

Response ID ANON-URZ4-5FKN-9

Submitted to Fast-track approval applications
Submitted on 2024-05-03 17:29:35

Submitter details

Is this application for section 2a or 2b?

2A

1 Submitter name

Individual or organisation name:
Winstone Aggregates (a Division of Fletcher Concrete & Infrastructure Ltd)

2 Contact person

Contact person name:
s 9(2)(a)

3 What is your job title

Job title:
s 9(2)(a)

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:

Winstone Aggregates, PO Box 17-195, Greenlane, Auckland 1546

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

No

Organisation:

Contact person:

Phone number:

Email address:

Job title:

Please enter your service address:

Section 1: Project location

Site address or location

Add the address or describe the location:

Flat Top Quarry is located at 560 Haruru Road, Kaukapakapa 0873. The quarry is 30km north of the Auckland CBD and 10km west of Silverdale / Orewa in North Auckland.

s 9(2)(b)(ii)

(see attached Location s 9(2)(b)(ii)

File upload:

Flat Top Location s 9(2)(b)(ii) was uploaded

Upload file here:

Winstone Aggregates - Flat Top Development Appendix -FINAL.pdf was uploaded

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

Yes

upload file:

Titles.pdf was uploaded

Who are the registered legal land owner(s)?

Please write your answer here:

Flat Top Quarry is owned by Winstone's parent company Fletcher Concrete and Infrastructure Ltd.

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:

s 9(2)(b)(ii)

Section 2: Project details

What is the project name?

Please write your answer here:

Flat Top Quarry Development

What is the project summary?

Please write your answer here:

Flat Top Quarry supplies more than 70% of the North Auckland Regions' roading, drainage and hard fill aggregate requirements. The quarry needs to develop westward within 2 years to avoid impacting the supply of aggregate into the fast-growing North Auckland Region.

What are the project details?

Please write your answer here:

Summary

Winstone seeks to develop s its Flat Top Quarry to the west and south west to release approximately s 9(2)(b)(ii) m3 of rock resource. This development would be completed over three consecutive earthworks seasons, starting within weeks of approval being granted. The development would involve the removal of s 9(2)(b)(ii) m3 of overburden, which would be placed outside the quarry pit in two overburden disposal areas.

Purpose

The purpose of the development is to meet current and projected future demand for aggregate in the North Auckland area. While this area has very few quarries due to the underlying geology of the land, it will face an increasing level of demand in the next few decades from the planned growth of Auckland to the north and west, and from roading projects such as the Warkworth to Wellsford Major Investment Project (MIP) under the Crown Investment Programme.

Objectives

- To maximise the development of Flat Top Quarry within an area controlled by Winstones.
- To maximise the rock exposed by western quarry development to meet market demand for s 9(2)(b) years beyond the current life of the rock resource.
- To undertake on-going quarry development whilst minimising environmental impacts.

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

Please write your answer here:

General project staging below is based on approvals being granted mid-2025. The timeline would be accelerated if approvals were granted sooner.

Year 1 (October 2025 – March 2026)

- Excavate the northern end of the current pit to Haruru Road, and develop the quarry pit to its northern and north-eastern limits;
- Form a new western access, northern discharge pond, and a platform for the staff facilities and workshop;
- Relocate the staff facilities and workshop from their current south-western location to the newly created area adjacent to Haruru Road;
- Develop the quarry pit to its southern, south-western and south-eastern limits;
- Commence the western development of the pit;

Year 2 (October 2026 – March 2027)

- Form a new entrance to the quarry pit adjacent to site offices;

g) Continue the western development of the pit;

Year 3 (October 2027 – March 2028)

h) Complete the excavation of the western pit into the area controlled by Winstones; and

i) Continue to develop the quarry into the newly stripped quarry extent and commence the excavation of the quarry pit floor.

With regard to the overburden disposal area s 9(2)(b)(ii) the general premise will be to form geotechnically secure landforms with better quality overburden being placed to form the toe and lower layers. The geotechnically poorer quality material would be placed in the upper layers and to cap the overburden disposal areas prior to their re-seeding back to paddock.

In addition to the above there would also be some ancillary works such as the relocation of the current weighbridges and offices, the realignment and extension of the existing power supply, and the construction of a safety-focused slip lane off Haruru Road.

