

**PALMERSTON NORTH CITY COUNCIL**  
**MANAWATU-WHANGANUI REGIONAL COUNCIL**

**RESOURCE CONSENT APPLICATION FOR THE EXPANSION OF AN EXISTING QUARRY AT**  
**167-257 KENDALLS LINE, PALMERSTON NORTH**  
**MINUTE 3 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. In my last correspondence, (Minute 2 dated 26 June 2023), I undertook three matters:
  - a. confirmed the verbal directions given at the hearing regarding the nature of engagement required between experts, and the timeframes for that and the Applicant's reply;
  - b. recorded the details of a visit to submitters' properties that I undertook;
  - c. outlined some additional information I require from both the Applicant and the Council.
3. The purpose of this latest Minute is to update all parties on items a. and c. above, and to provide some further direction for the parties.

**Item a. Engagement and Joint Witness Statements**

4. The focus of the hearing was on the effects associated with a significant increase in traffic movements being sought as part of this application and, in particular, the effects associated with **dust** nuisance and **noise** from an average of 200 heavy vehicle movements per day with a maximum of 250 such movements per day (at a maximum rate of 40 per hour).
5. The instructions given in Minute 2 were for Joint Witnesses Statements (including a consolidated set of conditions) to be filed by **Friday 30 June**, and for Applicant's reply statement to be filed on **7 July 2023**.
6. On 30 June I received a memorandum from Emma Hilderink-Johnson, Good Earth Matters, on behalf of the Applicant, HiRock Limited. That memorandum updated me on the expert conferencing on the topics of dust and noise.
7. In respect to **dust matters**, the memorandum enclosed a JWS regarding key items confirmed during post-hearing caucusing between the air quality experts Stuart Keer-Keer,

for the Applicant and Andrew Curtis for the Councils on Wednesday 28 June. That document outlined the agreement in relation to conditions on the following matters:

- Addition of a wheel wash
- Road cleaning measures
- Location of monitoring station
- Duration of monitoring

8. The JWS concluded that there are no outstanding areas of disagreement and included a set of agreed consent conditions on dust matters. Parties will have received an email from Susana Figlioli on the above and I note that full copies of the Applicant's memorandum and the dust JWS and associated conditions are contained on the web page for this application.<sup>1</sup>
9. The above memorandum also updated me on the expert conferencing regarding **noise matters**. I deal with this further under the next heading but simply note that following receipt of Minute 2, the Applicant advised that it had further considered the concerns raised by submitters regarding noise and truck movements as well as the submitters unwillingness to accept the offer of an acoustic fence. On that basis, the Applicant requested an extension of time to Thursday 13 July for the Applicant's reply and the Joint Witness Statement on noise. By email dated 30<sup>th</sup> June 2023, Ms Figlioi advised the parties that I had granted that extension. I return to this timing shortly including an opportunity to Submitters to respond to the latest position of the Applicant.

#### **Item c. Additional information sought from both the Council and Applicant**

10. In Minute 2, I asked Ms Adsett to source from the PNCC records and provide a copy of the authorisations for the lifestyle allotments along Kendalls Line. I also invited her to provide any commentary to accompany that documentation to assist its understanding.
11. By memorandum dated 4 July, Ms Adsett supplied copies of the authorisation for the lifestyle allotments along Kendalls Line, particularly those located at numbers 11, 15, 23, 33 and 39 which were of interest during my site visit conducted on 23 June 2023. In that memorandum she also outlined the current subdivision requirements for Kendalls Line and the surrounding area that are zoned Rural. That information has also been uploaded to the web page for this application.

