

FTC#233 Application for referred project under the COVID-19 Recovery (Fast-track Consenting) Act – Stage 2 decisions:

Application 2023-148 Kings Quarry Project

Date submitted:	16 May 2023	Tracking #: BRF-3076	
Security level	In-Confidence	MfE priority:	Urgent

	Action sought:	Response by:
To Hon David Parker, Minister for the Environment	Decisions on recommendations	To be advised

Actions for Minister's Office staff	Return the signed briefing to MfE. Send the attached notice of decisions letter (if signed).
Number of appendices: 7	Appendices: 1. Kings Quarry application documents and further information received (Databox link) 2. Stage 1 Briefing Note and decisions (Databox link) 3. Statutory framework for making decisions (Databox link) 4. Draft Notice of Decisions letter to Kings Quarry Limited 5. Section 17 Report (Databox link) 6. Comments received from Ministers, local authorities and Auckland Transport (Databox link) 7. Further information received post-consultation (Databox link).

Ministry for the Environment contacts

Position	Name	Cell phone	1 st contact
Principal Author	Max Gander-Cooper		
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Acting Director	Lorena Stephen	s 9(2)(a)	

FTC#233: Application for referred project under the COVID-19 Recovery (Fast-track Consenting) Act – Stage 2 decisions

Key messages

1. This briefing seeks your final decisions on the application received under section 20 of the COVID-19 Recovery (Fast-track Consenting) Act 2020 (FTCA) from Kings Quarry Limited to refer the Kings Quarry Project (project) to an expert consenting panel (panel). A copy of the application is in Appendix 1.
2. This is the second briefing on this application. The first (Stage 1) briefing (BRF-2932) with your initial decisions annotated is in Appendix 2.
3. The project is to expand the existing Kings Quarry operation at Pebble Brook Road, Wainui, Auckland approximately 10 kilometres west of State Highway 1. The project will include extraction of approximately 500,000 tonnes of aggregate per year for a period of 60 years, stockpiling and processing aggregate on site, constructing a vehicle access point at the intersection with Pebble Brook Road, internal vehicle access and haul roads, and infrastructure and structures associated with quarry operations and reclaiming permanent and intermittent watercourses and undertaking ecological enhancement.
4. The project will involve activities such as:
 - a. clearing vegetation
 - b. removing and stockpiling aggregate
 - c. carrying out earthworks
 - d. taking, diverting and discharging groundwater to land
 - e. discharging stormwater and contaminants to land
 - f. blasting
 - g. discharging dust to air
 - h. reclaiming stream beds
 - i. constructing roads and installing infrastructure and structures
 - j. landscaping and planting
 - k. any other activities that are:
 - i. associated with the activities in a to j
 - ii. within the project scope as described in paragraph 3.
5. The project requires land use consents and water and discharge permits under the Auckland Unitary Plan (AUP) and resource consents under the Resource Management (National Environmental Standard for Freshwater) Regulations 2020 (NES-F). The proposed activities have overall non-complying activity status because they include reclamation of stream beds within a Significant Ecological Area overlay under the AUP. The underlying zoning of the site is Special Purpose – Quarry which allows for mineral extraction as a controlled activity.
6. A key consideration for this referral application is whether it would be more appropriate for the project to go through a standard consenting process under the Resource Management Act 1991 (RMA). Although the project will potentially give rise to potentially significant adverse effects on ecological values and there is uncertainty around offsetting and compensation associated with these effects, we consider a panel can appropriately assess these matters

with the benefit of a full resource consent application and the information we recommend the applicant provides.

7. Therefore, we recommend you accept the referral application under section 24 of the FTCA and refer the project to a panel for fast-track consenting. We seek your decision on this recommendation and on recommendations for directions to the applicant and a panel, and notification of your decisions.

Assessment against statutory framework

8. The statutory framework for your decision-making is set out in Appendix 3. You must apply this framework when you are deciding whether or not to accept the application and when deciding on any further requirements or directions associated with project referral.
9. Before accepting the application, you must consider the application and any further information provided by the applicant (in Appendix 1), the Section 17 Report (in Appendix 5) and comments from local authorities, Ministers and other invited parties (in Appendix 6). Following that, you may accept the application if you are satisfied that it meets the referral criteria in section 18 of the FTCA. We provide our advice on these matters below.
10. We have also considered if there are any reasons for declining the project, including the criteria in section 23(5) of the FTCA, and provide our advice on these matters to assist your decision-making.

