

BEFORE THE TASMAN DISTRICT COUNCIL

IN THE MATTER OF of the Resource Management Act 1991 ("the Act")

AND

IN THE MATTER OF of resource consent applications for Tasman Bay Asphalt Limited to establish and use an asphalt plant as an industrial activity on land zoned Rural 2, to discharge contaminants to air, and with associated land use for earthworks (RM201000, RM 201018 and RM201002)

BETWEEN **TASMAN BAY ASPHALT LIMITED**
Applicant

AND **TASMAN DISTRICT COUNCIL**
Local Authority

**MEMORANDUM OF COUNSEL FOR DR DAVID TEECE IN RESPONSE TO APPLICANT'S
PROPOSED CONDITIONS OF CONSENT**

Dated: 18 March 2022

Adderley Head

Acting Solicitor: Chris Fowler
PO Box 1751, Christchurch 8140
Tel: 021 311 784
Email: Chris.Fowler@adderleyhead.co.nz

MAY IT PLEASE THE COMMISSIONERS

INTRODUCTION

- 1 This memorandum is filed on behalf of Dr David Teece CNZM in response to the Commissioners' Minute Number 2 dated 27 January 2022 in which the Commissioners issued a timetable for circulation by Tasman Bay Asphalt Ltd (the **Applicant**) of proffered conditions of consent and comments on same by Council staff and submitters.
- 2 As the Commissioners will have gathered from Dr Teece's presentation at the hearing of this application, Dr Teece's preferred outcome is that the Commissioners, after weighing all the competing consideration, reach a conclusion that the application should be declined.
- 3 Without resiling from the above preferred outcome, Dr Teece expresses his appreciation to the Commissioners' for the opportunity to comment on the proposed conditions of consent.

Context for Dr Teece's proposed alterations to proposed conditions of consent

- 4 The Commissioners' will recall that Dr Teece's presentation at the hearing focussed on Dr Teece's primary concern, namely truck movements from the proposal. Dr Teece's evidence is that truck movements will deeply compromise both the bucolic nature of the area and public safety of other road users on Ranzau Road.
- 5 During the hearing Dr Teece argued that:
 - (a) the traffic safety issue on Ranzau Road is amplified because there is a school and community hall on the road, there are no sidewalks, and the road is part of a cycle pathway to Brightwater.
 - (b) the properties within the truck route plan on Bartlett's Road and Ranzau Road West that currently have the highest level of rural character and rural amenity will be subject to the greatest increase in truck movements due to the location of the asphalt plant and the truck route plan proposed by the Applicant.
 - (c) truck noise in the evenings will result in a 14 dB increase in noise level and will cause a noticeable reduction of amenity at Dr Teece's rural lifestyle property at 121 Ranzau Road West (**Teece property**) in the evening due to low ambient noise levels and absence of existing truck movements at this time.
 - (d) a similar increase in noise levels will occur on Saturdays, particularly in the afternoons, for the same reasons.

- (e) an increase of 14 dB in sound or noise level is a significant change that will have potentially severe impacts on the occupants of affected dwellings.
- (f) noise effects from truck movements will be exacerbated at the Teece property due to its location near the corner of Bartlett Road and Ranzau Road West.
- (g) All trucks departing the asphalt plant and the large majority of trucks returning to the asphalt plant will need to slow down approaching the corner and then accelerate away departing from the corner.
- (h) This will generate additional noise impacts on the Teece property due to truck braking particularly from compression breaking systems as trucks slow down before the corner and elevated truck engine noise due to high engine revving during gear changes as trucks accelerate away from the corner.

Preferred alteration to proposed consent conditions

River Road and Blackbyre Road transport route

- 6 Against the above context, Dr Teece's preferred alteration to the consent conditions is that all truck movements to and from the proposed asphalt plant are rerouted away from Bartlett Road and Ranzau Road and onto River Road and Blackbyre Road.
- 7 As mentioned in Dr Teece's legal submissions, Mr Clark's evidence for the Applicant states that there is a possible access point to Blackbyre Road that has recently been upgraded by NZTA.¹
- 8 Rerouting truck movements onto River Road and Blackbyre Road would address the traffic safety issues and adverse impacts on rural amenity and rural character discussed in Dr Teece's presentation. It would achieve an outcome that allows the proposal to proceed in a manner that is consistent with the TRMP objectives and policies that seek to protect rural character and amenity.
- 9 Counsel understands that the Applicant is not attracted to this outcome because River Road is not a public road and approval is required from the owner and/or leasees of the affected land to use this Road.
- 10 A consent authority cannot impose consent conditions that are not enforceable or which require an applicant to undertake activities on land not owned or controlled by the applicant.

¹ Legal submissions for Dr Teece at paragraph 30

- 11 Nonetheless this remains an alternative truck route that in my submission has not been satisfactorily assessed by the Applicant. Securing road access via this route is in my submission a commercial matter for the Applicant to address in order to present a proposal that successfully resolves effects on traffic safety, and rural character and amenity.

