Response ID ANON-URZ4-5FQ6-Q

Submitted to Fast-track approval applications
Submitted on 2024-05-03 13:23:21

Submitter details

Is this application for section 2a or 2b?

2A

1 Submitter name

Individual or organisation name:
Kings Quarry Limited (KQL)

2 Contact person

Contact person name:
Alexander Semenoff

3 What is your job title

Job title:
Director

4 What is your contact email address?

Email:
s 9(2)(a)

5 What is your phone number?

Phone number:
s 9(2)(a)

6 What is your postal address?

Postal address:

PO Box 6058, Whangarei 0147

7 Is your address for service different from your postal address?

Yes

Organisation:
Barker & Associates Ltd

Contact person:
Nick Roberts / Pamela Santos

Phone number:
093750900

Email address:
NickR@barker.co.nz / PamelaS@barker.co.nz

Job title:
Managing Director / Senior Associate

Please enter your service address:

Level 4, Old South British Building, 3-13 Shortland Street, Auckland

Section 1: Project location

Site address or location

Add the address or describe the location:

The site is located on Pebble Brook Road, Wainui, Auckland (refer to legal descriptions below for specific properties). Refer to Attachment 1 for a locality plan and a plan showing the proposed expansion of the site.

File upload:
Attachment 1 - Locality, quarry expansion and AUP.pdf was uploaded

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Do you have a current copy of the relevant Record(s) of Title?

Yes

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Attachment 2 - RoT and Interests.pdf was uploaded

Who are the registered legal land owner(s)?

Please write your answer here:

All properties are owned by Pebblebrook Properties Limited.

Detail the nature of the applicant's legal interest (if any) in the land on which the project will occur

Please write your answer here:

The applicant (Kings Quarry Limited) and Pebblebrook Properties Limited are related companies with the same directors. Kings Quarry Limited has a 100-year lease to use the land for quarrying.

Section 2: Project details

What is the project name?

Please write your answer here:
Kings Quarry Expansion – Stage 2 and 3

What is the project summary?

Please write your answer here:

The scope of the project is to carry out mineral extraction activities at Kings Quarry, Wainui, Auckland. The project will involve:
• Clearing vegetation;
• Earthworks and disturbing land;
• Reclaiming streambeds including associated activities;
• Diversion/dewatering of groundwater;
• Mineral extraction activities including blasting and air discharges;
• Constructing and using accessways; and
• Offsetting works for the protection and enhancement of native vegetation.

What are the project details?

Please write your answer here:

The project involves the expansion of quarrying activities at Kings Quarry in Wainui, Auckland. The site comprises approximately 152ha of land which is approximately 10km to the west of State Highway 1. Aggregate in the form of 'Albany Conglomerate' was quarried on a small scale at two locations within the site between the mid-1930s to 1995. In 2021, resource consent was obtained for the re-establishment of quarry operations, known as 'Stage 1'.

It is now proposed to expand the quarry operations, and this expansion is referred to as 'Stage 2' and 'Stage 3'. The purpose of the quarry operations is to extract aggregate (Albany Conglomerate) from the hills and process it for use as building, construction and roading aggregate. This involves site preparation, excavation of rock and overburden and the processing, storage and distribution of aggregates.

Up to approximately 500,000 tonnes/year are proposed to be extracted for approximately 100 years (up to 60 years for Stage 2 and up to 40 years for Stage 3). The aggregate is produced into products such as (but not limited to) Gap7, Gap20, Gap40 and Gap65 (all metals used as base course for constructing driveways, pathways etc.) as well as construction sand (used in concrete production and field and turf industries) and decorative river pebbles (used in landscaping and exposed concrete floors). The river pebbles are particularly significant as we understand that approximately 250,000 tonnes are consumed in Auckland annually which is currently supplied from Manawatu and the South Island. Overburden (unsuitable material) will be removed and transported to an overburden fill site proposed to the northeast. No buildings or structures are proposed.

The approximate locations of both the pit and overburden areas are shown on Figure 1 of Attachment 3a and also enclosed as part of Attachment 1.

In terms of access, a new site access from Pebble Brook Road was consented (and recently formed) as part of Stage 1, as well as the widening of Pebble

Brook Road and various improvements to the Pebble Brook Road / Waitoki Road intersection. These access arrangements are sufficient to service the project and will be in place prior to the commencement of quarry activities associated with the Project. To provide access between the pit and overburden sites, existing accessways will be upgraded and extended as required, with designs appropriate to accommodate the heavy vehicles.

In terms of hours of operation, it is anticipated that Stage 2 and 3 will operate to the same parameters as Stage 1, being:
• Quarry operational hours from 5am-7pm Monday to Saturday only and not on public holidays;
• No heavy machinery or truck movements in and out of the Site prior to 6:30am or after 5:30pm (Monday to Saturday); and
• No noise generating quarrying and mineral extraction activities including overburden removal works before 7:00am (Monday to Saturday).

In order to quarry the site, the vegetation in the pit, overburden and accessway areas will need to be removed. This totals approximately 50ha of vegetation including:
• Approximately 32ha of regenerating kanuka scrub / forest (classified as 'regionally 'least concern");
• Approximately 12.7ha of regenerating broadleaved species scrub / forest (classified as "regionally least concern"); and
• Approximately 5.5ha of mature kauri, podocarp, broadleaved forest (classified as "regionally endangered")

In order to address the adverse ecological effects of the vegetation removal and achieve a biodiversity 'net gain' in ecological values overall, the balance vegetation will be retained and enhanced where possible in addition to offset revegetation and protection and enhancement of existing vegetation within the immediate landscape. This will form part of a comprehensive offsetting package that will be submitted as part of a substantive application should the Project be listed.

In addition to the above, a remediation planting will be prepared and submitted as part of the substantive application. Remediation planting will be predominantly carried out in areas where quarrying has been completed and are in a position to re-establish vegetation on the benches and faces.

Stream removals will also be required within the Stage 2 and 3 quarry extents. Approximately 2,842m of intermittent stream and 553m of permanent stream will be impacted. No natural wetlands are expected to be present. Aquatic offsetting will be provided and details of this will be available as part of the substantive application should the project be listed. It is also proposed to remediate the loss of stream extent through the removal of the weir within Waitoki Stream which will restore the connectivity of approximately 3.4km of stream extent.