Further information provided by applicant

11. In response to your request under section 22 of the FTCA the applicant provided further information on project funding, project scope and whether any variations were required to an existing consent on the project site. We have taken this information into account in our analysis and advice.

Section 17 report

12. The Section 17 Report indicates that there are seven iwi authorities, four Treaty settlements and five Treaty settlement entities relevant to the project area, and a further seven parties that may have an interest in the project area.
13. No specific cultural or commercial redress provided under the settlements would be affected by the project, and the relevant Treaty settlements do not create any new co-governance or co-management processes that would affect decision-making under the Resource Management Act 1991 (RMA) for the project.

Comments received

14. Comments were received s 9(2)(f)(ii), s 9(2)(g)(i) , Auckland Council and Auckland Transport. The key points of relevance to your decision are summarised in Table A.
15. s 9(2)(f)(ii), s 9(2)(g)(i)
16. s 9(2)(f)(ii), s 9(2)(g)(i)
17. s 9(2)(f)(ii), s 9(2)(g)(i)

s 9(2)(f)(ii), s 9(2)(g)(i)

18. s 9(2)(f)(ii), s 9(2)(g)(i)

19. Auckland Council did not oppose project referral but noted the Rodney Local Board opposed project referral due to effects on ecological values and potential effects on neighbours from dust, noise and truck movements. Auckland Council also noted the project site is located within a Significant Ecological Area overlay and particular attention should be given to effects on ecological values.

20. Auckland Transport generally supported project referral but raised concerns about the project's effects on Pebble Brook Road and requested if the project is referred you direct the applicant to provide a transport assessment with their resource consent application to a panel.

21. s 9(2)(f)(ii), s 9(2)(g)(i)

Section 18 referral criteria

22. You may accept the application for project referral if you are satisfied that the project does not include ineligible activities (section 18(3)) and will help to achieve the purpose of the FTCA (section 18(2)).

23. The project does not include any ineligible activities, as explained in Table A.

24. The matters that you may consider when deciding if a project will help achieve the purpose of the FTCA are in Section 19 of the FTCA. Our assessment of these matters is summarised in Table A. We consider the project will help achieve the purpose of the FTCA, and thus meet the requirements of section 18(2), as it has the potential to:

- a. generate employment by creating 22 direct full-time equivalent (FTE) jobs and enabling employment in the construction sector
- b. facilitate construction, including construction of infrastructure, in the Auckland region
- c. progress faster than would otherwise be the case under standard Resource Management Act 1991 process.

25. We consider 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 RMA and the purpose of the FTCA.

Issues and risks

26. Even if the project meets the referral criteria in section 18 of the FTCA, section 23(2) of the FTCA permits you to decline to refer the project for any other reason.

Section 23 FTCA matters

27. Section 23(5) of the FTCA provides further guidance on reasons to decline an application,

and our analysis of these matters is summarised in Table A. Note that you may accept an application even if one or more of those reasons apply.