Bartlett Road transport route

- 12 Dr Teece's next preferred alteration to the consent conditions is that all truck movements to and from the proposed asphalt plant are rerouted away from Ranzau Road and onto Bartlett's Road.
- 13 This approach would reduce impacts on rural amenity and character by rerouting trucks away from Ranzau Road thereby avoiding the need for heavy vehicles to travel past the Teece property, Ranzau School and other rural lifestyle properties that trucks must pass when using the Ranzau Road route.
- 14 This would substantially simplify the proposed Truck Route Plan attached as Attachment A to Mr Clark's evidence and, similar to the above, would achieve an outcome that meets the TRMP objectives and policies that seek to protect rural character and amenity.

Alternative alterations to proposed consent conditions

- 15 The following alterations are proposed in the alternative if the Commissioners' are not minded to reroute truck movements in the manner discussed above.
- 16 The following alterations to mitigate truck noise and vibration effects on residential properties within the truck route and the Teece property are proposed:
- (a) Reduce the usual hours of operation as follows:
 - (i) Monday – Friday: reduce the finish time from 6:30 pm to 5.30 pm, and
 - (ii) Saturday: reduce the finish time from 6:00 pm to 12 noon.
 - (b) Regarding the so-called "Exception Event":
 - (i) remove provision for such Events entirely; or
 - (ii) alternatively, limit such Events to a maximum of 12 occasions per calendar year (i.e. one exception event per month on average) finishing at 9 pm weekdays and finishing at 6 pm Saturdays.

- (c) Require the applicant to install an acoustic fence designed and certified, following installation, by a suitably qualified acoustic engineer to ensure that the level of increase in noise levels experienced within the Teece property is no more than 10 dB above background ambient noise levels.
- (d) Amend condition 23 regarding a noise management plan for transportation effects to include a requirement that prohibits the use of compression release engine braking systems in the vicinity of the Teece property shown and more generally within the proposed Truck Route Plan attached as Attachment A to Mr Clark's evidence.
- (e) Insert a new condition 27A that requires the consent holder to at all times comply with the Traffic Management Plan and the Noise Management Plan specified in the proposed consent conditions.

17 The above alterations are shown as tracked changes to the proposed consent conditions that are attached marked **Appendix A** to this memorandum.

Dated 18th March 2022



Chris Fowler
Counsel for Dr David Teece

Filename as received by the Council:
20220224 Applicant's conditions post hearing and air quality conferencing TRACK CHANGES.docx

**25/02/2022: Applicant amendments to conditions
in response to pre-exchanged evidence and hearing day 3
and response to air quality conferencing**

LAND USE CONDITIONS FOR RM201000

General

1 The Consent Holder shall ensure that all activities 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:

- Lease Area** means the wider Downer Group NZ Lease Area.
- Application Site** means the sub-lease area for the Consent Holder, including the access ways within the Lease Area.
- Plant Area** means the area within the Application Site that outside of the stopbank.

Construction

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.
- (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.

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.

5 The Consent Holder shall undertake Standard Heavy Metal and Polycyclic Aromatic Hydrocarbon benchmark testing of the Plant Area to ascertain soil contamination background levels. Where a visual inspection indicates a previous fuel spill, testing shall also include Total Petroleum Hydrocarbons and BTEX compounds. If any soil contamination is found, it shall be relocated off site to approved facility.

Ltd

Commented [j1]: Amended upon Commissioner query in hearing

Commented [PD2]: I'm not convinced that who caused the contaminated soils is of any significance or relevance to the situation? If they want to use the consent they need to ensure the soils are dealt with as necessary. And maybe the contamination preceded Downer's use of the site?

Deleted: *Advice note:* It is acknowledged that removal of any contaminated soils off site to approved facility is the responsibility of the person who caused the contamination, ie Downer Group NZ

CSF-123020-5-328-V2

- 6 The Consent Holder shall realign the stopbank and level and compact the Plant area prior to construction of the MARINI Latin America Carbon T-Box 130 buildings in accordance with Earthworks Consent RM201018.
- 7 The Consent Holder shall install the MARINI Latin America Carbon T-Box 130, in accordance with manufactures specifications and Building Act requirements.
- 8 External lighting is to be kept to a minimum and lights directed internally, away from any housing.
- 9 The height of the Bag House and the Silo shall not exceed 11 metres above finished ground level.
- 10 The bag house stack shall not be less than 12.5m above the surrounding ground level and 13m above finished ground level immediately under the bag house.
- 11 The loadout area shall be enclosed to allow extraction of fugitive odours during vehicle loadouts through a stack not less than 12.5m above ground level. The design of the loadout enclosure shall be certified by a suitably qualified engineer and approved by TDC [appropriate position title] at least 10 days prior to commencement of construction.
- 12 Any fencing within the berm is to be post and wire.
- 13 Construction works on the Asphalt Plant authorised by this consent shall only occur between the following hours:
 - a) 0700 – 1800 Monday to Saturday, and
 - b) No work shall occur on Sundays or public holidays.
- 14 All construction activities shall be carried out so as to comply with NZS6803:1999 Acoustics – Construction Noise standards. To determine compliance, noise shall be measured and assessed in accordance with the provisions of NZS6801:2008 and NZS6802:2008.

