

13 April 2023

By Email: fasttrackconsenting@mfe.govt.nz

Attention: Rebecca Perrett

Ministry for the Environment
Fast-Track Consenting Team
PO Box 10362
Wellington 6143

Maraekakaho Quarry Project - response to request for further information

1. Introduction

- 1.1 On 28 March 2023, the Ministry for the Environment (**MfE**) requested further information on the application for referral under the Covid-19 Recovery (Fast-track Consenting) Act 2020 (**Act**) for the Maraekakaho Quarry Project (**Project**) by R W & M C Gale Trustees Limited on behalf of the R W & M C Gale Family Trust (**Trust**).
- 1.2 MfE requested the following information:
 - (a) Will any resource consents be required under the Resource Management (National Environmental Standards for Freshwater) Regulations 2020, particularly in relation to discharges to a natural wetland within 100 metres of the Project site?
 - (b) How many indirect full-time equivalent jobs do you expect to be generated by the Project?
 - (c) Provide information on the extent of potential flood risk on other properties arising from the Project.
 - (d) Provide comment on how the Project aligns with the Heretaunga Tamatea Claims Settlement Act 2018 as it relates to statutory acknowledgements over the Ngaruroro River.
 - (e) Comment on your progress towards obtaining cultural impact assessments, given the Project relates to a statutory acknowledgement over the Ngaruroro River.
 - (f) Provide confirmation that a lease is in place with Pastoral Services Limited to allow the Project to occur on the Project site, or a letter from Pastoral Services Limited confirming they do not expect that obtaining approval should prevent the applicant from delivering the Project.
- 1.3 In summary our responses to the RFIs are as follows:
 - (a) No resource consents are required under the Resource Management (National Environmental Standards for Freshwater) Regulations 2020;
 - (b) The Project will generate up to 20 full-time equivalent jobs and is capable of indirectly supporting thousands of local employees;
 - (c) The Project will be designed to minimise the extent of the potential flood risk on other properties;
 - (d) The Project aligns with the Heretaunga Tamatea Claims Settlement Act 2018 as it relates to statutory acknowledgements over the Ngaruroro River;

- (e) The Trust will undertake consultation and request cultural impact assessments once a decision on referral has been made; and
 - (f) The director of Pastoral Services Limited has provided a letter advising that he does not foresee any issues with access being provided to the Project site for the Project.
- 1.4 We expand below.
- 2. No resource consents are required under the Resource Management (National Environmental Standards for Freshwater) Regulations 2020**
- 2.1 The referral application addressed the requirements of the Resource Management (National Environmental Standards for Freshwater) Regulations (**NESF**) in relation to the Project.
- (a) The Ecological Assessment also provided an assessment of the relevant provisions of the NESF and identified that the proposed activity would not include any activities that would trigger a requirement for resource consent under the NESF.¹
 - (b) The Planning Report also records that the proposed activities will not trigger any of the requirements for resource consent under the NESF because there is no farming component, no stream or river works are required applying to fish passage, and there are no natural wetlands on the site or within the buffer areas (being the setback areas proposed by LDE from site boundaries and site features in their Geotechnical report (Attachment H to the referral application)).²
- 2.2 In relation to the requirements for resource consent to discharge of water within, or within a 100m setback from, a natural wetland (Regulation 52 of the NESF), the Ecological Assessment confirms that the proposed activities are not expected to result in a discharge of water within, or within a 100m setback from, a natural wetland.³ Therefore, resource consent is not required under the relevant provisions of the NESF.
- 3. The Project will generate up to 20 full-time equivalent jobs and is capable of indirectly supporting thousands of local employees**
- 3.1 The direct employment generated through the development or operation of the proposed quarry will not be substantial. However, the catalytic employment supported by the role of the aggregate produced in the economy will be.
- 3.2 As identified in the Preliminary Economic Assessment prepared by Property Economics submitted as Attachment M with the referral application, the potential operational direct employment is estimated to be half a dozen employees. The operation itself is likely to support some suppliers to the level of approximately four employees, while induced (the activity resulting primarily from increased employee income) are likely to be around two employees. Given the nature and extent of these impacts there is likely to be a degree of variance, however the overall quantum is likely to be under 20 total employees.
- 3.3 While this 'generated' employment is relatively light, the volume of supported employment as a result of the provision of aggregate through the operation of the quarry will be significant. The construction industry within the Hawke's Bay economy is a crucial contributor to the overall community wellbeing and enablement. The Project has the potential and is capable of indirectly supporting employment of, at a conservative level, thousands of local employees.

