenson Aggregates Limited for the **Drury Quarry Expansion – Sutton Block**

**WRITTEN LEGAL SUBMISSIONS ON BEHALF OF STEVENSON
AGGREGATES LIMITED RELATING TO ITS SUBSTANTIVE APPLICATION
FOR THE DRURY QUARRY EXPANSION – SUTTON BLOCK**

Dated 17 September 2025

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MAY IT PLEASE THE PANEL

1. INTRODUCTION AND OVERVIEW OF PROJECT

- 1.1 These submissions are filed in support of Stevenson Aggregate Limited's proposal to extend its existing quarrying operations at its Drury Quarry in South Auckland. This substantive application is for approvals to construct and operate a new aggregate quarry pit within a block of land known as the Sutton Block, located directly northeast of the existing quarry pit at Drury.
- 1.2 Stevenson is one of New Zealand's leading industry experts in the extraction, processing and distribution of aggregate material. A subsidiary of Fulton Hogan Limited, Stevenson owns and operates the Drury Quarry, a greywacke hard rock quarry supplying concrete, asphalt and roading aggregate to the Auckland market. Drury Quarry is the largest quarry in New Zealand, having operated at its current site in Drury, South Auckland for over 80 years.
- 1.3 Drury Quarry plays a crucial role in facilitating large-scale infrastructure and development projects. The Quarry's scale and long-standing history has made it the key aggregate supplier for some of the country's largest infrastructure, housing and transport projects, particularly within the Auckland, Northland and Waikato regions.¹ This role is expected to increase as aggregate demand intensifies; projected population growth, alongside other fast-track projects, will only make aggregate supply more essential to support development.
- 1.4 Based on current estimates, the existing Drury Quarry pit will provide another 20 years of aggregate supply to current markets. To ensure a continuous supply is maintained, Stevenson seeks to secure three approvals under the FTAA to enable the timely preparation for and expansion of aggregate extraction activities on its existing site at Drury:
 - (a) Resource consents that would otherwise be applied for under the Resource Management Act 1991 – section 42(4)(a) of the FTAA;
 - (b) A wildlife approval described in section 53 of the Wildlife Act 1953 – section 42(4)(h) of the FTAA; and

¹ Substantive application for the Drury Quarry Expansion—Sutton Block at 1.

- (c) An archaeological authority described in section 44(a) or (b) of the Heritage New Zealand Pouhere Taonga Act 2014 – section 42(4)(i) of the FTAA.
- 1.5 The Project is a 'listed project' under subparts 2 and 3 of Part 2 and Schedule 2 of the FTAA, demonstrating its key alignment with key FTAA criteria.²
- 1.6 The Project takes advantage of significant aggregate resource on Stevenson's existing site. The majority of the proposed Sutton Block pit has been identified and zoned for quarry purposes for nearly two decades. The new pit has been designed to provide an additional 50 years of aggregate supply (approximately 240 million additional tonnes) to the Auckland region. Existing site infrastructure will continue to be used for front of house processing activities and site access.
- 1.7 A comprehensive package of information and technical evaluations have been prepared in support of the substantive application for the Project. For the resource consents, this comprises an AEE and accompanying ecological, noise, landscape and visual, air quality, groundwater and surface water, geotechnical, transport, archaeological and economic assessments. The wildlife approval and archaeological authority applications are also supported by an ecological assessment and archaeological assessment, respectively. Overall, the Project:
- (a) Will deliver a number of significant regional benefits, securing an essential aggregate supply to support Auckland's development. This will in turn promote regional economic benefits, by facilitating the delivery of a critical resource necessary for the construction and operation of key infrastructure and development projects. The Project will also reduce aggregate transportation costs due to its close proximity to major transport corridors and key development areas in Auckland;³
- (b) Has been carefully designed to minimise cultural effects on known wāhi tapu and taonga sites, in direct consultation with tangata whenua,⁴ including by shifting the proposed pit to avoid and provide a buffer around Kaarearea Paa. The entire extent of the mapped

² FTAA, Schedule 2. Per section 42 of the FTAA, Stevenson is the authorised person to lodge the substantive application.

³ Appendix S — Economic Impact Assessment.

⁴ Assessment of environmental effects at Section 9.11.5.

Site of Significance to Mana Whenua Overlay and the Historic Heritage Overlay will be avoided. Stevenson remains committed to working with tangata whenua over the life of the Project;

- (c) Provides for extensive native restoration planting, revegetation and pest and weed control via the proposed comprehensive ecological offset scheme. While aggregate extraction will result in disturbance for removal of existing vegetation and freshwater features, the Project also includes an extensive biodiversity package, with 58 ha of revegetation and 108 ha of enhancement pest and weed control of existing forest set strategically within a landscape where it will reconnect multiple mature forest fragments (including three Significant Ecological Areas totalling some 680 ha of continuous indigenous forest).⁵ The Project also proposes significant offset for the loss of aquatic habitats, including enhancement of 3.3km of stream and 4.04 ha of wetland restoration (involving the creation of a new wetland habitat);⁶
- (d) Addresses all potentially adverse construction effects (such as blasting, noise, dust and vibration) through a combination of standard construction management techniques and mitigation measures provided through conditions⁷ that avoid, remedy and mitigate remaining effects;
- (e) Mitigates long-term visual effects of the quarry expansion through design and landscape planting. The adverse effects on the site's natural character, landscape and visual amenity are largely in line with the site's zoning.⁸ Potential adverse visual effects are also addressed through a combination of avoiding key landscape features (such as the Outstanding Natural Landscape to the north and Kaarearea Paa to the south) as well as implementing mitigation measures such as setback, vegetated bunds and landscaping planting to reduce visual effects;⁹
- (f) Ensures any potentially present native lizard species are safely captured and relocated to an area subject to habitat enhancement

⁵ Ecology documents guide and overview of effects and management package.

⁶ Appendix A — Ecological impact assessment at 168.

⁷ Appendix F — Proposed conditions of consent.

⁸ Appendix J — Landscape effects assessment at 47. The exception is a small number of properties that can view that part of the proposed pit that would extend beyond the Special Purpose Quarry Zone into the adjacent Rural – Mixed Rural zone.

⁹ Appendix J — Landscape effects assessment at 43.

within the wider Stevenson's landholdings.¹⁰ The proposed methods for capturing and relocating these lizards has been prepared in accordance with best practice standards for wildlife approvals, as required by the FTAA;¹¹

- (g) Seeks an archaeological authority – but only as a precautionary measure. This is sought just in case unrecorded subsurface archaeological sites are exposed during construction and operation of the quarry.¹² While one recorded site associated with possible early 20th Century domestic occupation, but more likely a later 20th century farming feature is within the Project area, this site has limited historical value and does not fall under the HNZPTA archaeological provisions;¹³ and
- (h) Gives effect to or achieves regional policy relating to the promotion of mineral extraction activities, as it will ensure a secure supply of aggregate required to facilitate Auckland development.¹⁴ The Project is also consistent with policy direction that supports and enables infrastructure and urban growth and form.¹⁵ While the Project requires some removal of indigenous vegetation and loss of freshwater systems, the pit has been designed to minimise impacts as far as practicable and otherwise mitigate these effects via offset enhancements. Offset enhancements are encapsulated in the conditions and consistent with legal principles relating to such effects.¹⁶

1.8 Given the quality of the application documents, these legal submissions focus on the statutory decision-making framework that the approvals must be assessed against, including the statutory framework for each approval, the interaction of those provisions with the overarching FTAA decision-making provisions and the purpose of that Act.

1.9 Stevenson has prepared a set of draft conditions to accompany the three approval packages. It welcomes the opportunity to work through these with the Panel and submitters throughout the process.

¹⁰ Wildlife approval information requirements at 1.

¹¹ Wildlife approval information requirements at 3.

¹² Appendix T — Archaeological assessment 39.

¹³ Ibid.

¹⁴ AUP Regional Policy Statement, Policy B7.6.2(1).

¹⁵ Assessment of environmental effects at Section 11.1.7.1.

¹⁶ At Table 11.3.

PART A - PROJECT BACKGROUND AND CONTEXT

2. CONFIRMATION OF PRE-LODGEEMENT INFORMATION REQUIREMENTS

Section 29(1)(1) FTAA - consultation

2.1 As a listed project, Stevenson must satisfy all pre-lodgement consultation requirements outlined in the FTAA.¹⁷ Stevenson confirms that it has consulted with the relevant groups in preparing this application, including:

- (a) Auckland Council, as the relevant local authority;
- (b) Relevant iwi authorities, hapu and Treaty settlement entities – including tangata whenua¹⁸ and other iwi groups; and
- (c) The relevant administering agencies, being Heritage New Zealand Pouhere Taonga.

2.2 Following lodgement, Stevenson also consulted with the Ministry of the Environment and the Ministry for Culture and Heritage.

2.3 Further detail on the consultation and engagement undertaken is included in the FTAA Overview Document¹⁹ and the AEE.²⁰

Completeness check

2.4 Stevenson received written confirmation from the EPA on 21 May 2025 that its application was deemed complete and in scope.²¹

Section 30 notice: existing resource consent for the same activity

2.5 On 8 April 2025, Auckland Council provided written confirmation that there are no existing resource consents held by any other entity for the same activity using some or all the same natural resource under section 30 of the FTAA.²² Stevenson's substantive application was lodged with the EPA on 30 April 2025, within three months of receiving the section 30 notice from Auckland Council.²³

¹⁷ FTAA, sections 29 and 11.

