

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

17 JULY 2025

BUDDLE FINDLAY

Barristers and Solicitors
Auckland

Solicitors Acting: **Vanessa Evitt / Natalie Summerfield**

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Counsel Acting: **Bal Matheson**

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MAY IT PLEASE THE PANEL CONVENER

1. INTRODUCTION

- 1.1 We act for Stevenson Aggregates Ltd (**Applicant**).
- 1.2 This memorandum is filed in advance of the Panel Convener conference scheduled for 25 July 2025, and in response to Minute 1 issued by the Panel Convener on 10 July 2025.
- 1.3 Minute 1, at paragraph [10], directs that all participants attending the conference provide the information set out in Schedule 1 and 2 of the Minute to the EPA, no later than 3 working days before the conference.

2. SCHEDULE 1 – INFORMATION ABOUT SUBSTANTIVE APPLICATION

- 2.1 The information requested by Schedule 1 was provided in the Applicant's case management memorandum filed on 10 April 2025 (**April memorandum**), included at **Annexure A**.
- 2.2 In summary:
 - (a) Three approvals are sought: resource consents, wildlife approval, and an archaeological authority (paragraphs [2.7] – [2.13] of April memorandum);
 - (b) Overall, the Substantive Application has a moderate level of complexity (paragraph [2.17] of April memorandum);
 - (c) Panel membership could usefully comprise expertise in planning, ecology, te ao Māori, and legal (paragraph [4.1] of April memorandum); and
 - (d) An overall timeframe of 75 working days from the Panel's appointment would be appropriate, given the nature of the Substantive Application and approvals sought (paragraph [5.1] of April memorandum).
- 2.3 The Applicant is happy to contribute to a discussion at the conference next week with all participants as to what might be the key issues to be determined through the process.
- 2.4 The Applicant does not consider there to be any disputed fact or opinion, or legal issue, that is or is likely to be of consequence to the determination of the application.

2.5 The Applicant does not consider any form or hearing process is required for the Substantive Application.

3. SCHEDULE 2 – SUGGESTED TIMEFRAMES FOR PROCEDURAL STEPS

3.1 The Applicant's proposed timeframes, as requested, is contained in the **Annexure B** to this memorandum.

4. APPLICANT'S REQUEST FOR EARLY AND CONTINUED ENGAGEMENT

4.1 While acknowledging the formal opportunities to provide comments, the Applicant wishes to emphasise its desire to engage with all participants in this process at an early stage and throughout this process.

Dated 17 July 2025

A handwritten signature in blue ink, appearing to read 'Bal Matheson', with a long horizontal flourish extending to the right.

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

Annexure A: Memorandum of Counsel from the Applicant dated 10 April 2025

UNDER THE FAST-TRACK APPROVALS ACT 2024

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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 FOR STEVENSON AGGREGATES LIMITED –
SUBSTANTIVE APPLICATION CASE MANAGEMENT MEMORANDUM**

Dated 10 April 2025

BUDDLE FINDLAY

Barristers and Solicitors
Auckland

Solicitors Acting: **Vanessa Evitt / Natalie Summerfield**

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MAY IT PLEASE THE PANEL CONVENERS

1. INTRODUCTION

1.1 We act for Stevenson Aggregates Ltd.

1.2 Stevenson has a listed project under Schedule 2 of the Fast-track Approvals Act 2024 for the Drury Quarry Expansion – Sutton Block (**the Project**).¹ The Project is described as being to:

'In stages, develop a quarry within a maximum pit depth of 60 metres over a 50-year period, to be serviced using existing infrastructure and facilities.'

1.3 Stevenson has prepared a substantive application under section 42 of the FTAA for the following approvals:

- (a) Resource consents under section 42(4)(a) of the FTAA;
- (b) Wildlife approval under section 42(4)(h) of the FTAA; and
- (c) Archaeological authority under section 42(4)(i) of the FTAA;

(collectively referred to as the **Substantive Application**).

1.4 Stevenson is the authorised person to lodge the Substantive Application in accordance with Schedule 2 of the FTAA.

1.5 Stevenson proposes to lodge its Substantive Application with the Environmental Protection Authority later today (10 April 2025). The purpose of this memorandum is to assist the panel conveners with:

- (a) determining an appropriate timeframe for the panel to make its decision by under section 79(2) of the FTAA;
- (b) setting up a panel with the relevant expertise under section 50 and Schedule 3 of the FTAA.

1.6 Accordingly, this memorandum:

- (a) Provides a brief summary of the Substantive Application, including the scale, nature and complexity of the approvals sought;

¹ See Schedule 2, page 116 of the Fast-track Approvals Act 2024.

- (b) Proposes a time extension to the default timeframe set out in section 79(1)(b) of the FTAA for the panel to make its decision; and
- (c) Identifies relevant areas of expertise that may assist the panel with assessing the approvals sought and making the decision under the FTAA.

