

**Report on and Minutes of the Prehearing Meeting for:  
PNCC RC LU 6962 – Horizons APP-2022203887.00  
Joint limited notification application by Hirock Ltd to expand quarry operations at 167-257  
Kendalls Line, Linton, Palmerston North**

Held at Committee Room 1, first floor, Civic Administration Building, Palmerston North City Council.

In attendance:

<b>Party</b>	<b>In person</b>	<b>Remotely</b>
Applicant Hirock Ltd	Shane Higgins and Josua Grobler (Hirock Ltd),  Emma Hilderink-Johnson (Planner, Good Earth Matters -Agent-),  Stuart Keer-Keer (Air Quality Expert, K2 Environmental)	Jon Farren (Noise Expert, Marshall Day Acoustics),  Joe Phillips (Traffic Expert, BECA),  Nyree Fea (Ecologist, Wildlands)
Palmerston North City Council and Horizons Regional Council	Natasha Adsett (Consultant Planner, Evergreen Consulting),  Andrew Curtis (Air Quality Expert, PDP)	Harriet Fraser (Traffic Expert, Harriet Fraser Traffic Engineering & Transportation Planning),  Nigel Lloyd (Noise Expert, Acousafe)
Submitters	Brent Vautier,  Richard Day,  Christofell & Ilze Bekker (Ilze entered the meeting at 11.44am)	
Facilitator	Andrea Harris (WSP)	
Public	PNCC Councillor Billy Meehan	
Note Taker	Susana Figlioli (PNCC)	

Apologies: Submitters Kathleen and Derek Underwood, who advised they were not able to attend by email dated 24 April 2023.

### **Nature and Content of Report**

In accordance with section 99(5) of the Resource Management Act I am required to prepare a report before the hearing that sets out the issues that were agreed at the meeting, as well as any issues that were outstanding. I may also set out that nature of evidence that the parties are to call at the hearing, the order in which parties are to call their evidence at the hearing and set out a proposed timetable for the hearing. Finally the report must not include anything that was communicated, or made available at the meeting on a without prejudice basis.

## **10.30 Meeting opened**

### **Welcome and introductions**

The meeting opened with an explanation of the purpose and 'rules' of the meeting. This prehearing meeting was held on a 'without prejudice' basis. All parties introduced themselves and the reason for attending.

### **Applicant**

Emma Hilderink-Johnson (applicant's planner) spoke to the updates in the application since notification. Information had been circulated to all parties in response to Minute #1 of the Commissioner.

Shane Higgins gave a presentation about the project and covered the following points:

- Hirock is a fully owned subsidiary of Higgins Group Holdings Limited.
- Hirock operated the quarry between 2014-2016. They recognised then consent needed updating to reflect current operation. In 2016 Winstones took over the quarry with Hirock purchasing it back again in 2021. The consent had not been amended during that time.
- The quarry is unique in the region. It is a hard rock quarry providing armour rock used for river and flood protection works. Extraction uses heavy equipment. Main customers are Horizons Regional Council, Greater Wellington Regional Council, Hawkes Bay Regional Council, and Taranaki region.
- Smaller material is ideal for rail track ballast, supplying KiwiRail.
- The remaining material is commercialised as by-product GAP (general all-purpose product).
- 10 employees.

Josua Grobler completed the presentation about the quarry operations.

Emma Hilderink-Johnson presented an overview of the consent application using the site plan as a guide of what is covered by the consent:

- Quarry expansion (footprint of the hole), leading to an increase in production.
- Overburden disposal – Northwestern border of the site.
- Additional planting of indigenous species around the unnamed tributary of Kahuterawa Stream. Currently pasture area. Ongoing pest and weed control is proposed.
- Removal of nikau palms. The current area is unsuitable due to slip. Seed sourcing from these nikau palms is being undertaken and the new plants are to be planted in the area around the unnamed tributary of the Kahuterawa Stream.
- Upgrading and addition to on-site treatment of storm water and discharge.
- Hours of operation: 7am-5pm Mon-Fri and 7am-3pm on Saturdays (decreased hours from current consent).
- Substantial increase of truck movements from 27 trucks (54 movements) to 200 truck movements per day, with a maximum of 250 movements per day. Considers the application for the current consent (2005) underestimated the truck movements generated by the quarry's operations. Over time the truck movements have increased. Shane Higgins added that truck movements had been checked in 2014 and the current consent was not representative of the movements needed at that time.