¹⁸ Ngāti Tamaoho, Ngaati Te Ata Waiohua; Ngāi Tai ki Tāmaki; Ngāti Whanaunga.

¹⁹ Substantive application for the Drury Quarry Expansion—Sutton Block at [3.2]-[3.13] and Appendix C.

²⁰ Appendix F — Overview of Iwi engagement – Part 1 and Appendix F — Overview of Iwi engagement - Part 2.

²¹ Decision on completeness and scope – Drury Quarry Expansion – Sutton Block substantive application, May 2025.

²² Substantive application for the Drury Quarry Expansion—Sutton Block at [3.14]-[3.15] and Appendix D.

²³ FTAA, section 30(5)(b).

- 2.6 Stevenson also received confirmation from the EPA on 5 June 2025 that there were no competing applications or existing resource consents for the same activity.²⁴

Obligations under applicable Treaty settlements and recognised customary rights

- 2.7 Schedule 5, clause 5(1)(i) of the FTAA requires applications for resource consents to include information about any Treaty Settlements that apply in the proposed area, including identification of the relevant provisions in those Settlements and a summary of any redress provided by those settlements that affect natural and physical resources relevant to the Project. This is also a core element of the Panel's decision-making task.²⁵
- 2.8 The General FTAA Overview Document provides a detailed summary of the iwi that have Treaty Settlements with either a statutory acknowledgement area over, or an area of interest within, the Project area.²⁶
- 2.9 As explained in the General FTAA Overview Document, the Project is only located within the statutory acknowledgement area recognised in the Ngāti Tamaoho Claims Settlement Act 2018, which includes a statutory acknowledgement over Hingaia Stream and its tributaries. The Hingaia and Otūwairoa Streams and their tributaries remain water bodies of major cultural, spiritual and historic significance to the iwi.
- 2.10 There are no redress provisions in those instruments that affects natural and physical resources relevant to the Project or Project area. This conclusion is supported by the section 18 report prepared by the Ministry for the Environment, in accordance with section 49.²⁷

3. THE PROJECT

Overview of Project

- 3.1 The Project comprises several new activities required to facilitate the expansion of quarrying activities on Sutton Block.²⁸

²⁴ Decision On Competing Applications [and Existing Resource Consents] for the Drury Quarry Expansion—Sutton Block under section 47 of the Fast-track Approvals Act 2024, June 2025.

²⁵ FTAA, section 82.

²⁶ Substantive application for the Drury Quarry Expansion—Sutton Block [3.4]–[3.9].

²⁷ Fast-track Approvals Act 2024 – Treaty Settlements and other obligation (Section 18) report – Drury Quarry Expansion (Sutton Block).

²⁸ Assessment of environmental effects at Executive Summary.

- (a) Establishment works (including construction of haul road, overburden removal, bund establishment, stream diversion and associated vegetation removal);
- (b) Aggregate extraction and processing in stages;
- (c) Other ancillary activities (including earthworks, conveying, stockpiling and internal traffic movements);
- (d) Operational drilling, blasting, stormwater, dust, erosion and sediment control management;
- (e) Groundwater dewatering and augmentation of streams;
- (f) Vegetation removal;
- (g) Reclamation of streams and wetlands, along with stream diversion, resulting in the loss of approximately 3,341 linear metres of permanent and intermittent stream reaches;
- (h) A comprehensive mitigation offset package, including 58 ha of revegetation, 108 ha of native forest enhancement through pest control, and the restoration of 3,341 m of stream and 4.04 ha of wetland habitat; and
- (i) Implementation of a 13 ha buffer setback between the edge of the Sutton Block pit extent and the Historic Heritage Overlay that covers Kaarearea Paa.

3.2 In terms of existing site infrastructure, the new pit will be serviced by the existing Quarry's Front of House operations, which support aggregate processing, refinement, storage and stockpiling. These activities have existing resource consents that support the Quarry but will be transitioned over time as the extraction from the existing pit scales down and the extraction from the new Sutton Block pit intensifies.²⁹ The Project will continue to utilise the Quarry's main entrance off Bill Stevenson Drive.³⁰ Table 8.4 of the AEE summarises all the existing resource consents that the Project will rely upon to operate.

²⁹ At Table 8.4.

³⁰ At Section 3.1.

- 3.3 Extraction from within the new Sutton Block pit will involve a staged expansion of an area of approximately 108 ha, up to a maximum pit depth of approximately - 60 RL m. The pit expansion is expected to be incremental over a 50-year period, and developed across five indicative stages:³¹
- (a) Stage 1 (~Years 0-3): Construction of roading infrastructure required to access the site, stream diversion, establishment of erosion and sediment control measures, initial offset planting and commencement of quarrying;
 - (b) Stage 2 (~Years 3-15): Commencement of quarrying within interim pit boundaries. At this stage further revegetation will commence, including buffer planting along the northeastern edge of Kaararea Paa and enhancement of the entire 108.35 ha of podocarp broadleaved forest and kānuka forest;
 - (c) Stage 3 (~Years 15-30), and Stage 4 (Years 30-40): continuation of quarrying activities; and
 - (d) Stage 5 (~Years 40-50): further quarrying activities until the quarry reaches its end of life, final pit footprint expected to be approximately 108 ha wide and -60 RL m deep. Within five years of expected closure, the Quarry Management Plan will be updated to include closure and rehabilitation plans.

FTAA approvals sought

- 3.4 Stevenson seeks an approval for resource consents under the FTAA to construct and operate the Sutton Block quarry pit. The resource consents will enable construction and operational activities, including mineral extraction, diversion of rivers and streams, reclamation of streams and wetlands, diversion and discharge of stormwater, take and use of groundwater and earthworks and vegetation alteration within and outside of an SEA,³² and discharge of contaminants to air associated with the quarrying activities on the Sutton Block site.³³
- 3.5 A wildlife approval and an archaeological authority are also sought for the activities necessary to support the Project. The wildlife approval will enable

³¹ Assessment of environmental effects at Section 5.

³² At Section 8.

³³ At Table 8.2; see also Appendix F — Proposed conditions of consent at Part F.

the capture and relocation of copper skinks, and other native lizard species potentially present on the site, from the proposed quarry footprint to an adjacent area subject to habitat enhancement. The archaeological authority is sought as a precautionary measure just in case unrecorded subsurface archaeological sites are exposed during the construction phase (Stage 1) of the Project.

Site location for the Project – Drury Quarry, South Auckland

3.6 The Drury Quarry site is a 515 ha site entirely owned by Stevenson. The Sutton Block comprises a 108 ha portion of this overall landholding located to the northeast of the existing Drury pit (existing features are shown on **Figure 1** below).



Figure 1: Site location and layout

3.7 Sutton Block is relatively hilly pastoral land currently used for grazing, with a farm dwelling and associated sheds to the north of the site.³⁴ There are four mapped SEAs within the immediate surrounding landscape, one of which is entirely located within proposed pit design and another is partially

³⁴ Assessment of environmental effects at Section 3.1.

located within the proposed pit design.³⁵ A Natural Heritage: Outstanding Natural Landscapes Overlay covers the land north of Sutton Block. To the south of the block is Kaarearea Paa which is a protected Historic Heritage Extent of Place and a wāhi tapu site. Recently, the Paa was also included in Schedule 12 – Sites and Places of Significance to Mana Whenua in the AUP as part of Plan Change 102.³⁶

3.8 A map of these overlays is below in **Figure 2** and **Figure 3**:

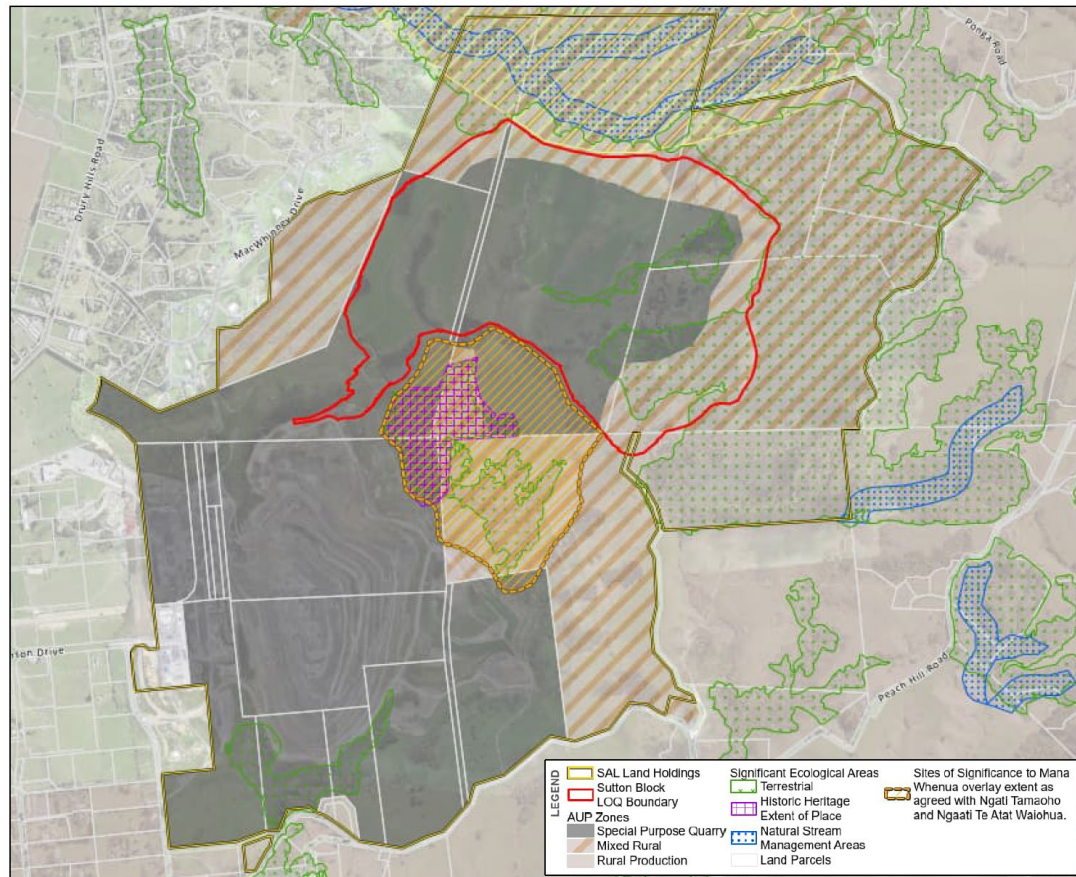


Figure 2: Map of AUP overlays over Stevensons Landholdings

³⁵ At Section 1.1.

