



**BEFORE THE TASMAN DISTRICT COUNCIL**

**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**)

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**EVIDENCE OF JANE BAYLEY ON BEHALF OF TASMAN BAY ASPHALT LTD**

**PLANNING**

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Dated 10 December 2021

By: Jane Bayley  
*Resource Management Consultant*

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**1.0 INTRODUCTION**

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- 1.1 My full name is Jane Rushton Bayley. I am a Resource Management Planning Consultant and hold the qualification of Master of Regional and Resource Planning from Otago University.
- 1.2 I have over 20 years experience as a Planner and Resource Management Consultant. This experience includes as a Council Planner with the Buller District Council from 2000 through to the start of 2008, when I moved into private practice. I am employed as a Resource Management Consultant at Staig & Smith Ltd which is a Surveying, Land Development and Planning Consultancy based in Nelson.
- 1.3 I am familiar with and have read the Code of Conduct for Expert Witnesses in the Environment Court Practice Note and I agree to comply with it. My evidence is within my area of expertise, however where I make statements on issues that are not in my area of expertise, I will state whose evidence I have relied upon. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed in my evidence.
- 1.4 I was engaged by the Applicant in March 2020 to prepare a resource consent application. I have undertaken three site visits, one prior to preparing the application in August 2020, another after the close of submissions in July 2021 and a final site visit on 29<sup>th</sup> November 2021.
- 1.5 This evidence is given on behalf of Tasman Bay Asphalt Limited (the Applicant). The Applicant has applied for:
1. Land Use consent to construct and operate an Asphalt Plant and build an acoustic barrier (RM201000);
  2. Discharge Permit to discharge contaminants from an Asphalt Plant to air (RM201002); and
  3. Land Use Consent to undertake earthworks within 10 metres of the toe of the Waimea stopbank (RM201018).
- 1.6 The Applicant seeks an additional consent under Clause 11 of the National Environment Standard for Assessing and Managing Contaminants in Soil to Protect Human Health Regulations 2011 (NES-CS) to change the land use from Gravel Processing Plant to an Asphalt Processing Plant and to undertake up to 6,000m<sup>3</sup> of earthworks.
- 1.7 This evidence addresses the planning assessment of the activities for which consent is sought.
- 1.8 In preparing this evidence I have read the following documents:
- The Application and Assessment of Environmental Effects
  - Council's Section 95 assessment
  - A copy of all submissions
  - Council's Section 42A (s42A) assessment
  - Expert evidence from the Applicant's Technical Team

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## 2.0 SCOPE OF EVIDENCE

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- 2.1 The scope of my evidence is as follows:
- Section 3.0 – Application description
  - Section 4.0 – The Site and Environs
  - Section 5.0 – Details of the Proposed Development
  - Section 6.0 – Notification and Submissions
  - Section 7.0 – Zoning Framework and Status of the Activity
  - Section 8.0 – Assessment of Effects
  - Section 9.0 – Assessment of Relevant Policy Statement and Plans
  - Section 10.0 – Part 2 of the Resource Management Act
  - Section 11.0 – Commentary on s42A Recommended Conditions
  - Section 12.0 – Conclusion

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## 3.0 THE APPLICATION

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### **As notified**

#### ***Land Use - Territorial***

- 3.1 The Applicant sought Land Use consent to construct and operate an Asphalt Plant and build an acoustic barrier (RM201000); being:
- a) to construct and operate a MARINI Latin America Carbon T-Box 130 Asphalt Plant;
  - b) to operate the MARINI Latin America Carbon T-Box 130 Asphalt Plant for up to 10 hours per 24 hour period between the hours of 7.00am and 9.00pm Monday-Friday and 7.00am and 6.00pm Saturdays;
  - c) for staff and initial transport movements to commence at 6.30am.
  - d) for trucks to load and transport asphalt outside of daytime hours until 10.00pm;
  - e) to build a 3m high acoustic barrier adjacent to the road and lease boundaries as per the site plan;
  - f) for the MARINI Latin America Carbon T-Box 130 Asphalt Plant to be up to 11m in height;
  - g) to breach access and parking requirements, particularly relating to soakage of stormwater from the gravelled finish.
- 3.2 The Applicant sought a term of 20 years or six months after all gravel extraction and crushing operations within the Waimea River Park Reserve ceased, whichever is the lesser.

#### ***Land Use - Regional***

- 3.3 The Application, as notified, sought Regional Land Use (RM201018) to:
- a) maintain the stopbank on the True Right of Waimea River, and
  - b) undertake earthworks within 10 metres of the toe of the stopbank on the True Right of Waimea River.
- 3.4 As a precaution, given that the activity of Asphalt production is Registered Activity E2 on the Hazardous Activities and Industries List, the Applicant had applied for consent to store and use 50,000 litres of bitumen and no more than 5,000 litres of diesel on site. Council advised that this was a Permitted Activity, and also confirmed that the activity of Asphalt production did not require consent under the TRMP as such. Therefore, upon request from Council, this portion of the application was removed.

#### ***Discharge***

- 3.5 The Applicant also sought Discharge Consent (RM201002) to discharge contaminants from an Asphalt Plant to air. A term of 35 years was sought.
- 3.6 As a result of applying for the storage and use of 50,000 litres of bitumen and no more than 5,000 litres of diesel on site, the Applicant had also originally applied discharge stormwater to ground from the Asphalt Plant and hardstand areas. Council advised that as the storage and use of bitumen and diesel was a Permitted Activity, so too was the activity of discharging stormwater from the site.

**Withdrawn portions of the application**

- 3.7 As discussed in 3.4 above, as consent was not required for the storage and use of hazardous substance, Council further advised that the Applicant did not require consent to discharge stormwater to land.

**Amendments to the Application post Submissions, s42A report and Expert Evidence**

**Site Layout**

- 3.8 The Applicant has been in consultation with Council’s River Engineer regarding the Downer Lease area and any site restrictions, activity restrictions and remediation requirements.
- 3.9 The Council has advised the Applicant that the Downer lease area has been amended to exclude a 4m wide strip of land on the eastern boundary. Also, the southern extent of the lease area has been adjusted to line up with the northern boundary of Bartlett Road reserve.
- 3.10 The Applicant has therefore worked within these restrictions and adjusted the Site Plan. The effect of this is that the realignment of the stopbank is pushed to the west or closer to the river by around 4-5m. The Council have advised that this realignment will be minor in the context of the site provided the stopbank ties into the existing stopbank at either end. Below in Figure 1 is the amended site plan

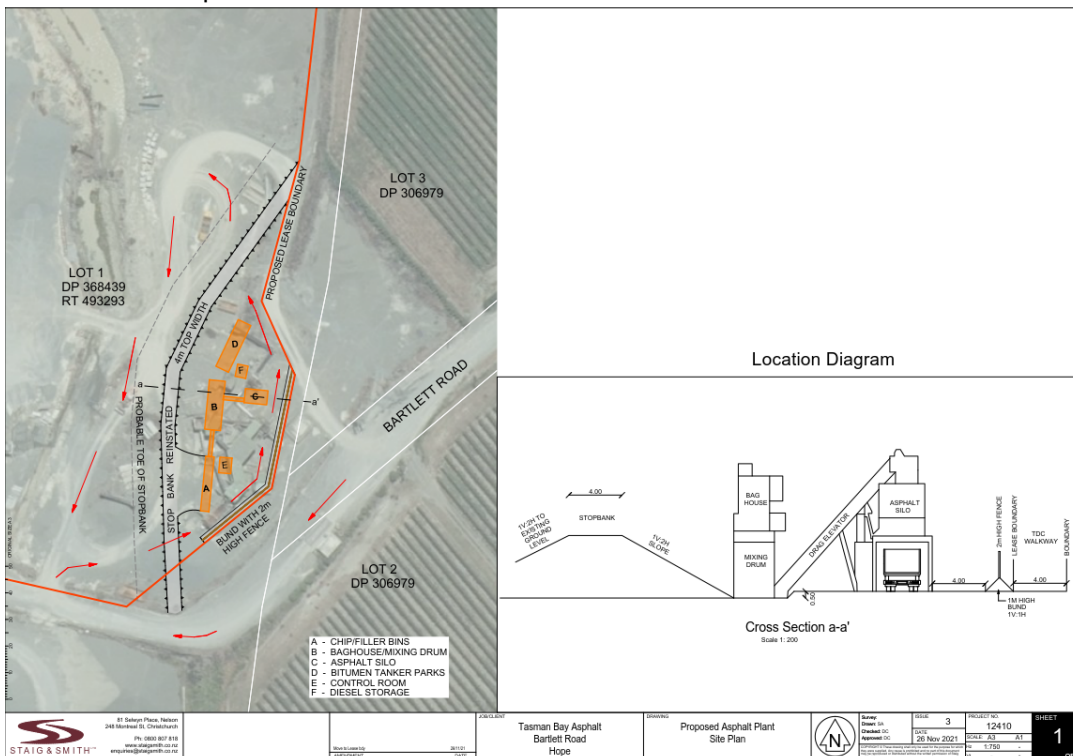


Figure 1 - the amended site plan

### **Operating hours**

3.11 Following receipt of submissions, the Applicant has undertaken noise assessments of traffic along the roading network. The noise assessment notes that there is no noticeable noise effect of additional trucking movements during typical daytime hours, being up until around 6.30pm. After that time the road use drops significantly and any additional truck movements will be noticeable. Based on this assessment, in order to reduce the effects on the residences, the Applicant seeks to amend the operating hours as set out below. The application is to operate the MARINI Latin America Carbon T-Box 130 Asphalt Plant for up to 10 hours per day within the periods below.

3.12 The Applicant now seeks to operate:

- a) Monday to Fridays      Staff may arrive from 6.30am  
    Plant operates and loading/transporting of material occurs between the hours of 7.00am and 6.30pm
- b) Saturdays                      Staff may arrive from 6.30am  
    Plant operates and loading/transporting of material occurs between the hours of 7.00am and 6.00pm

Except for up to 30 days a year, when the Applicant may operate:

- c) Monday - Friday              Staff may arrive from 6.30am  
    Plant operates between the hours of 7.00am and 9.00pm  
    Loading/transporting of material occurs between the hours of 7.00am and 10.00pm
- d) Saturdays                      Staff may arrive from 6.30am  
    Plant operates between the hours of 7.00am and 6.00pm  
    Loading/transporting of material occurs between the hours of 7.00am and 10.00pm

### **Earthworks**

3.13 At the time of applying for consent, the earthworks to realign and strengthen the stopbank met the permitted earthwork provisions under Rule 18.5.2.1. Since then, however, Council has issued consent to remediate the Downer Lease Area RM210554, and cumulatively, the area of earthworks will likely exceed 1ha. An additional consent is not required, as earthworks consent has been sought, however an additional rule is triggered.

3.14 Under Rule 18.5.2.2, controlled earthworked areas are to be revegetated. The Applicant does not propose to revegetate the side of the stopbank behind the buildings, as this would require maintenance which would be difficult due to the build positioning, especially around the filler bins.

### **NES-CS**

3.15 The Applicant seeks to include an additional resource consent under the NES-CS.

3.16 Since applying for consent, based on information in the S95 Notification report and also within the s42A report, further consideration has been given to the status of the application site as a 'piece of land' to which the NES-CS applies. The commentary from Council is:

*Note 3: The National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health Regulations 2011 applies to the disturbance of soil on a 'piece of land' over which a HAIL activity has or is being undertaken. The proposal involves the disturbance of land within a land parcel containing a HAIL Site. However, due to the large size of the land parcel and the unknown extent of the HAIL site, 'piece of land' remains undefined.*

*Consequently, the extent to which the NES-CS should apply is uncertain and an accidental discovery protocol (for contaminated soils) should apply for all land disturbance and may necessitate reassessment under the NES-CS at a later date*

- 3.17 Mr Martyn O’Cain agrees with this assessment, however recommends that both the earthworks and change of use to create the Asphalt Plant site may require consent under the NES-CS. I note that as the site will become HAIL as a result of being an Asphalt Plant, the remedial works that requires earthworks to remove the access ramps across the stopbank, may also require consent under the NES-CS.
- 3.18 At the commencement of the consent, the earthworks required to realign and regrade the stopbank may require up to 6,000m<sup>3</sup> of earthworks internal within the site, and the land use will be changing from a Gravel Processing Plant to an Asphalt Processing Plant.
- 3.19 At cessation of the consent, the site will automatically become a HAIL site as the site has been used as an Asphalt Processing Plant. The remedial works to remove the access ramps across the stopbank and infill the small depression around the Mixing Drum may require up to 800m<sup>3</sup> of earthworks.
- 3.20 The application site is ~3,500m<sup>2</sup>. As a permitted activity, the volume of soil disturbance on a ‘piece of land’ must be no more than 25m<sup>3</sup> per 500m<sup>2</sup>, which at the application site equates to 175m<sup>3</sup>. Both the works to realign and regrade the stopbank and the remedial works remove the access ramps will exceed the permitted standard and consent is required.
- 3.21 Mr O’Cain notes that it is not practicable to undertake a Detailed Site Investigation prior to grant of consent due to the existing crusher plant location. He considers that a Detailed Site Investigation is not necessary in this situation as the works can be managed in accordance with an accidental discovery protocol.
- 3.22 The Applicant therefore seeks to add to the bundle of Resource Consent Applications applied for a Discretionary Activity under Clause 11 of the NES-CS to Change the Land use from Gravel Processing Plant to an Asphalt Processing Plant and to undertake up to 6,000m<sup>3</sup> of earthworks.

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#### **4.0 THE SITE AND ENVIRONS**

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- 4.1 The application site is located at the site of Downer’s old Crushing Plant at the end of Bartlett Road. The Crushing Plant has an address of 272 Bartlett Road, Appleby. The legal description of the application site is Lot 1 DP 368439, and it is part of Record of Title RT 493293. The application site is owned by Tasman District Council for the purpose of River Control Purposes.
- 4.2 The proposed Asphalt Plant is to be located on the outside of the true right stopbank of Waimea River to the north of Bartlett Road. The application site however includes the stopbank, and a portion of the berm land, which is to be used as a transportation route.
- 4.3 The application site (shown green below in Figure 2) is within part of the Downer Lease Area (shown red below). The site is a modified area, mostly consisting of the former Crushing Plant in the south-east of the site, gravel piles and a partially formed stopbank. The land outside / east of the stopbank is mostly flat although there is a ramp up onto the stopbank. Currently the occupation of the Crushing Plant extends across the boundary of Lot 1 DP 368439. The application does not encroach outside of Lot 1 DP 368439.





Figure 2 – The application site in relation to Downer's lease area

- 4.4 To the east of the application site are horticultural and viticultural land uses.
- 4.5 The nearest residence is approximately 590 metres to the south of the site at 202 Edens Road (Submitter #47). To the east of the site at approximately 685 metres are Submitters #33 and 34) at 239 Bartlett Road.
- 4.6 The application site is zoned Rural 2 Zone under the Tasman District Plan (shown white on the TRMP in Figure 3), and is adjacent to Rural 1 Zone (shown as yellow). The application site is approximately 3.1km from the Residential Zone of Brightwater and 3.6 of from Richmond Residential Zone. It is 3.1km from the Mixed Business Deferred Zone at Old Factory Corner.

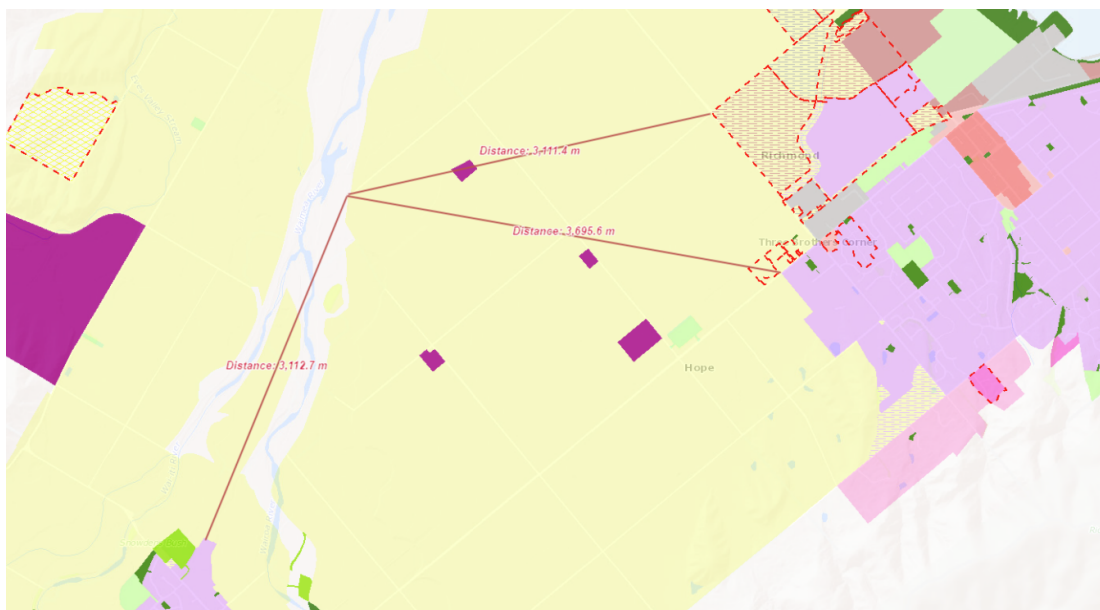


Figure 3 - The TRMP Zone Map

4.7 As is shown above, there are a number of spot Industrial Zones (dark purple) in proximity of the site: 880m to the processing site for MG Group Holdings Limited on Ranzau Road West, 1.4km to Waimea Contract Carriers Limited on Pugh Road, 1.9km to the Fertilizer Plant and 2.6km to Taylors Mill on Ranzau Road, and 1.7km to Eves Valley Industrial Zone. The site is 2.6km to NZ Hops at Blackbyre Road, 3.1km to the O'Connor Road Industrial Zone which are off the map.

4.8 The application site is approximately three kilometres west of Richmond Airshed under the Tasman District Plan as shown in Figure 4 below.



Figure 4 – The application site in relation to the Richmond Airshed

4.9 Lot 1 DP 368439 is part of the Waimea River Park Management Plan 2010 area. The purpose of the Waimea River Park Management Plan is to provide for the management and development of river berm land along the Waimea River.

4.10 As noted in the Application, the application site is within the Waimea River Statutory Acknowledgement Area and Deed of Recognition.



- 4.11 As noted in Part 3 above, the Applicant considers that the application site is part of a “piece of land’ under the NES-CS. Mr O’Cain says that Hail site ID #159 records the site as being *an historic landfill, and it is a Working Quarry Site (Waimea bermland gravel extraction and processing)*.
- 4.12 Council’s records show the location of the site is given as Easting 1610119 Northing 5423539, which is shown in Figure 5 below, however, I understand that the extent and precise location of the landfill within the site is unknown.

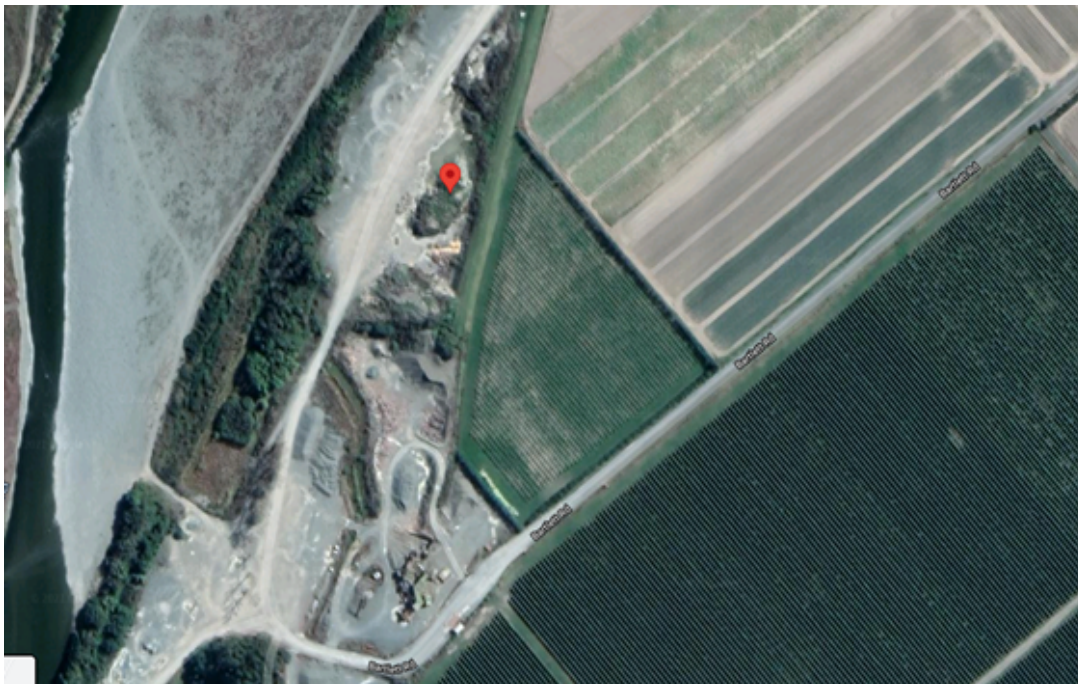


Figure 5 – HAIL ID#159 location

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## 5.0 DETAILS OF THE PROPOSED DEVELOPMENT

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- 5.1 In the Resource Consent application as lodged, the details of the proposed development were described in Part 3.0. This described the activity, detailed the proposed plant and operating procedures, the proposed earthwork requirements, and the discharge to air. This is summarised and explained below:
- Realignment of the Stopbank*
- 5.2 The Applicant seeks to remove the existing Crushing Plant which is located partially on the stopbank, and realign the stopbank from the Bartlett Road end, around the proposed Asphalt Plant Site to reconnect with the stopbank to the north of the site.
- 5.3 The stopbank is currently compromised from past activities, including (anecdotally) using it as a source of gravel, and its position has been altered. Parts of the bund have had a temporary fix by placement of concrete blocks, as shown in Figure 6 below, however these are not at the required stopbank height.