28. We have considered whether it would be more appropriate for the project to go through a standard consenting process under the RMA as provided for by section 23(5)(b) of the FTCA. We consider the project is anticipated by the underlying Special Purpose – Quarry zone and effects on ecological values and measures to address those effects are matters which a panel can consider as part of a merits-based assessment with the benefit of a full resource consent application.
29. s 9(2)(f)(ii), s 9(2)(g)(i) considered the proposed removal of 25 hectares of indigenous vegetation and 2500 metres of natural streams will result in significant adverse effects on ecological values which cannot be avoided, remedied and/or mitigated. The applicant disagrees that adverse effects will be significant but regardless of this, we consider there will be a need to address these effects through biodiversity offsetting and compensation, which requires engagement with a number of interested parties. This could take more time to resolve than would be available under the statutory timeframes prescribed by the FTCA once consideration of an application for resource consent by a panel has commenced.
30. s 9(2)(f)(ii), s 9(2)(g)(i) considered that in order to address this matter the applicant should be required to provide a full ecological assessment, full details of proposed offsetting and compensation measures to address effects identified in ecological assessment, and an outline of consultation undertaken with DOC, iwi and any relevant landowners. We note the applicant will be required to provide assessments on ecological values with their application for resource consents under clause 11 of Schedule 6 of the FTCA, but we agree the applicant should be required to provide information on proposed offsetting and compensation and consultation undertaken. This will ensure that consideration is given to these matters ahead of consideration by a panel, and a panel would be able to focus on any outstanding issues that have not been resolved.
31. Therefore, provided the applicant is required to produce the recommended additional information, we do not consider you should decline to refer the project under section 23(5)(b) of the FTCA on the basis that it would be more appropriate for the project to go through standard consenting processes under the RMA.
32. At this stage we consider there is sufficient time before 8 July 2023 for you to progress an Order in Council through Cabinet and for it to be authorised by the Executive Council, should you decide to refer the project. Therefore, we do not consider you need to decline to refer the project on the basis that there is insufficient time for the project to be referred and considered before the FTCA is repealed (section 23(5)(g)).

Conclusions

33. We do not consider that you should decline to refer the project in whole or in part on the basis of the risks and issues identified above, provided that you also specify the applicant provides the information we recommend must be submitted with consent applications to a panel. You could accept the application under section 24 of the FTCA and refer all of the project to a panel.
34. If you decide to refer the project, we consider you should specify under section 24(2)(d) of the FTCA (as requested in comments) that the applicant must submit the following information to a panel with their consent applications, in addition to the requirements of clause 9 of Schedule 6 of the FTCA:
 - a. details of proposed offsetting and compensation to address adverse ecological effects, including details of consultation undertaken

35. If you decide to refer the project, we consider you should specify under section 24(2)(e) of the FTCA that a panel must invite comments on consent applications for the project from the following parties:
- a. Minister for Building and Construction
 - b. Auckland Transport
 - c. Te Ahiwaru Trust (formerly Makaurau Marae Māori Trust)
 - d. Ngāti Manuhiri Settlement Trust
 - e. Ngāti Pāoa Iwi Trust
 - f. Ngāti Pāoa Trust Board
 - g. Ngāti Whātua Ōrākei Trust Board
 - h. Ngāti Whātua Ōrākei Trustee Limited
 - i. Ngātiwai Trust.

Next steps

36. If you decide to refer the project, you must give notice of your decisions on the referral application, and the reasons for them, to the applicant, anyone invited to comment under section 21, and the persons, entities and groups listed in section 25(2) of the FTCA. We consider you should also give the notice of decisions together with a copy of the application to the parties in paragraph 35(c)–(i).
37. If you decide to decline project referral, you must give the notice of your decisions, and the reasons for them, to the applicant and anyone invited to comment under section 21.
38. We have attached a notice of decisions letter to the applicant based on our recommendations (refer Appendix 4). Once you have signed the letter we will assist your office to copy it to all relevant parties.
39. To refer the project, you must recommend that a referral order be made by way of an Order in Council (OIC). Cabinet has agreed that you can issue drafting instructions to the Parliamentary Counsel Office without the need for a policy decision to be taken by Cabinet in the first instance.¹
40. As required by section 25(3) of the FTCA, you must ensure that your decisions on the referral application, the reasons and the Section 17 report are published on the Ministry for the Environment's website. We will undertake this task on your behalf in accordance with your direction.
41. Our recommendations for your decisions follow.

¹ Following the first OIC, the Minister for the Environment (and Minister of Conservation for projects in the Coastal Marine Area) can issue drafting instructions directly to the Parliamentary Counsel Office. Cabinet has also agreed that a Regulatory Impact Assessment is not required for an OIC relating to projects to be referred to a panel [ENV-20-MIN-0033 and CAB-20-MIN-0353 refer].