1.7 Stevenson would welcome the opportunity to discuss these procedural matters with the panel conveners.

2. SUMMARY OF THE SUBSTANTIVE APPLICATION

The Project

- 2.1 The Project involves the expansion of aggregate extraction operations at Stevenson's existing Drury Quarry in Auckland. The proposed Sutton Block pit is located directly north-east of the existing Drury Quarry pit. The Drury Quarry is a regionally significant greywacke hard rock quarry and has supplied concrete, asphalt and roading aggregate to the New Zealand market for over 80 years.
- 2.2 The existing Drury Quarry pit and the proposed 108 ha Sutton Block expansion area is located within the wider landholdings owned by Stevenson which encompasses an area of approximately 562 ha. This landholding includes quarry activities, a clean fill, farmland and native vegetation. Kaarearea Paa is also located on the wider Stevenson landholding, and will be avoided by the Project.

Scale of the Project

- 2.3 The Project is designed to provide approximately an additional 240 million tonnes of aggregate to supply the Auckland region for the next 50 years. While intended to operate as a separate pit, the expansion will be serviced by Drury Quarry's existing ancillary site infrastructure and Front of House facilities. While some processing may occur in the Sutton Block pit, the bulk of the aggregate will be transported to the existing processing areas at Drury Quarry for any further processing, stockpiling, and ultimately being transported offsite when sold.
- 2.4 The development of the Sutton Block will involve the staged development of an area of approximately 108 ha to a maximum pit depth of approximately - 60 RL m. It is anticipated that as the existing Drury Quarry pit nears the

end of its life and reduces aggregate extraction, the Sutton Block pit will increase its aggregate extraction. This will ensure a continuous aggregate supply to the market.

- 2.5 Stevenson's plan to expand into the Sutton Block has been earmarked for some time. After purchasing the land in 2007, Stevenson applied for the majority of Sutton Block to be rezoned as a quarry zone under the Papakura District Plan. This was subsequently rolled over into the Auckland Unitary Plan: Operative in Part (**AUP**) as Special Purpose – Quarry Zone. While the Project requires a bundle of approvals (primarily regional consents), the underlying zoning clearly anticipates aggregate extraction on the majority of the site.
- 2.6 Development of the Project has been underway for a number of years, involving an iterative design process informed by multiple technical and stakeholder inputs. Stevenson has actively engaged with iwi representatives as part of this ongoing design development and refinement process. Consultation and engagement has also been undertaken with Auckland Council, the Department of Conservation, Heritage New Zealand Pouhere Taonga and the local community through open days and online sources.

Nature of the approvals sought

- 2.7 The Substantive Application seeks three separate approvals. The primary approvals sought are resource consents, with a wildlife approval and archaeological authority that are ancillary to these.

Resource consents

- 2.8 The majority of the Project site is zoned as Special Purpose – Quarry Zone, with the periphery edges zoned as Rural – Mixed Rural Zone and Rural – Rural Production Zone under the AUP.
- 2.9 A number of regional and land use consents are required under the AUP, National Environmental Standards for Freshwater and National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health. A full list of the consents required is set out in the Assessment for Environmental Effects that supports the consents sought. A summary of the types of consents sought are:
- (a) Mineral extraction within and outside of the Special Purpose – Quarry Zone;

- (b) Diversion of rivers and streams;
- (c) Reclamation of streams and wetlands;
- (d) Culverts more than 30m in length;
- (e) Take and use of groundwater;
- (f) Damming of water;
- (g) Stormwater discharges;
- (h) Earthworks within and outside of a Significant Ecological Area (**SEA**);
and
- (i) Vegetation alteration and removal within and outside of a SEA.

2.10 The Project includes an extensive biodiversity package with 63 ha of revegetation and 108 ha of enhancement pest and weed control of existing forest. The offset and enhancement package has been set strategically within a landscape where it will reconnect multiple mature forest fragments, including three existing SEA totalling some 680 ha of continuous indigenous forest.

Wildlife approval

2.11 Wildlife approval is required to support the resource consents due to the need to salvage and relocate native lizards found within the Site (primarily Copper Skinks). An application for wildlife approval will be provided as part of the Substantive Application, including proposed conditions and a draft Native Lizard Management Plan.

Archaeological authority

2.12 Stevenson also seeks approval for an archaeological authority to modify or destroy archaeological sites within the Sutton Block quarry footprint. The Project will avoid recorded archaeological sites.² However, given the historic uses of the Site and proximity to the Kaarearea Paa, an archaeological authority is sought as a precautionary measure.

2.13 The archaeological authority application supports the resource consent application outlined above. The application includes proposed conditions

² R12/278 – Kaarearea Paa; Te Maketu – Burials; Stonework, Earthworks, Pā; and R12/723 – Terraces, Stonework, Cultivations.

and a draft Archaeological Management Plan to ensure that any archaeological evidence uncovered as part of the site development are appropriately managed.

