

**BEFORE THE PANEL CONVENER**

**IN THE MATTER** of an application for approvals under section 42  
("Application") of the Fast-track Approvals Act 2024  
("FTAA")

**AND**

**IN THE MATTER** of King's Quarry Expansion, a project listed in  
Schedule 2 to the FTAA ("Project")

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**MEMORANDUM OF COUNSEL FOR THE APPLICANT  
RESPONDING TO MINUTE 1 OF THE PANEL CONVENER**

**24 JULY 2025**

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## MAY IT PLEASE THE PANEL CONVENER:

### Introduction

1. This memorandum is presented on behalf of the Applicant, Kings Quarry Limited ("**KQL**") and addresses matters set out in Schedules 1 and 2 to the Panel Convener's Minute 1 ("**Minute**") dated 14 July 2025.

### Context

2. By way of background, KQL obtained resource consent for the re-establishment of quarry operations at Kings Quarry in Wainui in 2021, known as Stage 1. This application under the FTAA seeks to expand the operations at Kings Quarry to enable extraction of approximately 500,000 tonnes of aggregate per year for a period of 45 years ("**Application**"). This is known as the Stage 2 expansion.
3. At the end of 2023, KQL applied for resource consent for the Stage 2 expansion to expand the quarry under the COVID-19 Recovery (Fast-track Consenting) Act 2020 ("**FTCA**"). This application relied on a comprehensive offsetting package to ensure a net gain in ecological values was achieved. During the consenting process, the site initially proposed for offsetting became unavailable due to the in-principle agreement with the site's landowner falling over. This meant a new offsetting site needed to be found. The process of acquiring a new site for offsetting resulted in delays which left little time for the Panel to fully consider the application and to make an informed decision.
4. In October 2024, the Expert Consenting Panel ("**Panel**") declined the application, due to gaps in ecological information provided to the Panel and "not enough time in the FTCA process to enable those gaps to be closed".<sup>1</sup> However, the Panel confirmed this did not mean a future proposal to extend the quarry could not be consented.<sup>2</sup> The Panel identified that the zoning of the Kings Quarry Site anticipates and provides for quarry use, that expansion could have several positive benefits, and that a majority of the adverse effects could be appropriately addressed through measures and conditions proposed by KQL.<sup>3</sup>

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<sup>1</sup> Decision of the expert consenting panel for Stage 2 Expansion made under the COVID-19 Recovery (Fast-track Consenting) Act 2020 dated 14 October 2024 at [13].

<sup>2</sup> Decision of the expert consenting panel for Stage 2 Expansion made under the COVID-19 Recovery (Fast-track Consenting) Act 2020 dated 14 October 2024 at [14].

<sup>3</sup> Decision of the expert consenting panel for Stage 2 Expansion made under the COVID-19 Recovery (Fast-track Consenting) Act 2020 dated 14 October 2024 at [14].

## Schedule 1 matters

### *Approvals*

5. The approvals sought are set out in detail in Part B and C of the Assessment of Environmental Effects lodged with the Application, being:<sup>4</sup>
  - (a) resource consent under the Resource Management (National Environmental Standards for Freshwater) Regulations 2020;<sup>5</sup>
  - (b) resource consent under the Auckland Unitary Plan (Operative in Part);<sup>6</sup> and
  - (c) wildlife approval under the Wildlife Act 1953.<sup>7</sup>

### *Complexity*

6. The potential for complexity of a legal or evidential kind is minimised in this case, as the effects associated with the Application were canvassed and assessed by an Expert Consenting Panel under the FTCA and the only outstanding area related to ecological matters.
7. The Applicant has continued to progress work on ecological matters and has engaged constructively with Auckland Council in refining the Application.<sup>8</sup>
8. In terms of the specific "areas" of complexity set out in the Minute:
  - (a) **Legal Complexity:** it is not anticipated the Application will involve any novel legal issues, other than general use and process of the FTAA.
  - (b) **Evidentiary Complexity:** although there is a significant number of expert reports and draft management plans accompanying the Application, the information provided is typical of a large quarry expansion project and is not overly complex when considering the

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<sup>4</sup> Kings Quarry Expansion – Stage 2 - Assessment of Environmental Effects and Statutory Analysis dated 9 April 2025.

<sup>5</sup> Regulation 57.

<sup>6</sup> Chapters E3: Lakes, Rivers, Streams & Wetlands, E7: Taking, Using, Damming and Diversion of Water and Drilling, E11: Land Disturbance - Regional, E12: Land Disturbance - District, E14: Air Quality, E15 : Vegetation Management and Biodiversity, H19: Rural Production Zone, and H28: Special Purpose – Quarry Zone.

<sup>7</sup> For the capture and relocation of native lizards and other potentially present native lizard species from the project area to an adjacent area.

<sup>8</sup> Auckland Council recently provided its initial feedback on specialist areas of the Application and is generally supportive of the Application.

effects have already been reviewed and assessed under previous legislation.

- (c) **Factual Complexity:** no special or unusual issues are anticipated that have not already been canvassed in the FTCA application.

9. Overall, the Application is not considered to be particularly complex, particularly given that it largely mirrors what was previously considered under the FTCA.

#### *Issues*

10. Given the key issues of the Application have already been canvassed and largely resolved through the FTCA process, it is considered the key issue remaining is ecology.

#### *Panel membership*

11. KQL considers the appointment of three Panel members is appropriate for the Application.

#### *Procedural requirements*

12. KQL is willing to engage directly with the Panel as necessary to advance the Application.
13. KQL considers a hearing is not required.
14. Similarly:

- (a) any matters in respect of which the Panel requires clarification can be addressed through requests for further information; and
- (b) any matters relating to conditions can be addressed through the statutory process for providing comments on draft conditions.

### **Schedule 2 requirements**

#### *Time for making a decision*

15. The Applicant understands there may be a delay in the Panel starting its consideration of the Application. Taking such a delay into account, KQL considers 40-50 working days to be sufficient in deciding the Application.

**Conclusion**

16. KQL thanks the panel convener for the opportunity to attend the conference about panel membership and the timeframe for deciding the Application.

**DATED:** 24 July 2025

A handwritten signature in blue ink, appearing to read 'D Minninnick', is positioned above a horizontal line.

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Daniel Minninnick / Sian Kilgour  
**Counsel for Kings Quarry Limited**