

Applications for Resource Consent RC-LU 6962, and APP-2022203991.00

Linton Quarry, 167-257 Kendalls Line, Palmerston North Notice of

Joint Decision Report by Independent Commissioner 25 August 2023

Note from Independent Hearings Commissioner:

This is a joint decision report relating to application before me, as follows:

- To Palmerston North City Council for a land use consent for the extension of an existing quarry, currently operating under an existing land use consent (LU 6962)
- To Horizons Regional Council for a discharge consent to an unnamed tributary of Linton Drain (APP-2022203991.00, consisting of three consents:
 - ATH-2022205664.00 – Discharge to Water
 - ATH-2022205663.00 – Land Disturbance
 - ATH-2023205983.00 – Discharge to Land

All issues raised in submissions and during the course of the hearing are considered collectively in the body of this joint decision report (**Section 4.0**).

This is a joint assessment and does not distinguish between the two respective jurisdictional authorities other than in the conditions of consent in **Appendix 3**.

However, I draw on my consideration of the issues in arriving at separate decisions for each of the individual applications in **Section 5.0**, as I am required to do for each of the individual consents issued.

Each consent has its own set of conditions and then one overarching set of conditions that apply to all three regional conditions - refer **Appendix 3**.

Further detail on the structure of this joint decision report is set out in **Section 1.0**.

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SCHEDULE OF APPENDICES

- **APPENDIX 1:** Schedule of appearances / attendees
- **APPENDIX 2:** Assessment Matrix
- **APPENDIX 3:** Notice of Decisions and Conditions of Consent

INTERPRETATION

This report uses the following abbreviations and acronyms.

TERM	MEANS
the Act	Resource Management Act 1991
AEE	The assessment of environmental effects appended to the application
AMP	Adaptive Management Plan
Applicant	HiRock Limited
BPO	Best Practicable Option
ESCP	Erosion and Sediment Control Plan
EIC	Evidence in Chief
HRC	Manawatū-Whanganui Regional Council - Horizons
Operative District Plan	Operative Palmerston North District Plan 2019
PNCC	Palmerston North City Council
RMA	Resource Management Act 1991
RPS	Regional Policy Statement – Manawatū-Whanganui Regional Council - Horizons
RP	Regional Plan - Manawatū-Whanganui Regional Council – Horizons 2014
Site	The property to which the application relates as described in the application

Palmerston North City Council and Horizons Regional Council Joint Decision Report of Independent Hearings Commissioner RC-LU 6962 and APP-2022203991.00

Proposal Description to Palmerston North City Council:

To expand the existing quarry granted under RC-LU 6962 to include:

- Produce up to 360,000 tonnes of aggregates per year
- Expand the overall footprint of the quarry, including an additional 6.3 hectares of land (total quarry area 24.95ha)
- Additional stockpiling areas
- Additional processing areas
- New 15-metre-high earth bunds along the northwest and eastern sides of the quarry site
- A new site office, weighbridge, truck wash, lunchroom, toilets and workshop area
- An average of 45,000 tonnes of riprap and 60,000 tonnes of other processed material produced per year
- An average of 170 truck movements per day (at a maximum rate of 17 per hour)¹
- Remove an area of nikau palms
- Undertake 0.9ha of planting in and around the Kahuterawa Stream
- Operating hours:
 - Monday to Friday: of 7:00am and 5.00pm
 - Saturdays: 7:00am to 3:00pm

Proposal Description to Horizons Regional Council:

To expand the existing quarry to include:

- Discharge of treated wash water and stormwater to an unnamed tributary of the Linton Drain
- Land disturbance associated with the expansion of the site to the south; and
- Disposal of overburden on/behind the existing noise bunds

Applicant:

HiRock Limited

Site Details:

Linton Quarry, 167-257 Kendalls Line, Palmerston North

¹ The Application initially sought a maximum of 250 truck movements per day, 40 per hour but was formally altered to a maximum of 170 truck movements per day, 17 per hour by the applicant by memorandum dated 30 June 2023

Zoning:

Rural Zone (Operative District Plan)

Overlays & map notations:

Threatened Habitat type within the Schedule F - the One Plan

Coastal Manawatū surface water management zone (Mana 13) – the One Plan

Tokomaru (Mana_13c) surface water management subzone – the One Plan

Activity Status:

Discretionary

Date of Hearing:

22 June 2023 (closed 3 August 2023)

Independent Hearings Commissioner:

DJ McMahon

Summary of Decisions:

Having considered all relevant matters under s104 of the RMA, and based on the evidence and submissions presented at the hearing I find that:

- any actual and potential adverse environmental effects of allowing the activity will be sufficiently managed, including by the proposed conditions of consents, such that the actual and potential effects are avoided, remedied or mitigated to the extent that overall they are no more than minor and acceptable;
- moreover, the proposal will result in positive effects on the site and local environment; and
- the proposal is generally well-aligned with the relevant Regional and District Plan objectives and policies when read as a whole and there are no directive policies relevant that are challenged by the proposal such that consent need be withheld.

Accordingly, consents are granted subject to the conditions set out in **Appendix 3**.

1.0 Introduction

Report purpose, requirements and outline

- 1.1 The purpose of this report is to outline my decisions on the limited notified resource consent applications from HiRock Limited to continue and expand the operation of the Linton Quarry in Palmerston North.
- 1.2 This is a joint decision report relating to District land use and Regional applications before us, as follows:
 - a. To Palmerston North City Council for a land use consent for the extension of an existing quarry, currently operating under an existing land use consent (2022277)
 - b. To Horizons for a discharge consent to an unnamed tributary of Linton Drain (APP-2022203991.00)
- 1.3 All issues raised in submissions and during the course of the hearing are considered collectively in the body of this joint decision report (**Section 4.0**), rather than artificially separate out the issues into the respective jurisdictional authorities.
- 1.4 Of particular relevance, the RMA² requires that decisions on notified applications state:
 - a. the reasons for the decisions;
 - b. the relevant statutory provisions considered;
 - c. the relevant national, regional and district planning policy documents considered;
 - d. the principal issues in contention;
 - e. a summary of evidence heard; and
 - f. the main findings on principal issues in contention.
- 1.5 The RMA also enables us to cross-refer to or adopt parts of the AEE and the s42A reports so as to avoid repeating material.³ I have done so extensively below for the sake of brevity.
- 1.6 The remainder of this report is organised as follows:

Section 1.0: Introduction

Section 1.0 provides a factual basis for the report, including a brief description of the site and existing environment, the proposal, submissions received and my role. On occasion, I refer to directions to parties that I issued via minutes, a full list of which is provided in **Section 2.0**.

Section 2.0: Hearing Sequence

Section 2.0 provides a brief factual summary of the hearing proceedings, including the actions of various parties in the pre-hearing sequence.

Section 3.0: Statutory considerations and relevant planning policy

This part of the report sets out a short summary of the proposal's compliance against the provisions of the relevant Regional and District Plans and includes a factual description of the provisions of the RMA that frame my decision-making and of the relevant national, regional and district planning policy framework I have considered.

² s113(1), RMA

³ s113(3), RMA

Section 4.0: Evaluation of Determinative Issues

Section 4.0 summarises the key issues in contention, the evidence presented by the parties, and my findings on the key issues.

Section 5.0: Decisions

The final brief section of the report formally records my decisions.

Site and existing environment

- 1.7 The quarry site is located 167-257 Kendalls Line, Linton, Palmerston North located approximately 11km south of the city.
- 1.8 The site and existing environment are comprehensively described in 2.1 of the AEE.⁴ I adopt those descriptions and highlight the following salient aspects of the site and existing environment for contextual purposes:
- a. The quarry has operated since the 1970's and currently operates under a series of consents granted by PNCC and Horizons
 - b. The site contains an area of regenerated bush, located to the south of the quarry (a Threatened Habitat type within the Schedule F of the One Plan)
 - c. There is also a stand of nikau palms which are protected under the existing land use consent (202277), although not considered to be a habitat type for the purposes of Schedule F of the One Plan
 - d. The majority of the quarry site, as well as the unnamed tributary of Linton Drain is located within the following zones of Schedule A, One Plan:
 - Coastal Manawatū surface water management zone (Mana_13)
 - Lower Tokomaru subzone (Mana_13c)
 - Manawatū surface water management zone (Mana_11)
 - Kahuterawa subzone (Mana_11c)
 - e. Most of the site is screened by existing bunds along three eastern sides of the pit.
- 1.9 The general location of the quarry site and access track is illustrated in **Figure 1**.



Figure 1: General location of the quarry site (Source: AEE, annotated by RMG)

⁴ s95 Report - LU 6962 and APP-2022203991.00, Section C, paras 19-27, prepared by Natasha Adsett on behalf of PNCC and HRC and adopted by Simon Mori and Sara Wescott, dated 8 February 2023

The Applicant's proposal

- 1.10 The proposal is well described in s95 report.⁵ I accept and adopt that description.
- 1.11 I also acknowledge that the proposal that is before me has evolved as a result of several previous applications what were applied for prior to the current application and were returned under s88 of the RMA. The s95 report sets out a comprehensive application process history, which I also accept and adopt.⁶
- 1.12 The current resource consent applications to both PNCC and Horizons were accepted for processing, as LU 6962 and APP-2022203991.00, respectively on 21 November 2022.
- 1.13 The combined s95 Report concluded that applications effects would be minor on the surrounding landowners, in addition to the Palmerston North City Council - Roading Team and Rangitaane o Manawatū and therefore recommended that following parties should be notified of the application⁷:
- 6, 11, 15, 33, 34, 39, 42, 75, 150 Kendalls Line
 - 159 Millricks Line
 - 743 Tennent Drive
 - Palmerston North City Council – Roading Team
 - Rangitaane o Manawatū via Tanenuiarangi Manawatū Incorporated
- 1.14 Both Councils adopted the s95 Report recommendation for limited notification on 8 February 2023.
- 1.15 Details of the submissions received are set out in paragraphs 1.18 and 1.21 of my report.
- 1.16 I have been appointed by the councils concerned to hear and decide these applications.
- 1.17 As at the time of the hearing, the proposals before us involved the following key elements:

Land use proposal (RC-LU6962):

- a. Produce up to 360,000 tonnes of aggregates per year
- b. Expand the overall footprint of the quarry, including an additional 6.3 hectares of land (total quarry area 24.95ha)
- c. Additional stockpiling and processing areas
- d. New 15-metre-high earth bunds along the northwest and eastern sides of the quarry site
- e. A new site office, weighbridge, truck wash, lunchroom, toilets and workshop area
- f. An average of 45,000 tonnes of riprap and 60,000 tonnes of other processed material produced per year
- g. An average of 200 truck movements per day and a maximum of 250 truck movements per day (at a maximum rate of 40 per hour)⁸:
- h. An increase in height of the noise bunds of up to 5m in height in some areas

⁵ s95 Report - LU 6962 and APP-2022203991.00, Section C, paras 19-27, prepared by Natasha Adsett and adopted by Simon Mori and Sara Wescott, dated 8 February 2023

⁶ s95 Report - LU 6962 and APP-2022203991.00, Section A, Table 1, page 1-2, prepared by Simon Mori and Sara Wescott, dated 8 February 2023

⁷ s95 Report - LU 6962 and APP-2022203991.00, para 130-133, prepared by Natasha Adsett and adopted by Simon Mori and Sara Wescott, dated 8 February 2023

⁸ The Application initially sought a maximum of 250 truck movements per day, 40 per hour but was formally altered to a maximum of 170 truck movements per day, 17 per hour by the applicant by memorandum dated 30 June 2023

- i. Creation of additional overburden sites
- j. Remove an area of nikau palms
- k. Undertake 0.9ha of planting in and around the Kahuterawa Stream
- l. Operating hours:
 - Monday to Friday: of 7:00am and 5.00pm
 - Saturdays: 7:00am to 3:00pm

Land use and discharges proposal (APP-2022203991.00):

- 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/ behind the existing noise bunds and within the existing quarry pit

Submissions

- 1.18 Limited notification by PNCC and Horizons took place to the twelve neighbouring properties, as set out above in paragraph 1.14.
- 1.19 To note, it is not my jurisdiction to comment or assess who was notified as part of this decision-making exercise. This was assessed by the Council's s95 report, which I accept and adopt.⁹
- 1.20 A total of four submissions received by the close (17 March 2023), with three being in opposition and one being neutral.
- 1.21 A summary of the key issues raised in all submissions received by PNCC and Horizons was provided in that Council's s42A report¹⁰, which I adopt. In summary, the key themes raised in oppositional and neutral submissions addressed the following:
 - a. Dust
 - b. Noise
 - c. Compensation
 - d. Mitigation measures
 - e. Hours of operation
 - f. Transportation matters
 - g. Nikau palms

Role of Independent Hearings Commissioner

- 1.22 I have been jointly appointed by PNCC and Horizons by delegation. Several matters were provided for under the delegation, but of most relevance to my role is:
 - a. to consider and make a decision on any resource consent application, including hearing the application if required under sections 104A-104D, 105 and 106; and
 - b. if consent is granted, to impose conditions under section 108.
- 1.23 I record that it was not my role to introduce evidence about the proposal, but to hear the submissions and evidence of others and to make decisions on the basis of that information.

⁹ s95 Report - LU 6962 and APP-2022203991.00, Section A, Table 1, page 1-2, prepared by Natasha Adsett and adopted by Simon Mori and Sara Wescott, dated 8 February 2023

¹⁰ Section 42A Recommendation Report to Commissioner, Natasha Adsett, 30 May 2023, Section F, paras 52-58

2.0 Hearing sequence

Pre-hearing procedural matters

- 2.1 Following my initial engagement to hear and decide the Applicant, I issued **Minute 1**¹¹ to the parties to set out some preliminary matters in preparation for the hearing. More specifically, the minute:
- a. set out some basic facts relating to the status of the current resource consent application before PNCC and Horizons
 - b. acknowledged the continued progress of all parties/submitters to refine and resolve issues prior to the hearing
 - c. outlined preliminary matters
 - d. advised parties of potential timeframes for circulation of material and hearing date and next steps
- 2.2 In response to **Minute 1**, a pre-hearing meeting was initiated by PNCC and Horizons' with reporting officers and experts¹², submitters¹³ and the Applicant¹⁴ all in attendance. This meeting was held on 5 May 2023 and was facilitated by an independent chairperson.¹⁵
- 2.3 A report and minutes were subsequently prepared and circulated following the pre-hearing meeting.¹⁶ The following topics were canvassed at the meeting:
- a. Nikau Palms
 - b. Streams
 - c. Dust
 - d. Traffic
 - e. Noise
 - f. Vibration
- 2.4 The Chairperson for the Pre-hearing meeting noted, with the exception of concerns raised by a submitted in relation to the Nikau Palms, there were no matters where agreement or resolution was reached between parties.¹⁷
- 2.5 In further response to **Minute 1**¹⁸ a memorandum¹⁹ was issued from PNCC and Horizons' consultant planner setting out that Joint Witness Statements (JWS) had been prepared on the following matters:
- a. Traffic
 - b. Geotechnical
 - c. Landscape
 - d. Erosion and Sediment Control Measures
 - e. Ecology

¹¹ **Minute 1** dated 21 April 2023

¹² Natasha Adsett and Andrew Curtis (attend in person), Harriet Fraser and Nigel Lloyd (attended remotely)

¹³ Brent Vautier, Richard Day, Christofell & Ilze Bekker

¹⁴ Shane Higgins, Josua Grobler, Emma Hilderink-Johnson, Stuart Keer-Keer (attended in person) and Jon Farren, Joseph Phillips and Nyree Fea (attending remotely)

¹⁵ Independent chairperson, Andrea Harris

¹⁶ Report and minutes of the prehearing meeting, prepared by Andrea Harris, Dated 17 May 2023

¹⁷ Report and minutes of the prehearing meeting, prepared by Andrea Harris, Dated 17 May 2023, page 9-10

¹⁸ **Minute 1** dated 21 April 2023

¹⁹ Memorandum prepared by Natasha Adsett and Emma Hilderink-Johnson, dated 19 May 2023

- 2.6 This memorandum also provided an update from the Applicant in relation to insitu monitoring, further technical evidence being prepared and ongoing engagement progress.
- 2.7 On 1 June 2023, in response to the matters raised by submitters at the pre-hearing meeting on 5 May 2023, the following assessments and plans were provided:
- a. Draft Dust Management and Monitoring Report, prepare by K2 Environmental Limited, dated 1 June 2023
 - b. Dust Monitoring Report, prepared by K2 Environmental Limited, dated 1 June 2023
 - c. Truck Vibration Memorandum (ref. Mm 00), prepared by Marshall Day Acoustics, dated 29 May 2023
 - d. 'Vehicle Tracking Truck and Trailer Existing Arrangement' plan and 'Kendalls Line/SH57 Intersection Proposed Improvements' plan, prepared by BECA, dated 30 May 2023

Section 42A reports

- 2.8 The s42A report was prepared by the council planning officer and was circulated on 30 May 2023. This comprised:
- 2.9 The recommendation report authored by Ms Natasha Adsett, consultant planner for PNCC and Horizons. Attached to Ms Adsett's report were thirteen appendices which contained:
- a. A draft officer set of recommended conditions
 - b. Joint Witness Statement – Landscape
 - c. Expert Report - Landscape
 - d. Expert Report – Noise
 - e. Joint Witness Statement – Traffic
 - f. Expert Report – Traffic
 - g. Joint Witness Statement – Geotechnical
 - h. Joint Witness Statement – Biodiversity
 - i. Joint Witness Statement – Erosion Sediment Control Plan (**ESCP**)
 - j. Expert Report – ESCP
 - k. Joint Witness Statement – Water Quality
 - l. Expert Report – Water Quality
 - m. Expert Report – Air Quality
- 2.10 In her combined report for PNCC and Horizons, Ms Adsett undertook her own assessment of the application, having drawn on the expert evidence and joint witness statements above.
- 2.11 With reference to the above, and notwithstanding her appending of recommended conditions to her report, Ms Adsett concluded *“the potential or actual effects can be mitigated to levels where they can be considered to be minor. With appropriate conditions of consent and management plans in place it is considered that matters such as visual effects, noise, traffic, dust, sediment, and effects on freshwater ecology and cultural values can be adequately dealt with.”*²⁰

²⁰ Section 42A Recommendation Report to Commissioner, Natasha Adsett, 30 May 2023, Section H, para 127

- 2.12 However, Ms Adsett outlined the following three matters that still required further work and discussion, including:
- a. The outcome of the discussion with NZTA in regard to the additional road markings on State Highway 57 at the entrance to Kendall's Line
 - b. Further information in regard to vibration effects, with an information provided to be assessed by Council's consultant Acoustic Engineer, Mr Lloyd and an update to be provided prior to or at the hearing
 - c. Further monitoring data of vehicle emissions to be provided by the Applicant and subsequently assessed by Council's consultant air quality expert, Mr Curtis.
- 2.13 I note that Ms Adsett had the opportunity to reconsider her position during the course of the hearing having had the benefit of hearing further evidence presented by the Applicant particularly on transport matters following expert conferencing on that topic directed by the Commissioner.

Applicant's evidence

- 2.14 On 6 June 2023, the Applicant circulated its expert evidence in chief, comprising the following topics:
- a. Planning, prepared by Ms Emma Hilderink-Johnson, senior planner;
 - b. Acoustics, prepared by Mr Jon Farren, acoustics engineer;
 - c. Transport, prepared by Mr Joseph Phillips, traffic engineer and transportation planning;
 - d. Air quality – dust management, prepared by Mr Stuart Keer-Keer, air quality scientist;
- 2.15 The Applicant's evidence outlined initial investigations carried out in support of the application, responded to matters raised in the s42A reports and submissions, and proposed various recommended amendments to the proposed conditions of consent.
- 2.16 I discuss the substance of the Applicant's evidence in greater detail in **Section 4.0** below.

Submitter expert evidence

- 2.17 No expert evidence was called by submitters. The substance of submitter presentations is discussed further in section 4 below.

Pre-hearing site visit

- 2.18 A pre-hearing site visit to the quarry was undertaken on Wednesday 20 June 2023 by me, accompanied by PNCC Principal Planner, Mr Simon Mori and Quarry Supervisor, Mr Dave Larsen.

Pre-hearing directive

- 2.19 On the 21 June 2023, I issued a memo in preparation for the hearing²¹. This direction was two-fold, firstly to set out where I did not have any further questions relating to either witnesses or evidence and therefore those parties could be excused from attending the hearing if they wished. Secondly, to set out the focus and questioning that would be taken at the hearing, in particular for:

²¹ Email sent to applicant's legal counsel dated 21/06/2023 from commissioner via hearings administrator

The Applicant:

- Joseph Phillips (Transportation Engineer, BECA)
- Jon Farren (Acoustic Consultant, Marshall Day Acoustics)
- Stuart Keer-Keer (Air Quality Specialist, K2 Environmental)

The Council

- Harriet Fraser (Independent Traffic Expert)
- Nigel Lloyd (Noise Expert)
- Andrew Curtis (Air Quality Expert, PDP)

2.20 This memo highlighted that as there was still (at that time) contested matters, it was strongly encouraged witnesses to urgently conference to ascertain whether any narrowing of the issues or even agreement can be reached with a particular focus on conditions prior to the hearing.

