

# Application for a project to be referred to an expert consenting panel

**(Pursuant to Section 20 of the COVID-19 Recovery (Fast-track Consenting) Act 2020)**

*For office use only:*

Project name: Brookby Quarry - Stage 3  
Application number: PJ-0000861  
Date received: 16/02/2023

This form must be used by applicants making a request to the responsible Minister(s) for a project to be referred to an expert consenting panel under the COVID-19 Recovery (Fast-track Consenting) Act 2020.

All legislative references relate to the COVID-19 Recovery (Fast-track Consenting) Act 2020 (the Act), unless stated otherwise.

The information requirements for making an application are described in Section 20(3) of the Act. Your application must be made in this approved form and contain all of the required information. If these requirements are not met, the Minister(s) may decline your application due to insufficient information.

Section 20(2)(b) of the Act specifies that the application needs only to provide a general level of detail, sufficient to inform the Minister's decision on the application, as opposed to the level of detail provided to an expert consenting panel deciding applications for resource consents or notices of requirement for designations.

We recommend you discuss your application and the information requirements with the Ministry for the Environment (the Ministry) before the request is lodged. Please contact the Ministry via email: [fasttrackconsenting@mfe.govt.nz](mailto:fasttrackconsenting@mfe.govt.nz)

The Ministry has also prepared [Fast-track guidance](#) to help applicants prepare applications for projects to be referred.

## Part I: Applicant

### Applicant details

Person or entity making the request: Brookby Quarries Limited

Contact person: Steve Riddell

Job title: Managing Director

Phone: s 9(2)(a)

Email: s 9(2)(a)

Postal address:

PO Box 8, Beachlands, Auckland 2147

### Address for service (if different from above)

Organisation: Osborne Hay (North) Limited

Contact person: David Hay

Job title: Planning Consultant

Phone: s 9(2)(a)

Email: s 9(2)(a)

Email address for service: s 9(2)(a)

Postal address:

PO Box 16, Warkworth Auckland 0941

## Part II: Project location

The application: does not relate to the coastal marine area

If the application relates to the coastal marine area wholly or in part, references to the Minister in this form should be read as the Minister for the Environment and Minister of Conservation.

Site address / location:

A cadastral map and/or aerial imagery to clearly show the project location will help.

134 Kimptons Road, Brookby, Auckland, 2576, New Zealand

271 and 275 Ara Kotinga Road, Brookby, Auckland 2576

Legal description(s):

A current copy of the relevant Record(s) of Title will help.

Lot 2 DP 208126, Lot 1 DP 187529, Lot 2 DP 437102, Lot 1 DP 93001, Lot 1 DP 188120 and Lot 2001 DP 475227

Registered legal land owner(s):

Brookby Quarries Limited

Detail the nature of the applicant's legal interest (if any) in the land on which the project will occur, including a statement of how that affects the applicant's ability to undertake the work that is required for the project:

Owner.

## Part III: Project details

### Description

Project name: Brookby Quarry - Stage 3

Project summary:

Please provide a brief summary (no more than 2-3 lines) of the proposed project.

The scope of the project is obtaining consents for the Stage 3 expansion of Brookby Quarry to provide for mineral extraction. This includes the associated vegetation, watercourse and overburden removal, the discharge of dust to air and the diversion and discharge of surface and ground water.

Project details:

Please provide details of the proposed project, its purpose, objectives and the activities it involves, noting that Section 20(2)(b) of the Act specifies that the application needs only to provide a general level of detail.

Stage 3 of the Brookby Quarry will cover approximately 36ha of area currently outside the consented footprint (but within the Special Purpose - Quarry Zone) and approximately 16ha of an area within the current Stage 2 consented footprint and the following activities will be undertaken:

- (i) Removal of approximately 36ha of vegetation with proposed off-setting and compensation (based on a biodiversity offsetting model) comprising of approximately 145ha of new planting and the enhancement (including pest and weed control) of approximately 165ha of existing native vegetation areas.
- (ii) Removal of approximately 1700m of watercourses (permanent and intermittent) with proposed off-setting by the riparian planting of approximately 9000m of watercourses (based on an environmental compensation ratio).
- (iii) Removal of approximately 10,250,000m<sup>3</sup> of overburden.
- (iv) Extraction of over 110 million tonnes of greywacke.
- (v) The processing of some product within the Stage 3 using mobile crushers.
- (vi) The diversion of groundwater of up to 3010m<sup>3</sup>/day.

The processing of rock will be undertaken at the existing and consented processing plants (including the mobile crushers located on the quarry benches).

Truck movements to and from the site to export product is already consented.

Background:

Brookby Quarry is a greywacke quarry and currently produces sized graded products such as sealing chip for roading chip seal, manufacture of concrete and in the production of asphalt as well as provided specific gap products for roading sub-base and base construction and engineered and non-engineered fills in commercial and residential construction. There is a strong focus on the "higher end" rock products such as roading material and concrete aggregate. The primary market is within the southern section of Auckland and the majority of product goes into infrastructure projects (such as Auckland Airport, Waterview Tunnel, Watercare Central Interceptor, Central Rail Link). The Quarry is one of the three main greywacke quarries in Auckland which supply the Auckland market. At the current time, Brookby provides around 30-35% of the Auckland greywacke market.

The COVID-19 pandemic necessitated significant public health and economic policy responses centered on addressing the human impacts of the health crisis. Progress against COVID-19 remains central to the economic recovery, with infrastructure stimulus providing a key opportunity to keep people employed, stimulate the regions and maintain productive capacity. Infrastructure investment is not just being relied upon to deliver economic stimulus, it is critical to the long-term well being of New Zealanders.

Infrastructure programmes and projects are facing budget, delivery schedule and associated realisation delays. Those projects planned within the Auckland Region are relying on aggregate being available from the existing quarry producers in the Auckland Region and have not planned to import the rock from outside the region or imported from overseas.

The Honourable Michael Wood (Inside Resources, 25 May 2021) stated that *"The Government does not want the country to be reliant on offshore aggregate supply and issues around quarry consenting and protection are very much in play."* Quarry operators throughout New Zealand, and particularly those in the Auckland Region, are under pressure to expand their operations to meet the looming shortfall of aggregate supply in the region.

The total annual production of aggregate required to meet housing, roading and other infrastructure needs within the Auckland Region is currently running at 11.1 million tonnes while an additional 2.1 million tonnes is imported from outside the region, namely the Waikato, to supplement the total demand requirements.

Statistics NZ (NZ Statistics, Feb 2021) high-end forecast says Auckland's population could reach 2.5 million residents by 2033. When this is combined with critical investment stimulus for planned infrastructure development, Auckland's annual aggregate needs more than double from the annual rate of 11.1 million to 20-25 million tonnes by 2033. The majority of this may need to be imported from outside Auckland unless aggregate production in Auckland significantly increases immediately.

