

Report for an application to change/cancel conditions of a resource consent under section 127 of the Resource Management Act 1991



Discretionary activity under section 127(3)

1. Application description

Application number(s): LUC60325732-A and LUS60325733-A

Applicant: Stevenson Aggregates Limited

Original consent number(s): BUN60325729 (LUC60325732 & LUS60325733)

Site address: 475 Quarry Road and 121 MacWhinney Drive, Drury

Legal description: 475 Quarry Road:

PT ALLOT 152 SETT OF MAKETU SUB SEC 2 PSH OPAHEKE, Lot 2 DP 41441, ALLOT 168 Sbrn Sec 2 Parish of Opaheke, Lot 1 DP 46285, ALLOT 175 Sbrn Sec 2 Parish of Opaheke, Lot 2 DP 19546, Lot 1 DP 19546, Lot 1 DP 32801, ALLOT 211 SUB SEC 2 Parish OF OPAHEKE, PT A

121 MacWhinney Drive:

LOT 4 DP 509893, LOT 5 DP 509893, Lot 1 DP 126627

Auckland Unitary Plan (Operative in part)

Zoning and precinct: 475 Quarry Road:

Special Purpose – Quarry Zone

Rural – Rural Production Zone

121 MacWhinney Drive:

Rural - Mixed Rural Zone

Special Purpose - Quarry Zone

Note: all works relate to the land zoned Special Purpose –Quarry Zone

Overlays, controls, designations, special features etc: Natural Resources: Significant Ecological Areas Overlay - SEA_T_5349, Terrestrial

Natural Resources: Significant Ecological Areas Overlay - SEA_T_5346, Terrestrial

Natural Resources: High-Use Aquifer Management Areas Overlay [rp] - Drury Sand Aquifer

Natural Resources: High-Use Aquifer Management Areas Overlay [rp] - Bombay Drury Kaawa Aquifer

Natural Resources: Quality-Sensitive Aquifer Management Areas Overlay [rp] - Drury Sand Aquifer

Historic Heritage and Special Character: Historic Heritage Overlay Extent of Place [rcp/dp] - 693, Ballards Cone pa site R12_278

Infrastructure: Quarry Buffer Area Overlay

Controls: Macroinvertebrate Community Index - Exotic

Controls: Macroinvertebrate Community Index - Native

Controls: Macroinvertebrate Community Index - Rura

Proposed plan change(s):

Plan Changes, Plan Change 102, s86B (3), Sites and Places of Significance to Mana Whenua Overlay [rcp/dp], [View PDF](#), Immediate Legal Effect, 23/05/2024

Note: For the avoidance of doubt, any reference in this report to 'vary' or 'variation application' shall be taken to mean an application to change or cancel consent conditions under s127 of the RMA.

2. Locality Plan

Figure 1 – Aerial Photograph (Showing layout of and existing features) Source: Applicant A.E.E

