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 OUTLINING RESPONSE TO VARIOUS REPORTS, COMMENTS RECEIVED, AND THE PANEL'S MINUTE 4

1 OCTOBER 2025

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MAY IT PLEASE THE PANEL CONVENER

1. INTRODUCTION

1.1 We act for Stevenson Aggregates Ltd (**Applicant**) in relation to its substantive application for the Drury Quarry – Sutton Block Expansion (**Project**).

1.2 On 9 June 2025, the Panel requested advice from Heritage New Zealand Pouhere Taonga (**HNZPT**) (and the Māori Heritage Council) and the Department of Conservation (**DoC**) in accordance with section 51 of the FTAA. HNZPT and DoC provided their respective section 51 responses on 10 September 2025.

1.3 On 27 August 2025, the Panel invited selected parties to provide feedback on the Project by 24 September 2025.

1.4 On 17 September 2025, the Panel issued Minute 4 which set out further information requests in accordance with section 67 of the FTAA in relation to ecology queries.

1.5 This memorandum describes how the Applicant has responded to the:

(a) HNZPT section 51(2)(d) report dated 10 September 2025;

(b) DoC section 51(2)(c) report dated 10 September 2025;

(c) Comments received in relation to the Project;

(d) The Panel's further information requests on ecology matters; and

1.6 This memorandum also provides an update on the Applicant's draft condition set.

1.7 All documents provided by the Applicant will be filed on the EPA portal.

1.8 Finally, the Applicant acknowledges receipt of the Panel's Minute 5 dated 30 September 2025. The Applicant will provide a further memorandum addressing Minute 5 by 3 October 2025.

2. HERITAGE NEW ZEALAND POUHERE TAONGA

2.1 The HNZPT section 51(2)(d) report provides comments in relation to the Archaeological Authority sought by the Applicant.

2.2 Overall, HNZPT recommends that an archaeological authority be granted under the FTAA, subject to conditions. The conditions proposed at page 5 of the HNZPT report largely reflect the draft conditions proposed by the Applicant. Minor amendments have been suggested by HNZPT and accepted by the Applicant.

2.3 A summary of the comments received from HNZPT in relation to the Archaeological Authority in the section 51(2)(d) report is saved as *Sutton Block -Table for HNZPT – section 51(2)(d) comments and applicant response*.

2.4 A copy of the updated Archaeological Authority conditions is saved as *Sutton Block - Draft Archaeological Authority conditions – update following section 51(2)(d) comments*.

3. DEPARTMENT OF CONSERVATION

3.1 The DoC section 51(2)(c) report provides comments in relation to the Wildlife Approval sought by the Applicant.

3.2 Since lodgement of the substantive application, the Applicant and DoC have continued discussions in relation to the Wildlife Approval and resource consent components of the substantive application.

3.3 As a result of these discussions, an updated Ecological Management Plan, which includes an updated Lizard Management Plan, was provided to DoC on 17 July 2025. A copy of the updated Ecological Management Plan is saved as *Sutton Block EMP – updated 17 July 2025*.

3.4 Overall, subject to the recommendations below being implemented, DoC considers it would be appropriate to grant the Wildlife Approval:[1]

(a) the approval requires the LMP to be followed (as amended to respond to DOC's recommendations in its report);

(b) the approval is limited to copper skink, ornate skink, elegant gecko, and forest gecko; and additional mitigation is required for any approval for pacific gecko and striped skink;

[1] See Fast-track Approvals Act wildlife approval report, Section 51(2)(c) wildlife approval report for FTAA-2503-1037 Drury Quarry Expansion – Sutton Block, at [3.5].

(c) the term of any wildlife approval is limited to 10 years, but if the Panel is of a mind to grant an approval for 50 years then a review and re-certification condition should be imposed;

(d) the LMP is amended to require mouse control as part of pest control measures; and

(e) the LMP is amended to increase the number of eco-stacks currently proposed by the applicant in the LMP; and

(f) the LMP is amended to require the staging of eco-stacks by constructing them on the release site several months earlier than currently proposed.

3.5 The Applicant's responses to DoC's section 51 report are included in the Response Table saved as *Sutton Block - Table for DOC – section 51(2)(c) comments and applicant response*.