³⁶ See Decision following the hearing of a Plan Change to the Auckland Unitary Plan under the Resource Management Act 1991 – Plan Change 102 (25 April 2025).

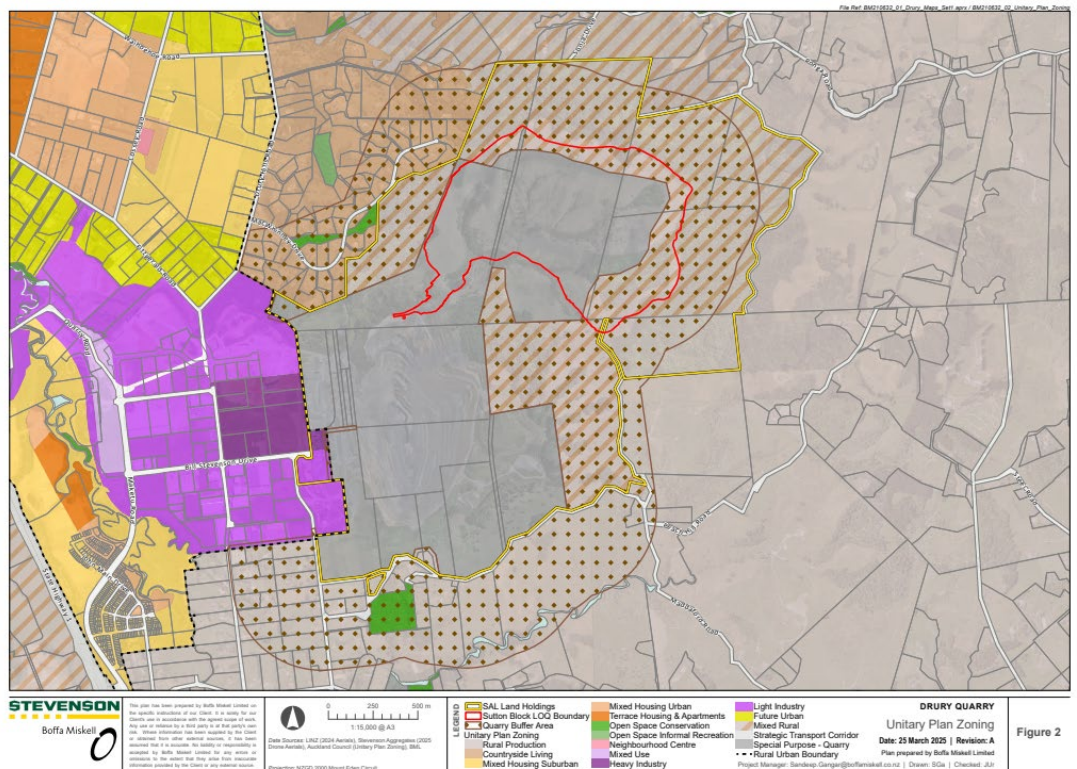


Figure 3: Map showing AUP Quarry Buffer Area Overlay with adjacent zonings

3.9 Access to the Quarry site is currently via Bill Stevenson Drive and Maketu Road, which connect to State Highway 1 via the Ramarama interchange at the southern end of Maketu Road. This entrance will also be used to serve Sutton Block as the Project will not add to the overall external traffic movements.³⁷

3.10 An aerial photo showing these transport connections is below at **Figure 4:**

³⁷ Assessment of environmental effects at Section 3.1.



Figure 4: Location of existing pit in the wider transport network

Project location – why Sutton Block?

- 3.11 Aggregate extraction can only take place where it is found naturally in situ and should be extracted close to its point of use to minimise the environmental effects and transport costs. The high quality, well-exposed greywacke resource was identified at Sutton Block nearly two decades ago, and was accordingly zoned for quarry purposes under the then-operative Papakura District Plan in 2007. This zoning was carried over into the Auckland Unitary Plan – Operative in Part (**AUP**) and is now zoned as a Special Purpose – Quarry Zone (**SPQZ**). Approximately 78 ha of Sutton Block is located within the SPQZ, with the remainder in the Rural – Mixed Rural zone.³⁸
- 3.12 The proposed Sutton Block expansion site has logically been designed to follow the aggregate resource, taking into account key constraints and using existing site processing infrastructure for efficiencies and to minimise external site effects. Alternative pit design configurations, spatial

³⁸ Assessment of environmental effects at Section 1.1.

arrangements, constructions and mitigation methods have been considered as part of the Project design process.

Evolution of quarry footprint

- 3.13 Since the Project was first commenced, developing the quarry footprint has been an iterative process. From the outset, the Sutton Block's SPQZ zoning and presence of blue greywacke shaped the proposed footprint. The footprint was also designed to avoid effects on Kaarearea Paa and the surrounding ONLs, and to minimise loss of streams outside the SPQZ.³⁹
- 3.14 Input from iwi, local community and stakeholder engagement further influenced the Sutton Block footprint. One of the key concerns identified during iwi engagement was the proximity of Sutton Block to Kaarearea Paa. From the beginning of engagement, Ngāti Tamaoho expressed concerns that the initial pit design was too close to the Paa site.⁴⁰ As a result of these discussions, Stevenson reconsidered the pit design, and subsequently shifted the pit in a northerly direction away from the site.⁴¹ Shifting the Sutton Block pit north resulted in the following:
- (a) Establishment of a 13 ha buffer between the edge of the quarry pit extent and the Historic Heritage Overlay associated with the Paa;⁴²
 - (b) Vegetation planting incorporated on the north-eastern flank of Kaarearea Paa as part of its onsite mitigation; and
 - (c) A reduction of 610 m of stream loss and 5,241 m² wetland reclamation at the NT-1 stream and wetland.⁴³

These proposed changes are supported by Ngāti Tamaoho and Ngaati Te Ata Waiohua.⁴⁴

- 3.15 Finally, in mid-late 2024, Stevenson reconsidered the Sutton Block proposal to include the Stage 5 pit plans. Originally, the Sutton Block pit was proposed to be developed in four stages over a 50-year period. However, a combination of factors, including future projected aggregate demand, meant that a fifth stage was required to enable an additional 20 ha pit extent.⁴⁵

³⁹ At Section 4.2.

⁴⁰ At Section 6.1.

⁴¹ Ibid.

⁴² At Section 3.4.11.

⁴³ At Section 9.9.2.

⁴⁴ Appendix G — Combined cultural values assessments.

⁴⁵ Appendix F — Overview of Iwi engagement - Part 2 at section 7 and Appendix 7.

The final pit design was discussed in further hui with iwi and received mixed reactions.⁴⁶

⁴⁶ See Appendix F — Overview of Iwi engagement - Part 1 and Appendix F — Overview of Iwi engagement – Part 2.

PART B - FTAA FRAMEWORK FOR ALL APPROVALS

4. PANEL'S DECISION-MAKING FRAMEWORK – FOR DETERMINATION OF ALL APPROVALS

4.1 The Panel's core decision-making framework is set out in sections 81-85 FTAA. The FTAA requires a methodical approach to the decision-making task for each approval, drawing on key statutory elements of the underlying legislative regimes for each approval with a subsequent step requiring that the assessment is overlaid with the purpose of the FTAA. The purpose is given the greatest weight in the Panel's decision.⁴⁷ For each approval sought, the Panel must:⁴⁸

- (a) Consider the application and any advice, report, comment, or other information received by it throughout the fast-track approvals process⁴⁹ and within the applicable timeframe;⁵⁰
- (b) Take into account the applicable clauses that set out the criteria for decision-making in Schedules 5, 7 and 8⁵¹ (including the purpose of the FTAA). The statutory direction is for the Panel to "take into account" the criteria under the relevant schedules; the Panel will be familiar with the direction to "take into account", which means that there is an obligation to consider the particular factor in making the decision, and then give it appropriate weight in the circumstances;⁵²
- (c) Ensure that any proposed conditions are no more onerous than necessary,⁵³ and if relevant, may impose conditions recognising relevant Treaty settlements and recognised customary rights;⁵⁴ and
- (d) Finally, if a Treaty settlement, the Marine and Coastal Area (Takutai Moana) Act 2011 or the Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019 is relevant, the Panel must give it the same or equivalent effect through its decision-making as it would under the relevant specified Act.⁵⁵ The Panel must also act in a manner that is

⁴⁷ FTAA, section 81.

⁴⁸ Section 81(2).

