

Project Ref: 76506.002

21 November 2022

Manawatu-Whanganui Regional Council  
Private Bag 11025  
Manawatu Mail Centre  
PALMERSTON NORTH 4442

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Private Bag 11034  
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Attention: Natasha Adsett

By Email: [natasha@evergreenconsulting.co.nz](mailto:natasha@evergreenconsulting.co.nz)

Dear Natasha

## JOINT CONSENT APPLICATION REFERENCE APP-2022203887.00 & RC-LU-6962 HIROCK LIMITED, LINTON QUARRY EXPANSION RESPONSE TO S92 FURTHER INFORMATION REQUEST

Following receipt of your requests for further information on 17th August 2022, and Hirock's response on 17 October 2022, Hirock wish to provide the following further response to the items outstanding (in **bold**).

An updated consent application is enclosed which incorporates responses to the outstanding s92 further information request items and also provides an assessment of the revised overburden disposal locations.

The following supporting documents accompanying the consent application have been updated, or are new:

- Site overview plan (updated)
- Draft Ecological Management Plan (updated)
- Ecological Effects Assessment (updated)
- Erosion and Sediment Control Plan (updated)
- Waka Kotahi NZ written approval (updated)
- Powelliphanta snail survey (new)
- Monitoring Plan and sample results (new)
- Kendalls Line survey (new)

### Ecological matters

1. **We are aware of the recent case Wellington Regional Council v Adams [2022] NZEnvC 25 which has changed how wetlands are assessed. Given this case can you please discuss how the wet area meets or fails the current tests for determining a natural wetland?**

Wildlands have undertaken an assessment of all wetland habitats at Linton Quarry in accordance with the most recent Environment Court case law. A copy of their assessment is provided at Appendix D of the enclosed consent application.

- 1. Section 4.1.6 bullet lists four areas of adverse effect, but only describes two of those effects in detail. While Appendix K (the ecological assessment), goes into detail on these other effects, the response of the Applicant to the ecologists' recommendations on those effects are missing from the main effects assessment report. This leads to the proposition of an Ecological Management Plan with no clear basis on what effects are being managed under the EMP, how, and why. Given that some of these could be more than minor adverse effects (the effect on lizards may be low-moderate, and the effect on pipit may be high), there needs to be discussion on how these effects will be avoided, remedied or mitigated. A condition requiring an Ecological Management Plan, is well and good, but Mr Lambie is concerned it doesn't provide the certainty needed that effects are being sufficiently managed.**

**What effects on fauna are to be managed and how?**

The revised consent application includes an effects assessment on indigenous fauna and fauna habitats and describes how the effects are to be managed more explicitly (see Sections 4.2.4 and 4.2.5).

- 2. Why is there to be a 12-month post-consent delay in the submission of the Ecological Management Plan? Please make it available, even as a draft, to provide the certainty needed that effects are being sufficiently managed.**

A draft EMP has been prepared by Wildlands, refer to Appendix J of the enclosed revised consent application. Because of the requirement to engage with iwi on the final EMP, it may be appropriate to condition it such that no new land disturbance activities, that are the subject of this consent application, are to commence until the EMP has been finalised, rather than specify a timeframe within which it must be submitted to council for approval.

- 3. In relation to the issue above, Mr Lambie notes that the effect on lizards is not entirely well understood because targeted surveys have yet to be undertaken. In Mr Lambie's previous assessment he supported the formation of a lizard management plan that determines the level of management required based on surveys as a post-consent approach. However, it also needs to be noted the lizard management plan and surveys all still need to be undertaken pre-clearance of vegetation. Similarly, the effect on nesting pipit cannot be managed after vegetation clearance. Mr Lambie also notes that there is no proposed condition preventing vegetation clearance prior to the council approvals of the EMP.**

**Is the intent to deliver the EMP prior to further vegetation clearance? If not, please provide an assessment of effects of undertaking vegetation clearance prior to the implementation of mitigations contained within the EMP?**

Yes, as above. It is intended to deliver the final EMP for approval by Council prior to further vegetation clearance. Likewise, Wildlands have been engaged to carry out lizard and bat surveys prior to the pre-clearance of vegetation.