Figure 6 – The portion of compromised stop bank to be realigned

- 5.4 The stopbank will be formed at a gradual gradient to tie in with the existing stopbank heights. The stopbank formation shall consist of a 4m wide driveable formation along its top, and its sides shall be 1V:2H.
- 5.5 Two vehicle crossings are required across the stopbank, one at either end of the application site. These ramps will be at a gradient to enable vehicles to traverse the stopbank. The ramps will be removed once the activity ceases.
- 5.6 Prior to construction of the stopbank, Engineering Plans will be provided to Council for approval as to the final design of the stopbank. At the same time, an Erosion and Sediment Control Plan (ESCP) shall also be provided which will address how the works will be undertaken to avoid, remedy and mitigate any offsite effects. A draft of the latter has been provided in Mr Du Plessis' evidence.
- 5.7 Work on the stopbank realignment shall be undertaken in dry periods, outside of the fish spawning period. The works on the realignment of the stopbank shall be undertaken as quickly as possible to avoid a breach in the stopbank.
- 5.8 The design and location of the stopbank, including the extent of batters, will need to be engineered designed and consider the Lessee's requirements on site as well, which includes the pump shed and boom.

*Plant construction and operation*

- 5.9 The Applicant seeks to process raw aggregate into ready to lay asphaltic concrete, by blending and drying aggregate then adding binder (hot bitumen) to form the asphaltic concrete of various specifications.
- 5.10 The Applicant seeks to process raw aggregate which is sourced locally on Lot 1 DP 368439.
- 5.11 In his evidence, Mr du Plessis has advised that at times some additional aggregate may be required to be sourced from alternate locations. Such imported aggregate may consist of a fine crusher dust not able to be processed on site or a harder aggregate. If required, this aggregate will be trucked to the site and the additional truck movements will be captured within the 80 maximum truck movements per day.
- 5.12 The application seeks to construct a MARINI Latin America Carbon T-Box 130 Asphalt Plant on site. Details of the Plant are contained in the Application. It consists of prefabricated, relocatable modules based on configured ISO 40 Foot HC containers (being ~2.5m wide by 12.2m long and 2.9m high). The Plant is developed as a 'Plug & Play' system, enabling ease of assembly, maintenance and removal of Plant. This type of system only requires levelling and compaction of the site prior to installation, although foundations will be required for the silo module.
- 5.13 The MARINI Latin America Carbon T-Box 130 system consists of a dosing module (A) which is the aggregate (filler) bins, adjacent to which is the control room (E). Aggregate is conveyed to the mixing drum (the lower module in B) where the aggregate is dried and then mixed with bitumen from the parked trailers. The air discharge from the mixing drum is filtered through the Bag House (the upper module in B). The chimney stack is to be at least 2m higher than the Bag House module. Once mixed into asphalt, it is conveyed to the silo (C) for loading trucks to take the material off site to the final construction site. Below in Figure 7 is a depiction of the main MARINI Latin America Carbon T-Box 130 components.

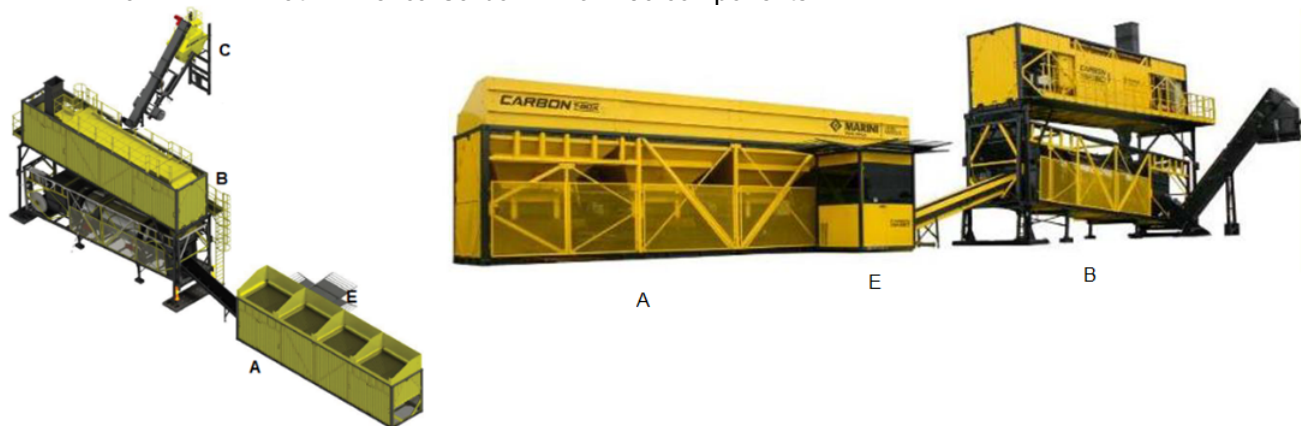


Figure 7 – Depiction of the T-Box 130 layout

- 5.14 MARINI have three sizes of T-Box. A 50 tonne/hr capacity, and 130 tonne/hr capacity and a 160 tonne/hr capacity. For the amount of production required by the Applicant, the smaller system is too small, and therefore the Applicant has applied for the MARINI Latin America Carbon T-Box 130, which has a production capacity up to 130 tonne/hr.
- 5.15 The Applicant however is seeking to produce a maximum amount of be 400 tonnes per day of asphalt. The hours per day that that plant operates will vary, as set out in Mr du Plessis' evidence.



- 5.16 Mr du Plessis has noted in his evidence that the Applicant may be providing asphaltic concrete for a number of jobs and locations. The largest production run will typically be at the start of the day, and then intermittently throughout the day. The Applicant has sought to operate for a maximum of 10 hours over the operating period.
- 5.17 As noted in 3.23 above, the Applicant seeks to amend the operating hours of the plant, in order to reduce the effects on residences along the transportation routes. The Applicant now seeks to operate:
- a) Monday to Fridays      Staff may arrive from 6.30am  
    Plant operates and loading/transporting of material occurs between the hours of 7.00am and 6.30pm
  - b) Saturdays                      Staff may arrive from 6.30am  
    Plant operates and loading/transporting of material occurs between the hours of 7.00am and 6.00pm
- Except for up to 30 days a year, when the Applicant may operate:
- c) Monday - Friday              Staff may arrive from 6.30am  
    Plant operates between the hours of 7.00am and 9.00pm  
    Loading/transporting of material occurs between the hours of 7.00am and 10.00pm
  - d) Saturdays                      Staff may arrive from 6.30am  
    Plant operates between the hours of 7.00am and 6.00pm  
    Loading/transporting of material occurs between the hours of 7.00am and 10.00pm
- 5.18 The 30 day exceptions, where the Applicant seeks to operate in a portion of the evening, will generally happen during the warmer weather of November until the end of April or when emergency situations arise, such as needing to cover broken pipes on main traffic routes. The Applicant seeks to operate for up to 30 days/year until this later period, and to reduce the operating period outside of this time for the balance of the year to a finish time of 6.30pm weekdays and 6.00pm Saturdays.
- 5.19 I note that in the Applicant's response to Council dated 23 November 2021, the Applicant had proposed to limit transportation after 9.00pm to 20 days per year, however this did enable production of asphalt on Mondays to Fridays until 9.00pm with no limitation. Based on the evidence, the Applicant considers that restricting production on weekdays to 6.30pm is more in line with the roading environment, and therefore the amended number of days operating in the later portion of the evening is a better outcome for residences. I note that on Saturdays, production is still limited until 6.00pm, however loading and transportation may occur until 10.00pm on the 30 day events.
- 5.20 As the Applicant seeks to load out up to 30 'nights' per year, a 3m high acoustic barrier shall be installed around part of the site to ensure compliance with night time noise levels at nearby residences. The acoustic barrier will consist of a 1m high bund and 2m acoustic wall, and shall be located on the lease boundary, which is offset from the legal property boundary by 4m.
- 5.21 The application site is to have external lighting, which will be kept to a minimum. Lights are to be directed internally, away from any housing.
- 5.22 The Plant requires two staff to run the Asphalt Plant: a loader operator and the plant operator. When the plant is operating, staff, as well as asphalt trucks, may arrive at the site from 6.30am ready for a 7.00am start of the Plant. The Plant will operate intermittently through the day depending on the production demands.

*Transportation*

- 5.23 The Applicant has identified a varied traffic route to and from the site to reduce the demand on the roading network. The Applicant volunteers to provide a Traffic Management Plan for all staff and truck drivers to adhere to, outlining the various routes, potential conflicts along the routes and mitigation to avoid or reduce conflict.
- 5.24 The Applicant has also limited traffic movements to a maximum of 80 truck movements per day. This includes all support truck, including a daily bitumen tanker and a diesel refuel every two days and any off-site sourced aggregate.
- 5.25 The Applicant sought to average the maximum number of vehicles over the week for the irregular period when aggregate material was required to be delivered, however the Council do not accept this. The limit would now apply each day (not averaged).
- 5.26 The Asphalt trucks have a carrying capacity of 10 tonnes per truck, and this will limit production on days when a large production run is required.
- 5.27 The Applicant seeks that staff and asphalt trucks may commence arriving at the site from 6.30am. The Applicant seeks to transport asphaltic concrete from the site until 6.30pm, with the exception of 30 nights per year where this may be until 10.00pm.
- 5.28 Within the site, the Applicant will collect aggregate from stockpiles within leased areas, and will drive along the stopbank to load the filler bins.
- 5.29 On site, the Applicant has proposed one entrance point to the lease area within Lot 1 DP 368439. As such, a one way system is proposed within the application site, which requires an access at the southern point of the stopbank into the site, and another ramped access from the site over the stopbank. At the cessation of the activity, these ramps will be removed.
- 5.30 Within the Waimea River Park, the Applicant volunteers that traffic will have a maximum speed limit of 10km/hr, and that all vehicles associated with the Plant will give way to other River Park users.

*Hazardous Substances Activities and Industries List*

- 5.31 The Applicant has considered the effects of the plant running at full production, however is seeking a production limit of a maximum of 400 tonnes per day (based on the limitation on traffic movements). Mr du Plessis in his evidence has confirmed that this will require one bitumen tank per day and a refill of a 5,000 litre diesel tank every two days.
- 5.32 To enable different production runs, the Applicant has sought to store up to 50,000 litres of bitumen on site, which is two tanks. The tankers are purpose built, double skinned trailer units, which have a reserve area in the outer skin so it can contain the primary storage area. The bitumen is not classed as a hazardous substance.
- 5.33 The storage of no more than 5,000 litres of diesel in a purpose built, double skinned container, which has a reserve area in the outer skin so it can contain the primary storage area complies with the permitted standards for hazardous substances.

*HAIL site*

- 5.34 As noted in 3.15-3.22 above, Mr O’Cain recommends that the Council should in this instance address the site as being a “piece of land” for both the earthworks to realign the stopbank and change of use to create the Asphalt Plant site, as well as the earthworks to remove the access ramps across the stopbank at the end of the consent, and this has been included in the amendments to the Application. He recommends that it is not practicable to undertake a Detailed Site Investigation prior to grant of consent due to the existing crusher plant location and therefore the application would be discretionary under the NES-CS.



*On site soakage*

5.35 The access and parking areas are to remain as compacted gravels, and the Applicant seeks to drain the stormwater from these areas and the structures to direct to ground, as a permitted activity.

*Air Discharges*

5.36 The TRMP does not permit discharges to air from Asphalt Plants.

5.37 The Applicant has considered options as to the type of processing plants available, and the MARINI Latin America Carbon T-Box series provides clean burning ensuring emission reduction, with bag filters prior to emission. In their evidence, the Applicant and Mr Bender consider that the design of the proposal is the best practicable option to reduce emissions.

5.38 Mr Bender has assessed the Plant operating at maximum capacity of 130 tonne/hr and also a reduced operating level, and confirms that the emissions will be less than the Human Health and air quality guidelines.

*Consent Duration and post operational activities*

5.39 The Council have advised that the Gravel Lease agreements within Waimea River Park will cease by 2030 and it is not their intension to extend the tenure. The Applicant seeks to operate in line with these consents or for 20 years, if tenure is extended on the leases.

5.40 The Applicant seeks that once all extraction and crushing operations cease within the Waimea River Park, that they have six months to vacate and remediate the Asphalt Plant site.

5.41 The Applicant has provided to Council a draft access and remediation plan, outlining the proposed works to leave the site in a state consistent with the Waimea River Park Management Plan.

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**6.0 NOTIFICATION AND SUBMISSIONS**

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6.1 Council noted in their s42A report that no written approvals were received. This is incorrect.

6.2 The Applicant obtained the written approval of Waka Kohati NZTA and this was provided to Council prior to the s95 report. Fish and Game provided written approval during the notification process and this was also provided to Council. Copies of these approvals are **appended**.

6.3 Council's Processing Officers s95 notification report concluded that the proposed discharge to air and earthworks are considered to be less than minor. However they noted that the overall operation and proposed traffic effects on local roads are considered to be more than minor.

6.4 In addition, given the location of the application within the Waimea River Park, in line with the policies which seek consultation with iwi and public, it was too difficult to consider who an affected party was.

6.5 Council therefore publicly notified the application and served notice on 122 parties in total.

6.6 73 submissions were received. We understand that two have since been withdrawn. 23 submissions are in support; 47 submissions are opposed to the application (including the two later withdrawn); and 3 submissions are neutral.

6.7 27 submitters noted in their submissions that they wished to be heard. The Applicant understands that three parties no longer wish to be heard, reducing this to 24.

6.8 The submissions were varied, however noted a number of consistent themes as discussed below:

### **Traffic Effects**

- 6.9 The main issue that submitters had was in relation to increased traffic, and most submissions related directly to the road on which they lived. Of concern was increased traffic, public safety especially in relation to the Great Taste Trail and Ranzau School and the Hope Community Church across the road, hours of transportation and noise levels from the trucks.

#### *Increased Traffic*

- 6.10 In response to the s42A Report's recommendations, the number of truck movements per day for which consent is sought is a maximum of 80. This is to include all trucks associated with the activity, including bitumen, diesel refuelling, and the rare occurrence of delivery of externally sourced aggregate.
- 6.11 It is noted that this is the maximum number of movements which will occur when the plant is operating at maximum capacity of 400 tonnes per day, such as when there is a large project that requires a significant amount of asphalt. This will not be not every day. For other projects the volume of asphalt required is much less, as will be the number of truck movements per day, whilst on other days, there may be no production. This is discussed by Mr du Plessis in his evidence.
- 6.12 Mr Clark also notes that throughout a day, product may be going to number of different projects across the region. This will result in the possibility that trucks will use different routes on a day-to-day basis depending on the project location, which would spread the trucks movements over different routes. Mr Clark does note however that the majority of the product will be heading towards Nelson and Richmond being the larger urban areas.
- 6.13 Based on the spreading out of traffic across the day, the various routes and proposed Traffic Management Plan which identifies hazards and mitigation, Mr Clark concludes un 6.30 of his evidence the effects from increased are appropriately managed and are less than minor with regard to safety and efficiency.

#### *Public safety*

- 6.14 Submissions have raised concerns about the road geometry and the roads in the area not being able to accommodate the truck movements. Prior to applying for consent, the Applicant consulted with NZTA, which assessed Mr Clark's transportation report with the application and provided written approval.
- 6.15 In Part 6 of Mr Clark's evidence, he notes that the proposed transport routes roads are straight and generally well designed to accommodate traffic flows much higher and easily up to 5,000 vehicles per day without any safety or capacity constraints. According to his evidence, the roads are currently all carrying less than 1,000 vehicles per day except for parts of Ranzau Road near SH6, which carries around 1,300 vehicles per day.
- 6.16 Mr Clark concludes that the straight roads that are typically between 6300mm-mm wide with a posted rural speed limit of 60km/hr - 80km/hr provide safe and convenient accesses for the application.
- 6.17 In his evidence Mr Clark notes that the current network does have some safety issues but these are not related to trucks and the increased truck movements associated with the application can be accommodated safely within the network notwithstanding its imperfections.
- 6.18 Submitters raised concern about the intersection of Ranzau Road and Main Road Hope (SH6). Mr Clark considers that this intersection is well designed with a flush median on the highway provided for right turning traffic. The sight lines are excellent. He does note that it is possible that if trucks find it difficult to exit to Brightwater, trucks may alter their route and use the SH60/SH6 (Three Brothers) roundabout intersection to head to the south. NZTA did not raise a concern about this intersection.

- 6.19 Submitters raised concern about safety effects on the Great Taste Trail, which is an off-road facility. There is one crossing point which is located on Ranzau Road within the 60 km/h section (east of Pugh Road) and has excellent sight lines in both directions to cross safely. Mr Clark notes that approaching motorists also have excellent visibility of the crossing facility. Mr Clark also notes that the part of the trail that is on roads identified for asphalt truck movements in the Truck Route Plan is separated from the road by either kerb and channel or a grass berm. Importantly it is not hard against the road carriageway which provides excellent separation and improves safety. Mr Clark considers that the increase in trucks will have a less than minor effect on Great Taste Trail riders and passing trucks are not unexpected in a rural area.
- 6.20 Submitters, including Ranzau School and Ministry of Education, raised concerns relating to the school and the increased truck movements. Due to the semi-rural nature of the school, there are a high number of parents who pick up and drop off children with vehicles. The parking area for the Hope Community Church across the road is used for this purpose. Very few vehicles are parked on the street outside the school and there are long sections of no stopping restrictions on both sides of the road. The speed limit on Ranzau Road outside the school is a permanent 60 km/h which at 2.55pm to 3.15pm is reduced to 40 km/h through the use of a school speed zone sign.
- 6.21 The school also operates a Kea crossing which operates before and after school. The Kea crossing has excellent sight lines in both directions and no vehicles parking close to the crossing point. Submitters noted that the School uses the Hope Community Church facility throughout the day. It is uncertain whether at these times, the School uses the Kea crossing however if it does not, then that is a matter for the School to address for the safety of its children and staff.
- 6.22 In 6.94-6.95 of his evidence, Mr Clark considers that along with the road crossing controls and infrastructure provided at the school and the volunteered conditions restricting traffic past the school during drop off and pick up periods, that the increase in truck movements past the school will not pose any additional safety issues than for other road users.
- 6.23 Some submitters also raised concerns about pedestrians along the rural roads and informal bus stops. Mr Clark notes that the roads are all wide with excellent visibility along their lengths, and that both pedestrians and children waiting and walking to the bus stops are able to be seen and they are able to see vehicles approaching and take the necessary action to be safe. The increase in the traffic movements will not change the need for this to occur.
- 6.24 Overall, Mr Clark considers that the effects of increased traffic on public safety is no more than minor and that the increased truck movements for the asphalt plant do not make the roads on which they will travel unsafe.
- Traffic Noise and hours of transportation*
- 6.25 Submitters raised concerns about the increased noise levels from transportation of asphalt passed their properties. A number of noise assessments were carried out to take background readings of the area on a typical week day and noise testing of the actual asphalt trucks was also undertaken.
- 6.26 Mr Bronka in his evidence noted that during the day, a worst-case scenario of the maximum number of traffic movements of 8 truck movements per hour would have a maximum increase of 1-2dBA which is not expected to be noticeable due to the fluctuating character of traffic noise over a daytime period and not expected to cause any adverse noise effects to residential acoustic amenity. He however noted that during the evening periods when truck movements may operate up to 10.00pm, a worst-case scenario with 8 truck movements per hour is predicted to increase existing hourly traffic noise levels by 3-7dBA. This increase is expected to be noticeable due to the lower traffic volumes experienced in rural areas.

- 6.27 Based on this assessment, the Applicant has considered the submitters' concerns and proposes to adjust its standard hours of operation for both the plant and truck movements to 7.00am-6.30pm Monday-Friday and 7.00am-6.00pm Saturday, and to limit evening operations and truck movements to 30 evenings.
- 6.28 On up to 30 evenings throughout the year, the Asphalt Plant may operate Monday-Friday from 7.00am until 9.00pm with loading and transportation until 10.00pm or on a Saturday loading and transportation can occur until 10.00pm but the plant would only operate between 7.00am-6.00pm.
- 6.29 This provides residents with more certainty as to the extent of evening activities, and reduces the level of effects because of the low frequency at which they would occur across the year.

**Amenity Effects**

- 6.30 The main amenity issue that submitters had was in relation to the perceived increase in industrial activities within the Waimea River Park, noise emissions, lighting, traffic and impact on recreation.

*Impact on recreation within Waimea River Park*

- 6.31 The application site is within the ~400ha Waimea River Park, which is administered according to the *Waimea River Park Management Plan 2010* (WRPMP). The WRPMP's management priority for the Park is river control and soil conservation, but other values can be provided for, including nature conservation, historic and cultural values, public access and recreation, and contemplates and allows for commercial activity within the Park while capacity for gravel extraction and processing remains.

- 6.32 The recreational uses of the area immediate to the application site include walking, running and cycling, and I understand that along the True Right bank people also go pheasant hunting. Most use within the immediate area is transient in nature, rather than parking up to enjoy the site. Mr Greenaway in his evidence at 7.12 says that equestrian access along the true right of the Waimea River within the Park is contemplated but only once gravel extraction activities cease. The true right of the Waimea River within the Park is currently dominated by industrial activity and in Mr Greenaway's opinion, has very poor amenity for recreation and is currently a rather scruffy area that visitors pass through on the way to and from more attractive settings, and it certainly has no attraction in itself, although it is noted that Council have recently issued consent to remediate the landfill area.

- 6.33 The Asphalt plant will be located at the Bartlett Road entrance into the Waimea River Park, and users will pass the plant. This is a secondary entrance to the Park. The proposed plant is located within the industrial leased area which is to be fenced off, so will not be impacting upon the publicly accessible areas. As part of the Lease requirements, a 4m wide offset from the boundary is required, which enables pedestrian access onto the stopbank, something previously restricted.

- 6.34 I discussed with Council's Rivers Engineers whether a speed restriction was recommended within the Waimea River Park as part of the restoration plan. This was not considered necessary, however Council's Traffic Consultant is recommending this in this s42A report, which the Applicant accepts. Along with the Traffic Management Plan requirement to ensure that the Applicant's traffic movements give way to other users of the Park, the impact on users from increased traffic is considered to be minor.