⁴⁹ Information received by a panel under sections 51-53, 55, 58, 67-70, 72 or 90.

⁵⁰ FTAA, section 81(6).

⁵¹ FTAA, section 81(2)(b) and (3). The applicable clauses are: for a resource consent, cl 17 to 22 of schedule 5; for a wildlife approval, cl 5 and 6 of schedule 7; for an archaeological authority, cl 4 and 5 of schedule 8.

⁵² *Bleakley v Environmental Risk Management Authority* [2001] 3 NZLR 213 at [72]. This was recently upheld in *Trustees of Motiti Rohe Moana Trust v Bay of Plenty Regional Council* [2024] NZCA 134 at [15].

⁵³ FTAA, section 83.

⁵⁴ Section 84.

⁵⁵ Section 82.

consistent with the obligations in existing Treaty settlements and recognised customary rights,⁵⁶ and consider whether granting an approval would comply with that section. If necessary, the Panel may set conditions to recognise or protect a relevant Treaty settlement and any obligations arising under the above Acts.⁵⁷

- 4.2 Under section 85, the Panel must decline an approval in certain limited circumstances. Stevenson can confirm there are no grounds to decline the approvals for the Project under this section because it does not involve an ineligible activity;⁵⁸ the approvals do not breach any Treaty settlements or recognised customary rights⁵⁹; and the substantive application meets the FTAA's information requirements.⁶⁰
- 4.3 The Panel also has discretion to decline an approval if it forms the view that there are one or more "*adverse impacts*"⁶¹ in relation to the approval sought and those adverse impacts, after consideration of the ameliorating effect of conditions and any requirement to provide offset or compensation measure, are sufficiently significant to be out of proportion to the Project's regional or national benefits.⁶² This cannot be met solely because an adverse impact is inconsistent with or contrary to a provision of a specified Act or any other document that the Panel must take into account or otherwise consider in complying with section 81(2) of the FTAA.⁶³

Purpose of the FTAA – 'facilitating delivery'

- 4.4 The purpose of the FTAA is to "facilitate the delivery of infrastructure and development projects with significant regional or national benefits".
- 4.5 The Project, being one of New Zealand's largest quarries is clearly a development project. The Project supports the FTAA's purpose by providing for the extraction of a critical mineral resource and the supply of an essential building material to the Auckland market for the next 50 years. The degree of alignment between the Project and the purpose of the FTAA is reflected in its listing for the fast-track process under Schedule 2.

⁵⁶ Section 7.

⁵⁷ Sections 82(3) and 84.

⁵⁸ FTAA, section 5.

⁵⁹ Section 7.

⁶⁰ Schedule 5, clause 23 (change or cancellation of conditions) and clause 27 (certificate of compliance); schedule 6, clause 7(3) (concession) and clause 29(2) or (3) (land exchange); schedule 11, clause 7(2) or 8(2) (access arrangements) and cl 20 (mining permit).

⁶¹ Section 85(5). This term is broadly defined as meaning any matter "*considered by the panel in complying with section 81(2) that weighs against granting the approval*".

⁶² Section 85(3).

⁶³ Section 85(4).

- 4.6 The Project will underpin and therefore facilitate the delivery of many regionally significant infrastructure and development projects over its lifetime. Having a consistent, high-quality local aggregate resource is critical to enable the timely and affordable delivery of these projects.

Weighting of the relevant approval criteria identified in the FTAA

- 4.7 There is not yet any direct judicial guidance on the weight to be attributed to the purpose of the FTAA relative to the underlying statutory criteria for each approval type. However, as outlined by the panel in the *Bledisloe North Wharf and Fergusson North Berth Extension* decision,⁶⁴ some assistance can be taken from Court of Appeal case law⁶⁵ on a similar statutory provision in the Housing Accords and Special Housing Areas Act 2013 (**HASHAA**),⁶⁶ specifically section 34, which directed decision-makers to give "greater weight" to the purpose of that Act over the other listed matters.⁶⁷
- 4.8 The Court of Appeal held that:
- (a) Section 34 required the decision-maker to assess the subordinate matters before "*standing back*" and weighing the matters "*in accordance with the prescribed hierarchy*";⁶⁸
 - (b) The purpose of HASHAA must be weighed as the most important and influential matter but cannot be used to eliminate or reduce the consideration of other mandatory considerations.⁶⁹ These mandatory considerations included Part 2 of the RMA, which could not be given a "*cursory analysis*";⁷⁰
 - (c) The purpose of the HASHAA was not logically relevant to the assessment of environmental effects - the effects did not become less than minor simply because of the purpose of the HASHAA.⁷¹ Instead, the purpose of the Act affected the *weight* to be placed on those effects. A significant adverse effect that might require consent

⁶⁴ FTAA-2503-1028, Panel decision dated 21 August 2025, at [120].

⁶⁵ *Enterprise Miramar Peninsula Inc v Wellington City Council* [2018] NZCA 541.

⁶⁶ The purpose of HASHAA was to *enhance housing affordability by facilitating an increase in land and housing supply in certain regions or districts, listed in Schedule 1, identified as having housing supply and affordability issues*.

⁶⁷ When considering an application under HASHAA, the decision maker was to give weight to matters in orders listed under section 34, with the purpose of the Act listed first.

⁶⁸ *Enterprise Miramar Peninsula Inc v Wellington City Council* [2018] NZCA 541 at [52] – [53].

⁶⁹ At [59].

⁷⁰ At [57] – [59].

⁷¹ At [55].

to be refused under the RMA, might be outweighed by the purpose of enhancing housing supply, under the HASHAA.⁷²

- 4.9 On this basis, the correct approach to the Panel's decision-making task is that the approvals sought must first be assessed, taking into account the relevant criteria of the specified Act, as identified in the FTAA, including the purpose of the FTAA. Then, as part of any overall consideration of all relevant matters for each type of approval, the greatest weight must be given to the purpose of the FTAA. This effectively codifies the Court of Appeal's approach above, as it requires careful assessment of the relevant criteria for each approval within a substantive application, and then giving the greatest weight to the purpose of the FTAA in its decision-making.⁷³
- 4.10 Stevenson submits that all three approvals satisfy all relevant statutory criteria, and that the grant of all approvals is consistent with the purpose of the FTAA.

Regional benefits of the Project

- 4.11 "Regional or national benefits" should be at the forefront of the Panel's decision-making task. Not only do these benefits go directly to the purpose of the Act, but the Panel must also proportionately weigh a project's regional or national benefits against any potential adverse impact to determine if an approval may be declined.⁷⁴ Ultimately, the strength of a project's regional or national benefits is central to the Panel's determination of approvals.

Legal meaning of benefits – benefits vs effects

- 4.12 The FTAA does not define 'regional or national benefits', which will largely turn on a contextual and factual assessment in each case.⁷⁵ Benefits are typically interpreted as broader than 'effects', which are either directly or consequentially attributable to the activity applied for.⁷⁶ What constitutes a 'significant benefit' may differ from one region to another, and the nature of the benefit may also vary.⁷⁷

⁷² At [55].

⁷³ FTAA, schedule 5 clause 17(1)(a) (resource consent); schedule 7 clause 5(a) (wildlife approval); schedule 8 clause 4(1)(a) (archaeological authority).

⁷⁴ FTAA, section 85(3).

⁷⁵ *CJ Industries Ltd v Tasman District Council* [2025] NZEnvC 213, at [287].

⁷⁶ *New Zealand Transport Agency v Architectural Inc* [2015] NZHC 1991 at [269].

⁷⁷ *CJ Industries Ltd v Tasman District Council* [2025] NZEnvC 213, at [287].

- 4.13 The choice of the broader term of 'benefits' in the FTAA is likely deliberate and allows the decision-maker to take into account the positive effects of a project, but also the broader benefits it will enable.

Regional economic benefits

- 4.14 In addition to providing critical aggregate supply, the Project will provide significant regional economic benefits as it will play a crucial role in facilitating the development of other infrastructure and development within the Auckland region. As explained in the Economic Impact Assessment, Drury Quarry is located within close proximity to several large-scale infrastructure projects already underway, including:⁷⁸
- (a) The Auckland International Airport Domestic Terminal construction works and Airfield expansion;
 - (b) Penlink corridor between the Whangaparāoa Peninsula and SH1 at Redvale; and
 - (c) The Eastern Busway project between Pakuranga and Botany.
- 4.15 Auckland's aggregate demand will also inevitably increase in the long-term with other Auckland-based listed projects sought under the FTAA, such as the Delmore, Drury Metropolitan Centre and the recently consented Bledisloe North Wharf and Fergusson North Berth Extension projects.
- 4.16 Auckland's population growth is also projected to increase considerably, further enhancing its role as a key destination for economic activity. Relevantly, Auckland's southern region (the closest in proximity to Drury Quarry) is anticipated to have a 25% growth increase between 2030 and 2048.⁷⁹ Therefore, maintenance of existing infrastructure and the development of new infrastructure, especially in the south Auckland area, will be required to support the projected growth.
- 4.17 Aggregate material will be critical to enabling the development of new housing and provision of new infrastructure. However, local production of aggregate in Auckland is not anticipated to meet the projected demand.⁸⁰ Expansion into the Sutton Block area means that this aggregate demand

⁷⁸ Appendix S — Economic Impact Assessment at 9-10.

⁷⁹ At page 7.

⁸⁰ At page 30.

can be met, facilitating construction of these key infrastructure projects and in turn supporting the economy.