## **Submitters**

### **Brent Vautier**

Brent Vautier has been a resident of Kendalls Line since 1989. He gave an overview of different stages of the quarry from a neighbour's perspective:

- In July 1996, consent application to start the quarry. 15.3 heavy vehicles and 7.5 light vehicles. Had different times in winter.
- In 2003/4, as flood response, truck movements increased considerably, running day and night. They considered it was appropriate due to the flood situation and understood it would be temporary. But since then the traffic numbers have continued at a higher level.
- In 2005 neighbours advocated and obtained commitment from the quarry regarding reintroducing working hours, maximum speed limit, signs children on the road, blasting times limited, truck washing. Everything was managed well then.
- In May 2007, neighbours agreed on 54 truck movements per day, which is reflected in current consent. Since then, the number of truck movements has increased.
- During the summer 2020-2021 the situation was unsustainable. They could not have windows open due to the dust or hold online meetings working from home because of the traffic noise.
- A meeting was held between Hirock and neighbours over that period and Hirock said they were aiming for a maximum of 170 truck movements per day, and now they propose 250.
- Does not oppose to the quarry expansion, but opposes to the number of truck movements because they generate dust, noise and vibration which affect his property.
- Noted that there is a new road and dust is just starting to build up. Doesn't consider now is a good time to measure dust.
- He is seeking independent advice regarding vibration effects on his property as some of his internal doors don't close.
- Had previously been told that the volumes from the quarry would be done by 2017. He questioned whether the consent had expired or been extended.

### **Chris Bekker**

Points raised:

- Noise and vibration are a problem. Dining table vibrates. The traffic noise is horrendous. Working from home is very difficult in a noisy environment.
- Experts should ask residents about their experience.
- The wet season is not a good moment to monitor dust levels.
- During the wet season, when the ground is wet, the vibration is more evident.
- The quarry approached the neighbours and there had been good engagement, but it was paused. Residents remain open to talk and suggested proactive engagement. Considers there has to be a healthy balance.
- Water quality of the creek is a concern. Stream runs clean when quarry not operating.
- Noise, dust and vibration need to be addressed. It is an industrial activity.
- Although his property rateable value has increased considerably, the property value is decreasing due to trucks passing by all the time.
- Had counted 140 potholes on the road before it was resealed. He requested consideration of long-term traffic impact in the road
- Suggested further conversations among Hirock and the residents of Kendalls Line to get to a viable solution.

## **Richard Day**

Richard stated that he supported Chris and Brent's statements, highlighting road noise and house vibrations. Additional points were:

- Hirock's truck drivers were good but other trucks were noisier.
- 250 truck movements per day was not acceptable.

Brent stated that he was also speaking on behalf of his neighbours Jimmy McGoven and Derek and Kathleen Underwood, as per their request. They are also opposed to the number of trucks for the same reasons he has explained.

Brent also mentioned that Jimmy McGoven had not received any notice so he could not be part of the process and make a submission. Natasha checked the Notification Report and explained that some residents of Kendalls Line had not been notified as they were not considered affected by the proposal because of the distance from the centre line of Kendalls Line. No 4 and 23 were excluded for that reason. She also noted that 4 Kendalls Line is closer to SH57. Concern was expressed by Chris and Brent that Jimmy McGoven's driveway was on Kendalls Line, he used the road every day, and was affected by traffic on Kendalls Line: noise of accelerating trucks and safety related to turning trucks. Jimmy McGoven had been considered an affected person both in the original application in 1996 and the application for extension in 2007. He had been involved on those two occasions.

## **Topic areas**

The discussion moved to key topic areas to determine if any agreement on specifics could be reached. The topics were:

1. Nikau Palms
2. Streams
3. Dust
4. Traffic
5. Noise
6. Vibration

### **1. Nikau Palms**

Brent clarified that he mentioned them in the submission because they had been very important for the consent process in 1996, and important to iwi.

Emma noted that the engagement with Rangitane had taken place and that they had provided their written approval of the whole application including the removal of the palms. They had asked for seeds to be harvested from the nikaus to be planted in the future along the unnamed tributary of Kahuterawa Stream. Emma explained that maintaining the nikau palms in that area is no longer viable.

