



IN THE MATTER of the Resource Management Act 1991 (“RMA” or “the Act”)

AND

IN THE MATTER of applications under section 88 of the Act to the **Tasman District Council** by **Tasman Bay Asphalt Limited** for resource consents for an Asphalt Plant (**RM201000, RM201002, RM201018**)

MEMORANDUM OF COUNSEL FOR THE APPLICANT REGARDING EVIDENCE IN CHIEF

1. Nine statements of evidence in chief are filed on behalf of the Applicant. These are:
 - a. Evidence from Jarrod du Plessis explaining how the Asphalt Plant will operate.
 - b. Evidence from Martin O’Cain addressing how the Asphalt Plant site should be managed to control potentially contaminated land.
 - c. Evidence from Christopher Bender discussing the nature and effects of discharges to air from the Asphalt Plant stack and also discharges from other parts of the production process (e.g. dust).
 - d. Evidence from Donald Morrissey addressing effects on the quality of the Waimea River, the fishing ponds in the Waimea River Park, and on ground water.
 - e. Evidence from Gary Clark addressing effects on traffic safety and efficiency from truck movements to and from the Asphalt Plant.
 - f. Evidence from Matthew Bronka addressing the effects of noise from the Asphalt Plant site and from truck movements to and from the site.
 - g. Evidence from Robert Greenaway addressing the effects of the operation of the Asphalt Plant on recreation.
 - h. Planning evidence from Jane Bayley.

- i. Evidence from Jeremy Dixon CEO of Issac Construction Ltd (“ICL”) commenting on operation of ICL’s asphalt plant.
2. The Applicant respectfully suggests that the Commissioners’ read the evidence in chief presented on its behalf in the order set out above.
3. This is because, in the Applicant’s view, it provides the clearest and most logical picture of the activity itself and then of its potential effects.
4. It begins with a detailed outline of the activity for which consent is sought, moving then to a detailed discussion of the site itself and the aspects of the land that need to be managed throughout construction, operation, and discontinuation. Mr O’Cain’s evidence is that out of caution the site should be treated as a HAIL site and that any potential land can be appropriately managed through an accidental discovery protocol which is offered by a condition of consent.
5. This is then followed by a ‘deep dive’ into specific aspects of the activity and their associated effects, and a holistic assessment of those effects on recreation. All effects are no more than minor.
6. Ms Bayley’s planning assessment then reflects on those detailed assessments of effects and considers them against the relevant planning instruments. Based on that assessment her conclusion is that consent can be granted subject to adoption of the consent conditions she recommends.
7. Finally, Mr Dixon’s statement then provides a useful example of the practical reality of running an asphalt plant and of associated effects and how those are managed, including on areas and values similar to those present in this case (e.g. proximity to fish ponds and important natural areas).
8. The Applicant is happy to provide any further information the Commissioners’ consider is required.

S R Gepp / M C Wright
Counsel for the Applicant

10 December 2021