- 4.18 The Project is also anticipated to generate significant cost savings for large-scale infrastructure and development projects due to its proximity to Auckland.⁸¹ Reducing aggregate transportation costs to infrastructure and project sites ensures timely delivery of materials, facilitating efficient project execution. Providing crucial building materials in close proximity to the region will further support regional economic growth and development.

Certainty for future supply of aggregate

- 4.19 The Project will also regionally benefit Auckland as it will enable Stevenson to continue to consistently deliver aggregate in order to meet market demand. Currently, Drury Quarry supplies a quarter of Auckland's aggregate supply. Aggregate demand is forecast to increase in future to accommodate delivery of other regionally and nationally significant infrastructure, such as Eastern Busway, the Waihoehoe Road (Drury Upgrade), and projects sought under the Fast-track process.⁸²
- 4.20 Expansion into Sutton Block will therefore ensure that delivery of aggregate supply is maintained, even as the Drury Quarry pit reaches the end of its life. The lead-in time involved in establishing the Sutton Block pit is approximately 3-4 years – in this time, Drury Quarry will continue to operate, with both quarry pits eventually operating contemporaneously.⁸³ On this basis, the Project will not only enable the supply an additional 240 million tonnes of aggregate resource to Auckland but will ensure that Stevenson can continue to service the Auckland region beyond the existing Drury Quarry's life.

Ecological management and enhancement

- 4.21 The Project's proposed ecological management and enhancement package will result in significant restoration of the wider Drury Quarry property.⁸⁴ The package will include 58 ha of revegetation and 108 ha native forest enhancement through mammalian predator and pest control to accommodate the loss of 16.78 ha of vegetation.⁸⁵ These offset measures are primarily proposed within the wider Stevenson landholdings in the

⁸¹ At Section 4.

⁸² At page 10.

⁸³ Assessment of environmental effects at Section 1.1.

⁸⁴ Ecology documents guide and overview of effects and management package at ii.

⁸⁵ At ii.

- immediate area surrounding the existing Quarry pit and Sutton Block. Revegetation will commence from Year 1 of the Project and continue until Year 16, allowing for a minimum of 19 years of monitoring to occur within the 35-year biodiversity offset timeframe.⁸⁶ This revegetation package will reconnect six fragments of mature podcarp and broadleaved forests on the Drury Quarry property, resulting a continuous indigenous forest of approximately 680 ha.⁸⁷
- 4.22 Part of the offset and compensation package also involves revegetation outside of the Drury Quarry property at a location in Tuakau,⁸⁸ further facilitating biodiversity benefits. The proposed enhancements at the Tuakau site includes 3,341 lineal metres of stream enhancement – involving riparian planting and fencing, modification of a floodgate to allow for fish passage, and 4.04 ha of wetland restoration.⁸⁹ As part of the wetland restoration, an additional wetland habitat will be created, promoting an additional hydrological connection to the Waikato River and its tributaries.⁹⁰
- 4.23 As outlined in the Memorandum of Counsel dated 25 August 2025, the Project included a proposal for 4.4 ha of kānuka revegetation to be undertaken at Ngā Motu o Hingaia (Drury Islands). The land is owned by the Department of Conservation and co-managed with three iwi groups. While engagement with DoC had commenced prior to the lodgement of the substantive application, landowner approval had not been obtained.
- 4.24 Following lodgement, Stevenson continued discussions with DoC and understands that DoC had support from two of the three iwi group for the restoration planting to occur at the islands. However, given landowner approval could not be obtained at this stage, Stevenson is no longer pursuing the proposed offsetting at Ngā Motu o Hingaia.
- 4.25 Further ecological assessment has been completed by Stevenson's ecology team who have confirmed that net gain outcomes are still predicted to be achieved by the Project, but there will be a slight reduction in the extent of those gains.
- 4.26 As a result, Stevenson proposes to amend Condition 53 to reflect the updated areas of kānuka forest planting to occur, and to insert a new

⁸⁶ Assessment of environmental effects at Section 9.11.4.

⁸⁷ Ecology documents guide and overview of effects and management package at 2.3.

⁸⁸ 86 Friedlander Road, Tuakau. This site is also owned by Stevenson.

⁸⁹ Assessment of environmental effects at Section 9.2.3.

⁹⁰ At Section 9.2.3.

condition 54A to require the consent holder to complete an assessment of the biodiversity offsetting to demonstrate whether the modelled targets have been met, at the 10-year anniversary of the commencement of the consent.

Protecting Sites of Significance to iwi

4.27 The Project also seeks to protect sites of significance to iwi. As described above, engagement with iwi led to careful reconsideration of the pit's design, with the indicative footprint moved further north to provide a greater separation between the proposed pit and Kaarearea Paa.⁹¹ As a result of this shift, a 13 ha buffer was created between the quarry pit extent and the Historic Heritage Overlay (see pink hatching in **Figure 5** below for Historic Heritage Overlay and Blue Triangle hatching for buffer area) and also resulted in a reduction of 610 m of stream loss and a 5,241 m² of wetland extent that would have otherwise been lost.⁹² The shift also avoids the entire extent of the Site of Significance to Mana Whenua Overlay (yellow shading in **Figure 5** below), which was implemented by recent Plan Change 102.⁹³

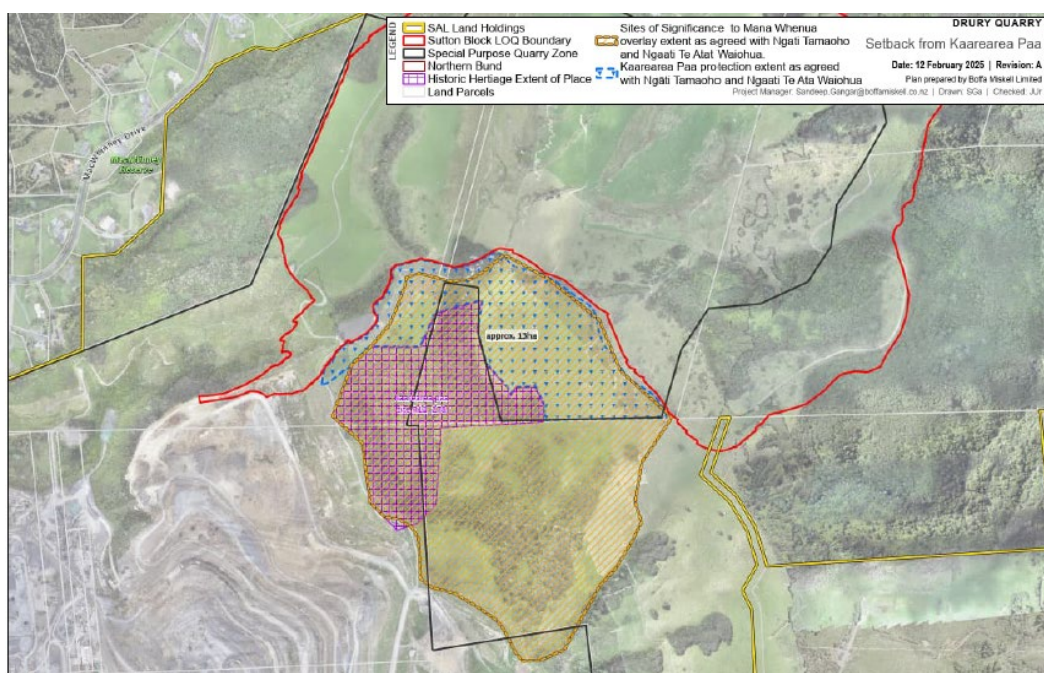


Figure 5: Approximate 13 ha buffer between Sutton Block quarry extent, Kaarearea Paa and Historic Heritage Overlay extent

4.28 Kaarearea Paa will also directly benefit from the Project's ecological offset scheme. Extensive native planting and ongoing pest control is proposed along the northern and north-eastern slopes of the Paa, which will connect

⁹¹ Assessment of environmental effects at Section 6.1.

⁹² Ibid, at Section 9.11.2.

⁹³ At Section 9.16.

to the eastern SEA and the area north of Sutton Block.⁹⁴ While Kaarearea Paa will remain fenced off to ensure ongoing protection of the site, iwi will have guaranteed access through the proposed conditions.⁹⁵

- 4.29 Stevenson considers all of the benefits outlined above to be relevant to the Panel's consideration of whether the Project achieves the purpose of the FTAA.

5. APPLICATION OF FTAA DECISION MAKING FRAMEWORK TO RESOURCE CONSENTS

- 5.1 Acknowledging that the FTAA decision-making framework is new, to assist the Panel we have described below a proposed decision making framework that we submit would comply with the FTAA requirements.

- 5.2 When determining an approval for a resource consent a panel must take into account:⁹⁶

- (a) The purpose of the FTAA, which is distinct from the purpose of the RMA in section 5 which focuses on sustainable management and the balancing of competing interests. (In an overall assessment, the purpose of the FTAA is to be given the greatest weight);⁹⁷
- (b) the provisions of Parts 2,⁹⁸ 3, and 6 of the RMA that direct decision-making on an application for a resource consent (but excluding section 104D); and
- (c) the relevant provisions of any other legislation that directs decision-making under the RMA.

Clause 17(1)(b), Schedule 5 – RMA decision making framework

- 5.3 Under clause 17(1)(b), Schedule 5, FTAA, a panel must take into account the provisions of Parts 2, 3, and 6 of the RMA that "direct decision making on an application for resource consent".⁹⁹ Relevant the Project, these comprise:

⁹⁴ At Section 9.11.2.