Three major producers (Winstones, Fulton Hogan and Brookby) account for 83% (9.2 million tonnes) of the current annual aggregate production in Auckland. These major producers will need to double their aggregate production rates to meet the predicted market demand. Brookby Quarry is ideally geographically located in Auckland and well placed to meet this growing aggregate demand with existing access and future access to aggregate resource in excess of 301 million tonnes of high-quality rock.

Obtaining resource consents under the Covid-19 Recovery (Fast-Track Consenting) Act for Stage 3, would bring forward the ability to commence doubling the aggregate output from Brookby Quarry by between 2 and 3 years.

Bringing forward the expansion of Brookby Quarry would also avoid the need to incur the environmental and additional costs (including increased CO2 emissions) associated with importing aggregate from outside the region or from overseas.

Brookby has completed investigations into the next expansion area (Stage 3). Physical expansion into Stage 3 is required within three years to:

- (1) Ensure that Brookby can continue to commit to long-term rock supply contracts (often 10 years + 10 years) to major concrete producers and infrastructure contractors.
- (2) Ensure that the efficiency of rock extraction from Stage 2 is not compromised due to the inability to remove overburden and quarry into Stage 3 (which allows for the Stage 2 resource to be optimised).
- (3) Increase the quarry pit area to allow for more efficient haul movements and maximisation of processing on haul areas to reduce the internal movement of rock product for processing.
- (4) Allow for immediate commencement of certain ecological off-setting and compensation works.

With the consenting of Stage 3, and based on the current predicted extraction rate, the estimated life of the Quarry will increase from 30 to 64 years.

The estimated value of the development of Brookby Quarry to the current time (including land purchase) is s 9(2)(b)(ii) This includes capital investment in the past 5 years (2017 to date) of s 9(2)(b)(ii)

Quarrying Process:

The additional area to be consented for quarrying is approximately 36ha giving a new total quarry footprint of approximately 94ha. The quarry operation consists of:

- Removal and placement of overburden into onsite cleanfills or exported off-site as product;
- Excavation and transportation of rock from the quarry face;
- Crushing and processing (by both the mobile and permanent processing plants) and the stockpiling of product; and
- Transportation of product from site.

Removal of overburden is undertaken predominantly by diggers and occasionally by front end loads and/or dozers. The material is then immediately deposited in trucks for off-site sale or into dump trucks for disposal into the on-site cleanfill.

Blasting is generally undertaken 4 to 6 times a month and carried out between the hours of 9am and 5pm Monday to Friday. The site clearance and standard warning prior to every blast are set out in the Brookby OSH manual. No changes to the permitted hours of blasting are proposed. Excavation of rock at the quarry face is then undertaken with diggers and occasionally with front end loaders. The material is loaded either into dump trucks for transportation of the fixed processing plant or directly into the mobile crusher on the quarry bench.

The main processing plan currently mainly produces chip, concrete and asphalt chip, Pan 7 and 7 and occasionally Gap 40 and 65. Extraction of 2000 tonnes per hour and processing of 2000 tonnes per hour is permitted and Brookby and no change to the extraction and processing rates are proposed.

Stockpiling is undertaken adjoining the processing plan, on the benches or in the stockpile area by the weight station. Generally 5 to 7 days of demand is stockpiled at any one time.

Loading of trucks is undertaken adjacent to the stockpiling areas or close to the work face. Trucks carting dry rock products are sprayed down and pass through a truck wash before exiting the Quarry onto Kimptons Road. The internal accessway is sealed and maintained by Brookby. Kimptons Road from the Quarry to Twilight Road is sealed and of a high standard. Twilight Road and the roads used out to the Motorway network are arterial roads.

The sediment and erosion controls plans for Stage 3 are being completed. This is a continuation of the existing controls which have been successful for many years in terms of controlling sediment run-off and avoiding adverse effects on the receiving environment, including Papakura Stream. All run-off from the active quarry area will continue to be discharged into the existing quarry pit pond.

It is proposed to carry over the current noise and vibration conditions.

A range of on-site dust mitigation measures are employed to keep dust emissions to a practical level and these will continue.

The application is not seeking an increase in the currently consented truck movements.

Where applicable, describe the staging of the project, including the nature and timing of the staging:

The quarrying will be continuation of the Stage 2. Within Stage 3, vegetation and overburden removal will be split into two stages, both of which will take a number of years to complete.

### Consents / approvals required

Relevant local authorities: Auckland Council

Resource consent(s) / designation required:

Land-use consent, Water permit, Discharge permit

Relevant zoning, overlays and other features:

Please provide details of the zoning, overlays and other features identified in the relevant plan(s) that relate to the project location.

Legal description(s)	Relevant plan	Zone	Overlays	Other features
Lot 2 DP 208126, Lot 1 DP 187529, Lot 2 DP 437102, Lot 1 DP 93001, Lot 1 DP 188120 and Lot 2001 DP 475227	Auckland Unitary Plan - Operative in Part	Special Purpose - Quarry	Natural Stream Management Area High-Use Aquifer Management Area Significant Ecological Area	Airspace Restriction Designation ID1102

Rule(s) consent is required under and activity status:

Please provide details of all rules consent is required under. Please note that Section 18(3)(a) of the Act details that the project **must not include** an activity that is described as a prohibited activity in the Resource Management Act 1991, regulations made under that Act (including a national environmental standard), or a plan or proposed plan.

Relevant plan / standard	Relevant rule / regulation	Reason for consent	Activity status	Location of proposed activity
Auckland Unitary Plan - Operative in Part	H28.4.1(A7)	Extraction (including overburden) and primary processing of minerals.	Controlled	Stage 3 Brookby Quarry
Auckland Unitary Plan - Operative in Part	E15.4(A12)	Vegetation removal over 250m2 within a Natural Stream Management Area and within 20m of a watercourse.	Restricted discretionary	Stage 3 (and within the area outside the current quarry footprint)
Auckland Unitary Plan - Operative in Part	E15.4.2(A44)	Removal of vegetation within a Significant Ecological Area overlay.	Restricted Discretionary	Stage 3 (outside the current quarry footprint).
Auckland Unitary Plan - Operative in Part	E7.4.1(A28)	Replacement consent for the whole quarry to allow for a daily groundwater diversion of 3,010m3/day into the quarry pit.	Restricted Discretionary	Brookby Quarry (all)
Auckland Unitary Plan - Operative in Part	H28.4.2(A17)	Removal of overburden from Stage 3.	Controlled.	Stage 3
Auckland Unitary Plan - Operative in Part	E3.4.1(A50)	Diversion of water and removal of watercourses.	Non-complying	Stage 3 (outside current quarry footprint)
Auckland Unitary Plan - Operative in Part	E7.4.1(A13)	Diversion of surface water.	Discretionary	Stage 3

Resource consent applications already made, or notices of requirement already lodged, on the same or a similar project:

Please provide details of the applications and notices, and any decisions made on them. Schedule 6 clause 28(3) of the COVID-19 Recovery (Fast-track Consenting) Act 2020 details that a person who has lodged an application for a resource consent or a notice of requirement under the Resource Management Act 1991, in relation to a listed project or a referred project, must withdraw that application or notice of requirement before lodging a consent application or notice of requirement with an expert consenting panel under this Act for the same, or substantially the same, activity.