*Noise*

- 6.35 A number of submitters raised concerns about the noise effects at their residences. Mr Bronka has undertaken noise assessment of the site, based on modelling and also actual monitoring of some operations, as well as monitoring off traffic noise.

- 6.36 In the noise modelling, it was shown that the proposal will comply with permitted activity daytime noise limits in Chapter 17.6 of the TRMP without the need for any noise mitigation. The Applicant seeks to operate the plant until 9.00pm on Monday–Friday and 6.00pm Saturdays, and loadout asphaltic concrete until 10.00pm Monday-Saturday on up to 30 evenings per year. To reduce the noise limits and ensure compliance at residences, the Applicant proposes to retain the acoustic barrier. The barrier, although only 3m in height, will be effective against the predominant noise source being the burner and compressors, which are located on slighter lower ground level.
- 6.37 Mr Bronka’s evidence notes that for day-to-day operations, noise from asphalt processing on site between 7.00am-6.30pm will be 1-6dBA below the background  $L_{90}$  levels at the most affected residential receivers and expected to be barely noticeable, having no effect on residential acoustic amenity for internal and external living areas.
- 6.38 The application site is located at a secondary entrance to the Waimea River Park. Use of the Park in the vicinity is transient due to the industrial nature of this portion of the Park. The noise level from asphalt processing and/or loading operations on the site will be comfortably bearable when passing directly next to the site to access the Park. Once past the site, noise levels will be such that people will be able to comfortably undertake recreational activities that involve a ‘prolonged stay’ approximately 150m from the Plant as explained by Mr Bronka in 5.36-5.42.
- 6.39 As discussed in traffic above, the effects of evening and ‘night time’ transportation after 6.30pm weekdays and 6.00pm Saturdays, will be discernible to residents particularly at outdoor parts of their property and more than minor, however they are not at a level that would cause health issues according to WHO guidelines, as noted in Mr Bronka’s evidence.
- 6.40 The Applicant is therefore volunteering to limit the evening production and transportation to 30 evenings per year. During the up to 30 evenings per year when asphalt processing is occurring between 6.30pm-9.00pm on weekdays, noise from the asphalt plant may occasionally be noticeable during quiet periods, but adequately low as to have no impact on the residential activities such as rest or relaxation.
- 6.41 The Applicant is seeking to also load out stored Asphaltic concrete into trucks until 10.00pm on 30 evening events per year. Noise from the loading-out operation is still assessed to be below the TRMP night-time limit of 40dB  $L_{Aeq}$  and will be 4dBA below the existing background levels of 30dBA  $L_{90}$ , and not expected to be perceived or noticeable for residential receivers and therefore having no effect, subject to the acoustic bund.
- 6.42 Some submitters and Council noted concern about the cumulative effect of the Asphalt Plant operating at the same time as the crushing plant. In his evidence, Mr Bronka assessed the cumulative noise increase from existing rock crushing operations at Blackbyre Road to be less than 1dBA above the assessed asphalt processing plant noise and therefore not expect to have any additional effects to those considered. Mr du Plessis in his evidence notes that aggregate crushing operations in the Downer Lease Area are only expected to occur for up to three weeks a year.
- 6.43 Increased noise levels at the fishing ponds was raised by Sports Youth Fishing Club. The ponds are approximately 800m-1.5km from the proposed site, and Mr Bronka’s evidence predicts a noise rating level of 35dB  $L_{Aeq}$ , which may be occasionally faintly audible above the lower background noise level of the rural and natural environment, but sufficiently low to be non-intrusive and conducive to allow enjoyment of external recreational activities such as fishing.
- 6.44 Increased traffic noise has been addressed above.



*Lighting*

6.45 Lighting is to be relatively low level on the site, but is required for the 30 evenings per year when the Applicant seeks to operate beyond 6.30pm, and in winter will likely be required in the early morning and early evening within standard operating hours. Outside of these times, the site is not required to be lit. Lighting is to be directed away from residences, and directed towards the ground, to avoid excess light spill.

*Traffic*

6.46 This is addressed above.

*Increased industrialisation*

6.47 Currently along the True Right side of the Waimea River are three Gravel Processing Lease areas between Bartlett Road and Appleby Bridge, each at an entrance to the Waimea River Park as shown on Figure 8 below. Gravel extraction is currently being undertaken by the side of the river between the Edridge and Downer sites. This side of portion of the River Park is therefore dominated by industrial activities. Haulage trucks are traversing the gravel haul road on a regular basis. Both the Edridge Contracting and Fulton Hogan sites are within the berm area. Fulton Hogan use the stopbank for access within their lease area.

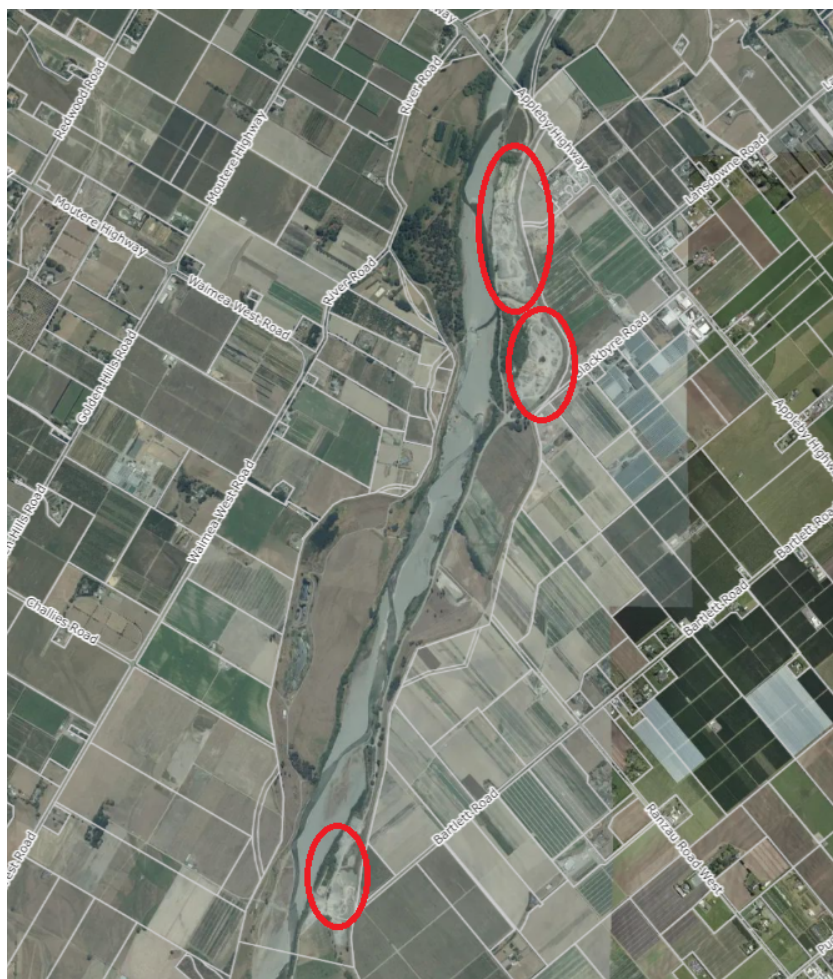


Figure 8 – Gravel Production Areas

6.48 Mr Greenaway's evidence at 7.5 says that the WRPMP allows for commercial activities within the Park, with specific reference to gravel extraction and processing and it notes that there is benefit from the lease income from commercial activities to Waimea River Park development. The WRPMP foresees gravel extraction and processing within the Park ceasing when the resource is exhausted, and Council have indicated that the lease expiry dates are for 2030. The WRPMP not seek to exclude gravel extraction and processing immediately or at some specified time includes appropriate policies to minimise the adverse effects of gravel processing while it still occurs.

6.49 The Applicant is volunteering a consent duration in line with the existing leased gravel operations, which are expected to cease in 2030, and the Applicant will rehabilitate the site, planting out the area outside of the berm, and returning the site for recreation. In the meantime, Mr Greenaway notes that the Asphalt plant will contribute lease income to the TDC for Park development.

**Contamination of groundwater and surface water, including Waimea River**

6.50 Dr Morrissey was engaged by the Applicant to address matters raised in submissions on the effects of emissions and other contaminants on nearby water bodies and resulting changes in concentrations in the water and in the sediment on the bed of those water bodies.

6.51 In his evidence, Dr Morrissey summarises that the effect of deposition of airborne contaminants on the Waimea River and the fishing ponds is assessed as negligible, based on predicted deposition rates from the Asphalt Plant in 2.3 of his evidence.

6.52 Consequently, and for the same reasons, the risks to groundwater from the deposition of trace contaminants are negligible and probably lower than those to surface water bodies because a portion of them are likely to be adsorbed on to soil particles. Deposition of particulate matter will not have a detectable effect on groundwater or stormwater so neither remediation nor mitigation are considered necessary as summarised in 2.4 of Dr Morrissey's evidence.

6.53 Submitters also noted concern about potential contamination to groundwater from the bitumen and diesel storage and possible leaking into the Waimea River. The storage area is located outside of the stopbanks, therefore discharge into the River is unlikely. In his evidence at 2.5, Dr Morrissey considers that the risk of adverse effects on groundwater are negligible because of the methods of storage of diesel and bitumen, the very low solubility of bitumen, and the low predicted rates of airborne contaminants. Any potential adverse effects from a bitumen or diesel spill will be avoided by adherence to the Emergency and Spill Contingency Plan.

**Discharges to air**

6.54 The main issues that submitters had in relation to discharge to air were in in relation to perceived health effects, odour, plumes, impact on horticultural crops. The Health Board also questioned the stack height.

*Potential Adverse Health Effects (Including Carcinogenic)*

6.55 A number of submitters raised concerns about trace compounds and human health and environmental impacts. Mr Bender used air dispersion modelling to predict the highest maximum ground level concentrations for each contaminant of potential concern used a worst-case scenario, being the plant operating at 130 tonne/hr, for a period of 10hrs every day of the year. This is considered worst-case because the plant will only operate at this rate infrequently, if at all, and will not operate every day of the year. The highest predicted maximum ground level concentrations are significantly lower than the relevant assessment criteria for all contaminants and averaging periods. Mr Bender concludes the discharges to air of contaminants including particulate matter, other products of combustion, and trace contaminants, have been assessed as having "at most less than minor effects" on human health due to the predicted concentrations in air.

*Odour emissions*

6.56 Submitters raised the issue of odour. Mr Bender's evidence shows that the area of odour from the hot-mix drum and bitumen storage tank will be restricted to a small area in close proximity of the plant. He notes that the highest predicted odour concentrations at the nearest residences

(closest being Receptor ID R6) odour will be very weak and may or may not be discernible depending on the sensitivity of the individual. Odour will be more pronounced within a small area close to the site within agricultural fields and would likely be discernible, though at a low level of intensity and would be unlikely to be at nuisance levels. He notes that odour may be detectable within the Waimea River Park during certain meteorological conditions by that this is likely to be a rare event.

*Visual emissions*

- 6.57 At 4.6 of Mr Bender's Memorandum notes that a white steam plume will typically be visible at the stack, particularly during cool weather. Particulate matter present in the plume may be faintly visible as the steam dissipates, however, the use of a bag filter for emission control will keep particulate emissions to a minimum. The relatively low stack height will also limit the visual appearance of the steam plume locally.

*Effect on horticulture*

- 6.58 Several submitters raised concerns regarding the potential effects of discharges of 'toxic gases' and dust from the asphalt plant on crops in the surrounding area.
- 6.59 At 4.3 of Mr Bender's Memorandum notes the Applicant has identified the best practicable option to keep trace contaminants in the discharge from asphalt manufacture to a minimum, being the use of automotive diesel as fuel and the use of a baghouse to remove particulate matter from the discharges.

- 6.60 Mr Bender's assessment confirms that the discharges will be significantly below the Ministry for the Environment's critical levels for air contaminants for ecosystem protection, which include criteria for protecting crops. Mr Bender also identifies that the dispersion modelling also assessed contaminants including trace compounds as being well below the guideline levels for human health, and that this is a good proxy for potential effects on vegetation. This is because human health criteria are generally considered to be conservative. Mr Bender concludes the discharges to air of contaminants including particulate matter, other products of combustion, and trace contaminants, are expected to be negligible on crops in the surrounding area and will not result in impacts on the food production system. I note that the s42A report writer also concluded there would be no effects on crops.

*Dust emissions from the generation traffic/gravel movement*

- 6.61 Some submitters raised concerns about dust emissions from the unsealed site from truck and machinery movements during dry weather and from storage and handling of aggregate. Slow vehicle and mobile machinery speeds of 10km/hr are volunteered on the site in response to the s42A Report's recommendation for managing this, and Mr Bender also advises at 6.4 of his evidence management procedures to control dust from receipt, storage, and handling of aggregates, and from yards and roads.

*Stack height*

- 6.62 At 6.1 of his evidence, Mr Bender says that the use of bag filtration equipment is regarded as the best practicable option for controlling particulate discharges from the Asphalt Plant, and based on his modelling, at 1.5 metres above the height of the baghouse, concentrations of PM<sub>10</sub> and PM<sub>2.5</sub> downwind of the stack were assessed as having effects that are less than minor. The Applicant volunteers that the stack height be 2m above the top of the bag house.

**Duration of consent**

- 6.63 Submitters noted concern for the duration of the consents, as these conflicted between the various activities sought.
- 6.64 The Council have advised that the Gravel Lease agreements within Waimea River Park will cease by 2030 and it is not their intention to extend the tenure. The Applicant therefore seeks to operate in line with these consents or for 20 years, if tenure is extended on the leases. This is for all of the resource consents sought.

**Hours of operation**

- 6.65 A number of submitters were concerned about the operating period, and what was sought in terms of the daily operations. They noted that the Applicant had sought to operate between the hours of 7.00am and 9.00pm which is a 14 hour period. Some submitters identified evening operations as a particular issue of concern and suggested these be reduced. The proposed hours of operation are described above, and have been adjusted and reduced in response to submissions.
  - a) Monday to Fridays Staff may arrive from 6.30am  
Plant operates and loading/transporting of material occurs between the hours of 7.00am and 6.30pm
  - b) Saturdays Staff may arrive from 6.30am  
Plant operates and loading/transporting of material occurs between the hours of 7.00am and 6.00pm

Except for up to 30 days a year, when the Applicant may operate:

- c) Monday - Friday Staff may arrive from 6.30am  
Plant operates between the hours of 7.00am and 9.00pm  
Loading/transporting of material occurs between the hours of 7.00am and 10.00pm
- d) Saturdays Staff may arrive from 6.30am  
Plant operates between the hours of 7.00am and 6.00pm  
Loading/transporting of material occurs between the hours of 7.00am and 10.00pm

**Earthworks - effects on stopbank**

- 6.66 The current stopbank is undefined around the application site, where parts of the stopbank have been used as a gravel source, areas have been modified to provide stockpile storage, and around the crushing plant it appears that there is no formal stopbank.
- 6.67 The realignment of the stopbank will use the material already on site to form the new stopbank, and will ensure that there is a consistent stopbank in the vicinity. The stopbank will be graded to tie in with the existing stopbank.
- 6.68 The earthworks for the stopbank realignment will be located mostly within the Downer lease area which is required to be fenced off. Whilst the southern portion of the realignment is occurring, a temporary fence maybe erected to keep the public from this area.
- 6.69 The Council's Rivers Engineer has advised on the restoration requirements of the site in relation to the stopbank. They are keen that the access ramps across the stopbank be removed, and that bollards are installed on the Bartlett Road northern entrance to the stopbank to avoid cars from using the stopbank whilst enabling pedestrians and cyclists.
- 6.70 In addition, in response to concerns raised in submissions about loss of public access and in light of discussions with Council it is proposed that the new stopbank be moved slightly towards the river, and the site itself shifted slightly in the same direction in order to provide a 4m walkway between the noise barrier and the boundary of the Waimea River Park. This is shown on the revised site plan.



### **Māori Values**

6.71 In his evidence Mr du Plessis outlines his consultation process with iwi to identify their concerns. An on-site meeting was held with Te Ātiawa, Ngāti Koata and Ngāti Rārua following receipt of submissions.

#### *Iwi comments on the proposal*

6.72 In their submission, Te Ātiawa state their tangata hold mana whenua and mana moana over the region and the specific area where the site is located. It notes that the mana of the iwi is directly correlated to the quality of its rohe and that it has some concerns about the impacts of the proposal. In terms of how to manage those impacts, Te Ātiawa note that the Applicant had expressed an openness to including a condition of consent providing for iwi monitoring. A draft condition providing for an iwi monitor to be invited to be present during land disturbance activities is set out. The submission also raises concerns with the consent duration sought and emphasizes the importance of restoration after the plant stops operating.

6.73 Ngāti Koata and Ngāti Rārua submitted jointly on the proposal. Both iwi have a statutory acknowledgement over the Waimea River and its tributaries. The submission raises concerns about the consent duration, effects on the Waimea River associated with discharges to air and from land disturbance associated with the activity, the lack of baseline cultural health monitoring or cultural impact assessment, and the failure to providing for on-going cultural monitoring.

6.74 The Applicant also has a formal consultation document with Ngāti Kuia and Ngāti Apa ki te Rā Tō regarding the application and outlines the relationship of the iwi with the Waimea River and its surrounds, and their cultural associations with the area. The consultation document identifies activities and potential effects of concern. These include accidental discovery of taonga during land disturbance and adverse effects to these taonga if discovery is not properly managed, impacts of air pollution on the mauri and wairua of tangata and the environment with related adverse effects on mahinga kai, and adverse effects on the Waimea River from chemicals used or stored at the site.

6.75 Ngāti Kuia and Ngāti Apa ki te Rā Tō recommend the following six conditions:

1. *Adherence to Ngāti Kuia's Accidental Discovery Protocol (attached).*
2. *The final earthworks management plan, including erosion and sediment controls, is provided to Ngāti Kuia at least five working days prior to commencing any earthworks.*
3. *As far as practicable avoid the discharge of sediment or sediment laden runoff into waterways.*
4. *Mitigate the leaching of chemicals into the ground/groundwater, and advise Ngāti Kuia as to how this will be achieved.*
5. *Native planting and the removal of weeds on the perimeter of the plant.*
6. *Provide an assessment of the health of the waterway and aquifer and any possible effects the operation of this plant will have on it.*

#### *Response to concerns raised*

6.76 Mr Bender has undertaken extensive modelling to assess the air discharges from the plant. His modelling shows that all contaminants including trace contaminants are well below guideline levels for human and ecological health. He considers that the plant will not affect the health of either people or the environment.

6.77 Dr Morrissey has comprehensively assessed potential effects on the Waimea River, the fish ponds, and groundwater sources from both the discharges to air and from stormwater or potential spills of bitumen and diesel. His assessment shows that there will be a negligible effect, meaning no change will be discernible, as a result of plant operations in either the River, the fish ponds, or within ground water sources. He also concludes that indigenous fish will not be impacted.

6.78 The duration of consent has been revised in response to submissions and it is proposed to align with cessation of gravel extraction leases within the Waimea River Park. An air quality management plan and an emergency response plan covering bitumen and diesel spills are both proposed to ensure any effects are managed.



- 6.79 An archaeological accidental discovery protocol is proposed to be required as a condition of consent with provision for iwi oversight and involvement.
- 6.80 The Applicant also accepts that although the site is highly modified, iwi would like a monitor to be on site whilst earthworks are being undertaken. It is noted that this only needs to occur during the pre-development earthworks, as the areas where the removal of the stopbank access ramps at the end of the process will have already been monitored when the ramps were installed. A condition providing for this volunteered.
- 6.81 A restoration and access management plan is also proposed along with conditions of consent requiring restoration when the plant stops operating. . It is noted regarding planting of the site, that as the site is constrained, the Applicant is proposing to plant the site at the end of the activity, as outlined in the restoration strategy. I note that meeting with Council, they did not want planting other than grasses to revert within the berm, but were satisfied with native plantings outside of the stopbank with a 2m offset from the toe of the stopbank.
- 6.82 At the end of the activity, after removing the structures from the site, the Applicant will undertake soil sampling to ensure that there is no change in contaminant levels. If there is a change, the Applicant will remediate the site prior to topsoiling and planting the site.
- 6.83 The Applicant provided Te Ātiawa, Ngāti Koata and Ngāti Rārua with a copy of the Draft Restoration Strategy for comments. Ngāti Rārua noted that they could not meet to discuss the Draft Restoration Strategy but would review it along with the Applicant's evidence.

**Basis of existing activities**

- 6.84 Submitters questioned whether Downers had consent to operate on the berm. I accept the comments made by Mr Doole in his s42A report. From Aerial imagery, a crushing plant has been located on the site since the 1940s. This shows that gravel extraction and processing has occurred on site since at least then and possibly prior. Mr Doole concludes that the activity of gravel processing is occurring under Existing Use Rights.
- 6.85 Downers have a resource consent to take water and discharge from gravel washing.
- 6.86 In August 2021, Council issued an earthworks consent RM210554 to Downers. The consent enables the remediation of a former landfill site (HAIL site ID 159), which is around 100m north of the application site.
- 6.87 Other commercial lease areas within the Waimea River Park include Edridge Contracting at the end of Blackbyre Road and Fulton Hogan which is located to the south-west of Appleby Bridge as shown above in Figure 8.

**Alternative sites**

- 6.88 Submitters raised concerns about whether this was the most suitable site. As a starting point I note that the Richmond Airshed is a "polluted airshed" for the purposes of the National Environmental Standards for Air Quality meaning that the plant cannot locate there because there is no availability in the airshed to accommodate its air discharges, irrespective of how low they are. This is discussed by Mr Bender in his evidence. I note this point in respect of the relevant alternative sites considered in the discussion below.
- 6.89 The Applicant considered a number of alternative sites when deciding upon the application site. The Applicant approached Council pre-application, and discussed options of sites. Discussions ranged around the location of existing Industrial land, access issues and the gravel resource. Figure 9 below shows the alternative locations.

