

Version  
as at 8 July 2023



# COVID-19 Recovery (Fast-track Consenting) Referred Projects (Maraekakaho, Kings, and Brookby Quarries) Amendment Order 2023

(SL 2023/117)

COVID-19 Recovery (Fast-track Consenting) Referred Projects (Maraekakaho, Kings, and Brookby Quarries) Amendment Order 2023: revoked, on 8 July 2023, by Schedule 1 clause 1(1) of the COVID-19 Recovery (Fast-track Consenting) Act 2020 (2020 No 35).

Cindy Kiro, Governor-General

## Order in Council

At Wellington this 6th day of June 2023

Present:

Her Excellency the Governor-General in Council

This order is made under section 27 of the COVID-19 Recovery (Fast-track Consenting) Act 2020 on the advice and with the consent of the Executive Council and on the recommendation of the Minister for the Environment.

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### Note

The Parliamentary Counsel Office has made editorial and format changes to this version using the powers under subpart 2 of Part 3 of the Legislation Act 2019.

Note 4 at the end of this version provides a list of the amendments included in it.

**This order is administered by the Ministry for the Environment.**

4	New schedules inserted	2
	<b>Schedule</b>	3
	<b>New Schedules 84 to 86 inserted</b>	

## **Order**

### **1 Title**

This order is the COVID-19 Recovery (Fast-track Consenting) Referred Projects (Maraekakaho, Kings, and Brookby Quarries) Amendment Order 2023.

### **2 Commencement**

This order comes into force on 12 June 2023.

### **3 Principal order**

This order amends the COVID-19 Recovery (Fast-track Consenting) Referred Projects Order 2020.

### **4 New schedules inserted**

After the last schedule,—

- (a) insert the schedules set out in the Schedule of this order; and
- (b) make all necessary consequential amendments.

**Schedule**  
**New Schedules 84 to 86 inserted**

cl 4

**Schedule 84**  
**Maraekakaho Quarry**

cl 5

*Project referred to expert consenting panel*

**1 Name of project**

The name of the project is Maraekakaho Quarry (the **project**).

**2 Authorised person**

The authorised persons for the project are the trustees, acting in their capacity as trustees, of the RW and MC Gale Family Trust.

**3 Description of project**

The scope of the project is to:

- (a) establish and operate a quarry on approximately 29 hectares of land in Maraekakaho, Hawke's Bay; and
- (b) remediate the land after quarrying ends.

**4 Description of activities involved in project**

The project may involve the following activities:

- (a) extracting up to 6.42 million cubic metres of gravel aggregate over a period of up to 20 years:
- (b) stockpiling gravel aggregate:
- (c) carrying out earthworks:
- (d) removing vegetation:
- (e) upgrading the following accessways for vehicles:
  - (i) a road that runs off State Highway 50:
  - (ii) an accessway that runs off that road:
- (f) taking and diverting groundwater and discharging it onto land or into water:
- (g) discharging stormwater (which may contain contaminants) onto land or into water:
- (h) diverting the surface waters of the Ngaruroro River during flood events:
- (i) diverting a modified watercourse:

- (j) constructing or installing infrastructure or structures, including—
  - (i) roads (including a haulage road) and other accessways for vehicles; and
  - (ii) car parking areas:
- (k) remediating land, including by—
  - (i) creating artificial lakes; and
  - (ii) landscaping and planting:
- (l) carrying out any other activities that are—
  - (i) associated with the activities described in paragraphs (a) to (k); and
  - (ii) within the scope of the project as described in clause 3 of this schedule.

**5 Approximate geographical location**

The project will occur on land at Kereru Road, Maraekakaho, Hawke's Bay that is comprised in:

- (a) Part Lot 1 DP 357840; and
- (b) Lot 3 DP 473957; and
- (c) Lot 1 DP 548932.

**6 Persons who must be invited to comment on project**

The panel must invite comments on any consent application relating to the project from the following persons (in addition to the persons listed in clause 17(6) of Schedule 6 of the Act):

- (a) the Minister for Cyclone Recovery;
- (b) the Minister for Building and Construction;
- (c) the New Zealand Transport Agency;
- (d) the persons who, under section 96 of the Resource Management Act 1991, made submissions about the resource consent application that has Hastings District Council's reference number RMA20180258;
- (e) Te Taiwhenua o Heretaunga Trust;
- (f) Te Taiwhenua o Tamatea (Incorporated);
- (g) Te Taiwhenua o Te Whanganui ā Orotū Incorporated.