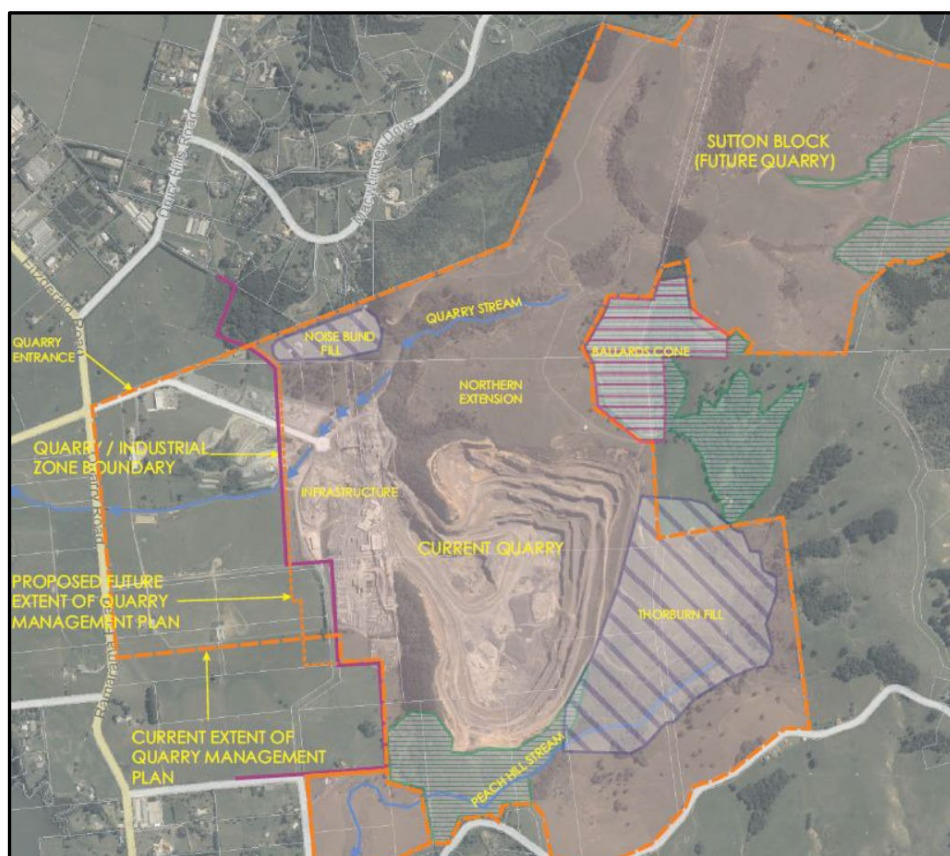
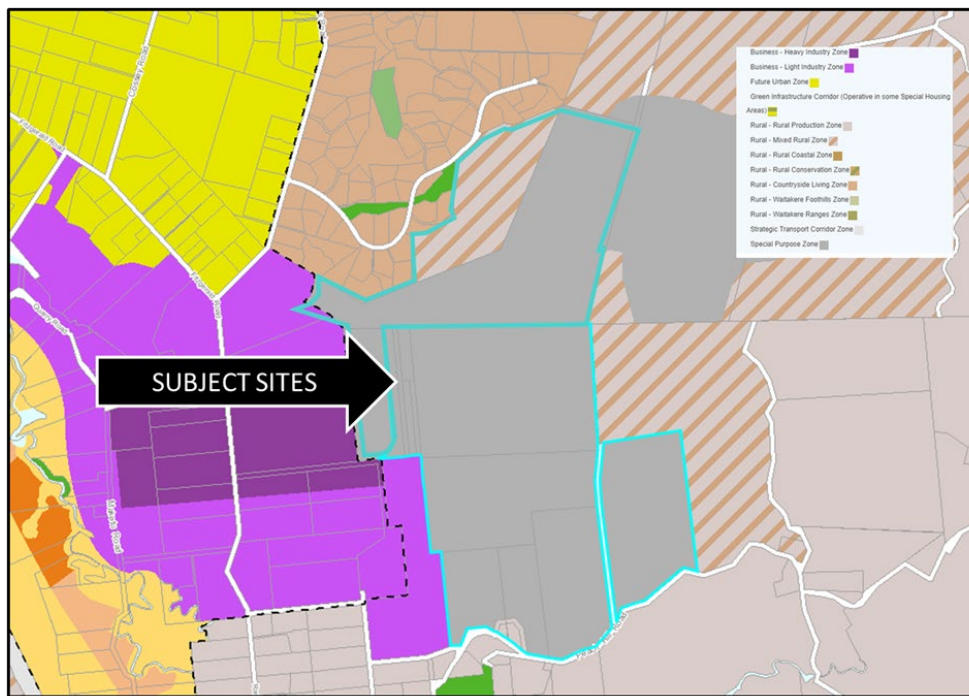


Figure 2 – Zoning and Precinct Map Source: Auckland Council GIS



3. The proposal, site and locality description

Background

A background to the original consent is provided in section 3.0 of the submitted A.EE. This consent provided for an expansion to the existing quarry mineral extraction activities at 475 Quarry Road and 121 MacWhinney Drive, Drury, involving:

- The removal of up to 1ha of WF9 native forest and 0.2ha of native scrub, and mitigation and offset compensation planting (including pioneer and enrichment planting) across 5.17 hectares.
- The removal of 150m of permanent stream (being approximately 68m² of aquatic habitat), and migration and offset environmental compensation riparian planting of 150m of stream length (approximately 3,000m² of planting), including riparian pioneer planting and riparian enrichment planting.

Proposal

The consent holder wishes to vary the conditions of resource consent LUC60325732 and LUS60325733 (BUN60325729) to amend the location of the mitigation and offset works associated with the consented vegetation and stream loss works, as the location of the stream offset works and part of the vegetation replanting area are likely to be required to facilitate the future quarry development. In addition, the consent holder seeks to account for time-lag effects following the implementation of the removal works and delays (associated with drought and Covid19 lockdowns) with delivering the mitigation and offset works. In summary the consent holder proposes to undertake the following:

- Amend the terrestrial mitigation and offset compensation planting to relocate 7,306m² of planting to a 1.25ha area northeast of an existing area of Significant Ecological Area (SEA) that comprises of WF9 native forest. To ensure that any adverse effects associated with the time-lag from the planting not having being implemented are accounted for, the applicant has proposed to:
 - Relocate the planting to a substantially more sheltered location to facilitate faster growth rates,
 - Include several future canopy species within the pioneer species lists (totara, tarata, kahikatea, rewarewa) to ensure hardier and faster growing species are planted earlier
 - Plant at a greater density (4 m enrichment spacing from 6 m), and in line with Tane's Tree Trust guidelines for native tree planting.
 - Increased the planting area by a ratio of 1:1.5.
- Amend the streamworks mitigation and offset compensation package to provide additional measures ensure that an SEV of 0.7 is reached at 10 years following the riparian planting including:
 - Provide additional riparian planting to the south of the riparian planting on the southern stream bank, increasing planting to 6,352m² across 257m of stream length.
 - Increase size of all planting to decrease time to maturation, and increase spacing of pioneer plants to a minimum 1m to ensure coverage
 - Utilising a high proportion of good-coverage pioneer plants, with additional diversity supplemented at 75% infill during the enrichment phase
 - Utilisation of biodegradable mulch mats/Coir fibre matting along riparian margins, to reduce impacts of weed suppression and drought
 - Increase frequency of maintenance and summer watering.