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

Please write your answer here:

Resource Management Act 1991 – Resource Consents

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:

Winstone Aggregates sought consents for a materially identical quarry development in 2020. This application (BUN60070782) was rejected by Auckland Council on the basis that:

- Resource Management (National Environmental Standards for Freshwater) Regulations 2020 clause 53 prohibited removal of a natural wetland proposed under the application.
- Council has sought independent legal advice in relation to sections 88A and 43B of the RMA. Following the advice, we have concluded that section 88A(1)(b)(iii) does not protect a resource consent application lodged before NES operational date from a more stringent activity status in an NES, in circumstances where section 43B(7) of the RMA indicates an NES will prevail over a resource consent.
- Pursuant to 87A(6), no application for a resource consent may be made for the prohibited activity.

While the Resource Management (National Environmental Standards for Freshwater) Regulations 2020 (NES-FM) have subsequently been amended to provide a consenting pathway for quarrying, that consenting pathway remains extremely restrictive however, including the application of ambiguous tests for the location chosen.

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

No

Please explain your answer here:

The s 9(2)(b)(ii) m3 of overburden to be removed will require disposal two overburden disposal areas (OBDAs). s 9(2)(b)(ii)

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

Please write your answer here:

Post-approval:

3 weeks detailed design

3 weeks procuring earthworks contractor

4 months - First earthworks season

4 months - Second earthworks season

4 months - Third earthworks season

Section 3: Consultation

Who are the persons affected by the project?

Please write your answer here:

Relevant local authorities

- Auckland Council

Relevant iwi authorities

- Ngai Tai ki Tamaki
- Ngati Manuhiri
- Ngati Maru

- Ngati Te Ata
- Ngatiwai
- Ngati Whatua o Kaipara
- Ngati Whatua Orakei
- Te Akitai Waiohua

Protected customary rights groups

N/A

Customary marine title groups

N/A

Applicant groups under the Marine and Coastal (Takutai Moana) Act 2011

N/A

Ngā hapū o Ngāti Porou

N/A

Any person with a registered interest in land that may need to be acquired under the Public Works Act 1981.

N/A

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.

N/A

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:

Early discussions with iwi authorities listed above commenced in January 2023. Ngai Tai ki Tamaki, Ngati Manuhiri and Ngati Whatua o Kaipara all sought to continue dialog on the proposal.

Consultation Statement

While the draft archaeological effects assessment did not identify any specific cultural sites within the proposed development area, Winstone Aggregates is aware of the cultural relevance of the wider North Auckland region to mana whenua and will continue to discuss this with the relevant iwi groups.

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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:

The Tāmaki Makaurau Collective Deed of Settlement 2014 provided collective redress for the shared interests of the members of the Tāmaki Collective in relation to specified maunga, motu and lands within Tāmaki Makaurau.

The details of this settlement are set out below, but it is important to note that they are not relevant to the Flat Top development proposal.

The members of the Tāmaki Collective/Ngā Mana Whenua o Tāmaki Makaurau are:

Ngāi Tai ki Tāmaki, Ngāti Maru, Ngāti Pāoa, Ngāti Tamaoho, Ngāti Tamaterā, Ngāti Te Ata, Ngāti Whanaunga, Ngāti Whātua o Kaipara, Ngāti Whātua Ōrākei, Te Ākitai Waiohua, Te Kawerau ā Maki, Te Patukirikiri, Te Rūnanga o Ngāti Whātua.

Include a summary of the relevant principles and provisions in those settlements and any statutory acknowledgement areas.

The settlement was given effect to by the Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014, which gave effect to certain provisions of the collective deed, which provided shared redress to the iwi and hapū constituting Ngā Mana Whenua o Tāmaki Makaurau, including by:

- restoring ownership of certain maunga and motu of Tāmaki Makaurau to the iwi and hapū, the maunga and motu being treasured sources of mana to the iwi and hapū; and
- providing mechanisms by which the iwi and hapū may exercise mana whenua and kaitiakitanga over the maunga and motu; and
- providing a right of first refusal regime in respect of certain land of Tāmaki Makaurau to enable those iwi and hapū to build an economic base for their members.

