

UNDER THE FAST-TRACK APPROVALS ACT 2024

FTAA-2503-1037

UNDER the Fast-track Approvals Act 2024

AND

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

MEMORANDUM OF COUNSEL

PANEL CONVENER CONFERENCE

25 AUGUST 2025

BUDDLE FINDLAY

Barristers and Solicitors
Auckland

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MAY IT PLEASE THE PANEL CONVENER

1. INTRODUCTION

- 1.1 We act for Stevenson Aggregates Ltd (**Applicant**).
- 1.2 The purpose of this memorandum is to provide the Environmental Protection Authority with a full set of the updated documentation provided by the Applicant since lodgement of the Substantive Application.

2. BACKGROUND

- 2.1 Since lodging the Substantive Application on 10 April 2025, the Applicant has continued to engage with Auckland Council in relation to the Application.
- 2.2 Ahead of the Panel Convener's Conference on 25 July 2025, Auckland Council provided table of questions or further / missing information in a Comments Tracker Table.
- 2.3 On 12 August 2025, the Applicant provided an update to the Comments Tracker Table, with additional documents, as set out further below at paragraph 3.1 below.
- 2.4 On 19 August 2025, the Applicant attended a briefing session with the Panel and the Council (**Briefing Session**). Following the Briefing Session, and in case this information is subsequently relied on or referred to, the Applicant has made some minor amendments to the presentation slides, as set out further below at Section 5.
- 2.5 During the briefing session, the Panel sought further information in relation to the Substantive Application, as discussed further below at Section 6.
- 2.6 Copies of the documents outlined in this memorandum are provided in a separate sharefile, using the file names indicated in this memorandum.

3. UPDATED DOCUMENTS IN RESPONSE TO AUCKLAND COUNCIL QUERIES

- 3.1 On 12 August 2025, the Applicant provided the following additional information to Auckland Council, in response to its Comments Tracker Table:
 - (a) The Applicant's responses to the Comments Tracker Table. The Council has commenced working through the Applicant's responses

and is updating the status of each request. We understand from correspondence from the Council that it has not received responses from some of its experts.¹ However, some additional comments from other Council specialists were provided to the Applicant today.² The Applicant will review the comments received and will provide updated responses to the EPA, together with any other responses to further comments from the Council once received on a regular basis.

- (b) The Applicant has received an updated Comments Tracker Table from the Council today. The Table is a working document and a copy of the most up to date version of the Comments Tracker Table is saved as *'Updated Material from SAL – Comments Tracker Table 25 August 2025'*.
- (c) The colour coding in the Comments Tracker Table is as follows:
 - (i) Green – item has been addressed by the Applicant and Council considers this matter to be closed or a response was not required from the Applicant; and
 - (ii) Orange – further information required from the Applicant.

The Applicant and the Council will continue to keep the Panel updated with progress on any outstanding matters.

- (d) The following attachments to the Comments Tracker Table are provided:
 - (i) Attachment A – saved as *'Updated Material from SAL – Attachment A - Memorandum Response to Auckland Council Parks query'*;
 - (ii) Attachment B – saved as *'Updated Material from SAL – Attachment B - Transport Data'*;
 - (iii) Attachment C, being the revised set of conditions to incorporate comments from the Comments Tracker Table and to reformat the document – saved as *'Updated Material from SAL – Attachment C - Updated Conditions Set August 2025'*;

¹ Parks planning; ecology; environmental monitoring; landscape and visual; and local board.

² Watercare; Auckland Transport, stormwater, groundwater, noise.

- (iv) Attachment D – saved as '*Updated Material from SAL – Attachment D - Peach Hill Road culvert drawing*';
- (v) Attachment E – saved as '*Updated Material from SAL – Attachment E -Groundwater Memo*';
- (vi) Attachment F – saved as '*Updated Material from SAL – Attachment F - Additional Visual Simulation material*'.

4. ADDITIONAL DOCUMENTS REQUESTED BY THE PANEL

- 4.1 During the briefing session with the Panel, the Panel requested the following additional documents to assist the Panel were requested:
 - (a) Existing Front of House consents – saved as '*Updated Material from SAL: - Front of House Consent BUN60359817*';
 - (b) Existing Air Discharge consents – saved as '*Updated Material from SAL – Air Discharge Consent BUN60409108*';
 - (c) Variation of consents LUC60325732 and LUS60325733 – saved as '*Updated Material from SAL – Variation of Consents LUC60325732-A and LUS60325733-A*'.
- 4.2 In relation to Air Discharge Consent BUN60409108, we confirm that the Applicant is applying for a new air discharge consent as part of the Substantive Application. The intention is, however, to have a single Dust Management Plan for the entire site (ie the existing operation and the Sutton Block extension).
- 4.3 In relation to the planting required under the Variation of Consent LUC60325732-A and LUS60325733-A, we can confirm that the Applicant has commenced the required replacement planting. We can also confirm that this replacement planting has not been taken into account as an offset measure for the Sutton Block project (in other words, there is no “double counting”).

5. UPDATED PRESENTATION FROM BRIEFING SESSION

- 5.1 The Applicant prepared and presented a set of slides during the Briefing Session with the Panel and Council on 19 August 2025. Following that session, some further amendments have been made to the slide deck, as follows:

- (a) A new slide 5 to include the Quarry Buffer Area Overlay (**QBOA**) and the zoning for the land adjacent to the Applicant's land; and
 - (b) Replacing the phrase 'electric crusher' with 'electric conveyor' on Slide number 17.
- 5.2 As explained during the presentation, the QBOA rules are at Chapter D27 of the AUP and contain the following key provisions (see discussion at 6.2 to 6.5 below):
- 5.3 A copy of the updated presentation is saved as '*Updated Material from SAL – Briefing Session Material*'.