With regard to zoning, the site is subject to the Auckland Unitary Plan (Operative in Part) ('AUP (OP)'). Maps of the zoning and overlays are provided as Attachment 1. The site is zoned Special Purpose – Quarry Zone, apart from the accessway connection to Pebble Brook Road which is zoned Rural – Rural Production (noting this will not be changed as part of the Project).

The Special Purpose – Quarry Zone provides for significant mineral extraction activities to ensure that mineral extraction can continue in a manner that minimises adverse effects. These provisions seek to ensure that the demand for minerals can be met, where possible, from supply sources within Auckland.
The site is subject to a number of overlays, including a Significant Ecological Areas ('SEA') overlay which is applied to protect and better provide for the management of areas that contribute significantly to Auckland's biodiversity.

The site is also subject to the below overlays but these are not considered to be relevant to the Project:
• High-Use Stream Management Areas Overlay – this overlay seeks to manage water takes from streams to ensure sufficient flows are maintained. In this case, no water take is proposed;
• Outstanding Natural Landscapes Overlay – this overlay protects Auckland's natural landscapes through rules around new buildings, earthworks etc. The overlay encroaches only slightly into the site, and no works are proposed in this area;
• Quarry Buffer Area Overlay – this overlay manages residential activities to protect the quarry from reverse sensitivity effects, rather than managing quarry operations; and
• Macroinvertebrate Community Index – Exotic, Native and Rural – these controls have no associated objectives/policies/rules that would be relevant.

Describe the staging of the project, including the nature and timing of the staging

Please write your answer here:

The quarrying will be undertaken in stages, progressively, over the course of the 100-year duration. In overall terms, the pit will be quarried in stages from the top down, east to west. As each area is no longer required, it will be restored and revegetated. A revegetation plan will be prepared and submitted with the consent application (should the project be listed). The specific timing for work in each area will be determined by the applicant.

The applicant already has financing set aside and will be in a position to rapidly lodge a consent application on the project being listed, and should consent be obtained, to implement that consent within a short time period following consent being granted.

What are the details of the regime under which approval is being sought?

Please write your answer here:

• Resource Management Act 1991 – resource consent
• Wildlife Act 1953 – wildlife authority to relocate fauna, incidental kill
• Fisheries Act 1996 – NPI freshwater fauna relocation

If you seeking approval under the Resource Management Act, who are the relevant local authorities?

Please write your answer here:

Auckland Council

What applications have you already made for approvals on the same or a similar project?

Please write your answer here:

- Stage 1 RC BUN60373589
- Stage 2 RC – lodged with EPA under the COVID-19 Recovery (Fast-track Consenting) Act 2020. However, the applicant's intention is to withdraw that application to enable Stages 2 and 3 to be pursued together under the Fast-Track Approvals legislation

Is approval required for the project by someone other than the applicant?

Yes

Please explain your answer here:

It will require approval from Auckland Transport under the Local Government Act 1974 or the Public Works Act 1981 in order to close the paper road.

If the approval(s) are granted, when do you anticipate construction activities will begin, and be completed?

Please write your answer here:

There are no additional structures or infrastructure that will require detailed design. The project will be privately funded by Kings Quarry Limited. It is noted that the funding is not considered to be significant given that the equipment required will have been sourced already (required for Stage 1). Site commencement will likely occur Q3 2025.

Section 3: Consultation

Who are the persons affected by the project?

Please write your answer here:

Persons likely to be affected by the project include local authorities (Auckland Council and its CCOs) and the following iwi authorities:
• Ngāti Manuhiri (settlement entity: Ngāti Manuhiri Settlement Trust)
• Te Kia Ora Kakanui Marae (Ngāti Whātua o Kaipara) (settlement entity: Ngā Maunga Whakahii o Kaipara Development Trust)
• Ngāti Whātua Ōrākei (settlement entity: Ngāti Whātua o Ōrākei Trust Board);
• Ngāti Te Ata (settlement entity: Ngāti Te Ata Claims Support Whānau Trust);
• Ngāti Maru (settlement entity: Ngāti Maru Rūnanga Trust;
• Ngāi Tai ki Tāmaki (settlement entity: Ngāi Tai ki Tāmaki Trust);
• Ngāti Paoa Iwi Trust;
• Ngāti Paoa Trust Board;
• Te Ahiwaru Trust, formally Makaurau Marae Māori Trust
• Te Rūnanga o Ngāti Whātua
• Te Kawerau a Maki (settlement entity: Te Kawerau Iwi Settlement Trust
• Te Ākitai Waiohua (settlement entity: Te Ākitai Waiohua Settlement Trust)
• Ngatiwai (settlement entity: Ngātiwai Trust)

Detail all consultation undertaken with the persons referred to above. Include a statement explaining how engagement has informed the project.

Please write your answer here:

Local authorities
Pre-application was undertaken with representatives from Auckland Council as part of the Stage 1 consenting process and Stage 2 referral process. A subsequent pre-application meeting with Auckland Council's Ecology team was held to discuss Stage 2, in particular as is relates to the offsetting proposed. While the pre-application meetings to date were focused on Stage 1 and 2 quarry expansions, Council is aware of the Stage 3 expansion plans (i.e., plans were shared that outlines an earlier version of Stage 3 extent). KQL intends to continue consultation with local authorities.

Iwi authorities
Engagement was undertaken with 13 relevant iwi authorities who have historic and territorial rights in Tāmaki Makaurau in respect of the Stage 2 consenting. Several huis have also been held with the relevant iwi authorities (Ngāti Whātua o Kaipara and Ngāti Manuhiri) that expressed interest in the Stage 2 quarry expansion. While the engagement to date was focused on Stage 1 and 2 quarry expansions, the relevant iwi authorities are aware of the Stage 3 expansion plans (i.e., plans were shared that outlines an earlier version of Stage 3 extent). KQL intends to continue consultation with iwi representatives and engage with the interested iwi groups on an ongoing basis for all stages of the Project.