⁹⁵ Appendix F — Proposed conditions of consent at Condition B7 (Cultural Values).

⁹⁶ FTAA, schedule 5, clause 17.

⁹⁷ Ibid.

⁹⁸ We note that references to Part 2 of the RMA in clause 17 and 24 excludes section 8 which requires persons exercising functions and powers under the RMA to take into account the principles of the Treaty of Waitangi.

⁹⁹ FTAA, Schedule 5 clause 17(1)(b).

- (a) **Part 2 of the RMA**, comprising section 5, section 6 (matters of national importance – in particular the preservation of the natural character of wetlands, rivers and their margins;¹⁰⁰ protection of outstanding natural features and landscapes;¹⁰¹ protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna;¹⁰² relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga¹⁰³ and protection of historic heritage from inappropriate subdivision, use and development¹⁰⁴), and section 7 (other matters – in particular kaitiakitanga;¹⁰⁵ the ethic of stewardship;¹⁰⁶ the efficient use and development of natural and physical resources;¹⁰⁷ the maintenance and enhancement of amenity values;¹⁰⁸ intrinsic values of ecosystems;¹⁰⁹ maintenance and enhancement of the quality of the environment¹¹⁰ and any finite characteristics of natural and physical resources);¹¹¹
- (b) **Part 3 of the RMA**, in particular section 16 (the duty to avoid unreasonable noise) and section 17 (the duty to avoid, remedy or mitigate adverse effects); and
- (c) **Part 6 of the RMA**, in particular sections 104 and 104B (which set out the decision-making framework for discretionary activity consent applications), sections 105 and 107 (which relate to consent applications for discharge permits) and sections 108 to 108AA (which outline the framework for conditions on resource consents).

5.4 As a non-complying activity, the Project would traditionally require consideration under the section 104D 'gateway test'. However, the Panel is explicitly prevented from assessing a resource consent in accordance with section 104D of the RMA.¹¹²

¹⁰⁰ Resource Management Act 1991, section 6(a).

¹⁰¹ Section 6(b).

¹⁰² Section 6(c).

¹⁰³ Section 6(e).

¹⁰⁴ Section 6(f).

¹⁰⁵ Section 7(a).

¹⁰⁶ Section 7(aa).

¹⁰⁷ Section 7(b).

¹⁰⁸ Section 7(c).

¹⁰⁹ Section 7(d).

¹¹⁰ Section 7(f).

¹¹¹ Section 7(g).

¹¹² FTAA, Schedule 5 clause 17(1)(b).

Section 104 RMA assessment

5.5 The Panel will be familiar with section 104 of the RMA which outlines the principal matters which it must, subject to Part 2 of the RMA, have regard to when considering an application for resource consent:

- (a) Any actual and potential effects on the environment of allowing the activity;¹¹³ and
- (b) Any relevant provisions of:¹¹⁴
 - (i) A national environmental standard;
 - (ii) Other regulations;
 - (iii) A national policy statement;
 - (iv) A New Zealand coastal policy statement;
 - (v) A regional policy statement or proposed regional statement;
 - (vi) A plan or proposed plan; and
- (c) Any other matter the consent authority considers relevant and reasonably necessary to determine the application.¹¹⁵

Existing environment

5.6 When considering the "actual and potential effects on the environment", the proposed location and its context are directly relevant to how a resource consent application must be assessed.¹¹⁶ Case law establishes that:¹¹⁷

- (a) The "environment" in a RMA sense comprises both:
 - (i) The existing environment; and
 - (ii) Elements of the future environment such as permitted activities under the relevant plans and resource consents that have been or are likely to be implemented;

¹¹³ Resource Management Act 1991, section 104(1)(a).

¹¹⁴ Section 104(1)(b).

¹¹⁵ Section 104(1)(c).

¹¹⁶ Note that schedule 5, clause 17 of the FTAA requires a panel to take into account parts 2,3,6 and 8-10 of the RMA.

¹¹⁷ *Queenstown Lakes District Council v Hawthorn Estate Ltd* (2006) 12 ELRNZ 299 (CA) (**Hawthorn**).

- (b) The effects of the Project must be assessed against the environment as it exists at the time of the assessment and as against the future state of the environment in which the effects will likely occur; and
- (c) A real-world approach to the future environment requires consideration of that environment as signalled by operative objectives and policies of a district plan. However, future potential effects cannot be considered unless there is a genuine attempt to envisage the environment in which such future effect (or effects arising over time) will occur.¹¹⁸ The nature of the environment will inevitably change and, in many cases, the future effects will not be on the environment as it exists when a decision on a resource consent was made.

5.7 For the purposes of the Panel's assessment, the Project context in terms of existing consents and zoning is highly relevant. The adjacent Quarry site has been heavily modified for over 80 years for the purposes of extraction activities. Stevenson holds a suite of existing consents for operations at Drury Quarry; these include an earthworks consent for the entire SPQZ, including the majority of the Sutton Block (see **Figure 6** below).

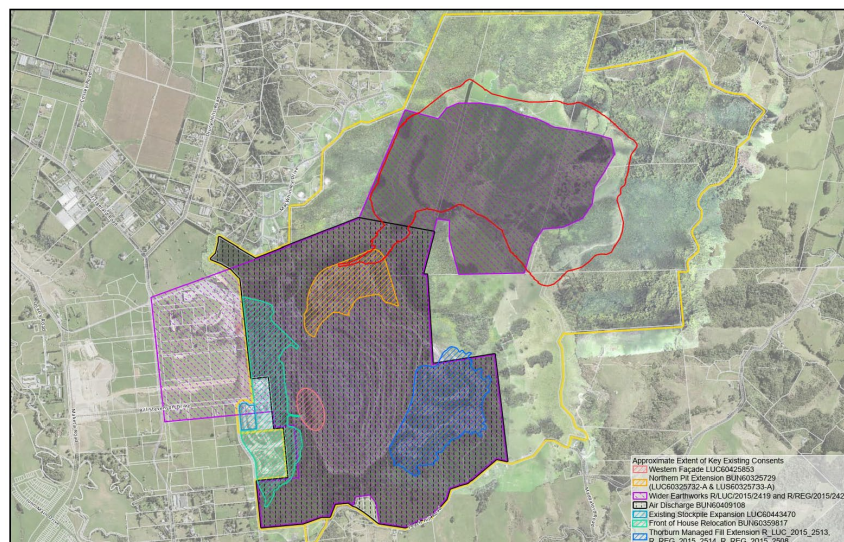


Figure 6: Approximate extent of key existing Stevenson consents that apply to the wider Stevenson Landholdings.

5.8 In addition:

- (a) Sutton Block is currently relatively hilly pastoral land. However, approximately 72% of the area is also within the SPQZ, which has

¹¹⁸ *Villages of NZ (Mt Wellington) Ltd v Auckland City Council* EnvC A023/09, at [53].

clearly foreshadowed the site's future intended use as a quarry pit;¹¹⁹

- (b) while there are existing wetlands on the site, their current natural character value is low due to their degraded conditions and the context of pastoral farming;¹²⁰
- (c) potential effects associated with the expansion (such as dust, traffic and noise) already exist as a result of the Drury Quarry which has been a feature of the local environment for 80 years. The effects of the Project are therefore only those effects occurring at a level beyond what is already authorised by the existing consents, and will not be out of keeping with the long-running operation of the site; and
- (d) the Quarry Buffer Area Overlay (as shown in **Figure 3**) forms part of the existing environment. This Overlay is located around significant mineral extraction activities with the intent to avoid reverse sensitivity effects on the quarry operations.¹²¹ It is clear from the policies that the Overlay applies to both existing and planned future operations of a quarry.¹²²

Permitted activities

- 5.9 The Panel has the discretion to disregard an adverse effect on the environment if a national environment standard or plan permits the activity.¹²³ Appendix C of the AEE provides a summary of the effects that Stevenson considers should be disregarded for this application associated with quarrying activities. In summary, a number of components comply with the relevant permitted activity standards for a SPQR under the AUP, including lighting, noise, vibration, blasting and planting.

An overview of effects issues

- 5.10 The AEE and accompanying technical reports provide a comprehensive assessment of the resource consent approvals sought for the Project. These effects are not repeated here.
- 5.11 As described in these documents, the majority of the Project's potential adverse effects have been avoided by careful consideration of the Sutton

¹¹⁹ Assessment of environmental effects at Section 3.2.

¹²⁰ Appendix A — Ecological impact assessment at 3.

¹²¹ Auckland Unitary Plan (Operative in Part), D27 – Quarry Buffer Area Overlay, at [D27.1].

¹²² Ibid, at [D27.3(1)].

¹²³ RMA, section 104(2), as incorporated through Schedule 5, Clause 17 of the FTAA.

Block pit design, including selecting a layout which maximises the extraction potential for both brown and blue greywacke rock while ensuring the majority of the footprint is located in the existing SPQZ.¹²⁴ The size of Stevenson's landholdings also provides a considerable buffer for any effects on adjacent properties.¹²⁵ Remaining effects have then been remedied or mitigated through the proposed conditions and management plans.