Brent asked if any koha had been paid for signing the agreement. Shane replied no.

Nyree Fea (applicant's ecologist) stated that the nikau palms had been given moderate ecological value in her report. Due to the current status of the palms, removal and planting in another site was not considered the best option. Instead, investing in afforestation in another site, which is safe, was preferred.

### **Matters Agreed Upon**

When asked, Brent stated that his concerns on the Nikau Palms had been addressed and was no longer a major issue.

## **2. Stream**

Brent mentioned the discharge to the creek that goes to their property. He had requested reports on the monitoring, but Horizons had not provided any response. He explained that the creek was often a mustard colour, but it had been crystal clear when the quarry was not operating, including during the more recent covid-19 period. Brent wanted an undertaking that something would be done

Emma clarified that there had never been monitoring requirements under the current consent for this stream. The application and draft conditions includes a requirement to prepare a water quality monitoring plan and that additional treatment is proposed on site. Monitoring the stream is part of the draft consent conditions at 38 - 46.

Josua clarified that the increase in quarry activity would not increase the volume of water discharged to the creek, which would possibly be slightly reduced.

Chris suggested increasing the frequency of monitoring in winter. Emma noted that there was a requirement to monitor after any rainfall event in the conditions.

### **Matters Agreed Upon**

Following this discussion parties agreed that the proposed conditions address their concerns.

Nyree Fea left the meeting as all ecological matters had been discussed.

## **3. Dust**

Stuart outlined the ongoing monitoring with 2 monitoring stations with new monitoring equipment being installed at one of the existing stations on the day of the prehearing. He explained how the machines worked and what they measured (including size of dust and concentration). Monitoring is being carried on the road, at 39 and 11 Kendalls Line.

Brent reiterated that since it was a new road, dust had not been generated yet. He added that this was not the moment to test dust levels and that the numbers would be used for the benefit of the application. The data will not be demonstrative of the real situation. Chris also highlighted that it was currently the middle of the wet season so there was less dust.

Josua clarified that Hirock wanted to have a baseline. The dust monitoring being collected now would inform the future management plan.

Andrew (Council's air quality specialist) agreed that it was not the best time to monitor dust given the weather and new road. He noted that he will be recommending a condition for further monitoring to be repeated. This is a starting point.

Emma noted that the draft conditions on dust were standard ones (conditions 66 and 69), proposed prior to notification. The applicant's plan is to do baseline monitoring, review results and draft a monitoring plan. Management of dust conditions are also to be proposed.

Andrew Curtis added that in a rural area there would always be some level of dust, but the dust related to the quarry activity should not cause nuisance. The submitters noted that other neighbours advise them of when they are ploughing land etc and noting weather forecasts.

Chris mentioned, in relation to the proposed increase in bunding, that the consequences were unknown in terms of wind and impacts downstream. He restated that there must be a way to find a healthy balance. They had maintained conversations with Hirock, obtained quotes for HRV system, but engagement was paused. He would like contribution towards an HRV system and double glazing for the noise.

Ilze Bekker entered the meeting at 11.44am.

Submitters discussed the potholes along the road that made additional noise from the trailers and that over time dust could be seen in piles along the side of the road. Shane talked about an MOU that had been signed between Hirock and Palmerston North City Council regarding the maintenance of Kendalls Line. Higgins will cover some costs on an annual basis. The applicant has proposed conditions to reflect the agreement with the Council.

Josua stated that the application proposed a speed limit of 50km/hr. He clarified that all truck drivers received induction, this included contractor drivers. However it was noted it can be tricky to control contractors' drivers. Brent acknowledged that the Hirock truck drivers were good, but other truck drivers were not (contractors). On a clarification point my myself on the percentage of Hirock trucks compared with customer trucks, Josua confirmed that the quarry only have 4 trucks.

Shane commented that it would be good if the maximum speed limit were decided by the Council and had formal maximum speed signs for higher degree of compliance, rather than having a recommended speed limit.

Shane also noted that there has been a peak since 2019 at the quarry from supplying material to the windfarm, but this had decreased recently.