The specific amendments sought by the Applicant's agent relate to conditions 1, 5, 6, and 23 and are outlined in full in Section 3.3 of the submitted A.E.E. and are amended to reflect the updated planting plan provided as part of the further information responses. In addition, new conditions to provide for Stream offset monitoring are proposed within the further information response 10 March 2025.

Site and surrounding environment description

A description of the site and surrounding environment is provided in Section 2.0 of the submitted A.E.E. Having visited the site I can confirm that this assessment is accurate.

Specialist Input

The information has been reviewed and assessed by the following specialists:

- Andrew Rossaak – Consultant Ecologist (Morphum) – for the Earth, Streams and Trees Team

4. Status of the application

Application to vary resource consent conditions – LUC60325732 & LUS60325733

The proposed changes are considered to fall within the scope of the original resource consent to expand the existing quarry activities and associated vegetation removal and streamworks.

As an application for a variation to conditions under s127 of the Resource Management Act 1991 (RMA), it is treated as if it is a **discretionary activity**.

Sections 88 to 121 apply, though all references to resource consent and activity are replaced with reference to the change or cancellation of the condition, and the resultant effects.

5. Public notification assessment (sections 95A, 95C-95D)

Section 95A specifies the steps the council is to follow to determine whether an application is to be publicly notified. These steps are addressed in the statutory order below.

Step 1: mandatory public notification in certain circumstances

No mandatory notification is required as:

- the applicant has not requested that the application is publicly notified (s95A(3)(a));
- there are no outstanding or refused requests for further information (s95C and s95A(3)(b)); and
- the application does not involve any exchange of recreation reserve land under s15AA of the Reserves Act 1977 (s95A(3)(c)).

Step 2: if not required by step 1, public notification precluded in certain circumstances

The application is not precluded from public notification as:

- the activities are not subject to a rule or national environmental standard (NES) which precludes public notification (s95A(5)(a)); and
- the application does not exclusively involve one or more of the activities specified in s95A(5)(b).

Step 3: if not precluded by step 2, public notification required in certain circumstances

The application is not required to be publicly notified as the variation proposal is not subject to any rule or a NES that requires public notification (s95A(8)(a)).

The following assessment addresses the adverse effects of the activities on the environment, as public notification is required if the activities will have or are likely to have adverse effects on the environment that are more than minor (s95A(8)(b)).

Adverse effects assessment (sections 95A(8)(b) and 95D)

Any effect on a person who has given written approval to the application

In this case, no written approvals have been provided with the application.

Effects that must be disregarded

Effects on persons who are owners and occupiers of the land in, on or over which the application relates, or of land adjacent to that land

The council is to disregard any effects on the land in, on, or over which the activity will occur, and on persons who own or occupy any adjacent land (s95D(a)). In this case, I consider that adjacent land includes all those properties that directly adjoin the site or that are opposite the subject site.

Effects that may be disregarded

Permitted baseline

The permitted baseline may be taken into account and the council has the discretion to disregard those effects (s95D (b)).

As the application involves the variation of conditions of an existing resource consent, the permitted baseline is not of particular relevance in determining the adverse effects beyond those from the activities undertaken under the original consent.

Assessment

Receiving environment

The receiving environment beyond the subject site includes permitted activities under the relevant plans, lawfully established activities (via existing use rights or resource consent), and any unimplemented resource consents that are likely to be implemented. The effects of any unimplemented consents on the subject site that are likely to be implemented (and which are not being replaced by the current proposal) also form part of this reasonably foreseeable receiving environment. This is the environment within which the adverse effects of this application must be assessed.

As this is an application for a variation to conditions of an existing resource consent, the receiving environment includes the effects of the original consent that is subject to the variation application (as only the effects of the variation can be considered under s127(3)).

In addition, with respect to the site and surrounds, the Drury Industrial Precinct is under development, and there are a number of consents relating to the wider Quarry activities.

There are no additional unimplemented consents beyond the subject site that I am aware of that would be relevant to the proposal.

This is the reasonably foreseeable environment within which the adverse effects of the proposal are considered.

Adverse effects

Sentinel (as clarified and amended by the further information responses by Tonkin + Taylor) have provided, in accordance with schedule 4 of the RMA, an assessment of environmental effects in such detail as corresponds with the scale and significance of the effects that the activity may have on the environment and public notification tests within 5 of the submitted A.E.E. These assessments conclude that any adverse effects on the environment will be less than minor, and that public notification is not required.