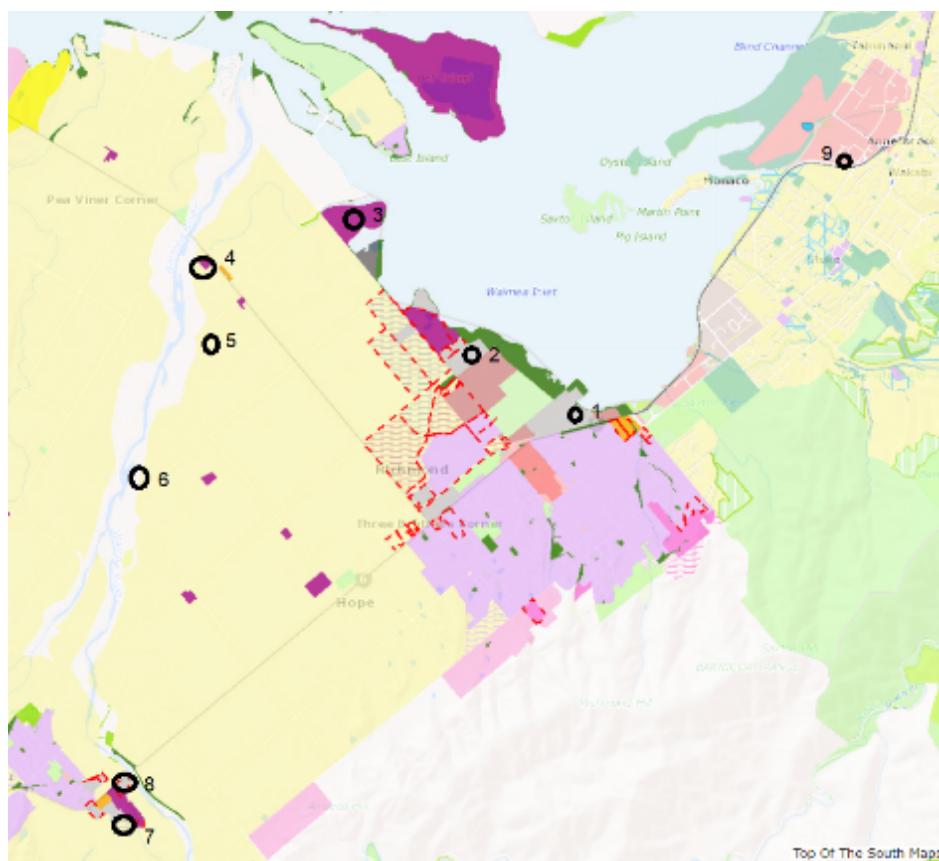


Figure 9 – Alternative Sites Considered

- 6.90 (1) McPherson Street. The Applicant has its main depot at 13/19 McPherson Street, which is within the Richmond Light Industrial area. The Applicant approached Council pre-application regarding locating within the Richmond Airshed, however was advised that this was full and not open to any additional air discharges.
- 6.91 Since lodging the application, the Applicant is aware that Higgins have cease operating their plant at Beach Road, and requested advice as to whether this consent could be transferred to the Applicant’s Depot Site. The Applicant approached the landowner about installing the plant at this location however the landowner did not agree.
- 6.92 (2) Artillery Place – Light Industrial Zone adjacent to the Richmond Airshed. Uncertainty was raised about being located between the Richmond Airshed and the MDF plant and potential cumulative effects of air discharges. The Applicant considered that this site was too close to the residentially developed area and the Applicant was concerned about the increased traffic and potential conflict of traffic movements with material required to be delivered and then transported from the site.
- 6.93 (3) Lower Queen Street Industrial Park - Industrial Zone. Similar to (2) above. In addition, the on-site consideration of stormwater and sea level rise was a factor. Further, as the site is surrounded on three sides by water, the Applicant considered that the activity would not be considered to be appropriate culturally.
- 6.94 (4) Appleby Industrial area, O’Connor Road - Industrial Zone. This site was briefly considered due to its location close to the resource and zoning. It was considered that the access however is of concern.

- 6.95 (5) Blackbyre Road – Rural 1. The sawmill site was considered as a site as this is adjacent to the Gravel resource and in proximity to two gravel operators. The site has resource consent to operate a sawmill as this is a primary use resource, albeit not one grown on site. An asphalt plant may then be considered to be a similar use. Waka Kohatu NZTA noted concern about the intersection with the State Highway and the need to upgrade the intersection.
- 6.96 (6) Bartlett Road – Rural 2. The Applicant initially considered the land on the inside of the berm as being a possible site for the asphalt plant, however the TRMP prohibits buildings within the berm. As such, the Applicant considered whether there was suitable room available on the outside of the stopbank for the plant. This site is adjacent to the gravel resource and reduces potential movement. The area is already modified, and contains the disused crushing plant. The site is only considered suitable whilst the gravel resource is available from site. This site has the ability of traffic using multiple routes, reducing the effects on the roading network.
- 6.97 (7) River Terrace Road – Deferred Light Industrial. The site is behind Tasman Bay Food group, and close proximity to dwellings. Approximately 9km from source for travelling aggregate to the site. Good access in 80 km/hr Rural Speed limit, opposite cycleway. Site elevated above predicted flood levels. Away from main project areas of Richmond and Nelson.
- 6.98 (8) Factory Road - Light Industrial Zone. Adjacent to main road and esplanade reserve. Approximately 8km from source for travelling aggregate to the site. Good access in 80 km/hr Rural Speed limit. Site elevated above predicted flood levels but no stopbank bank. Site already security fenced. Away from main project areas of Richmond and Nelson.
- 6.99 (9) Dayson Place Industrial Zone. Whilst adjacent to the highway, access is through the industrial estate. Opposite residential development. 4 Dayson Place within Council's Flood Hazard Map for 2130 event.

**Competitive Market and Security of Supply**

- 6.100 A number of Developers, Roding Contractors as well as Civil Contractors New Zealand Ltd who represent over 400 members within civil engineering, construction and general contracting, submitted in support of the proposal. They considered that the proposal provides a positive effect of the proposal is that it will provide a second asphalt plant within the Nelson / Tasman region, which will ensure security of supply, fair trade and provide a more competitive market. A sustainable and competitive markets provide affordability of supply of construction materials, which is critical for the affordable housing development, new roading, commercial developments as well as maintenance and development of infrastructure throughout the region.

**On-going consultation**

- 6.101 The Applicant has been having ongoing consultation with iwi, both prior to and post the public notification of the application. Mr du Plessis outlines his consultation process with iwi.
- 6.102 I have met with Council's River Engineer to discuss lease agreements and Council's requirements for the area. The site plan was amended to address Council's requirements for a 4m wide access strip onto the stopbank. The Draft Restoration Strategy was also provided to the River Engineer for comments.
- 6.103 The Applicant invited submitters who raised concerns about air emissions to a workshop with the Applicant's air discharge expert, Mr Bender. No parties sought to take up this offer, however it remains on the table for submitters and Council during the time leading up to the hearing.

## 7.0 ZONING FRAMEWORK AND TRMP STATUS OF THE ACTIVITY

7.1 The application site is zoned Rural 2 and adjoins the Rural Zone. It is within Land Development Area 1, and the application site is part of a Working Quarry Face, but is not zoned as Quarry Zone.

7.2 In the s42A report, Council noted that the activity triggered the following land use rules:

Activity	Rule	Status
Industrial activity	17.6.2.1a.i / 17.6.2.9	Discretionary
Traffic from industrial activity up until 10.00pm	17.6.2.9.c	Discretionary
Building height	17.6.3.1.h / 17.6.3.2.f / 17.6.3.4	Restricted Discretionary
Building setback (acoustic fence 4m back from boundary)	17.6.3.1.j.i / 17.6.3.2.f / 17.6.3.4	Restricted Discretionary
No access off road and no stormwater control	16.2.2.1.a / 16.2.2.1.c / 16.2.2.1.f 16.2.2.6	Restricted Discretionary
Parking not marked out and no stormwater control	16.2.2.3.n / 16.2.2.3.o / 16.2.2.6	Restricted Discretionary

7.3 The activity meets the permitted standards for noise levels (17.6.2.1.c) and building coverage standards (17.6.3.1.p).

7.4 In the s42A report, Council noted that the activity triggered the following earthwork rules:

Activity	Rule	Status
Earthworks within 10m of toe of stopbank	16.10.2.1.c / 16.10.2.2	Restricted Discretionary
Recontouring	18.5.2.1.q / 18.5.2.3.a / 18.5.2.5	Restricted Discretionary

7.5 At the time of applying for consent, the earthworks to realign and strengthen the stopbank met the permitted earthworks provisions under Rule 18.5.2.1. Since then however, Council has issued consent to remediate the Downer Lease Area, and cumulatively, the area of earthworks will likely exceed 1 ha. The area within the Plant site may not be revegetated while the plant is operating as this would require maintenance (mowing) around the Plant buildings however it will be revegetated as part of the restoration of the application once operations cease.

7.6 In the s42A report, Council noted that the activity triggered the following discharge to air rules:

Activity	Rule	Status
Asphalt plant air emissions activity	36.3.5.1.b.ix	Discretionary

7.7 I agree with the s42A report, that the storage and use of bitumen and diesel comply with the permitted Rule 16.7.2.1 which in turn makes stormwater discharge to ground a permitted activity under Rule 36.4.2.1.

7.8 Mr O'Cain has advised that a Land use consent for earthworks and change of use under the NES-CS is required as he considers the site to be a 'piece of land'. Without a detailed site investigation, the activity is considered under Clause 11 of the NES-CS.

Activity	Clause	Status
Earthworks exceeding 25m <sup>3</sup> per 500m <sup>2</sup> Change of use	5.2.4 and 5.2.6 / 8.3 and 8.4 / 11	Discretionary

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## 8.0 ENVIRONMENTAL EFFECTS

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- 8.1 Section 104 of the RMA states that when considering an application for a Resource Consent, the Consent Authority must, subject to Part 2 of the RMA, have regard to any actual and potential effects on the environment of allowing the activity.

### **Competitive Market and Security of Supply**

- 8.2 A positive effect of the proposal is that it will provide a second asphalt plant within the Nelson / Tasman region, which will ensure fair trade and provide a more competitive market. A sustainable and competitive markets provide affordability of supply of construction materials, which is critical for the affordable housing development, new roading, commercial developments as well as maintenance and development of infrastructure throughout the region. An additional asphalt plant also helps to provide security of supply, with the region currently being serviced by only one plant.

### **Noise Emissions from the Asphalt Plant**

- 8.3 The Bladon Bronka Acoustics Ltd (BBA) noise assessment which accompanied the application noted that the proposed Asphalt Plant operations would comply with the permitted 'day' noise standards at the neighbouring notional boundaries. The report noted the operating the Asphalt Plant outside of the daytime hours would breach 'night noise standards, and mitigation was proposed for an acoustic barrier, which would then ensure compliance.
- 8.4 The Applicant amended the original application to not operate the plant outside of daytime hours, however the Applicant would be loading trucks until 10.00pm. The amendment was also considered to comply with the permitted standards, and the acoustic barrier was not required, but volunteered. The Applicant now proposes to further reduce its operating hours in response to submissions and the s42A report as explained above, and discussed and set out below.
- 8.5 Mr Bronka confirms that the proposal meets the permitted daytime noise limit standard of 55dB  $L_{Aeq}$  for the closest receivers in the Rural Zone 1 and 2, with *the predicted noise ratings 17dBA or more, below the permitted standard.*
- 8.6 Within Waimea River Park, Mr Bronka's evidence at 5.36-5.42 notes that people will be able to pass the asphalt plant to access the Park without discomfort and would at a comfortable noise level for prolonged recreational activity approximately 150m from the plant.
- 8.7 In Mr Winter's Memorandum in the s42A report, he questioned the noise emissions between 9.00pm and 10.00pm from the loading and transportation of the trucks. Mr Bronka confirms that for the 1-hour period between 9.00pm-10.00pm when the Carbon T-Box 130 will be off and trucks will continue loading out, maximum noise levels of 26dB  $L_{Aeq}$  or lower are predicted at the closest receiver notional boundaries, 14dBA below the night time noise limit of 40dB  $L_{Aeq}$ .
- 8.8 Mr Bronka notes that a noise rating level of 17dBA below the permitted daytime limit of 55dB  $L_{Aeq}$ , or 14dBA below the night time limit of 40dB  $L_{Aeq}$  would generally indicate minimal effects as the limits are designed to provide protection of acoustic amenity based on the activities expected within the zone.
- 8.9 Mr Winter also questioned the cumulative noise effects when the crushing plant is operating within the Lease Area. It is noted that Downer's crushing is undertaken during daytime hours, and the frequency of crushing is expected to occur for only 3 weeks per annum. There is more frequent crushing occurring on Blackbyre Road.



- 8.10 Mr Bronka's modelling shows that the cumulative noise levels from asphalt processing plant in addition to operating rock crushing at Blackbyre Road will not increase the assessed levels by more than 1dBA when operating simultaneously. This is based on noise measurements carried out by BBA on 29/11/2021 of existing rock crushing operations on Blackbyre Road of 56dB  $L_{Aeq(15min)}$  at 110m distance.
- 8.11 Based on this operation, an overall cumulative effect of a 1dBA increase will have no additional effect on the residential amenity for nearby receivers.
- 8.12 Mr Bronka accepts the comments from Mr Winter that a Noise Management Plan is not required for noise from the plant given the permitted baseline compliance with the acoustic barrier, and he has provided Noise Limits within the draft Conditions table that align with the limits in Chapter 17 of the TRMP. Mr Bronka considers a Noise Management Plan is however the best option of managing traffic noise which I discuss below.
- 8.13 In his evidence, Mr du Plessis outlines typical operation, which includes several mixing periods across the day, with transporting of material between batches. Following receipt of the noise assessment in relation to traffic noise in the evening periods, the Applicant seeks to amend the operation period.
- 8.14 The Applicant is seeking a window of operating hours identified below, within which the actual production time is limited to 10 hours per day. The Applicant now seeks to operate:
- a) Monday to Fridays Staff may arrive from 6.30am  
Plant operates and loading/transporting of material occurs between the hours of 7.00am and 6.30pm
  - b) Saturdays Staff may arrive from 6.30am  
Plant operates and loading/transporting of material occurs between the hours of 7.00am and 6.00pm
- Except for up to 30 days a year, when the Applicant may operate:
- c) Monday - Friday Staff may arrive from 6.30am  
Plant operates between the hours of 7.00am and 9.00pm  
Loading/transporting of material occurs between the hours of 7.00am and 10.00pm
  - d) Saturdays Staff may arrive from 6.30am  
Plant operates between the hours of 7.00am and 6.00pm  
Loading/transporting of material occurs between the hours of 7.00am and 10.00pm
- 8.15 The Applicant will not operate on Sundays or public holidays.
- 8.16 The changes to the hours of operation provides more certainty for the residences along the transportation routes and as stated by Mr Bronka reduces the level of effect by reducing the frequency of night-time operations.
- 8.17 Mr Winter's Memorandum in the s42A report accepts the Assessment of Effects and BAA report and the activities as meeting the permitted baseline standards and the effects are less than minor.
- 8.18 Mr Winter accepts the recommendation from BBA for an acoustic barrier and further recommends additional conditions relating the traffic to address both internal and external noise effects. These including fixing the maximum truck movements to 80 per day rather than allowing the movements to be averaged across the week, and to have an internal speed restriction of 10km/hr. Both recommendations have been adopted by the Applicant.

## **Traffic Effects**

### *Increased traffic*

- 8.19 The Council considered the effects of up to 80 truck movements to and from the site on the roading network 6 days per week 6.30am-10.00pm as initially proposed would create a more than minor amenity effect on residences along the proposed transportation routes, and this was one of the reasons for notification.
- 8.20 Prior to commencing the application process, the Applicant met with NZTA to discuss the project and possible locations. NZTA were provided a copy of the application, including the Transportation Impact Assessment of Gary Clark, and provided Written Approval which was provided to Council in March 2021.
- 8.21 Mr Fon has provided an assessment on traffic effects for the s42A report. He notes that the additional truck movements generated by the activity will be noticeable along the traffic routes. In response, the Applicant has adjusted the hours sought for truck movements to be able to occur, restricting these to the 'typical work hours' of 7.00am-6.30pm weekdays and until 6.00pm Saturdays, with up to 30 evenings per year where later production may occur during weekdays still within 'daytime' hours, and loading and transporting asphaltic concrete until 10.00pm. It is however stressed that within the 30 exceptions the increased window of hours does not enable the Applicant to more than 10 hours of operation per day.
- 8.22 The Applicant seeks a maximum number of truck movements to and from the site per day of 80. This is to include all trucks associated with the activity, including bitumen, diesel refuelling, and the rare occurrence of delivery externally sourced aggregate.
- 8.23 The Applicant had sought to enable an averaging of trucks over a week period, in case a large production run was required of an asphalt grade that required off-sourced aggregate. The s42A report raised concerns with this approach and recommended that a total of 80 movements per day be allowed as a maximum. The Applicant considers this can be accommodated with its operations as large scale production runs are generally limited in the year. The Applicant therefore accepts limiting the truck movements to 80 of truck movements to and from the site per day as a set maximum figure.
- 8.24 Mr du Plessis and Mr Clark both note in their evidence that truck movements from the site will generally be below 80 per day, more in line with standard production runs.
- 8.25 Mr Fon recommends that a traffic management plan be required for all vehicles using the site. This includes any external suppliers of bitumen and diesel etc. The Applicant accepts this comment and a plan is provided for in its proposed conditions of consent.
- 8.26 Both NZTA and Mr Fon accept that the strategy of different traffic routes is a rational approach to reduce the effects on any one roading network. Mr Fon recommended that the Truck Route Plan prepared by Mr Clark should be appended to and form part of a traffic management plan. This is accepted and the Applicant's proposed conditions include this.
- 8.27 Based on existing traffic levels, the nature of the existing network, the spreading out of traffic across the day, the use of different routes for different destinations, and proposed Traffic Management Plan which identifies hazards and mitigation, Mr Clark concludes the increased traffic is less than minor.

### *Public safety*

- 8.28 As noted in Part 6 above, Mr Clark notes that the current network does have some safety issues but these are not related to trucks and the increased truck movements associated with the application can be accommodated safely within the network notwithstanding its imperfections.

- 8.29 The Great Taste Trail is an off-road facility, separated from the road by either kerb and channel or a grass berm, adjacent to Ranzau Road. There is one crossing point which is located on Ranzau Road within the 60 km/hr section (east of Pugh Road) and there are excellent sight lines in both directions to cross safely. In his evidence, Mr Clark notes that approaching motorists also have excellent visibility of the crossing facility. Mr Clark considers that the increase in trucks will have a less than minor effect on Great Taste Trail riders and passing trucks are not unexpected in a rural area. Mr Greenaway, in 5.10-5.11 notes that users of the Great Taste Trail may encounter one truck movement whilst on the Ranzau Road portion of the trail, and considers the increased truck movements to have a minor effect on recreation.
- 8.30 Safety at Ranzau School was identified by a number of submitters. Due to the posted speed limit of 60 km/hr section of Ranzau Road and the reduction of the limit to 40 km/h through the use of a school speed zone sign between 2.55pm-3.15pm, along with the School's Kea crossing, Mr Clark considers the volunteered conditions restricting traffic passed the school during drop off and pick up periods will ensure that the increase in truck movements passed the school will not pose any safety issues.
- 8.31 Some submitters also raised concerns about pedestrians along the rural roads, for example going to and from the Hope Community Church opposite the school, and informal bus stops. Mr Clark notes that the roads are all wide with excellent visibility along their lengths, and that both pedestrians and children waiting and walking to the bus stops are able to be seen and they are able to see vehicles approaching and take the necessary action to be safe. The increase in the traffic movements will not change the need for this to occur.
- 8.32 Mr Clark considers that the effects of increased traffic on public safety is less than minor.

*Traffic Noise*

- 8.33 BBA undertook noise assessments throughout the day and evening along the access routes and assessed the Applicant's asphalt trucks. In his evidence, Mr Bronka modelled the proposed road noise against the existing environment using the maximum truck movements per hour. During the proposed operating period of 6.30am (truck arrival) to 6.30pm there would be a maximum increase of 1-2dBA, which Mr Bronka advises is not expected to be noticeable due to the fluctuating character of traffic noise over a daytime period and not expected to cause any adverse noise effects to residential acoustic amenity.
- 8.34 However, the modelling shows that during the evening periods when truck movements may operate up to 10.00pm, when operating at maximum movement, noise levels are predicted to increase by 3-7dBA. This increase is expected to be noticeable due to the lower traffic volumes experienced in rural areas as a result of the 'typical' working day coming to an end around 6.30pm.
- 8.35 Based on this assessment, the Applicant has considered the submitters concerns and proposes to limit truck movements after 6.30pm on week days and after 6.00pm on weekends to 30 evenings throughout the year. On the 30 evenings, the Asphalt Plant will operate from 7.00am-9.00pm on weekdays however the Applicant will not extend production times on a Saturday, this remaining at 7.00am-6.00pm. On any of the 30 evenings, loading of trucks and transporting asphalt offsite may occur until 10.00pm.

**Lighting**

- 8.36 Lighting is to be relatively low level on the site, but is required for the 30 evenings per year when the Applicant seeks to operate in the later evenings. Outside of these times, it is unlikely the site will need to be lit.
- 8.37 Lighting is unlikely to be required in winter at the start and end of the working days, as it is too cold to lay asphalt at either end of the day.
- 8.38 Lighting is to be directed away from residences, and directed towards the ground, to avoid excess light spill. The effect on residences is considered less than minor.

**Increased Industrialisation of Waimea River Park**

- 8.39 Mr Greenaway's evidence notes that the WRPMP concludes that there is benefit from the lease income from commercial activities to Waimea River Park development. The WRPMP foresees gravel extraction and processing within the Park ceasing when the resource is exhausted, and Council has indicated that the lease expiry dates are set for 2030. The WRPMP includes appropriate policies to minimise the adverse effects of gravel processing while it still occurs.
- 8.40 The Applicant is seeking to located within an existing Lease Area, and will not be removing any additional land from the Waimea River Park and its use for recreation. In discussions with Council, the Downer lease area has been adjusted to provide a perimeter link from Bartlett Road to the stopbank, and the southern end of the lease area has been moved slightly north to align with the end of the legal road reserve.
- 8.41 The Applicant is volunteering a consent duration in line with the existing leased gravel operations, which are expected to cease in 2030, and the Applicant will rehabilitate the site, planting out the area outside of the berm, and returning the site for recreation. Post-discussions with Council the Applicant is also offering to adjust its operations in order to provide a 4m wide public access strip along the back of the site. In the meantime, Mr Greenaway notes that the Asphalt plant will contribute lease income to the TDC for Park development.