- 5.12 The scale of potential adverse effects also needs to be considered in the context of the site, its topography and existing features. For the Project, nearly all of the site is zoned SPQZ, which clearly contemplates quarrying activities within the area subject to appropriate management of effects.¹²⁶ While some of the pit's future extent extends into the adjacent Rural – Mixed Rural zone, the final pit remains well within the outer boundaries of the Stevenson landholding. Further, those parts of the Sutton Block pit located outside of the SPQZ will occur on the side of the Stevenson's land located the furthest away from the sensitive receivers on MacWhinney Drive.
- 5.13 The Project's key effects relate to potential cultural, ecology and landscape and natural character effects. However, significant measures have been proposed to appropriately avoid, remedy and mitigate or otherwise minimise these effects:
- (a) **Cultural effects:** Stevenson have closely engaged with Ngāti Tamaoho, Ngaati Te Ata Waiohū, Te Ākitai Waiohū, Ngā Tai ki Tāmaki and Ngaati Whanaunga, which has resulted in the northerly shift of the pit to avoid Kaarearea Paa and consequently a 13 ha buffer between the Paa and the pit extent.¹²⁷ Iwi will also have guaranteed access to Kaarearea Paa and the adjacent 13 ha buffer area. Stevenson is committed to continuing these relationships over the life of the Project;
 - (b) **Ecology:** While the pit design has resulted in a reduction in wetland, stream and vegetation loss, some adverse ecological effects are unavoidable, and the project's ecological advisers have prepared a comprehensive ecological offset package in response. The Project

¹²⁴ Assessment of environmental effects at Section 4.2.

¹²⁵ At Section 9.16.

¹²⁶ At Section 1.1.

¹²⁷ At Section 9.16.

also includes an extensive biodiversity package, with 58 ha of revegetation and 108 ha of enhancement pest and weed control of existing forest set strategically within a landscape where it will reconnect multiple mature forest fragments (including three Significant Ecological Areas totalling some 680 ha of continuous indigenous forest).¹²⁸ The package also involves creation of new freshwater habitats and enhancement of existing habitats,¹²⁹ including restoration of 4.04 ha of wetland habitat, enhancement of existing stream habitat and restoration of native fish passage; and

- (c) **Landscape and natural character:** Areas recognised as sensitive to change have been avoided in the pit design as far as practicable. Where avoidance is not possible, substantial revegetation and screening is proposed to mitigate landscape and visual amenity effects. This includes revegetation and enhancement planting to connect isolated patches of forest, restoration of degraded habitats and provision for a 13 ha buffer of continuous forest between Kaarearea Paa and Sutton Block.¹³⁰ A bund north of the site will also be established early in the first stages of the Project to provide visual screening for potentially affected residents.¹³¹

Relevant provisions of certain regulations and statutory planning documents

- 5.14 Section 104(1)(b) requires the Panel to have regard to relevant provisions of certain regulations and statutory planning documents. These relevant provisions are outlined in the AEE and its Appendix H.¹³²
- 5.15 The Project has a high degree of alignment with key issues of regional significance, as identified in the Auckland Regional Policy Statement. It achieves key objectives and policies to effectively and efficiently provide for mineral extraction activities, providing urban growth and form and facilitation of infrastructure.¹³³
- 5.16 The Project also engages the National Policy Statement for Freshwater Management and the National Policy Statement for Indigenous Biodiversity. While strict avoidance of all indigenous biodiversity and freshwater systems cannot be achieved, the Project has been designed to avoid these values

¹²⁸ Ecology documents guide and overview of effects and management package.

¹²⁹ Assessment of environmental effects at Section 9.16.

¹³⁰ At Section 9.16.

¹³¹ Appendix J — Landscape effects assessment at 43.

¹³² At Section 11.1.4.

¹³³ Assessment of environmental effects at Table 11.3; AUP Regional Policy Statement at Objective B2.2.1.

where practicable and otherwise minimised or offset these effects to achieve a net gain in values which ensures consistency with the relevant policy direction taking into account the requirements to access the aggregate resource available.¹³⁴

5.17 The Project also satisfies the exceptions pathway for the loss of extent of natural inland wetlands per policy 3.22(1)(d) of the NPS-FM¹³⁵:

- (a) **the activity is necessary for the purpose of quarrying activities:** the approvals are sought to facilitate the construction and operation of a new aggregate quarry pit within a block of land known as the Sutton Block, located directly northeast of the existing quarry pit at Drury;
- (b) **the extraction of the aggregate will provide significant national or regional benefits:** as described in paragraphs 4.14 to 4.29, the Project will deliver a series of significant regional if not national benefits.¹³⁶ These include economic benefits, ecological management and enhancement benefits and cultural benefits due to the protection of Sites of Significance to iwi;
- (c) **there is a functional need for the activity to be done in that location:** aggregate can only be extracted where it is found naturally in situ and should be extracted as close to its point of use as possible. High-quality, well-exposed greywacke resource is present at Sutton Block. Further, over 70% of the site is zoned as SPQZ. The proposed activity must therefore occur at the Sutton Block site; and
- (d) **the effects of the activity will be managed through applying the effects management hierarchy:** adverse effects on natural inland wetlands and rivers is minimised where possible. Where effects are unavoidable, aquatic offsetting¹³⁷ is therefore proposed including 3.3km stream enhancement and 4.04 ha wetland restoration at Tuakau (discussed at paragraph 4.22 above).

¹³⁴ Appendix E — Assessment of objectives and policies.

¹³⁵ Per policy 3.22, this is also included in the AUP at E3.3.

¹³⁶ *CJ Industries Ltd v Tasman District Council* [2025] NZEnvC 213.

¹³⁷ As recommended at (d) of the effects management hierarchy.

Part 2 of the RMA

- 5.18 Section 104 is subject to Part 2 of the RMA. However, the FTAA modifies the Part 2 assessment by directing that a reference to Part 2 must be read as a reference to sections 5, 6 and 7 of the RMA only (i.e. not including section 8).¹³⁸
- 5.19 The term "subject to Part 2" and the application of applicable objectives and policies has been considered by the Supreme Court in a recent series of cases. Those decisions have re-emphasised the need for a decision maker to undertake a "fair appraisal" of all relevant policy provisions across national policy statements and plans;¹³⁹ clarified that avoid policies do not operate as bottom lines and in fact have some tolerance for effects that have less than material harm on high values.¹⁴⁰ Those cases also confirmed that conditions, including those that require mitigation and offset measures, are appropriate tools for avoiding effects on high value scheduled areas.¹⁴¹
- 5.20 Notably in relation to Part 2, the Supreme Court has also confirmed that Part 2 will always have a role in consent decisions. This is because policies may be directive but do not operate as rules, and the exercise of a residual discretion may be required to ensure the purpose of the RMA is upheld where a granting consent to a project would promote that outcome.¹⁴²
- 5.21 As a result, the Panel has a discretion to undertake a Part 2 assessment of the resource consent applications for this Project. As outlined in the application material, the Project is consistent with Part 2 of the RMA as it:¹⁴³
- (a) Will support the economic and social wellbeing of the Auckland region, given the continued supply of aggregate is a critical resource for construction and maintenance of infrastructure and other developments. Notably, the Supreme Court found that significant infrastructure is a public good that contributes to a community's wellbeing, health and safety;¹⁴⁴

¹³⁸ FTAA, schedule 5 clause 17(2)(a).

¹³⁹ As per *RJ Davidson Family Trust v Marlborough District Council* [2018] NZCA 316, [2018] 3 NZLR 283.

¹⁴⁰ *Port Otago Ltd v Environmental Defence Society Inc* [2023] NZSC 112, applying *Trans-Tasman Resources Ltd v Taranaki-Whanganui Conservation Board* [2021] NZSC 127, [2021] 1 NZLR 801.

¹⁴¹ *Royal Forest and Bird Protection Society of New Zealand Incorporated v New Zealand Transport Agency* [2024] 1 NZLR 241 at [180].

¹⁴² *Port Otago Ltd v Environmental Defence Society Inc* [2023] NZSC 112, at [75]-[82]

¹⁴³ At Section 11.3.

¹⁴⁴ *Royal Forest and Bird Protection Society of New Zealand Inc v New Zealand Transport Agency* [2024] 1 NZLR 241 at [85].

- (b) Appropriately takes into account matters of national importance, as the location and design of the proposed quarry pit has avoided Kaarearea Paa and the ONL.¹⁴⁵ The Project also avoids and mitigate adverse effects on SEAs, providing for a comprehensive restoration and enhancement opportunity;¹⁴⁶ and
- (c) Has had regard to section 7 RMA matters including kaitiakitanga and the ethic of stewardship via Stevenson's ongoing engagement with iwi groups.

Section 105 and 107 – applications for discharge permits

5.22 Section 105 of the RMA provides that if an application is for a discharge permit to do something that would contravene section 15 of the RMA,¹⁴⁷ the consent authority must, in addition to the matters in section 104(1), have regard to:

- (a) The nature of the discharge and the sensitivity of the receiving environment to adverse effects;
- (b) The applicant's reasons for the proposed choice; and
- (c) Any possible alternative methods of discharge, including discharge into any other receiving environment.

5.23 Under section 107 of the RMA, the Panel cannot grant a discharge permit to authorise the discharge of a contaminant or water into water if after reasonable mixing, the water discharged is likely to give rise to all or any of the following effects in the receiving water:

- (a) The production of any conscious oil or grease films, scums or foams, or floatable;
- (b) Any conspicuous change in the colour or visual clarity;
- (c) Any emission of objectionable odour;
- (d) The rendering of fresh water unsuitable for consumption by farm animals; and
- (e) Any significant effects on aquatic life.

¹⁴⁵ Assessment of environmental effects at Section 11.3.1.

¹⁴⁶ Ibid.

¹⁴⁷ Discharge of contaminants into the environment.

