

**BEFORE THE ENVIRONMENT COURT  
AT AUCKLAND**

**ENV-2018-AKL -000150**

**I MUA I TE KOOTI TAIAO  
I TĀMAKI MAKĀURAU ROHE**

**UNDER** the Local Government Act (Auckland Transitional Provisions) Act 2010 ("**LGATPA**") and the Resource Management Act 1991 ("**RMA**")

**IN THE MATTER** of an appeal under section 156(1) of the LGATPA

**BETWEEN** **BROOKBY QUARRIES LIMITED**

**Appellant**

**AND** **AUCKLAND COUNCIL**

**Respondent**

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**NOTICE OF FULTON HOGAN LIMITED'S WISH TO BE PARTY TO  
PROCEEDINGS**

**15 AUGUST 2018**

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**Russell  
McLeagh**

**Counsel instructed:**  
Bal Matheson  
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**Solicitors acting:**  
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**To:** the Registrar of the Environment Court at Auckland  
**And to:** the Appellant  
**And to:** the Respondent

**FULTON HOGAN LTD ("Fulton Hogan")** wishes to be a party to the appeal by Brookby Quarries Limited ("**Brookby**") against part of the decision of Auckland Council ("**Council**") in respect of the Proposed Auckland Unitary Plan ("**Unitary Plan**").

**Nature of interest**

1. Fulton Hogan has an interest in the proceedings that is greater than the public generally. Fulton Hogan is responsible for a number of quarry operations and related activities in the Auckland region. In particular, Fulton Hogan's quarry at McNicol Road, Clevedon ("**Clevedon Quarry**") is subject to the Significant Ecological Areas Overlay ("**SEA**").
2. Fulton Hogan lodged a submission seeking an appropriate and bespoke arrangement of objectives, policies and rules governing the removal of vegetation from within the Special Purpose Quarry zone. Fulton Hogan, as successor to Warren Fowler Quarries, also lodged a submission on the SEAs identified over the Clevedon Quarry.
3. Fulton Hogan is a trade competitor of Brookby. However, as the decision being appealed was not in favour of Brookby and Fulton Hogan is directly affected by the subject matter of the appeal, the provisions of section 308C of the RMA do not exclude Fulton Hogan from being an interested party to Brookby's appeal.

**Extent of interest**

4. Fulton Hogan is interested in the proceedings to the extent that they will objectives, policies and rules for the removal of vegetation within an SEA.

**Relief sought**

5. Fulton Hogan supports the relief sought by the Appellant and in particular seeks:
  - (a) that the relief sought by the Appellant is granted;
  - (b) such consequential or related relief as may be necessary to give effect to the Appellant's concerns; and
  - (c) costs.

**Alternative dispute resolution**

6. Fulton Hogan agrees to participate in mediation or other alternative dispute resolution of the proceeding.

**FULTON HOGAN LIMITED** by its counsel Bal Matheson:



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**Signature:** BJ Matheson

**Date:** 15 August 2018

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**TO:** The Registrar, Environment Court

**AND TO:** Auckland Council

**Advice**

1. If you have any questions about this notice, contact the Environment Court in Auckland, Wellington, or Christchurch.