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<sup>1</sup> <https://www.pncc.govt.nz/Participate-Palmy/Council-meetings/Hearings/Hearing-Resource-consent-application-for-the-expansion-of-a-quarry-at-Kendalls-Line-Linton>

12. My Minute 2 also requested additional information from the Applicant on traffic matters. In particular, I requested an outline of the how the projected and requested traffic movements have been derived and how they relate to the extraction volumes. More substantively however, I included the following statement:

*"I would strongly encourage the Applicant to give serious consideration to setting an average daily and maximum hourly volume of traffic movements that enables the quarry to be efficiently operated while robustly and comprehensively addressing the frequency and potential severity of noise and vibration effects on all dwellings occupied along Kendalls Line."*

13. Given the importance of this information, I indicated that if the Applicant required time beyond the 7 July 2023 to file its reply, I would be amenable to that upon application by Mr Bartlett.

14. In the Applicant memorandum of 30 June 2023, referenced in paragraph 6 above, the Applicant advised that:

*"Hirock have re-assessed the minimum number of truck movements that would enable the next phase of the quarry pit expansion and wish to revise the consent application by way of the following reduction in truck movements.*

- *Maximum of 17 heavy vehicle movements per hour (reduced from 40)*
- *Maximum of 170 heavy vehicle movements per day (reduced from 250)*

*The Applicant's noise expert, Jon Farren has advised that limiting truck movements to 17 per hour means noise levels will be below 55dBA at the notional boundary of all dwellings along Kendalls Line. On that basis, acoustic fencing/double glazing is no longer needed, and the Applicant's offer of an acoustic fence is withdrawn."*

15. In support of the above, the Applicant also attached a breakdown of the quarry operational days, extraction volumes and minimum truck numbers/movements which it says provides the rationale for the new daily traffic movement limit. The document shows that a minimum of 129 truck movements per day are needed to transport 360,000 tons of aggregate annually. The Applicant explained that it is now seeking a higher limit of 170 per day, which provides for peaks and troughs in daily movements, whilst ensuring the noise limit is not exceeded.

16. Finally the Applicant advised that a technical memorandum assessing the revised predicted noise levels will be provided by Marshall Day Acoustics for review by Council's noise expert Nigel Lloyd. On that basis, the Applicant requested an extension of time to

Thursday 13 July 2023 for the Applicant's reply statement and the Joint Witness Statement on Noise. This will allow caucusing to occur between the noise experts on the reduced traffic volumes and predicted noise levels.

17. That extension was granted by me but with request for it to be supplied slightly earlier if feasible (and particularly by close of business on 11 July 2023).
18. The question that has arisen in my mind is whether I should open up the Applicants' latest position to feedback from submitters as a result of the changes to traffic movements and the withdrawal of noise mitigation? I held some initial reticence in this regard because the position of submitters on these matters was clearly stated at the hearing - being that:
  - a. they preferred not to see an increase from the consented number of truck movements (i.e. 54 per day); and
  - b. the Applicant's offer for noise mitigation in the form of an acoustic boundary fence was not something they would want to take up.
19. Nevertheless, given the latest position of the Applicant, I consider it is only fair that I provide submitters with an opportunity to respond. In particular, I am interested in the submitters' view on the extent to which the volunteered reduction in traffic numbers goes some way to addressing amenity concerns in respect to noise and vibration.
20. On that above basis, and in order to enable the Applicant to meet the deadline for its reply, I request that if any of the submitters wish to comment on the above then it should be received in writing by **5pm on Friday 7 July 2023**. There is no obligation for submitters to provide further comment on this new information, but they may if they wish.
21. To avoid any potential misinterpretation, I wish to stress that I have not reached a position on the appropriateness of the above traffic numbers and I will only do that once all the information is in front of me.

### **Next Steps**

22. On the above basis, the following deadlines apply:
  - **5pm 7 July 2023** – for submitters comments on the Applicant's memorandum dated 30 June 2023; and
  - **5pm 13 July 2023** (but preferably 11 July 2023 if possible) – for the Applicant's reply statement and the Joint Witness Statement on Noise.

23. All correspondence should be directed to the PNCC hearing administrator - Susana Figlioli  
– who can be reached at [Susana.figlioli@pncc.govt.nz](mailto:Susana.figlioli@pncc.govt.nz) or phone: 06 356 8199.

**DATED** this 4<sup>th</sup> day of July 2023



DJ McMahon  
Independent Commissioner