It is confirmed that Brookby has not already lodged resource consent applications for Stage 3.

A range of resource consents are held for the current quarry and cleanfill operations.

Resource consent(s) / Designation required for the project by someone other than the applicant, including details on whether these have been obtained:

None.

Other legal authorisations (other than contractual) required to begin the project (eg, authorities under the Heritage New Zealand Pouhere Taonga Act 2014 or concessions under the Conservation Act 1987), including details on whether these have been obtained:

Upon granting of the resource consents, a license will be obtained from the Department of Conservation for the relocation of any Forest Geckos. This application will be sought by Bioresearches Limited and a license to undertake this Gecko relocation was obtained for the earlier Stage 2.

## Construction readiness

If the resource consent(s) are granted, and/or notice of requirement is confirmed, detail when you anticipate construction activities will begin, and be completed:

Please provide a high-level timeline outlining key milestones, e.g. detailed design, procurement, funding, site works commencement and completion.

The quarrying in Stage 3 is continuous from the current Stage 2. Physical works within the Stage 3 area are proposed to be commenced in October 2024. From the granting of consents it will take approximately 12 months before physical works into Stage 3 can commence. This will include detailed mine planning, awarding contracts for ecological mitigation works, employing of additional staff and acquisition of new equipment. Granting the consents for Stage 3 will give Brookby Quarry a life span of approximately 65 years.

## Part IV: Consultation

### Government ministries and departments

Detail all consultation undertaken with relevant government ministries and departments:

Discussions are underway with the Department of Conservation in terms of potential ecological compensation locations on land under the control of the Department. The Ngai Tai ki Tamaki Trust Board is leading the consultation with the Department of Conservation on the proposed revegetation planting on Motutapu Island.

A pre-application meeting was held with MFE staff in respect to this application and the feedback obtained from that meeting incorporated into this application.

### Local authorities

Detail all consultation undertaken with relevant local authorities:

Auckland Council, through their Premium Resource Consents Team, have been advised of this application. Council has appointed a Senior Planning Consultant experienced in resource consent applications for quarries (including previous consents for Brookby Quarry) to coordinate the planning response from Council. The initial pre-application site meeting with Auckland Council officers was undertaken on the 10th of November 2022. It is understood that Council is forming a team of specialists to consider the various reports, with the intention that key specialists would have had prior experience at Brookby Quarry or the other main quarries in Auckland.

### Other persons/parties

Detail all other persons or parties you consider are likely to be affected by the project:

Consultation has been undertaken with the Ngai Tai ki Tamaki Trust Board and their written support for this application is included in Appendix Three. Regular meetings are held with the Trust Board representatives (including with the Trust Board Chair, CEO and their ecologist).

Brookby Quarry Community Liaison Group.

Identification of other potentially affected parties:

The key issue from previous applications for Brookby Quarry has been the effect of truck movements on both the roading network and adjoining properties. No changes to the currently approved truck movements or hours of operation of the Quarry are proposed in this application so there is no change in effects from traffic movements to and from the quarry.

The Stage 3 expansion will comply with the current noise, vibration and lighting standards so no parties are considered to be adversely affected from these effects. Likewise, no parties have been identified who may be affected by the diversion and discharge of ground and surface water. Discharges to air from the quarrying activities will not result in effects on parties beyond the site boundary and the location of the main crushing plant remains the same.

In terms of landscape and visual effects, the draft Landscape, Natural Character and Visual Assessment Report (Mansergh Graham, December 2022) has identified that landscape character, natural character and visual amenity effects will range from low to minor. No parties have been identified who may be adversely affected to a degree more than minor.

No parties have therefore been identified to date who may be affected to a degree of more than minor.

For background information it is noted that the Stage 2 expansion applications were processed by Auckland Council on a non-notified basis. At that time the AUPOP had been notified which included the Significant Ecological Area overlay which covered part of the Stage 2 expansion area. At the time of the decision making, the relevant provisions of the AUPOP were largely operative, however the SEA overlay provisions were subject to appeals.

Detail all consultation undertaken with the above persons or parties:

Brookby operates a Community Liaison Group. This Group meets quarterly and provides an opportunity for residents to raise any concerns, compliments or queries about quarry operations every three months with the Quarry management. The CLC invitees include Ngai Tai ki Tamaki Trust, Auckland Council and representatives of the residents of Ara-Kotinga and Kimptons Roads along with the Quarry Manager and a director of Brookby. The CLC meetings are coordinated and chaired by a Planning Consultant.

To date, 82 CLC meetings have been held.

Regular updates have been provided to this Group at its meetings and they have been informed of this application under the Covid-19 Recovery (Fast-Track Consenting) Act 2020.

The CLC has worked effectively to date and will continue to be required under the current Land Use Consent.

## Part V: Iwi authorities and Treaty settlements

For help with identifying relevant iwi authorities, you may wish to refer to [Te Kāhui Māngai – Directory of Iwi and Māori Organisations](#).

### Iwi authorities and Treaty settlement entities

Detail all consultation undertaken with Iwi authorities whose area of interest includes the area in which the project will occur:

Iwi authority	Consultation undertaken
Ngai Tai ki Tamaki Trust Board	<p>The subject site is within the rohe of Ngai Tai ki Tamaki. The applicant has a long-standing relationship with the Ngai Tai ki Tamaki Trust Board</p> <p>Consultation has been undertaken with the Ngai Tai ki Tamaki Trust Board and their written approval for this application is included in Appendix Three. The following outcomes have been developed to date:</p> <ul style="list-style-type: none"> <li>(i) Preliminary agreement to undertake the majority of the proposed re-vegetation planting on Motutapu Island;</li> <li>(ii) Agreement for Ngai Tai to have access to trees within Stage 3 which may be suitable for carving or other uses;</li> <li>(iii) Agreement to further investigate the relocation of native geckos from Stage 3 to Motutapu Island; and</li> <li>(iv) Agreement for Ngai Tai to have a stronger and on-going role in on-site monitoring.</li> </ul>
Ngati Maru Rununga Trust	Contact by email on the 10th of August 2022. No response was received.
Ngati Paoa Iwi Trust	Contacted by email on the 10th of August 2022. No response was received.
Ngati Paoa Trust Board	<p>Contacted by email on the 10th of August 2022.</p> <p>The email to Taio@ngatipaoaiwi.co.nz (for the Trust) bounced back as that account no longer exists. The email was resent to Mr Tupuhi, the Chair of the</p>



	Trust for him to forward onto the Trust's kaitiaki or cultural lead. No response was received.
Ngati Tamatera Settlement Trust	Contacted by email on the 10th of August 2022.  No response was recieved.
Te Ara Rangatu o Te Iwi o Ngati Te Ata Waiohua	Contacted by email on the 10th of August 2022.  No response was recieved.
Ngati Whanaunga Incorporated	Contacted by email on the 10th of August 2022.  No response was recieved.
Makaurau Marae Maori Trust	Contacted by email on the 10th of August 2022.  No response was received.
Te Akitai Waiohua Iwi Authority	Contacted by email on the 10th of August 2022.  No response was received.
Te Whakakitenga o Waikato Incorporated.	Contacted by email on the 10th of August 2022.  No response was received.