Recommendations

1. We recommend that you:

- a. **Note** section 23(1) of the COVID-19 Recovery (Fast-track Consenting) Act 2020 (FTCA) requires you to decline the referral application from Kings Quarry Limited unless you are satisfied that the Kings Quarry Project (project) meets the referral criteria in section 18 of the FTCA including that it would help to achieve the FTCA's purpose.
- b. **Note** when assessing whether the project would achieve the FTCA's purpose, you may consider a number of matters under section 19, including the project's economic benefits and costs, and effects on social or cultural well-being; whether it may result in a public benefit (such as generating employment or increasing housing supply); and whether it could have significant adverse effects.
- c. **Note** before deciding to accept the application for project referral under section 24(1) of the FTCA you must consider:
 - i. the application
 - ii. the report obtained under section 17 of the FTCA
 - iii. any comments and further information sought and provided within the required timeframe.
- d. **Note** if you are satisfied that all or part of the project meets the referral criteria in section 18 of the FTCA you may:
 - i. refer all or part of the project to an expert consenting panel (panel)
 - ii. refer the initial stages of the project to a panel while deferring decisions about the project's remaining stages
 - iii. still decline the referral application for any reason under section 23(2) of the FTCA.
- e. **Note** if you do refer all or part of the project you may:
 - i. specify restrictions that apply to the project
 - ii. specify the information that must be submitted to a panel
 - iii. specify the persons or groups from whom a panel must invite comments
 - iv. set specific timeframes for a panel to complete their process.
- f. **Note** the Minister of Conservation considers the project may result in significant adverse ecological effects.
- g. **Agree** the project meets the referral criteria in section 18(3) of the FTCA.


Yes/No
- h. **Agree** the project will help achieve the purpose of the FTCA (and therefore meets the referral criteria in section 18(2) of the FTCA) as it has the potential to:
 - i. generate employment by creating 22 direct full-time equivalent (FTE) jobs and enabling employment in the construction sector
 - ii. facilitate construction, including construction of infrastructure, in the Auckland region

- iii. progress faster than would otherwise be the case under standard Resource Management Act 1991 process.
- Yes/No
- i. **Agree** to refer all of the project to a panel.
- Yes/No
- j. **Agree** to specify under section 24(2)(d) of the FTCA the following additional information that the applicant[s] must submit with any resource consent application lodged with the Environmental Protection Authority, as detailed in Table A:
- i. 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 any relevant parties regarding ecological offsetting and compensation.
- Yes/No
- k. **Agree** to specify under section 24(2)(e) of the FTCA that a panel must invite comments from the following persons or groups in addition to those specified in clause 17 of Schedule 6 of the FTCA:
- i. Minister for Building and Construction
- ii. Auckland Transport
- iii. Te Ahiwaru Trust (formerly Makaurau Marae Māori Trust)
- iv. Ngāti Manuhiri Settlement Trust
- v. Ngāti Pāoa Iwi Trust
- vi. Ngāti Pāoa Trust Board
- vii. Ngāti Whātua Ōrākei Trust Board
- viii. Ngāti Whātua Ōrākei Trustee Limited
- ix. Ngātiwai Trust.
- Yes/No
- l. **Agree** to copy the application and notice of decisions to Te Ahiwaru Trust, Ngāti Manuhiri Settlement Trust, Ngāti Pāoa Iwi Trust, Ngāti Pāoa Trust Board, Ngāti Whātua Ōrākei Trust Board, Ngāti Whātua Ōrākei Trustee Limited and Ngātiwai Trust, in addition to those specified in section 25 of the FTCA.
- Yes/No
- m. **Agree** to the Ministry for the Environment issuing drafting instructions to the Parliamentary Counsel Office for an Order in Council to refer the project to a panel in accordance with your decisions recorded herein.
- Yes/No
- n. **Sign** the notice of decisions letter to the applicant (attached in Appendix 4).
- Yes/No

- o. **Require** the Ministry for the Environment to publish your decisions, reasons and the Section 17 report on the Ministry for the Environment's website.