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Describe any processes already undertaken under the Public Works Act 1981 in relation to the land or any part of the land on which the project will occur:

Please write your answer here:

N/A

Section 4: Iwi authorities and Treaty settlements

What treaty settlements apply to the geographical location of the project?

Please write your answer here:

There are no Treaty Settlement Statutory Acknowledgement Areas identified on Auckland Council's GeoMaps for the Site or any adjacent properties.

Are there any Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019 principles or provisions that are relevant to the project?

No

If yes, what are they?:

Are there any identified parcels of Māori land within the project area, marae, and identified wāhi tapu?

No

If yes, what are they?:

Is the project proposed on any land returned under a Treaty settlement or any identified Māori land described in the ineligibility criteria?

No

Has the applicant has secured the relevant landowners' consent?

Yes

Is the project proposed in any customary marine title area, protected customary rights area, or aquaculture settlement area declared under s 12 of the Māori Commercial Aquaculture Claims Settlement Act 2004 or identified within an individual iwi settlement?

No

If yes, what are they?:

Has there been an assessment of any effects of the activity on the exercise of a protected customary right?

No

If yes, please explain:

Upload your assessment if necessary:
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Section 5: Adverse effects

What are the anticipated and known adverse effects of the project on the environment?

Please describe:

The project is considered to not result in any long term, adverse effects on the environment, noting that significant mitigation and offsetting are proposed and the site is earmarked on the whole for quarrying activities via its Special Purpose – Quarry zoning. Key potential adverse effects are addressed in general below and should be reviewed in conjunction with the supporting technical assessments accompanying this application.

Land Disturbance
During land disturbance, it is proposed to install sediment and erosion control measures to manage and appropriately avoid and mitigate adverse environmental effects. Sediment and erosion control measures will be designed in accordance with the Auckland Council guidelines prescribed in Guideline Document 005 to ensure that 75% of sediment is removed from stormwater runoff prior to discharge from the site. An Erosion and Sediment Control Plan will be prepared and the works will be carried out in accordance with the measures specified.
On the basis of the above and noting that best practicable erosion and sediment control measures will be implemented on site, provided for by a suite of consent conditions, it is considered that any adverse effects associated with earthworks including silt and sediment runoff (and resulting effects on water quality) will be less than minor.

Groundwater
The controls in the AUP recognise that groundwater diversion has the potential to impact groundwater regimes, surface water bodies, neighbouring structures and services and on people and communities. Assessment criteria for groundwater diversion are contained in E7.8.2 of the AUP.
Having regard to the nature of the pit extension and when taking into account the separation distances and location of neighbouring buildings and

structures, it is considered that any potential drawdown and settlements related to groundwater diversion will be able to be mitigated by design and conditions have less than minor effects given the underlying geology of the Site and the surrounding sites which consists of Albany Conglomerate which is effectively non-compressible.

Rural Character and Visual Amenity

As outlined above, the surrounding area is predominantly rural in character with the immediately adjoining sites zoned Rural Production. The majority of the wider site (except one lot) is zoned Special Purpose – Quarry, which specifically provides for and enables quarry operations on the site as a controlled activity. The assessment criteria for mineral extraction activities include 'whether mineral extraction activities in close proximity to dwellings mitigate significant adverse visual amenity effects through the use of screening and landscaping' (H28.7.2(1)(b)(i)).

Some change in the landscape must be expected given the Quarry zoning of the site, however these effects will be mitigated to some extent by the comprehensive offset planting expected to occur, with any residual effects reduced to an appropriate level. The mitigation measures will include the progressive rehabilitation of the quarry pits as part of each stage of the works.

Dust and Air Quality

The extraction and processing of aggregate will inevitably generate some dust. This is recognised in the Special Quarry Zone provisions. The provisions seek to ensure that these effects are appropriately managed, rather than avoided.

It is considered that these effects will be able to be appropriately managed through the Quarry Management Plan ('QMP') and Dust Management Plan ('DMP') which will include sections on air quality and will specify methods to minimise dust emissions to air, identification of roles and responsibilities for the implementation of this QMP and procedures for receiving and responding to complaints. This is intended to be a 'live document', providing the opportunity to adapt to any evolving best practice procedures. The distance of adjacent dwellings will assist in mitigating any adverse effects. Regardless of distance and prevailing wind directions, good dust management practices are needed to ensure that the potential for wind driven entrainment of dust is kept to a minimum. Good dust management includes enclosing dust sources as much as is practicable, establishing preventative maintenance, good housekeeping procedures and carrying out particularly dusty operations in favourable weather conditions. The areas of the site that need specific consideration are roadways (paved or unpaved), vehicle movement, material stockpiles, conveyors, crushers and material handling. These measures will be considered and incorporated as necessary into the QMP and DMP.

It is therefore considered that any adverse dust and air quality effects can be managed through conditions and will be less than minor.

Noise

The principal sources of activity noise associated with the quarry activity include the operation of plant, quarrying of rock including blasting, clearing of the overburden and road traffic noise from trucks. As with the Stage 1 project, we anticipate that blasting effects associated with the quarrying are typically managed through the size and method of blasting. Blasting management can reasonably be expected to control the effects to be well within the AUP limits. With respect to road noise associated with the increase in truck movements in and out of the site, it is expected that these would comply with both the daytime and night time limits. Appropriate hours of operation will be confirmed to ensure compliance and minimise nuisance.

Having regard to the above, it is considered that any adverse effects associated with operational noise on the adjacent properties and the wider environment will be less than minor and can be appropriately managed through a suite of standard, good practice noise management conditions

Ecological Values

The quarry is specifically zoned as Special Purpose – Quarry, but it is also predominantly subject to the SEA overlay. The indigenous vegetation cover on the site is represented by a mosaic of indigenous ecosystem types, including:

• Mature kauri, podocarp, broadleaved forest (WF11, Regionally 'Endangered', Singers et al. 2017);
• Regenerating kanuka scrub / forest (VS2, Regionally 'Least Concern', Singers et al. 2017); and
• Regenerating broadleaved species scrub / forest VS5, Regionally 'Least Concern', Singers et al. 2017).

