

March 9, 2023

Ministry for the Environment
Attn. Mr Max Gander-Cooper
(by email)

Dear Max

Re: Brookby Quarries Limited – Stage 3

This letter responds to the queries raised by MFE officers in their email dated 1 March 2023. This letter is to be considered as an addendum to the lodged application.

MFE has also requested a copy of the instruments to the Records of Titles for the site. These have been provided earlier by email.

Q1 Confirmation that you won't need to vary any existing consents as part of this application.

No existing resource consents need to be varied through a s127 application.

There are two consents which currently relate to the existing quarry activity which are to be replaced in full by new consents. These relate to activities where it is more practical for implementation that a single consent applies to the whole quarry operation. These are consents for:

- Groundwater Diversion (under Rule E7.4.1(A28)); and
- Discharge to Air (under Rule E14.4.1(A91)). This application was not included on the original form and the details for that application are listed below. This is a controlled activity.

I note that in hindsight the 2-3 sentence response required under the "Brief Project Summary" should have more clearly stated that the Groundwater Diversion and Discharge to Air consent applications cover the full quarry operation including Stage 3.

Q2 Comment on whether any consents are required under the NES-F

Yes. The consent requirements table needs to be updated (as per the table below) to reflect this. The table also needs to be updated to include the Discharge to Air consent application and also that the Land Use Consent needs to also cover vegetation removal under E15.4.1(A10). Two further corrections to the submitted information are also outlined below the table.

Relevant Plan/Std	Relevant Rule/Regulation	Reason for Consent	Activity Status	Location of Proposed Activity
AUPOP	E14.4.1(A91)	Mineral extraction activities at a rate exceeding 200 tonnes/ hour from any one quarrying process	Controlled	Brookby Quarry (all).
AUPOP	E15.4.1(A10)	Vegetation removal over	Restricted Discretionary	Stage 3.

		250m ² outside the RuB.		
Resource Management (National Environmental Standards for Freshwater) Regulations 2020	57	Reclamation of the bed of a river	Discretionary	Stage 3.

In the application it was identified that a consent for the removal of overburden was required under Rule H28.4.2(A17). Consent is also required under H28.4.2(A18).

In the application it was identified that a consent for vegetation removal over 250m² within a natural stream management area and within 20m of a watercourse was required. The relevant rules should read "E15.4.1(A12) and E15.4.1(A16)".

Q3 Will the proposed ecological offsetting and compensation require approvals from third parties?

Yes. Legal agreements are being entered into with those landowners where ecological off-setting and/or compensation is being undertaken on their land. These agreements identify the area of works, a description of the proposed works (which is finalised after the consenting process), access requirements, fencing and maintenance requirements and requirement to protect the area of works (where relevant).

Q4 Additional analysis of how the project aligns with the NPS-FM

- 1 There is a functional need to reclaim the beds of the watercourses within the Stage 3 area. Mineral extraction cannot be undertaken within the Stage 3 area without the removal of the watercourses. It is not physically possible to retain these watercourses. The rock resource within Stage 3 has been confirmed and the Stage 3 area has been specifically zoned Special Purpose – Quarry in the AUPOP to provide for the expansion of Brookby Quarry.
- 2 The effects management hierarchy is being applied.
 - (i) The removal of the watercourses within Stage 3 cannot be avoided. The existing Quarry and Stage 3 have been designed to avoid the reclamation of the Papakura Stream.
 - (ii) The area of stream removal is being limited to that area required for rock extraction within Stage 3.
 - (iii) Aquatic off-setting is being provided by a proposed package of stream rehabilitation elsewhere. This includes pest removal, riparian planting, fencing then covenanting of the planted riparian margin. Given that the existing watercourses within the Brookby Quarry site which are being retained already have riparian planting and are being protected, off-site watercourses are being used for this off-setting.

Q5 A brief commentary on whether you anticipate that the propose NPS-IB will cause any issues for the project.

The NPS – Indigenous Biodiversity has not yet been released and it remains unclear when and if it will be released.

The exposure draft of the NPS was reviewed at the time of its release in respect to this project. In respect to the identification of significant natural areas, it is noted that Auckland Council has already undertaken a major review of significant natural areas as part of the development of the Auckland

Unitary Plan. The area of vegetation over Stage 3 has been identified as part of a much larger Significant Ecological Area. As outlined in the application a bespoke objective and policy has now been included in the Auckland Unitary Plan to address vegetation removal within a Significant Ecological Area in the Special Purpose – Quarry zone for Brookby and Drury Quarries.

The principles for biodiversity off-setting and compensation in the draft NPS have been taken into account in the biodiversity modelling and the proposed ecological mitigation, off-setting and compensation package which is being developed.

As outlined in the application, Brookby is working closely with the Ngai Tai Ki Tamaki Trust in terms of the off-setting and compensation package which is to include revegetation planting on Motutapu Island.

No significant issues are expected to arise with the processing of the applications in the event that the NPS-IB became operative prior to the consents being granted.

It is noted that the exposure draft in section 3.11 provides exceptions to section 3.10 (Managing adverse effects on SNAs of new subdivision, use, and development). Section 3.11 includes:

- (2) *Clause 3.10(2) does not apply, and all adverse effects on an SNA must be managed instead in accordance with clause 3.10(3) and (4):*
- (a) *if a new use or development is required for the purposes of any of the following;*
 - (i) *specific infrastructure that provides significant national or regional public benefit; or*
 - (ii) *mineral extraction that provides significant national public benefit that could not otherwise be achieved domestically; or*
 - (iii) *aggregate extraction that provides significant national or regional public benefit that could not otherwise be achieved domestically; and*
 - (b) *there is a functional or operational need for the new use or development to be in that particular location; and*
 - (c) *there are no practicable alternative locations for the new use, or development.*

In this case, it is considered that the Brookby Stage 3 would fall within this exception given the national and regional benefits which will be achieved by the mineral extraction.

We trust that this answers your questions. If you have any further questions or require additional clarification of any matters then please just let me know. Our invitation for a site visit remains open and please just contact me if you wish to visit Brookby Quarry.

Sincerely,



David Hay
Planning Consultant
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Mobile: s 9(2)(a)

Copy to: Brookby Quarries Ltd, Attn. Mr Steve Riddell (by email)

Attachments: -