

Comments on applications for referral under the COVID-19 Recovery (Fast-track Consenting) Act 2020

This form is for local authorities to provide comments to the Minister for the Environment on an application to refer a project to an expert consenting panel under the COVID-19 Recovery (Fast-track Consenting) Act 2020.

Local authority providing comment	Auckland
Contact person (if follow-up is required)	Warwick Pascoe
	Click or tap here to enter text.
	Click or tap here to enter text.

Comment form

Please use the table below to comment on the application.

Project name	Kings Quarry – Fast Track
General comment – potential benefits	The applicant notes the demand for aggregate to supply the local market which will reduce dependence on more distant sources. This in turn will result in a reduction in bulk transport and associated greenhouse gas emissions. It is also noted that the site is appropriately zoned “Special Purpose – Quarry,” and that upgrades to the local roads have been agreed to as part of the resource consent process for the re-opening of the quarry (Stage 1).
General comment – significant issues	Auckland Transport have raised concerns regarding potential effects on the existing road assets, and the safety of the surrounding transport network (refer to their memo dated 6 April 23 appended to Council’s response). The Franklin Local Board have also raised concerns about the impact of blasting, dust nuisance, water usage, and damage to the local roads and bridges, as set out in their email dated 6 April 2023 (also attached).
Is Fast-track appropriate?	The Franklin Local Board do not consider the Fast Track process to be appropriate, as set out in their email of 6 April 2023. No other party that Council consulted with raised any specific concerns with this proposal being processed through the Fast Track process.
Environmental compliance history	No enforcement action has been taken within the Auckland Region against Kings Quarry Ltd or its directors, as set out in the email from Maxine van den Berg dated 3 April 2023, attached to Council’s response.
Reports and assessments normally required	During the processing of resource consent applications for the re-opening of Kings Quarry (Stage 1), the following specialists reviewed assessments supplied by the applicant: air quality (dust), ecology (terrestrial & aquatic), erosion & sediment control, noise, traffic, geotechnical, development engineering, heritage and groundwater. It is anticipated that at least these same specialist assessments would be submitted for Stage 2.

Iwi and iwi authorities	Comment was sought from the Independent Māori Statutory Board, who noted that comment should be sought from Ngāti Whātua o Kaipara. During the processing of the Stage 1 resource consent applications comment was sought from the following iwi/hapu: Te Rūnanga o Ngāti Whātua, Ngāti Whātua o Kaipara, Ngāti Whātua Ōrākei, Ngāi Tai Ki Tāmaki, Te Kawerau ā Maki, Te Ākitai Waiohua, Ngāti Te Ata Waiohua, Ngāti Maru, Ngāti Manuhiri & Ngāti Wai.
Relationship agreements under the RMA	None that I'm aware of
Insert responses to other specific requests in the Minister's letter (if applicable)	N/a
Other considerations	While the site is appropriately zoned for a quarry, it is also within a Significant Ecological Area overlay. Therefore special attention to any actual or potential adverse effects on ecological values will be required during the processing of any Fast Track application.

Note: All comments, including your name and contact details, will be made available to the public and the applicant either in response to an Official Information Act request or as part of the Ministry's proactive release of information. Please advise if you object to the release of any information contained in your comments, including your name and contact details. You have the right to request access to or to correct any personal information you supply to the Ministry.

Asset Owner and Specialist Input Request Details – Comments to MfE on consideration of a COVID-19 Fast-track consent application referral

From		Russell Butchers		
Date that invitation from the EPA was received:	Current Working Days	Brief sent	Asset Owner / Specialist report due	
28/03/23	2	30/03/2023	06/04/2023	
Proposal		<p>The scope of the project is to carry out mineral extraction activities at Kings Quarry, Wainui, Auckland. The project will involve:</p> <ul style="list-style-type: none"> • Clearing vegetation; • Earthworks and disturbing land; • Reclaiming streambeds including associated activities; • Diversion/dewatering of groundwater; • Mineral extraction activities including air discharges; • Constructing and using accessways; and • Covenanting a large portion of the balance area for the protection and enhancement of native vegetation. 		
Site address and Legal Description:		Pebble Brook Road, Wainui (North Auckland)		
Applicant		Kings Quarry Ltd		
Related applications and consents (old Regional Permits, related current consents or applications)				
Link to plans and relevant information		Out of Scope		

Asset Owner / Specialist Response

From: Shahriar Tehrani, Development Planner, Auckland Transport

Date: 11th April 2023

Overall Summary:

Thank you for the opportunity to provide comment on the referral of Kings Quarry Stage 2, for consideration under the COVID-19 Recovery (Fast-track Consenting) Act 2020 (Covid 19 Recovery Act).

