

Notice is given that a Resource Consent Hearing will be held on:

Date	Wednesday 19 January 2022 Thursday 20 January 2022 (reserve day – Friday 21 January 2022)
Time	9.30 am (day one)
Meeting room	Council Chambers
Venue	Tasman District Council, 189 Queen Street, Richmond
Zoom	Available – details on application webpage

## Commissioners (Resource Consent) Hearing

### **AGENDA**



Commissioners	David Mountfort (Chair) Liz Lambert
Council staff	Phil Doole, Principal Planner, Resource Consents Leif Pigott, Team Leader - Natural Resources, Resource Consents Daniel Winters, Team Leader, Environmental Health Ari Fon, Consultant Traffic Engineer Alastair Jewell, Principal Planner (Hearing Facilitator)
	Phone: 03 543 8422 Email: <a href="mailto:alastair.jewell@tasman.govt.nz">alastair.jewell@tasman.govt.nz</a> Website: <a href="http://www.tasman.govt.nz">www.tasman.govt.nz</a>

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**Note:** The reports contained within this agenda are for consideration and should not be construed as the decision of the Council.

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## AGENDA

### 1 Opening, welcome

### 2 Reports

- 2.1 Tasman Bay Asphalt Limited’s resource consent applications at 272 Bartlett Road, Appleby 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 - Council reference RM201000 and ors .....5

### Resource consents applied for

#### Land use consent RM201000

To construct and operate an asphalt plant and associated activities as an industrial activity on land zoned Rural 2.

#### Land use consent RM201018

Land use consent for earthworks on or within 10 metres of the toe of the stopbank that runs through the eastern berm of the Waimea River to re-form and re-align the stopbank.

#### Discharge permit RM201002

Resource consent to discharge contaminants to air from the operation of the asphalt plant.

### Submissions

This application was publicly notified on 5 June 2021 and 73 submissions were received. Of these, 23 support the application, 47 oppose the application, and 3 are neutral. A total of 27 submitters asked to be heard, though three subsequently withdrew the request to speak.

#### Purpose of report

This report is not the decision on the application.

It contains advice and recommendations from professional planners and other experts.

It has yet to be considered by the Hearings Commissioners delegated by Tasman District Council to decide this resource consent application.

The decision will be made after the Commissioners have considered the application, this report, and heard all evidence from the applicant and the submitters.

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## 2.1 Tasman Bay Asphalt Limited’s resource consent applications at 272 Bartlett Road, Appleby 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.

Council reference RM201000 and ors

### DECISION REQUIRED

Report to	Commissioners (Resource Consent) Hearing
Meeting date	19 January 2022, 20 January 2022
Report author	Alastair Jewell, Principal Planner - Resource Consents
Report number	REPC22-1-19
Attachments:	<ol style="list-style-type: none"> <li>1. Section 42A report and recommendation by reporting officers</li> <li>2. Amended site plan received</li> <li>3. Truck route map</li> <li>4. Draft restoration plan (received 30 November 2021)</li> <li>5. Technical review – traffic effects assessment – Ari Fon</li> <li>6. Technical review – acoustic effects assessment – Daniel Winters</li> <li>7. Aerial map of the submitters’ property locations</li> <li>8. Further information from applicant (received 23 November 2021)</li> <li>9. TRMP maps – zoning, notations and areas</li> <li>10. Recommended draft land use conditions – Industrial activity – RM201000</li> <li>11. Recommended draft land use conditions – earthworks – RM201002</li> <li>12. Recommended draft air discharge permit conditions – RM201018</li> </ol>
<p><b>Report and recommendation.</b></p> <p>The Section 42A report and recommendation on the resource consent application (Attachment 1) has been prepared by Phil Doole and Leif Pigott as the Council’s reporting planners.</p> <p>Expert technical comments have been provided on traffic effects by Ari Fon (consultant traffic engineer engaged by the Council – see Attachment 5) and noise effects by Daniel Winter (Team Leader, Environmental Health – see Attachment 6.)</p> <p>This Section 42A report and attachments was compiled for release by Mr Alastair Jewell, Principal Planner.</p>	

Pages 102 to 104 (Attachment 10 - Recommended draft land use conditions - Industrial activity pp 2 to 4) replaced with corrected pages 102, 103, 104, 104A (Recommended draft land use conditions - Industrial activity pp 2 to 5) to include operational / noise hours table ,omitted in error from original.

Alastair Jewell, Principal Planner - Resource Consents  
12.00 pm 6 December 2021

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## REPORT UNDER SECTION 42A OF THE RESOURCE MANAGEMENT ACT 1991

Item 2.1

Attachment 1

Resource application by	Tasman Bay Asphalt Limited
Application number	RM201000, RM201002 and RM201018
Site address	272 Bartlett Road, Hope
Legal description	Lot 1 DP 368439 (land vested in Tasman District Council for River Control purposes)
Location co-ordinates (NZTM):	1610092 easting and 5423305 northing
Report and recommendation prepared by:	Phil Doole, Principal Planner Resource Consents Leif Pigott, Team Leader – Natural Resources, Resource Consents

**Note:** This report sets out the advice and recommendations of the reporting planners and expert advisers. The independent commissioners delegated by Tasman District Council to decide this resource consent application have not considered this report yet. The independent hearing commissioners will only make a decision after they have considered the application and heard all evidence from the applicant, submitters and council officers.

### 1 Introduction

- 1.1 This is a report prepared under section 42A of the Resource Management Act 1991 (RMA or the Act) on the application by Tasman Bay Asphalt Limited (the Applicant) for:
- a. resource consent (land use) to construct and operate an asphalt plant and to build an acoustic barrier, being an industrial activity proposed to be sited in a Rural 2 zone (RM201000); and
  - b. resource consent for a permit to discharge contaminants from the proposed asphalt plant operation to air (RM201002); and

c. resource consent (land use) to carry out earthworks on or within 10 metres of the toe of the stopbank that runs through the site on the eastern berm of the Waimea River, for the purpose of re-forming and re-aligning the stopbank (RM201018).

1.2 The purpose of this report is to summarise the application, the actual and potential effects, and how the proposal fits with the planning framework provided by the relevant statutory and non-statutory planning instruments.

1.3 Because the Council is the landowner of the site and also the manager of local roads, there are potential conflicts of interest with the Council being an end user of the product from the proposed asphalt plant. Therefore, independent advice has been obtained with regard to the effects of the heavy traffic (asphalt truck) movements that will be generated by the proposed activity.

### Qualifications and experience

1.4 As the proposal involves both district land use consents and a discharge permit, the s42A report is co-authored, the following are their statements of their experience, together with that of the expert technical advisors.

#### Phil Doole

1.5 Phil Doole: I am a Principal Planner with Tasman District Council. I hold the qualifications Bachelor of Surveying and Masters of Regional and Resource Planning, both from the University of Otago. I have over 30 years' experience in the fields of planning and resource management in New Zealand. I am an Intermediate member of the New Zealand Planning Institute, and I have been a Certificate Holder of the RMA Making Good Decisions Programme since 2008. I recently held the position of Resource Consents Manager for Tasman District Council for 12 years (2009-2020), and previously I was the District Planner for Timaru District Council for three years (1999 to 2002), and the Gisborne District Council for three years (2002 to 2005). At all three Councils, I was responsible for managing the processing of resource consent applications and associated matters.

#### Leif Pigott

1.6 I am the Team Leader Natural Resource Consents at Tasman District Council. I have been employed by the Council since 2007. I hold the qualification of a Master of Science



degree from Auckland University, and I am a full member of the NZPI. I have over 24 years work experience for Regional and Unitary Councils in NZ, including domestic and industrial wastewater treatment, land application of wastewater, air quality, and other resource consent application processing.

- 1.7 I was employed as a scientist at Environment Waikato specializing in air quality for seven years. I have completed a Calmet and Calpuff modelling course. This gave me an understanding of these models, but I do not use them in my day-to-day role. They are complex and the modelling is best undertaken by someone who uses them regularly.
- 1.8 While I worked at Environment Waikato (in the late 1990s) I worked closely with Deborah Ryan on the Regional Air Plan (Ms Ryan signed off the PDP report for this application). I do not consider this to be a conflict of interest.
- 1.9 I have lived in Richmond for the last 14 years and I am familiar with the river park where the proposal is situated, I cycle, walk my dog, fish for trout the river and take my boys to the fish out ponds.

#### Ari Fon

- 1.10 I am a Director of Affirm NZ Ltd, a private engineering consultancy. I hold a Bachelor's Degree in Civil Engineering with honours from Canterbury University. I am a Chartered Member of Engineering New Zealand (CMEng) and a member of the Transportation Group of Engineering New Zealand.
- 1.11 I established Affirm NZ approximately five years ago, following a long period of employment with Aurecon NZ Ltd, a multi-disciplinary engineering consultancy. For the previous 15-year period I was manager of the Aurecon Nelson office, with specific responsibility for land development and transportation projects.
- 1.12 I am experienced in traffic and transportation engineering and have worked in these disciplines throughout the Nelson, Tasman and Marlborough regions and New Zealand. I have also completed many traffic and access assessments for developments adjacent to both local roads and state highways throughout the Tasman region over the past 15 years. I am an experienced road safety auditor and have completed numerous Safety Audits for Waka Kotahi NZ Transport Agency as well as for Tasman District Council on local road projects.

Daniel Winter:

- 1.13 I am the Team leader Environmental Health at Tasman District Council, a position I have held since April 2021. I was previously an acoustic consultant working at Styles Group Acoustic and Vibration Consultants and one of a team of eight consultants specialising in the measurement, prediction and assessment of environmental and underwater noise, building acoustics and vibration. I have approximately 18 years' experience in the industry, including 14 years at Auckland Council where I held positions of Team Leader Compliance Response Noise and Principal Environmental Health Specialist. My qualifications are BSc. Environmental Health, Post graduate diploma in Acoustics and Noise Control. My written evidence is within my area of expertise which is set out above
- 1.14 We have all visited the site and the environs while preparing our respective reports on this application.

