

**BEFORE THE HEARING PANEL**

**IN THE MATTER** of the Resource  
Management Act 1991

**AND**

**IN THE MATTER** of the applications by Hirock  
Limited to the Palmerston North City Council  
(LU 6962) and the Manawatū -Whanganui  
Regional Council (APP-2022203991.00) for  
resource consents associated with the  
expansion and operation of an existing  
quarry at 167-257 Kendalls Line,  
Palmerston North

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**EXPERT CONFERENCING**

**JOINT WITNESS STATEMENT – TERRESTRIAL AND WETLAND ECOLOGY**

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**09 May 2023**

## **A. INTRODUCTION**

1. This joint witness statement relates to expert conferencing on the topic of Terrestrial and Wetland Ecology
2. This joint witness statement relates to resource consent applications lodged by the Hirock Limited (Applicant) to Palmerston North City Council (PNCC) and Manawatu-Wanganui Regional Council (Horizons), to be processed jointly, for the for the expansion of an existing quarry at 167 - 257 Kendall's Line, Palmerston North.
3. The expert conferencing was held via video-conferencing on 8 May 2023.
4. Attendees at the conference were:
  - a. James Lambie for Horizons/PNCC;
  - b. Nyree Fea for the Applicant;

## **B. EXPERTISE**

5. I, James Stuart Lambie, hold the qualification of Bachelor of Science (Massey University) and a Master of Applied Science in Resource Management (Lincoln University). I am an independent ecologist and biosecurity policy advisor of 23 years' experience. My involvement to date in application is to review of the terrestrial and wetlands ecological aspects of the Application. While this consent is not before the Environment Court, I have read the Code of Conduct for Expert Witness, Section 9 of Practice Note 2023. Accordingly, I have complied with the Code in the preparation of this joint witness statement.
6. I, Nyree Fea, hold the qualification of Doctor of Philosophy from Victoria University of Wellington. I am a Senior Ecologist with Wildland Consulting Limited and have 2 years' experience as an ecological consultant and over 20 years' experience as a population biologist. My involvement to date is in project management of the ecological assessments undertaken by Wildland Consulting Limited for the Application. I authored the Ecological Assessment; I am co-authoring the Ecological Management Plan; and I oversaw the writing of the Lizard, Bat and Snail Survey Reports. While this consent is not before the Environment Court, I have read the Code of Conduct for Expert Witness, Section 9 of Practice Note 2023. Accordingly, I have complied with the Code in the preparation of this joint witness statement.

## **C. PURPOSE AND SCOPE OF CONFERENCING**

7. The purpose of conferencing was to identify, discuss and highlight points where there is agreement or disagreement on matters pertaining to terrestrial land wetland ecology arising from the resource consent applications, the submissions on them and the joint (PNCC and Horizons) s42A reports.
8. The scope of the issues addressed at this conference included:
  - a. The identification of terrestrial and wetland ecological values and effects of the proposed activity on those values;
  - b. The appropriate management of those effects including proposed conditions of consent; and
  - c. Long-term monitoring of the health of the pukatea-tawa-māhoe-(tītoki)-(nīkau) forest with regard to the survivorship of old-growth trees adjacent to the quarrying activity.

## **D. PRIMARY DATA RELIED ON**

9. The following documents, data and information have been relied on in this expert conference:
  - a. Good Earth Matters Limited – Linton Quarry Expansion: Resource Consent Application and Assessment of Environmental Effects for Joint Application to Palmerston North City Council and Horizons Regional Council (the Application);
  - b. Nyree Fea, Sarah Herbert, Paul Bell-Butler, Vikki Smith, Trent Bell, Tim Martin, and Des Smith – Assessment of Ecological Effects of Quarry Expansion at Linton Quarry, Palmerston North (Technical Assessment 6016);
  - c. Caitlyn Friedel, Lily Tidwell, Nyree Fea, Florence Kelly, and Des Smith – Lizard Survey and Incidental Discovery Protocol for Hirock Linton Quarry, Palmerston North (Technical Assessment 6016c);
  - d. Nyree Fea, Alexis Clark, and Des Smith – Bat Survey Report for Proposed quarry Expansion at Linton Quarry, Palmerston North (Technical Assessment 6016d);
  - e. Letter from Good Earth Matters Ltd on behalf of Hirock to Natasha Adsett, Response to S92 Further Information Request, dated 21 November 2022 which responds to questions in reference to terrestrial and wetlands ecological matters; and

- f. Letter from Good Earth Matters Ltd on behalf of Hirock to Natasha Adsett, Response to S92 Further Information Request, dated 22 December 2022 which includes a draft Ecological Management Plan for Hirock Linton Quarry, Palmerston North.
- g. Section 42A report by James Lambie, dated 4 May 2023.