2.21 As a result of this memo, a Planning Response was received on 21 June 2023 from the Council's consultant Planner and the Applicant's planner, which responded to matters of contention highlighted in the memo from myself, however, no substantive information was provided within this memo and outlined that these would be canvased at the hearing.²²

Hearing proceedings

2.22 The hearing convened at 9:00am on Thursday, 22 June 2023 at the PNCC Chambers at 32 The Square, Palmerston North.

2.23 A full list of attendances is below:

For the Applicant – Hirock Limited

- Russell Bartlett KC (Legal Counsel, Shortland Chambers)
- Shane Higgins (Director Hirock Ltd)
- Josua Grobler (General Manager – Aggregates at Hirock Ltd)
- Joseph Phillips (Transportation Engineer, BECA)
- Stuart Keer-Keer (Air Quality Specialist, K2 Environmental)
- Jon Farren (Acoustic Consultant, Marshall Day Acoustics)
- Emma Hilderink-Johnson (Planner, Good Earth Matters)

For Palmerston North City Council and Horizons Regional Council

- Harriet Fraser (Traffic Expert, Harriet Fraser Traffic Engineering & Transportation Planning)
- Andrew Curtis (Air Quality Expert, PDP)
- Nigel Lloyd (Noise Expert, Acousafe)
- Eric Fa'anoi (Horizons Water Quality Expert)
- Natasha Adsett (Planner, Evergreen Consulting)

Submitters

- Submitter SO-01 – Christoffel & Ilze Bekker
- Submitter SO-02 – Richard Day
- Submitter SO-03 – Brent Vautier

2.24 After setting out some procedural and preliminary matters, the Applicant opened its case with a presentation from Mr Russell Bartlett (Applicant's counsel), Mr Shane

²² Memorandum to Commission McMahon from Natasha Adsett, Evergreen Consulting on behalf of PNCC and HRC and Emma Hilderink-Johnson, Good Earth Matters, on behalf of the applicant, HiRock Limited dated 21 June 2023.

Higgins, the Applicant, who provided an overview and history of the quarry and applications. They were then followed by the Applicant's expert witnesses.

- 2.25 I then heard individual submitters²³. Mr Vautier also spoke on behalf of submitter Kathleen and Derek Underwood and Kendalls Line resident Mr Jim McGovern. I note that Mr McGovern was not identified as an affected party by the s95 report and was therefore not notified. Although I acknowledge the concerns raised by Mr McGovern, through Mr Vautier, I have not placed any weight on Mr McGovern's concerns as it is not within my jurisdiction to reassess s95 matters.
- 2.26 PNCC and Horizon's s42A reporting officer and expert witnesses presented evidence on behalf of PNCC and Horizons, in relation to traffic, noise, air quality and planning.
- 2.27 Finally, the Mr Bartlett verbally delivered the Applicant's right of reply.

Post-hearing site visit

- 2.28 A post-hearing site visit to the submitters properties on Friday 23 June 2023 by myself, accompanied by the Council and Applicants Planners.

Hearing adjournment

- 2.29 The hearing was then adjourned at 5pm on 22 June 2023, to enable further engagement between certain experts.
- 2.30 On the Monday following the adjournment of the hearing, I issued **Minute 2**, (26 June 2023) setting out the following:²⁴
- a. to confirm the verbal directions given at the hearing regarding the nature of engagement required between experts, and the timeframes for that and the Applicant's right of reply;
 - b. To record the details of a visit to submitters' properties that I have since undertaken; and
 - c. To outline some additional information required from both the Applicant and the Council.
- 2.31 On 30th June 2023, I received the Applicant's response to **Minute 2**. This included:
- Memorandum in response to Minute 2, prepared by Emma Hilderink-Johnson, dated 30 June 2023
 - JWS in relation to Air Quality (Dust), between Mr Curtis and Mr Keer-Keer, dated 28 June 2023
 - Truck Movement calculations
- 2.32 On 4th July 2023, I issued **Minute 3** in response to the information received in response to **Minute 2**. The purpose of this minute was to update all parties on items a. and c. above, and to provide some further direction for the parties, in particular granted an extension to Applicant to provide a written right of reply, gave submitters an opportunity to respond to the latest information provided.
- 2.33 The date for submitters comments was set for 7 July and the Applicant's reply statement by 13 July 2023.

²³ Submitters SO-01, 02 and 03

²⁴ **Minute 2** dated 26 June 2023

- 2.34 On 6th July 2023, I received a response from Mr Vautier in response to truck movements and associated noise assessment. Mr Vautier sought further clarification on this matter from both the Council and Applicant's noise experts.²⁵
- 2.35 An interim response to Mr Vautier's questions was provided by the Applicant's noise expert on 10 July 2023²⁶. This memo set out the explanation of the noise assessment levels that correspond to the truck movements.
- 2.36 On 11 July 2023, I received the Applicant's written right of reply. The right of reply included the following:
- Appendix A: Figures and evidence showing increased quarry demand
 - Appendix B: Acoustic assessment
 - Appendix C: JWS – Noise and Vibration
 - Appendix D: Noise expert response to Mr Vautier's question
 - Appendix E: Hirock Drive Induction
 - Appendix F: Memorandum of Understanding between PNCC and Hirock relating to maintenance works on Kendalls Line
 - Appendix G: Volunteered set of consent conditions
- 2.37 In response Applicants right of reply and response to Mr Vautier's questions, I issued a further **Minute 4**.²⁷ This minute set out the need for final refinement of the outstanding matter of contention between the Applicant and submitter in relation to the correlation between truck moments and noise levels. Furthermore, I also sought some refinement of the volunteered conditions.
- 2.38 On 25 July 2023, the Applicant provided a response to the additional acoustic assessment and revised conditions requested by **Minute 4**. The Applicant technical acoustic memorandum included an additional column assessing the daily noise level for a maximum of 150 traffic movements per day, with a maximum average hourly movement rate of 15, which would result in a decrease corresponding to a -0.54 dB reduction in sound levels. The Applicant's acoustic expert considered this is to be a negligible change. The Council's acoustic expert also reviewed the additional assessment and concurred with the assessment.²⁸
- 2.39 The Applicant therefore confirmed that they were still seeking maximum of 170 traffic movements per day and would have discounted a reduction to 150 movements per day.

Hearing closure

- 2.40 Having received all of the further information sought through the post-hearing dialogue, I am satisfied that there is sufficient information to complete my deliberations and deliver a joint decision on the applications before me. Accordingly, I closed the hearing on 3rd August 2023, via Minute 5.

²⁵ Email from Mr Vautier to Susana Figlioli dated 6 July 2023

²⁶ Memo from Marshall Day Acoustics, dated 7 July 2023

²⁷ Minute 4, dated 18 July 2023

²⁸ Appendix B of applicants response to Minute 4 dated 24 July 2023

3.0 Statutory and planning policy considerations

District and Regional Plan compliance

- 3.1 The application and s42A reports identified the full extent of consequent requirements under both the District and Regional Plans, which when all requirements are bundled together the proposal is to be assessed as a **discretionary activity**.

Resource Management Act 1991

- 3.2 Section 104 of the RMA sets out the matters I must have regard to in considering the application. Sections 104B and 104D are also relevant given the classification of the activities for which consent is sought from PNCC and Horizons as discretionary activities,. For completeness, the components of these statutory provisions which are relevant for this joint decision are as follows:

104 Consideration of applications

(1) *When considering an application for a resource consent and any submissions received, the consent authority must, subject to Part 2, have regard to—*

(a) any actual and potential effects on the environment of allowing the activity; and

(ab) any measure proposed or agreed to by the Applicant for the purpose of ensuring positive effects on the environment to offset or compensate for any adverse effects on the environment that will or may result from allowing the activity; and

(b) any relevant provisions of—

(i) a national environmental standard:

(ii) other regulations:

(iii) a national policy statement:

(iv) a New Zealand coastal policy statement:

(v) a regional policy statement or proposed regional policy statement:

(vi) a plan or proposed plan; and

(c) any other matter the consent authority considers relevant and reasonably necessary to determine the application.

(2) *When forming an opinion for the purposes of subsection (1)(a), a consent authority may disregard an adverse effect of the activity on the environment if a national environmental standard or the plan permits an activity with that effect.*

...

(5) *A consent authority may grant a resource consent on the basis that the activity is a controlled activity, a restricted discretionary activity, a discretionary activity, or a non-complying activity, regardless of what type of activity the application was expressed to be for.*

104B Determination of applications for discretionary or non-complying activities

After considering an application for a resource consent for a discretionary activity or non-complying activity, a consent authority—

(a) may grant or refuse the application; and

(b) if it grants the application, may impose conditions under section 108.

Policy Statements and Plans

- 3.3 In considering the relevance of the various matters under RMA s104(1)(b), I record my understanding that the Plan(s) have been recently reviewed, and deemed to give effect to all higher order statutory directions such that:
- a. no National Policy Statement nor the New Zealand Coastal Policy Statement need be specifically considered for this proposal; and
 - b. while I have considered the relevant provisions of the RPS, no specific assessment of the proposal against those provisions is necessary.
- 3.4 I note the similar approach adopted in the AEE and by the s42A reporting officers, and record that there is no evidence before us to otherwise reach any alternative interpretation.
- 3.5 The balance of the matters under s104 – including in particular the actual and potential effects on the environment and the proposal's fit with the relevant provisions of the Plan(s) – are considered in detail under **Section 4.0** below.

4.0 Evaluation of Issues

Preamble

- 4.1 For this section of the report, I have intentionally focussed my assessment on the key issues in contention. The majority of the issues, prior to the hearing taking place and as at the close of proceedings, had been largely resolved or there was agreement amongst experts about the proposal's effects, its fit with the relevant Plan provisions and the conditions of consent that should be imposed. Where those expert findings were also not in contention by submitters, I have adopted the consensus view for the reasons expressed by the respective experts for the Council and Applicant.
- 4.2 The fundamental issues in contention do not directly relate to the on-site operation of the quarry; rather it is the effects of off-site operations (namely the transportation of material) that gives rise to actual and potential effects on people and the environment. That is unique. This is because most quarry issues arise from the effects generated by the quarry activity itself (such as blasting, ground disturbance, rock crushing and processing) which can result in adverse such as excessive noise/vibration, visual and landscape effects and effects on water and air quality.
- 4.3 In this instance however, the issues in contention do not stem from either the physical extension of the quarry or the **on-site** operational effects on the receiving environment. Neither the day-to-day operational on-site effects nor the physical extension effects transgress the site boundary such that they have a claimed or proven effect on other properties/resources. This applies to the effects under the jurisdiction of both PNCC and Horizons. For context, it is important I canvas the unique nature of the quarry and how at the outset, and how this is a large factor in mitigating the operational and expansion on-site effects. I return to this further below under the heading of 'operational on-site vs off-site effects' and further under 'resolved matters'.
- 4.4 Here, the fundamental issue is an **off-site** amenity issue that stems from the transportation of the aggregate/rocks extracted from the quarry. The daily average traffic generated by the transportation of the aggregate potentially gives rise to off-site adverse noise/amenity effect experienced by surrounding residential properties along Kendalls Line, being the only transport route to and from the quarry.
- 4.5 It is the correlation between the aggregate extraction volumes being sought by the Applicant and the subsequent number of heavy vehicle movements required to transport the aggregate and the resultant amenity effects on their residential properties, that has been my focus of evaluation.
- 4.6 Therefore, my assessment is therefore separated accordingly into the following effects:
- a. Operational on-site effects
 - b. Operational off-site effects
- 4.7 Before setting out my assessments of the effects above, it is important to express the uniqueness of the on-site effects, where neither the day-to-day operational on-site effects nor the physical extension effects transgress the site boundary such that they have a claimed effect on other properties/resources. This applies to the effects under the jurisdiction of both PNCC and Horizons. Therefore, for context I wish to canvas at the outset the unique nature of the quarry and how this is large factor in mitigating the operation and expansion **on-site** effects, which I cover in full below under '*Contextual overview of on-site effects*' in terms of:
- a. Its history, location, operation, and
 - b. key features that assist with containment of on-site operational effects.

- 4.8 For the sake of economy, I have considered environmental effects and relevant Plan provisions collectively under the above applicable topic headings – rather than considering them separately.
- 4.9 Before setting out my consideration of those issues in contention, however, I briefly canvas the following two matters for completeness:
- a. issues raised in submissions that are beyond my jurisdiction; and
 - b. positive effects.

Matters beyond my jurisdiction

- 4.10 Ms Adsett helpfully identified a range of matters raised by submitters which are outside of resource consent decision-making authority. Ultimately, I adopt her reasoning²⁹ for excluding those matters, which comprised submitter concerns regarding:
- a. Compensation/physical mitigation measures;
 - b. Diesel fumes.
- 4.11 For completeness, I reiterate main points made by Ms Adsett a little further in the following paragraphs, as a basis for explaining the findings above.
- 4.12 With respect to matter a. above, two submitters³⁰ made comments/request regarding compensation or sought physical mitigation measures to be paid by the Applicant such as the installation of double glazing or additional vegetation planting.
- 4.13 Under s104(1) (ab) of the RMA, when considering an application, the consent authority must have regard to:
- any measure proposed or agreed to by the Applicant for the purpose of ensuring positive effects on the environment to offset or compensate for any adverse effects on the environment that will or may result from allowing the activity;*"
- 4.14 However, Council's do not have the ability to require mitigation measures and therefore this matter sits outside my jurisdiction. It should be noted that the Applicant initially offered noise mitigation measures to private property owners but subsequently withdrew this offer. This matter is discussed further below under the assessment of 'off-site effects'.
- 4.15 With respect to matter b. above, one submitter raised concerns regarding diesel fumes. Ms Adsett concluded that Applicant has limited ability to control the type and condition of the vehicles associated with the quarry activity. Ms Adsett reiterated that vehicles are required to have the appropriate WK-NZTA certificate of fitness (CoF), which for further clarification on this matter, I note that a CoF ensures "*there must be no leaks and the exhaust must not be smoky or louder than the original exhaust system*"³¹. I hasten to add that this matter is still enforceable under the jurisdiction of the Land Transport Act 1998³² but is outside the scope of the Resource Management Act.
- 4.16 The general matter of air quality and traffic movements is canvassed in more detail below in my assessment of 'off-site effects'.

²⁹ Section 42A Recommendation Report to Commissioner, Natasha Adsett, 30 May 2023, Section G, paras 56-58

³⁰ Submitter 1 and 4

³¹ [https://www.nzta.govt.nz/vehicles/warrants-and-certificates/certificate-of-fitness/#:~:text=A%20certificate%20of%20fitness%20\(CoF,vehicles%20%E2%80%93%20axis%2C%20shuttles%20and%20buses](https://www.nzta.govt.nz/vehicles/warrants-and-certificates/certificate-of-fitness/#:~:text=A%20certificate%20of%20fitness%20(CoF,vehicles%20%E2%80%93%20axis%2C%20shuttles%20and%20buses)

³² Land Transport Act 1998, Part 9

Positive effects

- 4.17 In consideration the applications before me I must have regard to the effects of the proposal, were they positive or adverse. My consideration of the latter is covered in the sub-sections that follow. However, at this point I briefly turn my mind to the positive effects of the proposal for which consent is sought.
- 4.18 The benefits of the proposal were acknowledged by the Applicant, and in the Terrestrial and Wetland Ecology Joint Witness Statement.³³
- 4.19 For example:

Evidence for the Applicant:

- a. Mr Keer-Keer concurred with the Council's air quality expert that "*hedges in front of properties will be effective in reducing any nuisance dust to the residents*";³⁴
- b. Ms Hilderink-Johnson presented the view has "*positive effect by providing aggregate for locally and regionally important infrastructure projects*."³⁵

Joint Witness Statements:

- a. The expert conferencing for Terrestrial and Wetland Ecology matters stated that there were potential positive effects of continuing a discharge of water to raupō-dominated vegetation.³⁶
- 4.20 The identified positive effects form a lens through which I consider the adverse effects of the proposal. With those benefits recorded, I now turn to the assessment of the on-site and off-site effects.

Operational/on-site effects

Context

- 4.21 As I have outlined above, it is important to differentiate between the **on-site** and **off-site** effects arising from both the day-to-day operational activities of the quarry and those effects arising from the physical expansion of the quarry.
- 4.22 At the outset I wish to express that I am satisfied that the day-to-day operational **on-site** effects of the quarry will not extend beyond the boundary of the quarry site. Furthermore, the effects of the physical quarry extension will not fundamentally change from the existing quarry operation and will also not result in any material effects beyond the boundary of the quarry site.
- 4.23 To add context to my substantive assessment of effects, I also consider it important to address two unique elements of this quarry; namely, the:
- a. history of the quarry and its strategic importance
 - b. location and physical nature of the quarry operations

History of the quarry and its strategic importance

- 4.24 Linton Quarry was first established in the 1970s and has passed through various ownerships.

³³ JWS - Terrestrial and Wetland Ecology, prepared by James Lambie and Nyree Fea, dated 9 May 2023

³⁴ Statement of Evidence of Stuart Keer-Keer, 1 June 2023, para 34

³⁵ Statement of Evidence of Emma Hilderink-Johnson, 1 June 2023, para 68

³⁶ JWS - Terrestrial and Wetland Ecology, prepared by James Lambie and Nyree Fea, dated 9 May 2023

- 4.25 The quarry currently operates under two consent regimes³⁷ :
- a. One land use consent from PNCC, gained in 2007, which provided for an average of 105,000m³ be extracted annually, operating hours of 7.00am to 7.30pm Monday to Saturday (including public holidays) and an allowance of an average of 27 heavy truck movements (54 trips) per day;³⁸ and
 - b. three regional consents from Horizons³⁹
- 4.26 Over this time, the on-site management of the quarry has operated largely without giving rise to effects beyond the boundary, with no sustained history of complaints from off-site dust effects from on-site operations.⁴⁰
- 4.27 However, there has been acknowledgement that for two distinct periods, there were abnormal trucking movements. Those periods occurred in 2004-2005, during the Palmerston North floods and during the period 2020-2021 up until last year, which coincided with a spike in the demand for material for river protection projects around the country, such as gabion baskets. Whilst it was apparent to me that the residents living along Kendalls line during that time were accepting of the need for additional truck movements as part of the 2004-2005 flood response, the increase in truck movements since 2020 has not been acceptable at all.
- 4.28 Both the Applicant and Council have acknowledged that these periods exceeded the current consent conditions but arose due to special circumstances associated with the demand for rock in natural hazards works and also demand for rock material in the post covid associated with the increase in infrastructure projects/works in the wider region. However, it is also clear that extraction volumes have dropped since 2021 and are currently at an all-time low.⁴¹
- 4.29 It is clear from the evidence that the quarry plays a strategically important role in the providing a regionally important resource to a number of the surrounding regional authorities, particularly in relation to flood protection and remediation works in rivers, streams and embankments. The demand for such has increased, particularly in recent times, such for the East Coast during the recent flood events with the main client bases being Regional Councils.⁴²
- 4.30 The significance of the above history is twofold:
- a. Firstly it reinforces the fact that the effects in contention are off site effects; and
 - b. Secondly, the current trucking movements are very low which is a direct result of a significant reduction in extraction.
- 4.31 As will become apparent in the next section, the current low levels of truck movements/extraction are a reflection of the limited life of the quarry under its current configuration/footprint. This underlines the reason for the proposed expansion.
- Location and physical nature of the quarry operations***
- 4.32 How the unique physical characteristics of quarry attribute to the operational effects not permeating beyond the site boundary is important. The two key aspects relate to:
- a. The nature of material being extracted/the extraction method
 - b. The quarry location

³⁷ PNCC Consent No: 202277, LU4946

³⁸ Consent No: 202277, Application AEE, para 1.1.1, page 2, dated November 2022

³⁹ Horizons consents ATH-2019202514.01, ATH-2019202598.01, 6819

⁴⁰ Application AEE, page 64, dated November 2022

⁴¹ Appendix A, Table showing demand per month, Applicant Right of Reply, dated 11 July 2023

⁴² Applicant Right of Reply, letter from Greater Wellington Regional Council, dated 3 March 2023.

- 4.33 Collectively, these factors have a strong bearing on the life of quarry. As such I address each of these in turn and canvas why these are a unique determinant in ascertaining why the day-to-day operational effects of the quarry do not protrude to any significant effect beyond the boundary.

Nature of the material being extracted/method of extraction

- 4.34 Linton Quarry is a hard rock quarry, specialising in 'rock armour'. There are two types of rock extracted from the quarry, being 'brown rock' which is weathered greywacke and 'blue rock' which is a sandstone resource.⁴³ The blue hard rock is what is used for the 'rock armour'. The blue hard rock is present as a narrow seam. Once seam is exposed, the rock is extracted by explosives. The extraction process is less intensive than for other hard rock quarries. This means that smaller blasts occur, which produce larger rocks.⁴⁴ Generally, the rock armour comprises rocks of between 200mm up to 3m in diameter.⁴⁵
- 4.35 The method of extraction and resulting quarry form is also unique. As described in paragraph 4.34 above, the blue rock presents in a narrow seam; this results in smaller, vertical narrow quarry bench/faces and an overall vertical cone shape quarry with generally vertical, rather than horizontal extraction unlike most traditional aggregate quarries.
- 4.36 The resultant unique vertical cone shaped quarry, reduces bench/face expose, which are easier to maintain and gives rise to dust being produced as a result.⁴⁶ The vertical cone shape quarry is also less visually dominant due to the constrained footprint.
- 4.37 The significance of this attribute of the quarry operation is that:
- a. The size of rock and aggregate being "won" from the quarry is significantly larger than for those quarries that focus on chip and pea aggregate sizes. The larger rock sizes (and absence of crushing and processing) do not give rise to the same level of dust generation found at those other quarries and consequently it is easier to manage airborne particulates/dust.
 - b. The narrow seam of the quarry and its steep cone shaped sides means that once the maximum workable depth of the quarry is reached it is not readily or easily possible to extract the residual material from the incised sides of the quarry. The only effective way this can be achieved is by a horizontal extension of the quarry to allow further vertical cones to be extended to access these seams.

The final matter above has a strong bearing on the life of the quarry as outlined below.