Yes/No

Signatures



Rebecca Perrett
Acting Manager – Fast-track Consenting

Hon David Parker
Minister for the Environment

Date:

Table A: Stage 2 - Project summary and section 24 FTCA assessment for projects where the Minister for the Environment is the sole decision maker

Project details	Project description	Does all or part of the project meet the referral criteria in section 18?		Summary of comments received <i>(Note: for analysis and/or recommended responses to these comments refer to column 7)</i>	Section 23 assessment – potential reasons for declining	Referral conclusions & recommendations
		Project eligibility for referral (section 18(3)(a)–(d))	Section 18(2) - does the project help achieve the purpose of the FTCA (as per section 19)?			
Name Kings Quarry Project Applicant Kings Quarry Limited Location Pebble Brook Road, Wainui, Auckland approximately 10 kilometres west of State Highway 1. Lot 2 DP 59502 Lot 3 DP 59502 Allot S77 Psh Of Kaukapakapa SO 817 Allot 78 Psh Of Kaukapakapa SO 817 Allot 28 Psh Of Kaukapakapa SO 2448 Allot 71 Psh Of Kaukapakapa SO 5223 Pt Allot 72 Psh Of Kaukapakapa SO 5223 Pt Allot NE73 Psh Of Kaukapakapa SO 817 Pt Allot SE73 Psh Of Kaukapakapa SO 817	<p>The project is to expand the existing Kings Quarry operation at Pebble Brook Road, Wainui, Auckland approximately 10 kilometres west of State Highway 1. The project will include extraction of approximately 500,000 tonnes of aggregate per year for a period of 60 years, stockpiling and processing aggregate on site, constructing a vehicle access point at the intersection with Pebble Brook Road, internal vehicle access and haul roads, and infrastructure and structures associated with quarry operations.</p> <p>The project will involve activities such as:</p> <ol style="list-style-type: none"> clearing vegetation removing and stockpiling aggregate carrying out earthworks taking, diverting and discharging groundwater to land discharging stormwater and contaminants to land blasting discharging dust to air 	<p>The project is eligible for referral under section 18(3)(a)–(d) as:</p> <ul style="list-style-type: none"> it does not include any prohibited activities it does not include activities on land returned under a Treaty settlement it does not include activities in a customary marine title area or a protected customary rights area under the Marine and Coastal Area (Takutai Moana) Act 2011 that has not been agreed. 	<p>Economic benefits for people or industries affected by COVID-19 (19(a))</p> <p>Based on the information provided by the applicant we consider the project may result in the following economic benefits:</p> <ul style="list-style-type: none"> generating employment by creating 22 ongoing full-time equivalent (FTE) jobs for the life of the project contributing to reducing costs in construction and roading in the Auckland region. <p>Economic costs for people or industries affected by COVID-19 (19(a))</p> <ul style="list-style-type: none"> N/A <p>Effect on the social and cultural well-being of current and future generations (19(b))</p> <p>We consider the project will contribute to the social and cultural wellbeing of current and future generations by:</p> <ul style="list-style-type: none"> contributing to job creation and flow-on economic benefits supplying aggregate to enable development. <p>Potential effects on cultural wellbeing are unknown. The applicant acknowledges that if the project is referred, any consent application must be accompanied by a cultural impact assessment from relevant iwi authorities.