¹ Maraekakaho Quarry application for referral, attachment L – Ecological assessment at Appendix 1.

² Maraekakaho Quarry application for referral, attachment C – Planning report at 4.3.

³ Maraekakaho Quarry application for referral, attachment L – Ecological assessment at Appendix 1 (see assessment of clauses 45A, 45D, and 52-53).

4. The Project will be designed to minimise the extent of the potential flood risk on other properties

- 4.1 Riley Consultants (**Riley**) has undertaken a flood risk assessment in relation to the Project site. Riley's report was submitted as Attachment K with the referral application and is titled Preliminary Flood Assessment (**Report**).
- 4.2 In the Report, Riley confirmed that the Project site is located within the 100-year flood plain. On 13 and 14 February 2023, ex-tropical Cyclone Gabrielle caused an extreme flood within the Ngaruroro River. Riley has not yet undertaken a detailed review of the event. However, the downstream flow gauge at Fernhill indicates that the flood flow during the event exceeded the 100-year return period flood flow. Riley has advised that a high-level review of aerial photography of the site following the Cyclone Gabrielle suggests that the Project site and sites adjoining the Project site were not significantly inundated. The performance of the site during the cyclone will be assessed further as part of the resource consent application.
- 4.3 In its Report, Riley acknowledged that flood defences such as stopbanks and bunding could be considered to protect the site from inundation, but that such defences could increase flood levels in neighbouring properties. Riley noted that excavated overburden, stockpiled material and permanent visual bunding has the potential to increase flood levels within adjacent properties during extreme (low probability) flood events. Riley recommended that any permanent visual bunding runs parallel (and not perpendicular) to the main river channel to minimise the effects on the hydraulic capacity of the floodplain.
- 4.4 An indicative design for the Project was submitted with the referral application, but a final design of the Project is yet to be determined. The final design will minimise the extent of potential flood risk on other properties, informed by Riley's assessments and the performance of the site during recent weather events.

5. The Project aligns with the Heretaunga Tamatea Claims Settlement Act 2018 as it relates to statutory acknowledgements over the Ngaruroro River

- 5.1 The referral application⁴ identified the Heretaunga Tamatea Claims Settlement Act 2018 as potentially relevant to the Project because the Act identifies the Ngaruroro River (**River**) and its tributaries (as shown on Deed Map OTS 110 19) as an area subject to both a statutory acknowledgement and deed of recognition.
- 5.2 The purpose of the Heretaunga Tamatea Claims Settlement Act 2018 is to record the acknowledgements and apology given by the Crown to Heretaunga Tamatea and to give effect to certain provisions of the deed of settlement.⁵ Section 9(18) records the Crown's acknowledgement that the Ngaruroro River (and other named watercourses):
- (a) is a mahinga kai central to the well-being of the hapū of Heretaunga Tamatea;
 - (b) that loss of traditional lands has limited ability to access this waterway to gather traditional foods and provide manaakitanga intrinsic to Heretaunga Tamatea; and
 - (c) that modification and degradation of these environments have damaged traditional food resources and mahinga kai.
- 5.3 While the Project site is within the area identified in OTS 110 19:
- (a) The Project site is set back from the River (at its closest point the Project site is approximately 130 metres from the River);

⁴ Maraekakaho Quarry application for referral, Part V.

⁵ Heretaunga Tamatea Claims Settlement Act 2018, section 3.