The quarry location

- 4.38 The quarry is situated on private road, accessed off the end of a no-exit road, being Kendalls Line. Therefore, the quarry is not particularly visible from a wide area.⁴⁷
- 4.39 Furthermore, much of the site is physically screened by existing bunds along the northern and western boundaries and along the eastern side of the pit, which crucially are the sides being those that are closest to residential development, with the nearest residence (not owned by the Applicant) being 1.5km away.⁴⁸ The application also proposes to increase the height of these bunds, by up to 15m along the northwest and

⁴³ Application AEE, Table 3-1, page 8, dated July 2022

⁴⁴ Air Quality Evidence from Mr Curtis, para 8.2, page 3, dated 24 May 2023

⁴⁵ Linton Quarry Overview by the applicant tabled at the hearing, undated

⁴⁶ JWS between Mr Curtis and Mr Keer-Keer, dated 28 June 2023

⁴⁷ S42A Report, Ms Adsett, para 64, page 22, dated 30 May 2023

⁴⁸ Landscape and visual effects evidence by Shannon Bray, para 16, page 3, dated 9 May 2023

eastern sides of the quarry site, which will provide for further assistance with noise and landscape screening/effects.⁴⁹

- 4.40 The combination of the physical separation and the existing and proposed screening provided by the bunds affords the adjoining residential properties visual and acoustic screening from day-to-day operational activities, such as blasting, extraction and sorting of aggregate.
- 4.41 Overall, and as I conclude later in this joint decision report, I concur with the air quality and acoustic experts, who consider that given the location of the quarry, and the small scale of activities that occur within it there is little potential for dust and noise from on-site quarry activities to give rise to nuisance effects.⁵⁰

Life of the quarry

- 4.42 As discussed earlier, the current extraction levels are at an all-time low. The Applicant explained that this is because the under its current footprint and configuration the site has been fully “worked out”. Mr Higgins made it clear that unless the proposed 6.3ha expansion is consented that once the existing stockpile material has been transported off site then the quarry operations will be at an end. He explained that this is because of the physical limitations of the step cone features of the quarry (as described above in paragraphs 4.35-4.38).
- 4.43 The 6.3ha expansion will not only enable the residual rock seams to be accessed but will also provide an additional new source of rock and aggregate to match the demand predictions produced by the Applicant.
- 4.44 It is for those reasons that the application has been lodged and this provides the relevant context for me to now focus on the actual and potential effects of the proposal in terms of the largely non contested on-site effects and the contested (at submitter level at least) off-site effects.

Assessment of operational on-site effects

Context

- 4.45 As set out above, the quarry has not historically given rise to on-site effects. This was evident by the absence of submitters raising any concerns relating to on-site effects, with the exception of a matter relating to the removal of an area of Nikau Palms. This matter was subsequently resolved prior to the hearing⁵¹ and is also covered in more detail below under ‘*Effects on biodiversity and ecological*’.
- 4.46 Therefore, the on-site effects were primarily addressed between the Applicant and Council experts’ evidence and were summarised in a combination of the expert evidence from the Council and the Applicant and in various Joint Witness Statements. For the record the following JWS’ were produced prior to the hearing:
- a. Transport, prepared by Harriet Fraser and Joseph Phillips, dated 15 May 2023
 - b. Geotechnical, prepared by Cameron Lines and Barry McDowell, dated 15 May 2023
 - c. Landscape, prepared by Shannon Bray and Jesse Byrne, dated 8 May 2023

⁴⁹ S42A Report, Ms Adsett, para 33, page 9, dated 30 May 2023

⁵⁰ JWS between Mr Curtis and Mr Keer-Keer, Annexure 2, point 2, dated 28 June 2023

⁵¹ Pre-hearing meeting report and minutes held 17 May 2023

- d. Erosion and Sediment Control, prepared by Kerry Pearce and Annette Sweeney, dated 15 May 2023
- e. Terrestrial and Wetland Ecology, prepared by James Lambie and Nyree Fea, dated 9 May 2023
- f. Water Quality and Aquatic Ecology, prepared by Eric Fa'anoi and Anne Marieke Soeter, dated 17 May 2023
- g. Air Quality, prepared by Andrew Curtis and Stuart Keer-Keer, dated 28 June 2023
- h. Noise and vibration, prepared by Jon Farren and Nigel Lloyd, dated 6 July 2023

4.47 Given the lack of contention of on-site matters, I provide a high-level summary for each of the following issues and for the sake of economy, I have considered the effects collectively, rather than under separately for each Council's jurisdiction:

- *Landscape and Visual Amenity effects*
- *Operational on-site noise effects*
- *Effects on the safe and efficient operation of the roading network*
- *Effects on land stability*
- *Effects on the National Grid*
- *Effects on biodiversity*
- *Erosion and Sediment Control Measures*
- *Water quality*
- *Air Quality and Dust effects*
- *Cultural effects*

Landscape and Visual Amenity effects

4.48 As set out above, the location of the quarry generally mitigates any landscape and visual effects due to the combination that the location of the site itself in that it is not recognised as having any special amenity or landscape value, and that the quarry and pit itself is not particularly visible from the wider area.⁵²

4.49 This position was confirmed by the Landscape JWS which agreed that "*landscape effects at site level will be low-moderate.... And at the wider scale low overall.*"⁵³ In addition, the experts also agreed that any landscape and visual amenity effects are able to be mitigated appropriately through conditions of consent, in particular through a rehabilitation plan.

4.50 I concur with the overall sentiments contained in the Landscape JWS and accept that the updated set of conditions offered by the Applicant adequately address any landscape and visual amenity effects on site.

Operational on-site noise effects

4.51 Onsite operational noise sources, excluding from traffic generation along Kendalls Line, which I deal with as the substantive 'off-site' issue below, are generated from the mobile and static mechanical plant. Noise generated from these sources is only predicted to impact on one dwelling at 150 Kendalls Line.⁵⁴ Both the Applicant's and Council's acoustic experts agreed that the operational noise from the mechanical plant, in conjunction with recommended conditions would remain minor.⁵⁵

4.52 As a result of the post hearing Noise and Vibration JWS, both parties agreed on a quarry site boundary noise limit of 60 dB LAeq. In order to achieve this limit, a condition

⁵² S42A Report, Ms Adsett, paras 64-68, page 22-23, dated 30 May 2023

⁵³ Landscape and visual assessment JWS, Shannon Bray and Jess Byrne, dated 8 May 2023

⁵⁴ Statement of evidence from Jon Farren, para 29-30, dated 6 June 2023

⁵⁵ S42A Report, Ms Adsett, para 80, page 25, dated 30 May 2023

requiring a Noise Management Plan to be prepared was also agreed to. Furthermore, an additional condition requiring one further round of noise monitoring, with further monitoring required on the receipt of any justifiable noise complaints.⁵⁶

- 4.53 I accept and adopt the on-site noise assessment, in conjunction with the agreed conditions requiring a Noise Management Plan and monitoring, which will appropriately address the on-site noise effects.

Effects on the safe and efficient operation of the roading network

- 4.54 This matter solely relates to traffic safety and the roading network arising from traffic generation. Further assessment is made in relation to noise effects of traffic generation under 'off-site' effects below.

- 4.55 Both the Applicant's and Council traffic experts agreed that safe and efficient operation of the roading network arising from the proposed quarry expansion and associated activities is able to be mitigated by the following conditions:

- a courtesy speed limit of 50km per hour along Kendalls Line
- the provision of a 1.0m wide lime chip path adjacent to the roading corridor of Kendalls Line, between 4 and 75 Kendalls Line⁵⁷
- intersection improvements at Kendalls Line and State Highway 57⁵⁸
- monitoring and ongoing repairs to Kendalls Line road condition

- 4.56 In addition, Waka Kotahi- NZTA being the Road Controlling Authority for SH57 have provided written approval to the Application and requested a number of conditions of consent, which the Applicant has included.⁵⁹

- 4.57 The above mitigation measures will form part of the updated Traffic Management Plan and will also cross reference to the Noise Management Plan in assisting with both noise and safety issues.⁶⁰

- 4.58 I accept the updated set of conditions⁶¹ which address the road safety and efficiency network matters.

Effects on land stability

- 4.59 The geotechnical experts for both parties agreed that the proposed design of the slope batters of both the quarry and overburden disposal areas would not result in any instability risk.⁶²

- 4.60 Ms Adsett's assessment of this matter concluded that in conjunction with conditions to offset the potential failures and consequential loss of vegetation, as discussed in the ecological effects below, she also recommended a condition regarding a geotechnical rehabilitation report be incorporated into the Final Quarry Closure and Rehabilitation Plan conditions.⁶³

- 4.61 I accept and adopt the Geotechnical JWS assessment and recommendations, in addition to Ms Adsett's own assessment.

⁵⁶ Noise JWS, Jon Farren and Nigel Lloyd, para 10, page 3-4, dated 6 July 2023

⁵⁷ Condition 6 of LU 6962, includes advice note that details of the location of the lime chip path shall be finalised in consultation with adjacent landowners

⁵⁸ Transport JWS, Harriet Fraser and Joseph Phillips, dated 15 May 2023.

⁵⁹ Transport JWS, Harriet Fraser and Joseph Phillips, dated 15 May 2023

⁶⁰ Transport JWS, Harriet Fraser and Joseph Phillips, dated 15 May 2023

⁶¹ LU 6962 conditions 4-13, dated 25 July 2023

⁶² Geotechnical JWS, John Lines and Barry McDowell, dated 15 May 2023

⁶³ S42A Report, Ms Adsett, para 91, page 27, dated 30 May 2023

Effects on the National Grid

- 4.62 Transpower's high voltage powerlines run through the site and two towers are also within close proximity to the site and therefore the effects of Transpower's assets needed to be considered. As set out above under *effects of land stability* the risk of slope instability, and in turn risk to Transpower's pylons, is very low. Therefore, I am satisfied that the conditions will ensure the effects on the National Grid are avoided or mitigated.

Effects on biodiversity and ecological effects

- 4.63 The Terrestrial and Wetland Ecology JWS provided agreement on the ecological values, in particular the loss of the nikau-kaikōmakotawa treeland, disturbance of nesting pipits, potential harm to lizards and the potential loss of rare invertebrates were all low to negligible.⁶⁴ Furthermore, Ms Adsett concluded that the effects on those values can be managed through conditions.⁶⁵
- 4.64 I accept both the evaluation of the Terrestrial and Wetland Ecology JWS and Ms Adsett's conclusion that the effects of biodiversity and ecology will be less than minor.

Erosion and sediment control measures

- 4.65 Both the Applicant and Council's experts agreed that the existing erosion and sediment control measures are adequate and that the proposed measures to update the existing conditions are appropriate and adequate for ensuring the site's erosion and sediment control measures meet the current best practice guidelines (as per the GWRC guidelines adopted by Horizons Regional Council.)⁶⁶
- 4.66 On that basis, I am satisfied that the effects of on-site erosion and sediment are no more than minor.

Erosion and Sediment Control Measures

- 4.67 The Erosion and Sediment Control JWS agreed that the existing erosion and sediment control measures, inclusive of the updates to the Erosion and Sediment Control Plan adequately address any effects arising on-site quarry cleanfill discharges, earthworks to the quarry pit, construction of bunds, and the crushing of rock. There were no matters of disagreement between the experts.⁶⁷
- 4.68 As such, I accept and adopt the recommendation of Ms Adsett, along with the recommended conditions.

Water quality

- 4.69 The effects of quarry sediment discharges within waterways were canvassed by the Applicant's and Councils' experts. There were only two potential issues in contention between the experts, relating to the frequency of discharge and the magnitude of the contaminants being discharged. However, I am satisfied that since the JWS was produced the experts have agreed on a condition that the consent holder will be required to monitor the discharge for a period of 2 years and should discharge level exceed the standards set within the NES-FW, it will trigger the requirement to review on-site ESCP practices and adjust if necessary.⁶⁸

⁶⁴ Terrestrial and Wetland Ecology JWS, prepared by Jamie Lambie and Nyree Fea, dated 9 May 2023

⁶⁵ S42A Report, Ms Adsett, para 98, page 29, dated 30 May 2023

⁶⁶ ESCP JWS, Kerry Pearce and Annette Sweeney, dated 15 May 2023

⁶⁷ ESCP JWS, prepared by Kerry Pearce and Annette Sweeney, dated 15 May 2023

⁶⁸ S42A Report, Ms Adsett, para 111, page 31, dated 30 May 2023

- 4.70 I am satisfied that the conditions proposed will provide a baseline to work from and potential ratification pathway in place, in the event of any exceedance of the standards set within the NES-FW.

Air Quality and Dust effects

- 4.71 The generation of on-site dust arises the haul roads and the process of gravel extraction itself.
- 4.72 Council provided a supplementary review of Applicant's air quality evidence and dust monitoring reports and plans⁶⁹. I accept the conclusions of Mr Curtis which state *that "there is no reason why consent could not be granted for this activity, on the basis of the consent conditions submitted by the Applicant with the changes I have proposed"*.⁷⁰ I accept and adopt the conditions⁷¹, such as the provision of sprinklers to manage air quality.

Cultural effects

- 4.73 The significance of the effects of the proposed quarry expansion from a cultural perspective arose due to the present of an unnamed tributary of the Kahuterawa stream, which is a tributary of the Manawatū River, flowing through the quarry site and because of the proposed removal of the Nikau Palms on site.
- 4.74 I acknowledge that a Mana Enhancement Agreement (MEA)⁷² has been signed between Rangitane o Manawatū and the Applicant, which sets out a number of conditions of consent, particularly in relation to the rehabilitation plan which must be prepared in consultation with Best Care (Whakapai Hauora) Charitable Trust. I am therefore satisfied that the cultural effects have been adequately addressed.

Conclusion of on-site effects

- 4.75 Overall, based on the above assessment and the application of the appropriate conditions, I am satisfied that the effects of the proposed activities will be acceptable and generally consistent with the relevant provisions and the anticipated environmental outcomes stated in the both the District and Regional Plans.

Assessment of off-site effects

Context

- 4.76 The key issue exercising my consideration here is the effect of traffic movements on the amenity of the properties of submitters along Kendalls Line. In particular, I have focused on the extent to which the noise, dust and vibration effects on that receiving environment will be able to be managed to an appropriate level.
- 4.77 As set out under '*Hearing Adjournment*' above in paragraph 2.28, it is important to note that vehicle movements proposed by the Applicant were reduced from what was initially applied (being 250 vehicle movements per day with a maximum of 40/hr) to 170 vehicle movements per day (with a maximum of 17hr) subsequent to the hearing. For context, I set out below the various traffic movement scenarios that have been canvassed throughout the hearing process in **Table 1**.

⁶⁹ Review of: Dust monitoring report, dust management plan, evidence of Stuart Keer-Keer, evidence of Emma Hilderink- Johnson

⁷⁰ Supplementary Air Quality Evidence of Linton Quarry Application, Mr Andrew Curtis, dated 19 June 2023

⁷¹ LU 6962 Dust Conditions 41-56

⁷² A memorandum dated 27 April 2023 has been supplied by the applicant outlining the Mana Enhancing Agreement, along with a request to amend the application to include a number of conditions.

4.78 This is a salient matter as each of the vehicle movements scenarios below have a direct correlation to the level of off-site effects. However, before I enter into my substantive assessment, I stress that:

- a. my assessment of off-site effects associated with truck/heavy vehicle usage is not to determine the whether the effects of the vehicle movements sought by the Applicant at the closing of the hearing are lesser than what was initially applied for, e.g. the difference between the effects of 250 vs 170 vehicle movements per day. This would represent a disingenuous assessment of effects.
- b. Rather, I reiterate my explicit duty, as expressed in **Minute 2**,⁷³ is to assess the effects between the existing baseline, being what is currently consented, (54 vehicle movements with no maximum hourly volume) and determine an outcome in relation to a traffic movement scenario that avoids, remedies or mitigates the effects to the greatest extent possible⁷⁴

Table 1: The evolution of the maximum heavy traffic movements throughout the Application Process

Consented Traffic volume ⁷⁵	Volume sought in the initial application	Reduced volume sought post hearing ⁷⁶	Potential middle ground	Minium traffic movements required to transport extraction volume
54 (no maximum hourly rate)	250 per day 40 per hour	170 per day 17 per hour	150 per day 15 per hour	130 per day (no maximum hourly rate provided)

4.79 As I go through the evidence of the off-site effects, I have kept the following four key questions in mind:

- a. What is an acceptable level of effects?
- b. What is the best way to achieve this level?
- c. How do I balance the dichotomy of needs between submitters and Applicant?
- d. Ultimately, what level of activity minimises the effects to the greatest extent possible having regard to the operational requirements of the quarry?

4.80 As stated above in the *preamble*, the key issue in contention relates to an off-site amenity effect, namely:

- a. Air Quality/Dust
- b. Noise/vibration

4.81 These matters remained in contention at the hearing and were subject to further conferencing and assessment post hearing, as directed by Minutes 2⁷⁷, 3⁷⁸ and 4⁷⁹, and as set out above in paragraphs 2.28-2.38. As a result, the following two further JWS's were prepared post-hearing:

- a. Air Quality, prepared by Andrew Curtis and Stuart Keer-Keer, dated 28 June 2023
- b. Noise and vibration, prepared by Jon Farren and Nigel Lloyd, Dated 6 July 2023

⁷³ Minute 2, para 18, dated 26 June 2023

⁷⁴ Minute 2, para 18, dated 26 June 2023

⁷⁵ Land use Consent 202277

⁷⁶ Applicant's Right of Reply, page 1, dated 11 July 2023

⁷⁷ Minute 2, dated 26 June 2023

⁷⁸ Minute 3, dated 4 July 2023

⁷⁹ Minute 4, dated 18 July 2023

4.82 I set about answering the four questions in relation Air Quality/Dust and Noise in turn below.

Air Quality/Dust effects

4.83 There were two matters that submitters raised in relation to the off-site air quality matter; firstly in relation to diesel fumes and secondly in relation to dust.

4.84 The matter of dust was touched upon earlier under **on-site** effects, to reiterate, my following assessment purely relates to air quality matters generated from traffic **off-site**.

Diesel Fumes

4.85 In relation to the submitters concern regarding reduced air quality arising from diesel fumes of traffic, both experts consider that there is little potential, given the relatively small volume of traffic for traffic exhaust related effects to occur at these residences.⁸⁰ I accept the expert's assessment on this matter make any further assessment in relation to diesel fumes. This matter is also addressed above under '*Matters beyond my jurisdiction*'.

Dust

4.86 The Applicant's evidence acknowledged that trucks depositing dust onto the road and subsequent trucks disturbing the settled dust making it airborne gives rise to ambient dust, with the receivers of this dust being the residential properties along Kendalls Line.⁸¹ The Air Quality JWS agreed that dirt tracked out of the site and disturbed by vehicle movements gives rise to visible dust, causing nuisance if present in sufficient quantities.⁸²

4.87 In order to address this matter, the Air Quality JWS set out a number of dust management measures, and concluded that "*subject to the installation of a truck wheel wash and road cleaning measures between the weigh station and the beginning of Kendalls Line legal road, and appropriate updates to the management methods described in the Draft DMMP, dust from the quarry, including dust from quarry traffic will be acceptable*"⁸³

4.88 Furthermore, the air quality experts agreed on a monitoring methodology and suggested a condition of consent to require air quality monitoring, including locations for the monitoring.

4.89 The Air Quality expert's JWS overall assessment of effects concluded "*that there is little potential for the quarry to cause dust nuisance effects, and with the changes to the conditions that we have recommended, the potential for dust nuisance from traffic movements on Kendalls Line will also be reduced.*"⁸⁴

4.90 On the basis of the Air Quality JWS and further recommended changes to the conditions, I return to the four keys questions above. I am satisfied that the off-site air quality and dust effects on the residents of Kendalls Line are:

- a. An acceptable level compared to the baseline environment; and
- b. The conditioning of the Dust Monitoring and Management Plan and implementation of dust mitigation measures will achieve the acceptable level of air quality; and

⁸⁰ Air Quality JWS by Andrew Curtis and Stuart Keer-Keer, Annexure A, dated 28 June 2023

⁸¹ Evidence of Mr Keer-Keer, para 23, page 4, dated 6 June 2023

⁸² Air Quality JWS by Andrew Curtis and Stuart Keer-Keer, Annexure A, dated 28 June 2023

⁸³ Air Quality JWS by Andrew Curtis and Stuart Keer-Keer, Annexure A, dated 28 June 2023

⁸⁴ Air Quality JWS by Andrew Curtis and Stuart Keer-Keer, Annexure A, dated 28 June 2023

- c. There were no matters of contention between experts and submitters on this matter at the closing of the hearing; and
- d. The final proposed activity, in conjunction with the conditioned mitigation measures provides air quality/dust effects to be minimised to the greatest extent possible.

Noise/vibration effects

Overview

- 4.91 The off-site effects of noise (and associated vibration effects) resulting from the average vehicle movements generated from the transportation of the aggregate remained the key issue in contention for this application. This was compounded by the submitters and Applicant having polarising views, with no resolution or middle point reached at the close of the hearing.
- 4.92 There were some initial matters of contention in relation to noise that were resolved during the hearing, which related to:
- a. The ability to assess traffic movements on the road corridor
 - b. The establishment of the minimum traffic movement required for transporting the volume of aggregate extracted by the Applicant; and
 - c. The anticipated noise levels generated from traffic volumes
- 4.93 However, the substantive matter that was still contested pivoted around what traffic volume scenario ultimately provides for an acceptable level of off-site noise effect.
- 4.94 Before turning to the contested matters, I briefly cover off the matters that were resolved during the course of the hearing. I then return to the key question of traffic volumes.

