

Response ID ANON-URZ4-5FTW-U

Submitted to Fast-track approval applications
Submitted on 2024-05-03 15:16:05

Submitter details

Is this application for section 2a or 2b?

2A

1 Submitter name

Individual or organisation name:
Matamata Metal Supplies Ltd

2 Contact person

Contact person name:
Dudley Clemens

3 What is your job title

Job title:
Environmental Manager

4 What is your contact email address?

Email:
s 9(2)(a)

5 What is your phone number?

Phone number:
0800807927

6 What is your postal address?

Postal address:

C/o J Swap Contractors Ltd
P O Box 153
Matamata 3440

7 Is your address for service different from your postal address?

No

Organisation:

Contact person:

Phone number:

Email address:

Job title:

Please enter your service address:

Section 1: Project location

Site address or location

Add the address or describe the location:

End of Barton Road
Okauia
Matamata 3471

File upload:
FINAL MMS Fast Track Appl - Plans 1 to 4 _3.5.2024.pdf was uploaded

Upload file here:
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Do you have a current copy of the relevant Record(s) of Title?

Yes

upload file:
SA30D_982_Title_Search_Copy.pdf was uploaded

Who are the registered legal land owner(s)?

Please write your answer here:

Kaimai Properties Limited

Detail the nature of the applicant's legal interest (if any) in the land on which the project will occur

Please write your answer here:

The quarry operation and land are owned by the same parent company, albeit under different entities. The applicant has a quarrying agreement with the landowner for the current operation. Expansion as anticipated under this proposal is acceptable to the landowner.

Section 2: Project details

What is the project name?

Please write your answer here:
Matamata Metal Supplies Quarry Expansion

What is the project summary?

Please write your answer here:

The submitter seeks consent to continue the quarry's extraction operations from the existing pit adjoining the maunga Te Weraiti to spurs south of the existing pit. Mineral within the new spurs will provide much needed high-quality construction material for infrastructure, concrete and roading.

What are the project details?

Please write your answer here:

The project requires expansion of the quarry into land that is affected by a Queen Elizabeth II National Trust (QEII Trust) covenant. The background to this covenant is the previous landowner entered into the covenant for the primary reason of obtaining rates relief on land that was marginal for farming. That landowner understood that he retained the rights to allow for expansion of the quarry expansion.

Despite the submitter's willingness to provide a comprehensive package of offsetting, mitigation and compensation measures under a formal variation application, the QEII Trust's consent to vary this covenant has not been forthcoming meaning that it has not been possible for the quarry to expand in the direction sought.

The submitter's parent company J Swap Contractors Ltd has concurrently requested under a submission to the Select Committee on the Fast Track Approvals Bill, that the Fast Track Approvals Bill accounts for necessary changes to the QEII National Trust Act 1977 because, without this, the Fast Track Bill does not act as a 'one stop shop'. Refer submission of "J Swap Contractors Ltd" dated 19 April 2024.

The expansion to the south provides access to a high-quality aggregate resource. In addition, it allows the applicant to ultimately cease extraction from the pit on the western side of the maunga Te Weraiti, being an area of high importance for local iwi Ngati Hinerangi.

The existing quarry pit is identified in the District Plan for quarry activities but not Te Weraiti. Quarrying on Te Weraiti has been a matter of concern to local iwi. Through previous engagement Ngati Hinerangi support quarrying in a southwards direction over quarrying in the current location.

The applicant is seeking a means to continue the operation of the quarry in a different location on the wider property, away from Te Weraiti. This objective would only be possible with consents being secured for a replacement pit to the south of the existing pit.

Describe the staging of the project, including the nature and timing of the staging

Please write your answer here:

Refer plans.
Three main stages, progressively worked over time, one following the next.

The submitter intends to lodge consent applications for consent in 2025 in order to provide time for all technical assessments to be completed.

What are the details of the regime under which approval is being sought?