</p> <p>Is the project likely to progress faster by using this Act? (19(c))</p> <p>The applicant considers the project is likely to progress approximately 36 months faster under the FTCA than would be the case if the project were considered under a standard Resource Management Act 1991 (RMA) process due to the likelihood of notification and</p>	<p>Ministers</p> <p>s 9(2)(f)(ii), s 9(2)(g)(i)</p> <p>• s 9(2)(f)(ii), s 9(2)(g)(i)</p> <p>s 9(2)(f)(ii), s 9(2)(g)(i)</p> <p>• s 9(2)(f)(ii), s 9(2)(g)(i)</p> <p>• s 9(2)(f)(ii), s 9(2)(g)(i)</p> <p>s 9(2)(f)(ii), s 9(2)(g)(i)</p> <p>• s 9(2)(f)(ii), s 9(2)(g)(i)</p> <p>s 9(2)(f)(ii), s 9(2)(g)(i)</p>	<p>Section 23(5) matters:</p> <p>Insufficient information (23(5)(a))</p> <p>The applicant has provided sufficient information for you to determine whether the project meets the criteria in section 18 of the FTCA.</p> <p>More appropriate to go through standard RMA process (23(5)(b))</p> <p>We have considered whether it would be more appropriate for the project to go through a standard consenting process under the RMA due to the potential for significant adverse effects on ecological values. s 9(2)(f)(ii), s 9(2)(g)(i) has identified the proposed removal of 25 hectares of indigenous vegetation and 2500 metres of natural streams will result in significant adverse effects on ecological values which cannot be avoided, remedied and mitigated. The project will therefore need to address these effects through biodiversity offsetting and compensation, which can require significant amounts of time and involvement from a number of parties.</p> <p>s 9(2)(f)(ii), s 9(2)(g)(i) considered that in order to address this matter the applicant should be required to provide a full ecological assessment, full details of proposed offsetting and compensation measures to address effects identified in ecological assessment, and an outline of consultation undertaken with DOC, iwi and any relevant landowners. We note the applicant will be required to provide assessments on ecological values under clause 11 of Schedule 6 of the FTCA, but we agree the applicant should be required to provide information on proposed offsetting and compensation and consultation undertaken.</p> <p>We consider effects on ecological values and measures to address those effects are matters which a panel can consider as part of a merits-based assessment with the benefit of a full resource consent application and the information we recommend you require the applicant to provide. We do not consider you should decline the project under section 23(5)(b) (it would be more appropriate for the project to go through standard consenting processes under the RMA).</p>	<p>In response to key comments:</p> <ul style="list-style-type: none"> s 9(2)(f)(ii), s 9(2)(g)(i) <p>• with regard to Auckland Transport's comments we consider a transport assessment is already required by the AUP and the FTCA, so there is no need specify this information requirement under section 24(2)(d)(i).</p> <p>Although we consider there is potential for significant ecological effects that will need to be carefully managed, you could accept the application under section 24 of the FTCA and refer all of the project to a panel for the following reasons:</p> <ul style="list-style-type: none"> the project will generate employment by creating 22 direct full-time equivalent (FTE) jobs and enabling employment in the construction sector the project will facilitate construction, including construction of infrastructure, in the Auckland region the project will progress faster than would otherwise be the case under standard Resource Management Act 1991 process. <p>We recommend you specify the following information that must be</p>

