

**PALMERSTON NORTH CITY COUNCIL**  
**HORIZONS (MANAWATŪ-WHANGANUI) REGIONAL COUNCIL**

**RESOURCE CONSENT APPLICATION FOR THE EXPANSION OF AN EXISTING QUARRY AT**  
**167-257 KENDALLS LINE, PALMERSTON NORTH**  
**MINUTE 1 OF INDEPENDENT HEARING COMMISSIONER**

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**Introduction**

1. This Minute is being sent to you because you are either the applicant, a submitter or a Council reporting officer to the above application.
2. Pursuant to section 34A of the Resource Management Act 1991 ("**RMA**") I have been appointed by Palmerston North City Council ("**PNCC**") and the Horizons Regional Council ("**Horizons**") to hear, consider and make a decision on an application by HiRock Limited ("**the Applicant**") to the Operative Palmerston North District Plan ("**the District Plan**"). The applicant seeks expansion of an existing quarry at 167- 257 Kendalls Line, Palmerston North (Lot 1 DP 410502).
3. The application seeks the following consent from PNCC for:
  - a. produce up to 360,000 tonnes of aggregates per year
  - b. increase truck movements to an average of 200 movements per day and a maximum of 250 per day (at a maximum rate of 40 per hour)
  - c. expand the overall footprint of the quarry including expansion of the pit to the south, an increase in height of the noise bunds which will result in an increase of up to 5m in height in some areas, and the creation of additional overburden sites.
  - d. remove an area of nikau palms
  - e. undertake 0.9ha of planting in and around the Kahuterawa Stream
  - f. Operating hours:
    - Monday to Friday: 7:00am and 5.00pm
    - Saturdays: 7:00am to 3:00pm
4. The application seeks the following consents from Horizons for:
  - a. Discharge of treated wash water and stormwater to an unnamed tributary of the Linton Drain,
  - b. land disturbance associated with the expansion of the site to the south; and
  - c. disposal of overburden on the existing noise bunds
5. The general function of this Minute is three-fold:
  - a. Firstly, to acknowledge the progress to date that the applicant has made in providing further information;
  - b. Secondly, to also acknowledge the continued progress in engaging with all parties/submitters to further refine and resolve the issues prior to the hearing;
  - c. Thirdly, to set out some preliminary matters in preparation for the hearing, which is likely to be held on **22 June 2023**. All parties will be formally advised directly by the PNCC Hearing Administrator of the final hearing date(s) and venue once that is known with certainty.

6. In the meantime, my objective at this preliminary stage is to establish some procedures to facilitate a smooth and effective pre-hearing and hearing process for all parties and to encourage the ongoing dialogue between all parties to further resolve or narrow issues prior to the hearing. This requires some actions from all the parties in readiness for the formal proceedings on 22 June.
7. In this respect, this minute covers the following matters:
  - a. relevant issues/pre-hearing discussions/expert conferencing;
  - b. circulation of evidence;
  - c. hearing process and presentations; and
  - d. site and locality visits.
8. It is likely that I will issue additional minutes with further requests and instructions, before, during and/or after the hearing.

**Relevant issues/pre-hearing discussions/expert conferencing**

9. I would like to acknowledge the various updates that have been provided by the Applicant and PNCC. Any additional information received since the application was first notified for submission will be circulated by the PNCC to all parties by 28 April 2023.
10. The Applicant has requested a pre-hearing meeting to discuss the key issues identified by submitters. I understand that this meeting will be facilitated by the Council and is open to all parties to attend. This pre-hearing meeting is likely to be held on **5 May 2022**, with the location and time to be confirmed to all parties by the by the PNCC hearings administrator.
11. The outcome of the pre-hearing is governed by s 99 of the RMA. Under that section, the chairperson of that pre-hearing meeting must, before the formal hearing, send a report outlining the matter discussed at the meeting to the Council and all the parties so that they have it at least 5 working days before the hearing. Furthermore, I am required to have regard to the report in making my decision on the application. For those reasons, I strongly encourage submitters with currently unresolved issues to attend and participate in the pre-hearing meeting. Following that meeting it would be my expectation that submitters would be in a position to indicate whether they will be attending the formal hearing and if so what expert evidence (if any) they will call at the hearing.
12. Subsequent to the pre-hearing meeting, and prior to hearing, I strongly encourage the Applicant, Council and submitters to continue dialogue and (where appropriate) expert conferencing with all parties in an endeavour to refine and resolve where possible any issues and where possible, provide joint witness statements.
13. Without prejudice, I consider the following matters might benefit from joint witness statements (but not limited to):
  - a. Landscape
  - b. Water quality
  - c. Erosion and sediment control plan
  - d. Geotechnical matters.