The vegetation where Stage 2 and 3 is proposed is largely regenerating bush, dating from the mid-20th century as shown in Figure 2 of Attachment 3a.

In order to facilitate the Stage 2 and 3 quarry operations on the site, it is necessary to remove circa 50ha of SEA vegetation. The quarry pit and overburden areas have been intentionally designed to avoid the highest value mature forest on the site as much as possible. Approximately 89% of the vegetation to be removed is classified as 'least concern' while 10.9% is classified as 'endangered' as shown in Figure 3 of Attachment 3a. The balance vegetation will be retained and enhanced where possible.

Stream removals will also be required within the quarry pit and overburden areas. Approximately 2,842m of intermittent stream and 553m of permanent stream will be impacted. No natural wetlands are expected to be present.

The effects management hierarchy will be applied to the effects arising from the vegetation and stream removal. Based on the ecological memos prepared by Bioresearches included as Attachment 3b, the effects on terrestrial and freshwater ecological values arising from the project are considered to be 'very high'. In this regard, residual adverse effects that cannot be avoided, remedied or mitigated will be offset and compensated. It is considered to be important and appropriate for the specific details of the offsets to be able to be detailed through the consenting process. This will ensure that there is sufficient flexibility to enable appropriate offsetting to deliver a net gain, following more detailed survey work.

It is anticipated that a net gain in biodiversity values should occur following the completion of all offset and compensation actions, provided for by a suite of conditions, such that any adverse effects will not be significant.

Archaeology

The New Zealand Archaeological Association ('NZAA') has a record relating to an archaeological site (R10/918) on the subject site which relates to two pit sites. This is proximate to the overburden area. As shown in Figure 4 of Attachment 3a, the Stage 2 extent has been designed to be clear of these archaeological sites.

In this regard, provided that all works are undertaken in accordance with consent conditions, including utilising Accidental Discovery Protocol, it is considered that any adverse effects on archaeological values will be less than minor.

Transportation

Traffic, access and parking matters have been considered in the transport memorandum prepared by Commute Transportation ('Commute') (see Attachment 3c). By way of summary:

• The consented Stage 1 upgrades to the site and local transport network will appropriately service Stage 2 and 3 without the need for any further upgrades in the local road network;

• Future parking and access within the site to service Stage 2 and 3 can be accommodated within the approved parking area (by the weighbridge) and access under Stage 1 consent; and
• Commute consider that there are no transport-related reasons why the development should not proceed as a referred project.
Having regard to the above, and by implementation of consent conditions, it is considered that any adverse effects in respect to transportation matters will be less than minor.

Cultural Values
Cultural Values Assessments received with respect to the proposed Stage 2 expansion identified various measures to mitigate cultural effects from the proposal, including cultural inductions prior to works, cultural monitoring of associated infrastructure earthworks and outcomes, undertaking offsetting and relocation of species in conjunction with Marae Kaitiaki, and the establishment of a pest management plan at the site.
It is anticipated that engagement and consultation with iwi groups that have registered their interest will continue throughout the Project, and that any queries or issues that arise will be able to be addressed during the processing of the application.

Greenhouse Gas Emissions
Aggregate is a foundation product: it is crucial to economic activity in New Zealand. Without a ready supply of appropriately-located aggregate, the production of concrete and the development of buildings, roading and infrastructure would halt – or cost considerably more. Because of the nature of aggregate as a low-value, high-weight product, it doesn't travel well. This means that for aggregate extraction to be economical, it should be located proximate to the areas it is required. Much of Auckland's supply is currently sourced from the Waikato and further afield including as far as the South Island.
The expansion of Kings Quarry will increase supply of local aggregate to service the Auckland region. This represents a saving in bulk transport that will have a positive immediate benefit in reducing New Zealand's transport related greenhouse gas emissions. The greenhouse gas emissions report prepared by Air Matters (Attachment 3d) identifies that a reduction of 12,551 tonnes of CO_2 equivalent greenhouse gas emissions could be achieved annually through transport-related savings. To provide context, this equates to ~0.35% of New Zealand's total heavy vehicle CO_2 equivalent GHG emissions, using Ministry of Transport data from 2019 as a base year. For a single project, this is a significant benefit.
Having regard to the above, it is considered that the Project will have net benefits in relation to GHG emissions.

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Section 6: National policy statements and national environmental standards

What is the general assessment of the project in relation to any relevant national policy statement (including the New Zealand Coastal Policy Statement) and national environmental standard?

Please write your answer here:

National Policy Statement on Freshwater Management 2020 (NPS-FM)
The NPS-FM requirements include:
• Managing freshwater in a way that 'gives effect' to Te Mana o Te Wai;
• Improving degraded water bodies, and maintaining or improving all others; and
• Avoiding any further loss or degradation of wetlands and streams, map existing wetlands, and encourage their restoration.
It is considered that the project is consistent with the NPS-FM objectives and policies. The protection and enhancement of the health and well-being water bodies, streams and freshwater ecosystems has been considered through the design of the quarry. As the wider Kings Quarry property is scattered with many watercourses, avoidance of streams was not feasible, however, the pit design avoids permanent streams to the greatest extents possible. There is a clear functional need for the quarrying to occur on the Site because that is where the aggregate is located, which is supported by the Special Purpose – Quarry Zoning of the Site. The proposed removal of the weir from Waitoki Stream will improve fish passage. The effects management hierarchy contained within the NPS-FM outlines the required management approach for managing adverse effects of activities. As there is a loss of a portion of stream within the Site which cannot be avoided, remedied or mitigated, offsetting is the appropriate management approach in order to ensure net gain. An offsetting package will be provided as part of the substantive application should the project be listed.

National Policy Statement on Urban Development 2020 (NPS-UD)
The NPS-UD 2020 enables the development of land and infrastructure for urban land uses while recognising the national significance of well-functioning urban environments that enable all people and communities to provide for their social, economic, and cultural wellbeing (Objective 1 and Policy 1). Part of well-functioning urban environments is providing housing choice.
Aggregate is a foundation product which is necessary for the development of buildings, roading and infrastructure. Increasing its supply and proximity to key growth areas will result in reduced costs for Auckland's construction sector and therefore reduce barriers to intensification and the development of well-functioning urban environments that have a variety of homes. It is therefore considered that the project will contribute to the development of land and infrastructure for urban land uses and therefore is consistent with the NPS-UD.