**7 No further provision required**

No further provision is necessary to give effect to decisions made by the Minister under section 24 of the Act in respect of the project.

*Statement of reasons*

*This statement of reasons is published for the purposes of clause 4 of Schedule 3 of the Act*

The Minister for the Environment (the **Minister**) has accepted this application for referral. The Minister considered the application against the criteria in the COVID-19 Recovery (Fast-track Consenting) Act 2020 (the **Act**) and the Act's purpose, and sought and considered written comments from the following:

- the relevant Ministers listed in section 21(6) of the Act:
- the Minister for Building and Construction:
- the Minister for Cyclone Recovery:
- Hawke's Bay Regional Council:
- Hastings District Council:
- the New Zealand Transport Agency.

The Minister has accepted this application for the following reasons:

- the project will help to achieve the purpose of the Act because—
  - it has the potential—
    - to generate approximately 20 direct full-time equivalent jobs; and
    - to enable further regional employment in the construction and infrastructure sector through the supply of gravel aggregate; and
  - it has the potential to facilitate the construction of roads in the Hawke's Bay region; and
  - it is likely to progress faster than would otherwise be the case under the Resource Management Act 1991 standard processes:
- any actual and potential effects on the environment, and proposed measures to avoid, remedy, mitigate, offset, or compensate for any adverse effects, can be appropriately tested by an expert consenting panel against Part 2 of the Resource Management Act 1991 and the purpose of the Act.

## Schedule 85 Kings Quarry

cl 5

*Project referred to expert consenting panel*

**1 Name of project**

The name of the project is Kings Quarry (the **project**).

**2 Authorised person**

The authorised person for the project is Kings Quarry Limited.

**3 Description of project**

The scope of the project is to expand the operation of an existing quarry on land in Wainui, Auckland.

**4 Description of activities involved in project**

The project may involve the following activities:

- (a) extracting approximately 500,000 tonnes of aggregate per year over a period of 60 years:
- (b) stockpiling and processing aggregate:
- (c) carrying out earthworks:
- (d) removing vegetation:
- (e) taking and diverting groundwater and discharging it onto land:
- (f) discharging stormwater (which may contain contaminants) onto land:
- (g) blasting:
- (h) discharging dust into air:
- (i) reclaiming stream beds:
- (j) diverting a modified watercourse:
- (k) remediating land, including by landscaping and planting:
- (l) constructing or installing—
  - (i) roads (including haul roads) and other accessways for vehicles; and
  - (ii) other infrastructure or structures:
- (m) carrying out any other activities that are—
  - (i) associated with the activities described in paragraphs (a) to (l); and
  - (ii) within the scope of the project as described in clause 3 of this schedule.

## **5 Approximate geographical location**

- (1) The project will occur on land at Pebble Brook Road, Wainui, Auckland that is approximately 10 kilometres west of State Highway 1 (the **project site**).
- (2) The legal description of the project site is as follows:
  - (a) Lot 2 DP 59502:
  - (b) Lot 3 DP 59502:
  - (c) Allotment S77 Parish of Kaukapakapa SO 817:
  - (d) Allotment 78 Parish of Kaukapakapa SO 817:
  - (e) Allotment 28 Parish of Kaukapakapa SO 2448:
  - (f) Allotment 71 Parish of Kaukapakapa SO 5223:
  - (g) Part Allotment 72 Parish of Kaukapakapa SO 5223:
  - (h) Part Allotment NE73 Parish of Kaukapakapa SO 817:
  - (i) Part Allotment SE73 Parish of Kaukapakapa SO 817:
  - (j) Lot 1 DP 414617.

## **6 Further information to be submitted**

The following information must be submitted to the panel with any consent application relating to the project (in addition to the information required by clause 9 of Schedule 6 of the Act):

- (a) proposed offsetting and compensation measures to address any adverse effects on ecological and freshwater values; and
- (b) information on any discussions held, and any agreements made, between the authorised person and other people about those offsetting and compensation measures.