Operation

- 15 The MARINI Latin America Carbon T-Box 130 shall operate at a maximum rate of 130 tonnes per hour.
- 16 The Consent Holder shall not exceed a production rate of 400 tonnes per day.

Acoustic barrier and acoustic fence

- 17 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.m².
 - b) The barrier shall be constructed with no gaps or holes.
 - c) The barrier shall be maintained to be acoustically effective for as long as the consent is given effect to.

17A The Consent Holder shall construct a an acoustic fence to ensure that the level of increase in noise levels arising from truck movements experienced within the Teece property at 121 Ranzau Road West is no more than 10 dB above existing ambient noise levels.

- a) The acoustic fence shall designed by a suitably qualified acoustic engineer and be constructed with no gaps or holes.

CSF-123020-5-328-V2

Commented [j3]: Amended for clarity and consistency of wording

Commented [j4]: Recommended by Air Quality experts (JWS)

Commented [CF5]: Alteration proposed by Dr Teece

- b) Following construction the acoustic fence shall be certified by a suitably qualified acoustic engineer as being built in accordance with the design referred to in clause (a) above.
- b) The acoustic fence shall be maintained to be acoustically effective for as long as the consent is given effect to.

Commented [CF6]: Alteration proposed by Dr Teece

Operational Hours and Noise limits

- 18 The MARINI Latin America Carbon T-Box 130 shall operate to a maximum of 10 hours per 24 hours.
- 19 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.

20 The Consent Holder shall operate as follows:

Monday-Friday:

- 6.30am-7am staff arrive
- 7am-5.30pm operate MARINI Latin America Carbon T-Box 130, loading trucks, and truck movements transporting asphalt from the Application Site.

Saturday

- 6.30am-7am staff arrive
- 7am-6.00pm operate MARINI Latin America Carbon T-Box 130 loading trucks, and truck movements transporting asphalt from the Application Site.

Commented [CF7]: Alteration proposed by Dr Teece

Deleted: 6

21 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.

Proposed activity	Operating hours	Noise limits
Operation of the MARINI Latin America Carbon T-Box 130	Monday to Friday 7.00am to 9.00pm Saturday 7.00am to 6.00pm	55 dB LAeq
All other activities within the Application Site, including: on site vehicle movements and the loading and unloading of trucks	Monday to Friday 7.00am to 9.00pm	55 dB LAeq
	Monday to Friday 6.30am to 7.00am	40 dB LAeq
	9.00pm to 10.00pm	70 dB LAMAX
	Saturday 7.00am to 6.00pm	55 dB LAeq
	Saturday 6.30am to 7.00am	40 dB LAeq
	Saturday 6.00pm to 10.00pm	70 dB LAMAX

Deleted: Except for 30 days per 12-month period (1 June to 31 May) ("Exception Event"), the Consent Holder shall may operate:¶

Monday-Friday: ¶
6.30am-7am staff arrive ¶
7am-9pm operate MARINI Latin America Carbon T-Box 130¶
7am-10pm loading trucks, and truck movements transporting asphalt from the Application Site.¶

Saturday:¶
6.30am-7am staff arrive ¶
7am-6.00pm operate MARINI Latin America Carbon T-Box 130¶
7am-10.00pm loading trucks, and truck movements transporting asphalt from the Application Site.

Deleted: ¶

22 To determine compliance with Condition 21, noise shall be measured and assessed in accordance with the provisions of NZS6801:2008 Acoustics – Measurement of Environmental Sound and NZS6802:2008 Acoustics Environmental Noise.

23 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 hour.
- b) The times during which truck movements to and from the Application site are authorised.

Deleted: time

Deleted: are allowed to be made

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) That the use of compression release engine braking systems in the vicinity of the Teece property at 121 Ranzau Road West and more generally within the proposed Truck Route Plan XXX is prohibited.

Commented [CF10]: Alteration proposed by Dr Teece

CSF-123020-5-328-V2

e) The procedures for ensuring that all drivers are aware of the NMP and its requirements.

f) If the Noise Management Plan does not form part of the Traffic Management Plan, it shall be provided to Council for certification that it meets the requirements of these conditions.

Commented [SG11]: If the Noise Management Plan does form part of the Traffic Management Plan, certification is provided for in condition 27.

24A The public shall be informed of a scheduled Exception Event via the Consent Holder's website. Exceptional events shall be listed on the website at least one month in advance of the scheduled start date, with weather dependency acknowledged if required. This is not a requirement for Exception Events that relate to urgent or emergency works where it is not practicable to inform the public in advance.

Commented [j12]: To address a comment from Commissioners

Commented [PD13]: To provide 1 month advance warning of exceptional events

Traffic Management

24 The Consent Holder shall seal in asphalt the trafficable routes as shown on Plan XXXX dated 25 January 2022 referred to in Condition 1, prior to commissioning the Asphalt Plant.