Wildlands advise that if clearance of rank pasture were to occur during the pipit breeding season (August-February), all affected grassland should be assessed by a suitably qualified ecologist to determine if active nests of pipits are present. If active nests are identified, the vegetation clearance must not take place within 100 metres of the nest until the chicks have fledged (refer Appendix D). Hirock agree that this should be included as a condition of consent, should consent be granted.

5. **On reading section 4.1.5, it would seem that future failure of the Southwest Wedge is inevitable, though might occur well after quarry closure. The failure of the wedge is likely to result in a loss of parts of the indigenous forest remnant. The evidence presents this as a reasonably foreseeable and significant effect as a consequence of current operations. Mr Lambie notes that the anticipated future of the quarry is for the surrounding landscape to be rehabilitated in pasture with the quarry itself left to fill with water which will help stabilise the wedge. I also note a condition requiring a concept rehabilitation plan.**

**Please assess if it is possible to condition the rehabilitation concept plan to include a component of indigenous vegetation in a pre-emptive attempt to mitigate a future effect, scaled on the basis of what might be reasonably foreseeable today?**

The revised consent application includes a recommendation by Wildlands to provide additional buffer planting varying between 5-10 metres wide around the perimeter of the indigenous forest remnant as well as an Indigenous Vegetation Management Plan to real-time monitor the crest (see Sections 4.2.4 and Appendix D). Note. The south-west wedge failure itself is fully daylighted and not expected to enlarge any further.

### **Water quality**

**Mr Fa'anoi advises the waterways listed throughout the application are assessed as being ephemeral however, the photos included with the application appear to show waterways that have characteristics of an intermittent water course. This is an important differentiation given the definition of river includes intermittently flowing.**

8. **Please assess the water against the Practice and Guidance note from the Auckland Unitary Plan (<https://content.aucklanddesignmanual.co.nz/regulations/practicenotes/Documents/RC%203.3.17%20Stream%20Classification.pdf>) to allow a more robust assessment of the stream classification. This applies to both streams that are covered in the application i.e., the discharge stream and the stream section that will be lost with the expanded spoil area.**

As previously mentioned, Hirock no longer seeks consent to dispose overburden and cleanfill within the overburden expansion area, and therefore the classification of the stream in that location and an assessment of the effects of infill is no longer required.

Wildlands have provided an assessment of the washwater and stormwater discharge stream (farm drain), in accordance with the Practice and Guidance note from the Auckland Unitary Plan. A copy of their assessment is provided with the revise consent application (Appendix D).

9. **Please provide any water quality results or monitoring reports done in the past for the discharge/discharges and corresponding volumes and provide an assessment of effects on the receiving environment.**

Water quality results provided by Hirock in August and October 2022 for discharges to the farm drain are included at Appendix G of the revised consent application. A monitoring plan is also provided at Appendix G which demonstrates how Hirock will continue to monitor their discharges, pre- and post-system upgrade to confirm compliance with One Plan Schedule E limits.

10. **We note that the application refers to installing a sediment retention pond including flocculation based on the monitoring results (section 2.4.5) for the discharge that enters into the Tokomaru catchment. What trigger in the monitoring results would require this device to be installed? At what level is the applicant proposing that the effects are unacceptable and therefore warrant this mitigation and what evidence does the applicant have that such a system should not be in place now?**

The Applicant proposes to install a new sediment retention pond and provide flocculation now, rather than rely on a monitoring condition to determine whether the discharges are having an effect on the stream. A chemical management plan will be provided to the Regional Council for approval as a condition of consent. Details of the

new sediment retention pond and treatment system are provided in the updated ESCP, accompanying this revised consent application.