Having reviewed these assessments along with assessments of the Council Specialist and the relevant matters of the AUP (OP), I agree with these conclusions and consider that any adverse effects on the environment will be less than minor and make the following comments:

- In the context of the site and receiving environment, the proposed changes to the consented development are considered to remain in keeping with the outcomes anticipated by the original consents for the receiving environment. As such, the proposed changes are not anticipated to have any discernible adverse amenity or character effects beyond those of the consented environment.
- In support of the application, an ecological assessment and updated planting plan by Bioresearches has been provided. The updated planting plan includes methods (including increase in areas) to ensure that the relocated terrestrial planting is in keeping with the ecological outcomes anticipated by the original consent, and that both the terrestrial and riparian planting are delivered so as not to have any adverse effects associated with the time lag in delivering the planting. This approach has been considered by council's consultant Ecologist, Mr Rossaak. Having considered the applicant's proposal (as amended by the further information responses) Mr Rossaak has concluded:
 - That the measures (including the 50% increase in planting area) for the terrestrial planting would address any adverse effects associated with time lag, and that the location is suitable for the offset.
 - That the additional monitoring proposed to ensure that riparian planting targets are met is appropriate, and that notwithstanding the level of detail provide around the ecological accounting, that based on his experience, the proposed approach (including increased area) is appropriate and is accepted.
 - With respect to both the terrestrial and riparian planting, the remaining conditions in the consent (including pest management and covenant conditions) are considered suitable to ensure the outcomes anticipated by the original consent are achieved.

On this basis, having considered the application material and specialist assessments, it is considered that any adverse ecological effects can be managed so that they are less than minor.

Step 4: public notification in special circumstances

If an application has not been publicly notified as a result of any of the previous steps, then the council is required to determine whether special circumstances exist that warrant it being publicly notified (s95A(9)).

Special circumstances are those that are:

- Exceptional, abnormal or unusual, but something less than extraordinary or unique;
- outside of the common run of applications of this nature; or
- circumstances which make notification desirable, notwithstanding the conclusion that the activities will not have adverse effects on the environment that are more than minor.

In this instance I have turned my mind specifically to the existence of any special circumstances and conclude that there is nothing exceptional or unusual about the variation application, and that the proposal has nothing out of the ordinary run of things to suggest that public notification should occur.

Public notification conclusion

Having undertaken the s95A public notification tests, the following conclusions are reached:

- Under step 1, public notification is not mandatory.
- Under step 2, there is no rule or NES that specifically precludes public notification of the variation application, and the application is for activities other than those specified in s95A(5)(b).
- Under step 3, public notification is not required as the application is for activities that are not subject to a rule that specifically requires it, and it is considered that the activities will not have adverse effects on the environment that are more than minor.
- Under step 4, there are no special circumstances that warrant the variation application being publicly notified.

It is therefore recommended that this variation application be processed without public notification.

6. Limited notification assessment (sections 95B, 95E-95G, s127(4))

If the variation application is not publicly notified under s95A, the council must follow the steps set out in s95B to determine whether to limited notify the application. These steps are addressed in the statutory order below.

Step 1: certain affected protected customary rights groups must be notified

There are no protected customary rights groups or customary marine title groups affected by the proposed activities (s95B(2)).

In addition, the council must determine whether the proposed activities are on or adjacent to, or may affect, land that is subject of a statutory acknowledgement under schedule 11, and whether the person to whom the statutory acknowledgement is made is an affected person (s95B(3)). Within the Auckland region the following statutory acknowledgements are relevant:

- Te Uri o Hau Claims Settlement Act 2002
- Ngāti Manuhiri Claims Settlement Act 2012
- Ngāti Whātua Ōrākei Claims Settlement Act 2012
- Ngāti Whātua o Kaipara Claims Settlement Act 2013
- Te Kawerau ā Maki Claims Settlement Act 2015
- Ngāti Tamaoho Claims Settlement Act 2018
- Ngāi Tai Ki Tāmaki Claims Settlement Act 2018

In this instance, of relevance to the proposal is the statutory acknowledgement for Ngāti Tamaoho with respect to the Hingaia Stream and its tributaries.

As part of the original consent, the applicant undertook consultation with Ngāti Tamaoho, the outcome of which included:

- Provision for pest and weed management plans and a lizard relocation plan;
- A proposal to covenant to secure the ongoing implementation of these plans;
- Preparation and implementation of a management plan for the recorded archaeological site to the north of the pit extension and partly within the mitigation planting area; and
- Completion of an lwi assessment;

As the proposal will not result in any further effects on streams that enables under the original consent, and as no response/request was received by the Council from Ngāti Tamaoho following their consultation via the weekly consent list, it is considered that the proposal will not result in adversely affected persons in this regard.

Step 2: if not required by step 1, limited notification precluded in certain circumstances

The application is not precluded from limited notification as:

- the application is not for one or more activities that are exclusively subject to a rule or NES which preclude limited notification (s95B(6)(a)); and
- the application is not exclusively for a controlled activity, other than a subdivision, that requires consent under a district plan (s95B(6)(b)).

Step 3: if not precluded by step 2, certain other affected persons must be notified

As this application is not for a boundary activity, there are no affected persons related to that type of activity (s95B(7)).

The following assessment addresses whether there are any affected persons that the application is required to be limited notified to (s95B(8)).

In determining whether a person is an affected person:

- a person is affected if adverse effects on that person are minor or more than minor (but not less than minor);
- adverse effects permitted by a rule in a plan or NES (the permitted baseline) may be disregarded; and
- the adverse effects on those persons who have provided their written approval must be disregarded.

In considering a variation application, the council must consider in particular every person who made a submission on the original application and who may be affected by the change or cancellation of that consent (s127(4)).