Please write your answer here:

Resource Management Act 1991 – district and regional resource consents (e.g. land use, discharge, earthworks, vegetation removal)

Wildlife Act 1953 – subject to species found in the area sought for disturbance.

Heritage New Zealand Pouhere Taonga Act 2014 - if necessary, as a result of quarrying works that may reveal unrecorded archaeological sites. At a minimum an authority for unrecorded sites would be sought.

Queen Elizabeth the Second National Trust Act 1977 – under a s.22A variation to existing covenants

If you seeking approval under the Resource Management Act, who are the relevant local authorities?

Please write your answer here:

Matamata Piako District Council
Waikato Regional Council

What applications have you already made for approvals on the same or a similar project?

Please write your answer here:

Existing authorisations are in place for the current operation.

A variation application under Queen Elizabeth the Second Act 1977 was sought in 2021 to expand the operation south, but was declined in the same year for unexplained reasons.

Is approval required for the project by someone other than the applicant?

Yes

Please explain your answer here:

Approvals are required from regulatory authorities and the QEII National Trust of which the covenant acts as a registered interest in land.

If the approval(s) are granted, when do you anticipate construction activities will begin, and be completed?

Please write your answer here:

Funding is currently available.

Enabling site works can commence immediately.

With the existing quarry operation no further specific procurement is required.

Completion will be subject to market demand for aggregate resources. The deposit is anticipated to last +50 years across all stages.

Design works alongside side obtaining regulatory approvals are to be completed over the subsequent 12 months to mid-2025.

Works are anticipated to commence immediately post grant of necessary authorisations.

Section 3: Consultation

Who are the persons affected by the project?

Please write your answer here:

Adjoining landowners:

Adjoining properties with addresses

- Douglas Road - # 181, 205D, 205F
- Barton Road - # 178
- Old Te Aroha Road - # 300

Adjoining properties without addresses

- Part Okauia 1 Block (SA697/57 – Parcel ID 4484798)
- Okauia 4E3 Block (374099 – Parcel ID 4539696)
- Lot 1 DPS 24315 (SA47C/588 – Parcel ID 4349196)
- Section 4 SO 473604 (665310 – Parcel ID 7512288)

Crown-owned land

- Part Lot 12 DP 6606 (SA697/57 – Parcel ID 4351134)
- Section 30 Block IV Opoutihi SD – Parcel ID 4277873
- Section 17 Block IV Opoutihi SD – Parcel ID 4356737
- Section 1 Block IV Opoutihi SD – Parcel ID 4436024

Matamata Piako District Council
Waikato Regional Council
Queen Elizabeth The Second National Trust
Iwi – Ngati Hinerangi, Ngati Raukawa and Ngati Haua
Hapu – Tangata, Te Ohaki, Hinerangi Tawhaki and Tamapango

Detail all consultation undertaken with the persons referred to above. Include a statement explaining how engagement has informed the project.

Please write your answer here:

The submitter has attempted to negotiate a variation to the QEII covenant with the QEII Trust since 2013 so that quarry expansion is enabled. There has been no consensus to date from the QEII Trust, despite the original landowner ie the party who gave the covenant to QEII Trust, their approval for the expansion.

This has been frustrating for the submitter in that they consider the process for establishing the covenant was flawed in that:

- (a) the intentions of the previous landowner in gifting the covenanted area to the QEII Trust were not accurately recorded, defined or reconciled with the interests of the QEII Trust. That landowner asserted under oath that he intended to allow quarry access to the rock reserve and that he wished to remain in control over this decision post covenant due to the financial windfall that he would receive as a result of the quarry expansion;
- (b) The previous landowner did not fully understand the implications of the QEII covenant and that it would apply in perpetuity unless the QEII Trust was amenable to varying the covenant.
- (c) Neither the previous landowner or the QEII Trust representative received legal advice or representation before the covenant was finalised;
- (d) Because the QEII Trust's covenant is 'standard', it does not recognise the site-specific circumstances and the landowner intentions. The covenant itself is considered to be a poorly constructed contract in that it contains conflicting intentions and clauses;
- (e) Because the QEII Trust did not notify other parties having legal interests in the land (including two mortgage holders), the legality of the covenant is questionable because the QEII Trust did not follow due process; and
- (f) The mapping of the covenant boundaries is not accurate and includes encroachments into the quarry area. Despite these errors being brought to the attention of the QEII Trust, the covenant was registered on the title regardless.