### Expert witness code of conduct

- 1.15 We acknowledge that this is a consent authority hearing. We have read and agree to comply with the Code of Conduct for expert witnesses as set out in the Environment Court Consolidated Practice Note 2014. We have also read and am familiar with the Resource Management Law Association / New Zealand Planning Institute "Role of Expert Planning Witnesses" paper. We confirm that the evidence on resource management matters that we present is based on our qualifications and experience, and within our area of expertise. We are not aware of any material facts which might alter or detract from the opinions we express. If we rely on the evidence or opinions of another, our evidence will acknowledge that.

## 2 Proposed activities

- 2.1 The applicant seeks consent to construct and operate an asphalt plant on a site at the end of Bartlett Road, Hope, beside the Waimea River stopbank. This asphalt plant will replace an existing gravel crushing and processing plant on the site that has been decommissioned.
- 2.2 The applicant proposes to install a MARINI Latin America Carbon T-Box 130 Asphalt Plant (the Asphalt Plant), with production capacity up to 130 ton/hr. The proposed

Asphalt Plant consists of prefabricated, relocatable modules. The chimney stack is to be at least 2m above the Bag House height.

- 2.3 The maximum daily production volume of the proposed plant is 400 tonnes, however the amount of asphalt produced per day will vary and on average a typical day might see 150 tonnes produced.
- 2.4 Transportation of the product will be by asphalt trucks. Consent is sought for 80 truck movements per day (ie, 40 return trips) once averaged. The anticipated number of movements on a day-to-day basis will be around two trucks per hour (four vehicle movements) and at peak time four trucks per hour (eight vehicle movements). The frequency of vehicle movements is limited by the batching plant turnaround time for loading, which is around 15 minutes.
- 2.5 Aggregate for the plant will mainly be sourced from a gravel crushing and processing operation at the same locality on the river berm. Aggregate material sourced from off-site will only be needed in very limited instances. Therefore, the asphalt trucks will be the main traffic associated with the proposed asphalt plant that will be using local roads; and there will not be cumulative effects of trucks transporting aggregate from the site as well.
- 2.6 Due to constraints on the local road network, particularly at intersections, the applicant is proposing to restrict the asphalt trucks to certain routes to and from the State Highways 6 and 60 – utilising Bartlett Road, Ranzau Road West, Ranzau Road and Pugh Road, to minimise right-hand turns at intersections. These are all sealed local roads. The choice of route will depend on the destination of the asphalt. The routes are shown in the application and on the aerial photo map in **Attachment 3**
- 2.7 A six-day working week is proposed (Mondays – Saturdays), with the Plant able to operate for 10 hours each day between 7am and 9.00pm, and truck movements to occur in a 10-hour period between 6.30am and 10pm. The evening hours are sought because some projects, such as the surfacing of runways or roads and roundabouts take place at night-time. The amended application specifically excludes night-time operations.
- 2.8 The air discharge from the burner is filtered through the Bag House. The Applicant seeks to operate the Asphalt Plant up to a maximum of 10 hours within a 24-hour period,

during daytime hours as defined for noise management in the Tasman Resource Management Plan (TRMP).

- 2.9 The discharged contaminants will include fine particulate, coarse particulate (dust), odour, nitrogen oxides, carbon monoxide and volatile organic contaminants.
- 2.10 The activity is proposed to have a duration such that the asphalt batching plant shall only operate whilst there is extraction and crushing operating within the Waimea River Park, or for a period of 20 years, whichever is the lesser, and that once all extraction and crushing operations cease within the Waimea River Park, the applicant shall vacate and remediate the asphalt batching plant site within 6 months.
- 2.11 Where it runs through the crushing plant site, the stop bank has been modified over past years and it is not clearly defined. The application includes proposed earthworks to re-align the stop bank on the river side of the proposed asphalt plant, so that the plant itself is located outside of the flood protection berm.
- 2.12 The land on the inland side of the stopback will be levelled and compacted, and a bund formed along the southern boundary as part of an acoustic barrier.
- 2.13 An amended site plan dated 26 November 2021 (see **Attachment 2**) shows the stop bank re-alignment being moved 5 or 6 metres towards the river, to provide for public access along the eastern side of the site to enable a link around the site for travel along the stopbank.
- 2.14 The applicant has also provided a Draft Restoration and Access Plan (dated 30 November 2021) following consultation with iwi and Council's river management staff, a copy of which is in **Attachment 4**
- 2.15 Detailed descriptions of the proposed activities and the asphalt plant operation can be found in the amended application (dated April 2021) including the Assessment of Environmental Effects (AEE) and associated specialist reports.

### 3 Site description and environs

- 3.1 The application site is part of the Downer gravel processing area at the end of Bartlett Road, Hope, on Lot 1 DP 368439 which is part of land vested in Tasman District Council

for river control purposes comprising the Waimea River and berms. As a Unitary Authority, this Council has the role of a Catchment Board.

- 3.2 The river control land vested in the Council is subject to the Waimea River Park Management Plan 2010. The purpose of that Plan is to provide for management and development of the river berm lands along the Waimea River. Relevant provisions of the Plan are considered later in this report.
- 3.3 Aerial photography from the 1940s and the 1953 Survey Office Plan 9863 show that there has been gravel crushing and processing activities on this site since those times, before the stopbanks were constructed during 1955-1960; presumably with variations in the scale of activity over time reflecting fluctuations in the supply and demand for aggregate. This gravel processing site has extended over 500 m along the river berm and small areas of neighbouring land, but it has diminished in footprint over the past 5 years. Our understanding is that the gravel crushing and processing plant sitting the stop bank crest has been decommissioned, and mobile crushers are now being used when required.
- 3.4 Whereas the crushing plant activities have extended onto neighbouring land, the site plan included in the application indicates that the asphalt plant operation will be confined to the Council controlled land.
- 3.5 The Council's Property Section has advised us that the application site is expected to be subject to a new lease agreement that is currently being negotiated with Downer NZ Ltd, to replace the previous lease that expired on 14 January 2017. The new lease will reduce the lease area to between the berm road and the stopbank. It will authorise use of part of the lease area for an asphalt plant, subject to obtaining resource consents for that activity. The new lease will likely be for a term of nine years, which is consistent with the leases for two other similar activities (Fulton Hogan and Edridge) on the river berm 2 km downstream towards the State Highway 60 bridge.
- 3.6 The boundaries at the southern end of the Downer lease area are also subject to change, to ensure that the end of Bartlett Road is kept clear and there is safe public access along the eastern side of the site to link with the stop bank north and south (see the amended site plan dated 26 November 2021 in **Attachment 2**). Our understanding is the boundary changes at the southern end of the site will enable improved

maintenance and public access along the stopbank, but will not make any significant difference to the proposed activity and any adverse effects.

- 3.7 The proposed asphalt plant operation will involve truck movements within the lease area on the river berm, at least 130 m from the current riverbank.
- 3.8 There is a HAIL site (ID 159) identified on the river berm 100m north of the proposed asphalt plant operation – that is a past landfill site. There is a plan in place to remove dumped spoil from the balance of the gravel processing and storage area and to rehabilitate that area. The aims are to improve biosecurity control and restore amenity and recreational values of the river berm.
- 3.9 To the east, inland of the stopbank, the site is bounded by horticulture production on the fertile soils on the Waimea Plains. The closest dwellings are a cluster at the end of Edens Road, with 202 Edens Road being the closest at approximately 600 metres distance, and dwellings along Bartlett Road with 239 Bartlett Road being the closest at approximately 700 metres distance from the site.
- 3.10 Land alongside the local roads that are proposed to be used for the asphalt truck routes is predominately rural in nature. It is used for a mixture of agricultural and horticultural use, with the majority of horticultural use being pip fruit orchards with some grape plantings. There are two industrial activities located on the southwestern side of Ranzau Road, being a timber operation and a fertilizer company. Both are sited within land zoned as Rural Industrial.
- 3.11 Ranzau School and the Hope Community Church are located opposite each other on Ranzau Road, approximately midway between SH6 (Main Road Hope) and Pugh Road; and there is a localised area of concentrated residential development on either side of Ranzau Road, near to the intersection with SH6. Outside of this area, housing along the local roads is more rural-residential in nature.
- 3.12 Regarding air discharges, the proposed site is approximately 3.5 km to the west of the Richmond Airshed. The closest consented air discharge activity of note is the use of coal-fired boilers for horticultural production in large commercial glasshouses, 2 km to the northeast of the proposed asphalt plant site, noting that the boilers are being converted to wood fuel.

## 4 Existing use rights and resource consents

- 4.1 We are not aware of any land use consent having been granted for the Downer gravel crushing and processing activities at the site (as distinct from permits to extract gravel from the river bed), so we assume they have existing use rights for continuing this land use – at least to the scale required to provide the asphalt plant with sufficient aggregate for the proposed rate of asphalt production.
- 4.2 Replacement water take and discharge permits RM170569 and RM170570 for gravel washing were issued in July 2019.
- 4.3 An earthworks consent RM210554 was granted in August 2021 to authorise aspects of the river berm rehabilitation work referred to in Section 3 above.

## 5 Status of the applications

- 5.1 The Tasman Resource Management Plan (TRMP) zoning and overlay areas for the site are:
- **Zoning:** Rural 2 zone, with the site boundary adjoining a Rural 1 zone.
  - **Area:** Land Disturbance Area 1
- 5.2 The TRMP zoning, notations and overlays are of the site and surrounds are shown in Attachment 9.
- 5.3 The TRMP permitted activity rules contravened by the proposed activities and the resulting activity statuses are listed in the table below.