Adversely affected persons assessment (sections 95B(8) and 95E)

Sentinel (as clarified and amended by the further information responses by Tonkin + Taylor) have provided, in accordance with schedule 4 of the RMA, an assessment of adversely affected persons in such detail as corresponds with the scale and significance of the effects that the activity may have on persons in the surrounding environment.

This can be found in section 5.2 of the submitted A.E.E, and concludes that any effects are less than minor, and no persons need to be notified.

Overall, I agree with the A.E.E and conclude that, as with the consideration of effects on the environment, any effects on people are considered to be less than minor. In particular:

- In the context of the site and receiving environment, the proposed changes to the consented development are considered to remain in keeping with the outcomes anticipated by the original consents for the receiving environment. As such, the proposed changes are not anticipated to have any discernible adverse amenity or character effects on any persons beyond those of the consented environment.
- For completeness, it is noted that the original application was not notified, and therefore with respect to s127(4) there are no persons who made a submission on the original application or may be affected by the proposed changes.

For the reasons outlined above, it is recommended that this application be processed without limited notification because there are no affected persons under s95E.

Step 4: further notification in special circumstances

In addition to the findings of the previous steps, the council is also required to determine whether special circumstances exist in relation to the variation application that warrant it being notified to any other persons not already determined as eligible for limited notification (excluding persons assessed under section 95E as not being affected persons).

Special circumstances are those that are:

- Exceptional, abnormal or unusual, but something less than extraordinary or unique;
- outside of the common run of applications of this nature; or
- circumstances which make limited notification to any other person desirable, notwithstanding the conclusion that no other person has been considered eligible.

In this instance I have turned my mind specifically to the existence of any special circumstances under s95B(10) and conclude that there is nothing exceptional or unusual about the variation application, and that the proposal has nothing out of the ordinary run of things to suggest that notification to any other persons should occur.

Limited notification conclusion

Having undertaken the s95B limited notification tests, the following conclusions are reached:

- Under step 1, limited notification is not mandatory.
- Under step 2, there is no rule or NES that specifically precludes limited notification of the variation application, and the application is for activities other than that specified in s95B(6)(b).
- Under step 3, limited notification is not required as it is considered that the variation application will not result in any adversely affected persons.
- Under step 4, there are no special circumstances that warrant the variation application being limited notified to any other persons.

It is therefore recommended that this variation application be processed without limited notification.

7. Notification recommendation

Non-notification

For the above reasons under section 95A this application may be processed without public notification.

In addition, under section 95B, limited notification is not required.

Accordingly, I recommend that this application is processed non-notified.



Colin Hopkins
Consultant Planner, DCS
For Resource Consents

Date: 31 March 2025

8. Notification determination

Acting under delegated authority, and for the reasons set out in the above assessment and recommendation, under sections 95A and 95C to 95D, and 95B and 95E to 95G of the RMA this application shall be processed non-notified.



Doug Fletcher
Principal Project Lead, Premium
Resource Consents

Date: 3 April 2025

Decision on an application to change/cancel conditions of a resource consent under section 127 of the Resource Management Act 1991



Discretionary activity under section 127(3)

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Applicant: Stevenson Aggregates Limited
Original consent number(s): BUN60325729 (LUC60325732 & LUS60325733)
Site address: 475 Quarry Road and 121 MacWhinney Drive, Drury
Legal description: 475 Quarry Road:

PT ALLOT 152 SETT OF MAKETU SUB
SEC 2 PSH OPAHEKE, Lot 2 DP 41441,
ALLOT 168 Sbrn Sec 2 Parish of Opaheke,
Lot 1 DP 46285, ALLOT 175 Sbrn Sec 2
Parish of Opaheke, Lot 2 DP 19546, Lot 1
DP 19546, Lot 1 DP 32801, ALLOT 211
SUB SEC 2 Parish OF OPAHEKE, PT A

121 MacWhinney Drive:

LOT 4 DP 509893, LOT 5 DP 509893, Lot 1 DP
126627

Proposal:

To vary the conditions of resource consent LUC60325732 and LUS60325733 (BUN60325729) to amend the location of the mitigation and offset works associated with the consented vegetation and stream loss works. The proposed changes account for time-lag effects following the implementation of the removal works and delays (associated with drought and Covid19 lockdowns) with delivering the mitigation and offset works.

Note: For the avoidance of doubt, any reference in this decision to 'vary' or 'variation application' shall be taken to mean an application to change or cancel consent conditions under s127 of the RMA.

This discretionary activity under s127 of the Resource Management Act 1991 (RMA) is for changes to conditions of consent LUC60325732 and LUS60325733 (BUN60325729) involving the following amendments (with ~~red strikethrough~~ for deletion, **red font** for insertions):

Changes to condition 1

1. The removal of vegetation and streamworks associated with the expansion of the existing mineral extraction activities at 475 Quarry Road and 121 MacWhinney Drive, shall be carried out in accordance with the documents and drawings and all supporting additional information submitted with the application, detailed below, and all referenced by the council as resource consent numbers LUC60325732 (Land Use) and LUS60325733 (Streamworks) (as varied)
 - Application Form, and Assessment of Effects prepared by Greg Osborne of Osbornhay, titled “*Drury Quarry, Quarry Road, Drury, Stevenson Construction Materials Limited, Application for Resource Consent for an Extension to the Existing Quarry Pit and Assessment of Environmental Effects*”, dated August 2018
 - Application Form, and Assessment of Effects prepared by Sentinel titled “*Section 127 Application In Respect Of The Consented Northern Pit Extension And Assessment of Environmental Effects*, dated February 2022.