6. QUERIES RAISED DURING THE BRIEFING SESSION

- 6.1 Our response to each of the Panel's questions during the briefing is set out below:

What is the activity status of the properties between 359 MacWhinney Drive and the SAL land? There is a vacant lot on MacWhinney Drive near the Sutton Block - what is the activity status for a new dwelling within that zone?

- 6.2 The property located between 359 MacWhinney Drive and the Applicant's property is 369 MacWhinney Drive, which is zoned Rural – Countryside Living.
- 6.3 Under the Rural – Countryside Living Zone, one dwelling per site is a permitted activity.
- 6.4 However, the property is also subject to the Infrastructure: Quarry Buffer Area Overlay. The intent of this overlay is to avoid reverse sensitivity effects on quarry operations that can result from subdivision, use and development occurring in close proximity to mineral extraction activities.³
- 6.5 Under the Overlay, one dwelling per site is permitted, subject to compliance with particular standards.
- Does the existing 'Front of House' consent contain any implied terms limiting the size of the aggregate resource or duration of quarrying?*
- 6.6 Consent BUN60359817 was granted on 7 October 2020 and enabled the relocation of front of house activities associated with existing quarry mineral

³ D27.1 Quarry Buffer Area Overlay.

extraction. It included a land use consent component, and a stormwater discharge component, of which the stormwater discharge has a 35 year expiry date.

- 6.7 The Front of House and quarry activities have been occurring from the Drury site for over 80 years, and were earmarked for expansion in 2008 when the quarry zone was expanded to include the Sutton Block in the Papakura District Plan.
- 6.8 The Front of House consent allows for the relocation of associated activities to enable a more efficient location and layout for the overall site. The consent does not contain any implied terms that would either limit the duration or the extent of aggregate resource such that the Front of House consent cannot be utilised to process the aggregate resource from the Sutton Block.

Does the Substantive Application affect any existing resource consent conditions?

- 6.9 The Substantive Application does not affect any existing resource consent conditions. The Applicant obtained a variation of consent to existing consents LUC60325732-A and LUS60325733-A which enabled the relocation of mitigation planting required by a previous consent (**Northern Expansion Planting**). The Northern Expansion Planting was proposed to be located within the proposed haul road adjacent to western side of Kaarearea Paa. Following the grant of the variation, the Northern Expansion Planting will now be planted on the eastern side of the Paa. As noted above, the Northern Expansion Planting has commenced in the new location.

Do the Ecology reports address the relocation of planting in accordance with Variation of Consent LUC60325732-A and LUS60325733-A?

- 6.10 The ecology reports lodged with the Substantive Application assumed the Northern Expansion Planting formed part of the existing environment. The Northern Expansion Planting has not been included within the offset calculation for the Sutton Block project.

7. UPDATED ON PROPOSED OFFSET PLANING ON NGĀ MOTU O HINGAIA

- 7.1 The Substantive Application proposed 4.4 ha of kanuka forest 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 lodgement of the Substantive Application, landowner approval from DoC had not been obtained.

- 7.2 The Applicant understands that DoC has support from two of the three iwi groups for the restoration planting to occur at the islands.
- 7.3 During the Briefing Session, the Applicant confirmed that despite ongoing discussions with DoC and the three iwi groups, landowner approval cannot be obtained at this stage. Accordingly, the Applicant is no longer pursuing this offsetting option.
- 7.4 Bioresarches, the Applicant's ecologists, has completed a further assessment for the proposed biodiversity offset for the Substantive Application. A copy of the further assessment is saved as '*Updated Material from SAL – Hingaia (Drury) Island Offset Revegetation*'. In summary, net gain outcomes are still predicted to be achieved, but there will be a reduction in the extent of those gains. The current approach of monitoring and adaptive management for offset planting is appropriate to ensure the net gain target is met.
- 7.5 Bioresarches recommends that a 10-year review of the biodiversity offset to assess whether the modelled targets are being met. Where the results show that targets have been exceeded, no further action is required. If the review indicates that additional offset planting is required, then further steps would be required. (We record here, again, counsel's position that there is no mandatory requirement under any of the relevant FTAA statutory tests for either a no net loss or net gain to be achieved by any restoration/offset programme.)
- 7.6 In response to the inability to undertake the restoration planting on Drury Islands, the Applicant proposes:

- (a) The Table in Condition 53 is amended as follows:

Biodiversity type	Areas Lost/ha	Offset Planting/ha
Rock forest (RF)	0.65	8.32

Taraire tawa podocarp forest (WF9)	7.33	32
Kānuka forest (VS2)	8.8	22 <u>17.6</u>
Relict native trees amongst pasture	130 individual trees	887 young trees
Total	16.78	62.32 <u>57.92</u>

(b) The following new condition is included after Condition 54:

54A Within 6 months of the 10th anniversary of commencement of this consent, the consent holder must submit to the Council an assessment of the biodiversity offset that demonstrates whether the modelled targets in Bioresearches & JS Ecology 2025 have been met. If the assessment shows that net gain for the offset planting has not been exceeded, the consent holder must submit an amended Net Gain Delivery Plan: Planting Plan with the Council demonstrating where any additional planting will occur and how this will result in the modelled targets being achieved.

Dated 25 August 2025



Bal Matheson / Vanessa Evitt / Natalie Summerfield
Counsel for Stevenson Aggregates Limited