**Impact On Recreation Within the Waimea River Park**

- 8.42 Mr Greenaway in his evidence notes that the recreational uses of the area immediate to the application site includes walking, running and cycling. Equestrian access along the true right of the Waimea River within the Park is contemplated once gravel works cease and the site is remediated. The true right of the Waimea River within the Park is currently dominated by industrial activity and in Mr Greenaway's opinion, has very poor amenity for recreation and is currently a rather scruffy area that visitors pass through on the way to and from more attractive settings, and it certainly has no attraction in itself, although it is noted that Council have recently issued consent to remediate the landfill area so in the long run the amenity of the area will improve. The plant's restoration plan has been designed with the remediation to this area in mind.
- 8.43 The asphalt plant will be located at the Bartlett Road entrance into the Waimea River Park, and users of the Park will pass the plant. This is a secondary entrance to the Park. The proposed plant is located within the industrial leased area which is to be fenced off, so will not be impacting upon the publicly accessible areas. As noted, as part of the Lease requirements, a 4m wide offset from the boundary is required, which enables pedestrian access onto the stopbank, something previously restricted.
- 8.44 Mr Greenaway's summary at 2.5 of his evidence says that he has considered the evidence on air discharge, water quality, noise and considers the effects on recreation a being less than minor. In relation to the increase in traffic, he concludes a minor effect on recreation amenity as a result of vehicle movements on the southern end of Bartlett Road.
- 8.45 Mr Bronka's relevant findings on noise are set out at paragraph 8.6 above.
- 8.46 The Applicant has prepared a draft Restoration and Access Plan for their operations within the Waimea River Park. The Council have reviewed this, and Mr Winter is recommending to include a speed restriction within the Application Site, primarily to reduce noise, however I note that this will also reduce potential fugitive dust emissions, and so the Applicant is willing to adopt this speed restriction. Below is a copy of the access actions within the Waimea River Park.

## Waimea River Park Access Actions

### *Prior to operations*

1. Tasman Bay Asphalt shall fence the eastern boundary of the Asphalt Plant site. The fence shall be setback 4m from the eastern boundary with Lot 3 DP 306979, and then on the western side of the access up onto the stopbank to provide an access strip from Bartlett Road onto the stopbank.

### *During operations*

2. Tasman Bay Asphalt shall have one entrance into the Asphalt Plant site.
3. Any traffic entering the Asphalt Plant site shall give way to any other traffic (vehicle, bicycle, pedestrian or equestrian).
4. Tasman Bay Asphalt shall provide the Council with access along the stopbank for flood inspections through the Asphalt Plant site.
5. Traffic within the Waimea River Park shall be limited to a speed restriction of 10km/hr.

### *Within six months of the lease expiry*

6. Tasman Bay Asphalt will remove all fences restricting access through the Waimea River Park.
7. Tasman Bay Asphalt will remove any impediment to public access along the stopbank, unless otherwise sought to be retained by the Council. Tasman Bay Asphalt will install removeable bollards at least 6m back from the Bartlett Road end of the stopbank. The bollards will enable pedestrian / cycling access but will restrict cars along the stopbank.
8. If, as identified in Restoration Action #10 above, if the second generation of the *Waimea River Park Management Plan 2010* identifies that the Asphalt plant site is suitable for a Trail head car park, this shall be provided.

- 8.47 In 7.6 of his evidence, Mr Greenaway notes that enabling access around the site and the proposed restoration works will enhance the recreation amenity of the area, but that the benefits of the restoration work will not be significant until gravel extraction and processing ceases on the site.

### **Discharges to air**

- 8.48 In the s42A report, the Council's reporting officer has considered the Pattle Delamore Partners Ltd report which accompanied the application and accepts the rationale and findings in the report as to the effects of emissions.
- 8.49 In his evidence, Mr Bender's air dispersion modelling predicts the highest maximum ground level concentrations for each contaminant of potential concern used a worst-case scenario. The highest predicted maximum ground level concentrations of trace elements are significantly lower than the relevant assessment criteria for all contaminants and averaging periods. Mr Bender concludes the discharges to air of contaminants including particulate matter, other products of combustion, and trace contaminants, have been assessed as having "at most less than minor effects" on human health due to the predicted concentrations in air, as commented at 4.1 of his memorandum.
- 8.50 The question of the stack height was raised in Nelson Marlborough District Health Board submission. The use of bag filters is considered to be the best practicable option available, which negates the need for a higher stack in terms of emissions. The lower stack height will also reduce the visual dominance of the white steam plume. In his evidence Mr Bender notes for the modelling of the emissions, the stack height was at 7.3 metres above ground level, which is around 1.5 metres above the height of the baghouse associated with the plant, and at that height concentrations of PM<sub>10</sub> and PM<sub>2.5</sub> downwind of the stack were assessed as having effects that are less than minor. The Applicant volunteers that the stack height be 2m above the top of the baghouse.



8.51 Mr Bender's evidence identifies that the source of odour will be from the hot-mix drum and bitumen storage tank, and the effects will be restricted to a small area in close proximity of the plant. He also notes that odour may be observed at the nearest residence (Receptor ID R6), but at relatively low levels of intensity. Council recommends a complaints register and an Air Quality Management Plan. They also recommend a maximum burning temperature to reduce the risk of over-cooking the bitumen as higher temperatures produce increased odour.

**Fugitive dust**

8.52 In the s42A report, Mr Winter's Memorandum recommended a condition that to control noise on site, slow vehicle and mobile machinery operating speeds of 10km/hr be imposed within the Application Site.

8.53 Slower operational speed of vehicles and mobile machinery is a mechanism indicated by Mr Bender to reduce dust emissions from the unsealed site from truck and machinery movements during dry weather. The Applicant is therefore willing to adopt the recommended speed condition.

8.54 Mr Bender also advises management procedures to control dust from receipt, storage, and handling of aggregates, and from yards and roads.

**Horticultural effects**

8.55 Mr Bender's evidence notes the Applicant has identified the best practicable option to keep trace contaminants in the discharge from asphalt manufacture to a minimum, being the use of automotive diesel as fuel and the use of a baghouse to remove particulate matter from the discharges.

8.56 I have discussed effects of crops above in the section of my evidence addressing submitter concerns. In summary, Mr Bender concludes the discharges to air of contaminants including particulate matter, other products of combustion, and trace contaminants, are expected to be negligible on crops in the surrounding area and will not result in impacts on the food production system. This is supported by the s42A report.

**Contamination of groundwater and surface water, including Waimea River**

8.57 In his evidence, Dr Morrissey concludes that the effect of deposition of airborne contaminants on the Waimea River and other surface water bodies is assessed as negligible, based on predicted deposition rates from the Asphalt Plant. Consequently, and for the same reasons, the risks to groundwater from the deposition of trace contaminants are negligible and probably lower than those to surface water bodies because a portion of them are likely to be adsorbed on to soil particles. Deposition of particulate matter will not have a detectable effect on groundwater or stormwater so neither remediation nor mitigation are considered necessary.

**Contamination from bitumen and diesel**

8.58 Both diesel and bitumen are to be stored in purpose built, double skinned containers. The storage area is located outside of the stopbanks, therefore potential to discharge into the Waimea River is negligible. In his evidence, Dr Morrissey considers that the risk of adverse effects on groundwater are negligible because of the methods of storage of diesel and bitumen, the very low solubility of bitumen. Any potential adverse effects from a bitumen or diesel spill will be avoided by adherence to the Emergency and Spill Contingency Plan volunteered by the Applicant for the storage and use of diesel and bitumen.

8.59 The Council's s42A report notes that there are no urban water supply bores nearby the site.

**The asphalt process**

8.60 In his evidence, Mr du Plessis outlines the asphalt process. Raw aggregate consisting of different sized gravel chip and dust, is processed into ready to lay asphaltic concrete by the Asphalt plant using a combination of blending and drying aggregate then adding binder (hot bitumen) to form the asphaltic concrete of various specifications.

8.61 The size of the plant exceeds the operating requirements of the Applicant, however it is the smallest of the MARINI Latin America Carbon T-Box plants to meet their demands. The proposed plant is a continuous mix plant that can theoretically run at a maximum capacity of 130 tonnes per hour, however it can also run at a slower rate and as discussed by Mr du Plessis is likely to be run at around 70 tonnes per hour most of the time on this site.

8.62 Mr du Plessis' evidence explains operations on a regular day.

**Status under the Hazardous Activities and Industries List**

8.63 The application, the s95 Notification Report and also the s42A Report, consider status of the application site as a 'Contaminated Site' under the NES-CS. The commentary from Council is:

8.64 *Note 3: The National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health Regulations 2011 applies to the disturbance of soil on a 'piece of land' over which a HAIL activity has or is being undertaken. The proposal involves the disturbance of land within a land parcel containing a HAIL Site. However, due to the large size of the land parcel and the unknown extent of the HAIL site, 'piece of land' remains undefined. Consequently, the extent to which the NES-CS should apply is uncertain and an accidental discovery protocol (for contaminated soils) should apply for all land disturbance and may necessitate reassessment under the NES-CS at a later date*

8.65 Since the application as lodged the Applicant has undertaken further work on this matter with the assistance of Mr O'Cain. In light of this it is of the view that:

8.66 The whole of Lot 1 DP 368439 is a 'piece of land' under the NES-CS because of an existing landfill (HAIL ID#159) located within Lot 1 DP 368439. The identified site is located to the north of the application site. The consideration of all of Lot 1 DP 368439 being a 'piece of land' under the NES-CS is relevant to the earthworks to realign the stopbanks, re-level the site and install the acoustic bund in particular;

8.67 The application site will gain further status a 'piece of land' under the NES-CS once the Applicant commences producing asphalt on the site. This is because an asphalt plant is considered a Hazardous Industry under Section E2 *Asphalt or bitumen manufacture or bulk storage (excluding single-use sites used by a mobile asphalt plant)*. It is noted that the automatic registration under the Hazardous Activities and Industries List, not reflect the type of processing or size of operation, rather it catches all asphalt plants except for mobile plants.

8.68 The Council have noted that land use consent under the NES-CS is not required to undertake the activity of asphalt plant, however as Council and Mr O'Cain consider the whole of Lot 1 DP 368439 a 'piece of land' under the NES-CS because of an existing landfill, consent is required for a change of use.

8.69 In light of the above, consent is being sought for earthworks to prepare the site for the installation of the MARINI Latin America Carbon T-Box 130 Asphalt Plant, to change the land use from gravel processing to asphalt plant, and to undertake additional earthworks to remediate the site once the Applicant has ceased operations. The additional consent required under the NES-CS is therefore considered to be minor and more of a procedural matter.

8.70 At the start of the project, once the crushing plant buildings have been removed, the Applicant will undertake benchmark sampling of the site prior to commencing the earthworks. If the site shows levels of contamination, then Downers will be responsible for remediating the site. The benchmark testing will provide a baseline for testing of the site at the end of the project.

8.71 At the commencement of the consent, earthworks are required to realign and regrade the stopbank, re-level the site and install the bund for the acoustic barrier which will require up to 6,000m<sup>3</sup> of earthworks internal within the site, and the land use will be changing from a Gravel Processing Plant to an Asphalt Processing Plant.

- 8.72 At the end of the activity, after removing the structures from the site, the Applicant will undertake soil sampling to ensure that there is no change in contaminant levels. If there is a change, the Applicant will remediate the site prior to undertaking earthworks and topsoiling and planting the site.
- 8.73 The application under the NES-CS also includes the remedial earthworks after the Applicant stops operating to remove the access ramps across the stopbank and infill the small depression around the Mixing Drum, this expected to be up to 800m<sup>3</sup> of earthworks.
- 8.74 Under the NES-CS, to meet the permitted activity standards for earthworks, the volume of soil disturbance on a 'piece of land' must be no more than 25m<sup>3</sup> per 500m<sup>2</sup>, which at the application site equates to 175m<sup>3</sup>. Both the works to realign and regrade the stopbank and the remedial works remove the access ramps will exceed the permitted standard.
- 8.75 Mr O'Cain notes that it is not practicable to undertake a Detailed Site Investigation prior to grant of consent due to the existing crusher plant location. He considers that a Detailed Site Investigation is not necessary in this situation as the works can be managed in accordance with an accidental discovery protocol and recommends a Discretionary Consent is sought under the NES-CS based on the following sequence:
- a. All works undertaken in association with the site, including removal of the gravel crusher, realign the stop bank and level the site shall be undertaken accordance with an Accidental Discovery Plan (ADP) for the site;
  - b. After removal gravel crusher and infrastructure, the Applicant will undertake Benchmark analytical testing of the site prior to installing the asphalt plant;
  - c. Upon removal of the asphalt plant and infrastructure, the Applicant will undertake analytical testing of the site and remediate if necessary;
  - d. The Applicant will remove side access ramps and shall re-level the site outside of the stopbank and shall topsoil and plant with appropriate vegetation.
- 8.76 A condition to that effect has been volunteered in the Earthworks Consent Conditions.

**Duration of the consent**

- 8.77 The Council have advised that the Gravel Lease agreements within Waimea River Park will cease by 2030 and it is not their intension to extend the tenure. 2030 is when the Tasman District Council expect the resource to be extinguished. Once all crushing stops in the Waimea River Park, the Applicant has committed to shifting the asphalt plant to another location.
- 8.78 The Applicant therefore seeks to operate in line with these Lease agreements, being that all consents shall lapse on either the lapsing of all Gravel Leases or 20 years whichever is the earlier.

**Cultural effect**

- 8.79 I have outlined the issues raised by iwi and the steps taken by the Applicant to address those in Part 6 above. As noted, the Applicant has been consulting with iwi, the details of which are attached to Mr du Plessis' evidence.
- 8.80 At an on-site meeting with Te Ātiawa, Ngāti Koata and Ngāti Rārua, parties discussed the proposed term of the consent, archaeological relevance of the site, the existing state of the site, uses of the site and surrounding area.

8.81 Conditions of consent have been proposed to address iwi concerns and provide opportunity for iwi to monitor aspects of the activity. The Applicant is open to discussing anything further.

8.82 The Applicant understood from Ngāti Rarua and Ngāti Koata's submission and subsequent communications with those iwi, that they would like a cultural impact assessment undertaken. The Applicant has offered to take the necessary steps for this to occur but this has not eventuated.

### Restoration

8.83 The Applicant has prepared a draft restoration plan following the site visit with iwi, and meeting with Council's Rivers Engineer. The vision of which is to:

1. To ensure no pest weeds or species invade the Asphalt Plant site during operation.
2. To restore the Asphalt Plant site once operations cease in 2030 (or sooner if lease expires earlier). Including:
  - The removal of all structures.
  - The reinstatement of the stopbank for flood protection and river control planting within the berm.
  - Planting a stand of native trees outside of the stopbank as a welcoming entrance into the Waimea River Park on the north side of Bartlett Road.
  - Ensuring public access is available around the Asphalt Plant site to access the stopbank throughout the life of the Asphalt Plant consent.
  - Limiting impact on internal access through Waimea River Park by having one entrance.
  - Providing access along the stopbank for river inspection.

8.84 The restoration plan actions are:

#### *During operations*

1. **Pest plant and pest animal control:** Tasman Bay Asphalt will control pest plants (gorse, broom, sweetbriar, woolly nightshade, great bindweed and other noxious plants listed on the National Pest Plant Accord) and pest animals (including rabbits, rats and mustelids):
  - a. in accordance with the requirements of the Tasman-Nelson Regional Pest Management Plan (2019-2029).
  - b. to minimise pest plant and animal incursions into the Asphalt Plant site and suppress as far as practicable existing pest plants and pest animal densities using herbicide and trapping.
2. **Public access:** At the time resource consent is being applied for public access to and along the stopbank through the Asphalt Plant site is restricted as the site is fenced off, as a requirement of the lease agreement. Tasman Bay Asphalt will:
  - a. provide public access by fencing off from the Asphalt Plant site a 4m wide strip of land running from the Bartlett Road entrance, along the eastern boundary (the boundary with Lot 3 DP 306979) of the Asphalt Plant site and up onto the stopbank. This will be done by acoustic bund along the eastern side of the Asphalt Plant site and post and wire fence with a gate on the stopbank.
  - b. provide Council with access along the stopbank for flood inspections.
3. **Waste disposal:** Tasman Bay Asphalt will not allow or permit any spoil, rubbish, refuse or other waste to be deposited or accumulated on the Asphalt Plant site and shall regularly remove any deposited waste from the Asphalt Plant site.
4. **Fences:** Tasman Bay Asphalt will maintain any fences in good repair. Fences within the berm area will be post and wire only.

*Within six months of the lease expiry*

5. **Removal of structures:** Tasman Bay Asphalt will remove all structures, including the noise barrier and any fences restricting access through the Waimea River Park.
6. **Site contour:** Tasman Bay Asphalt shall re-level the Asphalt Plant site outside of the stopbank where buildings were located and shall remove any stockpiles of material from the Asphalt Plant site.
7. **Reinstatement of the stopbank:** Tasman Bay Asphalt shall remedy any damage to the stopbank and will remove access ramps onto the stopbank within the berm area, except where required for pedestrian access onto the stopbank. In accordance with the *Waimea River Park Management Plan 2010*, the stopbank shall be topsoiled and planted in grass.
8. **Public access:** Tasman Bay Asphalt will remove any impediment to public access along the stopbank, unless otherwise sought to be retained by the Council. Tasman Bay Asphalt will install removeable bollards at least 6m back from the Bartlett Road end of the stopbank. The bollards will enable pedestrian / cycling access but will restrict cars along the stopbank.
9. **Site revegetation:** Within the berm area, if required by the Council, Tasman Bay Asphalt shall plant grass, unless otherwise enabled by the *Waimea River Park Management Plan 2010*, then the plants maybe a mixture of locally sourced indigenous river control species within the berm area. Tasman Bay Asphalt shall provide a list of species to be planted for Council approval. The species and density of planting shall not be a detriment to flood control.
10. **Bartlett Road entrance:** Tasman Bay Asphalt shall either:
  - a. Provide a vegetated entrance point into the Waimea River Park on the north side of Bartlett Road, outside of the stopbank, using locally sourced indigenous trees. Tasman Bay Asphalt shall maintain the planted area for a period of three years; or
  - b. provide a gravelled Trail head car park, subject to provisions of the *Waimea River Park Management Plan 2010*.

#### **Imported aggregate**

- 8.85 As part of the application, the Applicant noted that there may be occasion in which other aggregate materials are required, which are not locally sourced within the Waimea River Park area. These related to a hard form of aggregate, and possibly finer crusher dust which was not produced on site.
- 8.86 The frequency of aggregate materials which are required to be brought into the site, is considered to be extremely low, and infrequent. However, for a rounded application, this was included. As noted above, the 80 truck movements per day for which consent is sought also captures trucks bringing aggregate to the site from external sources.

#### **Draft Conditions**

- 8.87 The Applicant has considered the s42A report's draft conditions, and compared them to those proffered in the application and in Expert Evidence. An amended suite of conditions is attached.



**Development Contributions**

- 8.88 Part 16.5 of the TRMP enables Council to require financial contributions, being both Reserve and Development Contributions.
- 8.89 Financial contributions are an appropriate means of addressing effects of activities that warrant measures such as: (i) natural hazard mitigation; (ii) maintenance, enhancement, protection, preservation or restoration of: · landscape and natural values; · amenity values; · habitats and ecosystems; · heritage values; · water, soil and air quality.
- 8.90 For building development under Part 16.5.4, the financial contribution will be a percentage of the value of the building work, and this issued at the time of building consent. 16.5.4.1(b) provides an exception where there is a replacement building of similar character, intensity and scale erected on the same site as the replaced building. In this instance, the proposal seeks to remove the former crushing and replace it with a relocatable suite of container pods and silo, only the latter which requires foundations. The S42A officer questioned whether crushing was to be undertaken within the wider Downer Lease Area, and the answer is yes by way of mobile crushers which are brought onto the site.
- 8.91 16.5.4.2 enables Council to impose a condition on a resource consent a financial contribution based on the percentage of the buildings cost, as outlined in Figure 16.5C.
- 8.92 16.5.4.4.b.ii however provides Council with the ability to waive or reduce the contribution *where an activity is to be established which will have no adverse impact on the environment, particularly the infrastructure, reserves or community services of the District.*
- 8.93 In this instance, the 'buildings' are containers and other than the silo, do not require foundations and will all be removable at the end of consents, when the Plant Area will be planted in trees.
- 8.94 It is considered that the building / reserve contribution is able to be waived.
- 8.95 In relation to Development Contributions, the Applicant applied for Consents on 24 November 2020, and therefore the relevant Development and Financial Contributions Policy is 2018-2028. The application site is outside of the Wastewater, Stormwater and Water Contributions and therefore only Rooding is applicable.
- 8.96 Table 3 of the Development and Financial Contributions Policy 2018-2028 notes that for Rooding, 3 car parks are the equivalent to 1 Household Unit of Demand (HUD). The Applicant seeks to provide two parks on site for workers, and there will be two bitumen trailers parked on site, plus the loader. The Asphalt trucks will be stored at the Applicant's yard. Therefore, the total number of carparks on site will be 5. This equates to 1.66 HUDs of a rooding contribution as was registered in November 2020.

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## 9.0 RELEVANT ENVIRONMENTAL STANDARDS, REGULATIONS, POLICY STATEMENTS & RELEVANT PLAN OBJECTIVES & POLICIES

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- 9.1 Section 104(1)(b) of the Act requires regard to any relevant provisions of National Environmental Standards, other Regulations, National Policy Statements, the Regional Policy Statement and the Plan.