Auckland Transport (AT) generally supports this application to be accepted as fast-track application. However, certain matters need to be addressed to ensure that there will be no significant adverse effects on AT's assets, as well as the receiving environment.

The lodged files including the transportation memorandum do not discuss in detail the impact of quarry activities on the existing pavement. A Pavement Impact Assessment of Pebble Brook Road is required to identify any upgrade requirements, due to additional traffic loading. Generation of heavy vehicles requires an pavement assessment and pavement design for such quarry traffic movement. Pavement design should include provision of subsoil drainage and drainage reticulation of surface run-off flows.

The applicant should confirm whether the Stage 1 upgrades have been completed and supply a copy of the Road Safety Audit carried out as part of Stage 1.

Transport Assessment

Auckland Transport requests that, should the Project be accepted for fast-track consenting, the requirement for a Transport Assessment is formally stated in the referral order to accompany any resource consent application for the Project lodged with the Environmental Protection Authority.

The main objective of Transport Assessment is to ensure that the transportation effects of a proposal are well-considered, that there is an emphasis on efficiency, safety and accessibility to and from the development. The Transport Assessment should also ensure any adverse transport effects of the development have been effectively avoided, remedied or mitigated. This is reinforced by Policy B3.3.2(5)(f) of the Auckland Regional Policy Statement which requires activities adjacent to transport infrastructure to avoid, remedy or mitigate effects which may compromise the efficient and safe operation of such infrastructure.

Heavy vehicle traffic is likely to have an effect on existing road assets and the safety of the surrounding transport network. This is of critical concern as damage to assets will result in adverse safety effects on the transport network. A Pavement Impact Assessment is required to assess if the existing roads can safely accommodate the construction traffic and also any ongoing access requirements including maintenance of the infrastructure. The Pavement Assessment should include an analysis of the existing condition of the road assets proposed for site access and then assess the effect of the additional pavement loading. The assessment will also need to consider any ongoing maintenance required and reinstatement on completion. This aligns with Policy B3.2.2(8) of the

Auckland Regional Policy Statement to avoid, remedy or mitigate the adverse effects from the construction, operation, maintenance or repair of infrastructure.

Given the transport issues identified, Auckland Transport seeks to be consulted directly should the project be accepted for fast-track consenting to ensure all transport effects can be appropriately considered and mitigated. Auckland Transport requests that any referral order for this project requires the Expert Consenting Panel to include Auckland Transport as a person who must be invited to comment on the project.

COVID-19 Recovery (Fast-track Consenting) Act 2020 –

Red Flag Checklist

Guidance Note – Red Flag should be ticked where the criteria question is categorically answered in the affirmative. Amber should be ticked if the question is not categorically answered in the affirmative, but where there are one or two potential issues or uncertainties which mean Green cannot be confidently selected.

Green should be selected where it is clear that there are no issues with regard to the criteria question.

Criteria Question	Red Flag	Amber	Green
Is the application clearly inconsistent with the Auckland Unitary Plan and/or not aligned with the outcomes in the Auckland Plan 2050?			X
Is the application out of sequence with the Auckland Plan Development Strategy and Future Urban Land Supply Strategy?			X
Is there insufficient infrastructure to support the application and/or significant infrastructure spend is required to support the project?		X	
Is there a significant impact on Auckland Council / CCO and/or third-party infrastructure?		X	
Is the application a notice of requirement?			X
Is there the potential for significant adverse environmental effects to occur?		X	
Other comments?			