Project details	Project description	Does all or part of the project meet the referral criteria in section 18?		Summary of comments received (Note: for analysis and/or recommended responses to these comments refer to column 7)	Section 23 assessment – potential reasons for declining	Referral conclusions & recommendations
		Project eligibility for referral (section 18(3)(a)–(d))	Section 18(2) - does the project help achieve the purpose of the FTCA (as per section 19)?			
Lot 1 DP 414617	<p>h. reclaiming stream beds</p> <p>i. constructing roads and installing infrastructure and structures</p> <p>j. landscaping and planting</p> <p>k. any other activities that are:</p> <p>i. associated with the activities in a to i</p> <p>ii. within the project scope as described above.</p> <p>The project requires land use consents and water and discharge permits under the Auckland Unitary Plan (AUP) and resource consents under the Resource Management (National Environmental Standard for Freshwater) Regulations 2020 (NES-F). The proposed activities have overall non-complying activity status because they include reclamation of stream beds within a Significant Ecological Area overlay under the AUP. The underlying zoning of the site is Special Purpose – Quarry which allows for mineral extraction as a controlled activity</p>		<p>appeals. We do not disagree with this assessment.</p> <p>Will the project result in a public benefit? (19(d))</p> <p>Based on the information provided by the applicant we consider the project may result in the following public benefits:</p> <ul style="list-style-type: none"> generating direct employment opportunities enabling employment in the construction sector facilitating construction in the Auckland region. <p>Potential to have significant adverse environmental effects, including greenhouse-gas emissions (19(e))</p> <p>The project has the potential to result in adverse environmental effects, including ecological effects but the applicant does not consider that these effects will be significant. s 9(2)(f)(ii), s 9(2)(g)(i)</p> <p>The site is located within a Significant Ecological Area (SEA) overlay under the AUP and will involve vegetation clearance and stream reclamation within the overlay. The applicant considers that proposed offsetting and mitigation will ensure adverse effects on ecological values are not more than minor.</p> <p>We consider the appropriateness of ecological offsetting and compensation can be adequately considered by a panel with the benefit of a full resource consent application and additional appropriate information.</p> <p>Other relevant matters (19(f))</p> <ul style="list-style-type: none"> N/A 	<p>s 9(2)(f)(ii), s 9(2)(g)(i)</p> <p>s 9(2)(f)(ii), s 9(2)(g)(i)</p> <p>s 9(2)(f)(ii), s 9(2)(g)(i)</p> <p>Local authorities</p> <p>Auckland Council did not oppose project referral, but noted Auckland Transport raised concerns about effects on the surrounding transport network and the Rodney Local Board opposed project referral.</p> <p>Auckland Council also noted that although the project site is appropriately zoned for a quarry, it is also within a Significant Ecological Area overlay so special attention will need to be given to effects on ecological effects.</p> <p>Other parties</p> <p>Auckland Transport generally supported project referral, but noted 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.</p> <p>Auckland Transport requested if the project is referred you direct the applicant to provide a Transport Assessment with their resource consent application and require a panel to invite comments from Auckland Transport.</p> <p>All responses received by parties invited to comment are attached in Appendix 6.</p>	<p>Inconsistency with a national policy statement (23(5)(c))</p> <p>We do not consider the project is inconsistent with any national policy statement, including the National Policy Statement for Freshwater Management, and no comments raised concerns that this would be the case.</p> <p>We note the National Policy Statement for Indigenous Biodiversity is expected to be gazetted sometime in 2023 and is likely to be in effect when the applicant makes a resource consent application to a panel (if the project is referred).</p> <p>Inconsistent with a Treaty settlement (23(5)(d))</p> <p>The section 17 report does not identify any specific issues.</p> <p>Involves land needed for Treaty settlements (23(5)(e))</p> <p>The project site is located on privately owned land, which is not available for Treaty settlement purposes.</p> <p>Applicant has poor regulatory compliance (23(5)(f))</p> <p>Auckland Council did not identify a history of environmental regulatory compliance for the applicant.</p> <p>Insufficient time for the project to be referred and considered before FTCA is repealed (23(5)(g))</p> <p>The FTCA will be repealed on 8 July 2023, meaning that a referral order must exist for the project by this date if the project's resource consent applications are to be considered by a panel under FTCA process. The timeframe for completing a referral order following a decision to refer the project is dependent on certain statutory obligations, process steps and the capacity and resourcing of officials. This is becoming increasingly time-pressured as the 8 July deadline approaches.</p> <p>At this stage we consider there is still sufficient time for an Order in Council to be considered by Cabinet and (if approved) authorised by the Executive Council, should you decide to refer the project.</p> <p>Other issues and risks:</p> <ul style="list-style-type: none"> N/A 	<p>submitted with resource consent applications to a panel:</p> <ul style="list-style-type: none"> details of proposed offsetting and compensation measures to address adverse effects on ecological and freshwater values, including: <ul style="list-style-type: none"> details of any discussions held and/or agreements made between the applicant and any relevant parties regarding ecological offsetting and compensation. <p>We recommend you require a panel to invite comments on a resource consent application to a panel from:</p> <ul style="list-style-type: none"> Minister for Building and Construction Auckland Transport Te Ahiwaru Trust (formerly Makaurau Marae Māori Trust) Ngāti Manuhiri Settlement Trust Ngāti Pāoa Iwi Trust Ngāti Pāoa Trust Board Ngāti Whātua Ōrākei Trust Board Ngāti Whātua Ōrākei Trustee Limited Ngātiwai Trust. <p>We recommend you provide a copy of the application and your notice of decisions to Te Ahiwaru Trust, Ngāti Manuhiri Settlement Trust, Ngāti Pāoa Iwi Trust, Ngāti Pāoa Trust Board, Ngāti Whātua Ōrākei Trust Board, Ngāti Whātua Ōrākei Trustee Limited and Ngātiwai Trust, in addition to those specified in section 25 of the FTCA.</p>