Commented [j14]: Request in hearing to clarify areas - plan provided

a) the area shown in pink on Bartlett Road, unless the works have already been undertaken by Council as part required by RM210544.

b) the extension of Bartlett Road into the Waimea River Park to the Application Site entrance, being the area shown in green.

c) the trafficable routes within the Application Site, being the areas shown in brown, including the loading area into the filler bins.

25 All trucks to and from the Application Site must use the truck routes set out in Table 1 and Plan XXXX [Truck Route Plan in application] referred to in Condition 1 except as provided for in a) below:

Destination	In-bound Movement	Out-bound Movement
Western	Route colour: Orange Description: Pugh Road – right turn onto Ranzau West Road – left turn onto Bartlett Road	Route colour: Red Description: Bartlett Road – left turn onto SH 60
Northern	Route colour: Yellow Description: Pugh Road – right turn onto Ranzau West Road – left turn onto Bartlett Road	Route colour: Green Description: Bartlett Road – right turn onto Ranzau West Road – Ranzau Road – left turn onto SH6
Southern	Route colour: White Description: left turn from SH 6 – Ranzau Road – Ranzau West Road – left turn onto Bartlett Road	Route colour: Blue Description: Bartlett Road – right turn onto Ranzau West Road – Ranzau Road – right turn onto SH 6

a) Exceptions:

i. Trucks will not use the Ranzau Road route to or from the Application Site between 8.15am-9.15am and 2.45pm-3.25pm. During those times, trucks that would otherwise use Ranzau Road will use the yellow route, unless ii. below also applies.

Commented [j15]: Times amended start 10 minutes before and finish 10 minutes after Traffic Bylaw applies.

Deleted: 30

Deleted: 5

Deleted: 30

Advice Note:

These times are 10 minutes before and after the reduced 40 km/hr speed limit past Ranzau School as defined in the Tasman District Council Speed Bylaws 2020.

- ii. Where there is a road closure blocking use of one of the routes in Table 1 and Plan X referred to in Condition 1. In that instance, trucks that would use that route may use an alternative route as necessary to reach their destination.

26 Within the Lease Area and within the Bartlett Road entrance to the Waimea River Park internal truck movements shall be in accordance with Plan [site plan] in Condition 1 and shall observe a speed limit of 10km/hr.

27 Prior the commissioning of the Asphalt Plant, the Consent Holder shall prepare a Traffic Management Plan to operate under, including inducting of all staff and supply contractors to ensure they are familiar with the requirements. The Traffic Management Plan shall:

- a) Cover and apply to all trucks moving to and from the Application Site, including trucks collecting asphalt and delivery of aggregate, diesel and bitumen.
- b) Identify for each transport route, including the Bartlett Road entrance to the Waimea River Park, where any potential constraints or conflicts with any other road users may be, and the appropriate safety responses;
- c) Require that 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.
- d) Be reviewed and provided to Council for certification and provided to Waka Kotahi NZ Transport Agency for information.

27A The Consent Holder shall at all times comply with the Noise Management Plan and the Traffic Management Plan referred to at clause XXX and clause XXX respectively.

Commented [CF16]: Alteration proposed by Dr Teece

28 The consent holder shall maintain a record of truck movements to and from the Application Site and submit annually (no later than 30 June each year) to Council and Waka Kotahi NZ Transport Agency. The record shall include details of the volume and location of the jobs, by which the trucking numbers and routes are able to assessed.

29 The activity shall not exceed 80 truck movements to or from the Application Site per day on the legal road network.

Advice note:

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.

30 The activity shall not exceed 8 truck movements to or from the Application Site per hour on the legal road network.

Hazardous substances [These conditions have been volunteered by the Consent Holder]

31 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.

32 No more than 50,000 litres of Bitumen shall be stored in self-bunded transportation trailers.

CSF-123020-5-328-V2

- 33 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:
- a) the name, job title and 24-hour telephone number for the person(s) responsible for activating the Plan;
 - b) a description of the facility including the location, size and storage capacity. The description should include a map and/or diagrams;
 - 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;
 - d) the steps to be taken to report, contain, clean up and dispose of contaminants in the case of a spill;
 - e) the means by which the Plan is activated;
 - f) a description of the training provided to employees to respond to a spill;
 - g) an inventory of and the location of response and clean up equipment available to implement the Plan;
 - h) the date the Plan was prepared;
 - i) a listing of local contractors or clean-up specialists;
 - j) a listing of emergency numbers such as fire, ambulance and police; and
 - k) Material Safety Data Sheets (MSDS) for the product.
- 34 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.
- 35 If a surface spillage occurs in the Plant Area, the following steps shall be undertaken without delay:
- a) stop the release at source;
 - b) contain the release where possible;
 - c) respond to any emergencies;
 - d) report the release to the appropriate authorities and to the owner;
 - e) assess the degree of contamination; and
 - f) develop a corrective action plan in conjunction with the appropriate authority and clean up the released product.

Advice Note:

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.