### **National Environmental Standards**

*National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011*

- 9.2 Mr O'Cain recommends that the Council should consider the application site as a 'piece of land' under the NES-CS, and as such, the Applicant seeks to include an additional resource consent application under the NES-CS to undertake earthworks to realign the stopbank and to change the land use. Mr O'Cain notes that it is not practicable to undertake a Detailed Site Investigation prior to grant of consent due to the existing crusher plant location. He considers that a Detailed Site Investigation is not necessary in this situation as the works can be managed in accordance with an accidental discovery protocol. The Applicant therefore seeks to add to the bundle of Resource Consent Applications applied for a Discretionary Activity under Clause 11 of the NES-CS to Change the Land use from Gravel Processing Plant to an Asphalt Processing Plant and to undertake up to 6,000m<sup>3</sup> of earthworks.

*National Environmental Standards for Air Quality Regulations 2004*

- 9.3 The Air Quality NES sets environmental standards for air quality. Mr Bender's evidence confirms compliance with the standards.

*National Environmental Standards for Sources of Human Drinking Water Regulations 2007.*

- 9.4 The s42A report notes that there are no urban water supply bores within the vicinity of the application site and that this standard does not apply.

*National Environmental Standard for Freshwater 2020.*

- 9.5 The plant site is sufficiently distant from the Waimea River and other water bodies that it does not require consent under the NES-FW. Nor do any of the activities for which consent is sought trigger a requirement for consent.

### **Other Regulations**

- 9.6 Building consent will be required for the installation of the MARINI Latin America Carbon T-Box 130 buildings.

### **National Policy Statements**

- 9.7 Whilst not about urban development, the application links into the National Policy Statement on Urban Development 2020 by providing a competitive market for asphalt which meets with Objective 2: *Planning decisions improve housing affordability by supporting competitive land and development markets* and Objective 3: *Regional policy statements and district plans enable more people to live in, and more businesses and community services to be located in, areas of an urban environment in which one or more of the following apply: (b) the area is well-served by existing or planned public transport.*
- 9.8 I support Dr Morrissey' assessment of the relevant Objectives and Policies of the National Policy Statement for Freshwater Management 2020, which aligns with the Council's assessment in their s42A report.

**Tasman Regional Policy Statement**

9.9 As the TRMP has been written to be consistent with the Regional Policy Statement, it is considered that the proposal is also consistent with the Regional Policy Statement.

**Tasman Resource Management Plan**

9.10 There are a range of relevant Objectives and Policies under the TRMP. Those of most relevance are under Chapter 5 dealing with Site Amenity and Chapter 7 dealing with Rural Environment Effects. The application contained a detailed assessment.

9.11 In relation to transportation, at 9.10 of the s42A report the author noted the need for an additional Policy 11.1.3.4 which related to amenity values from traffic to be considered. I accept the relevance of the Policy, and note that the Applicant has amended the application to avoid a large disruption of the amenity by restricting transportation until 6.30pm weekdays and 6.00pm Saturday except for 30 nights per year where this is allowed until 10.00pm. The primary amenity effect of the truck traffic relates to noise which is addressed by Mr Bronka.

9.12 The Council noted that the application did not have a detailed assessment of the objectives and policies most directly related to air discharges.

<p>Ob 34.1.2; Pol 34.1.3.1: The need to avoid, remedy, or mitigate adverse effects of discharges at the same time as maintaining or enhancing air quality</p>	<p>The Application includes the use of a bag house which is best practice for controlling particulate emissions and there are not significant effects of the discharges to air on the surrounding environment.</p>
<p>Pol 34.1.3.2: To allow or regulate contaminant discharges to air in relation to their actual or potential contamination effects, including: adverse effects on human health; adverse effects on amenity values; contamination of adjacent sites; the production of objectionable, noxious or offensive odours.</p>	<p>Air dispersion modelling shows the predicted discharges being well below guidelines and standards for air quality. The cumulative effects of discharges from the Asphalt Plant stack together with the existing background contaminant concentrations are shown to be well within the relevant assessment criteria for all contaminants and averaging periods.</p>
<p>Pol 34.1.3.3: To provide for management of some actual and potential adverse effects of discharges to air - particularly odour and dust effects - as ancillary to land use activities, and to take them into account when resource consent applications are being considered.</p>	<p>It is therefore considered that the operation of the Asphalt Plant will have less than minor effects on human health and the environment, including sensitive ecosystems and crops.</p>
<p>Pol 34.1.3.4: To avoid adverse effects of discharges to air from outdoor burning in parts of Motueka and Richmond urban areas by banning the activity in those areas.</p>	
<p>Pol 34.1.3.7: To consider other resource management techniques such as buffer areas, separation distances, landscaping or planting requirements, or covenants over the land's title as an alternative means of protecting sensitive areas or activities from the adverse effects of discharges to air.</p>	
<p>Pol. 34.1.3.8 To adopt the best practicable option for discharge of contaminants to air associated with activities which are temporary or informal in nature.</p>	
<p>Pol. 34.1.3.11: To manage air quality to meet the NESAQ for ambient air quality,</p>	

<p>especially in relation to concentrations of PM<sub>10</sub>.</p>	
<p>Pol. 34.1.3.14: To take into account national guidelines for air quality when considering applications to discharge contaminants into the air.</p>	
<p>Pol. 34.1.3.16: To take into account potential adverse effects on ambient wintertime PM10 concentrations in the Richmond Airshed of discharges to air that may enter the Richmond Airshed.</p>	

9.13 Mr Bender has also commented on alignment with these provisions from a technical perspective in his evidence.

**Waimea River Park Management Plan 2010**

9.14 Objective 1 of the WRPMP seeks to maintain the Waimea Plains aquifer and maintain water quality, and both Objective 4 in relation to Public Access and Recreational Use and Objective 5 commercial use refer back to this. Mr Morrissey’s evidences shows compliance with Objective 1. The proposal is located within an existing lease area and is not removing land from recreation, it also enables a walkway around the eastern portion of the site for improved access. In relation to objective 5, the operation is reliant on the gravel extraction processes on site which are leased.

9.15 The proposed asphalt plant is located outside of the stopbank, therefore not obstructing the river floodway. It will also use the stockpiles of gravels within the reserve.

9.16 Mr Greenaway notes that the relevant Policies for commercial activities, namely gravel, are Policies 119, 120, 128-131. Discussions have commenced with the Council about lease requirements, including areas, termination and restoration requirements.

9.17 Public access is improved by the new positioning of the plant to provide for a 4m access pathway along the back of the site and by upgrading the stopbank.

**Other matters of consideration**

9.18 Under Section 104(1)(a) the consent authority is to assess any actual and potential effects on the environment of allowing the activity. Details of the effects are above in Part 8 of my evidence.

9.19 Under Section 104(3)(ii) consent authority must any effect on a person who has given written approval to the application. Fish and Game and NZTA have both given written approvals.

9.20 Under Section 105 the consent authority must 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.

9.21 Mr Bender has assessed these matters. The baghouse discharge method is the best practicable option for this type of discharge.

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**10.0 PART 2 MATTERS**

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- 10.1 Section 104 is subject to Part 2 of the RMA which provides for the Purpose and Principles of the RMA. The Purpose of the RMA is the sustainable management of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic and cultural wellbeing and health and safety while sustaining the potential of resources to meet the reasonably foreseeable needs of future generations, safeguarding the life supporting capacity of ecosystems and avoiding, remedying or mitigating any adverse effects of activities on the environment.
- 10.2 The proposed Asphalt Plant is considered to be able to operate in such a way that it will have no more than minor adverse effects, with improved technology to reduce air emissions and compliance with permitted noise standards. The proposed plant consists of relocatable containers, which are relatively small in size and do not require permanent structures. The location of the site has been chosen to be close to the source of the aggregate reducing transportation and the operation has been linked to the gravel extraction process in terms of tenure, so that when the gravel extraction ceases, so will the Asphalt Plant need to relocate from the site. The main adverse effect from the evidence appears to be traffic related, and the Applicant is seeking to mitigate and reduce the effects by limiting evening transportation to 30 nights per year and otherwise bringing the operation hours into line with other traffic flows on the road so the traffic amenity effects are reduced. The proposal also provides an alternative supply of asphalt which improves security of supply and provides an economic benefit for roading contractors and developers which is then forwarded on in terms of affordable development. It is therefore considered that the activity is a sustainable use of the site.
- 10.3 Submitters raised concerns that the proposal would be contrary to Section 6(d), public access along rivers. The application is located within an existing Lease Area which has part of that lease agreement is to be fenced off. The proposal will not remove any additional land from the Waimea River Park, and does not block access to the river itself. A 4m wide corridor is provided along the eastern boundary of the site to provide a pedestrian link from the end of Bartlett Road north to the stopbank. This improves public access as this is currently restricted. As will upgrading the stopbank.
- 10.4 The submissions from iwi related to Section 6(e), (f), (g), (h), and Section 7(a). The Applicant has been consulting with iwi regarding the application, and have accepted the recommendation for an Accidental Discovery Protocol and iwi monitor, and the Evidence in relation to both air discharges and impacts on water notes that the effects are less than minor. The Applicant has also adjusted the duration of consent it seeks to align with existing gravel extraction. A comprehensive restoration plan is proposed. The Applicant has offered to facilitate a Cultural Impact Assessment with iwi, at their discretion.
- 10.5 The expert evidence from Mr Greenaway, Mr Bender, Mr Clark, and Mr Morrissey note that the effect on the amenity values and quality of the environment are either less than minor or able to be mitigated by way of conditions on the consents.

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**11.0 COMMENTARY ON S42A RECOMMENDED CONDITIONS**

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- 11.1 The Applicant's technical experts have reviewed the S42A recommended conditions, and have a number of comments. Of note are a number of volunteered conditions that have not been adopted by Council, which the Applicant would like to have as specific conditions for neighbours to feel certain about the effects.



**Applicant Comments on Recommended Land Use Conditions for RM201000**

s42A number	My number	Volunteered Conditions	Council Conditions	Comments
			<b>General</b>	
1	1		The Consent Holder shall ensure that all works are carried out in general accordance with the information submitted in support of the applications RM201000, by Staig & Smith dated XXXX, further information received XXXX and attached Plans A, B, C dated XXX. In the event that there is any conflict between these documents and any condition of these consents, the conditions prevail.	
	2	In this resource consent the terms set out in this condition have the meanings specified in this condition:  <b>Lease area</b> means the wider Downer Group NZ Lease Area <b>Application Site</b> means the sub-lease area for the Consent Holder, including the access ways within the Lease Area <b>Plant Area</b> means the area within the Application Site that outside of the stopbank.		This is proposed for clarification and could be either a condition or advice note
	3	The Consent Holder shall prepare an Erosion and Sediment Control Plan (ESCP), to be submitted to Council's Engineering Department for certification for the operation of the Asphalt Plant and the Application Site. The ESCP shall include: (a) Details of all principles, procedures and practices that will be implemented for erosion, sediment and dust control to minimise the potential for sediment discharge from the site. (b) The design criteria and dimensions of erosion and sediment control structures.		This differs that the Draft ESCP submitted for the Earthworks Consent as is for the on-going operation of the plant after earthworks have occurred

		(c) A detailed site plan showing the location and timing of all erosion and sediment control structures to be implemented, including controls to remain in place until each stage is fully stabilised. (d) Construction timetable for the erosion and sediment control works and any bulk earthworks involved. (e) Timetable and nature of progressive site rehabilitation and revegetation proposed. (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 and/or the failure of any key erosion and sediment control structures.		
			<b>Construction</b>	
	4	The Consent Holder shall remove the existing crushing plant materials to at least 1m below ground level, if not already undertaken by Downer Group NZ Ltd as the lease holder for the Lease Area.		This is in line with the lease requirements for Downer
	5	The Consent Holder shall undertake benchmark testing of the Plant Area to ascertain soil contamination background levels.		This is also conditioned in the earthworks for the NES-CS consent
2	6		The <a href="#">Consent Holder</a> shall realign the stopbank and level and compact the Plant area prior to construction of the <a href="#">MARINI Latin America Carbon T-Box 130 buildings in accordance with Earthworks consent RM201018</a> .	<b>Deleted:</b> Applicant
3	7		The <a href="#">Consent Holder</a> shall install the MARINI Latin America Carbon T-Box 130, in accordance with manufactures specifications and Building Act requirements.	<b>Deleted:</b> Applicant
4	8		<a href="#">External lighting</a> is to be kept to a minimum and lights directed internally, away from any housing.	<b>Deleted:</b> Lighting

5	9		The height of the stack on the Bag House and the Silo shall not exceed 11 metres above surrounding levelled ground level.	
6	10		The stack <del>exit</del> shall be at least 2m in height above the roof of the baghouse	
	11	No buildings shall be located within the berm, and any fencing within the berm is to be post and wire.		Volunteered. Fencing type specified in response to preference provided by Council.
	12	Construction works on the Asphalt Plant authorised by this consent shall only occur between the following hours a) 0700 – 1800 Monday to Saturday b) No work shall occur on Sundays or public holidays All construction activities shall be carried out so as to comply with NZS683:1999 Acoustics – Construction Noise standards. To determine compliance, noise shall be measured and assessed in accordance with the provisions of NZS6801:2008 and NZS6802:2008.		This relates to construction of the Asphalt Plant itself. Earthworks also has this reference.
			<b>Operation</b>	
7	13		The MARINI Latin America Carbon T-Box 130 shall operate at a maximum rate of 130 tonnes per hour.	
	14	The Consent Holder shall not exceed a production rate of 400 tonnes per day.		
10				Condition not required as addressed through Applicants new proposed hours of operation condition.
			<b>Acoustic barrier</b>	
11	15		The Consent Holder shall construct a 3m high acoustic barrier prior to operation of the MARINI Latin America Carbon T-Box 130, in the location as shown on the Site Plan attached as Plan A RM201000 dated XXXX, being the edge of the Application Site and the Lease Area. a) The barrier shall have a minimum superficial mass of 10kg.m <sup>2</sup> .	

**Deleted:** 9 The Applicant shall transport asphalt between the hours of 6.30am and 10pm, subject to **conditions 13 and 14**.

			<p>b) The barrier shall be constructed with no gaps <u>or holes</u>.</p> <p>c) The barrier shall be maintained to be acoustically effective for as long as the consent is given effect to.</p>	
			<b>Operational Hours And Noise limits</b>	
8	16		The MARINI Latin America Carbon T-Box 130 shall operate to a maximum of 10 hours per 24 hours	
9			▼	Not required as addressed through new proposed hours of operation condition.
	17	The Consent Holder shall not operate the MARINI Latin America Carbon T-Box 130 or load and transport any asphalt from the Application site on Sundays or Public Holidays.		
14	18	<p>The Consent Holder shall operate as follows:</p> <p>Monday-Friday:</p> <ul style="list-style-type: none"> <li>6.30am-7am staff arrive</li> <li>7am-6.30pm operate MARINI Latin America Carbon T-Box 130, loading trucks, and truck movements transporting asphalt from the Application Site.</li> </ul> <p>Saturday</p> <ul style="list-style-type: none"> <li>6.30am-7am staff arrive</li> <li>7am-6.00pm operate MARINI Latin America Carbon T-Box 130 loading trucks, and truck movements transporting asphalt from the Application Site.</li> </ul> <p>Except for 30 days per year, the Consent Holder shall operate:</p> <p>Monday-Friday:</p> <ul style="list-style-type: none"> <li>6.30am-7am staff arrive</li> <li>7am-9pm operate MARINI Latin America Carbon T-Box 130</li> <li>7am-10pm loading trucks, and truck movements transporting asphalt from the Application Site.</li> </ul>	▼	<p>Volunteered to clarify what is being undertaken on site, so neighbours know when vehicle movements happening and to reduce the times when the Asphalt Plant and associated truck movements are operating after typical 'work hours'.</p>

**Deleted:** along the length or base

**Deleted:** The Applicant shall operate the MARINI Latin America Carbon T-Box 130 during the TRMP daytime hours.

**Deleted:** The number of evenings (5pm – 10pm) with truck movements is limited to 20 per year

		<p>Saturday:</p> <ul style="list-style-type: none"> <li>6.30am-7am staff arrive</li> <li>7am-6.00pm operate MARINI Latin America Carbon T-Box 130</li> <li>7am-10.00pm loading trucks, and truck movements transporting asphalt from the Application Site.</li> </ul>																							
11A	19		<p><u>The operation of the MARINI Latin America Carbon T-Box 130 and associated activities occurring on Application Site must comply with the times and noise limits set out below, at any position within the notional boundary of noise sensitive receiver sites.</u></p> <table border="1"> <thead> <tr> <th>Activity</th> <th>Hours</th> <th>Noise</th> </tr> </thead> <tbody> <tr> <td>Activity</td> <td>Hours</td> <td>Noise</td> </tr> <tr> <td>Operation of the MARINI Latin America Carbon T-Box 130 Plant and associated activities within the Application Site</td> <td>Monday to Friday 7am to 9pm Saturday 7am -6pm</td> <td>55</td> </tr> <tr> <td></td> <td></td> <td></td> </tr> <tr> <td></td> <td></td> <td></td> </tr> <tr> <td></td> <td></td> <td></td> </tr> <tr> <td></td> <td></td> <td></td> </tr> </tbody> </table>	Activity	Hours	Noise	Activity	Hours	Noise	Operation of the MARINI Latin America Carbon T-Box 130 Plant and associated activities within the Application Site	Monday to Friday 7am to 9pm Saturday 7am -6pm	55													<p>The Applicant agrees that noise limits are the best way of managing effects of noise from the Application Site. However, a traffic noise management plan is proposed for managing noise from traffic movements on the basis that controlling frequency, timing, routes, and mechanics are most appropriate and effective way to manage truck noise.</p>
Activity	Hours	Noise																							
Activity	Hours	Noise																							
Operation of the MARINI Latin America Carbon T-Box 130 Plant and associated activities within the Application Site	Monday to Friday 7am to 9pm Saturday 7am -6pm	55																							

- ~~Deleted: Asphalt Plant~~
- ~~Deleted: Proposed~~
- ~~Deleted: Proposed~~
- ~~Deleted: X dBA LAeq~~
- ~~Deleted: Monday to Friday 7am-9pm~~
- ~~Deleted: Y dBA LAeq~~
- ~~Deleted: Monday to Friday 6.30am-7am~~
- ~~Deleted: Transportation of staff, trucks and materials~~
- ~~Deleted: Monday to Saturday 6.30am-10pm~~
- ~~Deleted: X dBA LAeq~~
- ~~Deleted: Saturday 7am to 6pm~~
- ~~Deleted: Y dBA LAeq~~
- ~~Deleted: Saturday 6.30am-7am~~



	20	To determine compliance with <b>Condition 19</b> , noise shall be measured and assessed in accordance with the provisions of NZS6801:2008 Acoustics – Measurement of Environmental Sound and and NZS6802:2008 Acoustics Environmental Noise		Cross Reference Condition
	21	The Consent Holder shall prepare a Noise Management Plan (NMP) for transportation effects, and this may be part of the Traffic Management Plan. The purpose of the NMP is to minimise and manage noise from any truck or transportation movements both within and outside of the Application Site The NMP shall state: a. the number of truck movements allowed per time b. the times during which truck movements are allowed to be made to and from the Application site c. the checks that must be undertaken before a truck leaves the site to ensure the truck does not create additional instantaneous noise levels from loose parts or chains when driving on rural roads d. the procedures for ensuring that all drivers are aware of the TNMP and its requirements		
			<b>Traffic Management Plan</b>	
12	22		Prior the commissioning of the asphalt plant, the Consent Holder shall prepare a Traffic Management Plan to operate under, including inducting of all staff <u>and supply contractors</u> to ensure they are familiar with the requirements. The Traffic Management Plan shall: a) <u>Cover and apply to all trucks moving to and from the Application Site, including trucks collecting asphalt and delivery of aggregate, diesel and bitumen.</u> b) Detail the routes as per the Traffic Concepts Ltd report to be used to access the <u>Application site, including Route Map.</u>	To include all trucks accessing the site “ TMP to include map

Deleted:

			<p>Advice note: As consulted with Waka Kotahi NZ Transport Agency, consideration should be given to reducing the use of the Bartlett Road/State Highway 60 intersection and utilising alternative routes (preferred by Waka Kotahi NZ Transport Agency at the time of issuing this consent) through the Pugh Road/State Highway 60 and Ranzau Road/State Highway 6 intersections where it is practical and appropriate to do so;</p> <p>c) Identify for each transport route, where any potential conflicts with any other road users may be, and the appropriate response;</p> <ul style="list-style-type: none"> <li>For instance, the Consent Holder will not use the transport route past Ranzau School during the School drop off and pick up hour periods of 8.30am – 9.15am and 2.45pm-3.30pm. If Asphalt is required to be delivered during these times, then the alternative routes <u>avoiding Ranzau Road</u> shall be used.</li> </ul> <p>d) Address internal traffic flows <u>and speed limit of 10km/hr</u> within both the Waimea River Park Reserve and the application site and detail the one-way traffic flow system to be implemented onsite;</p> <p>e) Be reviewed and provided to Council for certification and provided to Waka Kotahi NZ Transport Agency for information.</p> <p>f) <del>Be reviewed at any stage when traffic volumes increase to more than 4 asphalt trucks per hour (averaged weekly), provided to Council for certification, and provided to Waka Kotahi NZ Transport Agency for information.</del></p>	<p>Make this more enabling</p> <p>Mr Fon's Condition</p> <p>Plan doesn't need reviewed</p>
15	23		<p>The consent holder shall maintain a record of truck movements to and from the <u>Application</u> Site and submit annually (no later than <u>30 June</u> each year)</p>	

