



BRF-3073

Brookby Quarries Limited
c/- David Hay
Planning Consultant
Osborne Hay (North) Limited

s 9(2)(a)

Dear David Hay

COVID-19 Recovery (Fast-Track Consenting) Act 2020 – Notice of Decisions (Section 25) – Brookby Quarry Stage 3 Project

Thank you for Brookby Quarries Limited's application under section 20 of the COVID-19 Recovery (Fast-track Consenting) Act 2020 (FTCA) seeking referral of the Brookby Quarry Stage 3 Project (project) to an expert consenting panel (panel) for consideration under the FTCA.

The project is to expand the existing Brookby Quarry operation over approximately 52 hectares at 134 Kimptons Road and 271 & 275 Ara Kotinga Road, Brookby, Auckland. The project will include extraction of approximately 110 million tonnes of aggregate over a period of 60 years, stockpiling and processing aggregate on site, constructing infrastructure and structures associated with quarry operations, reclaiming permanent and intermittent watercourses and undertaking ecological enhancement.

The purpose of the FTCA is to 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.

I can only refer the project to a panel for consideration under the FTCA if it meets the referral criteria in section 18 of the FTCA, which includes me being satisfied the project will help achieve the FTCA's purpose.

I have decided the project meets the referral criteria in section 18 of the FTCA and I consider it will help to achieve the FTCA's purpose as it has the potential to:

1. generate employment by creating approximately 65 full-time equivalent (FTE) jobs over the life of the project
2. facilitate construction, including construction of infrastructure, in the Auckland region

3. progress faster than would otherwise be the case under standard Resource Management Act 1991 process.

Any actual and potential effects arising from the project, together with any measures to avoid, remedy, mitigate, offset or compensate for adverse effects, could be tested by a panel against Part 2 of the Resource Management Act 1991 and the purpose of the FTCA (section 4 and clause 31 Schedule 6).

Accordingly, I have decided to accept your application for referral under section 24(2) of the FTCA and refer all of the project to a panel.

Information required to be submitted with your resource consent applications

In accordance with section 24(2)(d) of the FTCA, I have also decided that you must provide the following information with any resource consent application for the project lodged with the Environmental Protection Authority (EPA) under clause 2 Schedule 6:

1. details of proposed offsetting and compensation measures to address adverse effects on ecological and freshwater values, including details of any discussions held and/or agreements made between the applicant and relevant parties regarding ecological offsetting and compensation.

I draw your attention to clause 14 Schedule 6 of the FTCA that details that the above information must be provided in sufficient detail to correspond to the scale and significance of effects. You should therefore provide what you believe is a reasonable level of information, and if a panel requires further information, they can seek it from you under clause 25 Schedule 6 of the FTCA.

This information will inform a panel's assessment of the proposal's effects and whether to invite comment from persons or groups in addition to those specified in clause 17 Schedule 6 of the FTCA. This does not preclude a panel from requiring you to provide any additional information on any application lodged with the EPA under the FTCA.

Persons or groups a panel must invite comments from

In accordance with section 24(2)(e) of the FTCA, I have also decided that a panel must invite comments on any resource consent application for the project lodged with the EPA from the following persons or groups additional to those specified in clause 17 Schedule 6 of the FTCA:

1. Minister of Building and Construction
2. Auckland Transport
3. Te Ahiwaru Trust (formerly Makaurau Marae Māori Trust)
4. Whenua Haumi Roroa o Tāmaki Makaurau Limited Partnership
5. Tūpuna Taonga o Tāmaki Makaurau Trust
6. Ngāti Koheriki Claims Committee.

This will allow those parties the opportunity to have input into the consideration of the application and enable a panel to better understand the potential effects of the proposal.

These directions do not preclude a panel from inviting any other parties to comment on any application lodged with the EPA under the FTCA.

I will progress an Order in Council through the Executive Council for the project. The wording of the referral order may vary slightly from the statements and directions included in this letter, due to legal drafting requirements.

Once this Order is made you will be able to lodge your applications for resource consent with the EPA for a decision by a panel. The decision to approve or decline the resource consents is a matter for the panel appointed by the Panel Convener Judge L J Newhook. You should not take my decision to refer the project as an indication or direction that the determination of those approvals will be successful. Additionally, my decision does not in any way endorse any related planning decisions that may affect the project.

Please do not publicly release my decision or this notice until the Order in Council for this project has been approved by Cabinet and notified in the New Zealand Gazette.

The FTCA requires that:

1. I provide a copy of my decisions to the persons, entities and groups specified in section 25(1) and (2) of the FTCA
2. My decisions, the reasons for them, and the Section 17 Report will be published on the Ministry for the Environment's website in accordance with section 25(3) of the FTCA.

I have also decided to provide a copy of this decision to the following parties who are additional to those specified in the FTCA:

1. Te Ahiwaru Trust (formerly Makaurau Marae Māori Trust)
2. Whenua Haumi Roroa o Tāmaki Makaurau Limited Partnership
3. Tūpuna Taonga o Tāmaki Makaurau Trust
4. Ngāti Koheriki Claims Committee.

Please contact the Fast-track Consenting Team at the Ministry for the Environment (fasttrackconsenting@mfe.govt.nz) if you have any questions or wish to discuss this decision.

Yours sincerely



Hon David Parker
Minister for the Environment

cc Relevant Ministers of/for portfolios specified in section 21(6)(a)–(m) of the FTCA:

Arts, Culture, and Heritage; Māori Crown Relations: Te Arawhiti; Housing; Infrastructure; Education; Transport; Land Information; Defence; Treaty of Waitangi Negotiations; Local Government; Conservation; and Climate Change

Additional relevant Minister:

Minister of Building and Construction

Local authority:

Auckland Council

Other parties:

Auckland Transport

Te Ahiwaru Trust (formerly Makaurau Marae Māori Trust)

Whenua Haumi Roroa o Tāmaki Makaurau Limited Partnership

Tūpuna Taonga o Tāmaki Makaurau Trust

Ngāti Koheriki Claims Committee

Relevant iwi authorities and Treaty settlement entities:

Ngāi Tai ki Tāmaki Trust

Ngāti Tamaoho Trust

Ngāti Tamaoho Settlement Trust

Ngāti Pāoa Iwi Trust

Ngāti Pāoa Trust Board

Te Ākitai Waiohūa Iwi Authority

Te Ākitai Waiohūa Settlement Trust

Ngaati Whanaunga Incorporated Society

Ngaati Whanaunga Ruunanga Trust

Ngāti Maru Rūnanga Trust

Ngāti Tamaterā Treaty Settlement Trust

Te Ara Rangatu o Te Iwi o Ngāti Te Ata Waiohūa

Hako Tūpuna Trust

Te Whakakitenga o Waikato

Environmental Protection Authority

The Panel Convener