National Policy Statement on Indigenous Biodiversity 2023 (NPS-IB)
The NPS-IB concerns "SNA or significant natural areas" and "indigenous biodiversity", both of which are defined terms under the NPS. The objective of the NPS-IB is to maintain indigenous biodiversity across New Zealand so that there is no overall loss. The policies seek to restore and enhance ecosystems and habitats where necessary, and avoid adverse effects to SNAs. In the context of this project, the Site is subject to a 'SEA or Significant Ecological Areas' under the AUP(OP). Therefore, the provisions and relevant policies of the NPS-IB regarding SNAs are relevant to the consideration of this application. However, aggregate extraction is exempt from the strict avoidance requirement under the NPS-IB under Clause 3.11(1). The exception allows the adverse effects on an SNA to be managed by applying the effects management hierarchy. If biodiversity offsetting or biodiversity compensation is applied, the principles for biodiversity offsetting as set out in Appendix 3 of the NPS-IB would need to be met.
Having regard to the above, it is considered that the project is consistent with the NPS-IB as follows:
• Kings Quarry is a regionally significant quarry. It is located north-west of Auckland's urban area and in close proximity to Future Urban areas such as

Silverdale, Wainui, Dairy Flat, Kumeu-Huapai, Riverhead and Whenuapai, and as such is well located to be able to supply aggregate to north and west of Auckland without incurring high transport costs associated with greater travel distances.
• There is a clear functional need for the quarrying to occur on the site because that is where the aggregate is located, which is supported by the Special Purpose – Quarry Zoning of the Site.
• If aggregate were required to be sourced from alternative sources outside the Auckland region, this could significantly impact the cost of aggregate. The strategic location of the Kings Quarry therefore makes this a valuable resource and will ensure that the supply of aggregate continues to be cost-effective.
• The effects management hierarchy will be applied and a biodiversity offsetting and compensation package will be provided as part of the substantive application.

National Environmental Standard for Freshwater 2020 (NES-F)
The intent of the NES-F is to set out requirements for carrying out certain activities that pose risks to freshwater and freshwater ecosystems. It seeks to:
• Protect existing inland and coastal wetlands;
• Protect urban and rural streams from in-filling;
• Ensure connectivity of fish habitat (fish passage);
• Set minimum requirements for feedlots and other stockholding areas;
• Improve poor practice intensive winter grazing of forage crops;
• Restrict further agricultural intensification until the end of 2024; and
• Limit the discharge of synthetic nitrogen fertiliser to land, and require reporting of fertiliser use.
As the wider Kings Quarry property is scattered with many watercourses, avoidance of streams was not feasible, however, the pit design avoids permanent streams to the greatest extent possible. The loss of 2,842m of intermittent stream and 553m is considered to have a 'very high' level of effect due to the complete loss of freshwater habitat which is permanent and irreversible. Stream reclamation cannot be mitigated and residual adverse effects on streams will need to be offset or compensated. In this regard, an offsetting package will be prepared and submitted as part of the substantive application should the project be listed to ensure a no net loss of freshwater habitat and stream extent can be achieved and that the offset actions are sufficient to outweigh the impact from the project.
Based on the above, the project is considered to be consistent with the intent of the NES-F.

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Section 7: Eligibility

Will access to the fast-track process enable the project to be processed in a more timely and cost-efficient way than under normal processes?

Yes

Please explain your answer here:

With consenting in Auckland, it is not uncommon for significant projects to take more than a year to obtain resource consent. Delays have been attributed to significant resourcing issues within Auckland Council. For example, the consenting of Stage 1 (which was significantly smaller and less complex than Stage 2), took over a year. Due to the scale of the project, including the consenting complexities associated with the SEA overlay, and possible appeals, the project is likely to progress significantly faster by using the processes provided by the Act – by approximately 36 months. A timeline showing the RMA process and FTCA process isas shown in Figure 5 of Attachment 3a.
This project is the exact type of project envisaged by the Bill. The Stage 2 and 3 expansions of Kings Quarry will use a comprehensive offsetting package for management of effects, and given the project's non-complying activity status, this project would ordinarily have to pass the s104D gateway test under the Resource Management Act 1991. Projects such as these also have the potential to attract significant opposition from nearby landowners despite their potential to deliver positive environmental outcomes (with net biodiversity gains) while providing substantial regional benefits. In its submission on the FTA, the applicant has noted that the section 104D test exclusion currently does not apply to listed projects (only referred ones) but there does not appear to be any reason why that is the case. Based on the applicant's technical advice it considers the effects to be appropriate overall under section 104, despite the section 104D test is anticipated to add substantial complexity, cost and delay to the consenting process. The project will progress much quicker under the FTA as a result, and assuming the FTA is amended to equally exclude the application of s104D to listed projects (which the applicant strongly considers it should), even more so.

What is the impact referring this project will have on the efficient operation of the fast-track process?

Please write your answer here:

Given KQL is in a position to lodge a substantive application for Stage 2 and Stage 3 as soon as possible, is can immediately benefit from being a Schedule 2A listed project. If this project is not listed, referral will be sought to utilise the Fast-track Approvals Bill given the clear and substantial benefits this fast-track process will provide to its delivery. On that basis, by listing this project under 2A substantially streamlines processing of this application for both the Ministry for the Environment staff, and the joint Ministers, allowing an Expert Panel to begin processing the application as soon as it is appointed.

Has the project been identified as a priority project in a:

Other

Please explain your answer here:

The project has previously been identified (in its original Stage 2 fast track application) in the COVID-19 Recovery (Fast-track Consenting) Referred Projects Order 2020 (Schedule 84), with the Minister recognising the significant potential benefits of the Stage 2 quarry expansion in achieving the purpose of the FTCA, being to assist with the rapid economic recovery from the impacts of the COVID-19 Pandemic, in a way that appropriately manages environmental

effects in a sustainable manner. The purpose of the Bill is similarly directed at providing a fast-track decision-making process that facilitates the delivery of infrastructure and development projects with significant regional or national benefits.