**Deleted:** of Pugh Road

**Deleted:** annually (no later than XXX each year); and,

			to Council and Waka Kotahi NZ Transport Agency. <u>The record shall include details of the volume and location of the jobs, by which the trucking numbers and routes are able to assessed.</u>		<b>Deleted:</b> provided to <b>Deleted:</b> for information.
		All trucks shall be regularly maintained and serviced, with training of staff to ensure truck parts do not create additional instantaneous noise levels from loose parts or chains when driving on rural roads.			
			<b>Traffic Generation</b>		
13	24		The activity shall <u>not exceed 80</u> truck movements per day <del>once averaged</del> . Advice notes: <u>One movement is a trip into the Application Site or a trip out of the Application Site, and includes all delivery trucks as well as asphalt trucks.</u>	Simplifies  Not needed as now referenced in 12 above	<b>Deleted:</b> generate <b>Deleted:</b> a maximum of  <b>Deleted:</b> This equates to 40 truck collections per day, where one truck entering and exiting the site is counted as two movements. <del>There may be more than 40 movements per day on occasion, as long as the weekly average does not exceed 40 per day</del> <b>Deleted:</b> Any non-asphalt trucks should be included in the Traffic Management Plan, with their expected truck movements forming part of the plan. A limited should be placed in the number of truck movements associated with importing chip and crusher dust to the site. ¶ Any Traffic Management Plan prepared that specifies Truck Routes based on the origin or destination of trips should be applicable to all trucks servicing the plant, not just asphalt trucks <b>Deleted:</b> provided to <b>Deleted:</b> for information.
15	25		The consent holder shall maintain a record of truck movements to and from the <u>Application</u> Site and submit annually (no later than <u>30 June</u> each year) to Council and Waka Kotahi NZ Transport Agency. <u>The record shall include details of the volume and location of the jobs, by which the trucking numbers and routes are able to assessed.</u>		
			<b>Hazardous substances</b>		
	26	No more than 5,000 litres of diesel shall be stored in a self-bunded tank that is fit for purpose, with bollards shall be positioned around the perimeter of the tank			
	27	No more than 50,000 litres of Bitumen shall be stored in self-bunded transportation trailers.			
	28	Prior to the diesel tank being filled, the Consent Holder shall prepare an Emergency and Spill Contingency Plan for the Plant Area. The Plan shall include the following as a minimum:			

	<ul style="list-style-type: none"> <li>a) the name, job title and 24-hour telephone number for the person(s) responsible for activating the Plan;</li> <li>b) a description of the facility including the location, size and storage capacity. The description should include a map and/or diagrams;</li> <li>c) a site map of the location. This map is intended to illustrate the facility's relationship to other areas that may be affected by a spill. The map should be to scale and be large enough to include the location of your facility, nearby buildings or facilities, roads, culverts, catch basins, drainage patterns and any nearby bodies of water which could be impacted by a spill or topographic features which would affect access and response;</li> <li>d) the steps to be taken to report, contain, clean up and dispose of contaminants in the case of a spill;</li> <li>e) the means by which the Plan is activated;</li> <li>f) a description of the training provided to employees to respond to a spill;</li> <li>g) an inventory of and the location of response and clean up equipment available to implement the Plan;</li> <li>h) the date the Plan was prepared;</li> <li>i) a listing of local contractors or clean-up specialists;</li> <li>j) a listing of emergency numbers such as fire, ambulance and police; and</li> <li>k) Material Safety Data Sheets (MSDS) for the product.</li> </ul>		
29	<p>A spill kit shall be provided on-site in areas where hazardous substances are stored. These kits shall be visible, appropriately labelled and readily accessible by all staff. These kits shall contain absorbent materials, clean-up materials and personal protective equipment.</p>		

	30	<p>If a surface spillage occurs in the Plant Area, the following steps shall be undertaken without delay:</p> <ul style="list-style-type: none"> <li>a) stop the release at source;</li> <li>b) contain the release where possible;</li> <li>c) respond to any emergencies;</li> <li>d) report the release to the appropriate authorities and to the owner;</li> <li>e) assess the degree of contamination; and</li> <li>f) develop a corrective action plan in conjunction with the appropriate authority and clean up the released product.</li> </ul> <p><i>Advice Note:</i> Some of these management responses can be taken concurrently. Any accidental spill of bitumen or asphalt is to be scraped up and discharged to an appropriate facility or re-used within the Asphalt process.</p>		
	31	The tanks and all associated equipment on-site shall be regularly checked to ensure their integrity.		
	32	The Consent Holder shall keep an accurate written record of all accidents or incidents involving the spillage of hazardous substances and shall supply these to the Council's Team Leader Monitoring & Enforcement on request. Any spillage of hazardous substances where the substance is not collected and removed from site shall be reported immediately (within 24 hours) to the Council's Team Leader Monitoring & Enforcement.		
			<b>Flood Hazard</b>	
16	33		The Consent Holder shall not block the stopbank, and shall ensure that it is available <a href="#">to Council's Rivers Engineers</a> at all time for flood monitoring.	
17	34		Should an extreme flood even be predicted where it was expected that the flood waters would overtop the stopbank, the Consent Holder will remove the bitumen and diesel tanks from the site.	



		<b>Complaints register</b>		
	35	The Consent Holder shall maintain a complaints register for operation of the Asphalt Plant and truck movements to and from the Application site. The register shall be made available to Council upon request.		
			<b>Consent Duration</b>	
18	36		The <a href="#">Consent Holder</a> shall only operate <a href="#">the consent</a> whilst there is extraction and crushing operating on the Council approved lease areas within the Waimea River Park Reserve, or for a period of 20 years, whichever is the lessor.	
19	37		Once all extraction and crushing operations cease within the Waimea River Park Reserve, the Consent Holder shall vacate and remediate the <a href="#">Application</a> site within 6 months.	
		<b>Restoration Works</b>		
	38	The Consent Holder shall restore the site in accordance with the provided Restoration Plan attached at Plan X dated XX, and as outlined in Earthworks/NES-CS Consent RM201018.		

Deleted: Asphalt Batching Plant

Deleted: Asphalt Batching Plant

**Applicant Comments on Recommended Earthworks / NES-CS Conditions for RM201018**

		Volunteered Conditions	Council Conditions	Comments
			<b>General</b>	
1	1			
	2	In this resource consent the terms set out in this condition have the meanings specified in this condition:  <b>Lease area</b> means the wider Downer Group NZ Lease Area <b>Application Site</b> means the sub-lease area for the Consent Holder, including the access ways within the Lease Area <b>Plant Area</b> means the area within the Application Site that outside of the stopbank.		This is proposed for clarification and could be either a condition or advise note
2	3			
	4	The levelling of the Plant Area will include directing stormwater away from areas of potential discharge (tanks storage, conveyor belt and silo) and avoiding runoff across the Lease Area boundary		
3	5		The Consent Holder shall realign and regrade the stopbank level with the high point of the road and the connecting stopbank, ensuring a 4m wide top to the stopbank.	
	6	Earthworks are to be undertaken during a forecasted dry period.		Volunteered
	7	Earthworks are to be undertaken as quickly as possible to avoid a breach in the stopbank		Volunteered
			<b>Before work</b>	
4	8		Before undertaking any works authorised by this resource consent, the Consent Holder shall appoint a representative who shall be the Council's principle contact person in regard to matters relating to these resource consents	
5	9		The Consent Holder shall inform the Council's Team Leader – Monitoring and Enforcement, in	

**Deleted:** At least 15 working days prior to the commencement of the works, the Consent Holder shall submit to the Council's River Engineer a report prepared by an appropriately qualified professional engineer reviewing the construction plan including detailing the works proposed to the stopbank and surrounding land. ¶

¶ No works shall be undertaken until the plan has been certified by Council's River Engineer. The Certification shall be given if the proposed works do not put the existing stopbank at risk and the result of the works will at least maintain the design capacity of the stopbank.

**Deleted:** At least 15 working days prior to the commencement of the works, the Consent Holder shall submit to the Council's River Engineer a report prepared by an appropriately qualified professional engineer reviewing the construction plan including detailing the works proposed to the stopbank and surrounding land. ¶

¶ No works shall be undertaken until the plan has been certified by Council's River Engineer. The Certification shall be given if the proposed works do not put the existing stopbank at risk and the result of the works will at least maintain the design capacity of the stopbank.

**Deleted:** At least 15 working days prior to the commencement of the works, the Consent Holder shall submit to the Council's River Engineer a report prepared by an appropriately qualified professional engineer reviewing the construction plan including detailing the works proposed to the stopbank and surrounding land. ¶

¶ No works shall be undertaken until the plan has been certified by Council's River Engineer. The Certification shall be given if the proposed works do not put the existing stopbank at risk and the result of the works will at least maintain the design capacity of the stopbank.

			writing, of the name and contact details of the following persons: a. The Consent Holder's representative required under <b>Condition 8</b> . b. The principal contractor (if not the consent holder representative)	Cross Reference Condition
6	10		Should the person appointed under <b>Condition 8</b> change during the term of this resource consent, the Consent Holder shall provide the new name and contact details, in writing to the Council's Team Leader – Monitoring and Enforcement within one working day	Cross Reference Condition
7	11		At least 10 working days prior to the commencement of works, the Consent Holder shall notify the Council's Team Leader – Monitoring and Enforcement in writing, of the date that the works are intended to commence. The Consent Holder shall arrange for a site meeting between the Consent Holder's principal contractor and the Council's assigned monitoring officer, which shall be held non site prior to any works commencing. No works shall commence until the Council's assigned monitoring officer has completed the site meeting.	
8	12	The Consent Holder shall submit to the Council's River Engineer a report prepared by an appropriately qualified professional engineer designing the realignment of the stopbank for certification and other earthworks within the Plant Area for the acoustic barrier and the MARINI Latin America Carbon T-Box 130. The realignment of the stopbank shall anchor in with the height of the existing stopbank under the end of Bartlett Road to the south and the height of the stopbank where it re-joins. No works shall be undertaken until the plan has been certified by Council's River Engineer. The certification shall be given if the proposed works do not put the existing stopbank at risk and the result of		Suggested replacement wording for this condition as there appears to be a step missing being certification of the stopbank design plans.

**Deleted:** At least 15 working days prior to the commencement of the works, the Consent Holder shall submit to the Council's River Engineer a report prepared by an appropriately qualified professional engineer reviewing the construction plan including detailing the works proposed to the stopbank and surrounding land. ↑  
↑  
No works shall be undertaken until the plan has been certified by Council's River Engineer. The Certification shall be given if the proposed works do not put the existing stopbank at risk and the result of the works will at least maintain the design capacity of the stopbank.

		the works will at least maintain the design capacity of the stopbank. Advice Note: Once approved by Council, a copy is to be sent to Te Ātiawa Manawhenua Kt Te Tau Ihu Trust, Te Runanga o Ngāti Rārua, Ngāti Koata, Ngāti Kuia and Ngāti Apa ki te Rā Tō for information.		
				This condition is met in the replacement 12
9	14	At least 10 working days prior to the commencement of works, the Consent Holder shall prepare and submit an <u>Erosion</u> and Sediment Control Plan (ESCP) to the Council's Team Leader – Monitoring and Enforcement for certification. No works shall be undertaken until the ESCP has been certified by Council's Team Leader – Monitoring and Enforcement. Advice note: Certification of the ESCP is in the nature of certifying that adoption of the ESCP will result in compliance with the conditions of this consent. Once approved by Council, a copy is to be sent to Te Atiawa Manawhenua Kt Te Tau Ihu Trust and Ngāti Kuia and Ngāti Apa ki te Rā Tō for information.		
10	15	The following shall apply in respect of <b>Condition 14</b> : a. The Consent Holder may commence the activities in accordance with the submitted ESCP 15 working days after their submission, unless the Council advises the Consent Holder in writing that it refuses to certify them on the grounds that it fails to meet the requirements of the condition and gives reasons for its decision, and b. Should the Council refuse to certify the ESCP, the Consent Holder shall submit a revised plan to the Council for certification and (a) shall apply for any resubmitted plan.		Cross Reference Condition

**Deleted:** The Consent Holder shall prepare Engineering Plans for the realignment of the stopbank, to anchor in with the height of the existing stopbank under the end of Bartlett Road to the south, and the height of the stopbank where it re-joins. The Engineering Plans are to be submitted to Council's Engineering Department for certification to works on the stopbank commencing.

**Deleted:** Earthworks

11	16		<p>The ESCP required by <b>Condition 14</b> shall set out the practices and procedures to be adopted in order that compliance with the conditions of this consent is achieved. The ESCP shall include as a minimum:</p> <ul style="list-style-type: none"> <li>a) An aerial image of the site detailing, as a minimum, the location of             <ul style="list-style-type: none"> <li>i. Property boundaries</li> <li>ii. Surface waterbodies</li> <li>iii. Roads</li> <li>iv. All erosion, sediment and dust control measures, and</li> <li>v. Stormwater management measures and the direction of stormwater flows</li> </ul> </li> <li>b) Detailed drawings and specifications of all designated erosion and sediment control structures</li> <li>c) Construction timetable for the erosion and sediment control works, bulk earthworks, re-stabilisation of exposed ground and any planting</li> <li>d) Maintenance, monitoring and reporting procedures,</li> <li>e) Rainfall response and contingency measures including procedures to minimise adverse effects in the event of extreme rainfall events and/or the failure of any key erosion and sediment control structures and</li> <li>f) Hydrocarbon spill response and contingency measures</li> </ul> <p>Any changes to the ESCP shall be confirmed in writing by the Consent Holder and authorised by Council's Team Leader – Monitoring and Enforcement and shall not be implemented until notified of the authorisation</p>	Cross Reference Condition
12	17		<p>Prior to undertaking <u>earthworks</u> authorised by this consent, the Consent Holder shall ensure that all personnel working on the site are made aware of, and have access to the following:</p>	

			a) The <u>conditions</u> of this resource consent, and b) The certified ESCP as required by <b>Condition 9</b>	Cross Reference Condition
		<b>Cultural</b>		
	18	The Consent Holder shall undertake all works under an Archaeological Accidental Discovery Protocol. In the event, a Māori Archaeological site is found all works shall cease and the Consent Holder shall advise Te Ātiawa Manawhenua Kt Te Tau Ihu Trust, Te Runanga o Ngāti Rārua, Ngāti Koata, and Ngāti Kuia and Ngāti Apa ki te Rā Tō immediately of the discovery. <i>Advice Note:</i> For any archaeological discovery, the Consent Holder shall consult with the Central Regional Office of Heritage New Zealand Pouhere Taonga and shall not recommence works in the area of the discovery until the relevant Heritage New Zealand approvals to damage, destroy or modify such sites have been obtained.		Volunteered with iwi
	19	At least 5 days before earthworks begin, the Consent Holder shall invite an iwi monitor from Te Ātiawa Manawhenua Kt Te Tau Ihu Trust, Te Runanga o Ngāti Rārua, Ngāti Koata, and Ngāti Kuia and Ngāti Apa ki te Rā Tō to be present when earthworks are commencing to realign the stopbank and re-level the Plant Area. <i>Advice note:</i> An iwi monitor is not required at the end of the project when the application site is being re-earthworked to remove the access ramps over the stopbank and relevel the Asphalt Plant site, as the works will be occurring on a previously monitored modified site		This condition refers to the three iwi that submitted and the two iwi who engaged on the project separately from submitting.
			<b>During Work</b>	
13	20		Work authorised by this consent shall only occur between the following hours: a) 0700 – 1800 Monday to Saturday	There are no other operating hours conditions so the cross-reference isn't needed.

Deleted: consents



			b) No work shall occur on Sundays or public holidays	
14	21		All activities shall be carried out so as to comply with NZS683:1999, Acoustics – Construction Noise standards. To determine compliance, noise shall be measured and assessed in accordance with the provisions of NZS6801:2008 and NZS6802:2008.	
15	22		All erosion, sediment and dust control measures shall be installed prior to the commencement of any disturbance or discharge to land, and shall be maintained until all disturbed areas are stabilised and / or revegetated	
16	23		The consent holder shall adopt the best practical means to prevent the movement of disturbed soil or vegetation into surface water or flood waters impacting on the site. These measures may include, but are not restricted to: a) working during periods of fine weather when the likelihood of erosion and sedimentation will be less and risk of flooding is low; b) stormwater run-off controls around the area of disturbance, such as filter fences, cut-offs, culverts, and water tables to prevent scour, gullying or other erosion; c) providing undisturbed buffers between the land disturbance and any water body along with filter fences or other means of intercepting stormwater run-off; d) sediment traps adequate to contain and treat sediment-laden run-off water; and e) any other measures appropriate to the nature and scale of the land disturbance.	
17	24		If during the works fill or excavated soil needs to be temporarily stockpiled on-site, then the consent holder shall ensure stockpiles are: a) kept tidy and with a stable slope; and	

Deleted: 9

			b) stored in a manner that minimises any potential discharge of material into the surrounding environment	
18	25		The consent holder's operations shall not give rise to any discharge of contaminants (eg. dust), at or beyond the site boundary, which is noxious, dangerous, offensive or objectionable. Dust control measures shall be available and used on site, in accordance with the certified ESCP, to ensure compliance with this condition.	
			<b>Administration</b>	
19	26		<p>Pursuant to section 128 of the Resource Management Act the Council may, during the month of March each year, review any or all of the conditions of the consents for all or any of the following purposes:</p> <p>a) dealing with any adverse effect on the environment which may arise from the exercise of the consents that was not foreseen at the time of granting of the consent, and which is therefore more appropriate to deal with at a later stage; or to deal with any unforeseen adverse noise issue that might arise as a result of the implementation of these consents; or</p> <p>b) requiring the consent holder to adopt the best practicable option to remove or reduce any adverse effect on the environment resulting from the land disturbance; or</p> <p>c) to comply with any national environmental standards made under the Resource Management Act 1991</p>	
			<b>Duration</b>	
20	27		These consents shall expire 18 months after the commencement of the work approved under these consents	
21	28		These consents shall lapse on the XXXXX	Link to Lease expiry or 20 years whichever occurs first

		<b>NES-CS</b>		
	29	All works undertaken in association with the Application Site, including removal of the gravel crusher, realigning the stop bank and levelling the Plant Area, as well as restoration earthworks at the end of the consent shall be undertaken accordance with an Accidental Discovery Plan (ADP) for the Application Site.		A copy of this plan is attached in Mr O'Cain's evidence
	30	After removing the gravel crusher and associated infrastructure, the Consent Holder will undertake Benchmark analytical testing of the Application Site prior to installing the Asphalt Plant. Advice Note: If benchmark testing indicates remedial works are required, the Lease Holder Downer Group NZ Ltd shall be responsible		
	31	At the end of the consent, upon removal of the Asphalt Plant and associated infrastructure, the Consent Holder will undertake analytical testing of the Application Site. If testing shows changes to background testing, the Applicant shall remediate the Application Site to background levels in <b>Condition 30</b> .		
	32	The Consent Holder shall remove the access ramps over the stopbank, and place this material within the Lease Area and shall topsoil and plant with appropriate vegetation in accordance with the provided Restoration Plan attached at Plan X dated XX		

**Applicant Comments on Recommended Air Discharge Conditions for RM201002**

Council #	Applicant X	Volunteered Conditions	Council Conditions	Comments
1	1		The discharge shall only be contaminants to air from the manufacture of <u>asphaltic concrete fro the MARINI Latin America Carbon T-Box 130 plant</u> and ancillary activities at <u>Downer Group NZ Ltd's old crushing plant</u> at 272 Bartlett Road, Appleby. The application site located within <u>Lot 1 DP 368439, attached Plan A RM201002, dated XXXX, which forms part of this consent.</u>	Not sure why this does not appear to be consistent with other tv <del>Deleted: hot-mix</del> <del>Deleted: Downer's</del> <del>Deleted: the area of</del>
	2	In this resource consent the terms set out in this condition have the meanings specified in this condition:  <b>Lease Area</b> means the wider Downer Lease Area <b>Application Site</b> means the sub-lease area for the Consent Holder, including the access ways within the Lease Area <b>Plant Area</b> means the area outside of the stopbank.		This is proposed for clarification and could be either a condition or advise note
2	3		The discharge shall only be the following : a) Combustion by-products from the external combustion of diesel with a total net heat output of 13 megawatts; b) Organic contaminants (including odorous contaminants) from the operation of an asphalt plant capable of producing up to 130 tonnes per hour of asphalt and associated heated storage and handling of bitumen and asphalt; c) Dust from the handling and storage of aggregate and bulk solid materials associated with asphalt manufacture. d) <u>Occur</u> a maximum of 10 hours within a 24 hour period.	The gramm part is addr <del>Deleted: located in general accordance with attached Plan B RM201002, dated XXXX, which forms part of this consent</del>  <del>Deleted: Operating</del>
3	4		<b>Limits</b> The discharge shall not cause odour or particulate matter that is offensive or objectionable beyond the boundary of the Application site. Advice Note <i>Boundary of the site is defined as outside of the <u>Application Site</u> and acoustic fence. It is not the parcel boundary for the River Park.</i>	<del>Deleted: work area</del>
4	5		The concentration of PM <sub>10</sub> <u>filterable</u> particulate <u>matter</u> in the baghouse stack discharge shall not exceed 20 milligrams of PM <sub>10</sub> particulate per	

			cubic metre of air when adjusted to 0 degrees Celsius, 101.3 kilopascals on a dry gas basis.	
5				Mr Bender Deleted: The minimum stack exit velocity shall be 20 meters per second. Only achieved at 70t/hr, and is better met by Council's Condition 13 Velocity was proposed to ensure that discharge is vertical and unimpeded which is addressed in condition 13 below
6	6		The emission rate of PM <sub>10</sub> , filterable and condensable particulate matter collectively, from the baghouse stack shall not exceed 0.93 kilograms of PM <sub>10</sub> particulate per hour (0.17g/s).	Mr Benders Deleted: consisting of both filter and co Deleted: 0.62 un-known at this stage the combustible levels.
7	7		The temperature of asphalt product exiting the asphalt mixing mill or drum shall not exceed 175 degrees Celsius at any time.	
8	8		The burner shall be maintained and correctly adjusted to avoid smoke emissions	
			<b>Emissions control and pollution abatement measures</b>	
9	9		No part of the process associated with a discharge to air shall be operated without the associated emissions control equipment being fully operational and functioning correctly.	
10			<u>The asphalt plant shall be a continuous mix plant</u>	It is unclear Deleted: The asphalt plant shall feature a separate asphalt mixing mill or drum or another configuration featuring physical separation between aggregate drying and the mixing of the aggregate with bitumen and recycled asphalt pavement sound like aggregate separate - air happens in the same drum as the aggregate moves down the drum
11	10		While in operation, ventilation air from the asphalt mixing mill or drum shall be extracted and directed to the aggregate drying drum to be incinerated as part of the burner combustion air, and drying and combustion gases from the drying drum shall be extracted and directed to a baghouse fabric filtration system. Exhaust from the bag filter shall be discharged via a stack that is at least 2 metres above the roof of the baghouse.	Deleted: with a discharge height of no less than 7.8 metres above ground level at the base of the stack No need to monitorable above baghouse.
12	11		The conveyor(s) or method of conveyance of asphalt product from the asphalt mixing mill or drum to product silos shall be enclosed. While in operation, ventilation air from the enclosed conveyor(s) or method	

			of conveyance shall be extracted and directed to the aggregate drying drum and incinerated as part of burner combustion air	
13	12		The discharges from <u>the stack</u> shall be directed vertically into the air and shall not be impeded by any obstruction above the stack that decreases the vertical velocities below that which would occur in the absence of such obstructions.	Only 1 stack Deleted: stacks described in conditions 69 and 11 Deleted: s
14	13		All measures shall be taken to ensure that fugitive emissions from the extracted enclosures and equipment, ducting and emissions control equipment are kept to a practicable minimum <u>and all measures shall be taken to ensure the MARINI Latin America Carbon T-Box 130 operates as designed.</u>	Not all parts of the MARINI Latin America Carbon T-Box 130 sys Deleted: These measures shall include but not be limited to maintaining negative pressure conditions in the equipment while in operation
			<b>Monitoring</b>	
15	14		<p>The discharge of both filterable and condensable particulate matter discharged from the asphalt plant stack shall be measured within three months of the date of exercise of this consent and thereafter at least once every 12 months.</p> <p>a) Measurements shall occur when the asphalt plant is operating at greater than 50% of maximum production capacity.</p> <p>b) The method of sampling and analysis of filterable particulate matter shall be ISO 9096:2003, ASTM D3685-98, USEPA Methods 5 or 17, or equivalent methods.</p> <p>c) The method of sampling and analysis of condensable particulate matter shall be USEPA Method 202 or an equivalent method.</p> <p>d) The laboratory performing the testing and analysis shall be accredited under NZ/ISO/IEC 17025 to undertake the method used at the time of the test.</p> <p>e) Total particulate sampling results (the sum of filterable and condensable particulate measured) shall be reported as a concentration expressed as milligrams per cubic metre adjusted to 0 degrees Celsius 101.3 kilopascals, and on a dry gas basis, and as a mass emission rate expressed as kilograms per hour. The results shall include a description of the method used, the approximate rate of asphalt production during testing and any assumptions made.</p> <p>f) The consent holder shall provide test results to the Council's Team Leader Monitoring and Enforcement, within 30 working days of sampling</p>	