Submitters asked how long the quarry would stay open for. Shane said it would depend on what rock was found with the expansion.

Brent raised concerns that the dust is being tracked by trucks, its coming from the water. Noting summer is tough as there is so much dust. Andrew noted it could be seen how the dust was coming from the quarry carried by the trucks. Shane explained that wheel washing of trucks at the quarry could cause more dust from other material coming from the chassis not related to the quarry. Shane also noted that Hirock had sealed the road from the quarry up to the beginning of the Council's sealed road two year ago.

### **Matters Agreed Upon**

There are no matters of agreement. A summary of the discussion held in relation to dust was:

- Applicant is currently monitoring dust. This monitoring is not representative, noting the new road and the dusty conditions in summer. They are waiting for the monitoring results to inform the level of dust management required.
- Applicant is working on proposing conditions but do not have anything specific to present to the parties today.
- There is now an MOU with Council in place which is an improvement on past years. Noting that the conditions by the applicant make reference to the MoU.

The issue of dust is not resolved and there are no mitigation measures proposed. I noted that this issue would remain open until the applicant comes back with proposal of conditions, after monitoring.

#### **4. Traffic**

All submitters raised about the number of truck movements. I raised the point made by submitters earlier around would parties be happy with 170 maximum truck movements per day. Shane explained that numbers were variable day by day. Josua explained that the number of trucks depended on the demand. Hirock does not have control on the clients' orders.

Joe Phillips (applicant's traffic expert) explained that the traffic operation and safety effects had been assessed, and conversations with Council and Waka Kotahi had been held. Issue of concern were covered by conditions 2-11.

Richard asked about mitigation measures related to the left turn from SH57 into Kendalls Line. Trucks are crossing central line and this is a safety concern. Joe responded that no major issues were found on that issue.

Chris noted that there might be no crashes but there were safety issues since trucks went over the central line, swinging. Joe noted that he had checked the safety records of that area and there were not recorded issues. That had been discussed with the Council and Waka Kotahi.

On a point of clarification I asked if the assessment had been carried considering the proposed maximum truck movements of 250. Joe confirmed this was the basis of his assessment. I also asked if the applicant was proposing mitigation conditions regarding traffic. Shane stated that there were no proposed conditions regarding the turn into Kendalls Line. Road users' behaviour and road regulations are out of Hirock's control. I then asked submitters what they would like to see as the maximum truck movements per day remain as in the current consent – Richard's response was 54 truck movements as per the current consent.

#### **Matters Agreed Upon**

There was no agreement on traffic movements as a result of the discussions. The parties are a long way apart on what the traffic movements should be.

Joe Phillips and Harriet Fraser left the meeting as there was not further discussion on traffic matters. The meeting adjourned from 12.25pm to 12.33pm.

#### **5. Noise**

Emma explained that a noise assessment had been done and peer reviewed. The applicant proposes conditions to cover the submitters' concerns regarding traffic noise, which is the main concern (conditions start at number 12). It is understood that noise generated at the quarry is not a concern, although there are conditions addressing that too.

Condition 19 – On-site noise monitoring on the properties. If the level exceeds limit of 55 dB LAeq(1h), Hirock will compensate with double glazing.

Jon (applicant's noise expert) explained that there were proposed conditions that would help mitigate the adverse effects of noise and vibration, i.e. road maintenance and speed limit of 50km/h. Engine braking is undesirable. He suggested that Hirock's induction included, if not yet, expectation on truck drivers' manners (no accelerating, decelerating, engine breaks, expectations to comply with recommended speed limits).

Nigel (Council's noise expert) raised the point that conditions 18 and 19 require both the level of noise and the mitigation measures to be considered. According to the AEE, only three dwellings are at 55 dB LAeq(1h), then 2 on 54 and other 2 ones on 53. His recommendation is to consider making an offer in condition 19 to other properties with noise levels at 54 and 53. He indicated

this was to be his recommendation at the hearing. Jon Farren clarified that the limit of 55 dB LAeq(1h) was for external noise level.

Ilze asked if that limit was used for both rural and city environments. Jon explained the noise level limits were proposed by the World Health Organisation based on population, not location. In previous quarry cases that Jon it has been involved in, a limit of 55 dB LAeq in a one-hour period had been adopted.