- 36 The tanks and all associated equipment on-site shall be regularly checked to ensure their integrity.
- 37 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.

Flood Hazard

[CSF-123020-5-328-V2](#)

38 The Consent Holder shall not block the stopbank, and shall ensure that it is available to Council's Rivers Engineers at all time for flood monitoring.

39 Should a flood event sufficient to overtop the stopbank be predicted by Council's flood warning network, the Consent Holder shall remove the bitumen and diesel tanks from the site.

Deleted: n extreme

Deleted: where it was expected that the flood waters would overtop the stopbank

Deleted: will

Commented [SG17]: Amendments to clarify size of flood and who predicts flood

Complaints register

40 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.

Restoration Works

41 The Consent Holder shall restore the site in accordance with the provided Restoration Plan attached at Plan XXXX dated XX, and as outlined in Earthworks/NES-CS Consent RM201018.

Consent Duration

- 42 The term of the consent is:
- a) 20 years or for the period that extraction and crushing operating on the Council approved lease areas within the Waimea River Park Reserve occurs, whichever is the lesser; and
 - b) Once all extraction and crushing operations cease within the Waimea River Park Reserve, the Consent Holder shall vacate and remediate the Application Site within 6 months.

43 The consent shall lapse 5 years from the date of commencement.

Administration

44 Pursuant to section 128 of the Resource Management Act the Council may, during the month of August each year, review any or all of the conditions of the consents for all or any of the following purposes:

Deleted: June

- 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
- b) to deal with any unforeseen adverse noise issue that might arise as a result of the implementation of these consents; or
- c) to deal with any unforeseen adverse traffic issue that might arise as a result of the implementation of these consents; or
- d) 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.

CSF-123020-5-328-V2

EARTHWORKS / NES-CS CONDITIONS FOR RM201018

General

- 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 and RM201018, by Staig & Smith dated XXXX, further information received XXXX and attached Plans A, B, [and 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:
Lease Area means the wider Downer Group NZ Lease Area.
Application Site means the sub-lease area for the Consent Holder, including the access ways within the Lease Area.
Plant Area means the area within the Application Site that outside of the stopbank.
- 3 Any levelling and compacting of the Plant Area shall not impact the functionality of the stopbank.
- 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
- 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.
- 7 Earthworks are to be undertaken as quickly as possible to avoid a breach in the stopbank

Deleted: to

Before work

- 8 Before undertaking any works authorised by this resource consent, the Consent Holder shall appoint a representative who shall be the Council's principal contact person in regard to matters relating to these resource consents
- 9 The Consent Holder shall inform the Council's Team Leader – Monitoring and Enforcement, in writing, of the name and contact details of the following persons:
 - a) The Consent Holder's representative required under **Condition 8**, and
 - b) The principal contractor (if not the consent holder representative)
- 10 Should the person appointed under **Condition 8** 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.
- 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.
- 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

[CSF-123020-5-328-V2](#)

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 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.

- 13 At least 10 working days prior to the commencement of works, the Consent Holder shall prepare and submit an Erosion 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 Ātiawa Manawhenua Kt Te Tau Ihu Trust and Ngāti Kuia and Ngāti Apa ki te Rā Tō for information.

- 14 The following shall apply in respect of **Condition 13:**
- 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.
- 15 The ESCP required by **Condition 13** 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:
- a) An aerial image of the site detailing, as a minimum, the location of:
 - i. Property boundaries,
 - ii. Surface waterbodies,
 - iii. Roads,
 - iv. All erosion, sediment and dust control measures, and
 - v. Stormwater management measures and the direction of stormwater flows
 - b) Detailed drawings and specifications of all designated erosion and sediment control structures,
 - c) Construction timetable for the erosion and sediment control works, bulk earthworks, re-stabilisation of exposed ground and any planting,
 - d) Maintenance, monitoring and reporting procedures,

- 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
- f) Hydrocarbon spill response and contingency measures.

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.

- 16 Prior to undertaking earthworks 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:
- a) The conditions of this resource consent, and
 - b) The certified ESCP as required by **Condition 13**.

Cultural

- 17 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.

Advice Note:

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.

- 18 At least 5 days before earthworks begin, the Consent Holder shall invite 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 nominate an iwi monitor](#) to be present when earthworks are [occurring](#) to realign the stopbank and re-level the Plant Area.

Deleted: a representative iwi monitor from

Advice note:

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

During Earthworks

- 19 Work authorised by this consent shall only occur between the following hours:
- a) 0700 – 1800 Monday to Saturday, and
 - b) No work shall occur on Sundays or public holidays.
- 20 All activities shall be carried out so as to comply with NZS6803:1999 Acoustics – Construction Noise standards. To determine compliance, noise shall be measured and assessed in accordance with the provisions of NZS6801:2008 Acoustics – Measurement of Environmental Sound and NZS6802:2008 Acoustics Environmental Noise.
- 21 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
- 22 The consent holder shall adopt the best practical [measures](#) 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:

Deleted: means

[CSF-123020-5-328-V2](#)

- 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.