Detail all consultation undertaken with Treaty settlement entities whose area of interest includes the area in which the project will occur:

Treaty settlement entity	Consultation undertaken
Ngai Tai ki Tamaki Trust	The written support from the Trust is included in Appendix Three.

### Treaty settlements

Treaty settlements that apply to the geographical location of the project, and a summary of the relevant principles and provisions in those settlements, including any statutory acknowledgement areas:

Section 18(3)(b) of the Act details that the project **must not include** an activity that will occur on land returned under a Treaty settlement where that activity has not been agreed to in writing by the relevant land owner.

The subject site is not within a statutory acknowledgement area.

## Part VI: Marine and Coastal Area (Takutai Moana) Act 2011

### Customary marine title areas

Customary marine title areas under the Marine and Coastal Area (Takutai Moana) Act 2011 that apply to the location of the project:

Section 18(3)(c) of the Act details that the project **must not include** an activity that will occur in a customary marine title area where that activity has not been agreed to in writing by the holder of the relevant customary marine title order.

N/A

## Protected customary rights areas

Protected customary rights areas under the Marine and Coastal Area (Takutai Moana) Act 2011 that apply to the location of the project:

Section 18(3)(d) of the Act details that the project **must not include** an activity that will occur in a protected customary rights area and have a more than minor adverse effect on the exercise of the protected customary right, where that activity has not been agreed to in writing by the holder of the relevant protected customary rights recognition order.

N/A

## Part VII: Adverse effects

Description of the anticipated and known adverse effects of the project on the environment, including greenhouse gas emissions:

In considering whether a project will help to achieve the purpose of the Act, the Minister may have regard to, under Section 19(e) of the Act, whether there is potential for the project to have significant adverse environmental effects. Please provide details on both the nature and scale of the anticipated and known adverse effects, noting that Section 20(2)(b) of the Act specifies that the application need only provide a general level of detail.

The following specialist reports will form part of the AEE for the application:

- Erosion and Sediment Control Plan
- Geotechnical Review
- Ground and Surface Water Impact Assessment
- Air Quality Assessment
- Assessment of Ecological Effects and the Ecological Management Plan
- Assessment of Noise Effects
- Landscape and Visual Assessment
- Economic Assessment

Brookly has installed and implemented an extensive range of mitigation measures to date including:

- Earth bunds (within the site and along Ara-Kotinga and Kimptons Road). These earth bunds have predominantly been planted;
- Acoustic fences (outside certain properties along Kimptons Road and on the earth bund along Ara-Kotinga Road);
- Extensive landscape and mitigation native planting since 2003. This includes the rehabilitation of wetlands;
- The re-orientation of the quarry benches so the quarry face is now facing towards Whitford Forest (rather than towards the countryside living and mixed rural areas to the west and north);
- Financial contributions for road upgrading (Kimptons and Twilight Roads);
- The implementation of a heptofaunal management plan;
- Installation of a turbidity recorder on the Quarry pit discharge point to the Papakura Stream and a construction of a rock swale for this discharge;
- The implementation of a stream augmentation system;
- Installation of a suppression spray system on the processing plant;
- On-site operation of a water cart and road sweeper (which also cleans Kimptons Road on an as required basis);
- The internal access road has been realigned and sealed and a truck wash system and wheel wash installed. This includes an overhead spray system to dampen dry material;
- The placement of "no-compliant" encumbrances on Lot 1 DP 118120 and Lot 1 DP 331122;
- The replacement of reverse beepers on quarry trucks with less intrusive warning systems;
- No truck movements along Ara-Kotinga Road (i.e. all trucks have to enter and leave the Quarry from Kimptons Road);

- Implementation of a Drivers Code of Practice; and
- Implementation of a speed control for trucks along Kimptons Road with speed monitoring reporting installed.

### **Landscape and Visual**

The preliminary Landscape and Visual Effects Assessment concludes:

*"While the quarry will affect existing landscape character and may result in some effects of existing visual amenity, the proposed expansion of Brookby Quarry is generally consistent with the direction and requirements of the relevant landscape and visual amenity provisions of the AUP.*

*Based on our preliminary analysis, we do not consider it is likely that the Stage 3 expansion will result in a level of effect on landscape and visual amenity that would result in a significant risk of a consent application being declined for landscape and visual reasons alone."*

### **Ecology**

The Stage 3 area outside the current footprint is in vegetation identified in the AUPOP as a Significant Ecological Area ("SEA"). The conflict between the Special Purpose - Quarry Zone and the SEA overlay and how vegetation removal within the SEA was to be considered in resource consent applications was subject to Environment Court proceedings (decision [2021] NZEnvC 120) (attached). This decision introduced a new objective and policy relating to vegetation removal within the SEA at Brookby and Drury Quarries as well as amending the matters of discretion and the assessment criterion.

The draft Initial Ecological Assessment is attached. This concludes:

*"The botanical values of the site as a whole are moderate; however, areas of more mature taraire forest have moderately high values even though the canopy is strongly dominated by one species (Taraire) and they lack diversity in the understorey. Areas of your Kanuka and tree fern forest have moderately low values due to their lack of maturity and lower overall species diversity.*

*All of the forest types described for the site are common across the Auckland Region, although Tairaire forest is much reduced from its former extent and is classified by AC as "Endangered"....*

*Kanuka scrub/forest is not considered threatened and has probably increased in abundance since pre-human times following clearance of the original podocarp-broadleaved forest that would have formerly occupied many sites...*

*No species of nationally threatened plants were recorded during extensive investigation of the site involving over 20 hours of field work that complimented three day's survey of the Stage 2 area...*

*Overall, the fauna recorded within the Stage 3 area of Brookby Quarry consisted of common native invertebrates and birds, with the exception of a moderate-low density of forest gecko (at risk).*

*No threatened species were recorded from fauna surveys for invertebrates, frogs, lizards, birds or long-tailed bats.*

*North Island Kaka (at risk) and long-tailed bats (vulnerable) may be intermittent visitors to the site and therefore not identified during the survey period.*

*There is very low potential for Hochstetter's frog to be present at the site due to the unsuitability of stream habitat through the area. It is possible that some lizard species occur at very low, undetectable levels in parts of the site."*

A Biodiversity Offset Model has been prepared by Bioresarches and is being reviewed by T&T. An extensive offsetting and compensation programme is being developed comprising of both replanting and rehabilitation, pest control, fencing and protection of existing native vegetation. Part of this programme is being prepared in consultation with the Ngai Tai ki Tamaki Trust. In summary, this programme will consist of:

- Approximately 145ha of new native vegetation planting (including on the quarry site, on nearby rural sites and on Motutapu Island (in conjunction with the Ngai Tai ki Tamaki Trust).
- Enhancement of approximately 165ha of existing mature native vegetation and protection of areas of this native vegetation which is not currently protected.
- Lizard relocation and protection of relocation areas.