The ability to assess traffic movements on the road corridor

- 4.95 At the outset, the Applicant initially considered that the District Plan Noise rules, and the exclusions from noise control rules, in particular Rule R6.2.6.2(d), "*Vehicles being driven on a road (within the meaning of Section 291) of the Transport Act 1962), or within a site as part of and compatible with a normal residential activity.*" applied and therefore, stated in evidence that "*roads are permitted activities and...are not subject to any noise standards*"⁸⁵
- 4.96 I accept this rule exemption in general however I do not accept the application of this exemption to this application given that quarrying is a Discretionary Activity and under Rule R9.8.3, the assessment matters are explicit in relation to both adverse of traffic moments and the effects of noise on the amenity values of adjacent residential uses.⁸⁶
- 4.97 Furthermore, the acoustic experts agreed that quarrying is Discretionary Activity, with an assessment criterion that requires the consideration of noise effects of quarrying on the amenity values of the adjacent residential uses (R9.8.3 Quarrying, including the removal of sand, shingle, soil or other material, and oil and gas exploration activities), and therefore noise from quarrying activities including quarry trucks on local roads, should be assessed.⁸⁷
- 4.98 In addition, it is material, in my opinion, that the residential properties along Kendalls Line were established legally, prior to the current resource consent for the quarry and are not establishing 'new habitable rooms', (and therefore there are not new sensitive activities). On that basis, it is my position that the duty to protect those environments from road traffic noise should not be imposed on the receiver, as would be the case

⁸⁵ Legal Submission by Mr Bartlett, para 15, dated 22 June 2023

⁸⁶ Palmerston North District Plan, Section 9, Rural Zone Rules, Rule R9.8.3, assessment matters (a) and (c)

⁸⁷ Statement of Evidence Emma Hilderink-Johnson, para 56, page 12, dated 7 June 2023

that would be required under Rule R9.11.2 if habitable rooms /sensitive activities were being newly established.

- 4.99 Therefore, I consider the off-site effects of noise/vibration from heavy vehicles on those residential properties along Kendalls Line that were identified as 'affected parties' by the Council's s95 Report⁸⁸, generated by traffic travelling to and from the quarry, is a valid and a fundamental consideration of this Application as a matter of discretion under the District Plan. Moreover, it is the noise/vibration effects on the four submitters to the application (three attended the hearing), that I have had a particular focus on.

What is the minimum traffic movement required for transporting aggregate

- 4.100 The second matter in contention related to the necessary traffic movements required to transport to aggregate extracted from the quarry.
- 4.101 The application initially applied for a maximum of 250 traffic movements from heavy truck moments per day. This was a substantial increase from the currently consented 54 heavy truck movements per day, with the actual current traffic movements occurring being approximately 150 traffic moments, and as such is the key matter for why consent is being sought. The estimated traffic volume (of 150 that was occurring at the time the application was lodged) was based on the existing truck operations that had been occurring on-site, ascertained by surveys undertaken in February 2020, as reported in the Applicant's Traffic Impact Assessment.⁸⁹
- 4.102 At the hearing, concerns were raised from submitters⁹⁰ regarding the calculations and inconsistency of how traffic movements relate to the extraction volumes.
- 4.103 Assimilating the Applicant's evidence, the minimum traffic movements required to transport the proposed extracted aggregate should be ascertained by a simple mathematical equation being:

$$\text{Tonnes of material extracted} \div \text{capacity of the truck} \div \text{the number of working days} = \text{number of trucks}$$

- 4.104 On this basis, the equation is:

$$(360,000 \text{ tonnes} \div 21^{91} = 17,143) \div 260 = 65.9 \text{ (rounded to 66)}$$

- 4.105 Noting that 66 trucks involves two trucks movements, one in and one out, and therefore the total truck movement would be approximately **130**.
- 4.106 There was no challenge from either the reporting authors for the Council or any submitters to the statistic that **130** truck movements is the **minimum** requirement to transport 360,000 tonnes of aggregate that the Applicant is seeking to extract.
- 4.107 This leads on to the next matter in contention, raised by submitters regarding how the noise calculations of the daily traffic volumes correlate to the anticipated noise generated.

The anticipated noise levels from traffic volumes

- 4.108 Here I return to the first key question to determine what is an acceptable level of noise generated from traffic.

⁸⁸ 6, 11, 15, 33, 39, 42, 75 and 150 Kendalls Line, PNCC s95 Report, para 63, page 13, dated 8 February 2023

⁸⁹ Transport JWS, by Harriet Fraser and Joseph Phillips, Annexure A, page 5, dated 15 May 2023

⁹⁰ Evidence from Brent Vautier, undated.

⁹¹ Average load per truck, provided by applicant, response to Minute 3, dated 30 June 2023

- 4.109 The Applicant's noise report produced by Mr Farren considered the published guidance from the World Health Organisation and other sources as to how noise affects residential amenity. On this basis, Mr Farren's position was that a noise level of up to 55 dB LAeq(1hr) is appropriate for acceptable outdoor residential amenity and forms a useful reference for consideration of potential adverse noise effects.⁹² This was not disputed by submitters or Council experts (including Mr Lloyd).
- 4.110 I therefore accept and adopt the noise level of 55 dB LAeq(1hr) to be the measure that is an appropriate acceptable outdoor noise level to ensure residential amenity of the residents along Kendalls Line.
- 4.111 Moving onto my second question, I now address *what is the best method to achieve the 55 dB LAeq(1hr) noise environment on submitter's properties?*
- 4.112 Based on the initial noise report prepared by the Applicant assessing 250 traffic movements, it was demonstrated that this level of traffic would not achieve the 55 dB LAeq(1hr). The predicted measurements showed that three properties of the submitters attending the hearing, being 11, 33 and 150 Kendalls Line would experience noise levels above 55 dB Leq, 1 hr. At the time of the hearing, the Applicant proffered a condition of consent that offered mitigation to dwellings within 50m of the centreline of Kendalls Line to achieve compliant levels.
- 4.113 However, following the completion and in response to Minute 2⁹³, the Applicant subsequently confirmed in writing⁹⁴ that they were no longer seeking 250 traffic movement and submitted a new volume of 170 traffic movements (with the 17/hr maximum).
- 4.114 In the Applicant's Reply Statement, a table was produced demonstrating the predicted future noise levels from quarry traffic at dwelling facades on Kendalls Line for two traffic scenarios, being 170 and 130 movements per day.⁹⁵ Both traffic scenarios demonstrated compliance with the 55 dB LAeq(1hr). On this basis, the Applicant also withdrew their volunteered condition (previously volunteered on an *Augier* basis) for the noise mitigation measures, citing the point that mitigation is no longer required given compliance with the 55 dB LAeq(1hr) could be achieved through reduced traffic movements now forming part of the revised application.
- 4.115 Via Minute 3⁹⁶ submitters were provided with the opportunity to respond to both the reduced traffic volumes proposed and associated predicted noise levels, in addition to the withdrawal of the volunteered mitigation measures. All three submitters that attended the hearing provided feedback on this matter. One submitter⁹⁷ raised a question seeking further clarification on how limiting truck movement correlates to noise levels below 55dBA being achieved and furthermore, questioned how a reduction from 250 to 170 will have minimum impact on the negative effects caused by the traffic generated.⁹⁸
- 4.116 In order to assess the best way to achieve the 55 dB LAeq(1hr), and to provide a response to the submitters further questions, I sought further acoustic information in Minute 4⁹⁹ in relation predicted noise levels of traffic moments for 150 traffic movements per day. This included an assessment of a potential 'middle ground' traffic generation option of 150 traffic movements. I derived this figure as it sits halfway between the submitters, who seek to retain the current consented maximum traffic movements,

⁹² Noise Evidence from Jon Farren, para 36, page 7, dated 6 June 2023

⁹³ Minute 2, dated 26 June 2023

⁹⁴ Applicant's Memorandum dated 30 June 2023

⁹⁵ Memo from Marshall Day Acoustics by Jon Farren, dated 4 July 2023

⁹⁶ Minute 3, para 22, dated 4 July 2023

⁹⁷ Submitter response to Minute 3 from Mr Vautier, undated.

⁹⁸ Feedback from Mr Valtier in response to Minute 3, dated 6 July 2023

⁹⁹ Minute 4, dated 18 July 2023

being 54 movements per day and the Applicant's original application (250 movements per day) noting that:

- a. the Application has since been altered to reduce the level to 170 movements per day (17 /hr) to allow for peaks and troughs, whilst still complying with the 55 dB LAeq(1hr)
- b. the 150 per day figure exceeds the current consent restriction 54 movements per day (albeit without any maximum hourly rate) which is the submitters preferred outcome.

4.117 The additional assessment I required from the Applicant was intended to assist me in answering my third question of *'How do I balance the dichotomy of needs between submitters and Applicant'*.

4.118 The Applicant provided this additional assessment¹⁰⁰ and stated that the decrease (from 170 to 150) only provides a 0.54 dB reduction in sound levels which is a negligible change and therefore the Applicant continued to seek traffic volumes of 170 per day. However, as I explained at the outset of the off-site effects earlier, my duty is not to assess the difference between traffic volume options, it is the comparison between the baseline (being what is consented) and the options in front of me and to determine which option provides for the overall effects to be minimised to the greatest extent possible. Therefore, I do not accept the rationale of the Applicant stating a reduction to 150 movements would have only a negligible change.

4.119 On the basis of the final table provided by the Applicant, I ultimately finds that the level of development that minimises the noise effect to the greatest extent possible would be 130 truck movements per day. However, I also acknowledge that this would not serve the Applicants needs best. Therefore, my overall consideration is based on balancing the following three issues:

- a. The rate of extraction that correlates to traffic volumes and how this would increase or decrease overall lifespan of quarry
- b. Amenity that arises from the traffic volumes – increase noise vs decrease timespan
- c. Providing for flexibility of traffic volumes for peaks and troughs

4.120 To assist me in balancing these three issues, I produced a matrix (Refer **Appendix 2**) assessment, which compared all the following five options that I had in front of me:

- a. **Option 1:** the current consented traffic volume (maximum 54 movement per day, with no maximum hourly rate)
- b. **Option 2:** minimum traffic volume required to transport 360 tonnes of aggregate extracted that the Applicant seeks (maximum of 130 movements per day, no relevant hourly rate provided)
- c. **Option 3:** middle ground traffic volume (maximum of 150 movements per day and 15 movements per hour)
- d. **Option 4:** traffic volume sought by Applicant post hearing (maximum of 170 movements per day and 17 per hour)
- e. **Option 5:** traffic volume initial sought by Applicant (maximum of 250 movements per day and 40 per hour)

¹⁰⁰ Memo from Marshall Day Acoustics, dated 19 July 2023

Assessment of options

- 4.121 As set out in the matrix assessment, the current consented traffic volume does not provide for the ongoing requirements needs of the Applicant and is the reason for the current application. Therefore, I accept that declining the application outright as per **Option 1** is not a viable option.
- 4.122 Although **Option 2** provides for the lowest level of off-site effects, it does not adequately provide the for the flexibility of volumes peaks and troughs required by the Applicant. Therefore, I have also discounted this option.
- 4.123 Options **4 and 5**, whilst providing the optimal flexibility in terms of peaks and troughs (and potentially reducing the lifespan of the quarry), would result in on-site effects that are not minimised to the greatest extent possible having regard to operational requirements.
- 4.124 It is important to balance both the total maximum heavy truck movements per day in conjunction with the maximum hourly traffic movements when assessing the overall effects. The significance of the hourly restrictions has a direct correlation to the noise levels experienced by the submitters and it is the combination of both the daily and hourly restrictions that provides the most optimal method of reducing effects to the greatest extent possible extent whilst still having regard to the quarry's operational requirements. The Applicant's response¹⁰¹ to Minute 4¹⁰² demonstrated that a maximum of 15 truck movements per hour (**Option 3**) would produce the lowest level of noise generated at the dwelling facades of the submitters properties on Kendalls Line whilst not unduly restricting extraction volumes from quarry.¹⁰³
- 4.125 On the above basis, and overall, I consider that **Option 3**, provides the best balance between matters a-c above in paragraph 4.119 and provides for the on-site effects that minimised the effects to the greatest extent possible.

Conclusion on off-site effects

- 4.126 On balance and considering of matters a-c above in paragraph 1.119 and the dichotomy of needs between submitters and the Applicant, I consider that **Option 3**, with a maximum traffic volume of 150 movements (and a maximum hourly restriction of 15 movements /hr) provides for the least level of off-site noise effects.

Objectives and Policy Summary

Context

- 4.127 Section 104(1)(b) of the RMA requires that when deciding a resource consent application, the consent authority must, subject to Part 2 of the RMA, have regard to the relevant provisions of national and regional policies, plans and standards. There was agreement between the Applicant and S42A author that the relevant statutory documents to consider are:
- a. NPS-FM
 - b. National Policy Statement for Freshwater Management (NPSFM)
 - c. Horizons One Plan
 - d. Palmerston North City Plan

¹⁰¹ Applicant's Memorandum, dated 24 July 2023, Table 1

¹⁰² Minute 4, dated 18 July 2023

¹⁰³Memorandum from Marshall Day, Table 1, page 1, dated 19 July 2023

- 4.128 I note and accept Ms Adsett's assessment that the National Policy Statement for Highly Productive Land 2022, is not considered relevant. Furthermore, I also consider that the National Policy Statement for Indigenous Biodiversity that came into effect in July 2023 is also not relevant given the site does not have any significant indigenous biodiversity, including any Significant Natural Areas, identified.
- 4.129 For the reasons set out below and having applied a fair appraisal of the objectives and policies read as a whole, I find that the proposal is consistent with or neutral to most relevant policy provisions in the Plans administered by PNCC and Horizons. There was no compelling evidence presented at the hearing to support a finding that the proposal will be contrary to, or inconsistent with, the objectives and policies of those Plans overall.
- 4.130 I have therefore accepted the uncontested view of the planning experts that the proposal is consistent/not inconsistent with the provisions in the relevant documents. With the above in mind, I now briefly step through the relevant documents.

Relevant Policy Documents

National Policy Statement for Freshwater Management (NPSFM)

- 4.131 I note and accept the position of Ms Adsett that with conditions imposed on the consent requiring the works are undertaken and monitored as per the proposal, the application fits within the framework of the NPSFM particularly the requirement of putting the health and well-being of water bodies and freshwater ecosystems first.¹⁰⁴

Horizons One Plan (RPS and RP)

- 4.132 The RPS and RP contains section 2 -7 of the RPS and Chapters 12-14 of the RP as relevant to this application. The objectives and policies within these sections and chapters seek to ensure regard to Te Ao Maori, support waste reduction in relation to cleanfill, provide for mitigation of erosion, ensure water quality targets, manage source discharges to land and water and enhancement of indigenous biodiversity.
- 4.133 I accept and adopt both the Applicant's assessment¹⁰⁵ and the conclusions of Ms Adsett in relation to the relevant objectives and policies of the Regional Plan, stating "*it is considered that the application and proposed mitigations allow the activity to be not consistent with the relevant, identified, objectives and policies.*"¹⁰⁶

Palmerston North City Plan

- 4.134 Ms Adsett recorded that she was satisfied that the applicant is largely consistent with or not contrary to the relevant objectives and policies of the PNCP in relation to the overarching, city view, tangata whenua, rural zone and transport objectives.¹⁰⁷
- 4.135 I concur with that position and accordingly find no reason to find that, when considered in the round, the proposal is not contrary to the objectives and policies of the Operative or Proposed District Plans.

Objectives and Policy Summary

- 4.136 Overall, I accept and adopt Ms Adsett's conclusion that with the imposition of the recommended conditions the proposed activities are largely consistent with the policy framework of the NPSFM, Regional Policy Statement, Regional Plan and the District Plan where relevant.¹⁰⁸

¹⁰⁴ S42A, by Ms Adsett, para 416, page 40, dated 29 May 2023

¹⁰⁵ Application AEE, Section 3.2, pages 29-31, dated November 2022

¹⁰⁶ S42A, by Ms Adsett, para 184, para 47, dated 29 May 2023

¹⁰⁷ S42A, by Ms Adsett, para 185, para 47, dated 29 May 2023

¹⁰⁸ S42A Report, prepared by Ms Adsett, para 198, page 49, dated 29 May 2023

Other matters (s104(1)(c), RMA)

Duration

4.137 With respect to the consent term for activities managed within the jurisdiction of the Regional Council, the applicant has requested a term of 10 years for the discharge consent, being the discharge to land and water of treated wash water, discharge of cleanfill, disturbance of land and the ancillary discharge to water from the sediment retention ponds.

4.138 I accept and adopt the assessment and recommendation of Ms Adsett stating that:

“while not in alignment with the common catchment expiry date, I am satisfied that the consent can be granted for 10 years noting the level of investment by the applicant, the fact that the activity will be supporting local infrastructure, and the mitigations proposed which are in accordance with best practice, particularly for erosion and sediment control. In addition, given the monitoring is intended to provide a level of baseline data I also consider it appropriate to recommend an annual review clause on the consent”¹⁰⁹

4.139 Therefore, on the basis of inclusion of a review condition, I accept and adopt the 10 year duration for the regional discharge consents.

Matters relevant to discharge permits (s105)

4.140 Section 105 states:

When considering an application for a resource consent which would contravene Section 15 or Section 15B, a consent authority must, in addition to the matters in Section 104(1), have regard to:

a) the nature of the discharge and the sensitivity of the receiving environment to adverse effects; and

b) the Applicant's reasons for the proposed choice; and

c) any possible alternative methods of discharge, including discharge into any other receiving environment.

4.141 I accept and adopt the Applicant's proposed method of discharge to land and air for both sediment and dust and any possible alternatives and I adopt the respective findings of Ms Adsett:

Based on the joint witness statement, and recommended conditions provided, I have prepared conditions and included them as a collated set within Appendix A, should the commissioner be of a mind to grant consent.¹¹⁰

4.142 On the above basis, I have had appropriate regard to s105 of the RMA.

Restrictions on Grant of Certain Discharge Permits (s107)

4.143 Section 107 of the RMA places restrictions on the grant of resource consents for the discharge of contaminants into water. Section 107(1)(a) states that:

except as provided in subsection (2), a consent authority shall not grant a discharge permit allowing the discharge of a contaminant of water into water, or onto or into land in circumstances which may result in that entering water if, after reasonable mixing, the contaminant or water discharged is likely to give rise to all or any of the following effects in the receiving waters:

¹⁰⁹ S42A Report, prepared by Ms Adsett, para 202, page 50, dated 29 May 2023

¹¹⁰ S42A Report, prepared by Ms Adsett, para 104, page 30, dated 29 May 2023

a) the production of any conspicuous oil or grease films, scums or foams, or floatable or suspended materials:

b) any conspicuous change in the colour or visual clarity:

c) any emission of objectionable odour:

d) the rendering of fresh water unsuitable for consumption by farm animals: e) any significant adverse effects on aquatic life.

4.144 Under Section 107(2) of the RMA,

a consent authority may grant a discharge permit or a coastal permit that may allow any of the effects listed above if it is satisfied that: a) exceptional circumstances justify the granting of the permit; or b) the discharge is of a temporary nature; or c) the discharge is associated with necessary maintenance work—and that it is consistent with the purpose of this Act to do so.

4.145 It was Ms Adsett's uncontested view that in this instance, conditions are recommended that will ensure such effects do not arise. In her opinion s107 does not stand in the way of a grant of consent.¹¹¹

4.146 I therefore adopt Ms Adsett's advice and find that the proposed activity is consistent with section 107 of the RMA.

Conditions of resource consent (s108)

4.147 Section 108 of the RMA states that a resource consent may be granted on any condition that the consent authority considers appropriate.

4.148 The applicant has volunteered a suite of conditions for both the District and Regional consents, which I have generally accepted and adopted on the basis of Ms Adsett's assessment and conclusion which states "*With appropriate conditions of consent and management plans in place it is considered that matters such as visual effects, noise, traffic, dust, sediment, and effects on freshwater ecology and cultural values can be adequately dealt with.*"¹¹²

4.149 One of the key conditions of consent, which I have amended from the Applicant's volunteered conditions relates to maximum traffic movements. The total numbers of traffic generated to and from the site have been reduced from a maximum of 170 to 150 daily and a maximum of 17 to 15 hourly. This is a key condition¹¹³ which consent can be granted only on the basis that this, and all other conditions are strictly adhered to, to ensure that the effects are mitigated.

RMA Part 2

4.150 Decisions on resource consent applications are "subject to Part 2" of the RMA, which sets out the Act's sustainable management purpose.

4.151 I have not felt any need to revert to Part 2 in order to determine this application, owing to the substance of the relevant objectives and policies in the Plans. The Plans were competently prepared via a recent independent hearing and decision-making process, with express assessment and implementation of the matters in Part 2.

4.152 There was no evidence before me to suggest there are areas of invalidity, incomplete coverage or uncertainty in the Plans or intervening statutory documents such that any detailed evaluation of Part 2 is required.

¹¹¹ S42A Report, prepared by Ms Adsett, para 197, page 39, dated 29 May 2023

¹¹² S42A Report, prepared by Ms Adsett, para 127, page 34, dated 29 May 2023

¹¹³ Condition 8, LU6962, Appendix 3, page 4

Overall determination

4.153 In summary I find the following:

- a. The operational on-site effects have been appropriately addressed by the Applicant and Council experts;
- b. The operational off-site effects are minimised to the maximum possible extent by granting consent for a maximum traffic volume of 150 movements per day and a maximum hourly restriction of 15 movements per hour, which balances the dichotomy of submitters and Applicant's needs; and
- c. The proposed activities is acceptable and generally consistent with the relevant provisions in the both the District and Regional Plans.

5.0 Decisions

5.1 For the reasons set out above, and acting under delegated authority on behalf of the Palmerston North City Council and Horizons Regional Council, I hereby **grant consent** to HiRock Limited to expand and continue to operate the Linton Quarry with a maximum volume of traffic movements set at 150 movements per day and a maximum of 15 traffic movements per hour.