- (b) The Project does not include any activities that directly interact with the River under normal conditions; and
- (c) The Project site is not located near any of the River's tributaries.
- 5.4 There is groundwater in the area of the Project site that is hydrologically connected to the River. However, as confirmed in the Hydrological report prepared by Aqualinc, the River is unlikely to be affected by the quarrying activity.⁶ Although Aqualinc identified that a potential risk was that turbidity from the excavation pit may extend to the River through groundwater, their opinion was that given the distance of the River from the Project site and the research showing the expected extent of clay particles, it was unlikely that the River would be affected by turbidity.⁷ This matter will be considered further following further investigative drilling work that is being undertaken on the Project Site to understand the geotechnical and hydro-geotechnical conditions of the Project Site.
- 5.5 There is a risk that the River could flood and flood waters could enter the Project Site. The referral application addressed the potential flood risk associated with the River, the interaction of flood waters with the Project site and how this will be managed effectively to minimise any potential environmental effects. This matter is also addressed above in response to item 4.
- 5.6 For the above reasons, and because the Project will not affect or limit any access to the River, the applicant is confident that the Project aligns with the purpose of the statutory acknowledgement over the River and its tributaries as provided for in the Heretaunga Tamatea Claims Settlement Act 2018.
- 5.7 For completeness, we note that the Project does not include activities being undertaken on land that has been returned under the Treaty settlement, and so is not precluded from referral under section 18(3)(b)(i) of the Act.
- 6. The Trust will undertake consultation and request cultural impact assessments once a decision on referral has been made**
- 6.1 The applicant intends to undertake consultation and request a cultural impact assessment once a decision has been made on referral, and further work has been undertaken to refine the parameters of the proposed excavation. This approach is intended to ensure that consultation is undertaken, and a cultural impact assessment is prepared, with detailed information.
- 6.2 This will include Heretaunga Tamatea on account of the Project site being located within the broad catchment of the statutory acknowledgement over the Ngaruroro River and its tributaries.
- 7. The landowner, Pastoral Services Limited, has provided a letter confirming that it does not anticipate any issues with access being provided to the Project site for the Project**
- 7.1 Michael Glazebrook, the director of Pastoral Services Limited (the owner of the Project site), has provided a letter confirming that he does not anticipate any issues with access being provided to the Project site for the Project. A copy of this letter is **enclosed**.

Yours faithfully
MinterEllisonRuddWatts



Stephanie de Groot
Partner



Olivia Manning
Senior Solicitor

§ 9(2)(a)
§ 9(2)(a)
Reference: 201029175
Enclosure

§ 9(2)(a)
§ 9(2)(a)

⁶ Maraekakaho Quarry application for referral, attachment J – Hydrogeological memorandum at page 3.

⁷ Maraekakaho Quarry application for referral, attachment J – Hydrogeological memorandum at 6.2.

Pastoral Services Ltd

103 Valley Road,
RD4
Hastings 4174

12 April 2023

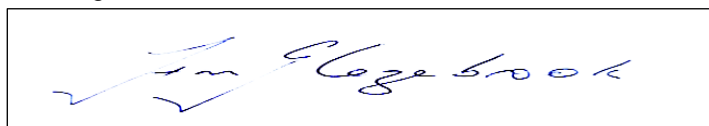
Ministry for the Environment
Fast-Track Consenting Team
PO Box 10362
Wellington 6143

Maraekakaho Quarry Project – agreement for quarrying activity on the land

1. My name is Michael Glazebrook. I am the sole director of Pastoral Services Limited (**PSL**).
2. This letter responds to a request received by R W & M C Gale Family Trust, as the applicant entity for the Maraekakaho Quarry Project, from the Ministry for the Environment, requesting:

“Provide confirmation that a lease is in place with Pastoral Services Limited to allow the project to occur on the project site, or a letter from Pastoral Services Limited confirming they do not expect that obtaining approval should prevent the applicant from delivering the project.”
3. PSL owns the following land in Maraekakaho, Hawke’s Bay, on which the proposed Project will be located:
 - (a) Part Lot 1 DP 357840;
 - (b) Lot 3 DP 473957; and
 - (c) Lot 1 DP 548932 (**Land**).
4. I have been in discussions with Robbie Gale regarding the lease and use of the above Land for the Project. Robbie is the director of Russell Aggregates Limited, who operates the processing facility on adjacent land for the processing of aggregate resource.
5. Initially, it was intended that the lessee would be Russell Aggregates Limited. However, I understand that there have since been some changes to Mr Gale’s operating structure and that the applicant for the project and lessee will now be R W & M C Gale Family Trustee Limited, as the trustee for the R W & M C Gale Family Trust.
6. I am supportive of the Land being used for the Project and have reached an ‘in principle’ agreement with Mr Gale in relation to the lease of the Land. The lease documentation is being progressed but has not been finalised. However, I do not foresee any material issues in reaching an agreement or in the Project progressing on the Land (if resource consents are obtained). The parties intend to have the agreement in place before the resource consents for the Project are obtained.
7. I trust that this confirmation is sufficient to answer your question.
8. Please contact me if you have any queries.

Kind regards



Michael Glazebrook
Director
Pastoral Services Limited

s 9(2)(a)

s 9(2)(a)