Overall, a net environmental benefit is to be achieved over time.

Approximately 1700m of permanent and intermittent watercourses will be drained and removed. This is unavoidable for the expansion. No wetlands have been recorded or are expected in the Stage 3 area due to the steep and very rock terrain.

The draft Initial Ecological Assessment states:

*"Three sections of permanent watercourses and 12 intermittent streams are present within the Stage 3 area. All the permanent tributaries and most of the intermittent tributaries investigated had high freshwater values. The riparian*

*vegetation cover was good to excellent along many of the stream reaches and the location of the tributaries in the steep gullies helped to provide high shading to aquatic habitats. ...."*

An off-setting programme of watercourse rehabilitation in nearby catchments is currently being finalised to achieve an overall net positive environmental effect. Brookby has completed extensive stream rehabilitation of the Papakura Stream and tributaries both within its landholdings and adjoining properties. As a result of this, there is no further potential for stream rehabilitation within the subject site. This has resulted in the need to confirm stream rehabilitation further afield.

#### **Noise and Vibration**

The draft Assessment of Noise Effects takes account of the current quarrying and cleanfill operations and was prepared on the basis that the existing noise conditions will be carried over into the Stage 3 consents. This assessment notes:

*"A range of operating scenarios was considered for the plant associated with both the Stage 3 extension and the Western Cleanfill. Of the multiple operating scenarios considered, the levels resulting from each are predicted to comply with the day time criterion of the consent conditions. Based on the assessment described above, it was concluded that the combined noise from the Stage 3 extension and cleanfill operations would be reasonable to the surrounding houses and that the adverse effects would therefore be less than minor."*

The current consents have conditions controlling vibration levels. To date there have been no compliance issues and an annual report is prepared confirming compliance (with each blast being monitored at set locations). It is proposed that the same vibration conditions will be carried over into the Stage 3 consents.

#### **Discharges to Air**

A draft Air Quality Assessment has been prepared and concludes:

*"PDP's assessment has concluded that there is some potential for unmitigated air discharges from the project to cause off-site effects, primarily at locations within 250 m of the site, however there are currently no receptors located within this area. Further, as the quarrying activities will either be remaining in the same location or be moving further away from the closest receptors, the potential for nuisance dust occurring at receptor locations is low. Additionally, the proposed expanded quarry will utilise a number of mitigation measures that, if appropriately implemented, will mostly likely minimise dust emissions to within 50 m of the source. The bulk of the quarrying activity will occur at distances further than 350 m from the receptors so it is therefore unlikely that any will experience any adverse effects. Therefore, the proposed activities at Brookby Quarry would meet the generally permitted activity rule in the AUP, and therefore no consent is required for air discharges."*

Dust monitoring is currently undertaken around the Quarry site and this will continue.

#### **Sediment and Erosion Control**

The current quarry operation and associated cleanfill have an extensive sediment control system in place. This is regularly monitored by the consulting engineer for Brookby, an independent engineer commissioned to undertake an inspection every 3 months and to report back to the CLC along with Council monitoring.

In respect to the quarry operation, all stormwater from working areas is directed into a quarry pit pond where sediment settles out. If water needs to be pumped out of the quarry pit into the Papakura Stream then it is controlled so pumping is stopped if the turbidity level exceeds a certain level.

Sediment and erosion control for Stage 3 will focus on the re-direction of all stormwater over worked areas being discharged into a quarry pit pond for settling.

#### **Risk of Hazards**

The pit design has been undertaken by Brookby and reviewed by a suitably experienced Geotechnical Engineer. Regular geotechnical inspections are undertaken.

The Quarry is designed so the Papakura Stream cannot flow into it during a storm event.

#### **Traffic and Rooding**

No increase in truck movements beyond that currently permitted will result from the proposal and therefore there will be no additional effects or impacts on the public roading network. During vegetation clearance, any transportation of felled trees will be included within the permitted truck movement numbers.

#### **Ground and Surface Water**

The draft Groundwater and Surface Water Assessment concludes:

- *The maximum groundwater inflow for the quarry (including the proposed Stage 3) including the short-term storage contribution is 3,010m<sup>3</sup>/day. This is the maximum groundwater diversion rate to be applied for in the consent application.*
- *The Quarry development (including Stage 3) has less than minor effect on the groundwater resource in greywacke. The resource tapped by the quarry has been considered in the context of the aquifer within the greywacke block exposure east of the Drury Fault (about 820km<sup>2</sup>). Using the recharge rate of 5% of rainfall of 68mm/yr (for regional groundwater only), the groundwater resource in the above greywacke block is about 130,000 m<sup>3</sup> /day and the predicted long-term maximum groundwater inflow of 1,800 m<sup>3</sup>/d (excluding any short-term storage contribution) is less than 1% of this resource.*
- *The natural groundwater catchments are no barrier to resource availability as they are simply defined by flow paths within a regional aquifer that are changeable when new abstraction occurs. However, assuming the groundwater resource in greywacke is limited to the exposed greywacke block within the upper Papakura catchment, the total groundwater abstraction (predicted long-term groundwater inflow and farm wells groundwater abstractions) is about 50% of the groundwater resource in this catchment.*
- *In terms of the groundwater availability within the zone of influence itself, the quarry take is not a requirement for the operation of the quarry but rather a by-product of it. Hence, the water is available for other users to access with appropriate well designs. This simply requires the wells to be below the drawdown surface caused by the Brookby pit.*
- *The predicted interference drawdown at the existing private wells within the zone of influence ranges between 1.6 and 28m. The well survey indicated that the bores in greywacke are generally deep, drilled down to 8- and 145m depth. Therefore the above drawdowns are unlikely to affect the available yield of the wells as there should be plenty of available well depth to accommodate the additional interference drawdown.*
- *A monitoring programme is proposed to identify any unexpected interference drawdowns in the vicinity of the quarry caused by the proposed dewatering. Brookby Quarries Ltd has undertaken to mitigate adverse effects of farm wells caused by the quarry dewatering. Options including deepening the bore and/or lowering the pump.*

### **Amenity**

The Quarry would not currently be operating without the earlier and current resource consents. Through those earlier consenting processes, effects on amenity values have been assessed and various mitigation measures imposed through conditions of consent. A number of positive measures have been implemented over time which contribute positively to the existing amenity values of the area including landscaping, riparian planting, earth bunds, streetscape planting along Ara-Kotinga Road, a financial contribution to a neighbour which allowed for the construction of an acoustic fence and double-glazing of their house and the upgrading of Kimptons and Twilight Roads to the current standard.

It is considered that the potential effects on amenity values from Stage 3 are:

- Outlook and Character

The Stage 3 expansion will result in an increase in the visual extent of the Quarry, however the actual visual catchment of Stage 3 is limited and generally distant.