- 5.24 Stevenson seeks discharge permits for the diversion and discharge of stormwater, diversion and discharge of groundwater and discharges to air. As described in the AEE, detailed consideration has been given to methods for addressing potential adverse effects of these discharges.¹⁴⁸ For the reasons outlined in the AEE, the proposed discharge permits are consistent with section 105 of the RMA and the discharges will not give rise to any of the effects outlined in section 107.

Clause 17(1)(c) – any other provisions that direct decision making under the RMA

- 5.25 Section 104(1)(c) requires the panel to have regard to any other relevant matter. For this Project, these include:
- (a) Ngāti Tamaoho Statutory Acknowledgement;
 - (b) Te Ākitai Waiohū Deed of Settlement; and
 - (c) The Auckland Plan 2050.
- 5.26 The substantive application for the Project outlines the relevant aspects of these documents to the Project.¹⁴⁹ Stevenson has directly engaged with Ngāti Tamaoho and Te Ākitai Waiohū during the Project's development to ensure all relevant obligations are adhered to, and remains committed to engaging with these iwi groups throughout the implementation of the Project. Development of the Sutton Block will enable the use of an existing regionally important aggregate resource, which is consistent with the Auckland Plan 2050's key outcomes to support growth.¹⁵⁰

6. APPLICATION OF FTAA DECISION MAKING FRAMEWORK TO WILDLIFE APPROVALS

- 6.1 When considering an application for a wildlife approval, the Panel must take into account:¹⁵¹
- (a) The purpose of the FTAA – this is to be given the greatest weight, in the overall assessment of the relevant criteria;

¹⁴⁸ At Section 11.4.1.

¹⁴⁹ Assessment of environmental effects at Section 11.1.8; Substantive application for the Drury Quarry Expansion—Sutton Block at 3.6.

¹⁵⁰ Assessment of environmental effects at Section 11.1.8.3.

¹⁵¹ FTAA, schedule 7 clause 5.

- (b) The purpose of the Wildlife Act¹⁵² and the effects of the Project on the protected wildlife that is to be covered by the approval; and
 - (c) Where relevant, information and requirements relating to the protected wildlife that is to be covered by the approval. For this Project, the relevant information includes the New Zealand Threat Classification System and the Department of Conservation 'Guidelines for producing management plans for New Zealand lizards'.
- 6.2 Stevenson seeks a wildlife approval to capture and relocate native copper skinks (identified as at-risk in the New Zealand Threat Classification Survey) from the proposed Sutton Block quarry footprint. A wildlife approval is only sought for lizard fauna as it may not be possible to move all lizards out of habitats during vegetation clearance.
- 6.3 The proposed mechanisms for the release and capture of the copper skink are comprehensive and consistent with the Wildlife Act. Proposed protocols include a Lizard Management Plan, prepared in accordance with the Act, to minimise potential effects on native lizards prior to and during removal of identified and potential habitats at Sutton Block.¹⁵³ The LMP provides a comprehensive outline of the actions required to avoid adverse effects on the copper skink, including pre-works systematic searches and trapping and release site enhancement and monitoring.¹⁵⁴ The LMP has also been prepared in accordance with best practice standards, including the Department of Conservation's Guidelines for producing management plans for New Zealand lizards.¹⁵⁵
- 6.4 The wildlife approval sought for the Project is consistent with the purpose of the FTAA. In conjunction with the resource consent approval and archaeological authority, the wildlife approval is necessary to ensure that the Project (and its benefits to other large-scale infrastructure) can occur while ensuring that effects on the copper skink are minimised.

¹⁵² Wildlife Act 1953, section 3, which provides that all wildlife to be absolutely protected throughout New Zealand and New Zealand fisheries waters.

¹⁵³ Appendix A — Wildlife approval conditions at 21.

¹⁵⁴ Wildlife approval information requirements at 2-3.

¹⁵⁵ At 3.

7. APPLICATION OF FTAA DECISION-MAKING FRAMEWORK TO ARCHAEOLOGICAL AUTHORITIES

- 7.1 When considering an application for an archaeological authority, the Panel must take into account:¹⁵⁶
- (a) The purpose of the FTAA – this is to be given the greatest weight , in the overall assessment of the relevant criteria;
 - (b) The matters set out in section 59(1)(a) of HNZPTA;
 - (c) The matters set out in sections 47(1)(a)(ii) and (5) of HNZPTA; and
 - (d) A relevant statement of general policy confirmed or adopted under the HNZPTA.
- 7.2 Section 59(1)(a) of the FTAA outlines the requirements that the Panel must consider when making a decision on an archaeological authority. This includes consideration of the historical and cultural heritage value of the site and the purpose and principles of HNZPTA.¹⁵⁷ Sections 47(1)(a)(ii) and (5) of HNZPTA also apply if the archaeological authority sought will have effects that are no more than minor.¹⁵⁸
- 7.3 Stevenson also seeks approval for an archaeological authority to modify or destroy archaeological sites within the Sutton Block quarry footprint. The archaeological authority is consistent with the FTAA and meets the purpose of the Act. As explained in the Archaeological Assessment and AEE, the quarry footprint has been designed specifically to avoid all recorded archaeological sites where possible. While the proposed quarry expansion affects one recorded site, this site does not fall under the archaeological provisions under the HNZPTA and has limited historic value.¹⁵⁹
- 7.4 The authority is therefore sought as a precautionary measure in the event unrecorded subsurface archaeological sites are exposed during the Stage 1 enabling works phase. This precautionary mechanism is therefore necessary to ensure that the Project and its associated benefits can be delivered without any significant archaeological effects, in the event a site is discovered.

¹⁵⁶ FTAA schedule 8 clause 4.

¹⁵⁷ HNZPTA, section 59(1).

¹⁵⁸ HNZPTA, section 47(1)(a)(ii).

¹⁵⁹ Appendix T — Archaeological assessment at 42.

8. PROPOSED CONDITIONS

Proposed conditions for resource consents approval

- 8.1 When setting conditions on a resource consent under clause 18 of Schedule 5, the Panel must apply the provisions of Part 6 of the RMA. The assessment framework for resource consent conditions set out in sections 108 and 108AA RMA therefore apply, with the exception of the FTAA's requirement that conditions are no more onerous than necessary.¹⁶⁰
- 8.2 Stevenson has prepared draft conditions to address effects not otherwise managed through the design and location of the Project. These are outlined in Appendix I of the resource consent application. The proposed conditions have been carefully considered and drafted with input from relevant technical experts, stakeholders and iwi groups. Stevenson considers these conditions will adequately avoid, remedy and mitigate the adverse effects of the Project on the environment and are no more onerous than necessary. Further, Stevenson considers the draft conditions are consistent with section 7 of the FTAA and that further conditions are not required to satisfy Treaty settlements and recognised customary rights under section 84 of the FTAA.

Proposed conditions for wildlife approval

- 8.3 The Panel may set any conditions on wildlife approvals that it considers necessary to manage the effects of the activity on protected wildlife.¹⁶¹ This includes considering whether the conditions mitigate impacts on the protected wildlife, and if offset or compensation is possible and appropriate.¹⁶²
- 8.4 As described above, the EMP outlines methods for capturing and handling copper skink, in accordance with best practice guidelines. The LMP also requires that an experienced ecologist / herpetologist undertakes the capturing and handling.

Proposed conditions for archaeological authority

- 8.5 The Panel may impose any conditions on an archaeological authority, in accordance with the assessment criteria outlined in Schedule 8, clause 5 of

¹⁶⁰ FTAA, section 83.

¹⁶¹ FTAA, schedule 7, cl 6(1).

¹⁶² FTAA, schedule 7, cl 6(2).

the FTAA.¹⁶³ Relevantly, conditions may include providing that all activities are undertaken with accepted archaeological practice.¹⁶⁴ The proposed Archaeological Authority conditions are consistent with these provisions, as it requires the authority holder to ensure that all works are undertaken with the HNZPTA. This includes ensuring all contractors on site are briefed by an approved person as per section 45 HNZPTA,¹⁶⁵ and any archaeological evidence encountered must be investigated, recorded and analysed in accordance with current archaeological practice.¹⁶⁶

- 8.6 Heritage New Zealand Pouhere Taonga has confirmed that it accepts the proposed conditions and has no suggested amendments.¹⁶⁷

¹⁶³ FTAA, schedule 8, clause 5.

¹⁶⁴ FTAA schedule 8, clause 5(1)(c).

¹⁶⁵ Section 45 HNZPTA outlines the requirements for an approved person to undertake the activity.

¹⁶⁶ Appendix C — Archaeological conditions (final).

¹⁶⁷ Section 51(2)(d) Fast-track Approvals Act 2014 Report from Heritage New Zealand Pouhere Taonga – Drury Quarry – Sutton Block Expansion, page 4.

PART C – CONCLUDING OBSERVATIONS

- 8.7 Stevenson respectfully requests that the Panel grant approvals to the resource consents, wildlife approval and archaeological authority sought by Stevenson. The Project will facilitate significant regional benefits, appropriately manage effects and achieves the purpose of the FTAA.
- 8.8 Through its supply of high-quality aggregate, Drury Quarry currently supports some of the country's largest infrastructure, transport and housing projects within the Auckland and surrounding regions. The Sutton Block expansion will enable a continuous long term supply of high-quality aggregate for future projects in the Auckland region, especially as market demand increases as a result of other FTAA projects.

Dated 17 September 2025

**Bal Matheson / Vanessa Evitt / Natalie
Summerfield**

Counsel for Stevenson Aggregates Limited