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Variation LUC60325732-A & LUS60325733-A	Author	Rev	Dated
Further Information Responses Including:	Collated by Tonkin + Taylor		25.07.2024
<i>Planting Plan for relocation of offset Planting for Drury Quarry – Biosearches (May 2022)</i>			11.10.2024
<i>Drury Quarry: Ecological assessment of planting relocation – Biosearches (December 2021)</i>			10.03.2025
<i>S127 Riparian Planting Plan – Biosearches (March 2025)</i>			
<i>Memo: Drury Quarry S127 Riparian Planting Memorandum – Biosearches (March 2025)</i>			

Changes to condition 5

Covenant

5. Prior to commencement of offset and compensation works as required by the conditions of this consent (as varied by LUC60325732-A & LUS60325733-A), the consent holder shall have a land covenant prepared under section 108(2)(d) of the RMA covering the legal protection and ongoing maintenance of the mitigation planting and offset compensation for the vegetation removal and streamworks for registration on the affected Certificate(s) of Title.

The covenant shall require legal protection of the vegetation, fencing of the covenant area and pest plant and pest animal control in accordance with conditions 7, 9, 11, 24, 29 and 31 within the covenant area for the mitigation and offset compensation planting relating to the vegetation removal and stream removal. The draft covenant shall be submitted to Auckland Council, Team Leader - Compliance Monitoring South for approval prior to being

registered.

The covenant shall be registered against the Certificate of Title within one month of obtaining Council approval of the covenant and a copy of the updated Certificate of Title shall be provided to the Team Leader – Compliance Monitoring South.

The covenant shall require the consent holder to:

- be responsible for all legal fees, disbursements and other expenses incurred by the council in connection with the covenant, and procure its solicitor to give an undertaking to the council for payment of the same; and
- indemnify the council for costs, fees, disbursements and other expenses incurred by the council as a direct or indirect result of the council being a party to this covenant

Changes to condition 6

6. The vegetation removal shall be undertaken in accordance with the following plans and information and any plans or revisions required as conditions of consent:

Reports:

Drury Quarry – Quarry Pit Extension Assessment of Ecological values. Prepared by Bioresearchers. Dated August 2018

Drury Quarry – Quarry Pit Extension Mitigation Plan. Prepared by Bioresearchers. Dated August 2018

S92:

Memorandum: Quarry Pit Extension S92 Response - Ecology. Attention Greg Osborne. Prepared by Bioresearchers. Ref 18027. Dated 18 October 2018

Memorandum: Quarry Pit Extension Additional Questions to S92 Response - Ecology. Attention Greg Osborne. Prepared by Bioresearchers. Ref 18027. Dated 1 November 2018.

Planting Plan for relocation of offset Planting for Drury Quarry – Bioresearches (May 2022)

Drury Quarry: Ecological assessment of planting relocation – Bioresearches (December 2021)

Changes to condition 23

23. The streamworks shall be undertaken in accordance with the following plans and information and any plans or revisions required as conditions of consent:

Reports:

Drury Quarry – Quarry Pit Extension Assessment of Ecological values. Prepared by Bioresearchers. Dated August 2018

*Drury Quarry – Quarry Pit Extension Mitigation Plan. Prepared by Bioresearchers.
Dated August 2018*

S92:

Memorandum: Quarry Pit Extension S92 Response - Ecology. Attention Greg Osborne. Prepared by Bioresearchers. Ref 18027. Dated 18 October 2018

Memorandum: Quarry Pit Extension Additional Questions to S92 Response - Ecology. Attention Greg Osborne. Prepared by Bioresearchers. Ref 18027. Dated 1 November 2018

Planting Plan for relocation of offset Planting for Drury Quarry – Biosearches (May 2022)

Drury Quarry: Ecological assessment of planting relocation – Biosearches (December 2021)

S127 Riparian Planting Plan – Biosearches (March 2025)

Memo: Drury Quarry S127 Riparian Planting Memorandum – Biosearches (March 2025)

New Condition 32

32. The Consent Holder must monitor the Stream Ecological Valuation of the offset stream at five (5) and ten (10) years after completion of the instream enhancements and riparian planting, or until the monitoring shows the predicted SEV values have been achieved, whichever time period is the lesser.

Where the monitoring concludes that the SEV value of the offset stream is not likely to or has not reached the predicted SEV value (0.7) within ten (10) years of completion, a Further Enhancement Works Plan must be prepared and submitted to the Council for approval within six (6) months of monitoring.

Within two months of each round of monitoring being completed, the Consent Holder must provide the SEV assessments and associated calculations used for monitoring the sites required to the Council. The 5 year report must include an assessment of likelihood of reaching predicted values at 10 years.

Decision

I have read the application, supporting documents, and the report and recommendations on the application for variation. I am satisfied that I have sufficient information to consider the matters required by the RMA and make a decision under delegated authority on the application.