5.2 Consents are granted to the following applications:

Palmerston North City Council consent:

Land use consent for the extension of an existing quarry, currently operating under an existing land use consent (LU 6962)

Horizons Regional Council consents:

Discharge consent to an unnamed tributary of Linton Drain (APP-2022203991.00, consisting of three consents:

- ATH-2022205664.00 – Discharge to Water
- ATH-2022205663.00 – Land Disturbance
- ATH-2023205983.00 – Discharge to Land

5.3 The consents are subject to the conditions set out in **Appendix 3**

DATED AT WELLINGTON THIS 25th DAY OF AUGUST 2023



DJ McMahon
Independent Commissioner

APPENDIX 1
Schedule of Appearances

HEARING RECORD OF APPEARANCES 22 June 2023

Applicant

- R E Barlett, KC (Legal Counsel)
- Emma Nicole Hilderink-Johnson (Planner)
- Stuart Keer-Keer (Air Quality)
- Jon Farren (Noise)
- Joseph Adam Phillips (Traffic)
- Shane Higgins (Director Hirock Ltd) – Applicant
- Josua Grobler (General Manager – Aggregates at Hirock Ltd)

Council

- Natasha Adsett (Planner)
- Harriet Barbara Fraser (Transport)
- Andrew Curtis (Air Quality)
- Nigel Lloyd (Noise)
- Eric Fa'anoi (Horizons Water Quality Expert)

Submitters

- Christoffel and Ilze Bekker
- Richard Day
- Brent Vautier

APPENDIX 2
Assessment Matrix

Evaluation Matrix							
TRAFFIC VOLUME OPTION (vehicle movements per day)	dBA at submitters façades			Efficiency of Quarry	Lifespan of Quarry	Overall effect on amenity of submitters	Overall effect on the quarry's efficiency
	11 Kendalls Line	15 Kendalls Line	39 Kendalls Line				
	Complies with noise standards Does not comply			efficient less efficient inefficient	Short Medium Long	Neutral Positive Negative	
Option 1 - 54 Current consented	≥55dBA			Less efficient at current consented volumes.	Extraction rate is less so the quarry will operate for a longer period.	Amenity of the existing situation will not alter but will have negative impacts on the economic viability of the quarry.	The quarry would only have the ability to extract aggregate for another 2-3 months without the extension to the quarry.
Option 2 - 130 Option put forward by submitters	49dBA	47dBA	43dBA	Provides for traffic volumes to transport aggregate extraction but does not provide for any 'peaks' periods.	Extraction rate as applied to provide for increased demand, traffic generation directly aligns with extraction levels.	Provides for the lowest predicted noise generated from traffic	Does not provide for peaks in aggregate extraction to be transported.
Option 3 – 150 Middle ground option	51dBA	49dBA	45dBA	Provides for some level of higher demand than the minimum level of traffic generated to transport the extraction volumes.	Traffic generation is slightly higher than extraction levels and therefore lifespan will be medium term.	Noise levels are still comply with the standards, which is only 1 decibel lower than what the applicant is seeking and 2 decibel higher than the submitters are requesting	Provides for peaks in aggregate extraction to be transported, but slightly lower than the applicant is seeking and higher than the submitters request.
Option 4 – 170 Sought from applicant post hearing	52dBA	50dBA	46dBA	Provides for potential periods where there may be higher demand for aggregate.	Traffic generation is higher than extraction levels and therefore lifespan will be medium term.	Noise levels are 3 dBA higher than Option 2, which is an audibly perceived increase from Option 2 but not Option 3.	Provides for peaks in aggregate extraction to be transported at the rate which the applicant is now seeking.
Option 5 – 260 Initially applied for	≤55dBA			Allows more traffic volumes in excess of the level of aggregate being extracted to be transported off-site.	Extraction rate is the same but can be transported off site at a higher rate and therefore shorten the overall number of years the quarry can operate.	Exceed the permitted noise standards and therefore has a negative impact on residents amenity	Provide for traffic generation that exceeds the rate of extraction that was currently applied for.

APPENDIX 3
Notice of Decisions and Conditions of Consent

RESOURCE CONSENT - NOTICE OF DECISION – PALMERSTON NORTH CITY COUNCIL

Application Details:

RESOURCE CONSENT IS GRANTED TO:	HIROCK LTD
LOCATION:	167-257 KENDALLS LINE, PALMERSTON NORTH
ZONING:	RURAL ZONE
ACTIVITY STATUS:	DISCRETIONARY ACTIVITY
PROPOSAL:	EXPANSION AND OPERATION OF AN EXISTING QUARRY
APPLICATION:	LU 6962

GENERAL ACCORDANCE

1. The consent holder must undertake the activity in general accordance with the consent application including all accompanying plans and documents first lodged with the Palmerston North City Council on 21 November 2022, and the information included in the following further information responses and plans:
 - A. Site plan titled Linton Quarry Expansion, drawn by Good Earth Matters, dated July 2022 and attached as Appendix B to the application.
 - B. Ecological Effects Assessment titled "ASSESSMENT OF ECOLOGICAL EFFECTS OF QUARRY EXPANSION AT LINTON QUARRY, PALMERSTON NORTH, prepared by Wildlands, dated October 2022 and updated December 2022, contract report number 6016.
 - C. Traffic Management Plan prepared by Hirock Limited, titled "LINTON QUARRY SITE SPECIFIC TRAFFIC MANAGEMENT PLAN (SSTMP), Revised 06/05/2020 Version 5 JG.
 - D. Quarry Management Plan prepared by Hirock, titled "LINTON QUARRY, QUARRY MANAGEMENT PLAN, dated 12/11/2020 Version: 2.0.
 - E. Water Monitoring Results and Monitoring Plan, prepared by Good Earth Matters, titled "Linton Quarry Monitoring Plan - Settlement Pond 1/SRP, Hirock Limited, Dated November 2022 and updated December 2022.
 - F. Linton Quarry Pit Expansion Erosion and Sediment Control Plan November 2022 Hirock Limited FOR RELODGE MENT". Prepared by Good Earth Matters Consulting Ltd and dated November 2022, including the plan 'Erosion and Sediment Control Overview Plan. Drawing Number 76506.002 Rev A'.
 - G. Ecological Management Plan, Titled ECOLOGICAL MANAGEMENT PLAN FOR HIROCK LINTON QUARRY, PALMERSTON NORTH, prepared by Wildlands, dated September 2022 and updated December, contract report number 6016b.
 - H. Powelliphanta Snail Survey Titled POWELLIPHANTA SNAIL SURVEY AT HIROCK LINTON QUARRY, PALMERSTON NORTH, prepared by Wildlands, dated October 2022, contract report number 6016e.
 - I. Further information response dated 22 December 2022 including Memo from Marshall Day Acoustics dated 21 December 2022, Alternative Overburden Disposal Areas - Noise, project number 20210382 and Memo from Good Earth Matters, dated 22 December

2022, Discharge Treatment and Expected Standards, Instream Effects and Discharge Volumes - Linton Quarry Expansion Joint Consent Application APP-2022203991.00 & RC-LU-6962.

- J. Memo from Tonkin and Taylor, dated 22 December 2022 Linton Quarry Geotechnical Assessment of Proposed Overburden Disposal Areas, Job No: 1018486.1000 including design of proposed overburden areas.
- K. LIZARD SURVEY AND INCIDENTAL DISCOVERY PROTOCOL FOR HIROCK LINTON QUARRY, PALMERSTON NORTH, prepared by Wildlands, dated January 2023, contract report number 6016c.
- L. BAT SURVEY REPORT FOR PROPOSED QUARRY EXPANSION AT LINTON QUARRY, PALMERSTON NORTH, prepared by Wildlands, dated February 2023, contract report number 6016d.
- M. Memo regarding the Mana Enhancing Agreement with Rangitāne o Manawatū, dated 27 April 2023, from Good Earth Matters.
- N. Memo regarding the Memorandum of Understanding with PNCC for the on-going maintenance of Kendalls Line, dated 27 April 2023, from Good Earth Matters.
- O. Dust Management and Monitoring Plan, prepared by K2 Environmental Limited, report number Y0135, 1 June 2023, Draft 1.
- P. Dust Monitoring Report, prepared by K2 Environmental Limited, report number Y0135, 1 June 2023, Issue 1.
- Q. Plan titled “Kendalls Line/SH57 Intersection Proposed Improvements”, prepared by BECA Limited, dated 30 May 2023, drawing number 3823296-TA-1005, Rev. B.
- R. Memo regarding vibration titled TRUCK VIBRATION, prepared by Marshall Day Acoustics, dated 29 May 2023, document number Mm 002.
- S. Memo titled “Linton Quarry - Reduced truck noise levels”, prepared by Marshall Day Acoustics, dated 4 July 2023, document number Mm 003 R01.
- T. Truck Driver Induction Manual prepared by Hirock Limited, Revision 3.0 04/07/2023.

Where there may be inconsistencies between the information provided by the Consent Holder and conditions of the resource consent, or the condition requires a specific plan to be updated, the conditions of the resource consent will apply.

- 2. The consent holder must be responsible for all contracted operations related to the exercise of this resource consent; and must ensure contractors are made aware of the conditions of this resource consent and ensure compliance with those conditions.
- 3. A copy of this consent must be kept onsite at all times that physical works authorised by this resource consent are being undertaken and must be produced without unreasonable delay upon request from a servant or agent of the Palmerston North City Council.

ACCESS AND TRAFFIC

- 4. The applicant must erect and maintain in perpetuity for the life of the quarry. Signs along Kendalls Line advising of a speed limit of 50 km/hr for all Quarry Traffic and advising ‘no engine braking’. At a minimum, signage must be located a minimum of 100m from the intersection of Kendalls Line and State Highway 57 and again at the entrance/ exit of the quarry. The signs must

be erected no later than **1 month after the granting of consent**, and evidence of such provided to submitted to PNCC via email steve.mcnicholl@pncc.govt.nz and planning.services@pncc.govt.nz quoting reference LU 6962, **Condition 4**.

5. A baseline road condition survey of Kendalls Line is to be undertaken by Hirock annually.
 - (a) Laser profiling baseline survey must be undertaken once every three (3) years to identify road pavement shape and condition and this will determine more accurately future pavement rutting and micro cracking caused by heavy commercial vehicles (HCV) wheel track loadings. In other years, the annual baseline road condition survey may be a visual survey carried out by a suitably qualified roading contractor.
 - (b) The annual baseline road condition survey is to be submitted to PNCC within **one (1) month** of being undertaken.

Advice Note: Condition 5 has been included on an Augier Basis, based on a Memorandum of Understanding between PNCC – Roading Team and the Applicant.

Advice Note: The report can be submitted to PNCC via email steve.mcnicholl@pncc.govt.nz and planning.services@pncc.govt.nz quoting reference LU 6962, **Condition 5**.

6. No later than **6 months** after the grant of consent, the consent holder must provide a separated 1.0 m (minimum) wide lime chip path, adjacent to the roading corridor of Kendalls Line, between 4 and 75 Kendalls Line to allow for safe movement of pedestrians and cyclists between the rural residential properties.

Advice Note: Details of the location of the lime chip path shall be finalised in consultation with adjacent landowners along with the consideration of the road widening requirements under **Condition 12**.

7. The consent holder must update the Traffic Management Plan to ensure all truck drivers are informed about safe vehicle speeds and braking restrictions and the risk of children moving along the western end of Kendalls Line if school age children are being picked up and dropped off by school bus.

The updates must include but not be limited to:

- (a) Updated description of site activities
- (b) Reference to the Noise Management Plan
- (c) Reference to the Dust Management and Monitoring Plan
- (d) Reference to any updated driver training requirements and truck driver induction manual
- (e) Reference to any changes or upgrades undertaken at the intersection of Kendalls Line and State Highway 57

A copy of the updated Traffic Management Plan must be submitted to council no later than **1 month after the granting of consent**, for record keeping.

Advice Note: The report can be submitted to PNCC via email steve.mcnicholl@pncc.govt.nz and planning.services@pncc.govt.nz quoting reference LU 6962, Condition 7.

8. Traffic generation to/from the site must comply with the following:

(a) Total truck movements must not exceed:

- i. 150 per day; and
- ii. 15 per hour.

For the avoidance of doubt, a truck movement is defined as single trip either inbound to, or outbound from the site and can be a truck with or without a trailer. A return trip to and from the site constitutes two truck movements.

Advice Note: The above total traffic volumes are on the basis that the maximum resultant predicted noise levels have been calculated at 55dBA at the dwellings facades on Kendalls Line.

Advice Note: To assist with monitoring, the applicant shall keep daily records of traffic moments.

9. Truck movements to the site which result in right-turn movements from State Highway 57 into Kendalls Line, must not exceed:

- (a) 40 per day (averaged monthly, excluding Sundays and public holidays); and
- (b) 6 per hour

10. The consent holder must provide an annual report to Palmerston North City Council's compliance monitoring officer which summarises the following:

- (a) A record of the number and type of vehicles per day using the SH57 and Kendalls Line intersection as parts of an annual report to ensure that **Conditions 8 and 9** are complied with; and
- (b) Photographs of the intersection of Kendalls Line and SH57 to assist PNCC and Waka Kotahi in making a decision on the need for any vegetation maintenance to assist with sight lines and/or maintenance of the road markings.
- (c) The annual report for the previous calendar year must be submitted no later than **31 January** the following year.

Advice Note: The report can be submitted to PNCC via email steve.mcnicholl@pncc.govt.nz and planning.services@pncc.govt.nz quoting reference LU 6962, **Condition 10**.

Advice Note: The annual monitoring report will be publicly available.

Advice Note: The Road Controlling Authority is responsible for the maintenance of vegetation to assist with sight lines and the maintenance of road markings, not the consent holder.

11. The annual report required by **Condition 10** must be submitted to Waka Kotahi for its record keeping purposes. The annual report for the previous calendar must be submitted no later than **31 January** the following year.

Advice Note: The report can be sent to environmentalplanning@nzta.govt.nz quoting number 2021-0337.

12. At least 6 weeks prior to physical improvement works being carried out, the Consent Holder shall submit for approval by Palmerston North City Council and Waka Kotahi, detailed design plans for improvements to Kendalls Line, in accordance with the concept plan “Kendalls Line/SH57 Intersection Proposed Improvements”, prepared by Beca Group Limited, drawing number 3823296-TA-1005, Rev B, dated 2 June 2023.
13. The Consent Holder shall undertake improvements at the Kendalls Line/SH57 intersection in accordance with the approved plan, required by **Condition 12**, within six (6) months of the consent being granted.

NOISE

14. The Consent Holder must ensure that quarrying activities (other than the construction of noise bunds) are managed to ensure that noise does not exceed the following at or within any residentially zoned site, or at or within the notional boundary of any rural dwelling, aside from the dwelling located at 150 Kendalls Line:

7.00am to 7.00pm 50 dB $L_{Aeq(15min)}$

7.00pm to 10.00pm 45 dB $L_{Aeq(15min)}$

10.00pm to 7.00am 40 dB $L_{Aeq(15min)}$

10.00pm to 7.00am 70 dBA L_{max}

Sound levels must be measured in accordance with New Zealand Standard NZS 6801:2008 Acoustics – Measurement of environmental sound and assessed in accordance with NZS 6802:2008 Acoustics – Environmental noise.

The notional boundary is defined as a line **twenty (20) metres** from any side of a dwelling or the legal boundary where this is closer to the dwelling.

15. The Consent Holder must ensure that quarrying activities (other than the construction of noise bunds) must be managed to ensure that noise from the quarrying activity does not exceed the following within the notional boundary of the dwelling situated at 150 Kendalls Line:

7.00am to 7.00pm 51 dB $L_{Aeq(15min)}$

7.00pm to 10.00pm 45 dB $L_{Aeq(15min)}$

10.00pm to 7.00am 40 dB $L_{Aeq(15min)}$

10.00pm to 7.00am 70 dBA L_{max}

Sound levels must be measured in accordance with New Zealand Standard NZS 6801:2008 Acoustics – Measurement of environmental sound and assessed in accordance with NZS 6802:2008 Acoustics – Environmental noise.

The notional boundary is defined as a line **twenty (20) metres** from any side of a dwelling or the legal boundary where this is closer to the dwelling.

16. Quarrying activities (other than the construction of noise bunds) must be managed to ensure that noise does not exceed 60 dB $L_{Aeq(15min)}$ at all times at or within the boundary of any other site.
17. Noise from the construction of noise bunds must be managed and controlled in accordance with NZS 6803:1999 Acoustics - Construction noise.

18. Blasting activities must be measured and assessed in accordance with Appendix J of Australian Standard AS 2187-2:2006 “Explosives – Storage and use Part 2: Use of explosives”.

Blasting vibration must not exceed the peak component particle velocity shown as Line 2 in Fig F.1 when measured at the base of any dwelling. Blasting must be managed to ensure that in any calendar year, 95% of airblast levels do not exceed 115 dBL, with a maximum of 120 dBL, when applied at or within any residentially zoned site or at or within the notional boundary of any rural dwelling.

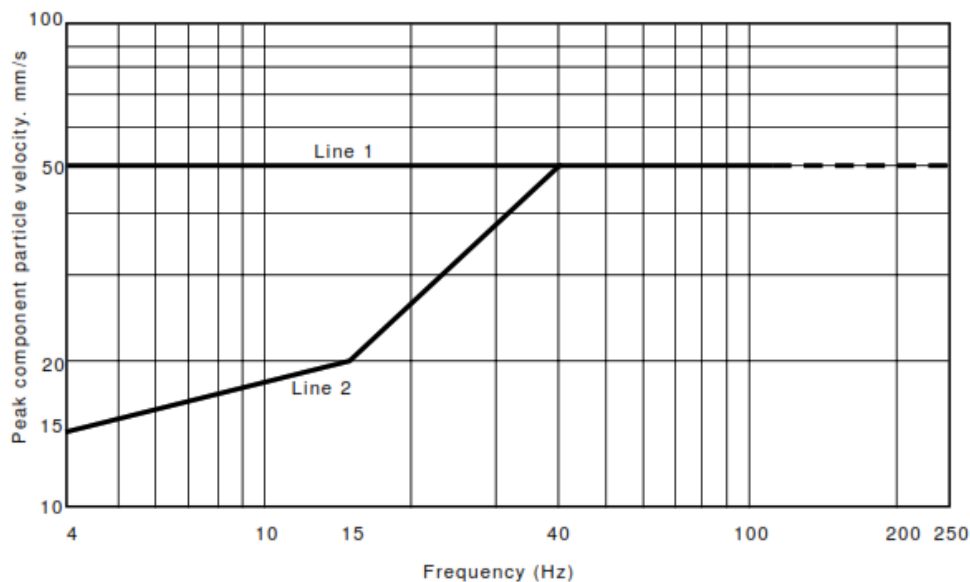


Figure F.1 Blasting Vibration Limits (Line 2)

19. Blasting must not occur more than 36 times per year and will only take place between 0900 and 1700 hrs Monday to Friday. All residents on Kendalls Line and within 1 km of the quarry must be alerted to any blasting through the use of a siren and written communication for any blasting outside of the hours of 1000 to 1030 hrs and 1400 to 1430 hrs Monday to Friday.
20. The Consent Holder must ensure that a Noise Management Plan (NMP) is prepared by a suitably qualified and experienced acoustic consultant. The objective of the NMP is to develop mechanisms and processes to ensure compliance with the noise level maximums specified in **Condition 14, 15, 16 and 17** and to specify methodologies for the monitoring of noise levels, including that required by **Condition 26**, training of staff and handling of complaints. The NMP must include but be not limited to:
- the relevant noise limits,
 - noise monitoring methods and locations,
 - the relevant blasting airblast and vibration limits,
 - noise mitigation and maintenance requirements for plant and machinery,
 - the size and location of noise bunds,
 - the use of quiet reversing alarms,
 - general operating procedures,

- h) the speeds on haul roads,
 - i) haul road maintenance,
 - j) achieving vehicle speed limits on Kendalls Line
 - k) training of staff,
 - l) complaints handling and recording,
 - m) staging and minimising the impacts of bund construction, and
 - n) quarry noise & blasting (airblast and vibration) monitoring.
21. The NMP must be submitted to the Palmerston North City Council's Monitoring Officer for technical certification at least twenty (20) working days before works commence on the site.
 22. Certification (or withholding certification) is based on whether the NMP meets the requirements of the conditions of this resource consent, with specific focus on **Conditions 14, 15, 16, 17 and 26.**
 23. The Consent Holder must operate the quarry in compliance with the certified NMP at all times.
 24. The NMP may be amended or updated without the need for certification where the amendment is an administrative change, including nominating personnel.
 25. Except as provided for in **Condition 24**, amendments to the NMP and any appendices must be certified in writing by the Palmerston North City Council acting in a technical certification capacity prior to the commencement of any works to which the amended NMP relate.
 26. Noise monitoring must be undertaken within 3 months of the issue of consent and on receipt of a justifiable complaint. A copy of the monitoring results must be provided to the Palmerston North City Council within 6 weeks of undertaking the monitoring in a form that demonstrates whether compliance is being achieved with these conditions.

Advice Note: Noise monitoring data can be submitted to PNCC via email steve.mcnicholl@pncc.govt.nz and planning.services@pncc.govt.nz quoting reference LU 6962, **Condition 26.**

Advice Note: Noise monitoring data will be made publicly available.

GEOTECHNICAL

27. Annual visual monitoring recording of any changes in slope stability in the pit walls must be recorded photographically (oblique and UAV photos) and assessed by a suitably qualified geotechnical engineer. Results from this monitoring must be provided to Palmerston North City Council.

Advice Note: The report can be submitted to PNCC via email steve.mcnicholl@pncc.govt.nz and planning.services@pncc.govt.nz quoting reference LU 6962, **Condition 27.**
28. An annual comparison of as built topography against the proposed 2(h):1(v) surface proposed for final design for the overburden sediments must be provided to the Palmerston North City Council by **31 January** each year.

Advice Note: The report can be submitted to PNCC via email steve.mcnicholl@pncc.govt.nz and planning.services@pncc.govt.nz quoting reference LU 6962, **Condition 28**.

29. There must be no further excavation within **15 metres** of the protected indigenous forest area as identified on the Site plan titled Linton Quarry Expansion, drawn by Good Earth Matters, dated July 2022 and attached as Appendix B to the application.