Based on past actions of the QEII Trust, the submitter is concerned that the QEII Trust will continue to rebuff efforts for engagement to discuss how the covenant could be varied to ensure favourable outcomes for all parties. The submitter wishes explore these opportunities subject to the project being included on the category 2A list.

As the project has not been able to proceed beyond the QEII covenant, direct consultation with those parties listed above would still need to take place.

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Describe any processes already undertaken under the Public Works Act 1981 in relation to the land or any part of the land on which the project will occur:

Please write your answer here:

Not relevant

Section 4: Iwi authorities and Treaty settlements

What treaty settlements apply to the geographical location of the project?

Please write your answer here:

Not relevant

Are there any Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019 principles or provisions that are relevant to the project?

No

If yes, what are they?:

Are there any identified parcels of Māori land within the project area, marae, and identified wāhi tapu?

No

If yes, what are they?:

Is the project proposed on any land returned under a Treaty settlement or any identified Māori land described in the ineligibility criteria?

No

Has the applicant has secured the relevant landowners' consent?

Yes

Is the project proposed in any customary marine title area, protected customary rights area, or aquaculture settlement area declared under s 12 of the Māori Commercial Aquaculture Claims Settlement Act 2004 or identified within an individual iwi settlement?

No

If yes, what are they?:

Has there been an assessment of any effects of the activity on the exercise of a protected customary right?

No

If yes, please explain:

Upload your assessment if necessary:

No file uploaded

Section 5: Adverse effects

What are the anticipated and known adverse effects of the project on the environment?

Please describe:

See attached Assessment of Effects

Upload file:

FINAL Combined Assesment of Effects 02.05.24 .pdf was uploaded

Section 6: National policy statements and national environmental standards

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?

Please write your answer here:

See Attached Planning Assessment

File upload:

FINAL MATAMATA Fast Track NPS and NES 2.5.24.pdf was uploaded

Section 7: Eligibility

Will access to the fast-track process enable the project to be processed in a more timely and cost-efficient way than under normal processes?

Yes

Please explain your answer here:

Subject to the Fast Track legislation adding the Queen Elizabeth II National Trust Act 1977 to the list of available regimes, this will enable all required consents to be considered at once in a streamlined manner as per the intent of the Fast Track process. This will enable access to an area that is considered by the QEII Trust to be perpetually off limits, result in continued operation of the quarry, enabling savings in terms of time and cost. It will provide greater certainty compared to the alternative of having to address multiple consent requirements and multiple authorities individually, which would come after any resolution to covenant matters are resolved.

If the fast track process was not available, access into the QEII covenant area appears unlikely to ever eventuate. Then, resource consent would need to be applied for through local authorities and there is potential it would require notification which would bring with it both delays, costs and appeal risk. The processing time under the Resource Management Act 1991 is expected to a minimum of 4 years from preparation and submission of the application through to resolving any Environment Court appeals.

By contrast, the consenting timeframe under the fast-track process is likely to be less than 6 months.

A Fast Track consent would enable the quarry operation to firstly be fundamentally enabled and then be scaled up in a high demand area.

If not granted under Fast Track, the applicant considers that access to land affected by the covenant would continue to be restricted on grounds that are not justified, given the background to the covenant process explained above. It would not provide for an effective or efficient use of the available aggregate resource. Benefits to the community of supply high quality construction materials would be lost.

What is the impact referring this project will have on the efficient operation of the fast-track process?

Please write your answer here:

The project involves a discrete package of inter-related consents which can be considered in a timely and cost-saving manner, meaning that more resource can be devoted to other Fast Track projects that involve a wider range of consents.