Activity	Applicable rules	Status
RM201000 Land use - Industrial activity		
To construct and operate an asphalt plant and to build an acoustic barrier, being an industrial activity proposed to be sited in a Rural 2 zone, not operating between 10 pm-6 am; with buildings between 7.5 and 12.5 m in height; a 3m high acoustic barrier fence on boundary*;	Activity	Discretionary
	17.6.2.1 & 17.6.2.9	
	Building height and setback	Restricted
	17.6.3.1, 17.6.3.2 & 17.6.3.4	discretionary
	Vehicle Access standards	Restricted
	16.2.2.1 & 16.2.2.6	discretionary

Activity	Applicable rules	Status
and noncompliance with vehicle access standards.  <i>*Note: the amended position of the acoustic fence may be compliant if now set back 5 m from boundary.</i>		
RM201002 Discharge permit (contaminants to air)		
To discharge contaminants from the proposed asphalt plant operation to air	Rule 36.3.5.1	Discretionary
RM201002 Land use - Earthworks		
Earthworks on or within 10 metres of the toe of the stopbank that runs through the site that exceeds the permitted activity conditions, for the purpose of re-forming and re-aligning the stopbank	Rules 16.10.2.1 & 16.10.2.2	Restricted discretionary

- 5.4 The applications have been bundled and assessed in this report as a **discretionary activity**.
- 5.5 It is noted that TRMP rule 16.10.3.1 **prohibits** any buildings that have a floor area greater than 15 square metres on the Waimea River berm land – with “berm land” being defined in Chapter 2 of the TRMP as “*land located between the bank of a river and a stop bank on the same side of the river*”. Hence the proposed asphalt plant needs to be located on the inland side of the stopbank.
- 5.6 There is extensive appraisal of other relevant TRMP rules in Section 3 of the amended application dated 9 April 2021, including the Reserves Financial rules for buildings in TRMP Section 16.5.4. The following points are noted:
  - a. The Applicant also originally applied for consent to store and use bitumen. However, the proposed bitumen is not a hazardous substance; and the storage of diesel complies with permitted activity rule 16.7.2.1. Therefore consent is not required for storage and use of hazardous substances.



- b. The Applicant also applied for consent for breaches of rule 16.2.2.1(f) stormwater discharge from access, and rule 16.2.2.3(o) stormwater discharge from parking and loading area, as stormwater is proposed to be discharged to ground through infiltration. However, the proposal is considered to comply with Section 36.4 of the TRMP, specifically permitted activity rule 36.4.2.1.
- c. With regard to HAIL site 159, 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 be adopted for all land disturbance and may necessitate reassessment under the NES-CS at a later date.

## 6 Notifications and submissions

### Processing timeline

- 6.1 The following is a summary of the timeline to date for processing the applications:

Date	Status
25 Nov 2021	Applications lodged
15 Jan 2021	Further information requested
9 Apr 2021	Amended application received
6 May 2021 – 24 May 2021	Process suspended
26 May 2021	Applications notified
5 July 2021	Submission period closed
19 Jan 2022	Hearing commences

- 6.2 No written approvals were provided prior to public notification.

## Public notification

- 6.3 A decision was made by the Council on 6 May 2021 that the application must be publicly notified. To summarise the reasons in the notification decision, public notification was required because whereas the adverse effects of the proposed air discharge and earthworks as specific components of the proposal were considered to be less than minor, the adverse effects of the overall proposed asphalt plant operation and associated heavy transport on local roads were considered to be more than minor.
- 6.4 Furthermore, public notification was required for the following special circumstances:
- a. the Council is the landowner of the site and also the local road manager, creating potential conflicts of interest with being an end user of the product from the proposed asphalt plant;
  - b. policies in the Waimea River Park Management Plan 2010 relating to consultation with tangata whenua and the community generally prior to any substantial development within the park; and
  - c. it was not possible to determine all persons who may be adversely affected by the proposed activities.
- 6.5 Public notification occurred on 5 June 21 under sections 95(7)(a) and (9)(a) of the Act. The submission period closed on 5 July 2021.
- 6.6 The Council, in accordance with regulation 10(2)(a) of the Resource Management (Forms, Fees, and Procedure) Regulations 2003, served notice of this application on the land owners of 95 properties having frontages along Bartlett, Ranzau, Ranzau West and Pugh Roads including Ranzau School, and the properties adjacent to the site, as well as on all iwi recognised in the Statutory Acknowledgements for the Waimea River, and groups representing users of the river and river berm, as the Council deemed those persons to be affected persons under sections 95B and 95E of the Act.
- 6.7 A total of 73 submissions were received, 23 support the application, 47 oppose the application, and 3 are neutral, with 27 submitters wishing to be heard.

- 6.8 Two of the opposing submitters have since withdrawn. Three of the opposing submitters have advised Council that they no longer wish to be heard – their submissions are still to be given due consideration.
- 6.9 The location of submitters’ properties (insofar as they can be identified from submissions) can be viewed on the aerial photo map in **Attachment 7**

### Submissions

- 6.10 Full copies of the submissions have been made available to the Commissioners, and they can be viewed on the Council’s website. Given the relatively high number of submissions, it is not practical to outline every submission issue in detail in this report. However, we have reviewed them all and we consider the matters arising from the submissions can be broadly summarised as follows

Overall matter	Issues identified in submissions
Industrial land use	Traffic effects Amenity effects such as noise, traffic Effects on the Waimea river berm
Discharge of contaminants to air	Potential adverse health effects; Effects of dust; Effects of odour; Carcinogenic emissions; Effects on horticulture - damage to crops Consent conditions; Duration of consent, if granted
Earthworks	Effects on the stopbank and earthworks effects
Effects on Māori values	Overarching submissions have been made concerning the cultural effects of the application, specifically from three iwi, Te Ātiawa(30), Ngāti Rārua and Ngāti Koata(53)
Water quality	Contamination of ground water and surface water, stormwater contamination and possible effects on the Waimea River and berms

## 7 Statutory considerations – Resource Management Act 1991

- 7.1 The Act sets out resource management principles in a national framework, guiding regional and district statutory provisions to manage the actual and potential effects of the use of natural and physical resources.

## Part 2 RMA

7.2 Part 2 of the Act sets out the purpose and principles of general application in giving effect to the Act. The overall objective is set out in section 5, its purpose is “to promote the sustainable management of natural and physical resources.” Section 5 contemplates environmental preservation and protection as an element of sustainable management of natural and physical resources and protecting the environment from adverse effects of use and development is an aspect of sustainable management. Similarly, the enabling elements of section 5 are not absolute or necessarily predominant and they must be able to co-exist with the purposes in subsections (a) to (c). Sections 6, 7 and 8 direct those administering the Act, and elaborate how section 5 is to be applied

Section 5(2)(c) provides for “avoiding, remedying, or mitigating any adverse effects of activities on the environment”. ‘Effect’ is defined in Section 3 as including any:

- (a) positive or adverse effect; and
- (b) temporary or permanent effects; and
- (c) past, present, or future effect; and
- (d) cumulative effect which arises over time or in combination with other effects - regardless of the scale, intensity, duration or frequency of the effect, and also includes -
- (e) potential effect of high probability; and
- (f) potential effect of low probability which has a high potential impact

7.3 Section 2 of the Act defines “environment” as including:

- (a) ecosystems and their constituent parts, including people and communities; and
- (b) all natural and physical resources; and
- (c) amenity values; and
- (d) the social, economic, aesthetic, and cultural conditions which affect the matters stated in paragraphs (a) to (c) of this definition or which are affected by those matters

7.4 The term “amenity values” is also defined in Section 2 of the RMA, as those natural or physical qualities and characteristics of an area that contribute to people's appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes.

### Matters of national importance

7.5 Section 6 of the Act identifies matters of national importance that the consent authority is required to recognise and provide for. The following matters are considered to be relevant to this application:

- (a) the preservation of the natural character of ... rivers and their margins, and the protection of them from inappropriate subdivision, use, and development;
- (d) the maintenance and enhancement of public access to and along ... rivers.
- (e) the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga; ...

### Other matters

7.6 Section 7 directs that in achieving the purpose of the RMA, the consent authority must have particular regard to certain matters. The following matters are considered to be relevant to this application:

- (a) kaitiakitanga;
- (aa) the ethic of stewardship;
- (b) the efficient use and development of natural and physical resources;
- (ba) the efficiency of the end use of energy;
- (c) the maintenance and enhancement of amenity values;
- (d) intrinsic values of ecosystems;
- (f) maintenance and enhancement of the quality of the environment; and
- (g) any finite characteristics of natural and physical resources.

### Treaty of Waitangi Te Tiriti o Waitangi

7.7 Section 8 requires that, in achieving the purpose of the Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).

## Section 104

7.8 A decision on these applications must be made under Section 104 and 104B of the Act. Subject to Part 2 of the Act, the consent authority must have regard to:

- a. any actual and potential effects of the environment of allowing the activity; and
- b. any relevant provisions of statutory documents, including national environmental standards, other regulations, national policy statements, the New Zealand coastal policy statement, regional policy statement, and plan or proposed plans. The relevant documents are considered to be:
  - (i) National Environmental Standards for Air Quality 2004;
  - (ii) National Policy Statement for Freshwater Management 2020;
  - (iii) National Environmental Standards for Sources of Human Drinking Water 2007;
  - (iv) National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health 2011
  - (v) Tasman Regional Policy Statement; and
  - (vi) Tasman Resource Management Plan.
- c. any other relevant matters, which for these applications are considered to be:
  - (i) the Te Tau Ihu Iwi Statutory Acknowledgement Areas for the Waimea River and its tributaries;
  - (ii) the Waimea River Park Management Plan 2010; and
  - (iii) the submissions received

7.9 These specific statutory documents and other matters relevant to this proposal are considered further below.

7.10 Section 104(2) allows any effects that may arise from permitted activities set out in a National Environmental Standard (NES) or a plan to be disregarded from the assessment of effects related to the resource consent. The “baseline” constitutes the existing

environment (excluding existing use rights) against which a proposed activity's degree of adverse effect is assessed.

- 7.11 In this case, there is no permitted baseline for the proposed discharge to air because there is no permitted activity rule in the TRMP that allows the discharge to air.
- 7.12 There is a permitted activity for rule 16.10.2.1 for earthworks on stopbanks.
- 7.13 There is no permitted activity rule for industrial activities per se in the Rural 1 Zone, although standards for permitted activities in rule 17.5.2.1 may provide "benchmarks" for comparing environmental effects of the asphalt plant proposal, such as noise levels, and the traffic movements required for rural production.