16	15		Continuous monitoring of differential pressure or an alternative method with the prior written approval of the Council's Team Leader Monitoring and Enforcement shall be employed to identify failure of filter element(s) within the baghouse. The monitoring system shall be fitted with an alarm in the case of element failure.	
17	16		The temperature of asphalt product exiting the asphalt mixing mill or drum shall be continuously monitored and the monitoring system shall be fitted with an alarm in the case of exceedance of the temperature specified in <b>condition 7</b> .	Check Cross reference
18			The consent holder shall implement the following measures to control the discharge of dust from the Application site. a) Prior to the initial exercise of this consent, water sprinklers or sprays shall be installed to control dust emissions from all storage bins containing material of a particle size of less than 3mm. b) Within 12 months of the initial exercise of this consent, all storage bins containing material of a particle size of less than 3mm shall be enclosed on three sides and fitted with a roof.	
19	18		In addition to the requirements of <b>condition 18</b> , the consent holder shall take all practicable measures to minimise the discharge of dust emissions from the site. These measures shall include but not be limited to: a) Minimising the heights of exposed stockpiles and drop heights; b) Sweeping, suction cleaning or use of other housekeeping measures to regularly remove accumulated bulk solid materials on yard or hardstand areas; c) Using water and/or dust suppressants on disturbed surfaces and stockpiles when required; d) Limiting vehicle speeds within the site	Check Cross reference
20	19		The discharge shall occur in accordance with an Air Quality Management Plan (AQMP). The AQMP shall be submitted to the Council's Team Leader Monitoring & Enforcement prior to the exercise of this consent. The AQMP may incorporate a series of monitoring, management and operational procedures, methodologies and contingency plans, and together shall accurately record all data required to comply with the conditions of this consent. The AQMP shall include, but is not limited to, the following:	Sought con Engineer di is a cut and reference.

**Deleted:** <#>Sealing of all surfaces adjacent to the asphalt plant and associated facilities that are subject to regular vehicle movements, in general accordance with Plan CRC151364B which forms part of this consent;¶  
page from a different consent given part

			<ul style="list-style-type: none"> <li>a) Identification of all fugitive and point sources of discharges of contaminants into air, including a map showing the location of each source;</li> <li>b) Procedures to minimise discharges of contaminants into air, including details of the inspection, maintenance, monitoring and contingency procedures in place for all emissions control equipment at the Application Site;</li> <li>c) Details of management and monitoring practices in place to minimise;</li> <li>d) Discharges of contaminants into air, including dust and odour;</li> <li>e) Details of methods and procedures for measuring operating parameters relating to discharges to air, including the monitoring required by <b>Conditions (14) to (17)</b>;</li> <li>f) Where appropriate, the operating parameters and manufacturer's instructions for all emissions control equipment.</li> <li>g) Procedures for the monitoring of dust and odour, including details of inspection procedures, recording requirements and contingency measures;</li> <li>h) The identification of staff responsibilities;</li> <li>i) The procedures for the receipt, recording and handling of air quality complaints received; and</li> <li>j) Details of the frequency and scope of the regular checks to be performance on emissions control equipment</li> </ul>	Check Cross reference
21	20		<p>The consent holder shall review and (if necessary) update the AQMP at least once every year for the term of this consent, to ensure that any review takes account of the monitoring for the previous year, and that a review is triggered in the event of any verified breach of <b>condition 3</b>. Any proposed changes to the AQMP shall be submitted to Council's Team Lead Monitoring &amp; Enforcement for certification within one month of the consent holder's review.</p> <p>The AQMP shall be certified if it gives effect to the conditions of consent and aligns with good practice.</p> <p><b>Records and Reporting</b></p>	Check Cross reference – not sure which condition was intended to be cross-referenced here.
22	21		<p>A record of complaints relating to discharges of contaminants to air from the Application site including odour or particulate matter or dust, shall be maintained and shall include:</p>	

			<p>a) Location of where the odour or particulate matter or dust was detected by the complainant;</p> <p>b) The date and time when the odour or particulate matter or dust was detected;</p> <p>c) A description of the wind speed and wind direction when the odour or particulate matter or dust was detected by the complainant;</p> <p>d) The most likely cause of the odour or particulate matter or dust detected; and</p> <p>e) Any corrective action undertaken by the consent holder to avoid, remedy or mitigate the odour or particulate matter or dust detected by the complainant.</p> <p>f) This record shall be provided to the Council on request.</p>	
			<b>Maintenance and Servicing</b>	
23	22		The Asphalt Plant and bitumen heater burners shall be serviced at least once every year by a person competent in the servicing of such devices. This servicing shall include ash and carbon deposit removal, and adjustment if necessary of the fuel to air ratio. Service reports shall be prepared and retained and copies shall be provided to the Council's Team Leader Monitoring & Enforcement during the month of March each year or on request.	
24	23		The bag filter shall be maintained in accordance with the manufacturer's recommendations in order to minimise the discharge of particulate matter. Records of the date and type of maintenance and inspections carried shall be kept and made available to the Council on request.	
			<b>Review</b>	
25	24		<p>The Council may, on any of the last five working days of April or October, serve notice of its intention to review the conditions of this consent for the purposes of:</p> <p>a) Dealing with any adverse effect on the environment which may arise from the exercise of the consent and which it is appropriate to deal with at a later stage; or</p> <p>b) Requiring the adoption of the best practicable option to remove or reduce any adverse effect on the environment; or</p> <p>c) Requiring further mitigation if particulate matter emission test results exceed the emission limit specified by <b>condition 5 6</b>; or</p> <p>d) <del>.....</del></p>	<p>Check Cross-reference</p> <p>No odour cc</p>

**Deleted:** Requiring further mitigation if odour emission test results, verified complaints and/or any other relevant information indicate non-compliance with **condition 3**, as determined by an officer of the Council

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## 12.0 CONCLUSION

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- 12.1 My evidence has considered the Application, all submissions, the s42A Recommendation Report and supporting memorandums from Mr Fon and Mr Winter, the s42A Recommended Conditions and the Applicant's evidence.
- 12.2 The Applicant seeks to include an additional resource consent into the bundle of consents being considered by the Hearings Panel. This is Discretionary Activity under Clause 11 of (NES-CS) to change the land use from Gravel Processing Plant to an Asphalt Processing Plant and to undertake up to 6,000m<sup>3</sup> of earthworks. As this is not seeking any additional activity, but is providing for consent under the Regulations, and is not altering the status of the bundle of consents from Discretionary, it is considered appropriate to consider and issue the additional consent.
- 12.3 The additional technical evidence which is being pre-circulated with my evidence confirms that the effects of the activities being sought will have a minor effect on the environment, subject to the conditions being volunteered to mitigate the effects.
- 12.4 The Application, the s42A Recommendation Report and my additional evidence above consider the activity in light of the Objectives and Policies of the various national environmental standards, national policy statements and the TRMP, as well as the Waimea River Park Management Plan. It is considered that the proposal is not contrary to the provisions of those instruments.
- 12.5 It is my conclusion that the Commissioners are able to consider the amended application before them under Section 104B.
- 12.6 I am happy to answer any questions the Commissioners have.

Jane Bayley  
Resource Management Consultant  
Staig & Smith Ltd

10 December 2021

# Appendix 1

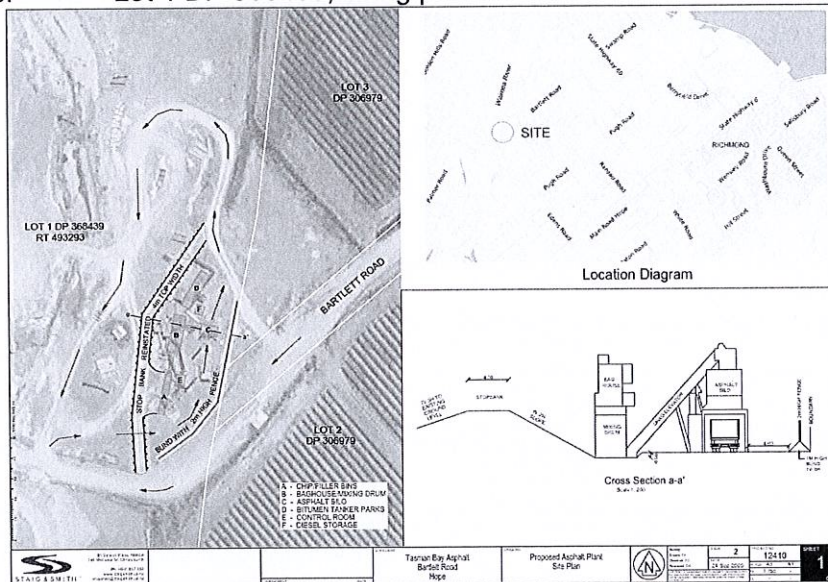
**TASMAN DISTRICT COUNCIL**  
**Written Approval of Affected Party - Resource Management Act 1991**  
**RM201000, RM201002 & RM201018**

**Applicants name:** Tasman Bay Asphalt Limited

Proposal being applied for: To construct and operate an Asphalt Plant at Bartlett Rd

- To construct and operate a MARINI Latin America Carbon T-Box 130 Asphalt Plant up to 10 hours per 24 hours at the old Bartlett Road Crushing Plant Site.
- To operate the MARINI Latin America Carbon T-Box 130 Asphalt Plant during the TRMP daytime hours.
- To operate transport asphalt between the hours of 6.30am and 10pm,
- To build a 3m high acoustic barrier adjacent to the road and side boundaries.
- To build up to 11m in height.
- To breach access and parking requirements, particularly
- relating to soakage of stormwater from the gravelled finish.
- To undertake earthworks to re-align the stop bank and to level and compact the land immediately adjacent to the toe of the stop bank.
- To maintain the stop bank.
- To discharge contaminants from an Asphalt Plant to air.

The property to which this application relates is: 272 Bartlett Road, Appleby  
 Lot 1 DP 368439, being part of RT 493293



**To be Completed by Persons or Organisation Giving Approval**

Name: Nelson Marlborough Fish + Game

Contact details: Ph. 03-5446382; Email: ldavey@fishandgame.org.nz

Affected Party Status: .....

I/We hereby acknowledge:

- I/We have been shown a copy of the above Application & Assessment of Effects on the Environment; &
- I/We have been shown & have signed a copy of the Scheme Plan attached hereto; &
- I/We do not oppose the proposed development & give my/our written approval in terms of the RMA 1991; &
- I/We authorise the Applicant to give this written approval to the Tasman District Council; &
- I/We understand that in considering the application, under s104(3)(a)(ii) of the RMA 1991, the Council will not take into account any actual or potential effect on my/our interests with respect to this proposal\*.

Signed [Signature] Date 21/6/2021

\*Under S104(4) of the RMA 1991, a consent authority considering an application must ignore s104(3)(a)(ii) if the person withdraws the approval in a written notice received by the consent authority before the date of the hearing, if there is one, or, if there is not, before the application is determined.



## Appendix 2



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100 Willis Street  
PO Box 5084, Lambton Quay  
Wellington 6145  
New Zealand  
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Fax: 64 4 894 3305  
[www.nzta.govt.nz](http://www.nzta.govt.nz)

15 March 2021

Waka Kotahi Ref: 2020-1252

Tasman Bay Asphalt  
c/o - Jane Bayley  
Staig and Smith Ltd

Via email: [jane@staigsmith.co.nz](mailto:jane@staigsmith.co.nz)

Dear Jane

Thank you for seeking affected party approval from Waka Kotahi NZ Transport Agency (Waka Kotahi) and for the information provided. Waka Kotahi has considered your client's proposal.

Waka Kotahi understands that resource consent is sought for the purpose of constructing and operating an asphalt plant at 272 Bartlett Road. The property is legally described as Lot 1 DP 368439, Record of Title 493293.

In assessing this application, Waka Kotahi notes the following:

- The property is located on a local (Council-administrated) road and feeds onto the state highway network via a number of state highway/local road intersections including the Bartlett Road/State Highway 60, Pugh Road/State Highway 60, and Ranzau Road/State Highway 6 intersections;
- The relevant section of State Highway 60 (near the Bartlett Road and Pugh Road intersections) is a Limited Access Road<sup>1</sup>, has a posted speed limit of 80kph, has an Annual Average Daily Traffic (AADT) volume of approximately 10,876 vehicles per day (9.949% being heavy vehicles)<sup>2</sup>, and is classified as a 'Regional' route under the One Network Road Classification<sup>3</sup> system;
- The relevant section of State Highway 6 (near the Ranzau intersection) is a Limited Access Road, has a posted speed limit of 70kph, has an Annual Average Daily Traffic (AADT) volume of approximately 14,046 vehicles per day (11.302% heavy vehicles)<sup>2</sup>, and is classified as an 'Arterial' route under the One Network Road Classification system;
- The site contains a quarry and an old crushing plant, both operated by Downer. Downer have replaced their processing facilities with relocatable crushers and will remove the old crushing plant and associated bins to make space for the proposed asphalt plant;
- The site - located in the Rural 2 Zone, where industrial activities are generally discouraged - has been selected based on its location close to a source of aggregate.
- The applicant intends to use the existing aggregate stockpiles within the Downer operation (which will have transportation efficiencies), however some material will need to be brought in from off-site for different asphalt grades;

<sup>1</sup> As per the Government Roading Powers Act 1989.

<sup>2</sup> Mobile Roads, estimated 2019 - <https://mobileroad.org/desktop.html>

<sup>3</sup> One Network Road Classification (ONRC) - <https://www.nzta.govt.nz/roads-and-rail/road-efficiency-group/projects/onrc>



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- The proposed activity will generate maximum of 80 truck movements<sup>4</sup> per day (averaged over the week). The applicant has volunteered to record the number of truck movements and submit annually to Council to ensure that the traffic generation estimate is adhered to;
- The operation of the asphalt plant will be managed under a site-specific Traffic Management Plan which will outline the access routes, any potential conflicts with other road users, and mitigation measures to address any conflicts. The Plan will be reviewed annually (or at any stage when traffic volumes exceed more than four asphalt trucks per hour when averaged over the week) and provided to Council for certification; and,
- Overall, any actual or potential adverse effects on the state highway network will be mitigated by the conditions of consent that have been volunteered by the applicant.

Written approval for the activity described above is attached. Please notify Waka Kotahi if changes to the application occur.

If you have any queries, please do not hesitate to contact Lea O'Sullivan at (03) 546 0116 or email [lea.osullivan@nzta.govt.nz](mailto:lea.osullivan@nzta.govt.nz).

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Lea O'Sullivan'.

**Lea O'Sullivan**

Consents and Approvals - Transport Services

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<sup>4</sup> Note: 1 truck movement (to and from the property) without a trailer equates to 6 equivalent car movements, or 10 equivalent car movements with a trailer, as per the Planning Policy Manual 2007 Glossary - <https://www.nzta.govt.nz/assets/resources/planning-policy-manual/docs/planning-policy-manual-appendix-1-glossary.pdf>



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## Form 8A

### Affected person's written approval to an activity that is the subject of a resource consent application

*Section 95E(3), Resource Management Act 1991*

Tasman Bay Asphalt  
c/o - Jane Bayley  
Staig and Smith Ltd

Via email: [jane@staigsmith.co.nz](mailto:jane@staigsmith.co.nz)

**Name of person giving written approval:** Waka Kotahi NZ Transport Agency (Waka Kotahi)

**This is written approval to the following activity that is the subject of a resource consent:**

- To construct and operate an asphalt plant at 272 Bartlett Road. The property is legally described as Lot 1 DP 368439, Record of Title 493293.

**Waka Kotahi received the following information / correspondence from the applicant:**

- A meeting attended by the applicant, the applicant's planner and transportation specialist, and representatives from Waka Kotahi, on 10 September 2020;
- A copy of the resource consent application and attachments, including the Traffic Impact Assessment, received via email on 30 November 2020; and,
- A copy of the amended resource consent application, incorporating the agreed mitigation measures as volunteered consent conditions, received via email on 2 March 2021.

**Waka Kotahi understands that the applicant has volunteered the following conditions:**

Site Traffic Management Plan:

1. Prior to the commissioning of the asphalt plant, the consent holder shall prepare a Traffic Management Plan to operate and induct all staff under. The Traffic Management Plan shall:
  - a. Detail the routes to be used to access the site as per the Traffic Impact Assessment (Traffic Concepts Ltd, 12 October 2020) submitted with the resource consent application.

*Advice note: As consulted with Waka Kotahi NZ Transport Agency, consideration should be given to reducing the use of the Bartlett Road/State Highway 60 intersection and utilising alternative routes (preferred by Waka Kotahi NZ Transport Agency at the time of issuing this consent) through the Pugh Road/State Highway 60 and Ranzau Road/State Highway 6 intersections where it is practical and appropriate to do so.*
  - b. Identify, for each transport route, where any potential conflicts with any other road users may be, and the appropriate response.



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- c. Address internal traffic flows and detail the one-way traffic flow system to be implemented onsite.
- d. Be reviewed and provided to Council for certification and provided to Waka Kotahi NZ Transport Agency for information annually (no later than XXX each year).
- e. Be reviewed at any stage when traffic volumes increase to more than 4 asphalt trucks per hour (averaged weekly), provided to Council for certification, and provided to Waka Kotahi NZ Transport Agency for information.

Traffic Generation:

2. The activity shall generate a maximum of 80 truck movements per day once averaged over the week.

*Advise note:*

- a) *This equates to 40 truck collections per day, where one truck entering and exiting the site is counted as two movements.*
  - b) *There may be more than 40 movements per day on occasion, as long as the weekly average does not exceed 40 per day.*
3. The consent holder shall maintain a record of truck movements to and from the site and submit annually (no later than XXX each year) to Council and provide to Waka Kotahi NZ Transport Agency for information.

In signing this written approval, Waka Kotahi understands that the consent authority must decide that it is no longer an affected person, and the consent authority must not have regard to any adverse effects of the proposed activity on Waka Kotahi.

Waka Kotahi understands that it may withdraw its written approval by giving written notice to the consent authority before the hearing, if there is one, or, if there is not, before the application is determined.

Please notify Waka Kotahi if changes to the application or volunteered conditions occur.

**Advice notes**

This letter does not constitute consent from Waka Kotahi to work within Waka Kotahi road corridor, only agreement to your proposal pursuant to the Resource Management Act 1991 (RMA). Additional authorisation pursuant to Section 52 of the Government Roadway Powers Act 1989 is required for works within the state highway corridor. Full construction details of the proposed works will need to be submitted by your contractor (via Submitica, <https://www.submitica.com/>) to Waka Kotahi as part of this approval. For any questions regarding this, please contact the local Network Controls Engineer.

This letter does not constitute approval from Waka Kotahi to use land subject to a designation under Section 176(1)(b) of the RMA.



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Please note this approval expires two years from the date below.

15 March 2021

Signature:

A handwritten signature in black ink that reads 'Jeremy Talbot'.

**Jeremy Talbot**

Principal Planner, on behalf of Waka Kotahi

Address for service of person giving written approval: Waka Kotahi NZ Transport Agency, Level 7, Majestic Centre, 100 Willis Street, PO Box 5084, Lambton Quay, Wellington 6145

Contact person: Lea O'Sullivan, Planning Contractor

Telephone: (03) 546 0116

Email: [lea.osullivan@nzta.govt.nz](mailto:lea.osullivan@nzta.govt.nz)

Alternate email: [environmentalplanning@nzta.govt.nz](mailto:environmentalplanning@nzta.govt.nz)