Has the project been identified as a priority project in a:

Other

Please explain your answer here:

Not directly. Indirectly New Zealand's current infrastructure deficit is well known and researched. The Bay of Plenty is known and still forecast over the next 20-30 years as a high growth area.

Aggregates to enable construction in a cost effective manner will be required to supply construction materials to build the planned improvements. Quarries such as Metal Supplies, need to be bought on line to supply materials to build with. No other alternative materials to build roads or concrete exist in the quantities needed.

Will the project deliver regionally or nationally significant infrastructure?

Regional significant infrastructure

Please explain your answer here:

Indirectly yes. Aggregate serves as a construction material for all of the three purposes listed above. Currently no alternative construction material exists in sufficient quantities to enable construction of concrete and roading for housing.

If greater quantities of aggregate are available, then costs of construction materials come down and then it is more affordable for more houses and roads are cheaper to build, and become more plentiful.

This model is anticipated to apply to the Metal Supplies Quarry for the Tauranga and Western Bay of Plenty area.

Will the project:

increase the supply of housing, address housing needs, contribute to a well-functioning urban environment

Please explain your answer here:

Aggregate serves as a construction material for all of the three purposes listed above. Currently no alternative construction material exists in sufficient quantities to enable construction of concrete and roading for housing.

If greater quantities of aggregate are available, then costs of construction materials come down and then it is more affordable for more houses and roads are cheaper to build, and become more plentiful.

This model is anticipated to apply to the Metal Supplies Quarry for the Tauranga and Western Bay of Plenty area.

Will the project deliver significant economic benefits?

Yes

Please explain your answer here:

Please refer attached supporting Market Economics Assessment in the Assessment of Significant Effects.

Statistics provided by the New Zealand Institute of Economic Research demonstrated that New Zealand's quarrying and aggregate production industry produced a total of 45.4 million tonnes of aggregate, worth an estimated \$550 million. Demand for aggregate continues to increase as a result of roading and residential/commercial/industrial construction.

Matamata Quarry's location means that it is able to conveniently serve both the Waikato region and Bay of Plenty regions, supporting the aggregate requirements of infrastructure project. The quarry has supplied aggregate to significant projects such as providing all of the AP40 for the Port of Tauranga's Sulphur Point Wharf construction and subsequent extensions. Over the last two decades, the quarry has provided railway ballast for the construction and maintenance of KiwiRail's network through the central North Island western Bay of Plenty.

The data obtained by Market Economics confirms that the Bay of Plenty region has a negative output gap of aggregate and is therefore dependent on the import of high quality aggregate within the Waikato region. This is assisted by the ease of access between the two regions. The Matamata Quarry is just north of State Highway 29 and only 38km to the urban edge of Tauranga City.

Due to its location, Matamata Quarry has the ability to support a range of infrastructure projects within the 'Golden Triangle' which is an important area for future economic and population growth. Based on medium growth projections through to Year 2048, Hamilton's population is expected to grow by 23% and Tauranga's population is expected to grow by 18%. The demand for aggregate will similarly increase, particularly with higher density forms of housing. This quarry can also service extensions to State Highway 1 through the Waikato region and upgrades to State Highway 29 which is the main road connection between Tauranga and the Waikato region.

As a result of the quarry expansion being constrained by the QEII covenant, the submitter estimates that the quarry will scale down and cease operation within a 10-15 year timeframe. The historical production of the quarry has been 150,000 tonnes to over 200,000 tonnes per annum, but this has been forced to scale back to 90,000 tonnes per annum. Consent to access the land presently affected by the QEII covenant will dramatically extend the lifespan of the quarry as this area has an expected yield of 12.8 million tonnes which would equate to 51.2 years of production at a target rate of 250,000 tonnes per annum.

If Matamata Quarry is forced to cease production, using the next available sources of aggregate at Taotaoroa Quarry (Karapiro) and Whitehall Quarry would require greater carting distances and therefore greater cost.

Will the project support primary industries, including aquaculture?