Will the project deliver regionally or nationally significant infrastructure?

Regional significant infrastructure

Please explain your answer here:

The project will deliver regionally significant infrastructure as it will facilitate construction, including construction of infrastructure, in the Auckland region. Auckland generates 38% of New Zealand's GDP, and without sufficient aggregate, the city's economic performance will suffer, and in turn this will have adverse effects on New Zealand's economy. Aggregate is an essential ingredient of concrete which is needed across the entire urban landscape. Aggregate is also used in raw format across a range of other non-concrete uses. Kings Quarry aggregate offers an opportunity to avoid the adverse effects of a local shortfall in aggregate by substituting imported rock for locally quarries aggregate. This will support the local market and place downward pressure on aggregate and reduce the transport load.

Will the project:

increase the supply of housing, address housing needs

Please explain your answer here:

The project does not directly involve the delivery of residential housing supply, however given the importance of aggregate as a foundation product necessary for the development of buildings, roading and infrastructure, increasing its supply and proximity to key growth areas will result in reduced costs for Auckland's construction sector and therefore reduce barriers to intensification and the development of well-functioning urban environments that have a variety of homes.

Will the project deliver significant economic benefits?

Yes

Please explain your answer here:

Supplying the Auckland market using the Kings Quarry resource, instead if importing it from Northland, will avoid considerable costs. The avoided costs are seen as benefits and the analysis shows that the present value of these avoided costs is $288.5m – avoiding these costs translates into a significant economic benefit. The economics report prepared by Market Economics (Attachment 3e) addresses the economic benefits of the project in more detail.

Will the project support primary industries, including aquaculture?

Yes

Please explain your answer here:

This project will support primary industries through the provision of aggregate which can be used for a variety of other projects and in other sectors.

Will the project support development of natural resources, including minerals and petroleum?

Yes

Please explain your answer here:

The scope of the project is to carry out mineral extraction activities. The extension of Kings Quarry would reduce Auckland's substantial supply deficit by increasing the amount of local aggregate available. As such, Auckland would become less reliant on sourcing aggregate from the Waikato and other parts of New Zealand, at a lower cost. This would also help to reduce pressure on Waikato's quarries as they will also face future increases in demand locally. Developing the Kings Quarry resource is consistent with developing resources in a responsible and efficient way.

Will the project support climate change mitigation, including the reduction or removal of greenhouse gas emissions?

Yes

Please explain your answer here:

As noted above, the expansion of Kings Quarry will increase supply of local aggregate to service the Auckland region. Currently, the wider Auckland region imports a share of its aggregate from Northland and Waikato. The project represents a saving in bulk transport that will have a positive immediate benefit in reducing New Zealand's transport related greenhouse gas emissions. The greenhouse gas emissions report prepared by Air Matters (Attachment 3d) identifies that a reduction of 12,551 tonnes of CO_2 equivalent greenhouse gas emissions could be achieved annually as a result of the Stage 2 and 3 developments.

Will the project support adaptation, resilience, and recovery from natural hazards?

Yes

Please explain your answer here:

Enabling the project will enhance the market's resilience because key supply sources will be available within the region and not subject to potential infrastructure (road) failures to the north of Auckland. In a post-natural hazard situation, reinstating infrastructure efficiently is crucial. It is plausible that the natural event that caused widespread damage could also damage transport infrastructure. Developing and maintaining multiple sources for aggregate is prudent.

Will the project address significant environmental issues?

Yes

Please explain your answer here:

The project intends to achieve a 'no net loss' outcome in respect to biodiversity. The project represents a saving in bulk transport that will have a positive immediate benefit in reducing New Zealand's transport related greenhouse gas emissions.

Is the project consistent with local or regional planning documents, including spatial strategies?

Yes

Please explain your answer here:

Regional Policy Statement (RPS)
The RPS sets out the overall strategic statutory framework to achieve integrated management of the natural and physical resources of the Auckland Region. The RPS broadly gives effect to the strategic direction set out in the Auckland Plan. The project has not been assessed against Chapters B2 Urban growth and form, B3 Infrastructure, transport and energy, B4 Natural heritage, B5 Historic heritage and special character, B8 Coastal environment, B9 Rural environment or B10 Environmental risk because these sections of the RPS are not applicable to the project.

B6 Mana Whenua
The relevant objectives and policies of B6 seek to ensure that the principles of Te Tiriti o Waitangi are recognised and provided for in the sustainable management of natural resources. There is an emphasis to provide opportunities for mana whenua to actively participate in the in the sustainable management of natural and physical resources, the mauri of and relationship of mana whenua with natural and physical resources is enhanced and the holistic nature of mana whenua world view is taken into account.
The project is considered to be consistent with these policy directions, as the project recognises the unique relationship between mana whenua and natural and physical resources. Consultation has been undertaken with mana whenua authorities who are generally supportive of the project and ongoing engagement and consultation will continue throughout the further stages of the Project.

B7.1 Natural Resources – Indigenous Biodiversity
The relevant objectives and policies of B7.1 seek to ensure that indigenous biodiversity is maintained through protection, restoration and enhancement in areas where ecological values are degraded, or where development is occurring. It is noted that Council have not yet amended the RPS on Indigenous Biodiversity to be in line with the NPS-IB which provides for an exception to the strict avoidance requirement for aggregate extraction. Having regard to this, objective 1 and 2 should be considered holistically.
In this regard, the project will remove approximately 50 ha of SEA vegetation considered to be generally of high ecological value to facilitate the quarry expansion. While this might be inconsistent with this RPS (objective 1 in particular), it is not considered contrary given the intent of the NPS-IB and in particular the exception applicable to aggregate extraction. Having regard to objective 2, the effects management hierarchy will be applied and a biodiversity offset plan will be prepared to assess the level of offset actions required to ensure a net indigenous biodiversity gain.