### Sections 105 and 108

- 7.14 For the application for a permit to discharge to air the consent authority must also 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

### Section 108 - Applying the best practicable option

- 7.15 Section 108(2)(e) of the RMA allows consent authorities to impose conditions that require the best practicable option (BPO) to control any adverse effects caused by a discharge. The BPO for the discharge of contaminants, which includes contaminants that give rise to odour, is defined in section 2 of the RMA as:

Best practicable option, in relation to a discharge of a contaminant or an emission of noise, means the best method for preventing or minimising the adverse effects on the environment having regard, among other things, to:

- (a) the nature of the discharge or emission and the sensitivity of the receiving environment to adverse effects; and
- (b) the financial implications, and the effects on the environment, of that option when compared with other options; and

- (c) the current state of technical knowledge and the likelihood that the option can be successfully applied.

7.16 Section 108(8) of the RMA restricts the requirement for BPO to being the:

*most efficient and effective means of preventing or minimising any actual or likely adverse effect on the environment.*

7.17 When applying the efficiency and effectiveness test, the consent authority needs to consider the efficiency from the Council’s and community’s perspective, as well as the applicant’s viewpoint. Requiring the best practicable option can still provide flexibility to enable change, provided the effects remain the same or decrease

### National Policy Statement for Freshwater Management 2020

7.18 The purpose of national policy statements is to state objectives and policies for matters of national significance that are relevant to achieving the purpose of the Act. The National Policy Statement for Freshwater Management 2020 (NPS-FM) is the only one considered relevant to these applications. Possible risks to water quality and the wellbeing of the Waimea River has been raised by several submitters.

7.19 The objective and policy 7 of the NPS-FM are referred to in the application (at paragraphs 4.16 & 17). Our evaluation of the proposed activities against the relevant policies of the NPS-FM follows:

**Policy 1:**

Freshwater is managed in a way that gives effect to Te Mana o te Wai.

The Council is currently working to determine what Te Mana o te Wai is for Tasman as part of the current TRMP review.

The most appropriate documents to refer to currently for recognised values of the Waimea River catchment are TRMP Schedules 30A and 30B, as they relate to the application site.

**Schedule 30A Instream uses and values of the Waimea River**

*Aquatic ecosystems, wildlife and aquatic plant habitat.*

*Contact and non-contact recreation including swimming, canoeing, angling, jet boating and picnicking.*

*Cultural and spiritual values.*

*Landscape values.*



*Instream native and trout fisheries including native fish diversity and abundance, threatened native fish including torrent fish, brown trout habitat, trout passage and trout spawning.*

*Contribution to Neimann, Pearl and O'Connor creeks and spring flows.*

*Native bird habitat including for threatened banded dotterel, NZ Pied Stilt and black-fronted tern.*

**Schedule 30B Waimea – Values / uses affected by reduced water quality**

*Aquatic ecosystems*

*Human consumption*

*Recreational values*

*Cultural and spiritual*

*Stock and farm water supply*

*Irrigation and food production*

**We consider the risks to both surface water and ground water, and the river environs to be very low and as such the proposal is consistent with the direction signalled in schedules 30A and 30B. Thus, it gives effect to Te Mana o te Wai at a high level.**

**Policy 3:**

Freshwater is managed in an integrated way that considers the effects of the use and development of land on a whole-of-catchment basis, including the effects on receiving environments.

**The effects of the activity on freshwater have been considered, the adverse effects are considered to be less than minor**

**Policy 6:**

There is no further loss of extent of natural inland wetlands, their values are protected, and their restoration is promoted.

**The activity will not result in the loss of any wetlands**

**Policy 7:**

The loss of river extent and values is avoided to the extent practicable.

**The activity will not result in the loss of river extent or values**

**Policy 9:**

The habitats of indigenous freshwater species are protected.

<p>The activity will not result in any reduction in habitat</p>
<p><b>Policy 10:</b> The habitat of trout and salmon is protected, insofar as this is consistent with Policy 9.</p> <p style="padding-left: 40px;">The habitat for trout in the Waimea river and fishout ponds will not be adversely affected</p>
<p><b>Policy 15:</b> Communities are enabled to provide for their social, economic, and cultural wellbeing in a way that is consistent with this National Policy Statement.</p> <p style="padding-left: 40px;">There is significant demand for asphalt in the Nelson Tasman Region as the human population in the top of the south grows. The activity is consistent with the NPS-FM.</p>

7.20 In summary, we consider that the risks to freshwater are very low, and the proposed activities are not contrary to the National Policy Statement for Freshwater Management 2020.

### National Environmental Standards (NES)

7.21 The three NES listed in paragraph 7.8 are addressed later in this report for the proposed activity that they relate to.

### Tasman Regional Policy Statement

7.22 The objectives and policies in the Tasman Regional Policy Statement (TRPS) relevant to the proposed activity are reflected in the provisions of the Tasman Resource Management Plan (TRMP).

### Tasman Resource Management Plan

7.23 The Tasman Resource Management Plan is a unitary plan. The plan provisions relevant to the proposed activity are addressed later in this report for each of the proposed activities requiring resource consent.

## Other matters – section 104(1)(c)

### Statutory Acknowledgement Areas

- 7.24 Statutory Acknowledgement Areas have been established by the Te Tau Ihu Claims Settlement Acts (2014). These acknowledgements recognise the special associations or particular relationships that these eight iwi making up Te Tau Ihu have with areas and resources, including with the coastal marine area or freshwater bodies in the region. In this instance the application site is within Statutory Acknowledgment Areas for the Waimea River and its tributaries, which recognise the special relationship that all eight iwi have with this river. The eight iwi are Ngāti Apa ki te Rā Tō, Ngāti Kuia and Rangitāne o Wairau, Ngāti Koata, Ngāti Rārua, Ngāti Tama ki Te Tau Ihu, Te Ātiawa o Te Waka-a-Māui, and Ngāti Toa Rangatira.
- 7.25 The functions of a statutory acknowledgement are:
- a. to require relevant consent authorities to have regard to the Statutory Acknowledgement; and
  - b. to require relevant consent authorities to provide summaries of resource consent applications, or copies of notices of resource consent applications, to the relevant trustees; and
  - c. to enable the relevant trustees and members of the relevant iwi to cite the Statutory Acknowledgement as evidence of the iwi's association with the "statutory area"
- 7.26 The consent authority must have regard to the statutory acknowledgement relating to the "statutory area" in deciding, under section 95E of the Resource Management Act 1991, whether the relevant trustees are affected persons in relation to an activity within, adjacent to, or directly affecting the "statutory area" and for which an application for a resource consent has been made. In this case, notices of the application was served on all of the eight Te Tau Ihu iwi.
- 7.27 The relevant trustees and any member of the relevant iwi may, as evidence of the iwi's association with the "statutory area", cite the Statutory Acknowledgement that relates to that area in submissions to, and in proceedings before the consent authority concerning activities within, adjacent to, or directly affecting the "statutory area."
- 7.28 Section 2.8 of the Introduction to the Statutory Acknowledgements states the following

RM201000, RM201002 and RM201018 Tasman Bay Asphalt Limited, section 42A report – Attachment 1  
Prepared by Phil Doole and Leif Pigott

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If any part of the Statutory Acknowledgement applies to a river or stream (including a tributary), that part of the acknowledgement—

(a) applies only to—

- (i) the continuously or intermittently flowing body of fresh water, including a modified watercourse, that comprises the river or stream; and
- (ii) the bed of the river or stream, meaning the land that the waters of the river or stream cover at its fullest flow without flowing over its banks; but

(b) does not apply to—

- (i) a part of the bed of the river or stream that is not owned by the Crown; or
- (ii) an artificial watercourse.

7.29 While the statutory acknowledgements for the Waimea River do not directly apply to the area of the riverbed and berm within Lot 1 DP 368439, which are part of land vested in Tasman District Council for river control purposes, their intent is to ensure that regard is had for the cultural values of the river. We address those values and the submissions from iwi later in this report.

#### Waimea River Park Management Plan 2010

7.30 The site is land held by Tasman District Council for river control purposes. The Council approved the Waimea River Park Management Plan in 2010 as the Council policy to guide management of these “Park” lands. Whereas the primary purpose of the land is for river control and soil, conservation, other public values and uses, including recreational activities such as walking, cycling and horse riding, are also provided for within the park.

7.31 Preparation of the Plan involved extensive public consultation with stakeholders including the Tangata Whenua, Department of Conservation Te Papa Atawhai, Fish and Game New Zealand, recreational users and commercial interests, and the wider community.

7.32 The Plan contains a number of objectives and policies. Objective 1 seeks to manage the berm lands to protect surrounding land from flood flows. As noted in the application, the proposal will improve the existing stop bank by ensuring that the portion of the stop bank around the plant has the required height and structural integrity.

7.33 Objective 4.5 of the Plan relates to commercial use of the Park. This objective is to manage the riverbed and berm lands to provide opportunities for commercial use,

providing such use is compatible with river control and soil conservation, beneficial to park management and does not conflict with other park management objectives. The other objectives that are relevant are Objective 2 - Nature Conservation and Objective 4 - Public Access and Recreational Use.

- 7.34 Regarding Commercial Use, Section 10 of the Plan recognises the three existing gravel processing plants on the east side of the river between Bartlett Road and State Highway 60 Appleby bridge, including the Downer site. Gravel extraction and processing are authorized through lease agreements. The plan states:

Gravel extraction can be managed so that it is compatible, and even beneficial, to river control. It can also assist with the restoration of wildlife habitat, such as at Challies Island, and the contouring and shaping of the berm lands for other uses. However, gravel processing plants are largely incompatible with river control objectives and other objectives for park management. The presence of large processing plants within the stop banks may obstruct the river floodway, increase heavy vehicle traffic, disturb wildlife and conflict with public access and recreational use. The presence of large stockpiles of gravel within the stop banks is also incompatible with river control objectives.

- 7.35 The Plan does not expressly consider other types of industrial use. As we have noted earlier in this report, gravel aggregate material is a significant component of asphalt production, and Council is negotiating a new lease for the Bartlett Road site which will include provision for the asphalt plant operation subject to it obtaining resource consent.