14. I will return to this matter, to the extent necessary once the outcome of the Pre-hearing meeting is made known to me.

#### **Circulation of evidence before hearing**

15. Pursuant to Section 103B of the RMA, I direct that evidence be pre-circulated in accordance with the following timeframes as set out in the Act:
  - a. the Section 42A Report called by PNCC will be made available a minimum of 15 full working days prior to the start of the hearing (**30 May 2023**);
  - b. briefs of expert evidence called by the Applicant must be made available at least 10 full working days before the start of the hearing (**7 June 2023**);
  - c. any expert evidence called by submitters must be made available at least 5 full working days before the start of the hearing (**14 June 2023**).
16. If any changes occur to the hearing or pre-circulation dates, we will be confirmed by the PNCC hearing administrator. This information will either be emailed to parties or made available on the PNCC website:  
<https://www.pncc.govt.nz/Participate-Palmy/Council-meetings/Hearings>
17. Further detail to this end will be provided by the PNCC to all parties in due course.
18. To be clear, submitters do not need to pre-circulate any non-expert presentation material they wish to speak to at the hearing. The above circulation requirements only apply to any expert evidence submitters wish to call. Expert evidence is considered to be evidence from independently qualified persons such as flood modelling engineers, landscape architects, and planners. For any questions of clarification about professional expertise and the code of conduct for expert witnesses, please contact the PNCC Hearing Administrator in the first instance.
19. Any legal submissions by legal counsel for the parties can be made at the hearing and are not subject to pre-circulation.

#### **Hearing process and presentations**

20. I anticipate that a hearing of this nature may be a new experience for some submitters, so we will take a brief moment here to provide some information about the hearing for context.
21. For starters, I encourage all submitters to refer to the useful guides about the hearing process and hearings available from the Ministry for the Environment website. The link below, in particular, is a great source of information:  
<https://environment.govt.nz/publications/appearing-at-a-hearing-about-a-proposed-plan-or-resource-consent/>

22. Consistent with the above guide, my preference is for proceedings to be relatively informal. However, a degree of formality is inherent in hearings of this nature, and we will speak to that at the outset of the hearing when it commences.
23. More substantively, the hearing enables me to hear the issues raised in submissions in greater detail, and to be able to ask questions to improve our understanding of those issues.
24. As a rule of thumb, parties should target presentations of 15 minutes or so. This is less a rigid requirement than it is a rough indication, and all parties appearing will be given sufficient time to present their views.
25. Once the actual hearing date has been formally confirmed by the PNCC Hearing Administrator, I will request an indication from all parties as to the amount of time they require for their presentation so that the PNCC administrator can make the necessary arrangements.

#### **Site and locality visits**

26. I am generally familiar with the site and locality.
27. I expect that I will need to undertake more detailed site and locality visits before (if possible) and after the hearing. In that respect, if any party has a desire for me to visit particular sites/localities they should advise the PNCC hearing administrator.

#### **Next Steps**

28. As summarised above, I now suggest that the Applicant and Council continue to endeavour to engage with submitters to discuss issues raised in submissions and resolve any issues, where practical. A report on the state of play to be prepared by the Applicant/Council is requested by 19 May 2023 at the latest. Certainly, the prospect of parties fielding expert evidence should be a matter for discussion during this engagement. I will then issue any directions, as required, relating to expert conferencing and the pre-circulation of evidence.
29. I also request that any party wishing us to visit a particular site or locality advise the PNCC hearing administrator by 26 May 2023.
30. The PNCC hearing administrator is Susana Figlioli and can be reached at [Susana.figlioli@pncc.govt.nz](mailto:Susana.figlioli@pncc.govt.nz) or phone: 06 356 8199

**DATED** this 21<sup>st</sup> day of April 2023



DJ McMahon

Independent Commissioner