As the proposal is an extension of a quarry rather than a new quarry, the Brookby Quarry already contributes in part to the visual character of the area. The expansion of the quarry footprint will result in a visual change but is not introducing a new visual character into this area.

The Stage 3 expansion is not entering into a visually sensitive area or a significantly different visual catchment.

Overall, it is considered that any adverse effects on the outlook and character of the area resulting from the Stage 3 expansion will be minimal.

- Noise and Vibration

The same noise and vibration conditions are proposed for the Stage 3 area and the Quarry will need to continue to comply with those conditions (with the noise conditions reflecting the noise standards for the Special Purpose - Quarry Zone). In this regard it is considered that the effects will be no more than that permitted for the zone and which the Quarry is currently consented for.

- Recreational Attributes

The site is not open to public access and therefore there will be no effect on recreational opportunities within the property.

- Pleasantness

Owing to the extension of the Quarry further away from existing houses on Ara-Kotinga and Kimptons Road and continued compliance with noise and vibration controls, it is considered that any changes to the sense of pleasantness experienced by local residents will be negligible. This is further assisted by the visual catchment of much of the quarry expansion area being limited which means much of the quarry activity at the quarry face will remain hidden from Ara-Kotinga and Kimptons Roads.

The existing feeling of "spaciousness" within the Kimptons Road valley will not be changed while the proposal itself does not impact on the current interesting mixed rural outlook or pockets of native vegetation which contribute to the "pleasantness" of this area.

Brookby operates a Community Liaison Group which has now met 82 times. This is attended by a Company Director along with the Quarry Manager, the Independent Engineer who undertakes the monitoring for the Group and a Planning Consultant. This provides an opportunity to address any specific issues arising, to keep residents informed of operations at the Quarry and to identify certain opportunities within the community which Brookby is able to contribute to. The operation of the Community Liaison Group is to continue.

#### **Additional Mitigation**

As outlined above, extensive mitigation measures are already implemented at Brookby. The following new additional mitigation is proposed:

- The implementation of a Lizard Management Plan for Stage 3; and
- The implementation of an extensive Ecological Management Plan involving stream rehabilitation, planting of native vegetation and the enhancement and protection of existing native vegetation.

No specific additional landscaping mitigation is proposed. At the time of the final rehabilitation, landscaping around the rim of the Quarry may be required depending on the degree of any vegetation removal which has occurred (and natural rehabilitation) and the end use. This can be addressed in the required rehabilitation plan which is required to be submitted to Council at least 3 years prior to the Quarry closure.

#### **Monitoring and Reporting**

The following monitoring is proposed to continue:

- Daily climatic conditions;
- Water quality of discharges;
- Groundwater levels;
- Stream flows;
- Dust levels at the site boundaries;
- Stream ecology;
- Noise; and
- Vibration.

No changes to the currently required environmental reporting to Council is proposed. This includes an annual report, ecological monitoring of the Papakura Stream and the south-western tributary, annual reporting confirming ongoing compliance with the noise and vibration consent conditions and an annual audit of the mitigation planting.

## **Part VIII: National policy statements and national environmental standards**

General assessment of the project in relation to any relevant national policy statement (including the New Zealand Coastal Policy Statement) and national environmental standard:

In respect to the National Policy Statement on Freshwater Management it is considered:

- The loss of watercourses is being compensated through the rehabilitation of watercourses within the same catchment and in a nearby catchment. This rehabilitation will assist with improving the ecological values of those watercourses.

- The water levels within the Papakura Stream are already being monitored and an augmentation system has been installed which allows for the augmentation of a tributary of the Papakura Stream and Papakura Stream from the quarry pit pond in the event water levels within Papakura Stream drop below a certain level.
- The continued implementation of the sediment control system at Brookby ensures sediment discharges into waterbodies is minimised.
- There are no wetlands within Stage 3.

In terms of the NES for Air Quality, the draft Air Quality Assessment notes:

*"A subfraction of the dust generated by quarrying activities will fall into the category of PM10 which is regulated by the National Environmental Standard for Air Quality. PDP's experience at other sites is that PM10 from quarry activities is generally not measurable about background levels within a few hundred metres of the crusher."*

At this stage there are no other national policy statements or national environmental standards requiring consideration.

## Part IX: Purpose of the Act

Your application must be supported by an explanation how the project will help achieve the purpose of the Act, that is to "urgently promote employment to support New Zealand's recovery from the economic and social impacts of COVID-19 and to support the certainty of ongoing investment across New Zealand, while continuing to promote the sustainable management of natural and physical resources".

In considering whether the project will help to achieve the purpose of the Act, the Minister may have regard to the specific matters referred to below, and any other matter that the Minister considers relevant.

Project's economic benefits and costs for people or industries affected by COVID-19:

An Economic Impact Assessment is attached as Appendix Two and outlines the economic benefits.

Obtaining consents under this Act could result in the Stage 3 expansion commencing two to three years earlier and therefore resulting in aggregate being available to meet the infrastructure needs of the Auckland region and avoiding the need to import aggregate from outside the region or from overseas.

The expansion into Stage 3 will result in the employment of another estimated sixty-five staff and contractors resulting in direct salaries and wages and contractor payments in the order of **s 9(2)(b)(ii)** per year.

The granting of consents for Stage 3 secures the continuity of the economic and efficient supply of greywacke resource to the Auckland market for another estimated 65 years.

The Economic Impact Assessment (Appendix Two) concludes:

*"The extension of Brookby quarry with additional infrastructure, and quarry development works and investment in plant and equipment will have a positive impact on Auckland's economy. The direct and total impacts are substantial. The construction and operation of the quarry will support additional employment in the local economy over the short term, but also over the long term. The modelling suggests that the development will directly generate a net contribution to VA of \$114m in current dollar terms over the next six years (discounted). When indirect and induced impacts included considered, this rises to \$312m. The development is estimated to sustain around 312 direct MEX years between 2023 and 2028. This is a mix of construction sector jobs in the early years and quarry operation jobs in the longer term.*

*Once fully developed, the quarry will provide a new source of aggregate to increase supply within the Auckland region. The development will help ensure that the Auckland has sufficient aggregate supply for potential development, in order to meet projected growth."*

Project's effects on the social and cultural wellbeing of current and future generations:

Granting consents will:

- Generate additional employment.
- Contribute to a well-functioning urban environment through the efficient supply of rock product at a rate required by the market.

Whether the project would be likely to progress faster by using the processes provided by the Act than would otherwise be the case:

Expansion of the Quarry into Stage 3 is expected to commence 1.5 to 2.5 years earlier than if the standard consenting process was to be used. This FTCA application is sought because under the current AUPOP provisions the application will likely be publicly notified. This two-stage RMA process would create a much longer consenting timeframe for the project and the risk of delay from a subsequent Environment Court appeal would be likely avoided under the FTCA.

Appropriately for the project, appeals under the FTCA process are limited to points of law and are restricted to those who provide comments, the relevant local authorities, and persons who have an interest in the decision greater than that of the general public.