Chris commented on the frequency and duration of the road noise. Both experts explained that there were no noise level limits applicable to public roads in the District Plan. Brent raised that it is amenity for those living there that this issue is being raised.

To move discussion along, I asked the applicant if they had considered reducing the trigger limit of 55. Shane said no. He will consider the matter with his full team of experts first.

#### **Matters Agreed Upon**

There were not matters agreed in relation to noise. The applicant agreed to further consider the issue noting that the requirement of monitoring is different to the proposed solution. I note that this issue is linked with the point of traffic movement. They are linked and need to be considered together.

## **6. Vibration**

Emma stated that reduction in speed limits and improvements to the road should reduce vibration effects. Jon added that maintenance of the road (MOU with Council) was another key aspect for that.

The issue of driver behaviour was discussed. Brent acknowledged that induction form process was good in intent. Shane they did their best, but they could not control traffic on public road or contractors' truck drivers.

I asked submitters if the MOU between Hirock and PNCC helped them alleviate their concerns about vibration. Brent said they were still feeling vibration with the new road. Chris explained problems with the new road at the entrance of their property and Richard's in terms of height of access and new road. The underpass still creates a bounce when trucks go over it.

Chris reiterated the lack of consultation with residents about their experiences (particularly that no experts had asked him for what he was experiencing), which had caused frustration; and that they were open to conversations.

#### **Matters Agreed Upon**

There is no agreement on the issue if vibration. I note this is linked to the issue of traffic movements as well.

#### **Areas of agreement or disagreement**

I provided the following summary at the end of the prehearing meeting to record where I note matters of agreement or disagreement as follows:

##### **Agreement:**

1. Nikau palms: agreement with the points discussed today and the submission point is resolved.



2. Stream: Residents agreed with conditions on water monitoring - Proposed conditions 38 to 46.

### **Disagreement:**

1. Dust: There was no agreement on dust and this remains an open issue. It was acknowledged that the current monitoring will give baseline data, recognising the limitations of the current conditions of the season and new road. There was acknowledgement by all parties that dust might be generated by farming activities and public road use too. The focus is on the quarry operation. The applicant will consider proposed conditions for dust monitoring and mitigation of effects after the results of the current monitoring are available. I noted that it is important that the information is shared with all parties, including submitters, before the hearing. This means that there could be a change of proposed conditions in relation to dust.
2. Traffic: There was no agreement on traffic. This is an issue of contention. I suggested that all parties reflect on the proposed volumes given that Hirock and the submitters are a long way apart on this matter.
3. Noise: There was no agreement on noise and this remains an open issue. This issue links to the traffic movement concerns raised. The applicant will review conditions 18 and 19 about the noise level trigger limit of 55 dB LAeq(1h) and whether they would consider reducing the monitoring to cover properties affected at 54 and 53 dB LAeq levels. The applicant will consider the monitoring and mitigation measures to be offered separately.
4. Vibration: There was no agreement on vibration and this remains an open issue. This issue links to the traffic movement concerns raised. There was recognition of some improvements because of the new road but there is still work to be done.

### **Next Steps**

The Chairperson recommended the parties continue engagement around the open issues trying to achieve agreement.

Shane suggested another pre-hearing meeting. All parties agreed. I noted that this would need to be specific on mitigation measures.

I advised parties that I would prepare and circulate a report as required by the RMA and Minute #1 of the Commissioner.

The meeting finished at 1.06pm.

### **Correspondence since the Prehearing Meeting**

Since the prehearing meeting the applicants planner (Emma) reached out about arranging another prehearing meeting to discuss dust mitigation and noise mitigation. My reflection since the prehearing and noting that the parties are a long way apart on the traffic movement issues, I do not consider another prehearing meeting will achieve agreement. It is my understanding that the applicant is not wanting to change the proposed traffic movements they have applied for. On that basis I see little value in a second prehearing meeting.

I discussed my view on whether to hold a second prehearing meeting with Simon Mori (PNCC) and Emma. Both accepted my view that if traffic movement numbers are not changed then there will be

little benefit in having a second prehearing meeting. I have advised Emma that any new information (particularly relating to noise and dust) should be shared with all parties as soon as it is available, rather than leaving it for the hearing process.



Andrea Harris

17 May 2023