## 8 Key issues

- 8.1 The key issues for these applications are considered in the following three sections of this report – they identify the issues of contention, key policies and objectives of relevance, and recommended conditions of consent, for each of the three consents applied for: industrial land use, earthworks and air discharge.
- 8.2 The key issues are considered to be:
- a. Effects on Maori Values of the Waimea River
  - b. Amenity effects of additional truck traffic and associated noise effects along local roads;

c. Health effects of the proposed air discharge

- 8.3 The positive effects of having another asphalt plant operating in the Nelson/Tasman Region also need to be recognised. The proposed site is at the source of aggregate, avoiding the need to transport material to an alternative site.

## 9 Land use industrial activity (RM201000)

- 9.1 This section of the report has been authored by Phil Doole. Expert advice has been provided by Ari Fon (traffic effects) and Daniel Winter (noise effects). Their reports can be found in **Attachments 5 and 6 respectively**.
- 9.2 The amended application provides a detailed description of the asphalt plant operation, and a thorough assessment of the environmental effects (AEE) of the proposed industrial activities. That information is accepted for the most part, with some exceptions as set out below.

### Actual and potential effects

#### Rural character

- 9.3 The proposed activity is not typical of a rural character, which revolves around rural plant and animal production. However within the receiving environment are also gravel quarrying activity which will the aggregate for the proposed activity. Although not entirely inconsistent with the receiving environment as the activity is proposed within one of the gravel extraction lease areas, the proposed additional industrial activity will however have a cumulative effect on rural character in establishing more non-rural production activities. However as the activity is connected to the existing gravel extraction activity and is located together with this activity I consider this rural character effect to be minor.

#### Productive land and productive activities effects

- 9.4 The proposed location of the asphalt plant near the source of the aggregate is logical, and the land is not currently used for rural production, and being river berm is unlikely to be intensively used for that purpose, hence effects on the availability of productive land is of little concern. The site is close to a property boundary, however cross

boundary effects associated with the land use activity, such as light and noise, should have minimal adverse effect on the future rural productive use of the adjoining land.

### Amenity effects

- 9.5 The amenity effects from the activity relate to both the on-site activity and the transport effects in relation to the anticipated rural amenity values of the area, but also in relation to public amenity values as the proposed location of the plant is within the Waimea River Park. These aspects are assessed below.

### Noise at Asphalt Plant site

- 9.6 An acoustic assessment by Bladon Bronka Acoustic (BBA) has been submitted in support of the application. The report details that the activity will likely comply with the day time noise standards for permitted activities in the Rural 1 and 2 zones, but would breach the night time noise levels at the notional boundary of the two closest rural dwellings, being 202 Edens Road, and 239 Bartlett Road. The applicant is proposing to construct an acoustic barrier along the southern site boundary, consisting of a 1m high bund with a 2m high fence on top, and has shown that with the barrier the activity would comply with the permitted activity standards for night time noise levels.
- 9.7 Council's Team Leader Environmental Health, Daniel Winter reviewed the application information prior to public notification and was satisfied with the proposed acoustic barrier. At that time he suggested that there be a noise management plan for night time activities, including guidance for the operation of vehicles including the trucks and loaders operating on the site, controls on reversing alarms, and operational matters such as limitation of noise with careful dumping of gravels into hoppers, closing of tail gates etc to reduce impact noises.
- 9.8 Mr Winter has reviewed the proposal again following receipt of submissions (refer **Attachment 6**). He has commented on specific concerns raised by submitters. He generally agrees with BBA that the daytime noise effects of the plant operation will be reasonable, on the basis that there will not be cumulative noise effects from gravel crushing and processing at the site. His conclusion is partly based on the acoustic barrier being installed and maintained so that it remains acoustically effective. He also indicates that a noise management plan should not be required for the plant operation if his draft noise conditions are accepted (refer **Attachment 6**).

### Visual effects

- 9.9 The proposed acoustic wall and bund (as shown on the amended site plan dated 26 Nov 2021) will provide some screening of the asphalt plant to the south and east, and the stopbank will also limit some visibility to the west. However, the 11-metre maximum height of the plant in relation to the three metre high wall means it will be clearly visible in the rural landscape and is not entirely consistent with an expected rural character and visual amenity. In that regard, the proposed location is within the Downer lease area and the plant will replace an old gravel crushing plant, and the visual effects of the two are comparable. Moreover, the applicant has stated that the container-based structure is relocatable and can be fully removed from the site, although it would likely take a week or two, which can be seen as a potential remediation of the long term visual effects. Lighting of the work site would be required, however the applicant has volunteered that any associated light spill will be controlled and directed away from any other sites, and the acoustic wall will also limit light spill effects. Overall, given the receiving environment and proposed screening the visual effects in the rural environment are considered to be minor.

### Transport effects

- 9.10 The application refers to objectives and policies in Chapters 5 and 11 of the TRMP regarding transportation effects (refer page 18 of amended application). While accepting those, I would add under objective 11.1.2:

**Policy 11.1.3.4:**

To avoid, remedy or mitigate adverse effects of traffic on amenity values.

- 9.11 The limit on hours of operation proposed in the amended application is consistent with discretionary activity requirements and remove most the associated potential night-time amenity effects, in particular from truck movements on the local roads.
- 9.12 The Traffic Impact Assessment (TIA) prepared by Traffic Concepts Ltd for the applicant anticipates that number of truck movements on a day-to-day basis will be around two trucks per hour (four vehicle movements) and at peak time four trucks per hour (eight vehicle movements), which equates to 80 movements per day. The frequency of vehicle movements is limited by the batching plant turnaround time for loading, which is around 15 minutes.



- 9.13 Traffic Engineer, Ari Fon, has made an independent review of the proposed traffic routes and traffic impact assessment supplied with the application, and the issues raised by submitters . His report is provided in **Attachment 5**.
- 9.14 Analysis of the road network for the TIA identified a number of constraints on the road network that will restrict trucks to certain routes for safety and efficiency reasons. In particular, the nearest intersection with the state highway at Bartlett Road is considered unsuitable for right turning traffic. The applicant is therefore proposing to restrict the trucks to certain routes, as shown on the aerial photomap in **Attachment 3**:
- Bartlett Road to SH60 – trucks heading west (red line)
  - Bartlett Road, Ranzau Road West, Pugh Road to SH60 - return traffic from the west and north (orange and yellow lines)
  - Bartlett Road, Ranzau Road West, Ranzau Road to SH6 – trucks heading north and south and returning from south (green, white and blue lines)
  - Haul road on river berm land, Blackbyre Road to SH60 – return traffic from the west at off-peak times (dashed orange lines)
- 9.15 Which of these routes will be used by the asphalt trucks and when, depends on the destination for the asphalt. It is therefore difficult to clearly define the potential effects of additional traffic for the proposed different routes. However, if the route plan is adhered to, then Ranzau Road and Pugh Road will likely carry the greater proportion of truck movements split between them; and Ranzau Road West and the western portion of Bartlett Road will carry most of the truck movements. Therefore any adverse effects of these truck movements on rural amenity are likely to range in intensity depending on the location along which road.
- 9.16 Mr Fon’s review found that:
- “the additional truck traffic generated by the asphalt plant operation will produce a noticeable increase in truck movements, particularly on the lower volume roads of Bartlett Road and Ranzau Road West. When these roads are used by asphalt trucks, the resulting truck volumes will be in the order of two to three times greater than that of the existing volumes”.
- 9.17 The proposed route past the Ranzau School, which also aligns with the Great Taste Cycle Trail, is likely to have an associated amenity effect, although a restriction on the

Ranzau Road route during peak times has been proposed by the applicant: *Such mitigation includes not using 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 route of Pugh Road shall be used.* (paragraph 5.53 amended application).

9.18 Traffic Engineer, Ari Fon, has made an independent review of the proposed traffic routes and traffic impact assessment supplied with the application, and the issues raised by submitters. His report is provided in **Attachment 5**.

9.19 Mr Fon finds that the Truck Routes Plan (see annotated version as Attachment 3) is a rational approach to avoiding high risk turning movements at the intersections.

9.20 Mr Fon also found that:

There are some truck movements associated with the asphalt plant that have not been quantified in the TIA or the Application. There is the possibility of an increased number of additional truck movements over that assessed in the TIA. [...] It is important the Truck Routes plan applies to all trucks servicing the asphalt plant, not just the asphalt trucks.

9.21 Mr Daniels has also reviewed the proposed asphalt truck movements with regard to noise effects, including additional information from BBA received on 23 November 2021 (refer **Attachment 8**). With regard to potential cumulative effects of heavy traffic, he refers to the statement in the TIA that *overall, the number of truck movements from the site are expected to be less. This is due to the removal of one of the trucks generating activities and the use of material on the site directly into the batching plant*. He finds that while there will be some noticeable increase in traffic noise, he accepts the BBA assessment and additional proposal that truck movements in evenings (5 pm-10 pm) be limited to 20 per year. The applicant will need to confirm this additional restriction.

9.22 The TIA states that the peak activity will involve up to eight truck movements per hour (ie, 4 collections), however the amended application is not so definitive. It states at paragraph 5.49:

Based on an average of 4 asphalt truck collections per hour, it is considered that the number of movements per day will be up to 40 trucks collections per day. It is noted that the plant is able to produce up to 130 ton per hour. Should the production rate

increase above 50 ton per hour, a revision of the Transportation Impact Report will be required.

And the volunteered condition for a Traffic Management Plan at Page 41 states:

Traffic Generation

B The activity shall generate a maximum of 80 truck movements per day once averaged. Advise note: This equates to 40 truck collections per day, where one truck entering and exiting the site is counted as two movements. There may be more than 40 movements per day on occasion, as long as the weekly average does not exceed 40 per day. (emphasis added)

- 9.23 There is no explanation or definition of what “occasional” exceedances of the 40 movements per day will be in practice. Given this uncertainty, both Mr Fon and Mr Daniels recommend that asphalt truck movements be limited to 80 per day maximum. I concur with their recommendations.
- 9.24 The draft conditions in **Attachment 10** have some gaps with regard to traffic generation and management because of the uncertainties outlined above, and further explanation or evidence addressing these matters is expected from the applicant prior to the hearing.
- 9.25 In summary for transportation effects, the Truck Routes Plan is accepted as a rational approach to minimise traffic safety risks. However, truck movements on the local roads will have a noticeable amenity effect, which is considered to be at least minor for some residents on those routes, but the adverse effects will vary depending on location.

