

## Memorandum

<b>Date:</b>	3 May 2024	<b>Strategy File Ref:</b>	22088
<b>Subject:</b>	Maraekakaho Quarry Project: Fast Track Approvals Application		

This memorandum provides a response to the below question contained in the online form for referral to the Fast Track Approvals Bill:

*What is the general assessment of the project in relation to any relevant national policy statement (including the New Zealand Coastal Policy Statement) and national environmental standard?*

This memorandum is informed by and references the comprehensive technical reports that have been prepared by the Trust's expert team for a larger scale version of the Project. Since the reports were prepared, the scale of the Project has been reduced, with consequent reductions in the scale of potential effects. Thus, the conclusions in this memorandum are conservative.

Separate memoranda have been prepared in response to questions relating to consistency with regional and district planning documents and management of adverse effects.

### National Environmental Standards

The following National Environmental Standards (NES) are relevant to the project with the activity status confirmed as follows:

National Environmental Standard	Activity	Regulation	Activity status
National Environmental Standard for Freshwater	Reclamation of the bed of a river	57	Discretionary Activity
National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health	Change in Use	6	Permitted
National Environmental Standard for Sources of Human Drinking Water	Discharge of contaminants (sediment)	11 and 12	Permitted

### National Policy Statements

The following national policy statements are relevant to the project. A general assessment of the project against each is detailed below.

#### National Policy Statement for Freshwater Management 2020

The National Policy Statement for Freshwater Management 2020 (NPSFM) came into force on 3 September 2020 and was amended on 8 December 2022 and January 2024. It relates to all freshwater management including quantity and quality matters, but also contains a suite of further provisions relating to other matters such as tangata whenua involvement, integrated management, setting objectives/ outcomes/ actions and monitoring.

The NPSFM seeks to manage freshwater in a way that:

- First considers the health and well-being of water bodies and freshwater ecosystems; and,

- b) second, the health needs of people (such as drinking water); and,
- c) third, the ability of people and communities to provide for their social, economic, and cultural well-being, now and in the future.

Section 1.3(5) of the NPSFM seeks to give effect to Te Mana o te Wai (**TMOTW**) and ensure that Tangata Whenua are actively involved in freshwater management (including decision-making processes), and Māori freshwater values are identified and provided for.

Provisions that are relevant to this Project are those related to the avoidance of river loss and the protection of indigenous freshwater habitats and species, including:

- **Policy 3:** Freshwater is managed in an integrated way that considers the effects of the use and development of land on a whole-of-catchment basis, including the effects on receiving environments,
- **Policy 6:** There is no further loss of extent of natural inland wetlands, their values are protected, and their restoration is promoted,
- **Policy 7:** The loss of river extent and values is avoided to the extent practicable.
- **Policy 8:** The significant values of outstanding water bodies are protected,
- **Policy 9:** The habitats of indigenous freshwater species are protected, and
- **Policy 10:** The habitat of trout and salmon is protected, insofar as this is consistent with Policy 9.

The Project, while falling within the third category under TMOTW (the ability of people and communities to provide for their social, economic, and cultural well-being, now and in the future), is primarily a land-based activity and is not inconsistent with the outcomes sought by the NPSFM including first providing for the health of the water bodies and secondly the health of people.

Of particular relevance is the proposed reclamation of Watercourse 1 and its alignment with the outcomes sought by the NPSFM. A consenting pathway for the reclamation is provided in the NES-F (as detailed above) on the basis that it is functionally required and mitigation is proposed in line with Section 3.24(3) of the NPSFM which defines the effects management hierarchy.

Overall, the proposal is considered to be consistent with the objectives and policies of the NPSFM.

#### National Policy Statement for Highly Productive Land

The National Policy Statement for Highly Productive Land 2022 (NPS-HPL) came into force on 17 October 2022. It is a prescriptive policy statement and due to its recent introduction, and limited guidance from MfE, its interpretation and application are still being determined by councils.

Overall, the NPS-HPL seeks to enhance protection for highly productive land which is defined Land Use Capability Classes (LUC) 1-3 as mapped by the New Zealand Land Resource Inventory or by any more detailed mapping that uses the Land Use Capability classification.

A review of HBRC mapping has shown approximately 4,100m<sup>2</sup> of land classed LUC 3 is present on the southern extent of the property. This area will be avoided due to the proposed setback between the Excavation Area and the water race along the southern boundary of the Project Site. Because the NPS requirements relate only to highly productive land, which the project will avoid, it is considered that the proposal is consistent with the policy direction set by the NPS-HPL.

### National Policy Statement for Indigenous Biodiversity

The National Policy Statement for Indigenous Biodiversity (**NPSIB**) came into force on 4 August 2023. The objective of the NPSIB is to protect, maintain and restore indigenous biodiversity in a way that:

- Focusses on establishing a consistent process for identifying and managing SNAs through plans, and through partnership with tangata whenua;
- Recognises tangata whenua as kaitiaki, and people and communities as stewards, of indigenous biodiversity; and
- Provides for the social, economic and cultural wellbeing of people and communities, now and into the future.

In summary, the NPSIB contains provisions that require:

- The identification of and improved management of Significant Natural Areas (SNA),
- A management approach for managing effects of new use, subdivision and development on SNAs,
- Establishment of consent pathways for new uses which impact SNAs,
- Management of significant adverse effects on indigenous biodiversity outside of SNA's via the effects management hierarchy, and
- Councils to work together with tangata whenua to identify and protect taonga species to the extent that tangata whenua would like this to occur.

An Ecological Assessment has been provided by Boffa Miskell which confirms that there are no SNAs on the proposed Project Site or any areas of significant indigenous vegetation. On this basis the proposal is anticipated to be consistent with the NPSIB.