From: s 9(2)(a)
To: s 9(2)(a)
Cc: s 9(2)(a)
Subject: FW: FAST TRACK REFERRAL: COVID-19 Recovery (Fast-Track Consenting) Act 2020 – Brookby Quarry Stage 3 & Kings Quarry
Date: Monday, 3 April 2023 7:30:15 am
Attachments: [image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)
[Out of Scope](#)

Hi All,

As requested, compliance monitoring have looked at the compliance enforcement history of:

- **Brookby Quarries limited**
 - Allan Stuart DRINKROW
 - Wayne Robert MERRIMAN
 - Steven Alan RIDDELL
- **Kings Quarry Limited**
 - Andrew John RITCHIE
 - Alexander Gillis SEMENOFF
 - Stanley Gillis Alexander SEMENOFF

To be thorough we have reviewed compliance history for multiple other companies where the applicant is a director/ shareholder.

No enforcement action has been taken against any of the stakeholders above. There are no significant outstanding compliance concerns for the parties above that I am aware of.

Ngā mihi | Kind regards,

Maxine

Maxine van den Berg ([she/her](#)) | Senior Environmental Monitoring Region-wide Licensing & Regulatory Compliance

Phone (09) 301 0101 | s 9(2)(a)
Auckland Council, Level 7, 135 Albert Street, Auckland Central
Visit our website: www.aucklandcouncil.govt.nz



Please consider the environment before printing this e-mail.



From: Russell Butchers s 9(2)(a)
Sent: Thursday, 30 March 2023 1:04 pm
To: Sian Farrell s 9(2)(a)
Cc: Maxine van den Berg s 9(2)(a)
Subject: FAST TRACK REFERRAL: COVID-19 Recovery (Fast-Track Consenting) Act 2020 – Brookby Quarry Stage 3 & Kings Quarry

Hi Sian,

We have two fast track referral request for quarry activities.

For both projects, the MFE wishes to know:

Does the applicant, or a company owned by the applicant, have any environmental regulatory compliance history in your region?

Quarry	Address	Proposal Summary	Link to documents
Brookby Quarry Stage 3 Brookby Quarries Limited	134 Kimptons Road, Brookby 271 and 275 Ara Kotinga Road, Brookby, Auckland 2576 (South Auckland)	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.	Out of Scope 
Kings Quarry Pebblebrook Quarries Limited	Pebble Brook Road, Wainui, 0871 (North Auckland)	The scope of the project is to carry out mineral extraction activities at Kings Quarry, Wainui, Auckland. The project will involve: <ul style="list-style-type: none"> • Clearing vegetation; • Earthworks and disturbing land; • Reclaiming streambeds including associated activities; • Diversion/dewatering of groundwater; • Mineral extraction activities including air discharges; • Constructing and using accessways; and • Covenanteeing a large portion of the balance area for the protection and enhancement of native vegetation. 	Out of Scope 

Can you please advise me of this by COB 6 April?

Thanks

Russell Butchers | Principal Project Lead
Auckland Council | Premium Resource Consents
s 9(2)(a)

From: Fennel Mason s 9(2)(a)
Sent: Wednesday, 29 March 2023 5:36 PM
To: Doug Fletcher s 9(2)(a) Russell Butchers
s 9(2)(a) Masato Nakamura
s 9(2)(a); Jonathan Begg s 9(2)(a)
Subject: FW: [COMMERCIAL]COVID-19 Recovery (Fast-Track Consenting) Act 2020 – Brookby Quarry Stage 3 & Kings Quarry

Gents, or should I say Fast Track guns!,

Would any of you have capacity to provide comment on these two? As Ian suggests, we can keep responses succinct.

s 9(2)(a) sorry I can't recall which quarry you have been dealing with, was it Brookby by any chance?

Ngā Mihi

Fennel Mason
Manager Premium (Acting)
Resource Consents
s 9(2)(a)
[Te Kaunihera o Tāmaki Makaurau](mailto:fennel.mason@aucklandcouncil.govt.nz)
135 Albert Street, Auckland
Visit our website: www.aucklandcouncil.govt.nz

Please note I take every second Friday as a scheduled day off. The Premium Unit generally works in the office on Mondays and Thursdays or by appointment. On all other days the team work remotely and can be contacted by phone, email or MS Teams.

From: Ian Smallburn s 9(2)(a)
Sent: Wednesday, 29 March 2023 1:17 pm
To: Fennel Mason <s 9(2)(a)>
Cc: James Dowding <s 9(2)(a)> Ian Dobson
s 9(2)(a)
Subject: FW: [COMMERCIAL]COVID-19 Recovery (Fast-Track Consenting) Act 2020 – Brookby Quarry Stage 3 & Kings Quarry

Hi Fennel,

This is essentially two proposals, with a quarry in Wainui and the other in Brookby. I recall Premium have had some involvement in the past, and I'm hoping your team could possibly take on both? I note it will be asset owner comment only and a few succinct bullet points from us.