3.6 In relation the lizard salvaging, DoC inferred that a 50-year duration period was sought for the Wildlife Approval, and so it had proposed further conditions to address this period. However, the Applicant confirms that it does not seek a 50-year duration period for the Wildlife Approval, and instead seeks a 15-year period to align with the indicative Stages 1 and 2 for the Project. On this basis, the Applicant has provided a review condition at Year 10 to ensure the Lizard Management Plan still achieves its objectives.

3.7 A copy of the updated Wildlife Approval conditions can be found in the document saved as *Sutton Block - Draft Wildlife Approval conditions – update following section 51(2)(c) comments*.

3.8 The Applicant has continued to engage with DOC following receipt of the section 51(2)(c) report. It is understood by the Applicant that agreement between the parties has been reached. A copy of the confirmation email from DOC is saved as *Sutton Block - Wildlife Approval – DOC confirmation email dated 29 September 2025.*

4. COMMENTS RECEIVED

4.1 The substantive application received 21 comments to the Panel's invitation for comments. A full list of the parties that provided comments is set out in **Appendix A** of this memorandum.

4.2 Three late sets of comments were received by the Panel - by Natasha Bridgeman, André Hodgksin for Zenox Ltd and Tim MacWhinney for Kilkeel Holdings Ltd. The Applicant has considered these comments in Response Table saved as *Sutton Block – Draft table for land owners – Invited parties summary and applicant response*.

4.3 The substantive application received support or confirmation of a neutral position from:

(a) Minister for Infrastructure;

(b) Minister for RMA Reform;

(c) Minister of Resources;

(d) Minister for Arts, Culture and Heritage;

(e) Heritage New Zealand Pouhere Taonga;

(f) Ministry for Culture and Heritage;

(g) Minister for the Environment;

(h) Bobbie Win; and

(i) The following technical aspects from Auckland Council:

(i) Heritage;

(ii) Landscape and visual;

(iii) Air quality;

(iv) Parks;

(v) Noise;

(vi) Contamination;

(vii) Regulatory engineering (geotechnical, district earthworks and traffic);

(viii) Stormwater; and

(ix) Watercare

4.4 The substantive application also received support, subject to the inclusion of specific conditions from:

(a) Department of Conservation;

(b) Auckland Conservation Board;

(c) The following technical aspects from Auckland Council:

(i) Groundwater;

(ii) Regional earthworks.

4.5 For the comments that require a response from the Applicant, this has been completed in table form. Those responses are structured as follows:

(a) Auckland Council – saved as *Sutton Block – Auckland Council comments – invited parties summary and applicant responses*:

(i) Ecology – see Table 1.1;

(ii) Transport – see Table 1.2 ;

(iii) Economics - see Table 1.3;

(iv) Groundwater – see Table 1.4;

(v) Regional earthworks – see Table 1.5;

(vi) Heritage – see Table 1.6; and

(vii) Landscape – see Table 1.7;

(b) Department of Conservation – see *Sutton Block – DOC comments – Invited parties summary and applicant response*;

(c) Auckland Conservation Board – see *Sutton Block – Table to Auckland Conservation Board – Invited parties summary and applicant response*;

(d) Minister for the Environment – see *Sutton Block Table for MFE – Invited parties summary and applicant response*; and

(e) Te Ākitai Waiohua Waka Taua Incorporated – see *Sutton Block – Table for Te Ākitai Waiohua – Invited parties summary and applicant response*.

4.6 In preparing these response tables, the Applicant worked with its team of experts to finalise the responses. The team included:

(a) Ecology: Chris Wedding, Treff Barnett, Jennifer Shanks;

(b) Transport: Daryl Hughes and Don McKenzie;

(c) Economics: Greg Akehurst and Tom Harris;

(d) Groundwater: Parvis Namjou; and

(e) Earthworks: Campbell Stewart.

4.7 In relation to some of the queries raised by the Council on ecology matters, where similar queries have been raised by the Panel, the Applicant has provided a response to the Panel's query. A cross reference in the Auckland Council Ecology response table to the Panel's response has been provided.

4.8 In relation to the proposed wetland offset package at the Tuakau site, and in response to the Panel's ecology query #23, a plan setting out the extent of the proposed wetland, the natural inland wetland and wetted pasture (meeting pasture exclusion criteria) has been prepared. A copy of the Tuakau Offset Site Existing Wetland Habitat Plan is saved as *Sutton Block – Tuakau Existing Wetland Plan*.