Acting under delegated authority, under sections 127, 104, 104B, and Part 2 of the RMA, the application for variation to conditions of a resource consent is **GRANTED**.

Reasons

The reasons for this decision are:

1. The proposal is appropriately considered under s127 as the changes will not result in a fundamentally different activity or materially different effects.
2. In accordance with an assessment under s104(1)(a)-(ab) and s127(3) of the RMA, the actual and potential effects from the variation will be acceptable as:
 - a. In the context of the site and receiving environment, the proposed changes to the consented development are considered to remain in keeping with the outcomes anticipated by the original consents for the receiving environment. As such, the proposed changes are not anticipated to have any discernible adverse amenity or character effects beyond those of the consented environment.
 - b. The updated planting plan includes methods (including increase in planting area) to ensure that the relocated terrestrial planting is in keeping with the ecological outcomes anticipated by the original consent. In addition, the additional planting and amended planting plan (including amended methodology) in combination with the additional riparian planting monitoring are considered to be sufficient to ensure that any time lag effects associated with the delay in both terrestrial and riparian planting are to be less than minor.
 - c. In terms of positive effects, despite the delays in delivering the offset planting required for the original consent, the proposed changes enable the delivery of the ecological outcomes as anticipated by the original consent, in a manner that assists with the efficient operation and management of the quarry activities. This is considered to be an appropriate and efficient use of the land from a resource management perspective.
 - d. With reference to s104(1)(ab), there are no specific offsetting or environmental compensation measures proposed or agreed to by the applicant to ensure positive effects on the environment (other than as reflected in the original consent).
3. In accordance with an assessment under s104(1)(b) and s127(3) of the RMA, the variation is consistent with the relevant statutory documents. In particular:
 - a. The proposal is considered to be acceptable in the context of the anticipated outcomes of the NES FW and in particular the functions of regional councils under s30 of the RMA for the management of effects on water bodies.
 - b. Having considered the provisions of the Special Purpose Quarry Zone and direction of the AUP (OP) with respect to the management of freshwater systems, and the management of vegetation and biodiversity in the region, the proposed changes are considered to remain in keeping with the outcomes envisaged by the AUP (OP) for the receiving environment and ensure that the ecological outcomes and riparian planting remain consistent with the original consent.
4. In accordance with an assessment under s104(1)(c) and s127(3) of the RMA, no other matters are considered relevant.

5. In the context of this variation application, where the objectives and policies of the relevant statutory documents were prepared having regard to Part 2 of the RMA, they capture all relevant planning considerations and contain a coherent set of policies designed to achieve clear environmental outcomes. They also provide a clear framework for assessing all relevant potential effects and there is no need to go beyond these provisions and look to Part 2 in making this decision as an assessment against Part 2 would not add anything to the evaluative exercise.
6. Overall the proposed changes to the conditions of consent are considered acceptable in the context of the underlying provisions of the AUP (OP) and the existing consented activities on the site. Furthermore, any adverse effects associated with the proposed changes are considered to be less than minor, and the proposal will have positive effects associated with the efficient use of the land. For these reasons the proposal is considered to be acceptable from a resource management perspective.

Conditions

Under sections 108 and 108AA of the RMA, this variation is subject to the following amended conditions:

1. The removal of vegetation and streamworks associated with the expansion of the existing mineral extraction activities at 475 Quarry Road and 121 MacWhinney Drive, shall be carried out in accordance with the documents and drawings and all supporting additional information submitted with the application, detailed below, and all referenced by the council as resource consent numbers LUC60325732 (Land Use) and LUS60325733 (Streamworks) (as varied)
 - Application Form, and Assessment of Effects prepared by Greg Osborne of Osbornhay, titled "*Drury Quarry, Quarry Road, Drury, Stevenson Construction Materials Limited, Application for Resource Consent for an Extension to the Existing Quarry Pit and Assessment of Environmental Effects*", dated August 2018
 - Application Form, and Assessment of Effects prepared by Sentinel titled "Section 127 Application In Respect Of The Consented Northern Pit Extension And Assessment of Environmental Effects, dated February 2022.

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Variation LUC60325732-A & LUS60325733-A	Author	Rev	Dated
Further Information Responses Including:	Collated by Tonkin + Taylor		25.07.2024
<i>Planting Plan for relocation of offset Planting for Drury Quarry – Bioresearches (May 2022)</i>			11.10.2024
<i>Drury Quarry: Ecological assessment of planting relocation – Bioresearches (December 2021)</i>			10.03.2025
<i>S127 Riparian Planting Plan – Bioresearches (March 2025)</i>			
<i>Memo: Drury Quarry S127 Riparian Planting</i>			

Covenant

5. Prior to commencement of offset and compensation works as required by the conditions of this consent (as varied by LUC60325732-A & LUS60325733-A), the consent holder shall have a land covenant prepared under section 108(2)(d) of the RMA covering the legal protection and ongoing maintenance of the mitigation planting and offset compensation for the vegetation removal and streamworks for registration on the affected Certificate(s) of Title.

The covenant shall require legal protection of the vegetation, fencing of the covenant area and pest plant and pest animal control in accordance with conditions 7, 9, 11, 24, 29 and 31 within the covenant area for the mitigation and offset compensation planting relating to the vegetation removal and stream removal. The draft covenant shall be submitted to Auckland Council, Team Leader - Compliance Monitoring South for approval prior to being registered.