HOURS OF WORK

30. The quarry must not operate outside the hours of 07:00 to 17:00 hrs, Monday to Friday and 07:00 to 15:00 hrs on Saturdays. No quarry activity will take place on Sundays or public holidays. Quarry trucks must not use Kendalls Line outside of the core quarry hours. This restriction does not apply to staff arriving to the site, between 06:30 and 07:00 hrs.

PROTECTION OF ECOLOGICAL AREAS

31. An Ecological Management Plan (EMP) must be submitted prior at least 6 week prior to the expansion of the quarry pit, for technical certification by PNCC, including a summary of consultation undertaken with Rangitāne o Manawatū in the development of the plan. As part of the certification PNCC may seek advice from the Manawatu-Wanganui Regional Council. The EMP must include but not be limited to:
- (a) Mapping the distribution and abundance of pest plant species.
 - (b) Methods for the control of pest plant species.
 - (c) A summary of active pest animal management and further recommendations (if required).
 - (d) Indigenous revegetation recommendations, including planting schedules, and site preparation and monitoring requirements.
 - (e) Recommendations for the protection of habitats, including fencing.
 - (f) Incidental Discovery Protocol for lizard, bat and Powelliphanta sp.
 - (g) Indigenous Vegetation Monitoring Plan to monitor and report on the health of existing trees on a five (5) yearly basis, in the pukatea-tawa-māhoe-(tītoki)-(nīkau) forest including how health is assessed, frequency of assessment and how to identify what level of deterioration is significant and how to attribute any losses to the quarry activity or unrelated events and recommendations for addressing adverse effects.

Advice Note: the intent of this condition is for PNCC to undertake the technical certification of the plan, and they may choose to seek advice or feedback from the Manawatu-Wanganui Regional Council as part of this process.

32. All works must be undertaken in accordance with the approved EMP unless otherwise restricted by the conditions of this consent.
33. Within **six (6) months** of grant of consent a 15-metre setback fencing must be constructed around the indigenous forest remnant area (except along the north/north west edge where the

fence shall be set back as far as practical) as identified on the site plan titled Linton Quarry Expansion, drawn by Good Earth Matters, dated July 2022 and attached as Appendix B to the application.

34. Prior to removal of the nikau palms, Rangitāne o Manawatū must be invited to undertake any desired procedures and tikanga. Hirock must provide **two (2) weeks'** notice of their intention to remove the trees.

Advice Note: Condition 34 has been included on an Augier basis following a Mana Enhancing Agreement between the Applicant and Rangitāne o Manawatū.

35. Harvesting of nikau palm seeds from the existing trees on site must be undertaken by a suitably qualified person for planting in the reforestation area along the unnamed tributary of the Kahuterawa Stream.
36. Grass that is not grazed within the proposed quarry expansion zone must be mowed to maintain a continuous length of less than 150mm between **1st August to 31st March** annually, to discourage pipits from nesting.
37. Within **two (2) years** of grant of consent, planting of the reforestation area along the unnamed tributary of the Kahuterawa Stream as proposed in the EMP must be carried out. The reforestation area must be planted with nikau palms grown from the recovered seed pods and all other plants must be sourced locally from the Manawatū Plains Ecological District.
38. The final planting plan for the reforestation area along the unnamed tributary of the Kahuterawa Stream and the Indigenous Vegetation Monitoring Plan must be prepared in consultation with Whakapai Hauora, and feedback must be incorporated into the final documents prior to planting taking place under **Condition 37**.

Advice Note: Condition 38 has been included on an Augier basis following a Mana Enhancing Agreement between the Applicant and Rangitāne o Manawatū.

Advice Note: Written evidence of consultation with Whakapai Hauora, including how any feedback has been incorporated must be provided to PNCC via email steve.mcnicholl@pncc.govt.nz and planning.services@pncc.govt.nz quoting reference LU 6962, **Condition 38**.

39. Pest control in accordance with the EMP must be undertaken in the indigenous forest area and the reforestation area along the unnamed tributary of the Kahuterawa Stream (once planted).
40. A QEII covenant, or similar scheme which protects the site in perpetuity, must be entered into within **ten (10) years** of the grant of consent for the reforested area along the unnamed tributary of the Kahuterawa Stream.

DUST

41. There must be no discharge of airborne particulate matter that is objectionable to the extent that it causes an adverse effect at or beyond the boundary of the subject property.
42. The Consent Holder must ensure that a water truck/tank, in serviceable condition and able to be used to dampen dust in accordance with their Dust Monitoring and Management Plan, is available on-site at all times.

43. The Consent Holder must install a wheel wash within six (6) months of the commencement of the consent and the site must be configured so that all trucks exiting the site pass through it. The wheel wash must be maintained at all times.
44. The Consent Holder must ensure that dust producing plant (e.g. crushers and shaker screens) have sprinklers or other dust mitigating mechanisms in place at all times.
45. The Consent Holder must provide the Palmerston North City Council with a Dust Monitoring and Management Plan (DMMP) for technical certification. The DMMP must include but not be limited to:
 - (a) A description of the activity including:
 - i. site layout,
 - ii. the nature of any earthworks, quarrying stages, and
 - iii. location of overburden disposal.
 - (b) Identification of any residential dwellings or other sensitive receptors within 100 metres of the site boundary.
 - (c) A description of the sources of dust and the dust management methods that will be applied, including any specific mitigation measures if sensitive receptors are located within 200 metres of the property boundary, including for example:
 - i. Use of water dust suppression on crushing and screening equipment;
 - ii. Use of watercarts and/or pea gravel on unsealed haul roads and the area of the site accessible by the public;
 - iii. On site speed limits;
 - iv. Sealing of site accessways;
 - v. Monthly sweeping/washing of sealed portions of the site roads and yards and the public road up to the entrance of 150 Kendalls Line; and
 - vi. Use of wheel wash.
 - (d) Dust management responsibilities for site staff.
 - (e) Dust complaint investigation and response procedures.
 - (f) Methods that will be used to monitor dust (as PM10) and wind for dust management including but not limited to:
 - i. A description of the monitoring equipment
 - ii. A description of the maintenance of the monitoring equipment
 - iii. A description of the location of the monitoring equipment at the western boundary of the quarry within 10 metres of Kendalls Line.

- iv. A description of how monitoring data will be used to trigger dust control if concentrations exceed the following limits:
 - Threshold Concentration: 50 µg/m³ (24-hour mean)
 - Permissible Excess: One 24-hour period in any 12-month period
 - v. A description of how data from the monitoring equipment will be reported to the Consent Holder and how information will be stored.
- (g) A description of where the meteorological monitor is located, how the data is logged, and how staff are alerted to wind speeds being over 10 m/s.
- (h) A description of the contingency measures that will be used to control dust if the monitoring data exceeds the concentration limits specified in (f)(iv) above.
- (i) A description of how monitoring data will be provided to the Palmerston North City Council.
- (j) Processes for review and updating of the DMMP, including provision of updates to the regulatory authority for its approval.
46. The DMMP must be submitted to the Palmerston North City Council's Enforcement and Monitoring Officer for technical certification at least **twenty (20) working days** before works commence on the site. Palmerston North City Council may undertake the review in consultation with the Manawatu-Wanganui Regional Council in regard to the compliance, or otherwise, with the One Plan, particularly rule 15-14.
- Advice Note:** the intent of this condition is for PNCC to undertake the technical certification of the plan, and they may choose to seek advice or feedback from the Manawatu-Wanganui Regional Council as part of this process.
47. Certification (or withholding certification) is based on the Palmerston North City Council's assessment of whether the DMMP meets the requirements of the conditions of this resource consent, with specific focus on **Condition 45**.
48. The Consent Holder must operate the quarry in compliance with the certified DMMP at all times.
49. The DMPP may be amended or updated without the need for certification where the amendment is an administrative change, including nominating personnel.
50. Except as provided for in **Condition 49**, amendments to the DMMP and any appendices must be certified in writing by the Palmerston North City Council acting in a technical certification capacity prior to the commencement of any works to which the amended DMMP relate.
51. The Consent Holder must carry out on an annual basis six months of real time PM10 monitoring at the western boundary of the quarry within 10 metres of Kendalls Line after 1st November and before 30th April, for the first three (3) years following the grant of the consent to determine the extent of any nuisance dust effects from the quarry including quarry traffic along Kendalls Line.

52. To monitor compliance with **Condition 51**, the consent holder shall continuously measure the following parameters to obtain 1 hour and 24-hourly averages:
- (a) Particle Concentration –
 - i. PM10; and
 - ii. the total dust load
 - (b) Time lapse video.
 - (c) Meteorological data (wind speed, wind direction and rainfall).
53. If, after three years, the monitoring required by **Condition 51** demonstrates there are no nuisance dust effects from the quarry including quarry traffic along Kendalls Line, then dust monitoring need only be carried out in accordance with the approved Dust Management and Monitoring Plan, or when two (2) or more substantiated complaints are received by the Consent Holder, Palmerston North City Council or Manawatu-Whanganui Regional Council within a 12-month period.
54. An annual report shall be provided to the Palmerston North City Council with the results of the monitoring required by **Conditions 51 and 53** and any remedial actions undertaken by the Consent Holder.
- Advice Note:** Palmerston North City Council may choose to provide the annual report to Manawatu – Whanganui Regional Council in regard to the compliance, or otherwise, with the One Plan, particularly rule 15-14.
55. Following the receipt of results of the monitoring required by **Conditions 51 and 53**, if it is shown that the site is generating concentrations of PM10 that are greater than 50 µg/m³ (24-hour mean), the Palmerston North City Council may request in writing that the consent holder provide a report, prepared by a suitably qualified person, which investigates options for controlling dust from the site.
56. The consent Holder shall implement the recommendations of the report within six months of the report being finalised and provide an updated version of the DMMP as per **Condition 50**.

SOIL AND EROSION CONTROL

57. The Consent Holder must provide a copy of the Erosion and Sediment Control Plan as certified by the Manawatū-Whanganui Regional Council to the Palmerston North City Council within **five (5) working days** of its technical certification.

Advice Note: the requirement for certification of the Erosion and Sediment Control Plan is within the conditions contained within the Manawatū-Whanganui Regional Council consents ATH-2022205663.00, ATH-2022205664.00 and ATH-2023205983.00

QUARRY MANAGEMENT PLAN

58. The consent holder must update the Quarry Management Plan six **(6) months** after the grant of this consent and submit it for Technical Certification by PNCC. The updates must include but not be limited to:
- (a) Updated description of site activities
 - (b) Updated description of cultural values of the site
 - (c) Reference to Ecological Management Plan
 - (d) Reference to Traffic Management Plan
 - (e) Reference to Mana Enhancing Agreement with Rangitāne o Manawatū
 - (f) Reference to Memorandum of Understanding with PNCC for the on-going maintenance of Kendalls Line
 - (g) Reference to the Dust Management and Monitoring Plan
 - (h) Updated noise monitoring requirements
 - (i) Updated Erosion and Sediment Control Plan requirements
 - (j) Cleanfill record keeping procedures
 - (k) Updated regulatory framework i.e., resource consents
 - (l) Updated driver induction plan
 - (m) Reference to site rehabilitation plan

Advice Note: the requirement for Technical Certification of the Quarry Management Plan is also contained within the Manawatū-Whanganui Regional Council consents ATH-2022205663.00, ATH-2022205664.00 and ATH-2023205983.00

SITE REHABILITATION

59. A Concept Quarry Closure and Rehabilitation Plan (CQCRP) must be submitted **two (2) years** after the grant of this consent for certification by PNCC, including a summary of consultation undertaken with Best Care (Whakapai Hauora) Charitable Trust in the development of the plan. The CQCRP must cover the entire quarry site and must produce a final “walk away” landform that is geotechnically stable that blends aesthetically into the surrounding landforms, yet as far as possible does not limit possible future land uses. Measures to achieve this objective are as follows (but not limited to):
- (a) Measures to ensure long term slope stability
 - (b) Filling of pit and measures required to ensure water quality is suitable
 - (c) Riparian planting of pit areas where applicable

- (d) Pest control and maintenance / protection of indigenous vegetation
- (e) Measures to reduce the height of the overburden areas/bunds and integrate them with the surrounding landform
- (f) Planting or grassing of the overburden areas/bunds
- (g) Timeframes for when the rehabilitation should be completed by
- (h) Who is responsible for carrying out the rehabilitation plan

Who is responsible for carrying out the rehabilitation plan **Advice Note:** the requirement for Technical Certification of the CQCRP is also contained within the Manawatū-Whanganui Regional Council consents ATH-2022205663.00, ATH-2022205664.00 and ATH-2023205983.00

60. A Final Quarry Closure and Rehabilitation Plan (FQCRP) must be submitted at least **twelve (12) months** prior to closure of the quarry to PNCC for certification, including a summary of consultation undertaken with Rangitāne o Manawatū in the development of the plan and highlight any changes from the CQCRP required by **Condition 59** and why. The FQCRP must cover the entire quarry site and must produce a final “walk away” landform that is geotechnically stable that blends aesthetically into the surrounding landforms, yet as far as possible does not limit possible future land uses. Measure to achieve this objective are as follows (but not limited to):

- (a) Geotechnical rehabilitation design report including measures to ensure long term slope stability
- (b) Filling of pit and measures required to ensure water quality is suitable
- (c) Riparian planting of pit areas where applicable
- (d) Pest control and maintenance / protection of indigenous vegetation
- (e) Measures to reduce the height of the overburden areas/bunds and integrate them with the surrounding landform
- (f) Planting or grassing of overburden areas/bunds
- (g) Timeframes for when the rehabilitation should be completed by
- (h) Who is responsible for carrying out the rehabilitation plan

Advice Note: the requirement for Technical Certification of the FQCRP is also contained within the Manawatū-Whanganui Regional Council consents ATH-2022205663.00, ATH-2022205664.00 and ATH-2023205983.00

ACCIDENTIAL DISCOVERY

61. If at any time during the excavations or filling authorised by this consent, potential historic artefacts or cultural remains or koiwi items are discovered, then all work must stop and the Consent Holder must immediately advise the Palmerston North City Council's Monitoring Officer, Manawatu-Whanganui Regional Council, Tanenuiarangi Manawatū Inc, Heritage New Zealand – Pouhere Taonga and in the case of koiwi tangata remains, the New Zealand Police

Nga Pirihiimana o Aotearoa. Further excavations or at the site must be suspended should Tanenuiarangi Manawatū Inc wish to carry out their procedures and tikanga for removing taonga. Work at the site must not recommence until approval to do so has been given by the Palmerston North City Council and the Manawatu-Whanganui Regional Council.

REVIEW

62. The Palmerston North City Council, under s128 of the Resource Management Act, may once per year, during **July**, serve notice of its intention to review all conditions of this resource consent for the purpose of reviewing the effectiveness of these conditions in avoiding and mitigating any adverse effects on the environment. The review of conditions must allow for:
- a) deletion or amendments to any conditions of this resource consent to ensure adverse effects (including noise and dust) are appropriately mitigated, and/or
 - b) addition of new conditions as necessary, to avoid, remedy or mitigate any unforeseen adverse effects on the environment.

MONITORING

64. The Consent Holder must pay a monitoring fee of \$724 (GST incl.) at the time the resource consent is granted for the monitoring associated with the development. Upon completion of the works required by these conditions, the consent holder must give written notice to the Monitoring Officer that the conditions have been complied with. On receipt of this notice, the Monitoring Officer or nominee shall carry out an inspection to ensure all conditions have been complied with.

The fees will be payable by the consent holder for any subsequent monitoring of the conditions of this consent. This fee is set in accordance with Section 36(1) (c) of the Resource Management Act 1991.

Advice Note: The current fee for monitoring is set at \$181 per hour. This amount may alter in the future if fees are reviewed. The monitoring fee charged will be the fee applicable at the time of monitoring and will be charged on each additional inspection or hour of work undertaken until full compliance with consent conditions is achieved.

64. A fee will be payable by the consent holder if any non-compliance with the conditions of this consent are discovered as a result of monitoring. This fee is set in accordance with Section 36(1)(c) of the Resource Management Act 1991 and Section 690A of the Local Government Act 1974.

LAPSE

65. This resource consent will lapse if the Consent Holder has not given effect to the consent within **five (5) years** of the date of granting.

RESOURCE CONSENT - NOTICE OF DECISION – HORIZONS REGIONAL COUNCIL

CONSENT IS GRANTED TO HIROCK LTD FOR:

1. Discharge Permit, Cleanfill Discharge (to Land)

The following details the location, classifications and conditions associated with the activity.

Authorisation Number	ATH-2023205983.00
Activity Type	Discharge to Land
Activity Class	Discretionary Activity
Primary Activity Purpose	Industrial, Waste Management, Solid Waste, Cleanfill
Replaces Authorisation	<i>Not Applicable</i>

Location

The following summarises the authorised location for the consented activity.

Activity Location Description	310 KENDALLS LINE LINTON
Valuation Number	14450 351 01
Legal Description	LOT 1 DP 410502
Map References	LOC-2022101885 (Centroid: BM34:208-205)

Classifications

The following summarises the classifications associated with the application activity.

Groundwater Management Zone	Manawatū
Water Management Zone	Manawatu Catchment, Coastal Manawatu, Lower Tokomaru (Mana_11a)
Associated River	MANAWATU RIVER, Tokomaru River, Unnamed Tributary

Descriptive Specification

1. This consent authorises the discharge of cleanfill material onto and into land on the property legally described Lot 1 DP 410502 (hereafter referred to as the property), at approximate map reference BM34:208-205, as shown on the **Site Plan LOC-2022101885** attached to and forming part of this resource consent.

2. The consent holder must undertake the activity in general accordance with the consent application including all accompanying plans and documents first lodged with Manawātū-Whanganui Regional Council on 21 November 2022, and the information included in the following further information responses and plans:
 - A. Site plan titled Linton Quarry Expansion, drawn by Good Earth Matters, dated July 2022 and attached as Appendix B to the application.
 - B. Ecological Effects Assessment titled “ASSESSMENT OF ECOLOGICAL EFFECTS OF QUARRY EXPANSION AT LINTON QUARRY, PALMERSTON NORTH, written by Wildlands, dated October 2022 and updated December 2022, contract report number 6016.
 - C. Traffic Management Plan written by Hirock Limited, titled “LINTON QUARRY SITE SPECIFIC TRAFFIC MANAGEMENT PLAN (SSTMP), Revised 06/05/2020 Version 5 JG
 - D. Quarry Management Plan written by Hirock, titled “LINTON QUARRY, QUARRY MANAGEMENT PLAN, dated 12/11/2020 Version: 2.0.
 - E. Water Monitoring Results and Monitoring Plan, written by Good Earth Matters, titled “Linton Quarry Monitoring Plan - Settlement Pond 1/SRP, HiRock Limited, Dated November 2022 and updated December 2022.
 - F. Linton Quarry Pit Expansion Erosion and Sediment Control Plan November 2022 Hirock Limited FOR RELODGE MENT". Prepared by Good Earth Matters Consulting Ltd and dated November 2022, including the plan ‘Erosion and Sediment Control Overview Plan. Drawing Number 76506.002 Rev A’.
 - G. Ecological Management Plan, Titled ECOLOGICAL MANAGEMENT PLAN FOR HIROCK LINTON QUARRY, PALMERSTON NORTH, written by Wildlands, dated September 2022 and updated December, contract report number 6016b.
 - H. Powelliphanta Snail Survey Titled POWELLIPHANTA SNAIL SURVEY AT HIROCK LINTON QUARRY, PALMERSTON NORTH, written by Wildlands, dated October 2022, contract report number 6016e.
 - I. Further information response dated 22 December 2022 including Memo from Marshall Day Acoustics dated 21 December 2022, Alternative Overburden Disposal Areas - Noise, project number 20210382 and Memo from Good Earth Matters, dated 22 December 2022, Discharge Treatment and Expected Standards, Instream Effects and Discharge Volumes - Linton Quarry Expansion Joint Consent Application APP-2022203991.00 & RC-LU-6962.

- J. Memo from Tonkin and Taylor, dated 22 December 2022 Linton Quarry Geotechnical Assessment of Proposed Overburden Disposal Areas, Job No: 1018486.1000 including design of proposed overburden areas.
- K. LIZARD SURVEY AND INCIDENTAL DISCOVERY PROTOCOL FOR HIROCK LINTON QUARRY, PALMERSTON NORTH, written by Wildlands, dated January 2023, contract report number 6016c.
- L. BAT SURVEY REPORT FOR PROPOSED QUARRY EXPANSION AT LINTON QUARRY, PALMERSTON NORTH, written by Wildlands, dated February 2023, contract report number 6016d.
- M. Memo regarding the Mana Enhancing Agreement with Rangitāne o Manawatū, dated 27 April 2023, from Good Earth Matters.
- N. Memo regarding the Memorandum of Understanding with PNCC for the on-going maintenance of Kendalls Line, dated 27 April 2023, from Good Earth Matters.
- O. Dust Management and Monitoring Plan, prepared by K2 Environmental Limited, report number Y0135, 1 June 2023, Draft 1.
- P. Dust Monitoring Report, prepared by K2 Environmental Limited, report number Y0135, 1 June 2023, Issue 1.
- Q. Plan titled “Kendalls Line/SH57 Intersection Proposed Improvements”, prepared by BECA Limited, dated 30 May 2023, drawing number 3823296-TA-1005, Rev. B.
- R. Memo regarding vibration titled TRUCK VIBRATION, prepared by Marshall Day Acoustics, dated 29 May 2023, document number Mm 002.
- S. Memo titled “Linton Quarry - Reduced truck noise levels”, prepared by Marshall Day Acoustics, dated 4 July 2023, document number Mm 003 R01.
- T. Truck Driver Induction Manual prepared by Hirock Limited, Revision 3.0 04/07/2023.

Where there may be inconsistencies between information provided by the Applicant and conditions of the resource consent, the conditions of the resource consent will apply.