B7.3 Natural Resources – Freshwater Systems
The relevant objectives and policies of B7.3 seek to ensure that degraded freshwater systems are enhanced and the loss of freshwater systems is minimised. There is an emphasis to integrate the management of subdivision, use and development and freshwater systems, identify degraded freshwater systems and to avoid the permanent loss and significant modification of lakes, rivers, streams and wetlands unless no practicable alternatives exist or mitigation measures are implemented to address the adverse effects arising from the loss in freshwater system functions and values.
It is considered that the project is consistent with this policy direction. In our view, retention of the extent of the stream is not practicable given that that the wider Kings Quarry property is scattered with many watercourses, and it was therefore not practicable to locate the project in an area where no watercourses would be affected. There is a clear functional need for the quarrying to occur on the site because that is where the aggregate is located, which is supported by the Special Purpose – Zoning of the Site. To address any residual adverse effects associated with the loss of stream, an offsetting package will be prepared which will ensure a 'net gain' outcome is achieved.

B7.5 Natural Resources – Air
The relevant objectives and policies of B7.5 seek to ensure industry and infrastructure are enabled by providing reduced ambient air quality amenity in appropriate locations. There is an emphasis to avoid, remedy or mitigate adverse effects from discharges of contaminants to air for the purpose of protecting human health, property and environment.
It is considered that the project is consistent with this policy direction. The project will operate under a DMP which include methods to minimise dust emissions to air such as water suppression, wind speed monitoring and dust monitoring. In addition to the dust management procedures, it is important to highlight that Kings Quarry will not have the same potential level of dust generation as other quarries in the Auckland region due to the nature of the alluvial rock. The primary processing required is largely screening and then washing of the quarried products which will produce far less airborne dust versus crushing. The roadways are also wetted naturally from the abundance of moisture in the ground which will assist in the reduction of traffic generated dust.

B7.6 Natural Resources – Minerals

The main objective B7.6 seek to ensure that Auckland's mineral resources are effectively and efficiently used. The policies provide emphasis on the provision of mineral extraction activities within appropriate areas to ensure a secure supply of extractable minerals for Auckland's continuing development while ensuring significant adverse effects on the environment are avoided, remedied or mitigated. The RPS recognises that a sustained supply of aggregate is necessary to provide for growth, and that existing quarries will need to expand, and new quarries and resources will need to be identified to ensure a secured supply of aggregate to meet demand for growth and development in the Auckland region.
The project is to undertake mineral extraction activities on a site zoned specifically for quarry purposes. Kings Quarry is located north-west of Auckland's urban area and in close proximity to future urban areas, and as such is well located to be able to supply aggregate to north and west of Auckland without incurring high transport costs associated with greater travel distances. If aggregate were required to be sourced from alternative sources outside the Auckland region, this could significantly impact the cost of aggregate. The strategic location of the Kings Quarry therefore makes this a valuable resource and will ensure that the supply of aggregate continues to be cost-effective.
Policy B7.6.2(4) requires mineral extraction activities to be established and operated in ways which avoid, remedy or mitigate significant adverse effects on the environment. As discussed in section 5 above the Project, being a regionally significant quarry, will inevitably generate some adverse effects however these are not considered significant subject to the implementation of best practice industry procedures, guidelines and management plans. Where residual adverse effects cannot be avoided, remedied or mitigated as is the case with ecological values, it is proposed to provide biodiversity offsetting to ensure a net gain outcome is achieved. While the RPS do not specifically contemplate offsetting, offsetting is specifically addressed through NPS-IB and other AUP(OP) provisions and these should therefore be read in conjunction.

Based on the foregoing, the project is consistent with the policy direction of the RPS.

Regional and District Objectives and Policies of the AUP
The objectives and policies in the following AUP chapters are considered to be relevant to the project:
• H28 Special Purpose – Quarry Zone;
• H19 Rural – Rural Production Zone;
• D9 Significant Ecological Area Overlay;
• E2 Water Quantity, Allocation and Use;
• E3 Lakes, Rivers, Streams and Wetlands;
• E11 and E12 Land Disturbance;
• E14 Air Quality;
• E15 Vegetation Management and Biodiversity;
• E27 Transportation; and
• E28 Mineral Extraction from Land.

The ones we consider to be particularly relevant are summarised below, in the following order:
• H28 Special Purpose – Quarry Zone;
• E28 Mineral Extraction from Land;
• D9 Significant Ecological Area Overlay; and
• E3 Lakes, Rivers, Streams and Wetlands.

H28 Special Purpose – Quarry Zone
The zone objectives aim to ensure that mineral extraction activities are carried out efficiently at significant mineral extraction site whilst ensuring that significant adverse effects are avoided, remedied or mitigated. The zone policies reinforce its objectives and also ensure that the demand for minerals can be met, where possible, from supply sources within Auckland while requiring quarry operators to internalise the adverse effects associated with new or enlarged mineral extraction. The zone also specifically provides for compatible land uses within or adjoining the zone, including mineral recycling activities and the manufacture of raw products using raw materials from mineral extraction activities.
The project involves mineral extraction activities which are able to be undertaken efficiently at this site, which is considered to be a significant site given its proximity to existing urban and growth areas. The Project, being a regionally significant quarry, will inevitably generate some adverse effects however these are not considered significant subject to the implementation of best practice industry procedures, guidelines and management plans. With respect to effects on ecological values, the effects management hierarchy will be applied to ensure that significant adverse effects are avoided, remedied and mitigated, and any residual effects are offset. Given that the SEA overlay applies to the majority of the Site, it is not possible to avoid adverse effects entirely, however the more valuable areas of vegetation have been largely avoided. The adverse effects that are not able to be avoided will be mitigated through an offsetting package. It is also proposed to undertake remediation planting from Year 2 of the quarry life. To address any residual adverse effects, the applicant proposes replanting and enhancement as part of an offsetting package that can ensure a 'net gain' outcome is achieved. While the objectives for this zone do not specifically contemplate offsetting, offsetting is specifically addressed through the objectives and policies for the SEA overlay, waterbodies, and vegetation management including mineral extraction and these should be read in conjunction.
The quarry operations will be managed carefully to ensure that adverse effects associated with the project is largely internalised within the site and the implementation of the Quarry Management Plan will ensure that good site practices are implemented to avoid where practicable or otherwise remedy and mitigate potential adverse effects on the environment.
Overall, the project is considered to be consistent with the objectives and policies of the zone.