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?

s 9(2)(b)(ii)

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:

No file uploaded

Section 5: Adverse effects

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

Please describe:

Winstone has investigated the potential adverse effects of the proposed development i.e.:

a) Cultural / Archaeological Impacts;

b) Noise Impacts; and

c) Ecology Impacts.

Only the ecology investigation concludes that there will be an effect that is more than minor.

Ecology Impacts

In 2021 ecologists Ecological Solutions identified a number of wetlands within, or immediately adjacent to, the proposed quarry development footprint which met the definition of "natural inland wetlands" in the NPS-FM. Removal of those wetlands was a Prohibited Activity under the 2020 NPS-FM.

The wetlands identified in 2021 all exist within areas of current pasture that have been highly modified from its pre-farming state. The pasture areas in question have been actively grazed by stock for many decades.

On 23 February 2023 the Minister for the Environment amended the NPS-FM under section 53(2)(a) of the Resource Management Act 1991. Part of these amendments was the introduction of new consenting pathways for the unavoidable removal of wetlands for various classes of development, including quarrying. That consenting pathway remains extremely restrictive however, including use of the ambiguous tests for the location chosen.

See Section 7 below for more detail on the challenges an applicant faces in addressing these tests.

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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:

The National Policy Statement for Freshwater Management 2020 (NPS-FM)

The NPS-FM sets out the objectives and policies for freshwater management under the Resource Management Act 1991 and came into effect in 3 September 2020.

In 2021 consultants Ecological Solutions identified a number of wetlands within or immediately adjacent to the proposed quarry development footprint which met the definition of "natural inland wetlands" in the NPS-FM. Removal of those wetlands was a Prohibited Activity under the 2020 NPS-FM.

As noted earlier, the wetlands identified in 2021 all exist within areas of current pasture that have been highly modified from its pre-farming state. The pasture areas in question have been actively grazed by stock for many decades.

On 23 February 2023 the Minister for the Environment amended the NPS-FM under section 53(2)(a) of the Resource Management Act 1991. Part of these amendments was the introduction of new consenting pathways for the unavoidable removal of wetlands for various classes of development, including quarrying. That consenting pathway remains extremely restrictive however.

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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:

As detailed above the continued operation of Flat Top Quarry, a regionally significant supplier of rock in the North Auckland area, depends on the western development of the current quarry pit. This development area has been determined by ecologists to contain "natural inland wetlands" as defined in the NPS-FM.

The NPS-FM in its original form effectively prevented all additional development of Flat Top Quarry. It wasn't until February 2023 that the then Minister for the Environment amended the NPS-FM under section 53(2)(a) of the Resource Management Act 1991. Part of these amendments was the introduction of new consenting pathways for the unavoidable removal of wetlands for various classes of development, including quarrying.

Removal of those wetlands, and offsetting this loss elsewhere, is provided for under an amended NPS-FM but is subject to ambiguous tests which are unclear in terms of their application.

To add to the confusion, these tests are being used in different ways in different national policy documents. Sometimes, only one term is used, whereas sometimes both terms are used (in an 'either/or' scenario).

Winstone is a responsible operator with a long history of undertaking extensive rehabilitation offset projects. Winstone is not seeking to circumvent its responsibilities as they relate to offsetting the loss of biodiversity, including wetlands. Winstone is frustrated however that a relatively straightforward development of a regionally significant quarry will likely take many years and be subject to regulatory tests that are unclear, and therefore subject to different interpretation by councils and other interested parties.

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

Please write your answer here:

Referring the proposed development of Flat Top Quarry would support the efficient operation of the fast-track process. The project is regionally significant, shovel-ready, and anticipated effects can be adequately addressed.

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

Central government plan or strategy

Please explain your answer here:

Central Government has been clear on the strategic importance quarries play in contributing to the building of regionally and nationally important infrastructure. Central Government has noted that consecutive past governments have promised to create a less restrictive regime for quarrying but very few, if any, have delivered.

Will the project deliver regionally or nationally significant infrastructure?

Regional significant infrastructure

Please explain your answer here:

Flat Top Quarry, by virtue of its location, is well placed to provide essential aggregate supplies into a number of important roading and other regionally significant projects over coming decades. The quarry was a key contributor to the Puhoi to Warkworth motorway and stands ready to supply aggregate for the next section of motorway to be built from Warkworth to Wellsford.

