

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

**RESOURCE CONSENT APPLICATION FOR THE EXPANSION OF AN EXISTING QUARRY AT**  
**167-257 KENDALLS LINE, PALMERSTON NORTH**  
**MINUTE 4 OF INDEPENDENT HEARING COMMISSIONER**

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**Introduction**

1. This Minute is being sent to you because you are either the Applicant, a submitter or a Council reporting officer to the above application. However, the required actions are directed solely to the Applicant and Council.
2. In my last correspondence (Minute 3 Dated 4 July 2023), I sought further information and set the date for the Applicant's right of reply. That followed the receipt of the Applicant's interim reply (dated 30 June 2023 and the comments received by the three submitters on 5, 6 and 7 July 2023).
3. The Applicant provided its reply statement on 11 July 2023, which also included a set of consolidated volunteered conditions (Appendix G to the reply). The Applicant also confirmed a reduction in overall truck movements proposed included an associated acoustic assessment on that basis, which was included as Appendix B to the reply.
4. The purpose of this Minute is to provide some additional directions to the Applicant (and Council) following my consideration of the abovementioned material and my initial deliberations.

**Additional Information requested**

5. Firstly, I would like to acknowledge and thank the Applicant for providing this information ahead of the scheduled due date of 13 July.
6. On the basis of this further information being provided, it has given rise to the refinement of the final outstanding matter in contention, which relates to the effects arising from traffic volumes. Therefore, the purpose of this minute is two-fold.
  - a. I seek further acoustic information based on the additional acoustic assessment provided in the reply statement at Appendix B, in relation predicted noise levels of

those traffic moments. The reasoning for this is canvased in further detail below under **Item a.**

- b. To ensure that the effects can be suitably managed, I request the planners for the Council and Applicant, on a without prejudice basis, revisit Appendix G to the reply statement to provide further clarity in relation to monitoring and enforcement of the conditions. The nature of the requested changes are set out below under **Item b.** For further clarity and reference, I have attached a tracked change set of conditions, to this Minute as **Appendix 1** to guide the Applicant on the required changes but that is not definitive or fully directive.

**Item a. Alternative traffic movement and acoustic assessment sought from the Applicant**

7. The right of reply provided a reduced maximum of 170 heavy vehicle movements per day (reduced from 250) with 17 heavy vehicle movements per hour (reduced from 40). The expert noise evidence confirmed that this equates to a noise level of no greater than 55dBA at the notional boundary of any dwelling along Kendalls Line.
8. Appendix B of the Applicant's reply, provided a table<sup>1</sup> comparing the daily average truck movements and the predicted noise levels for properties along Kendalls Line, for both 170 and 130 truck moments.
9. From Table 1, the difference between the noise level of 170 and 130 vehicle moments per day, for each of the properties along Kendall Line is 3dBA which I acknowledge is, in acoustic parlance, is barely noticeable.
10. Although I acknowledge the Applicant's reduction in overall traffic moments from what was initially applied for (from 250 to 170), I am cognisant that I have a duty to avoid, remedy or mitigate adverse effects to the greatest extent possible.
11. On that basis I wish to ascertain if a 'middle ground' in traffic movements would provide a reduced acoustic level that is audibly beneficial for the submitters ( i.e. greater than a 3dBA difference), whilst still providing for some flexibility to the Applicant in terms of the number of truck moment required to achieved the required extraction volumes.
12. Therefore, I seek that an additional column be added to Table 1, which assesses the daily noise level for a maximum of 150 traffic movements per day, with a maximum average hourly movement rate of 15.

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<sup>1</sup> Table 1: Predicted future noise levels from quarry traffic at dwelling facades on Kendalls Line, prepared by Marshall Day Acoustics, dated 4 July 2023

13. To be clear, I am asking for this information on a "without prejudice" basis to my ultimate decision and simply require the output from the modelling exercise for those nominated truck movements.
14. I don't require any commentary on the efficacy of this request/results from the Applicant but nevertheless that opportunity exists if the Applicant wishes to do so. The position of the Submitters' on this matter is very clear to me (i.e. they oppose any increase above the current consented volume of 52 movements per day) and, respectfully, I don't require any further response from Submitters.

**Item b. Changes sought to the consolidated conditions from the Applicant**

15. I would like to thank the Applicant for providing the consolidated set of consent conditions.
16. From my perspective, the Conditions for the Land Use Consent LU6962 should be reviewed to ensure they are practicable, measurable and enforceable. Therefore, without prejudice, I seek that the following conditions be reviewed (and potentially revised) by the Applicant's and Council's planners to incorporate the following:

**Access and Traffic Conditions**

- *Condition 4:* To stipulate who is responsible for implementing this condition (presumably the consent holder) and include a timeframe for completion and maintenance requirement for the traffic speed signs.
- *Condition 7:* Include details of what should be included in the Traffic Management Plan, in particular outline how it relates to the Noise Management Plan.
- *Condition 12:* Include a timeframe for the improvement upgrade to the intersection at Kendalls Line.

**Noise Conditions**

- *Condition 20:* Include noise monitoring methods and location detail

**Ecological Conditions**

- *Condition 31:* Timeframe to be included for the submittal of the Ecological Management Plan.
- *Condition 38:* Additional advice included to provide evidence of consultation.

**Quarry Management Plan**

- *Condition 58:* Reduce timeframe for the production of an updated Quarry Management Plan and needs to include reference to Rehabilitation Plan.

### **Site Rehabilitation**

- *Condition 60*: Timeframes and responsibility of works need to be included within the Site Rehabilitation Plan.

17. I request the above additional acoustic information and updated conditions be received from the Applicant and Council respectively by **5pm on Tuesday 25 July 2023**.

### **Next Steps**

18. On the above basis, the following deadline applies:

- a. **5pm Tuesday 25 July 2023** for Applicant to provide updated acoustic assessment and Applicant and Council to provide any revised conditions

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

**DATED** this 18<sup>th</sup> day of July 2023



DJ McMahon

Independent Commissioner

**APPENDIX 1: Tracked Change Version of Applicants right of reply, Appendix G**