ADVICE NOTE: Any variance from the location, design concepts and parameters, implementation and / or operation may require a new resource consent or a change of consent conditions pursuant to section 127 of the Resource Management Act 1991.

- 3. The conditions in the attached General Condition Schedule apply to this consent.

Environmental Standards

- 4. The Consent Holder must ensure that all materials to be discharged is cleanfill material that when buried or placed will not breakdown, decay, give rise to gas or leachates, is not combustible, is not toxic or damaging to humans, animals or plants. Acceptable cleanfill material must consist of those materials listed within Table 4.1 of the MfE “Guide to the Management of Cleanfills’ 2002 which includes: cured asphalt, bricks, ceramics, concrete (no exposed reinforcing), fibre cement products (non-asbestos), glass, road sub-base, tiles, gravels, rock, clay, sand and soil.

5. Natural timber (tree stumps, branches (over 80 mm diameter) and roots) may be disposed of at the cleanfill site provided it accounts for no more than 5% of the total cleanfill material used at the site. Such material must be evenly dispersed throughout the matrix of cleanfill material.
6. Building plastics (plumbing pipes and plastic sheeting) must be removed from cleanfill material where practicable. Any small quantities of building plastics remaining within the cleanfill materials may be disposed of at the site provided that it is dispersed throughout the matrix of cleanfill material.

ADVICE NOTE: In terms of this condition, 'small quantities' means any plastics remaining after each load of cleanfill material has been examined and visible plastics have been removed.

Operational Restrictions

7. The consent holder must ensure that only overburden material sourced from Lot 1 DP 410502, and a maximum of 50,000 cubic metres (m³) of fill from other external sources that complies with the criteria outlined above in **Condition 4, 5, and 6** is discharged onto the site.

ADVICE NOTE: Signage may be needed to advise the type of material that can be disposed of.

Monitoring Provision

8. The Consent Holder must keep records of the following:
 - i. The source, composition and volume of all material disposed of at the site.
 - ii. The nature and volume of all materials removed from the cleanfill (i.e. prohibited materials and plastics) and/or rejected from the site.

This log must be maintained and provided to the Regulatory Manager, Manawatū-Whanganui Regional Council, by **31st May each year** and made available to the Manawatū-Whanganui Regional Council on request.

Review

9. The Manawatū-Whanganui Regional Council, under s128 of the Resource Management Act, may once per year, during July, serve notice of its intention to review all conditions of this resource consent (including those conditions contained in the general condition schedule) for the purpose of reviewing the effectiveness of these conditions in avoiding and mitigating any adverse effects on the environment. The review of conditions shall allow for:
 - a. deletion or amendments to any conditions of this resource consent to ensure adverse effects are appropriately mitigated; and / -OR-
 - b. addition of new conditions as necessary, to avoid, remedy or mitigate any unforeseen adverse effects on the environment; and / -OR-
 - c. if necessary and appropriate, the adoption of the best practicable options to avoid, remedy or mitigate any adverse effects on the environment.

Lapse and Duration

10. This resource consent will lapse if the Consent Holder has not given effect to the consent within five years of the date of the commencement of consent.
11. The resource consent will expire on **25 August 2033**.

RESOURCE CONSENT - NOTICE OF DECISION – HORIZONS REGIONAL COUNCIL

CONSENT IS GRANTED TO HIROCK LTD FOR:

2. Land Use, Land Disturbance

The following details the location, classifications and conditions associated with the activity.

Authorisation Number	ATH-2022205663.00
Activity Type	Land Use, Land
Activity Class	Discretionary Activity
Primary Activity Purpose	Mining Gravel or Sand Aggregates

Location

The following summarises the authorised location for the consented activity.

Activity Location Description	310 KENDALLS LINE LINTON
Valuation Number	14450 351 01
Legal Description	LOT 1 DP 410502
Map References	LOC-2022101885 (Centroid: BM34:208-205), LOC-2022101885 (Centroid: BM34:208-205)

Classifications

The following summarises the classifications associated with the application activity.

Groundwater Management Zone	Manawatū
Water Management Zone	Manawatu Catchment, Coastal Manawatu, Lower Tokomaru (Mana_11a)
Associated River	MANAWATU RIVER, Tokomaru River, Unnamed Tributary

Descriptive Specification

1. This consent authorises the large-scale land disturbance and the associated discharge of sediment to water associated with the expansion and operation of Linton Quarry on the property legally described Lot 1 DP 410502 (hereafter referred to as the property), at approximate map reference BM34:208-205, as shown on the **Site Plan LOC-2022101885** attached to and forming part of this resource consent.

2. The consent holder must undertake the activity in general accordance with the consent application including all accompanying plans and documents first lodged with Manawātū-Whanganui Regional Council on 21 November 2022, and the information included in the following further information responses and plans:
 - A. Site plan titled Linton Quarry Expansion, drawn by Good Earth Matters, dated July 2022 and attached as Appendix B to the application.
 - B. Ecological Effects Assessment titled “ASSESSMENT OF ECOLOGICAL EFFECTS OF QUARRY EXPANSION AT LINTON QUARRY, PALMERSTON NORTH, written by Wildlands, dated October 2022 and updated December 2022, contract report number 6016.
 - C. Traffic Management Plan written by Hirock Limited, titled “LINTON QUARRY SITE SPECIFIC TRAFFIC MANAGEMENT PLAN (SSTMP), Revised 06/05/2020 Version 5 JG.
 - D. Quarry Management Plan written by Hirock, titled “LINTON QUARRY, QUARRY MANAGEMENT PLAN, dated 12/11/2020 Version: 2.0.
 - E. Water Monitoring Results and Monitoring Plan, written by Good Earth Matters, titled “Linton Quarry Monitoring Plan - Settlement Pond 1/SRP, Hirock Limited, Dated November 2022 and updated December 2022.
 - F. Linton Quarry Pit Expansion Erosion and Sediment Control Plan November 2022 Hirock Limited FOR RELODGE MENT". Prepared by Good Earth Matters Consulting Ltd and dated November 2022, including the plan ‘Erosion and Sediment Control Overview Plan. Drawing Number 76506.002 Rev A’.
 - G. Ecological Management Plan, Titled ECOLOGICAL MANAGEMENT PLAN FOR HIROCK LINTON QUARRY, PALMERSTON NORTH, written by Wildlands, dated September 2022 and updated December, contract report number 6016b.
 - H. Powelliphanta Snail Survey Titled POWELLIPHANTA SNAIL SURVEY AT HIROCK LINTON QUARRY, PALMERSTON NORTH, written by Wildlands, dated October 2022, contract report number 6016e.
 - I. Further information response dated 22 December 2022 including Memo from Marshall Day Acoustics dated 21 December 2022, Alternative Overburden Disposal Areas - Noise, project number 20210382 and Memo from Good Earth Matters, dated 22 December 2022, Discharge Treatment and Expected Standards, Instream Effects and Discharge Volumes - Linton Quarry Expansion Joint Consent Application APP-2022203991.00 & RC-LU-6962.

- J. Memo from Tonkin and Taylor, dated 22 December 2022 Linton Quarry Geotechnical Assessment of Proposed Overburden Disposal Areas, Job No: 1018486.1000 including design of proposed overburden areas.
- K. LIZARD SURVEY AND INCIDENTAL DISCOVERY PROTOCOL FOR HIROCK LINTON QUARRY, PALMERSTON NORTH, written by Wildlands, dated January 2023, contract report number 6016c.
- L. BAT SURVEY REPORT FOR PROPOSED QUARRY EXPANSION AT LINTON QUARRY, PALMERSTON NORTH, written by Wildlands, dated February 2023, contract report number 6016d.
- M. Memo regarding the Mana Enhancing Agreement with Rangitāne o Manawatū, dated 27 April 2023, from Good Earth Matters.
- N. Memo regarding the Memorandum of Understanding with PNCC for the on-going maintenance of Kendalls Line, dated 27 April 2023, from Good Earth Matters.
- O. Dust Management and Monitoring Plan, prepared by K2 Environmental Limited, report number Y0135, 1 June 2023, Draft 1.
- P. Dust Monitoring Report, prepared by K2 Environmental Limited, report number Y0135, 1 June 2023, Issue 1.
- Q. Plan titled “Kendalls Line/SH57 Intersection Proposed Improvements”, prepared by BECA Limited, dated 30 May 2023, drawing number 3823296-TA-1005, Rev. B.
- R. Memo regarding vibration titled TRUCK VIBRATION, prepared by Marshall Day Acoustics, dated 29 May 2023, document number Mm 002.
- S. Memo titled “Linton Quarry - Reduced truck noise levels”, prepared by Marshall Day Acoustics, dated 4 July 2023, document number Mm 003 R01.
- T. Truck Driver Induction Manual prepared by Hirock Limited, Revision 3.0 04/07/2023.

Where there may be inconsistencies between information provided by the Applicant and conditions of the resource consent, the conditions of the resource consent will apply.

ADVICE NOTE: Any variance from the location, design concepts and parameters, implementation and / or operation may require a new resource consent or a change of consent conditions pursuant to section 127 of the Resource Management Act 1991.

- 3. The conditions in the General Condition Schedule apply to this consent.

Review

- 4. The Manawatū-Whanganui Regional Council, under s128 of the Resource Management Act, may once per year, during July, serve notice of its intention to review all conditions of this resource consent (including those conditions contained in the general condition schedule) for the purpose of reviewing the effectiveness of these conditions in avoiding and mitigating any adverse effects on the environment. The review of conditions shall allow for:

- a. deletion or amendments to any conditions of this resource consent to ensure adverse effects are appropriately mitigated; and / -OR-
- b. addition of new conditions as necessary, to avoid, remedy or mitigate any unforeseen adverse effects on the environment; and / -OR-
- c. if necessary and appropriate, the adoption of the best practicable options to avoid, remedy or mitigate any adverse effects on the environment.

Duration

5. This resource consent will lapse if the Consent Holder has not given effect to the consent within five years of the date of the commencement of consent.
6. This resource consent will expire on **25 August 2033**.

RESOURCE CONSENT - NOTICE OF DECISION – HORIZONS REGIONAL COUNCIL

CONSENT IS GRANTED TO HIROCK LTD FOR:

3. Discharge Permit, to Water

The following details the location, classifications and conditions associated with the activity.

Authorisation Number	ATH-2022205664.00
Activity Type	Discharge to Water
Activity Class	Discretionary Activity
Activity Primary Industry	Mining
Activity Primary Purpose	Mining Gravel or Sand Aggregates

Location

The following summarises the authorised location for the consented activity.

Activity Location Description	310 KENDALLS LINE LINTON
Valuation Number	14450/351.01
Legal Description	LOT 1 DP 410502
Map References	LOC-2022101885 (Centroid: BM34:208-205), LOC-2022101885 (Centroid: BM34:208-205)

Classifications

The following summarises the classifications associated with the application activity.

Groundwater Management Zone	Manawatū
Water Management Zone	Manawatu Catchment, Coastal Manawatu, Lower Tokomaru (Mana_11a)
Estuary Management Zone	MANAWATU RIVER, Tokomaru River, Unnamed Tributary

Descriptive Specification

1. This consent authorises the discharge of washwater from the washing of rock and gravel and the associated discharge of sediment to water associated with the expansion and operation of Linton Quarry on the property legally described Lot 1 DP 410502 (hereafter referred to as the property), at approximate map reference BM34:208-205, as shown on the **Site Plan LOC-2022101885** attached to and forming part of this resource consent.

2. The consent holder must undertake the activity in general accordance with the consent application including all accompanying plans and documents first lodged with Manawatū-Whanganui Regional Council on 21 November 2022, and the information included in the following further information responses and plans:
 - A. Site plan titled Linton Quarry Expansion, drawn by Good Earth Matters, dated July 2022 and attached as Appendix B to the application.
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 - C. Traffic Management Plan written by Hirock Limited, titled "LINTON QUARRY SITE SPECIFIC TRAFFIC MANAGEMENT PLAN (SSTMP), Revised 06/05/2020 Version 5 JG.
 - D. Quarry Management Plan written by Hirock, titled "LINTON QUARRY, QUARRY MANAGEMENT PLAN, dated 12/11/2020 Version: 2.0.
 - E. Water Monitoring Results and Monitoring Plan, written by Good Earth Matters, titled "Linton Quarry Monitoring Plan - Settlement Pond 1/SRP, Hirock Limited, Dated November 2022 and updated December 2022.
 - F. Linton Quarry Pit Expansion Erosion and Sediment Control Plan November 2022 Hirock Limited FOR RELODGE MENT". Prepared by Good Earth Matters Consulting Ltd and dated November 2022, including the plan 'Erosion and Sediment Control Overview Plan. Drawing Number 76506.002 Rev A'.
 - G. Ecological Management Plan, Titled ECOLOGICAL MANAGEMENT PLAN FOR HIROCK LINTON QUARRY, PALMERSTON NORTH, written by Wildlands, dated September 2022 and updated December, contract report number 6016b.
 - H. Powelliphanta Snail Survey Titled POWELLIPHANTA SNAIL SURVEY AT HIROCK LINTON QUARRY, PALMERSTON NORTH, written by Wildlands, dated October 2022, contract report number 6016e.
 - I. Further information response dated 22 December 2022 including Memo from Marshall Day Acoustics dated 21 December 2022, Alternative Overburden Disposal Areas - Noise, project number 20210382 and Memo from Good Earth Matters, dated 22 December 2022, Discharge Treatment and Expected Standards, Instream Effects and Discharge Volumes - Linton Quarry Expansion Joint Consent Application APP-2022203991.00 & RC-LU-6962
 - J. Memo from Tonkin and Taylor, dated 22 December 2022 Linton Quarry Geotechnical Assessment of Proposed Overburden Disposal Areas, Job No: 1018486.1000 including design of proposed overburden areas.

- K. LIZARD SURVEY AND INCIDENTAL DISCOVERY PROTOCOL FOR HIROCK LINTON QUARRY, PALMERSTON NORTH, written by Wildlands, dated January 2023, contract report number 6016c.
- L. BAT SURVEY REPORT FOR PROPOSED QUARRY EXPANSION AT LINTON QUARRY, PALMERSTON NORTH, written by Wildlands, dated February 2023, contract report number 6016d.
- M. Memo regarding the Mana Enhancing Agreement with Rangitāne o Manawatū, dated 27 April 2023, from Good Earth Matters.
- N. Memo regarding the Memorandum of Understanding with PNCC for the on-going maintenance of Kendalls Line, dated 27 April 2023, from Good Earth Matters.
- O. Dust Management and Monitoring Plan, prepared by K2 Environmental Limited, report number Y0135, 1 June 2023, Draft 1.
- P. Dust Monitoring Report, prepared by K2 Environmental Limited, report number Y0135, 1 June 2023, Issue 1.
- Q. Plan titled “Kendalls Line/SH57 Intersection Proposed Improvements”, prepared by BECA Limited, dated 30 May 2023, drawing number 3823296-TA-1005, Rev. B.
- R. Memo regarding vibration titled TRUCK VIBRATION, prepared by Marshall Day Acoustics, dated 29 May 2023, document number Mm 002.
- S. Memo titled “Linton Quarry - Reduced truck noise levels”, prepared by Marshall Day Acoustics, dated 4 July 2023, document number Mm 003 R01.
- T. Truck Driver Induction Manual prepared by Hirock Limited, Revision 3.0 04/07/2023.

ADVICE NOTE: Any variance from the location, design concepts and parameters, implementation and / or operation may require a new resource consent or a change of consent conditions pursuant to section 127 of the Resource Management Act 1991.

The conditions in the General Condition Schedule apply to this consent.

3. Review

- 4. The Manawatū-Whanganui Regional Council, under s128 of the Resource Management Act, may once per year, during July, serve notice of its intention to review all conditions of this resource consent (including those conditions contained in the general condition schedule) for the purpose of reviewing the effectiveness of these conditions in avoiding and mitigating any adverse effects on the environment. The review of conditions shall allow for:
 - a. deletion or amendments to any conditions of this resource consent to ensure adverse effects are appropriately mitigated; and / -OR-
 - b. addition of new conditions as necessary, to avoid, remedy or mitigate any unforeseen adverse effects on the environment; and / -OR-
 - c. if necessary and appropriate, the adoption of the best practicable options to avoid, remedy or mitigate any adverse effects on the environment.

Duration

- 5. This resource consent will expire on **25 August 2033**.

Descriptive Specification

1. The consent holder must undertake the activity in general accordance with the consent application including all accompanying plans and documents first lodged with Manawātū-Whanganui Regional Council on 21 November 2022, and the information included in the following further information responses and plans:
 - A. Site plan titled Linton Quarry Expansion, drawn by Good Earth Matters, dated July 2022 and attached as Appendix B to the application.
 - B. Ecological Effects Assessment titled "ASSESSMENT OF ECOLOGICAL EFFECTS OF QUARRY EXPANSION AT LINTON QUARRY, PALMERSTON NORTH, written by Wildlands, dated October 2022 and updated December 2022, contract report number 6016.
 - C. Traffic Management Plan written by Hirock Limited, titled "LINTON QUARRY SITE SPECIFIC TRAFFIC MANAGEMENT PLAN (SSTMP), Revised 06/05/2020 Version 5 JG.
 - D. Quarry Management Plan written by Hirock, titled "LINTON QUARRY, QUARRY MANAGEMENT PLAN, dated 12/11/2020 Version: 2.0.
 - E. Water Monitoring Results and Monitoring Plan, written by Good Earth Matters, titled "Linton Quarry Monitoring Plan - Settlement Pond 1/SRP, Hirock Limited, Dated November 2022 and updated December 2022.
 - F. Linton Quarry Pit Expansion Erosion and Sediment Control Plan November 2022 Hirock Limited FOR RELODGE MENT". Prepared by Good Earth Matters Consulting Ltd and dated November 2022, including the plan 'Erosion and Sediment Control Overview Plan. Drawing Number 76506.002 Rev A'.
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 - H. Powelliphanta Snail Survey Titled POWELLIPHANTA SNAIL SURVEY AT HIROCK LINTON QUARRY, PALMERSTON NORTH, written by Wildlands, dated October 2022, contract report number 6016e.
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 - J. Memo from Tonkin and Taylor, dated 22 December 2022 Linton Quarry Geotechnical Assessment of Proposed Overburden Disposal Areas, Job No: 1018486.1000 including design of proposed overburden areas.
 - K. LIZARD SURVEY AND INCIDENTAL DISCOVERY PROTOCOL FOR HIROCK LINTON QUARRY, PALMERSTON NORTH, written by Wildlands, dated January 2023, contract report number 6016c.

- L. BAT SURVEY REPORT FOR PROPOSED QUARRY EXPANSION AT LINTON QUARRY, PALMERSTON NORTH, written by Wildlands, dated February 2023, contract report number 6016d.
- M. Memo regarding the Mana Enhancing Agreement with Rangitāne o Manawatū, dated 27 April 2023, from Good Earth Matters.
- N. Memo regarding the Memorandum of Understanding with PNCC for the on-going maintenance of Kendalls Line, dated 27 April 2023, from Good Earth Matters.
- O. Dust Management and Monitoring Plan, prepared by K2 Environmental Limited, report number Y0135, 1 June 2023, Draft 1.
- P. Dust Monitoring Report, prepared by K2 Environmental Limited, report number Y0135, 1 June 2023, Issue 1.
- Q. Plan titled “Kendalls Line/SH57 Intersection Proposed Improvements”, prepared by BECA Limited, dated 30 May 2023, drawing number 3823296-TA-1005, Rev. B.
- R. Memo regarding vibration titled TRUCK VIBRATION, prepared by Marshall Day Acoustics, dated 29 May 2023, document number Mm 002.
- S. Memo titled “Linton Quarry - Reduced truck noise levels”, prepared by Marshall Day Acoustics, dated 4 July 2023, document number Mm 003 R01.
- T. Truck Driver Induction Manual prepared by Hirock Limited, Revision 3.0 04/07/2023.

Where there may be inconsistencies between the information provided by the Consent Holder and conditions of the resource consent, or the condition require a specific plan to be updated, the conditions of the resource consent will apply.

ADVICE NOTE: Any variance from the location, design concepts and parameters, implementation and / or operation may require a new resource consent or a change of consent conditions pursuant to section 127 of the Resource Management Act 1991.

Pre-Development Assurance

- 2. The Consent Holder must be responsible for all contracted operations related to the exercise of these resource consents; and must ensure contractors are made aware of the conditions of these resource consents and ensure compliance with those conditions.
- 3. A copy of these consents must be kept onsite at all times that physical works authorised by these resource consents are being undertaken and must be produced without unreasonable delay upon request from a servant or agent of the Manawatū-Whanganui Regional Council.

ADVICE NOTE: An electronic version on a smartphone or electronic device is acceptable.

- 4. Within **10 working days** of commencement of consent the Consent Holder must appoint a representative(s) who shall be the Manawatū-Whanganui Council’s principal contact

person(s) in regard to matters relating to this resource consent. The consent holder must inform the Manawatū-Whanganui Regional Council of the representative's name and how they can be contacted. Should that person(s) change during the term of this resource consent, the consent holder must immediately inform the Manawatū-Whanganui Regional Council and must also give written notice to the Manawatū-Whanganui Region Council of the new representatives' name and how they can be contacted.

5. The consent holder must, no later than **3 months** from the commencement of consent, install the ESCP measures as per those proposed in documents listed in **Condition 1** and as modified by the plans required under **Conditions 8, 9 and 10 below**.
6. The consent holder must inform the Manawatu-Whanganui Regional Council in writing at least **5 working days** prior to the commencement of construction of the ESCP measures required under **Condition 5**.
7. The consent holder must arrange and conduct a pre-construction site meeting and invite, with a minimum **of 5 working days'** notice, the Manawatu-Whanganui Regional Council, the site representative(s) nominated under **Condition 4** of this consent, the contractor, and any other party representing the consent holder prior to any work authorised by this consent commencing on site. The following information must be made available at the pre-start meeting:
 - (a) Timeframes for key stages of the works authorised under this consent
 - (b) Resource consent conditions
 - (c) Finalised Erosion and Sediment Control Plan
 - (d) Chemical Treatment Management Plan
 - (e) Dewatering Management Plan

Advice Note: In the case that any of the invited parties, other than the site representative does not attend this meeting, the consent holder will have complied with this condition, provided the invitation requirement is met.