Flat Top Quarry is a vital strategic asset in the North Auckland region's infrastructure framework and supply chain, it has demonstrated its capacity to support significant regional and national infrastructure projects and has contributed to Auckland's growth since it was first established in the 1940's.

Winstone's took over the operation of the quarry in 1975.

Winstone's has put forward the Flat Top development proposal for consideration as a suitable candidate for referral to the new fast track consenting process to enable the quarry to continue to maximise its operation and strategic growth so it can maintain this support of regional and national projects.

Flat Top Quarry is located 35km north of the Auckland CBD and is the only significant quarry in the North Auckland region. The next closest quarry after Flat Top is Whangaripo Quarry, run as a joint venture between Winstone and Fulton Hogan, which is 65km north of the Auckland CBD. The scarcity of quarries in the North Auckland area reflects the unique geology of the North Auckland region which has very few hardrock resources located close to the surface. The rock resource at Flat Top is available only because of pre-historic landslides which carried the resource to its current location. The rock from Flat Top is andesitic basalt ideally suited to projects requiring hard fill and drainage including roading and subdivision.

The scarcity of proximate rock resources in the North Auckland region means Flat Top is one of the cornerstones in the region's construction and infrastructure sectors. There has been a consistent shift in demand for the quarry in the past 10 years due to the high level of activity in the local market including the maintenance of the North Auckland roading system, development of Milldale and Millwater subdivisions in North Auckland and the Puhoi to Warkworth RONS project. Flat Top Quarry currently supplies approximately ^{s 9(2)}_{(b)(ii)} of the North Auckland region's roading, drainage and hard fill aggregate needs which highlights its critical importance. Were it to close this aggregate material would need to be imported from 30+km away thereby significantly increased the delivered cost of the product and increasing negative externalities such as increased CO2 emissions from trucks and increased road wear.

s 9(2)(b)(ii)

This situation poses a significant risk to its ability to supply aggregate, which is crucial for regional development projects planned for the next decade such as the development of the North Auckland and West Auckland Urban Growth Zones, the Penlink highway between SH1 and Whangaparua Peninsula and the Warkworth to Wellsford Major Investment Project under the Crown Investment Programme.

Any development of Flat Top pit must also be accompanied by consenting an area to place overburden, the layer of soil and rock that lies above valuable

mineral deposits. Overburden requires strategic management for efficient resource extraction. If not effectively managed, viable resource can be sterilised by placement of overburden. Proper overburden management is essential not just for quarrying operations but also for minimising environmental impact and ensuring the site's sustainability. The proposed quarry development and the establishment of a new OBDA aim to address this challenge, securing the quarry's future productivity and contribution to the North Auckland region's growth.

The current structure of the RMA results in significant uncertainty for applicants, including in respect of costs and delays. The Infrastructure Commission's report on this issue highlights the significant financial and time-related burdens infrastructure developers face under the current RMA. Developers collectively spend \$1.29 billion annually on consenting, with costs averaging 5.5% of a project's total budget. The report also notes an increase in complexity and costs over time, with the average decision time for consent applications rising by 50% since 2014/15, and up to 150% for infrastructure projects specifically.

Having a secure supply of quality aggregate close to demand is critical for project cost control. Once a load of aggregate is taken more than 30km from a quarry, the consumer is generally paying more in cartage costs than for the actual aggregate e.g. the cost of aggregate at least doubles when it is demanded more than 30km from its source. In the case of Flat Top Quarry the current average cost for customers of hardfill aggregate is approximately \$30/tonne delivered. Should the quarry have to close, this price could effectively double to \$60/tonne for customers including NZTA Waka Kotahi and Auckland Council. This would significantly increase project costs in the North Auckland region.

Extending the operating life of Flat Top Quarry through the proposed development will provide for multiple projects of regional and national significance. This is because few, if any, infrastructure projects can be constructed without aggregate, asphalt, and/or concrete. The quarries from which aggregate is provided are thus essential elements to the growth of any area.

Appropriately managing access to quarry resources and reducing future costs of transporting materials from quarries to market will have a have significant flow on effects to help deliver affordable infrastructure, including roads, bridges, rail lines, houses and hospitals, into the future.