Comments received from local residents

4.9 The Applicant has also summarised the comments received from local residents that were invited to comment. A copy of the response table responding to the local residents comments is saved as *Sutton Block – Table for land owners – Invited parties summary and applicant response*.

4.10 Two matters arise relating to those comments, which are discussed below.

No complaints covenant

4.11 The Applicant has received a joint response from the owners of [redacted][2] is subject to a no-complaints covenant,[3] which was outlined to the Panel on 22 September 2025 as part of its response to the queries raised in the Panel's Minute 3. A link to that document is here.

4.12 The Applicant considers the provisions of the no complaints covenant applies to the Fast-track Approvals process. On this basis, the Applicant seeks the Panel to request the registered owner of [redacted] to withdraw their

[2] Record of Title 896946.
[3] Registered interest 9353472.1

comments to the extent that the comments breach the no complaints covenant. In the event that these comments are not withdrawn, the Applicant submits that the Panel should give no weight to those comments as they relate to potential effects on [redacted] that fall within the ambit of the no complaints covenant.

[redacted] *was not invited to comment*

4.13 The owner of [redacted] formed part of the joint response discussed above. However, the Applicant notes that [redacted] was not invited to provide any comments on the substantive application. The Applicant submits that the Panel must disregard any matters raised in those comments that relate to [redacted]

5. FURTHER PANEL REQUESTS

5.1 The Panel provided its further information requests on ecology matters in its Minute 4 dated 17 September.

5.2 The Applicant has summarised its response in the document saved as *Table for Panel s67 (Minute 4) – Summary and applicant response.* In preparing this response, the Applicant had direct input from its ecology team Chris Wedding, Treff Barnett, Jennifer Shanks and other team members.

5.3 On Monday 29 September, the Panel outlined that further technical memorandum to support the Applicant's response to the section 67 RFI requests and any other comments received would be required. As noted above, all responses were prepared and signed off with the Applicant's respective experts.

5.4 However, once the Panel has completed an initial review of the material filed by the Applicant today, the Applicant would be happy to attend a teleconference with the Panel to discuss whether any further technical information is required and in what form that information would be most helpful to the Panel.

6. UPDATE ON DRAFT CONDITIONS

6.1 A number of amendments to the draft condition set have been suggested in the reports and comments received. The Applicant has provided its position on those proposed amendments in the applicable response tables.

6.2 However, given the volume of material considered by the Applicant, and the short period of time available, the Applicant proposes to provide an updated set of draft conditions by Friday 10 October 2025. However, to assist the Panel, the Applicant has prepared a summary document which outlines the key amendments proposed to the draft condition set. This is saved as *Sutton Block – draft condition proposed amendments summary.*

6.3 A number of amendments have been made to the draft condition since the substantive application was lodged. To assist the Panel, the Applicant proposes to 'clean' the changes made to date before then tracking in any new proposed conditions. The Applicant has engaged with Auckland Council on this process and the Council has agreed.

Dated 1 October 2025

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

Appendix A – Respondents to the Panel's invitation to comment

(a) Auckland Council, with 18 supporting memorandum;

(b) Te Ākitai Waiohua Waka Taua Inc.;

(c) Minister for Infrastructure;

(d) Minister for RMA Reform;

(e) Minister for the Environment;

(f) Minister for Resources;

(g) Minister for Arts, Culture and Heritage;

(h) Heritage New Zealand Pouhere Taonga;

(i) Ministry for Culture and Heritage;

(j) Department of Conservation;

(k) Auckland Conservation Board;

(l) Bobbie Win, [redacted]

(m) Rob McGehan, [redacted]

(n) Jenny Yu, [redacted]

(o) Dan and Shanthe Gawn, [redacted]

(p) Daniela and Elsbeth Huber, [redacted]

(q) Graeme and Vicki Jones (Jones Family Trust), [redacted]

(r) Ruth Edgar, [redacted] Issac Pio [redacted] and Sean Stanning, [redacted]

(s) Steve Kelly, [redacted]

(t) Tim MacWhinney (Kilkeel Holdings Ltd) – [redacted]

(u) André Hodgskin (Zenox Ltd) – [redacted] and

(v) Natasha Bridgeman - [redacted]