Ngā mihi | Kind regards

Ian Smallburn | General Manager, Resource Consents
Auckland Council
Ph 09 352 2600| Extn (46) 5600 s 9(2)(a)
Auckland Council, Level 6, 135 Albert Street, Auckland
Visit our website: www.aucklandcouncil.govt.nz

From: Fast Track Consenting <fasttrackconsenting@mfe.govt.nz>

Sent: Tuesday, 28 March 2023 10:17 AM

To: Jim Stabback s 9(2)(a)

Cc: Ian Smallburn s 9(2)(a); Fast Track Consenting
<fasttrackconsenting@mfe.govt.nz>

Subject: [COMMERCIAL]COVID-19 Recovery (Fast-Track Consenting) Act 2020 – Brookby Quarry Stage 3 & Kings Quarry

Tēnā koe Jim

Attached is a letter inviting your comment on the following application that has been made to the Minister for the Environment under the COVID-19 Recovery (Fast-Track Consenting) Act 2020.

- Brookby Quarry Stage 3 – Out of Scope
- Kings Quarry – Out of Scope

NOTE: This information is provided to you in confidence and as part of the statutory process set out in the FTCA. Please do not forward the application or the request for comments to anyone outside your organisation, including any Crown Entity or statutory body

Many thanks

Jacob

Fast Track Consenting

Ministry for the Environment | Manatū Mō Te Taiao

fasttrackconsenting@mfe.govt.nz | mfe.govt.nz

This email account is monitored by several members of the team, to ensure responses are managed in a timely manner.



Ministry for the
Environment
Manatū Mō Te Taiao



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From: s 9(2)(a)
To: s 9(2)(a)
Subject: FW: Brookby Quarry Fast Track Consent Application
Date: Thursday, 13 April 2023 3:02:01 pm

Russell Butchers | Principal Project Lead
Auckland Council | Premium Resource Consents
s 9(2)(a)

From: Angela Fulljames (Franklin Local Board) s 9(2)(a)
Sent: Thursday, 6 April 2023 10:36 AM
To: Russell Butchers s 9(2)(a)
Cc: Lynn Birch s 9(2)(a)
Subject: Brookby Quarry Fast Track Consent Application

Hi Russell,
Thanks for the opportunity to comment from the Franklin Local Board.

To answer specially the questions.

1. Are there any reasons that you consider it more appropriate for the project, or part of the project, to proceed through existing Resource Management Act 1991 (RMA) consenting processes rather than the processes in the FTCA?

The board believes this application should follow the existing Resource Consent Application process given the immediate community was involved in the last application. It provides the process where further information can be provided publicly and enables mitigation measures to be put forward by the community. Concerns about the impact on blast frequency, dust nuisance, water usage, and other environmental impacts can also be transparently communicated and understood. The roads and bridges leading in and out of Brookby have not been built for heavy haulage and truck numbers are of concern for this community. There is also opportunity to place any offset planting back into local projects already underway which would benefit from further support, such as the Papakura Stream and tributaries to the Wairoa River.

2. Does the applicant, or a company owned by the applicant, have any environmental regulatory compliance history in your region?

Russell, you are best to respond to this via compliance team.

We would like to know what the outcome is as we will no doubt get questions/observations from our community at some stage.

Thanks.

Regards,
Angela

Angela Fulljames
Chair | Franklin Local Board
s 9(2)(a)

PS: If you see something that needs repairing, removing or reporting please phone 09 301 0101 or log online www.aucklandcouncil.govt.nz 'report a problem'

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Comments on applications for referral under the COVID-19 Recovery (Fast-track Consenting) Act 2020

This form is for persons requested by the Minister for the Environment to provide comments on an application to refer a project to an expert consenting panel under the COVID-19 Recovery (Fast-track Consenting) Act 2020.

Organisation providing comment	Auckland Transport
Contact person (if follow-up is required)	Shahriar Tehrani
	Development Planner, Planning and Investment
	s 9(2)(a)

Comment form

Please use the table below to comment on the application.