Yes

Please explain your answer here:

Quarrying is a primary industry. Alongside benefits to the wider community of materials supply, the quarry's ongoing operation will continue to provide direct benefits to the people that work directly and indirectly for the quarry in the local area.

Will the project support development of natural resources, including minerals and petroleum?

Yes

Please explain your answer here:

In the nearby Bay of Plenty region, aggregate demand is greater than local supply, with a large share of demand satisfied by importing aggregate, primarily from the Waikato region. Ensuring the long term future of the Matamata Quarry resource/mineral is consistent with developing resources in a responsible and efficient way.

Will the project support climate change mitigation, including the reduction or removal of greenhouse gas emissions?

Yes

Please explain your answer here:

Minimising the distance that aggregate, and concrete, travels to end users ensures that the associated emissions are kept to a minimum. The analysis from Market Economics illustrates the large effects that transporting aggregate has on emissions. The project will have an immediate and direct impact of reducing emissions. It will deliver a step-down in emissions and given the long project lifestyle, will ensure that locally generated emissions are minimised.

Will the project support adaptation, resilience, and recovery from natural hazards?

Yes

Please explain your answer here:

Apart from ensuring that there is enough aggregate to support growth in the Bay of Plenty, enabling the project will enhance the market's resilience because key supply sources will be within the region, and not subject to infrastructure connections into the Bay of Plenty region. In a post-disaster situation, reinstating infrastructure as fast as possible is crucial. It is plausible that the natural event that caused widespread damage could also damage transport infrastructure. Developing and maintaining multiple sources for aggregate is prudent. Prior to adverse events, supplies of materials are need to build resilient infrastructure and allow for changes as a result of mitigation strategies that are deployed over time.

Will the project address significant environmental issues?

Yes

Please explain your answer here:

Please refer attached Assessment of Significant Effects.

Is the project consistent with local or regional planning documents, including spatial strategies?

No

Please explain your answer here:

In respect to the Matamata Piako District Plan, the Matamata Quarry is in the rural zone and is identified as a scheduled site with a Development Concept Plan that identifies a 'Quarry Area within Farming Area'. The existing quarry pit is within the Quarry Area. Quarrying outside this identified area requires consent to a discretionary activity a management plan that must address a wide range of matters including earthworks and stockpiling, stormwater and wastewater disposal, dust, traffic, access, blasting, noise and rehabilitation. The district plan recognises that aggregates are a significant resource in Matamata-Piako District and a legitimate rural activity. In respect to the Waikato Regional Policy Statement and Waikato Regional Plan, the existing quarry and proposed expansion are supported by these regional planning documents. The quarry and its aggregate resource is considered locally and regionally significant because of the quality of the rock resource and its location. A sustained supply of aggregate is essential for the development of the regions. It promotes sustainable management. It enables the ongoing and efficient operation of the quarry which are important to the construction of roading, infrastructure and buildings, along with their maintenance and renewal. Overall, the project is consistent with the outcomes anticipated by these local and regional planning documents. Consent conditions can be imposed to manage adverse effects.

Anything else?

Please write your answer here:

We are willing and able to answer any questions that have arisen

Does the project includes an activity which would make it ineligible?

No

If yes, please explain:

Section 8: Climate change and natural hazards

Will the project be affected by climate change and natural hazards?

No

If yes, please explain:

Section 9: Track record

Please add a summary of all compliance and/or enforcement actions taken against the applicant by any entity with enforcement powers under the Acts referred to in the Bill, and the outcome of those actions.

Please write your answer here:

The submitter has an excellent track record in terms of compliance with consent conditions and quarry regulations and works have continued to be undertaken in accordance with good industry practice. The operation involves appropriately qualified staff with significant on-site experience and effective management.

Load your file here:

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Declaration

Do you acknowledge your submission will be published on environment.govt.nz if required

Yes

By typing your name in the field below you are electronically signing this application form and certifying the information given in this application is true and correct.

Please write your name here:

Dudley Clemens

Important notes