## **Earthworks**

Mr Pearce advises the Application and accompanying ESCP detail proposed ESC measures, specifically “developed to minimise the effects of sediment discharges on the surrounding environment based on the principles for minimising sediment discharges as set out by the Erosion and Sediment Control Guide for Land Disturbing Activities in the Wellington Region (February 2021) with specific focus on the best practice guidance for quarrying activities in Section G6.0.” (Section 3 of the Erosion and Sediment Control Plan July 2022 (the ESCP)). The ESCP then goes on to detail measures, in particular settlement/stormwater ponds, that are not designed or constructed in accordance with quoted GWRC Guidelines.

Section G6.2.1 refers to quarry access and suggest the “diversion of dirty water to a storm retention pond (Sections E2.2 and F1.1) or decanting earth bund (DEB) (Section F1.2).” None of these measures are proposed in the ESCP. Section G6.2.2 of the GWRC Guidelines refers to sediment retention ponds with flocculent treatment as “likely to be the most successful and reliable method of treating and retaining sediment (refer Sections F1.1 and F2.0).” Again, the devices proposed/utilised on site do not meet these standards.

While it is appreciated that runoff from the quarry pit can and is retained within the quarry pit, access and processing areas are not and can discharge offsite through rudimentary ESC devices which do not meet the GWRC Guideline standard referenced in the ESCP.

11. Please provide an ESCP that meets GWRC Guideline requirements for those areas which discharge offsite, including process and access areas. This ESCP should meet the requirements of Section A2.0 of the GWRC Guidelines, in particular item 7, with the ESCP showing devices designed and constructed in accordance with the GWRC Guidelines including contributing catchments. Alternatively, if you are seeking to provide an ESCP which is not consistent with the guidelines please provide an assessment of effects of doing so.
12. The ESCP submitted with the application does not delineate clearly between clean and dirty water catchments and flows. Please provide an ESCP that clearly shows proposed clean and dirty water catchments and the diversions for each of these catchments.

An updated ESCP meeting the GWRC Guideline requirements is provided as part of the revised consent application.

## **PNCC Roothing Team**

We have also been discussing a number of matters in the background regarding Hirock assisting with maintenance of the road and a request by Waka Kotahi to undertake an annual report. As a summary an outcome of the discussions with PNCC are as follows:

PNCC (Stuart Cartwright) has suggested a MOU be put in place between PNCC and Hirock regarding ongoing maintenance of the road. I agree this would be good to have in place.

## **Questions:**

14. Please work with PNCC to have an MOU in place for ongoing maintenance. Stuart Cartwright and Simon Mori are the contact points for this.

The terms of a road maintenance MoU between Hirock and PNCC have been agreed to and it is currently with PNCC for signing. It is anticipated written approval will be provided by PNCC roading team on this basis.

**Iwi**

**We have established that the site is located within the rohe of Rangitāne o Manawātū and I am aware that you have actively been working with Rangitāne to gain written feedback.**

**As discussed, the Regional Council have also indicated that the site may be located within Ngāti Whakātere's area of interest and/or Ngāti Kauwhata. The outcome of the effects on water quality will inform if an assessment of effects on cultural values on these two iwi groups are required. This information is formally requested at this stage, but I will confirm if it can be removed from this request once the effects on water quality are confirmed.**

**17. Please provide an assessment of effects on cultural values on Rangitāne o Manawatu, noting they are holders of a Statutory Acknowledgement for the Manawatu Catchment. This should be in the form of written feedback from Rangitāne o Manawatu.**

A copy of the revised consent application has been provided to Rangitāne o Manawatu, Ngāti Raukawa and Ngāti Whakātere for their consideration and with the aim of seeking written support for the application.

Hirock request the application be processed on a Limited Notification basis, as soon as possible.

If you have any questions regarding this letter, please contact me on 06 352 9941 or [emma.hilderinkjohnson@goodearthmatters.com](mailto:emma.hilderinkjohnson@goodearthmatters.com).

Yours faithfully



Emma Hilderink-Johnson  
Planner

cc: Shane Higgins, Director, Hirock Limited

Enc: Linton Quarry Expansion for Re-Lodgement, Resource Consent Application and Assessment of Environmental Effects for Joint Application to Palmerston North City Council and Horizons Regional Council, November 2022