#### Waimea River Park

- 9.26 The proposed location of the activity is at one of the entrance points to the park, and although not physically blocking access into the park, the proximity of the activity and the associated amenity effects, such as noise, air discharge, visual and traffic could dissuade public access and potentially limit public use of the park. It should be noted that both noise and air discharges are measured at notional boundaries of dwellings, however for other uses and recreational activities within the public land in closer proximity to the proposed activity it is likely that there will be associated amenity effects. Although the existing gravel extraction activity is likely to already has this effect to some degree (when it is operating), the proposed new activity may have a cumulative effect.

- 9.27 The proposed activity would utilise the stopbank and adjacent berm land for truck access and loading, and the internal river road for gravel transport. It is assumed that the Downer lease area will be fenced within the berm land to define the area and as a safety requirement. The amended site plan provides for a public access pathway on the east side of the site to link the stopbank north and south. Both of these features – fences, and path would improve the proposal from a safety and public use perspective.
- 9.28 The activity is proposed to have a duration in that the Asphalt Batching Plant shall only operate whilst there is extraction and crushing operating within the Waimea River Park, or for a period of 20 years, whichever is the lesser, and that once all extraction and crushing operations cease within the Waimea River Park, the Applicant shall vacate and remediate the Asphalt Batching Plant site within 6 months. This volunteered condition mitigates some of the long term effects of the activity. If the asphalt plant is effectively replacing part of the gravel crushing and processing use of the site, then the cumulative effect of private commercial activities on use of public land is considered to be minor.
- 9.29 The applicant has also volunteered a Draft Restoration and Access Plan (received on 30 November 2021) (refer Attachment 4) which will also reduce or compensate for effects of the industrial activity on the berm lands and river environs. I expect the applicant will explain how this Plan should be incorporated into any resource consent in their evidence prior to the hearing.

#### Effects on Māori values

- 9.30 Submissions have been made concerning the cultural effects of the application, specifically from three iwi, Te Ātiawa(30), Rārua and Koata(53). These submissions raise cultural concerns regarding the proposed activities, specifically for the industrial land use:
- Adverse cultural and spiritual issues for mana whenua mana moana iwi
  - The lack of a Cultural Impact Assessment for the overall proposal
  - The absence of any cultural health indicators
- 9.31 I have over 30 years' experience working with Māori and having regard to their values and concerns in the resource management context but I feel that I am not qualified to comment on the cultural and spiritual concerns.

- 9.32 I am unaware of any cultural health indicator work related to the type of proposed land use activity proposed in this case.
- 9.33 The Draft Restoration and Access Plan referred to above has been discussed with iwi representatives and may have allayed some concerns expressed in the iwi submissions.

#### Financial contributions

- 9.34 The building development will replace an old gravel crushing plant, however this historic structure has not been used for some time, and the activity is in addition to existing gravel quarrying and processing on the site rather than replacing any of the existing activity.
- 9.35 The Applicant is seeking to utilise an area which was formerly a crusher site. Downer has replaced this processing with relocatable crushers, and will remove the old crushing plant and associated bins for the proposed Asphalt Plant.
- 9.36 The application (at paragraph 3.18) points to TRMP rule 16.5.4.1(b) which states that a financial contribution is not required where the *activity is the replacement of a building by another building of similar character, intensity and scale erected on the same site as the replaced building*. The applicant considers that the proposal is consistent with this and financial contributions are not required.
- 9.37 A decision is required whether financial contributions towards reserves and community services are payable in accordance with TRMP section 16.5.4 and should be a condition of any consent. I am not able to assess this matter further, until the applicant clarifies the extent of continuing gravel crushing activity at this site.

#### Natural hazards

- 9.38 The location is near the river, which is subject to flooding. However, the asphalt plant itself is proposed to be located on the landward side of the stop bank. Council's River Engineer has reviewed the application information and has no concerns about the flood hazard, and I accept his advice. The flood hazard and stopbank is considered in more detail under RM201018.
- 9.39 The proposal will result in positive effects through the employment opportunities, and providing another supply of bitumen within the District to enable the construction and maintenance of roading infrastructure, especially with the current demand for

residential development. A number of submissions identified the positive effects from the proposed activity.

### National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health 2011

- 9.40 The possibility of the site being affected by a HAIL site has been noted earlier in this report (at paragraphs 3.8 and 5.5).
- 9.41 I understand that the applicant has been investigating this matter further, and may be in a position to clarify the applicability, or otherwise of the NES-CS prior to the hearing.

### Relevant objectives and policies of the TRMP

- 9.42 The application includes an assessment of the TRMP Objectives and Policies (at paragraph 3.62, pages 16-23) which I generally accept in relation to the industrial activity proposed, except for the addition of policy 11.1.3.4 regarding the effects of traffic on amenity values.
- 9.43 Overall, I consider that the proposed activity, subject to the proposed conditions of consent will be consistent with the policies and objectives of the TRMP.

## RM201018

### 10 Earthworks on the stopbank

- 10.1 This section of the report has been authored by Leif Pigott.

#### Proposed works

- 10.2 The applicant proposes approximately 1,900 square metres of earthworks to: level and compact the site to a height of 14-15.5m NZVD, create a 1 m high bund along the landward side of the site, and form a linear stopbank to 17 m NZVD along the river side of the asphalt plant.
- 10.3 The extent of the proposed works to re-align the stop bank are shown on the amended site plan dated 26 November 2021 (refer **Attachment 2**). The key issues for the works are:

- a. Integrity of the stopbank
  - b. Minimising the generation of sediment
- 10.4 The true right Waimea stopbank has a design height of 17 m NZVD2016. The stopbank at this location is non-linear and spans much of the site which ranges in height between 15 m and 17 m NZVD.
- 10.5 The proposed linear stopbank will connect to the stopbank line at the northern and southern ends of the site, be at least 4 m wide along its top, 3 m high, and ensure the minimum design level is met. The amended site plan dated 26 November 2021 shows that the batters will be 1V:2H on both the river side and the asphalt plant side. We understand this profile has been accepted by the Council's Waters Manager.
- 10.6 The proposed works will not cause the diversion of the Waimea River, as they will result in only a slight re-alignment of the existing stop bank. The proposal also seeks to strengthen the existing stop bank.
- 10.7 The earthworks will be setback around 130 m from the wetted area of the Waimea River. Earthworks will not be undertaken while the river is in flood.
- 10.8 The Applicant's contractor will provide a Dust, Erosion and Sediment Control Plan prior to undertaking the earthworks.
- 10.9 The location of the asphalt plant is near the river, which is subject to flooding, however the location of the plant is on the landward side of the stop bank. The Council's River Engineer has reviewed the application information and has no concerns about the flood hazard, and I accept his advice. The amended site plan has been agreed in principle with the Waters Manager.
- 10.10 The Asphalt Plant has been located outside of the berm area to avoid any buildings or hazardous substances in the flood channel. As the plant is modular, should an extreme event occur which is predicted to overtop the stop bank, the applicant is able remove the bitumen and diesel tanks from the site.

## Effects on the environment

### Effects on stopbanks and flood flows

- 10.11 As this activity has restricted discretionary status, the relevant matters of discretion have been used to guide the effects assessed below.
- 10.12 The stopbanks in this location are designed to a level of 17 m NZVD 2016 to protect the Richmond plains and township by containing a 200-year flood event. The proposal will result in moving the existing stopbank line toward the river approximately 30 metres for a length of approximately 95 metres, it will also form a clear linear stopbank (it is currently undefined as it spans, undulating, across the site), and be of a width to enable vehicle access along the crest.
- 10.13 Provided the design level is maintained and the stopbank is soundly constructed there will be no adverse effect on the stopbank function or flood flows as a result of the applicant's proposal. Though it will, in a sense, move the stopbank line toward the river in a small way, this is less than minor in effect when considering the overall flood carrying capacity of the river at this location. This has been confirmed by the Council's river and coastal engineer, Giles Griffith, who is comfortable with the proposal provided it is soundly constructed, well compacted etc.
- 10.14 This can be ensured through appropriate construction conditions, and is consistent with the applicant's proposal. Any temporary risk to flood protection during work can be avoided by ensuring the proposed stopbank is constructed prior to the reduction of any ground levels on site.
- 10.15 The period of construction will be during a forecasted dry period to avoid the risk of flooding. Other earthworks proposed (levelling of site and 1 m bund along the eastern side) will have no effect on the stopbank or flood flow as they are on the outward side of the stopbank. Should the stopbank be breached in a major flood event, the scale of the works would be insignificant.
- 10.16 The proposed site is currently an unused crusher site on leased land next to the Waimea River which is publicly accessed via the road immediately adjacent to the site. The proposed land disturbance will increase potential noise and dust pollution in the immediate area and increase vehicle movements on the public access roads. However, this is temporary and public access will be maintained, works will also be carried out in



accordance with a Dust, Erosion, and Sediment Control Plan (DESCP) to minimise dust and sediment movement off site.

- 10.17 Relevant aspects of the Draft Restoration and Access Plan dated 26 November 2021 (refer Attachment 4) will also assist in ensuring that any adverse effects of the proposed works are minor.

#### Effects on Māori values

- 10.18 Submissions have been made concerning the cultural effects of the application, specifically from three iwi, Te Atiawa(30), Ngati Rarua and Ngati Koata(53). Their submissions raise cultural concerns, specifically:

- a. They have requested an iwi monitor during land disturbance
- b. Adverse cultural and spiritual issues for mana whenua mana moana

- 10.19 I have some experience is working with iwi and their concerns but I feel that I am not qualified to comment on the cultural and spiritual concerns

- 10.20 I consider though, that that there is a low risk of disturbing cultural evidence on the riverside given the past changes to the course of the riverbed, and past disturbance of the area including construction of the stop bank in the 1950s. The proposed works will be reforming and increasing the height of the redefined stop bank. I have however included an Accidental Discovery Protocol as a condition of consent for the earthworks consent.