### **Examples**

Examples of those other people are experts, affected landowners, and members of community groups.

## **7 Persons who must be invited to comment on project**

The panel must invite comments on any consent application relating to the project from the following persons (in addition to the persons listed in clause 17(6) of Schedule 6 of the Act):

- (a) the Minister for Building and Construction:
- (b) Auckland Transport:
- (c) Te Ahiwaru Trust (formerly Makaurau Marae Māori Trust):
- (d) the trustees, acting in their capacity as trustees, of the Ngāti Manuhiri Settlement Trust:

- (e) the trustees, acting in their capacity as trustees, of the Ngāti Paoa Iwi Trust:
- (f) the Ngāti Paoa Trust Board:
- (g) the Ngāti Whātua O Ōrākei Māori Trust Board:
- (h) Ngāti Whātua Ōrākei Trustee Limited:
- (i) the Ngātiwai Trust Board.

## 8 No further provision required

No further provision is necessary to give effect to decisions made by the Minister under section 24 of the Act in respect of the project.

### *Statement of reasons*

*This statement of reasons is published for the purposes of clause 4 of Schedule 3 of the Act*

The Minister for the Environment (the **Minister**) has accepted this application for referral. The Minister considered the application against the criteria in the COVID-19 Recovery (Fast-track Consenting) Act 2020 (the **Act**) and the Act's purpose, and sought and considered written comments from the following:

- the relevant Ministers listed in section 21(6) of the Act:
- the Minister for Building and Construction:
- Auckland Council:
- Auckland Transport.

The Minister has accepted this application for the following reasons:

- the project will help to achieve the purpose of the Act because—
  - it has the potential—
    - to generate approximately 22 direct full-time equivalent jobs; and
    - to enable employment in the construction industry; and
  - it has the potential to facilitate construction, including of infrastructure, in the Auckland region; and
  - it is likely to progress faster than would otherwise be the case under the Resource Management Act 1991 standard processes:
- any actual and potential effects on the environment, and proposed measures to avoid, remedy, mitigate, offset, or compensate for any adverse effects, can be appropriately tested by an expert consenting panel against Part 2 of the Resource Management Act 1991 and the purpose of the Act.



**Schedule 86**  
**Brookby Quarry—Stage 3**

cl 5

*Project referred to expert consenting panel*

**1 Name of project**

The name of the project is Brookby Quarry—Stage 3 (the **project**).

**2 Authorised person**

The authorised person for the project is Brookby Quarries Limited.

**3 Description of project**

The scope of the project is to expand the operation of an existing quarry on land in Brookby, Auckland.

**4 Description of activities involved in project**

The project may involve the following activities:

- (a) extracting approximately 110 million tonnes of aggregate over a period of 60 years:
- (b) stockpiling and processing aggregate:
- (c) carrying out earthworks:
- (d) removing vegetation:
- (e) taking and diverting groundwater and discharging it onto land:
- (f) discharging stormwater (which may contain contaminants) onto land:
- (g) blasting:
- (h) discharging dust into air:
- (i) reclaiming stream beds:
- (j) restoring and enhancing watercourses:
- (k) remediating land, including by landscaping and planting:
- (l) constructing or installing infrastructure or structures, including—
  - (i) private accessways for vehicles; and
  - (ii) car parking areas:
- (m) carrying out any other activities that are—
  - (i) associated with the activities described in paragraphs (a) to (l); and
  - (ii) within the scope of the project as described in clause 3 of this schedule.

**5 Approximate geographical location**

The project will occur at 134 Kimptons Road and 271 and 275 Ara Kotinga, Brookby, Auckland.

**6 Further information to be submitted**

The following information must be submitted to the panel with any consent application relating to the project (in addition to the information required by clause 9 of Schedule 6 of the Act):

- (a) proposed offsetting and compensation measures to address any adverse effects on ecological and freshwater values; and
- (b) information on any discussions held, and any agreements made, between the authorised person and other people about those offsetting and compensation measures.

**Examples**

Examples of those other people are experts, affected landowners, and members of community groups.