23 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
- b) stored in a manner that minimises any potential discharge of material into the surrounding environment.

24 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.

25 The Consent Holder shall, subject to any unforeseen weather or site remediation, complete the earthworks to relocate the Stopbank and level the Plant Area within six months of commencing earthworks.

Commented [SG19]: To address Council officer comment during hearing

Administration

26 Pursuant to section 128 of the Resource Management Act the Council may, during the month of June each year, review any or all of the conditions of the consents for all or any of the following purposes:

- 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
- b) to deal with any unforeseen adverse noise issue that might arise as a result of the implementation of these consents; or
- c) 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
- d) to comply with any national environmental standards made under the Resource Management Act 1991

Duration

27 The term of the consent is:

- a) 20 years or for the period that extraction and crushing operating on the Council approved lease areas within the Waimea River Park Reserve occurs, whichever is the lesser; and
- b) Once all extraction and crushing operations cease within the Waimea River Park Reserve, the Consent Holder shall vacate and remediate the Application Site within 6 months.

28 These consents shall lapse 5 years from the date of commencement.

NES-CS

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.

CSF-123020-5-328-V2

- 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, which shall involve sampling in a grid pattern across the Application Site, and analysis of each sample for:
- (a) Standard Heavy Metals:
- Arsenic
 - Cadmium
 - Chromium
 - Copper
 - Lead
 - Nickel
 - Zinc
- (b) Polycyclic aromatic hydrocarbons
- (c) Target Total Petroleum Hydrocarbons and BTEX compounds where visual inspection indicates a previous fuel spill.

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 in accordance with condition 30. If testing shows changes to background testing, the Applicant shall remediate the Application Site to Benchmark levels.
- 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 XX dated XX

Commented [SG20]: From Martyn O'Cain, to clarify nature of sampling.

Deleted: background

Deleted: in **Condition 30**

AIR DISCHARGE CONDITIONS FOR RM201002

- 1 The discharge shall only be contaminants to air from the manufacture of asphaltic concrete from the MARINI Latin America Carbon T-Box 130 plant and ancillary activities at Downer Group NZ Ltd's old crushing plant at 272 Bartlett Road, Appleby. The application site located within Lot 1 DP 368439, attached Plan A RM201002, dated XXXX, which forms part of this consent.
- 2 In this resource consent the terms set out in this condition have the meanings specified in this condition:
Lease Area means the wider Downer Lease Area.
Application Site means the sub-lease area for the Consent Holder, including the access ways within the Lease Area.
Plant Area means the area outside of the stopbank.
- 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) Occur a maximum of 10 hours on any day.

Limits

- 4 The discharge shall not cause odour or particulate matter that is offensive or objectionable beyond the boundary of the Application site.
Advice Note
 Boundary of the site is defined as outside of the Application Site and acoustic fence. It is not the parcel boundary for the River Park.

5 The concentration of filterable and condensable PM₁₀ particulate matter collectively in the baghouse stack discharge shall not exceed 30 milligrams of PM₁₀ particulate per cubic metre of air when adjusted to 0 degrees Celsius, 101.3 kilopascals on a dry gas basis.

Commented [j21]: Recommended by Air Quality Witnesses (JWS)

6 The minimum baghouse stack exit velocity shall be 10 metres per second.

Commented [j22]: Clarification

7 The emission rate of PM₁₀, consisting of both filterable and condensable particulate matter collectively, from the baghouse stack shall not exceed 0.93 kilograms of PM₁₀ particulate per hour (0.26g/s).

8 The temperature of asphalt product exiting the asphalt mixing mill or drum shall not exceed 175 degrees Celsius at any time.

9 The burner shall be maintained and correctly adjusted to avoid any visible smoke emissions from the baghouse stack.

Commented [j23]: Recommended by Air Quality Witnesses (JWS)

Advice note:

This condition excludes emissions of steam/water vapour from the stack.

Emissions control and pollution abatement measures

CSF-123020-5-328-V2

10 No part of the process associated with a discharge to air, as described in the application, shall be operated without the associated emissions control equipment being fully operational and functioning correctly.

11 The asphalt plant shall be a MARINI Latin America Carbon T-Box 130.

12 While in operation, drying and combustion gases from the mixing 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 not less than 12.5m above the surrounding ground level and 13m above finished ground level immediately under the bag house.

Commented [j24]: Consistency

13 The asphalt loadout area shall be fully enclosed and all emissions during loadout shall be directed to a stack at a height of not less than 12.5 metres above the surrounding ground level. The extraction system shall be designed to maintain negative pressure at all times within the enclosure, achieving an efflux velocity of at least 10m/s from the emission stack. The enclosure shall be fitted with rapid opening doors that are opened only for the purpose of truck entry and exit. The consent holder shall submit the plan of the load out enclosure area design, which must be peer reviewed by a suitably qualified Engineer, for approval by Council (Team Leader Monitoring and Enforcement) at least 10 days prior to construction commencing.