#### Effects on the community and amenity

- 10.21 The proposed site is currently an unused crusher site on leased land next to the Waimea River which is publicly accessed via the road immediately adjacent to the site. The proposed land disturbance will increase potential noise and dust pollution in the immediate area and increase vehicle movements on the public access roads. However, this is temporary and public access will be maintained, works will also be carried out in accordance with a Dust, Erosion, and Sediment Control Plan (DESCP) to minimise dust and sediment movement off site

Conclusion on actual and potential effects

- 10.22 It is my assessment that the actual and potential effects of the proposed earthworks will be minor and can be appropriately managed through conditions.
- 10.23 I have drafted conditions of consent (RM201018) which are provided in **Attachment 11**

## RM201002

### 11 Discharge of contaminants to air (RM201002)

11.1 This section of the report has been authored by Leif Pigott.

#### Particular statutory considerations

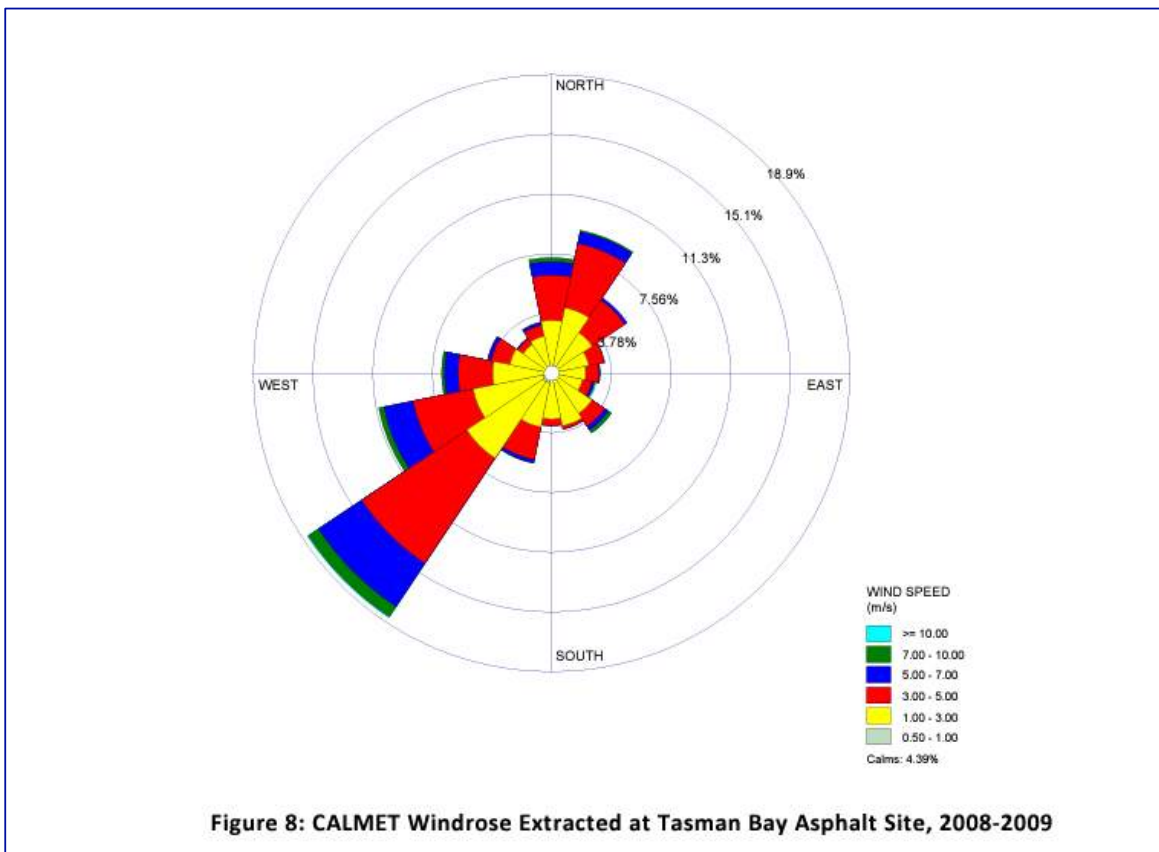
##### National Environmental Standards for Air Quality 2007 (NES-AQ)

- 11.2 Regulation 17 of the NES-AQ states that the consent authority must decline an application to discharge PM10 if the discharge to be expressly allowed by the consent would be likely, at any time, to increase the concentration of PM10 (24 hour average) by more than 2.5 ug/m<sup>3</sup> in any part of the polluted air shed. The Richmond airshed is considered to be polluted as it has several exceedances of the PM10 standard each winter.
- 11.3 The discharge location is about 3 km to the west of the closest boundary of the Richmond airshed. The modelling provided by the applicant shows the maximum ground level concentration increase in the Richmond air shed is 0.1 ug/m<sup>3</sup> for a 24 hour average, this is less than the modelling errors and it is effectively no increase.
- 11.4 It is noted that the modelling assumes that the plant is running at 130 t/hr, when in reality it is likely to be usually running at less than half this rate.
- 11.5 The annual average increase is predicted to be 0.05 ug/m<sup>3</sup> this is with the plant running at full capacity for a year, this is very unrealistic so the increase will be less than this.
- 11.6 The general thrust of the objectives and policies in the NES-AQ are reflected in the objectives and policies of the Tasman Regional Policy Statement (TRPS) and the Tasman Resource Management Plan (TRMP) at a high level. However, the TRPS and TRMP have not been comprehensively reviewed for consistency with the NES-AQ.

## Actual and potential effects

### Applicant technical assessment and modelling

- 11.7 The applicant has provided a detailed report from Pattle Delamore Partners Limited (PDP) modelling the discharge. This report has been prepared by professionals who are considered to be experts in this field.
- 11.8 The applicant used Calmet for Meteorology and Calpuff for dispersion modelling. The use of these models is appropriate given the complex terrain and location relatively close to the coastal boundary, as significant changes in meteorological conditions can occur over short distances.
- 11.9 Figure 8 of the PDP report provides windrose extracted for the Applicant’s proposed site.



- 11.10 This windrose feels correct, with the largest winds coming from the south west and the sea breeze in the summer coming from the north to north east. There is not much pushing the air towards Richmond.

- 11.11 The Waimea Plain lies north-east to south-west in orientation and is open to Tasman Bay. The plains are sheltered both from the prevailing westerly winds and from winds from an easterly and southerly direction. This results in a sunny, mild climate, which is less windy than most other areas in New Zealand but prone to frost in sheltered locations.
- 11.12 Prolonged spells of fine weather of five days or more are usually associated with a large anticyclone moving slowly eastwards over New Zealand. If a depression develops to the north or north-east of the North Island a ridge of high pressure may still extend over the upper South Island when the anticyclone is centred far to the east or south-east.
- 11.13 Overnight and in the early morning there is often a drainage (katabatic flow) down the Waimea River towards the sea. This then reverses after the sun has been up for an hour or so and the breeze comes from the sea. The most prevalent sea breezes are in the afternoon during the hotter months of the year.
- 11.14 The Waimea Plains often experiences very light winds in autumn and winter. This is part of the reason for the PM10 exceedances in Richmond during the winter period.
- 11.15 The following are the key modelling assumptions:
- a. Assumptions used for the air quality modelling were the USEPA emissions factors from AP42 (assuming 130 tonnes per hour). This is standard industry practice.
  - b. Manufacture guaranteed emissions rate of particulate of 20 mg/m<sup>3</sup>.
  - c. Diesel Sulphur content of 10 ppm and 780 l/hour. 10 ppm is the standard for Diesel in NZ.
- 11.16 Background ambient concentrations for everything other than PM10 are likely to be on the high side as the site is well away from any combustion source.
- 11.17 The PM10 concentrations are likely to be driven by the unsealed roads in the area. The background levels are unknown but the NZTA number of 24.7 ug/m<sup>3</sup> is as good as any number.
- 11.18 Meteorological data set was developed for Nelson Tasman Councils by Golders and has been used to feed into several consents. I consider that it meets good practice.
- 11.19 The assumptions used in the modelling are worst case. There is unlikely to be more than 50 tonnes per hour production because of the transport issues. This is resulting in the

modelled air discharge rates being about 2.6 times larger than the likely actual maximum rate.

- 11.20 Overall, I consider the basic assumptions are realistic and are consistent with the Good Practice Guide for Assessing Discharges to Air from Industry (updated 2016).
- 11.21 A model is a simplified picture of reality. It doesn't contain all the features of the real system but contains the features of interest for the management issue or scientific problem we wish to solve by its use. Models are widely used in science to make predictions and/or to solve problems and are often used to identify the best solutions for the management of specific environmental problems. Air quality modelling is a very educated estimate and as such should not be considered to be "accurate", rather the results should be viewed within an envelope. The maximum ground level concentrations are very conservative in their assumptions so the results from the modelling are likely to overestimate the actual concentrations.
- 11.22 The asphalt plant has a relatively small stack height of 7.3 m and this is noted by the Nelson Marlborough District Health Board submission. The emissions are via a bag house. This form of emissions control is considered to be good practice and the emissions level of particulate of 20 mg/m<sup>3</sup> is low for a source of this nature.
- 11.23 Separation distances to sensitive receivers are not intended as an alternative to source control but are implemented in addition to pollution controls consistent with the best practicable option.

## 12 Key issues

- 12.1 I consider that the relevant air discharge issues can be summarised as:
- a. Effects on Maori Values
  - b. Potential adverse health effects;
  - c. Amenity effects odour, dust visibility;
  - d. Consent conditions;
  - e. Duration of consent, if granted.
- 12.2 Other points raised in submissions related to the discharge are:
- a. Water quality, contamination of ground water and surface water;

- b. Carcinogenic emissions; and
- c. Effects on horticulture - damage to crops

12.3 I assess each of these issues in turn below, but firstly comment generally on managing risks associated with discharge of contaminants.