**7 Persons who must be invited to comment on project**

The panel must invite comments on any consent application relating to the project from the following persons (in addition to the persons listed in clause 17(6) of Schedule 6 of the Act):

- (a) the Minister for Building and Construction;
- (b) Auckland Transport;
- (c) Te Ahiwaru Trust (formerly Makaurau Marae Māori Trust);
- (d) Whenua Haumi Roroa o Tāmaki Makaurau Limited Partnership;
- (e) Tūpuna Taonga o Tāmaki Makaurau Trust Limited;
- (f) the Ngāti Koheriki Claims Committee.

**8 No further provision required**

No further provision is necessary to give effect to decisions made by the Minister under section 24 of the Act in respect of the project.

*Statement of reasons*

*This statement of reasons is published for the purposes of clause 4 of Schedule 3 of the Act*

The Minister for the Environment (the **Minister**) has accepted this application for referral. The Minister considered the application against the criteria in the COVID-19 Recovery (Fast-track Consenting) Act 2020 (the **Act**) and the Act's purpose, and sought and considered written comments from the following:

- the relevant Ministers listed in section 21(6) of the Act:

- the Minister for Building and Construction:
- Auckland Council:
- Auckland Transport.

The Minister has accepted this application for the following reasons:

- the project will help to achieve the purpose of the Act because—
  - it has the potential to generate approximately 65 full-time equivalent jobs over a period of 60 years; and
  - it has the potential to facilitate construction, including of infrastructure, in the Auckland region; and
  - it is likely to progress faster than would otherwise be the case under the Resource Management Act 1991 standard processes:
- any actual and potential effects on the environment, and proposed measures to avoid, remedy, mitigate, offset, or compensate for any adverse effects, can be appropriately tested by an expert consenting panel against Part 2 of the Resource Management Act 1991 and the purpose of the Act.

Rachel Hayward,  
Clerk of the Executive Council.

## Explanatory note

*This note is not part of the order, but is intended to indicate its general effect.*

This order, which comes into force on 12 June 2023, amends the COVID-19 Recovery (Fast-track Consenting) Referred Projects Order 2020. The effect of the amendment is to refer 3 projects to an expert consenting panel for the purpose of the COVID-19 Recovery (Fast-track Consenting) Act 2020 (the **Act**). The referred projects are the projects named and described in *new Schedules 84 to 86*.

The effect of the referral is—

- to authorise the trustees, acting in their capacity as trustees, of the RW and MC Gale Family Trust to apply under the Act, instead of under the Resource Management Act 1991, for resource consents relating to the project described in *new Schedule 84*; and
- to authorise Kings Quarry Limited to apply under the Act, instead of under the Resource Management Act 1991, for resource consents relating to the project described in *new Schedule 85*; and
- to authorise Brookby Quarries Limited to apply under the Act, instead of under the Resource Management Act 1991, for resource consents relating to the project described in *new Schedule 86*.

The expert consenting panels will be appointed under Schedule 5 of the Act and make decisions in accordance with Schedule 6 of the Act.

Issued under the authority of the Legislation Act 2019.  
Date of notification in *Gazette*: 8 June 2023.

## Notes

### **1** *General*

This is a consolidation of the COVID-19 Recovery (Fast-track Consenting) Referred Projects (Maraekakaho, Kings, and Brookby Quarries) Amendment Order 2023 that incorporates the amendments made to the legislation so that it shows the law as at its stated date.

### **2** *Legal status*

A consolidation is taken to correctly state, as at its stated date, the law enacted or made by the legislation consolidated and by the amendments. This presumption applies unless the contrary is shown.

Section 78 of the Legislation Act 2019 provides that this consolidation, published as an electronic version, is an official version. A printed version of legislation that is produced directly from this official electronic version is also an official version.

### **3** *Editorial and format changes*

The Parliamentary Counsel Office makes editorial and format changes to consolidations using the powers under subpart 2 of Part 3 of the Legislation Act 2019. See also PCO editorial conventions for consolidations.

### **4** *Amendments incorporated in this consolidation*

COVID-19 Recovery (Fast-track Consenting) Act 2020 (2020 No 35): Schedule 1 clause 1(1)