Commented [GU25]: From JWS

Commented [LP26]: Correct title, Council does not have a Manager Resource Use. See condition 20 for title

Deleted: Manager Resource Use

14 Loadouts from the hot mix storage (silos) to trucks must occur with the roller doors closed and the extraction system fully operational. The cover may be secured either inside or outside the loadout area but must be secured before the truck exits the Application Site.

Commented [SG27]: Condition is from JWS but has been amended because part of the recommended condition was not achievable for health and safety reasons. The JWS condition included:

"and the load must be covered before the roller door is lifted and the truck leaves the loadout area"

This would require the truck driver to walk around on the hot asphalt underneath the silo.

15 Discharges from both stacks shall be directed vertically into the air and shall not be impeded by any obstruction above the stacks that decreases the vertical velocities below that which would occur in the absence of such obstructions.

16 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 and all measures shall be taken to ensure the MARINI Latin America Carbon T-Box 130 operates as designed.

17 Activated Carbon Filters shall be fitted on the bitumen tank vents to prevent fugitive odour discharges.

Commented [j28]: Recommended by Air Quality Witnesses (JWS)

18 The Filler bins shall be fitted with lids.

19 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.

20 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 for certification that it meets the requirements of these conditions, prior to the exercise of this consent. The discharge shall not commence until written notice of certification of the AQMP by the Council is received. 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 all measures necessary to achieve compliance with the conditions of consent, including but not limited to, the following:

Commented [SG29]: Amendment to JWS condition to clarify purpose of certification

Commented [j30]: Recommended by Air Quality Witnesses (JWS)

- a) Identification of all fugitive and point sources of discharges of contaminants into air, including a map showing the location of each source;

CSF-123020-5-328-V2

- 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;
- c) Details of management and monitoring practices in place to minimise discharges of contaminants into air, including dust and odour. These measures shall include,
 - i. Minimising the heights of exposed stockpiles and drop heights;
 - ii. Daily visual monitoring of potential fugitive dust emissions.
 - iii. Sweeping, suction cleaning or use of other housekeeping measures to regularly remove accumulated bulk solid materials on yard or hardstand areas;
 - iv. Using water and/or dust suppressants on disturbed surfaces, internal trafficable routes and stockpiles when required;
 - v. Limiting vehicle speeds within the Lease Area and within the Bartlett Road entrance to the Waimea River Park to 10km/hr.
- d) Details of methods and procedures for measuring operating parameters relating to discharges to air, including the monitoring required by **Conditions 23 to 26;**
- e) Where appropriate, the operating parameters and manufacturer's instructions for all emissions control equipment.
- f) Procedures for the monitoring of dust and odour, including details of inspection procedures, recording requirements and contingency measures;
- g) The identification of staff responsibilities;
- h) The procedures for the receipt, recording and handling of air quality complaints received; and
- i) Details of the frequency and scope of the regular checks to be performance on emissions control equipment.

Commented [j31]: Air Quality experts (JWS) moved the Dust Control plan requirements to here, so no separate dust control plan

Deleted: ;

Maintenance and Servicing

- 21 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 to prevent visible smoke and particulate matter emissions. Service reports shall be prepared and retained and copies shall be provided to the Council's Team Leader Monitoring & Enforcement during the month of June each year or on request.
- 22 The bag filter shall be pro-actively managed and maintained in accordance with the manufacturer's recommendations in order to minimise the discharge of particulate matter. This includes, but is not limited to, maintaining sufficient inventory to ensure bags are changed out before, or immediately after, any tears or holes develop. Records of the date and type of maintenance and inspections carried shall be kept and made available to the Council on request.

Commented [j32]: Recommended by Air Quality Witnesses (JWS)

Commented [GU33]: JWS

Monitoring

- 23 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.
 - a) Measurements shall occur when the asphalt plant is operating at greater than 50% of maximum production capacity.
 - 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.
 - c) The method of sampling and analysis of condensable particulate matter shall be USEPA Method 202 or an equivalent method.
 - 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.
 - e) Total particulate sampling results (the sum of filterable and condensable particulate measured) shall be reported as a concentration expressed as

CSF-123020-5-328-V2

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.

f) The consent holder shall provide test results to the Council's Team Leader Monitoring and Enforcement, within 30 working days of sampling

24 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.

25 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 **condition 8**.

26 The consent holder shall review and (if necessary) update the AQMP required in **Condition 20** 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 **condition 4**. Any proposed changes to the AQMP shall be submitted to Council's Team Lead Monitoring & Enforcement for certification within one month of the consent holder's review.

The AQMP shall be certified if it gives effect to the conditions of consent and aligns with good practice.

Records and Reporting

27 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:

- a) Location of where the odour or particulate matter or dust was detected by the complainant;
- b) The date and time when the odour or particulate matter or dust was detected;
- c) The date and time when the odour or dust complaint was received;
- d) The name, telephone number and address of the complainant;
- e) A detailed description of the odour or dust incident taking into account the frequency, intensity, duration, offensiveness and location;
- f) A description of the wind speed and wind direction when the odour or particulate matter or dust was detected by the complainant;
- g) Details of key operating parameters at the time of the odour incident;
- h) The most likely cause of the odour or particulate matter or dust detected; and
- i) Any corrective action undertaken by the consent holder to avoid, remedy or mitigate the odour or particulate matter or dust detected by the complainant.
- j) This record shall be provided to the Council on request.