Auckland's demand for materials will continue to grow, driven largely by strong population growth in growth areas located in both the south and north of the Auckland isthmus. Using Statistics NZ's population projections and aggregating the Local Boards to five broad areas shows that spatially, the growth will be concentrated around the northern/western parts as well as the on the isthmus-southwards. The specific share of growth in the main locations are:

- North 28%
- West 8%
- Central 22%
- East 17%
- South 25%

Will the project:

increase the supply of housing

Please explain your answer here:

The Auckland Unitary Plan identifies two areas for future housing growth in the North Auckland area i.e. the North-West Future Urban Growth Zone and the North Auckland Future Urban Growth Zone. The latter alone is expected to add more than 5,000 homes in the coming decades.

Flat Top Quarry is by some margin the closest quarry to these future growth areas being 7km from the northern area and 20km from the north-western area. Aggregate from Flat Top Quarry will provide vital hardfill for the roading and subdivision works required to support the construction of these new housing areas. In the event Flat Top Quarry cannot develop, and therefore continue supplying the market, the aggregate for these housing projects would need to be sourced from much further away, likely from north of Matakana or from East Auckland. This aggregate would be significantly more expensive as every 30km of trucked distance doubles the cost of aggregate. The additional trucked distance would also significantly increase CO2 emissions and wear on Auckland's roading network

The development of Flat Top Quarry will therefore enable more cost effective, efficient building of housing supply.

Will the project deliver significant economic benefits?

Yes

Please explain your answer here:

Aggregate supply has a central role in infrastructure delivery. Infrastructure investment in response to housing growth, high impact weather events, and economic growth requirements need secure access to quality and appropriately located aggregate. The price effects of supply can influence project viability.

The future growth trajectory of the North Auckland area is expected to reflect the established geography and functioning of its centres and business areas. With housing intensification around the established centres, most of the North Auckland population growth, and increase in economic activity, will require appropriate infrastructure to support the efficient functioning of North Auckland. Therefore, the development of Flat Top Quarry will contribute towards facilitating North Auckland's growth while reducing its dependence on imported aggregate.

Will the project support primary industries, including aquaculture?

No

Please explain your answer here:

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

Yes

Please explain your answer here:

Flat Top Quarry is the only producer of aggregate in the central North Auckland area and supplies ^{s 9(2)}_{(b)(ii)} of the region's roading, drainage and hard fill requirements. The geology of the area means this will continue to be the case for the foreseeable future. The quarry is therefore regionally significant and retaining access to the resource for coming decades is essential. It is also important to note that there is no alternative to quarried rock at present, aside from a relatively small volume of recycled aggregate

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

Yes

Please explain your answer here:

Providing for local supply of aggregate significantly reduces CO2 emission by limiting the haul distance required. Aggregate sourced from further afield increases CO2 emissions.

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

Yes

Please explain your answer here:

Aggregate is a key part of the Auckland region's preparedness for natural hazard events and approach to climate change, whether it is coastal protection or rebuilding as a result of slips, flooding, or building more resilient cycling/transport infrastructure. Aggregate is required for all manner of recovery activities including re-building roading and bridge links, stabilising landslides, reconstructing culverts and providing stable surfaces for emergency response vehicles to operate on. The importance of aggregate in increasing the region's resilience is high.

Will the project address significant environmental issues?

No

Please explain your answer here:

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

Yes

Please explain your answer here:

Flat Top Quarry is one of only two areas zoned for quarrying in the Auckland Unitary Plan in the central North Auckland area. The quarry has therefore been identified as a current and future supplier of aggregate for the North Auckland area. The other area zoned for quarrying in the vicinity is the Wainui resource south of Flat Top Quarry. It is noted that Kings Quarry Limited has applied for resource consents to develop an existing quarry this land at Wainui under the COVID-19 Recovery (Fast-track Consenting) Act 2020.

Anything else?

Please write your answer here:

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:

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:

Winstone Aggregates has been operating in New Zealand for 150+ years and has an excellent compliance record across its eleven extractive quarries, two Joint venture quarries with our partners, four clean fills, six labs and a fleet of 80 bulk trucks. We are the trusted aggregates solution partner for the concrete, roading, rail, and other infrastructure industries. Winstone has not, within the last 30 years in which records have been kept, been subject to enforcement actions.

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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:

Dan McGregor

Important notes