

Memorandum – Response to Minute 1 (Schedule 1 and 2) of the Panel Convenor, FTAA-2503-1037 – Drury Quarry - Sutton Block

To: Helen Atkins, Associate Panel Convenor, via Alex Mickleson, Application Lead, Environmental Protection Authority

From: Doug Fletcher, Principal Project Lead – Premium Unit , Planning & Resource Consents, Auckland Council.

Subject: Fast-Track Approvals Act 2024 (FTAA) – FTAA-2503-1037 – Drury Quarry Sutton Block, Fast track Proposal – Response to the matters set out in Schedules 1 and 2 attached to the Minute issued by the Panel Convenor (10th July 2025)

Date: 21 July 2025

Minute #1 from the panel convenor outlined that a conference will be held on 25 July 2025 to inform decisions regarding the appointment of panel members and the timing of the panel decision.

The minute also requested persons, including Auckland Council, to provide information in a written response to the matters set out in Schedule 1 and 2 prior to the conference. This memorandum is in response to that request.

Schedule 1

Schedule 1 outlines a number of matters to consider when preparing for the conference, and includes a number of questions and prompts. The below table provides a response to these matters.

Schedule 1 – Matters of Consideration	Auckland Council Response
Approvals [1] The number and range of approvals sought.	Overall Council Reference: BUN60449474 • LUC60449475 – comprising the following: ➤ Regional Earthworks ➤ Land Disturbance in SEA ➤ Vegetation alteration ➤ Natural hazards ➤ Rural Zone land use ➤ Special Purpose Quarry Zone - AUP Triggers ➤ NES-CS - Regulation 9 (1) - Removing or replacing fuel storage system, sampling soil, or disturbing soil + Regulation 9 (3) - changing use

	• LUS60449476 - Activities in, on, under or over the bed of lakes, rivers, streams • WAT60449477 - Take of groundwater • WAT60449478 - Diversion of groundwater • WAT60449479 - Damming of water • DIS60449510 - Diversion and discharge of stormwater • DIS60449511 - Discharges to air Overall Activity Type – Non-Complying Activity
Complexity [2] The level of complexity will have a bearing on the appropriate frame for decision making and may include: (a) Legal Complexity: novel or difficult legal issues – (i) involve untested law or interpretation of statute; (ii) involve application for multiple approvals; (iii) interface with two or more statutes; and (iii) engage constitutional law and public law. (b) Evidentiary Complexity: stemming from the volume, type, or technical nature of evidence – (i) include challenges like managing expert reports or dealing with conflicting factual or opinion evidence; and (ii) often involve technical or scientific analysis.	Based on the nature and type of the proposals, the issues of consideration and the preliminary further information and feedback shared with the applicant we would categorise the application as having a moderate classification/level of complexity. (a) Some of the evidence lodged in support of the application is complex. However initial reviews have largely been completed. (b) To date, Council officers have identified approximately 43, s67 questions or request for further or missing information. Due to the technical nature of many of these questions, If Council were to receive a response to each of these questions it may take additional time for Council officers to complete their assessments.

(c) Factual Complexity: arises from the volume and nature of evidence – (i) requires careful management of extensive information or reports, including expert opinion in specialised fields; and (ii) necessitates analysis if technical, scientific, or highly specialised subject matter are involved.	
Issues [3] Issues identified by the applicant and other participants: (a) during consultation; and (b) any disputed fact or opinion, or legal issue, that is or is likely to be of consequence to the determination of the application.	To date, Council officers have identified approximately <u>43, s67</u> questions or request for further or missing information. These relate to the following subjects. 1. Parks Planning. 2. Auckland Transport. 3. Fresh water and terrestrial Ecology 4. Stormwater, Industrial Trade Activity (SWWWITA team) 5. Groundwater and dewatering 6. Noise & Vibration 7. Regional Earthworks (see attached <u>Drury Quarry Sutton Block – Comments Tracker</u>)
Panel membership [4] Consider: (a) the knowledge, skills and expertise required to decide the application under clause 7(1) of Schedule 3.4	Council have responded to the request for nomination from Auckland Council in relation to the Drury Quarry Fast Track expert panel on the 2 July 2025. Auckland Council do not consider at this point there are factors that warrant the appointment of more than four panel members.

(b) whether there are factors that warrant the appointment of more than four panel members, such as: (i) the circumstances unique to a particular district or region; or (ii) the number of applications that have to be considered in that particular district or region; or (iii) the nature and scale of the application under consideration; or (iv) matters unique to any relevant iwi participation legislation; or	
Tikanga [5] Iwi authorities and Treaty settlement entities are invited to advise: (a) whether tikanga is relevant to any aspect of the applications for approval. (b) how the panel might receive assistance on those matters. (c) the time required to adequately respond.	This section is not applicable to Auckland Council
Procedural requirements [6] Consider and prepare to indicate: (a) willingness to engage directly with the panel as necessary to advance progress of the application	Council Subject Matter Experts and Asset Owners have indicated they are willing to engage directly with both the applicant and panel. To date, Council officers have identified approximately 43, s67 questions or request for further or missing information. Any response to these questions will need to be assessed.

efficiently (briefings, meetings, conferencing). (b) likelihood of any form of hearing process being required and, if so, time that should be allowed for such process in the time frame allocated by the panel convener. Forms of hearing include: (i) Disputed fact or opinion or (ii) Selected topics or issues which the panel seeks clarification (whether disputed or not). (iii) Proposed conditions. (iv) Legal issues.	
Anything else? [7] Is there any other information needed to decide time frames or panel composition?	No.

Schedule 2: Participants' estimated timeframe

Task	Working days	Date
Panel commencement	N/A	30.07.2025
Invite comment from relevant parties	10 W/D later	13.08.2025
Comments close (ss 53 & 54)	20 W/D later	9.09.2025
Comments close for applicants (s 55)	5 W/D later	Not for Council Comment
Any other procedural step and evaluation	XXX W/D (say)	N/A
Draft decision is to approve		
Draft conditions to participants (s 70)	XXX W/D (say)	Panel Lead timeframe
Participant comments on draft conditions (s70(2))	XXX W/D later	Informed by Above.

Applicant response to participants on conditions (s 70(4))	5 W/D later	XXX 2025
Draft decision to Ministers (s 72)	XXX W/D (say)	XXX 2025
Response from Ministers (s 72)	10 W/D later	XXX 2025
Applicant response to Ministers (allow)	W/D later (say)	XXX 2025 (approx.)
Evaluate	W/D later (say)	XXX 2025 (approx.)
Any other procedural step and evaluation.	W/D later (say)	XXX 2025 (approx.)
Decision release	W/D later (say)	XXX 2025