Commented [j34]: Recommended by Air Quality Witnesses (JWS)

Duration

28 The term of the consent is:

- a) 20 years or for the period that extraction and crushing operating on the Council approved lease areas within the Waimea River Park Reserve occurs, whichever is the lesser; and
- b) Once all extraction and crushing operations cease within the Waimea River Park Reserve, the Consent Holder shall vacate and remediate the Application Site within 6 months.

29 This consent shall lapse 5 years from the date of commencement.

[CSF-123020-5-328-V2](#)

Administration

- 30 Pursuant to section 128 of the Resource Management Act the Council may, during the month of June each year, review any or all of the conditions of the consents for all or any of the following purposes:
- 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
 - 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
 - c) Requiring further mitigation if particulate matter emission test results exceed the emission limit specified by **condition 6** or if a **breach** of **Condition 4** occurs at or beyond the property boundary.

Commented [j35]: Recommended by Air Quality Witnesses (JWS)

[CSF-123020-5-328-V2](#)

18/02/2022 Applicant amendments to conditions in response to pre-exchanged evidence and Hearing day 3 and Air Quality Conferencing.

17

Alastair Jewell

From: Chris Fowler <Chris.Fowler@adderleyhead.co.nz>
Sent: Friday, 18 March 2022 3:24 pm
To: Alastair Jewell
Subject: Response of Dr Teece - Reminder: Tasman Bay Asphalt Ltd's application - any comments on applicant conditions by 4pm 18 March 2022 (my ref RM201000 and ors)
Attachments: Memorandum of Counsel for Teece 180322.pdf; Dr Teece's comments on Applicants conditions post hearing and air quality....docx

Hi Alastair

Please find **attached** for filing on behalf of Dr Teece the following documents:

- Memorandum of counsel for Dr Teece, and
- the Applicant's proposed conditions of consent inclusive of alterations and comments by Dr Teece.

Would you please bring these documents to the attention of the Commissioners and the Applicant.

Regards

CHRIS FOWLER

Partner
Mob 021 311 784



www.adderleyhead.co.nz

Level 3, 77 Hereford Street, Christchurch 8011

PO Box 1751, Christchurch 8140;

IMPORTANT – The contents of this email may be privileged and confidential. Any unauthorised use of the contents is expressly prohibited. If you have received the document in error, please advise us by telephone (reverse charges) immediately and then delete the document. Unless you request otherwise, we will not send a hard copy of this email or its attachments (if any). Please consider the environment before printing this email.

From: Alastair Jewell [mailto:Alastair.Jewell@tasman.govt.nz]
Sent: Thursday, 10 March 2022 1:18 PM
To: Chris Fowler <Chris.Fowler@adderleyhead.co.nz>
Subject: Reminder: Tasman Bay Asphalt Ltd's application - any comments on applicant conditions by 4pm 18 March 2022 (my ref RM201000 and ors)

Submission no 69 received from:
David Teece
C/- Adderley Head Solicitors - C Fowler
PO Box 1751
Christchurch 8140

Sent by email: chris.fowler@adderleyhead.co.nz

Kia ora,

Tasman Bay Asphalt Limited resource consent applications – Submitter comment on applicant's offered conditions

Thank you again for having given the time to present your evidence to the Hearing panel.

This is a reminder that under the Panel's Minute No 2, as a submitter you have the chance to comment on the applicant's offered conditions of consent. You must make sure that we get your comments by **4.00pm 18 March 2022**.

- [Link to minute no 2](#)
- [Link to Applicant's offered conditions](#)
- [Link to the Council officers' comments](#)
- [Link to use to upload your comments](#) (you will be asked for name and email so we know who it's from), or else attach to an email to me.

I re-iterate that this does not mean the Commissioners intend to grant consent. They are asking for this as part of the evidence to consider whether they grant or decline consent, and appropriate conditions *if* they are minded (after due deliberation) to grant consent.

For any queries contact me – email is recommended – and I will get back to you as quickly as possible.

Ngā mihi,

Alastair Jewell

Principal Planner – Resource Consents

Alastair Jewell

Principal Planner - Resource Consents

DDI +64 3 543 8422 | Mobile +64 27 225 8948 | Alastair.Jewell@tasman.govt.nz

Private Bag 4, Richmond 7050, NZ



SUBSCRIBE TO REAL-TIME LOCAL UPDATES AND REPORT ISSUES TO US QUICKLY AND EASILY

GET IT ON Google Play | Download on the App Store

tasman Te Kāunihera o te tai o Aorere

Antenno
be informed. Get involved.

This e-mail message and any attached files may contain confidential information, and may be subject to legal professional privilege. If you are not the intended recipient, please delete