The covenant shall be registered against the Certificate of Title within one month of obtaining Council approval of the covenant and a copy of the updated Certificate of Title shall be provided to the Team Leader – Compliance Monitoring South.

The covenant shall require the consent holder to:

- be responsible for all legal fees, disbursements and other expenses incurred by the council in connection with the covenant, and procure its solicitor to give an undertaking to the council for payment of the same; and
 - indemnify the council for costs, fees, disbursements and other expenses incurred by the council as a direct or indirect result of the council being a party to this covenant
6. The vegetation removal shall be undertaken in accordance with the following plans and information and any plans or revisions required as conditions of consent:

Reports:

Drury Quarry – Quarry Pit Extension Assessment of Ecological values. Prepared by Bioresearchers. Dated August 2018

Drury Quarry – Quarry Pit Extension Mitigation Plan. Prepared by Bioresearchers. Dated August 2018

S92:

Memorandum: Quarry Pit Extension S92 Response - Ecology. Attention Greg Osborne. Prepared by Bioresearchers. Ref 18027. Dated 18 October 2018

Memorandum: Quarry Pit Extension Additional Questions to S92 Response - Ecology. Attention Greg Osborne. Prepared by Bioresearchers. Ref 18027. Dated 1 November 2018.

Planting Plan for relocation of offset Planting for Drury Quarry – Bioresearches (May 2022)

*Drury Quarry: Ecological assessment of planting relocation – Biosearches
(December 2021)*

23. The streamworks shall be undertaken in accordance with the following plans and information and any plans or revisions required as conditions of consent:

Reports:

Drury Quarry – Quarry Pit Extension Assessment of Ecological values. Prepared by Biosearches. Dated August 2018

Drury Quarry – Quarry Pit Extension Mitigation Plan. Prepared by Biosearches. Dated August 2018

S92:

Memorandum: Quarry Pit Extension S92 Response - Ecology. Attention Greg Osborne. Prepared by Biosearches. Ref 18027. Dated 18 October 2018

Memorandum: Quarry Pit Extension Additional Questions to S92 Response - Ecology. Attention Greg Osborne. Prepared by Biosearches. Ref 18027. Dated 1 November 2018

Planting Plan for relocation of offset Planting for Drury Quarry – Biosearches (May 2022)

*Drury Quarry: Ecological assessment of planting relocation – Biosearches
(December 2021)*

S127 Riparian Planting Plan – Biosearches (March 2025)

Memo: Drury Quarry S127 Riparian Planting Memorandum – Biosearches (March 2025)

32. The Consent Holder must monitor the Stream Ecological Valuation of the offset stream at five (5) and ten (10) years after completion of the instream enhancements and riparian planting, or until the monitoring shows the predicted SEV values have been achieved, whichever time period is the lesser.

Where the monitoring concludes that the SEV value of the offset stream is not likely to or has not reached the predicted SEV value (0.7) within ten (10) years of completion, a Further Enhancement Works Plan must be prepared and submitted to the Council for approval within six (6) months of monitoring.

Within two months of each round of monitoring being completed, the Consent Holder must provide the SEV assessments and associated calculations used for monitoring the sites required to the Council. The 5 year report must include an assessment of likelihood of reaching predicted values at 10 years.

Advice notes

1. *A copy of the consolidated set of conditions of consent as amended is included as attachment 1 to this section 127 decision.*
2. *The consent holder is reminded that the decision on this section 127 application does not affect the lapse period for the resource consent.*
3. *This decision is to be read in conjunction with any other relevant approved resource consent(s) and does not negate the consent holder's requirement to continue to comply with the conditions of any previously granted resource consent(s) that have been implemented.*

Delegated decision maker:

Name: Doug Fletcher
Title: Principal Project Lead, Premium
Resource Consents

Signed:



Date: 3 April 2025

Attachment 1: Consolidated conditions of consent as amended

Resource Consent Notice of Works Starting

Please email this form to monitoring@aucklandcouncil.govt.nz at least **5 days** prior to **work starting** on your development or post it to the address at the bottom of the page.

Site address:				
AREA (please tick the box)	Auckland CBD ☐	Auckland Isthmus ☐	Hauraki Gulf Islands ☐	Waitakere ☐
Manukau ☐	Rodney ☐	North Shore ☐	Papakura ☐	Franklin ☐
Resource consent number:			Associated building consent:	
Expected start date of work:			Expected duration of work:	

Primary contact	Name	Mobile / Landline	Address	Email address
Owner				
Project manager				
Builder				
Earthmover				
Arborist				
Other (specify)				

Signature: Owner / Project Manager (indicate which)	Date:
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Once you have been contacted by the Monitoring Officer, all correspondence should be sent directly to them.

SAVE \$\$\$ minimise monitoring costs!

The council will review your property for start of works every three months from the date of issue of the resource consent and charge for the time spent. You can contact your Resource Consent Monitoring Officer on 09 301 0101 or via monitoring@aucklandcouncil.govt.nz to discuss a likely timetable of works before the inspection is carried out and to avoid incurring this cost.