From Brookby's experience and with references to timeframes for other projects in Auckland, going through the Environment Court process (whether by appeal or direct referral) will take 2-3 years to obtain consents. With respect to direct referral to the Environment Court, some recent examples include:- Kristin School (NZEnvC 199 - Notified September 2020, final decision 6 October 2022 (25 months)), Wills Bond (NZEnvC 25, Notified 11 October 2018, final decision 10 March 2020 (17 months)) and Woolworths NZEnvC 133, notified 16 January 2018, final decision 7 September 2021 (44 months)).

The FTCA process taking in the order of 6 months, would result in a consent being granted approximately 1.5 to 2.5 years earlier than the standard two-stage resource consent process under the RMA 1991, or direct referral and the FTCA process will provide greater certainty of the timing of consent. This certainly enables Brookby to ensure that the project remains "shovel ready" in all respects, to progress the works quickly and avoid compounding delays.

Whether the project may result in a 'public benefit':

Examples of a public benefit as included in Section 19(d) of the Act are included below as prompts only.

Employment/job creation:

The expansion into Stage 3 will result in the employment of another estimated 65 staff and contractors resulting in direct salaries and wages and contractor payments in the order of \$11.11 million per year.

The provision of a long-term secure, economic and efficient greywacke product supply for infrastructure projects in the Auckland Region has immense public benefits.

Housing supply:

Please refer to the assessment under "Infrastructure and Productivity".

Contributing to well-functioning urban environments:

Please refer to the assessment under "Infrastructure and Productivity".

Providing infrastructure to improve economic, employment, and environmental outcomes, and increase productivity:

Brookby is a valuable regional and national resource that is of strategic importance to the future growth of the Auckland Region particularly in respect to the quarry's location, the high-quality rock and the quantum of the aggregate resource. Brookby has a long-term future and is well placed to support current and future infrastructure projects throughout the Auckland Region.

The new resource consents will secure additional mineral resources to provide for the on-going supply of product to the Auckland market for an estimated 65 years.

The rate of processing and extraction, hours of operation and truck movements are fully dependent on market demand for the product. It is important, that when required, the rock resource is available to, for example, a major infrastructure project, at the time and rate required for the efficient delivery of such a project.

By optimising the use of this local resource over the long-term, the costs of transporting aggregate to meet the Auckland demand will be reduced, thereby reducing the costs of developing local infrastructure. There will also be a net reduction in transportation effects on the roading network through the utilisation of Brookby rather than a more distant quarry in the Waikato Region for example.



The granting of the consents will also assist in maintaining a strategically vital and sustainable resource business. The importance of a locally based supply of aggregate was specifically addressed by the Environment Court in their decision A153/2006 with the Court stating:

*[87] Our view is that if a local supply can respond to increasing demands, and take pressure off longer haulage on the roading network, then it is a benefit we must consider. Brookby seems well placed to help alleviate this issue.*

The Court in their decision NZEnvC168 further expanded upon this and stated:

*[54] Clearly, in considering effects the Court is entitled to take into account positive effects. There is no dispute that there is a significant demand for aggregate into the future, particularly in Auckland but also New Zealand-wide. It not only constitutes the basis for construction of buildings, airports and the like, but has a continuing demand in respect of road construction and to allow the area to accommodate new population. In itself the significant expansion of South Auckland area, particularly around Flat Bush, would probably be enough to justify the type of volumes we are talking about here. When we consider the loss of the Lunn Avenue quarry and the Three Kings quarry in recent years, there is clearly a significant demand for aggregate, particularly greywacke, looking into the future. In our view that is a matter of not only regional importance, but of national importance.*

This was reinforced by the Court in their more recent decision on Brookby (NZEnvC 256) where the Court stated:

*[37] There can be no doubt that a supply of aggregate is vital to the roading and construction industries and that the expansion of this quarry will go a considerable way to meeting that demand. Further, a relatively local source for Auckland (and particularly south Auckland) use will involve significant savings in freight costs, road wear and emissions.*

Improving environmental outcomes for coastal or freshwater quality, air quality, or indigenous biodiversity:

N/A

Minimising waste:

The proposal does not directly relate to minimising waste. However, it is noted that Brookby has imported a new filter press which is now operational. This filter press uses the very fine product generated through the crushing process and presses it into a product that can then be mixed with other products before being sold. This technology recovers approximately 900 tonnes a day of material that would otherwise have been cleanfilled.

Contributing to New Zealand's efforts to mitigate climate change and transition more quickly to a low-emissions economy (in terms of reducing New Zealand's net emissions of greenhouse gases):

Granting consents will avoid the effects of additional CO<sub>2</sub> emissions through having to import additional rock product from the Waikato or beyond to meet market demands.

Promoting the protection of historic heritage:

N/A

Strengthening environmental, economic, and social resilience, in terms of managing the risks from natural hazards and the effects of climate change:

N/A

Other public benefit:

N/A

Whether there is potential for the project to have significant adverse environmental effects:

A more detailed assessment of effects is provided elsewhere in this application.

The following specialist reports are being or have been prepared as part of the design and will form part of the AEE being prepared for the resource consent applications:

(1) Erosion and Sediment Control Plan;

- (2) Geotechnical Review;
- (3) Groundwater and Surface Water Impact Assessment;
- (4) Air Quality Assessment;
- (5) Assessment of the Ecological Effects and a Ecological Management Plan;
- (6) Assessment of Noise Effects;
- (7) Landscape and Visual Assessment; and
- (8) Economic Assessment.

As outlined in section VII, Brookby has installed or implemented a range of mitigation measures to avoid, remedy or mitigate effects including construction of bunds, extensive landscape and mitigation plant, a Heptofaunal mitigation plan, realignment and sealing of access roads, re-orientation of quarry benches, acoustic fences, financial payments to Council for road upgrading, installation of a spray suppression system, and driver management processes.

The main adverse effect will be effects on terrestrial ecosystems and watercourses.

The Stage 3 area (outside that part which covers the existing Stage 2 footprint) is covered in vegetation which is identified in the AUPOP as a Significant Ecological Area ("SEA"). The conflict between the Special Purpose - Quarry Zone and the SEA overlay and how vegetation removal within the SEA overlay was to be considered was subject to Environment Court proceedings (decision [2021] NZEnvC120 and attached). This decision introduced a new objective and policy relating to vegetation removal within a SEA overlay at Brookby and Drury Quarries as well as amending the matters of discretion and the assessment criterion.