**E. AGREED ISSUES**

- 10. Refer to Annexure A

**F. DISAGREEMENT AND REASONS**

- 11. Refer to Annexure A

**G. CHANGES FROM S42A REPORT**

- 12. Refer to Annexure A

**H. RESERVATIONS**

- 13. We have one reservation regarding the long-term monitoring of the edge of the pukatea-tawa-māhoe-(tītoki)-(nīkau) forest with respect to the wording of condition 33. We feel that implementation of Condition 33 (the design of a monitoring plan) can now be an element of Condition 24 (is a subject of the EMP) but there will need to be a review clause in the event that the monitoring identifies significant adverse impacts. The EMP should identify the thresholds and triggers of “significant adverse impact”.

Date: 09 May 2023



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James Lambie



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Nyree Fea

## ANNEXURE A

IN THE MATTER of applications by of the applications by Hirock Limited to the Palmerston North City Council (LU 6962) and the Manawatū -Whanganui Regional Council (APP-2022203991.00) for resource consents associated with the expansion and operation of an existing quarry at 167-257 Kendalls Line, Palmerston North.

Expert conferencing – Terrestrial and Wetland Ecology

Participants: James Lambie and Nyree Fea

No	Topic/Issue	Statements	Agreed position	Disagreements and reasons	Change from s42A report
1	Identification of ecological values and effects on those values	The project will result in the loss of around 0.08 ha of nikau-kaikōmakotawa treeland of moderate ecological value.	We agree	There are no disagreements	none
		The project will result in increases in edge effect on a remnant of pukatea-tawa-māhoe-(tītoki)-(nīkau) forest of high ecological value.	We agree	There are no disagreements	none
		The potential for disturbance of nesting pipit exists. This can be mitigated through a condition that will ensure that the effects remain low to negligible.	We agree	There are no disagreements	none (save a change in opinion on a pragmatic condition)
		The potential for harm to lizards exists but can be mitigated so that the effects remain low to negligible.	We agree	There are no disagreements	none
		The potential for loss of rare invertebrates is negligible. Potential effects from habitat loss can be managed by reducing the edge effects on the remnant forest.	We agree	There are no disagreements	none

		<b>The potential for disturbance of roosting bats is negligible. Potential for effects from habitat loss can be managed by reducing the edge effects on the remnant forest.</b>	<b>We agree</b>	<b>There are no disagreements</b>	<b>none</b>
		<b>Potential positive effects of continuing a discharge of water to raupō-dominated vegetation. This piece of vegetation does not meet the current NPS-FM definition for ‘natural inland wetland’.</b>	<b>We agree</b>	<b>There are no disagreements</b>	<b>This is an update to the Ecological Assessment 6016 statement (Section 5.3.2 – Wetland 1) where this is described as an “induced wetland”. Under the NPS-FM December 2022 amendment to definition 3.21 of ‘natural inland wetland’, we find that this system fits the exclusion clause.</b>
		<b>Negligible impacts on other wetlands identified as being adjacent to the works area. These wetlands are of low ecological value. The potential for quarrying activities to affect wetlands can be offset by restoration of 0.1 hectares of riparian margin to restore indigenous dominant wetland on the property.</b>	<b>We agree</b>	<b>There are no disagreements</b>	<b>none</b>
<b>2</b>	<b>Management of the effects including conditions of consent</b>	<b>The loss of nikau-kaikōmako-tawa treeland is adequately compensated for with the 10:1 replacement of any nikau removed. The replacement palms will be part of a planting of 0.9 hectares of nikau-dominated forest supported by other appropriate species. This area of forest is on the property and will be the subject of a QEII covenant to protect it in perpetuity. Conditions 24 (Ecological Management Plan or EMP), 25 (EMP implementation), 28 (seed harvest), 29 (planting), 31 (pest management), 32</b>	<b>We agree</b>	<b>There are no disagreements</b>	<b>none</b>