Project name	Kings Quarry (Stage 2)
General comment	<p>Thank you for the opportunity to provide comment on the referral of Kings Quarry Stage 2, for consideration under the COVID-19 Recovery (Fast-track Consenting) Act 2020 (Covid 19 Recovery Act).</p> <p>Auckland Transport (AT) generally supports this application to be accepted as fast-track application. However, certain matters need to be addressed to ensure that there will be no significant adverse effects on AT's assets, as well as the receiving environment.</p> <p>The lodged files including the transportation memorandum do not discuss in detail the impact of quarry activities on the existing pavement. A Pavement Impact Assessment of Pebble Brook Road is required to identify any upgrade requirements, due to additional traffic loading. Generation of heavy vehicles requires an pavement assessment and pavement design for such quarry traffic movement. Pavement design should include provision of subsoil drainage and drainage reticulation of surface run-off flows.</p> <p>The applicant should confirm whether the Stage 1 upgrades have been completed and supply a copy of the Road Safety Audit carried out as part of Stage 1.</p>
Other considerations	<p><u>Transport Assessment</u></p> <p>Auckland Transport requests that, should the Project be accepted for fast-track consenting, the requirement for a Transport Assessment is formally stated in the referral order to accompany any resource consent application for the Project lodged with the Environmental Protection Authority.</p> <p>The main objective of Transport Assessment is to ensure that the transportation effects of a proposal are well-considered, that there is an emphasis on efficiency, safety and accessibility to and from the development. The Transport Assessment should also ensure any adverse transport effects of the development have been effectively avoided, remedied or mitigated. This is reinforced by Policy B3.3.2(5)(f) of the Auckland Regional Policy Statement which requires activities adjacent to transport infrastructure to avoid, remedy or mitigate effects which may compromise the efficient and safe operation of such infrastructure.</p> <p>Heavy vehicle traffic is likely to have an effect on existing road assets and the safety of the surrounding transport network. This is of critical concern as damage to assets will result in adverse safety effects on the transport network. A Pavement Impact Assessment is required to assess if the existing roads can safely accommodate the construction traffic and also any ongoing access</p>

	<p>requirements including maintenance of the infrastructure. The Pavement Assessment should include an analysis of the existing condition of the road assets proposed for site access and then assess the effect of the additional pavement loading. The assessment will also need to consider any ongoing maintenance required and reinstatement on completion. This aligns with Policy B3.2.2(8) of the Auckland Regional Policy Statement to avoid, remedy or mitigate the adverse effects from the construction, operation, maintenance or repair of infrastructure.</p> <p>Given the transport issues identified, Auckland Transport seeks to be consulted directly should the project be accepted for fast-track consenting to ensure all transport effects can be appropriately considered and mitigated. Auckland Transport requests that any referral order for this project requires the Expert Consenting Panel to include Auckland Transport as a person who must be invited to comment on the project.</p>
[Insert specific requests for comment]	

Note: All comments, including your name and contact details, will be made available to the public and the applicant either in response to an Official Information Act request or as part of the Ministry's proactive release of information. Please advise if you object to the release of any information contained in your comments, including your name and contact details. You have the right to request access to or to correct any personal information you supply to the Ministry.

To Whom it May Concern.

Comment from the Rodney Local Board (RLB):

The application for a quarry in Pebble Brook Road, Wainui is not suitable for fast-track processing under the COVID-19 Recovery (Fast-Track Consenting) Act 2020 for the following reasons:

- The Environmental damage it will cause including the removal of 13 streams within the quarry pit and overburden area and the removal of 25Ha of native bush.
- The site is subject to a Significant Ecological Areas ('SEA') overlay and is in an outstanding natural landscape zone/overlay.
- The duration of the proposed activity is excessive i.e., 60 years.
- Nearby residents will be impacted by the dust, noise, and truck movements over a 60-year period.
- There is no right hand turned proposed into Pebble Brook Road to mitigate the impact on traffic.
- The impact of the flood plains and overland flow paths needs to be investigated based on updated data from recent 2023 weather events in Auckland.

Please let me know if you require further information.

2 2

Initial here:

Date: 6th April 2023

Local Board Resource Consent Lead – Louise Johnston, Deputy Chairperson,
on behalf of the Rodney Local Board