8. Prior to the commencement of works required under **Condition 5**, a Finalised Erosion and Sediment Control Management Plan (ESCP) must be prepared in accordance with Greater Wellington Regional Council's *Erosion and Sediment Control Guide for Land Disturbing Activities in the Wellington Region* (February 2021) (GWRC Guidelines) and **Condition 9** below, and submitted to Council for technical certification.

9. The Finalised Erosion and Sediment Control Plan required by **Condition 8** must contain sufficient detail to address the following matters:
- (a) Details of all principles, procedures and practices that will be implemented to undertake erosion and sediment control;
 - (b) Methodologies for implementation of the activities with details of all non-structural erosion and sediment controls including staging and sequencing of works;
 - (c) Timing and duration of construction and operation of control works (in relation to the staging and sequencing of earthworks)
 - (d) Details relating to the management of exposed areas and stabilisation in accordance with GWRC Guidelines
 - (e) Specific design of erosion and sediment control measures in accordance with GWRC Guidelines
 - (f) Maintenance, monitoring and reporting procedures;
 - (g) Rainfall response and contingency measures including procedures to minimise adverse effects in the event of extreme rainfall events, flood events and/or the failure of any key erosion and sediment control structures;
 - (h) Procedures and timing for review and/or amendment to the E&SCP;
 - (i) Identification and contact details of personnel responsible for the operation and maintenance of all key erosion and sediment control structures; and
 - (j) A site contour plan of a suitable scale to identify;
 - i. The extent of soil disturbance and vegetation removal;
 - ii. Locations of stockpiles;
 - iii. All key erosion and sediment control structures;
 - iv. The boundaries and area of catchments contributing to all erosion and sediment control devices;
 - v. The locations of all specific points of discharge to the environment; and
 - vi. Any other relevant site information
10. The ESCP must be certified in writing by the Manawatu-Whanganui Regional Council acting in a technical certification capacity prior to any activities authorised by this resource consent commencing. The consent holder must undertake all earthworks authorised by this consent in accordance with the certified ESCP.

ADVICE NOTE: Regarding Manawatū-Whanganui Regional Council Technical Certification – Several conditions require the technical certification of the Manawatū-Whanganui

Regional Council. That technical certification (or withholding of approval) shall be based on the Manawatū-Whanganui Regional Council's assessment of whether the matters being considered achieve the objective of minimising sediment discharges from the site to the extent practicable.

11. The ESCP may be amended or updated without the need for certification where the amendment is an administrative change, including nominating personnel.
12. Except as provided for in **Condition 11**, amendments to the ESCP and any appendices must be confirmed in writing by the Consent Holder and certified in writing by the Manawatū-Whanganui Regional Council acting in a technical certification capacity prior to the commencement of any works to which the amended ESCP relate.
13. The consent holder must ensure that a copy of the certified ESCP including any certified amendments, is kept onsite and this copy is updated within **five (5) working days** of any amendments being certified.
14. The consent holder must ensure that all sediment laden run-off from the site is treated by sediment retention structures. These structures must be fully operational before bulk earthworks commence (ie excavation of the quarry pit expansion area) and must be maintained to perform at least at 80% of their operational capacity.
15. Prior to excavation of the quarry pit expansion area or within four months of commencement of consent whichever is the earliest, a certificate signed by a suitably qualified and experienced person must be submitted to the Manawatu-Whanganui Regional Council, to certify that the erosion and sediment controls have been constructed in accordance with the certified ESCP required by **Conditions 8, 9 and 10**. Certified controls must include Sediment Retention Ponds, Dirty Water Diversions, and Clean Water Diversions. The certification for these subsequent measures must be supplied within **5 working days** upon completion of construction of those measures. Information supplied if applicable, must include:
 - (a) Confirmation of contributing catchment area;
 - (b) The location, capacity and design of each structure, including shape, volume and design of the structure (dimensions of structure);
 - (c) Position of inlets/outlets; and
 - (d) Stabilisation of the structure
 - (e) Measures to control erosion; and
 - (f) Any other relevant matter.

Advice Note: The format for certification is available on the Manawatu-Whanganui Regional Council website.

16. Prior to the commencement of works required under **Condition 5**, a Chemical Treatment Management Plan (CTMP) must be prepared by an appropriately qualified and experienced person and submitted to Council. No earthworks in the quarry pit expansion area may commence until written certification is provided by Council that the CTMP meets the requirements of GWRC Guidelines, and the measures referred to in that plan have been put in place. The CTMP must include as a minimum:
 - (a) Specific design details of a chemical treatment system based on a rainfall activated methodology for any impoundment devices (Sediment Retention Ponds) and any other approved impoundment devices;
 - (b) Monitoring, maintenance (including post storm) and contingency programme (including a record sheet);
 - (c) Details of optimum dosage (including assumptions);
 - (d) Results of initial chemical treatment trial;
 - (e) A spill contingency plan; and
 - (f) Details of the person or bodies that will hold responsibility for long term operation and maintenance of the chemical treatment system and the organisational structure which will support this system.
17. Sediment control devices that discharge off site must be chemically treated throughout the duration of earthworks in accordance with the approved Chemical Treatment Management Plan.
18. Any changes proposed to the CTMP must be confirmed in writing by the consent holder and certified in writing by the Manawatu-Whanganui Regional Council acting in a technical certification capacity, prior to the implementation of any changes proposed.
19. The CTMP may be amended or updated without the need for certification where the amendment is an administrative change, including nominating personnel.
20. The consent holder must ensure that a copy of the certified CTMP including any certified amendments, is kept onsite and this copy is updated within **five (5) working days** of any amendments being certified.
21. Prior to the commencement of any pumping activity to the sediment retention structures, and associated discharges from treatment devices on the subject site to the Unnamed stream which forms part of the Tokomaru River catchment, a Dewatering Management Plan must be prepared and submitted to Council for technical certification. No pumping activity or discharges at the subject site is to commence until confirmation from Council is provided that the final management plan meets the required standards set out below.

The Dewatering Management Plan must contain sufficient detail to address the following matters:

- (a) Details of how any water pumped from the quarry pit will not overload the sediment retention pond, including how pumping will be managed during rain events.
 - (b) Written records of all pumping operations, to include details of personnel managing the pumping operations.
22. The Dewatering Management Plan must be certified in writing by the Manawatu-Whanganui Regional Council acting in a technical certification capacity prior to any activities authorised by this resource consent commencing. The consent holder must undertake all earthworks authorised by this consent in accordance with the certified Dewatering Management Plan.

ADVICE NOTE: Regarding Manawatū-Whanganui Regional Council Technical Certification – Several conditions require the technical certification of the Manawatū-Whanganui Regional Council. That technical certification (or withholding of approval) shall be based on the Manawatū-Whanganui Regional Council’s assessment of whether the Dewatering Management Plan contains adequate details as described in **Condition 22**.

23. Any changes proposed to the Dewatering Management Plan must be confirmed in writing by the consent holder and certified in writing by the Manawatu-Whanganui Regional Council acting in a technical certification capacity, prior to the implementation of any changes proposed.
24. The Dewatering Management Plan may be amended or updated without the need for certification where the amendment is an administrative change, including nominating personnel.
25. The consent holder must ensure that a copy of the certified Dewatering Management Plan including any certified amendments, is kept onsite and this copy is updated within **five (5) working days** of any amendments being certified.

Environmental Standards

26. The Consent Holder must always operate the site in compliance with the certified ESCP, certified through **Conditions 8, 9 and 10**.
27. Sediment retention devices must be designed and operated to achieve the following performance targets:

- (a) the pH of any discharge from sediment retention devices to any water body must not be less than 5.5 or greater than 8.5;
- (b) the turbidity of any discharge from sediment retention devices to any water body must not be higher than 150 NTU; with a trigger value for investigation of 75 NTU;
- (c) and a discharge clarity of greater than 100mm measured by clarity tube.
- (d) the Consent Holder must ensure that the soluble chloride concentration must not exceed 230 mg/L at the reasonable mixing zone.

ADVICE NOTE: The reasonable mixing zone is defined as being 7 times the bed width at median flow.

- 28. The consent holder must ensure that sediment losses to natural water arising from the exercise of this resource consent are minimised during the duration of the works and during the term of this consent. In this regard, erosion and sediment control measures must be established and maintained in accordance with Greater Wellington Regional Council's Erosion and Sediment Control Guide for Land Disturbing Activities in the Wellington Region (February 2021) and in accordance with **Condition 5**. The consent holder must also ensure the outfall(s) of these systems are protected against erosion.
- 29. All earthmoving machinery, pumps, generators and ancillary equipment must be operated in a manner, which ensures spillages of fuel, oil and similar contaminants are prevented, particularly during refuelling and machinery servicing and maintenance. Refuelling and lubrication activities must be carried out away from any water body, ephemeral water body, or overland flow path, such that any spillage can be contained so that it does not enter surface water.

Operational Restrictions

- 30. The quarry must not operate outside the hours of 07:00 to 17:00 hrs, Monday to Friday and 07:00 to 15:00 hrs on Saturdays. This restriction does not apply to staff arriving to the site, between 06:30 and 0700 hrs.
- 31. There must be no discharge of airborne particulate matter that is objectionable to the extent that it causes an adverse effect at or beyond the boundary of the subject property.

ADVICE NOTE: An odour will only be considered objectionable, after a warranted Manawatū-Whanganui Regional Council officer has considered the Frequency, Intensity, Duration, Offensiveness/Character and Location of Exposure of the discharge to determine whether the discharge is Offensive, Objectionable, Noxious and/or Dangerous (i.e the FIDOL Factors). Definitions of these are provided in Chapter 15 of the One Plan (2018), or any superseding Regional Plan.

Post-Development Assurance

32. The removal of any erosion and sediment control measure from any area where soil has been disturbed as a result of the exercise of this resource consent must only occur after consultation and written approval has been obtained from the Manawatū-Whanganui Regional Council acting in a technical certification capacity. In this respect, the main issues that will be considered by the Manawatū-Whanganui Regional Council include:
 - (a) The adequacy of the soil stabilisation and/or covering vegetation;
 - (b) The quality of the water discharged from the rehabilitated land; and
 - (c) The quality of the receiving water.

33. The consent holder must ensure those areas of the site which have been completed must be progressively stabilised against erosion as soon as practically possible and within a period not exceeding **3 days** after completion of any works authorised by this resource consent. Stabilisation must be undertaken by providing adequate measures (vegetative and/or structural) that will minimise sediment runoff and erosion and in accordance with Greater Wellington Regional Council's Erosion and Sediment Control Guide for Land Disturbing Activities in the Wellington Region (February 2021). The consent holder must monitor and maintain the site until vegetation is established to such an extent that it prevents erosion and prevents sediment from entering any surface water.

34. Re-vegetation and/or stabilisation of all disturbed areas must be completed in accordance with the measures detailed in Greater Wellington Regional Council's Erosion and Sediment Control Guide for Land Disturbing Activities in the Wellington Region (February 2021).

Monitoring Provision

35. To monitor compliance with **Condition 27** the consent holder must monitor the following parameters:
 - (a) Once per Month;
 - i. pH
 - ii. Turbidity (NTU and clarity tube)
 - iii. Chloride
 - iv. DRP
 - v. The time and date, and the weather and flow conditions at the time of monitoring must be recorded.
 - vi. Observations of any conspicuous oil or grease films, scums or foams, and any emission of objectionable odour.

- (b) During rain events and/or when water is pumped from the pond at the base of the quarry pit into the SRP1;
 - i. pH;
 - ii. Turbidity (NTU and clarity tube);
 - iii. DRP
 - iv. The time and date, and the weather and flow conditions at the time of monitoring must be recorded;
 - v. Observations of any conspicuous oil or grease films, scums or foams, and any emission of objectionable odour.
- (c) When malfunctioning of the dosing equipment or malfunctioning of the sedimentation pond is suspected/confirmed;
 - i. pH;
 - ii. Turbidity;
 - iii. Chloride;
 - iv. DRP
 - v. The time and date, and the weather and flow conditions at the time of monitoring must be recorded;
 - vi. Observations of any conspicuous oil or grease films, scums or foams, and any emission of objectionable odour.
- (d) Measurements and samples should be taken at the following locations:
 - i. pH, NTU and Clarity and DRP: discharge on the quarry side of the bund
 - ii. NTU and visual clarity: discharge on the quarry side of the bund
 - iii. Chloride: just beyond the reasonable mixing zone as specified in the certified monitoring plan.
 - iv. Any measuring equipment used should be manufactured for the respective purpose and calibrated according to the manufacturer's guidelines.

Rainfall event is defined as being 3 millimetres of rainfall (within 24 hours) measured at a weather station agreed in the monitoring plan. Monitoring should be undertaken as soon as possible, and no later than 24 hours after each rainfall event begins.

ADVICE NOTE: The reasonable mixing zone is defined as being 7 times the bed width at median flow.

- 36. Where a performance target in **Condition 27 a, b, c or d** is not achieved, an investigation, including a written report, must be undertaken to:
 - (a) confirm the reason why performance target has not been achieved, with reference to the relevant catchment; and

- (b) develop and implement response measures to achieve the performance targets in the future including ensuring onsite management aligns with the current, certified, ESCP.
37. Following the completion of the investigation required by **Condition 36**, all recommended response measures must be implemented within with **fifteen (15) working days**, except where the Manawatū-Whanganui Regional Council and Whakapai Hauora agrees in writing to a longer timeframe for the implementation of response measures.
- Advice Note: Condition 37** has been included on an Augier basis following a Mana Enhancing Agreement between the Applicant and Rangitāne o Manawatū.
38. A report that summarises the investigation and response measures required by **Condition 37** must be provided to the Manawatu-Wanganui Regional Council and Whakapai Hauora in writing within **fifteen (15) working days** of the performance target not being achieved.
- Advice Note: Condition 38** has been included on an Augier basis following a Mana Enhancing Agreement between the Applicant and Rangitāne o Manawatū.
39. Monitoring data required by **Condition 27 and 35** must be recorded and made available to the Manawatu-Whanganui Regional Council on request and within five (5) working days.
40. Monitoring of parameters according to **Conditions 27 and 35** must be undertaken for a period of at least 24 months, at which point the monitoring plan must be reviewed and updated based on the results and submitted to the Manawatu-Wanganui Regional Council’s Team Leader Consents Monitoring for Technical Certification. The report must be prepared by a suitably qualified person and cover:
- (a) The results of all monitoring undertaken in the previous 24 months;
 - (b) Any non-compliances and subsequent investigations;
 - (c) Discussion of any trends evident from the monitoring data;
 - (d) Recommendations for a future monitoring plan;
41. Following the report completed under **Condition 40**, any changes proposed to the monitoring under **Conditions 27 and 35**, in the form of an update to the monitoring must be certified in writing by the Manawatu-Whanganui Regional Council acting in a technical certification capacity taking into account the requirements of **Conditions 42, 43 and 44**.
42. If the parameters within **Condition 27 a and b** are met following the completion of the 24-month reporting period, monitoring of pH and turbidity may be reduced to major rainfall events and if and when malfunctioning of the dosing equipment or malfunctioning of the sedimentation pond is suspected/confirmed, only.

ADVICE NOTE: Major rainfall event is defined as being 25 millimetres of rainfall (within 24 hours). Monitoring should be undertaken as soon as possible, and no later than 24 hours after each rainfall event begins.

43. If the parameter with **Condition 27 c and d** are met following the completion of the 24-month reporting period, monitoring of chloride may be reduced to quarterly and if and when malfunctioning of the dosing equipment or malfunctioning of the sedimentation pond is suspected/confirmed, only.
44. If DRP concentrations are at or below a median of > 0.018 mg/L after the 24-month reporting period, monitoring of DRP may be reduced to quarterly and if and when malfunctioning of the dosing equipment or malfunctioning of the sedimentation pond is suspected/confirmed, only. If DRP is found to above a median of > 0.018 mg/L then monitoring must continue as per **Condition 27 and 35** with reporting required under **Condition 45**.
45. The consent holder must, by **30 June 2026, 30 June 2029 and 30 June 2031**, undertake a review of the adequacy and effectiveness of the site erosion and sediment control measures over the previous three years, and identify:
 - (a) if there have been any changes in guidelines and best practice for erosion and sediment control measures since the last review;
 - (b) identify any changes required to the site erosion and sediment control measures to meet current best practice; and
 - (c) identify a timeframe for upgrading the stie erosion and sediment control measures to meet best practice.
 - (d) Identify any changes that are required in relation to **Condition 44** and the monitoring of DRP, particularly if it is found that the DRP is found to be above a median of > 0.018 mg/L .

The outcomes of the review must be provided to the Consents Monitoring Team Leader, Manawatū-Whanganui Regional Council, no later than one month following the completion of the review.

46. The Consent Holder must ensure that all erosion and sediment control structures are inspected on a weekly basis and within **24 hours** of each rainstorm event that is likely to impair the function or performance of the controls and must maintain records detailing:
 - (a) The date, time and results of the maintenance undertaken; and
 - (b) The erosion and sediment controls that required maintenance; and
 - (c) The date and time when the maintenance was completed.

These records must be provided to the Manawatū-Whanganui Regional Council at all reasonable times and within **72 hours** of a written request to do so.

47. If any complaints are received by the consent holder regarding the activities authorised by this resource consent, the consent holder must notify the Manawatū-Whanganui Regional Council of those complaints as soon as practicable and no longer than one working day after receiving the complaint. If complaints are received, the consent holder must record the following details in a Complaints Log:
- (a) Time and type of complaint, including details of the incident, e.g. duration, any effects noted;
 - (b) Name, address and contact phone number of the complainant (if provided);
 - (c) Location from which the complaint arose;
 - (d) The weather conditions and wind direction at the time of any dust complaint;
 - (e) The likely cause of the complaint;
 - (f) The response made by the consent holder including any corrective action undertaken by the consent holder in response to the complaint; and
 - (g) Futures actions proposed as a result of the complaint.
48. The consent holder must record the volume and number of truckloads of cleanfill deposited at the site for the duration of this consent. The consent holder must maintain an on-site register of each truck entering the site, including details of the day, date, time, truck identification, fill volume, composition and source. This register must be made available to the Manawatu-Whanganui Regional Council's Consents Monitoring Team within **one (1) working day** upon request.
- ADVICE NOTE:** For the purposes of this consent, the volume may be stated as the number of truck loads and the capacity of the truck.
49. The consent holder must update the Quarry Management Plan six **(6) months** after the grant of this consent and submit it for Technical Certification by PNCC. The updates must include but not be limited to:
- (a) Updated description of site activities
 - (b) Updated description of cultural values of the site
 - (c) Reference to Ecological Management Plan
 - (d) Reference to Traffic Management Plan
 - (e) Reference to Mana Enhancing Agreement with Rangitāne o Manawatū

- (f) Reference to Memorandum of Understanding with PNCC for the on-going maintenance of Kendalls Line
- (g) Reference to the Dust Management and Monitoring Plan
- (h) Updated noise monitoring requirements
- (i) Updated Erosion and Sediment Control Plan requirements
- (j) Cleanfill record keeping procedures
- (k) Updated regulatory framework i.e., resource consents
- (l) Updated driver induction plan
- (m) Reference to site rehabilitation plan

Advice Note: the requirement for Technical Certification of the QMP is also contained within the Palmerston North City consents LU 6962.

50. A Concept Quarry Closure and Rehabilitation Plan (CQCRP) must be submitted **two (2) years** after the grant of this consent for certification by PNCC, including a summary of consultation undertaken with Best Care (Whakapai Hauora) Charitable Trust in the development of the plan. The CQCRP must cover the entire quarry site and must produce a final “walk away” landform that is geotechnically stable that blends aesthetically into the surrounding landforms, yet as far as possible does not limit possible future land uses. Measure to achieve this objective are as follows (but not limited to):

- (a) Measures to ensure long term slope stability
- (b) Filling of pit and measures required to ensure water quality is suitable
- (c) Riparian planting of pit areas where applicable
- (d) Pest control and maintenance / protection of indigenous vegetation
- (e) Measures to reduce the height of the overburden areas/bunds and integrate them with the surrounding landform
- (f) Planting or grassing of the overburden areas/bunds
- (g) Timeframes for when the rehabilitation should be completed by
- (h) Who is responsible for carrying out the rehabilitation plan

Advice Note: the requirement for Technical Certification of the CQCRP is also contained within the Palmerston North City consents LU 6962.

51. A Final Quarry Closure and Rehabilitation Plan (FQCRP) must be submitted at least **twelve (12) months** prior to closure of the quarry to PNCC for certification, including a summary

of consultation undertaken with Rangitāne o Manawatū in the development of the plan and highlight any changes from the CQCRP required by **Condition 50** and why. The FQCRP must cover the entire quarry site and must produce a final “walk away” landform that is geotechnically stable that blends aesthetically into the surrounding landforms, yet as far as possible does not limit possible future land uses. Measures to achieve this objective are as follows (but not limited to):

- (a) Geotechnical rehabilitation design report including measures to ensure long term slope stability
- (b) Filling of pit and measures required to ensure water quality is suitable
- (c) Riparian planting of pit areas where applicable
- (d) Pest control and maintenance / protection of indigenous vegetation
- (e) Measures to reduce the height of the overburden areas/bunds and integrate them with the surrounding landform
- (f) Planting or grassing of overburden areas/bunds
- (g) Timeframes for when the rehabilitation should be completed by
- (h) Who is responsible for carrying out the rehabilitation plan

Advice Note: the requirement for Technical Certification of the FQCRP is also contained within the Palmerston North City consents LU 6962.