Complexity of the approvals

- 2.14 The Substantive Application includes 26 technical reports, engagement and cultural value assessment reports, draft management plans and technical drawings, all of which detail the key effects, design solutions and outcomes and proposed mitigation measures for the Project. A comprehensive set of conditions has also been prepared to support the approvals sought.
- 2.15 Stevenson has carefully considered the potential key issues for the Substantive Application. While the Project gives rise to a broad range of potential effects most of these only have low level of impact due to careful consideration of pit location, design and management and mitigation measures offered as conditions.
- 2.16 In terms of potential effects (both positive and adverse), the core areas of focus in the Substantive Application relate to:
- (a) The use and development of a regionally significant mineral resource;
 - (b) Effects on terrestrial and freshwater ecology;
 - (c) Effects on cultural values; and
 - (d) Effects on landscape, visual amenity and rural character.
- 2.17 On this basis, Stevenson considers the Substantive Application has a moderate level of complexity.

3. PROPOSED TIMEFRAME FOR THE PANEL

- 3.1 As the panel conveners will be aware, the FTAA provides a default 60 working day timeframe for a panel to make a decision on approvals sought by a substantive application. That timeframe commences from the date that a panel is first set up. In this timeframe, if the panel was minded to grant the approvals, it will need to:

- (a) consider the Substantive Application together with any other reports obtained by the panel conveners³ or the panel⁴;
- (b) consider any further information provided;⁵
- (c) consider any comments received from invited parties;⁶
- (d) prepare draft conditions and circulate the draft conditions to the participants for comment;⁷ and
- (e) draft and finalise the decision.

3.2 Based on the scale, nature and complexity of the Substantive Application set out above, Stevenson considers it would be appropriate for the panel convenors to provide the panel with an additional 15 working days to issue the decision documents (ie a total of 75 working days).

3.3 Based on previous experience with the Covid-19 Fast-track process and the volume of technical information to review, it may be challenging for the panel to complete all three approval assessments and draft and finalise conditions and the decisions in the default timeframe.

3.4 The proposed extension is modest, adding only an additional 15 working days to the default 60 day timeframe. This additional time would allow the panel to carefully consider the Substantive Application, while also adhering to the FTAA's core principle of efficient decision making.

4. POTENTIAL PANEL EXPERTISE REQUIREMENTS

4.1 Given the key potential effects associated with the Project (both positive and negative) plus the new legislative framework involved, Stevenson respectfully request that panel members are appointed with the following expertise:

- (a) Legal;
- (b) Ecology; and
- (c) Planning.

³ Section 51 of the FTAA.

⁴ Section 67(1)(b) of the FTAA.

⁵ Section 67(1)(a) of the FTAA.

⁶ Section 53 of the FTAA.

⁷ FTAA, section 70(4).

- 4.2 We recognise that the FTAA already requires at least one panel member must have an understanding of te ao Māori and Māori development.⁸
- 4.3 To assist the panel, legal submissions relevant to the decision-making framework are being prepared and will be filed 10 working days after lodgement of the Substantive Application.

5. PROCEDURAL DIRECTIONS SOUGHT

- 5.1 For the reasons set out above, Stevensons respectfully requests that the panel conveners issue the following directions under section 79:
- (a) The panel appointed to determine the substantive application for the Drury Quarry Expansion – Sutton Block Project has a total of 75 working days from the date it is set up to issue its decision on the approvals; and
 - (b) That the panel set up to determine the Drury Expansion – Sutton Block Project shall include members with legal, ecology and planning expertise, provided that one member also has expertise in te ao Māori and Māori development.
- 5.2 Alternatively, and as outlined above, Stevenson confirms that it would be happy to attend a procedural conference with the panel conveners to discuss these procedural matters.

Dated 10 April 2025



Bal Matheson / Vanessa Evitt /

Natalie Summerfield

Counsel for Stevenson Aggregates
Limited

⁸ FTAA, schedule 3 clause 7(1)(b).

Annexure B: Applicant's estimated timeframe

Task	Working days	Date
Panel commencement	N/A	14 August 2025
Invite comment from relevant parties	10 W/D later	28 August 2025
Comments close (ss 53 & 54)	20 W/D later	25 September 2025
Comments close for applicants (s 55)	5 W/D later	2 October 2025
Any other procedural step and evaluation	2 W/D (approx.)	6 October 2025
Draft decision is to approve		
Draft conditions to participants (s 70)	0 W/D (approx.)	6 October 2025
Participant comments on draft conditions (s70(2))	10 W/D later	20 October 2025
Applicant response to participants on conditions (s 70(4))	5 W/D later	28 October 2025
Draft decision to Ministers (s 72)	2 W/D (approx..)	30 October 2025
Response from Ministers (s 72)	10 W/D later	13 November 2025
Applicant response to Ministers (allow)	1 W/D later (approx.)	14 November 2025
Evaluate	3 W/D later (approx.)	19 November 2025
Any other procedural step and evaluation	2 W/D later (approx.)	21 November 2025
Decision release (75 working days from Panel Commencement)	3 W/D later (approx.)	26 November 2025