New Objective E28.2(2)

*The removal of vegetation associated with mineral extraction activities within the significant ecological areas in the Special Purpose - Quarry Zone at Brookby and Drury Quarries) excluding SEA\_T\_5349), which has significant effects is avoided, remedied, mitigated or offset to the extent described in Policy D9.3(8A).*

New Policy D9.3(8A)

*Significant Ecological Areas in the Special Purpose - Quarry Zone (Brookby and Drury Quarries only (excluding SEA\_T\_5349)).*

*(8A) Manage the removal of vegetation within significant ecological areas to provide for mineral extraction activities within a Special Purpose - Quarry zone, provided that, any significant adverse effects:*

- (a) from excavating minerals including removal of overburden are mitigated or offset; or*
- (b) from other mineral extraction activities not within (a) are first avoided, and, if avoidance is not practicable having regard to the need to operate a safe and efficient quarry, are remedies, mitigated or offset;*

*while*

*Promoting where practicable the implementation of mitigation or offset planting or other measures prior to any removal of vegetation; and*

- (i) having regard to matters 1 (noting the activities described in 8A(a) above and only required to mitigate or offset significant adverse effects), 2 (in respect to additionality), 3, 4 and 5 in Appendix 8 Biodiversity Offsetting, including taking account of the environmental benefits of undertaking actions in advance of any vegetation removal.*

#### **Key Significant Adverse Effects**

In section VII of this application form, the key findings from the draft Assessment of Ecological Effects are outlined. A Biodiversity Offset Model has been prepared by Bioresarches and is being reviewed by Tonkin and Taylor. An extensive off-setting and compensation programme is being developed comprising of both replanting and the rehabilitation, pest control, fencing and the protecting of existing native vegetation. Part of this programme is being prepared in consultation with the Ngai Tai ki Tamaki Trust. In summary, the programme will consist of:

- Approximately 145ha of new native vegetation planting;
- Enhancement of approximately 165 ha of existing mature native vegetation; and
- Lizard relocation and protection of relocation areas.

Overall, a net environmental benefit is to be achieved over time.

As also outlined in Section VII, approximately 1700m of permanent and intermittent watercourses will be lost and this is unavoidable for the Stage 3 expansion. An off-setting programme of watercourse rehabilitation in nearby catchments is currently being finalised to achieve an overall net positive environmental effect.

On the basis that the processing of the consent applications will be bundled, the overall activity status will be non-complying. The gateway test under s104D will need to be passed in order for the consents to be able to be granted and the application will include a detailed s104D assessment.

As the assessment of effects on the environment is still being completed, it cannot yet be confirmed that the proposal would pass the first arm of the s104D gateway test. In terms of noise, vibration, visual, groundwater, discharges to watercourse and dust effects, the scale of effects will be minor or less than minor. In respect to the effects on watercourses and the removal of vegetation, the objective of the ecological management plan currently being prepared to mitigate, off-set or compensate is to achieve a net environmental benefit over time.

In terms of the section arm of the s104D gateway test, the granting of consents would give effect to:

- The Regional Policy Statement objectives and policies for mineral extraction under B7.6
- The Regional and District Plan objectives and policies for mineral extraction under E28.

When taking into account the proposed mitigation, off-setting and compensation (which is being finalised), the proposal will not, overall be contrary to the relevant objectives and policies under:

- B7.3 Freshwater systems
- B7.4 Coastal water, freshwater and geothermal water
- B7.5 Air
- D1 High-Use Aquifer Management Areas Overlay
- D9 Significant Ecological Areas Overlay
- E3 Lakes, Rivers, Streams and Wetlands
- E11 and E12 Land Disturbance
- E14 Air Quality
- E15 Vegetation Management
- E25 Noise and Vibration
- H28 Special Purpose Quarry Zone

## Part X: Climate change and natural hazards

Description of whether and how the project would be affected by climate change and natural hazards:

Given the location of Brookby Quarry, the future operation will not be affected by sea level rise.

Over time, sediment control ponds can be enlarged, if required, to accommodate for more intense and frequent rainfalls.

Based on the historical and modelled diversion of groundwater into the quarry pit, there will be no issues with future water supply required for dust suppression, processing and stream augmentation.

The pit edge is sufficiently elevated so there is minimal risk of the adjoining Papakura Stream flowing into the pit during major storm events. In recent years, undersize culverts through and downstream of the quarry pit have been upgraded and/or removed to remove restrictions in the stream flow during storm events.

The design of the Stage 3 expansion has been reviewed by a Geotechnical Engineer and annual inspections are undertaken by a Geotechnical Engineer to ensure not stability issues are arising.

## Part XI: Track record

A summary of all compliance and/or enforcement actions taken against the applicant by a local authority under the Resource Management Act 1991, and the outcome of those actions:

Local authority	Compliance/Enforcement Action and Outcome
Auckland Council	<p>A review of company records since the year 2000 shows no compliance or enforcement actions have been taken against Brookby Quarry.</p> <p>Auckland Council undertakes regular monitoring of the Quarry and the Monitoring Officer attends the CLC meetings.</p>

## Part XII: Declaration

I acknowledge that a summary of this application will be made publicly available on the Ministry for the Environment website and that the full application will be released if requested.

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.

David Hay

16/02/2023

**Signature of person or entity making the request**

**Date**

### Important notes:

- Please note that this application form, including your name and contact details and all supporting documents, submitted to the Minister for the Environment and/or Minister of Conservation and the Ministry for the Environment, will be publicly released. Please clearly highlight any content on this application form and in supporting documents that is commercially or otherwise sensitive in nature, and to which you specifically object to the release.
- Please ensure all sections, where relevant, of the application form are completed as failure to provide the required details may result in your application being declined.
- Further information may be requested at any time before a decision is made on the application.
- Please note that if the Minister for the Environment and/or Minister of Conservation accepts your application for referral to an expert consenting panel, you will then need to lodge a consent application and/or notice of requirement for a designation (or to alter a designation) in the approved form with the Environmental Protection Authority. The application will need to contain the information set out in Schedule 6, clauses 9-13 of the Act.
- Information presented to the Minister for the Environment and/or Minister of Conservation and shared with other Ministers, local authorities and the Environmental Protection Authority under the Act (including officials at government departments and agencies) is subject to disclosure under the Official Information Act 1982 (OIA) or the Local Government Official Information and Meetings Act 1987 (LGOIMA). Certain information may be withheld in accordance with the grounds for withholding information under the OIA and LGOIMA although the grounds for withholding must always be balanced against considerations of public interest that may justify release. Although the Ministry for the Environment does not give any guarantees as to whether information can be withheld under the OIA, it may be helpful to discuss OIA issues with the Ministry for the Environment in advance if information provided with an application is commercially sensitive or release would, for instance, disclose a trade secret or other confidential information. Further information on the OIA and LGOIMA is available at [www.ombudsman.parliament.nz](http://www.ombudsman.parliament.nz).

### Checklist

Where relevant to your application, please provide a copy of the following information.

No	Correspondence from the registered legal land owner(s)
No	Correspondence from persons or parties you consider are likely to be affected by the project
No	Written agreement from the relevant landowner where the project includes an activity that will occur on land returned under a Treaty settlement.

No	Written agreement from the holder of the relevant customary marine title order where the project includes an activity that will occur in a customary marine title area.
No	Written agreement from the holder of the relevant protected customary marine rights recognition order where the project includes an activity that will occur in a protected customary rights area.