	(covenanting) and 33 (monitoring) provide for this outcome.			
	The edge effects on the remnant of pukatea-tawa-māhoe-(tītoki)-(nīkau) forest can be managed using a 15m setback between the quarry activity and the forest, and planting of this buffer. While the specifics of these requirements are within the proposed EMP (and we are satisfied that this will deliver the environmental outcomes needed), we feel that Condition 26 needs to specifically identify the need for planting. Condition 26 also needs to provide for the limitation on the setback distance (less than 15m) encountered along the current quarry face. Condition 24 provides for the EMP. Condition 24 e should be amended to include the buffer planting. Condition 25 provides for EMP implementation.	We agree	There are no disagreements	Planting of the setback is identified in the ecological assessment 6016 section 9.2.3.
	Potential effects on fauna as a result of edge effects can be sufficiently mitigated through pest plant and pest animal management control within remnant of pukatea-tawa-māhoe-(tītoki)-(nīkau) forest. Conditions 24 (the EMP) 25 (EMP implementation) and 31 (pest control), along with the standards within the proposed EMP, provide for this.	We agree	There are no disagreements	none
	The potential for disturbance of nesting pipit can be mitigated by specifically conditioning for maintaining short grass to the effect that grass that is not grazed within the proposed quarry expansion zone must be mowed so that the grass is maintained to continuously achieve	We agree	There are no disagreements	The issue is identified in Ecological Assessment 6016 Section 9.5.  Both the Ecological Assessment and Mr Lambie's Section 42A Report identify the need for specialist inspection of rank grass prior to clearance between August and

		a length of less than 150mm between the months of August to March inclusive.			February (inclusive). On reflection of the level of potential effect, we consider a simpler condition to maintain the length of the grass will suffice. We have extended the period to include March because pipit are known to nest this late in some years.
		The potential for harm to lizards can be sufficiently mitigated using The Incidental Discovery Protocol for lizard, bat, and <i>Powelliphanta</i> . Condition 24 provides for this (as an annexure to the EMP).	We agree	There are no disagreements	none
		The potential for harm to rare invertebrates can be sufficiently mitigated using Incidental Discovery Protocol for lizard, bat, and <i>Powelliphanta</i> . Condition 24 provides for this (as an annexure to the EMP).	We agree	There are no disagreements	none
		The potential for harm to bats can be sufficiently mitigated using Incidental Discovery Protocol for lizard, bat, and <i>Powelliphanta</i> . Condition 24 provides for this (as an annexure to the EMP).	We agree	There are no disagreements	none
		The continuing of a discharge of water to raupō-dominated vegetation is positive as long as conditions relating to turbidity, pH, and chloride concentrations meet water quality limits agreed to by aquatic ecologists.	We agree	There are no disagreements	none



		Effects on other wetlands adjacent to the operational area can (and must) be avoided.	We agree	There are no disagreements	none
3	Monitoring long-term effects on the pukatea-tawa-māhoe-(tītoki)-(nīkau) forest	Condition 33 (Indigenous Vegetation Monitoring Plan) is required to measure the short to long-term survival of old-growth trees in the part of the pukatea-tawa-māhoe-(tītoki)-(nīkau) forest edge that is exposed to quarrying activity. We feel that this plan could now be a section added to the EMP rather than a separate plan. The EMP should therefore capture the need for the monitoring and specifically include a definition of what a significant adverse effect on survivorship is and how it will be measured. Condition 33 (instead), needs to provide for the ability to review and respond to adverse effects identified through the monitoring.	We agree	There are no disagreements	<p>On reflection on the purpose and value of Condition 33 for measuring the long-term effect of the activity on the remnant forest, Mr Lambie has changed his position regarding the need for this condition (previously regarded that there was no need).</p> <p>We feel that further caucusing between the ecologists and the planners is needed to design a workable set of conditions that provide for a suitable response should adverse effects on the pukatea-tawa-māhoe-(tītoki)-(nīkau) forest be identified.</p>