E28 Mineral Extraction from Land
The objectives and policies for mineral extraction from land seek to ensure that mineral extraction from land and its delivery is efficient and meets Auckland's needs while significant adverse effects are avoided, remedied of mitigated. It aims to avoid where practicable undertaking new mineral extraction activities in areas where there are natural and physical resources that have been scheduled in the plan in relation to natural heritage, Mana Whenua, natural resources, coastal, historic heritage and special character. Where it is not practicable to locate mineral extraction activities outside these scheduled areas, consideration needs to be given to the benefits, reduced transport effects and extent to which significant adverse effects can be avoided, remedied, mitigated or where not mitigated, can be offset.
In this case, the Site is subject to a scheduled natural resource (being the SEA overlay) and it is not practicable to entirely avoid adverse effects on the SEA because it covers almost all of the quarry site. Mineral extraction activities have been carried out on the site since the 1930s and are considered to be compatible with rural uses, noting the surrounding properties are zoned Rural Production. Adequate measures will be in place including the

implementation of management plans such remediation planting to ensure that adverse effects are avoided, remedied and mitigated.
The project is also considered to have a number of economic benefits as well as reduced transport costs. This is addressed further in the response to Section 7 Q6 above.
Overall, it is considered that the project is consistent with these objectives and policies.

D9 Significant Ecological Overlay
The majority of the Site is subject to a SEA overlay (SEA_T_6454). SEA_T_6454 is considered to meet criteria 2 (threat status and rarity) and 3 (diversity). The objectives and policies aim to ensure that areas of significant indigenous biodiversity value in terrestrial, freshwater, and coastal marine areas are protected from the adverse effects of subdivision, use and development; indigenous biodiversity values are enhanced; and the relationship of Mana Whenua and their customs and traditions with indigenous vegetation and fauna is recognised and provided for.
In this case, the main consideration of outcomes in this framework are D9.3(1) and D9.3(2) in relation to application of the effects management hierarchy. Given that the SEA overlay applies to the majority of the Site, it is not practicable to avoid adverse effects on the identified indigenous biodiversity values of the SEA. The zoning of the Site as a Special Purpose - Quarry Zone contemplates mineral extraction activities in this location and therefore there is a clear functional need for the quarrying to occur on the site.
The effects management hierarchy will be applied to ensure that significant adverse effects are avoided, remedied and mitigated, and any residual effects are offset. The more valuable areas of vegetation have been largely avoided. The adverse effects that are not able to be avoided will be mitigated through the implementation of management plans. It is also proposed to undertake extensive remediation planting from Year 2 of the quarry life.
To address any residual adverse effects, the applicant proposes replanting and enhancement options via a comprehensive offsetting package that can ensure a 'net gain' outcome is achieved.
It is therefore considered that the project is consistent with these objectives and policies.

E3 Lakes, Rivers, Streams and Wetlands
The provisions of E3 Lakes, rivers, streams and wetlands requires streams with high natural values to be protected from degradation and permanent loss. In the context of this application, the watercourses in this project are considered to be of moderate to high ecological value.
The main consideration of outcomes in this framework are E3.2(6) in relation to avoiding the reclamation of a stream unless there is no practicable alternative; and E3.2(2) whereby Auckland's lakes, rivers, streams and wetlands are restored, maintained and enhanced. The policy framework on the matter of reclamation seeks that this is avoided unless there is no practicable alternative for undertaking the activity outside of the stream, it is part of an activity designed to restore or enhance natural values, and the activity avoids significant adverse effects on Mana Whenua values.
We consider these provisions to be met for the following reasons:
• In this case, avoidance of stream loss is not possible for the quarry activity to occur on a site zoned for quarry purposes. In our view, retention of the extent of the stream not practicable given that that the wider Kings Quarry property is scattered with many watercourses. There is a clear functional need for the quarrying to occur on the site because that is where the aggregate is located, which is supported by the Special Purpose – Quarry Zoning of the Site.
• Aquatic offsetting will be provided and details of this will be available as part of the substantive application should the project be listed. It is also proposed to remediate the loss of stream extent through the removal of the weir within Waitoki Stream which will restore the connectivity of approximately 3.4km of stream extent. This will result in the restoration of stream hydrology, sediment transportation and the movement of aquatic fauna through all life stages. This will increase fish biodiversity, and restore habitats and natural stream processes through the upper Waitoki Catchment.
• Iwi groups have been consulted as part of previous stages of the quarry. KQL is committed in on-going engagement will relevant iwi authorities throughout the stages of this Project.
• Earthworks near streams to be retained will be undertaken in accordance with best practice such as section 64.0 of GD05.
Based on the analysis above it is considered that the project is consistent with these objectives and policies.

Anything else?

Please write your answer here:

N/A

Does the project includes an activity which would make it ineligible?

No

If yes, please explain:

Section 8: Climate change and natural hazards

Will the project be affected by climate change and natural hazards?

No

If yes, please explain:

The project is not one which is inherently vulnerable to natural hazards and climate change, comprising no sensitive or vulnerable activities such as dwellings. The Stage 2 and 3 areas are not subject to any flood plains. As the Stage 2 and 3 extents are generally remote from the parcel boundaries it is not anticipated that the OLFPs will be altered at the boundary points, and the same entry and exit point will be maintained. Piping upper reaches of the minor OLFPs may be required for the quarry haul roads. Pipes will be sized accordingly to not reduce the capacity of the existing OLFPs. Further detail will be able to be provided in the consent application.
As noted above, the project will reduce greenhouse gas emissions which will positively contribute towards addressing climate change.

Section 9: Track record

Please add a summary of all compliance and/or enforcement actions taken against the applicant by any entity with enforcement powers under the Acts referred to in the Bill, and the outcome of those actions.

Please write your answer here:

No compliance and/or enforcement actions have been taken against Kings Quarry Limited by a local authority under the RMA.

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Declaration

Do you acknowledge your submission will be published on environment.govt.nz if required

Yes

By typing your name in the field below you are electronically signing this application form and certifying the information given in this application is true and correct.

Please write your name here:
Alexander Semenoff

Important notes