### Managing risks

12.4 When looking at the risk an activity poses, we need to examine the exposure pathways for chemicals, and these can be either:

- a. Indirect - off target drift, leaching, overland flow; or
- b. Direct - application on subject areas, point source discharges (eg, spillages).

12.5 For an adverse effect there needs to be a source, pathway and adequate exposure to cause an effect.

12.6 Managing the risk should involve the following steps:

- a. Assessing the potential adverse effects.
- b. Considering the relevant risk factors.
- c. Identifying the exposure pathways.
- d. Developing and applying appropriate management options.

12.7 Conditions of consent are aimed at managing the risk, normally reduction of contaminants at source then working through the pathway.

### Key issue 1: Effects on Māori values

12.8 Submissions have been made concerning the cultural effects of the application, specifically from three iwi, Te Atiawa(30), Rarua and Koata(53). These submission raise cultural concerns regarding the proposed discharge, specifically;

- Adverse cultural and spiritual issues for mana whenua mana moana iwi
- The lack of Cultural Impact Assessment for the overall proposal and especially the proposed discharge to air
- The absence of any cultural health indicators

- 12.9 I have some experience is working with iwi and their concerns but I feel that I am not qualified to comment on the cultural and spiritual concerns.
- 12.10 I am unaware of any cultural health indicator work related to a discharge air or land. All I have managed to find is related to discharge to water and the potential effects on water.
- 12.11 It would be really useful if the submitters could provide more detail about their concerns.

### Key issue 2 - Potential adverse health effects

- 12.12 The manufacture of asphalt produces several contaminants, primarily from the combustion of the fuel and to lesser extent from fugitive emissions on site. The key contaminates in question are; carbon monoxide, oxides of nitrogen, particulate matter, sulphur dioxide and volatile organic compounds. All these compounds have the potential to cause adverse health effects if the dose is great enough (combination of exposure time and concentration).
- 12.13 The modelling suggests that the levels of all these compounds is well below the relevant guideline or standard.
- 12.14 Tables 9 and 10 of the PDP report summarises the air quality modelling. The modelled maximum ground level concentrations are well below the relevant evaluation criteria and the levels drop to very small numbers at the nearest sensitive receptor.



**Table 9: Highest Predicted MGLCs for Asphalt Plant Without Background**

Contaminant	Averaging Period	Peak Modelled MGLC ( $\mu\text{g}/\text{m}^3$ ) (excluding background)	Modelled MGLC ( $\mu\text{g}/\text{m}^3$ ) at Nearest Sensitive Receptor (excluding background)	Evaluation Criteria ( $\mu\text{g}/\text{m}^3$ )
PM <sub>10</sub>	24-hour	14.5	0.8	50 (NES)
	Annual	1.5	0.09	20 (NZAAQG)
PM <sub>2.5</sub>	24-hour	10.2	0.6	50 (NES)
	Annual	1.0	0.06	20 (NZAAQG)
NO <sub>2</sub> <sup>1</sup>	1-hour (99.9 <sup>th</sup> percentile)	60	7.8	200 (NZAAQG)
	24-hour	23	1.3	100 (NZAAQG)
	Annual	2.8	0.2	30 (NZAAQG)
CO	1-hour (99.9 <sup>th</sup> percentile)	142	18.5	30,000 (NZAAQG)
	8-hour	117	6.4	10,000 (NZAAQG)
SO <sub>2</sub>	1-hour (99.9 <sup>th</sup> percentile)	<1	<1	350 (NZAAQG)
	24-hour	<1	<1	120 (NZAAQG)

Notes:  
1. Assume 20% of NO<sub>x</sub> is NO<sub>2</sub>.

**Table 10: Highest Predicted MGLCs for the Proposed Asphalt Plant (including background)**

Contaminant	Averaging Period	Peak Offsite Modelled MGLC ( $\mu\text{g}/\text{m}^3$ ) (including background)	Peak Modelled MGLC at Nearest Residence ( $\mu\text{g}/\text{m}^3$ ) (including background)	Evaluation Criteria ( $\mu\text{g}/\text{m}^3$ )
PM <sub>10</sub>	24-hour	39.2	25.5	50 (NES)
	Annual	19.5	18.1	20 (NZAAQG)
PM <sub>2.5</sub>	24-hour	22.6	13.0	25 (proposed amendment to NES)
	Annual	10	9.06	10 (WHO)
NO <sub>2</sub> <sup>1</sup>	1-hour (99.9 <sup>th</sup> percentile)	125	72.8	200 (NES)
	24-hour	66	44.3	100 (NZAAQG)
	Annual	18.8	16.2	30 (NZAAQG)
CO	1-hour (99.9 <sup>th</sup> percentile)	5,142	5,019	30,000 (NZAAQG)
	8-hour	2,117	2,006	10,000 (NES)

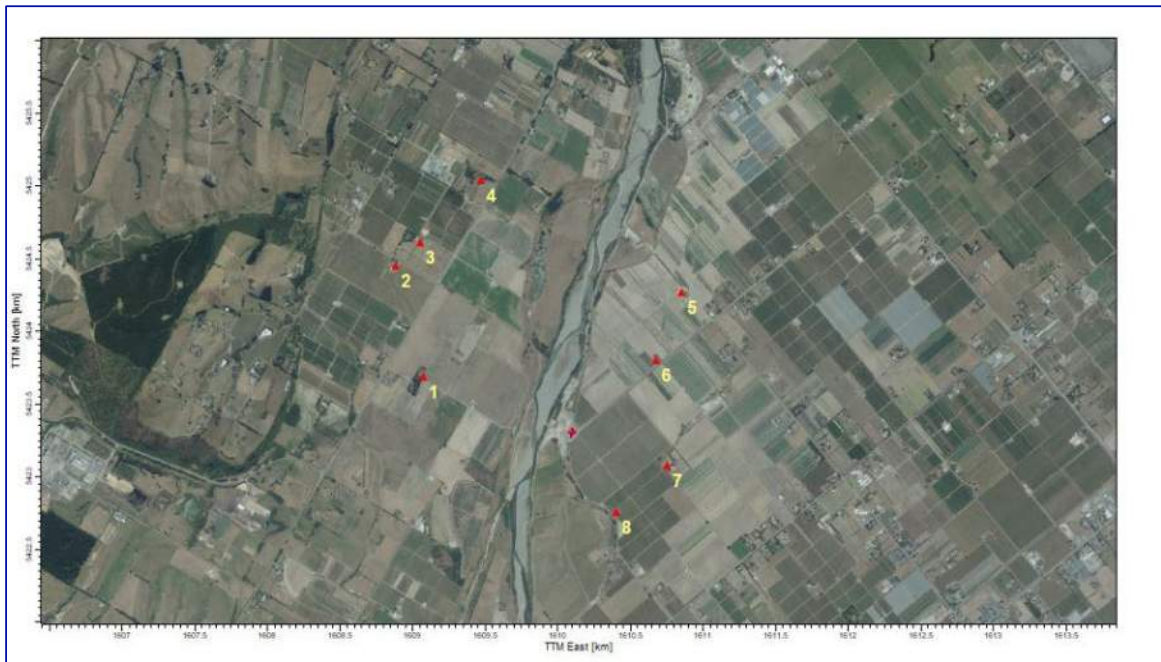
Notes:  
1. Assume 20% of NO<sub>x</sub> is NO<sub>2</sub>.

12.15 The Nelson Marlborough DHB has submitted that the stack height is very low for a plant of this size. I tend to agree that the stack height is lower than I would expect, but the use of a bag house really does reduce the emissions rate significantly.

12.16 I agree with the applicant’s assessment that the potential adverse health effects of the proposed activity are no more than minor.

12.17 There are no nearby sensitive receivers. PDP have provided a list and map of the sensitive receivers (see below). All the identified dwellings are well setback from the river, as shown on the photo map below.

Table 3: Nearest Sensitive Receptor Locations				
ID	Address	Distance from Asphalt Plant	NZTM	
			Easting (m)	Northing (m)
R1	554 Waimea West Rd	1.1 km west	1609074	5423687
R2	29 Challies Way	1.7 km northwest	1608886	5424452
R3	34 Challies Way	1.7 km northwest	1609052	5424617
R4	701 Waimea West Rd	1.8 km northwest	1609470	5425041
R5	150 Bartlett Rd	1.2 km northeast	1610851	5424269
R6	208 Bartlett Rd	0.7 km northeast	1610675	5423803
R7	239 Bartlett Rd	0.7 km east-southeast	1610757	5423083
R8	202 Edens Road	0.6 km southeast	1610403	5422760



Sensitive receivers (PDP map)

### Key issue 3 Amenity effects of air discharge

12.18 The three amenity effects that are of concern for this application are, odour, dust and visible emissions.

## Odour

- 12.19 In the first instance, the principle of ‘internalisation’ states that those who create adverse effects must confine them within their own sites rather than force society to bear the burden of dealing with them. This principle has its origins in common law associated with property rights and nuisances. While case law is evolving, seven general principles for consideration when deciding how to mitigate the effects of odour have been developed from High Court decisions:
- a. In every case, activities should internalise their effects unless it is shown that they cannot do so;
  - b. There is a greater expectation of internalisation of effects of newly established activities than of older activities;
  - c. Having done all that is reasonably achievable, total internalisation of effects within the site boundary will not be feasible in all cases and there is no requirement in the RMA that that must be achieved;
  - d. That the test for odour is objective (ie, reasonable person test);
  - e. That there is a duty to internalise adverse effects as much as reasonably possible;
  - f. That it is accepted that in respect of odour, the concern is to ensure that odour levels beyond the boundary are not unreasonable (being the same as offensive or objectionable or significant adverse effects); and
  - g. That in assessing what is reasonable one must look at the context of the environment into which the odour is being introduced (location) as well as the planning and other regulatory provisions.
- 12.20 Good design and operating procedures are the first means by which the applicant can internalise the odour to the site and prevent and minimise the effects of the odour offsite. The key items that need to be controlled in this case are as follows:
- a. raw materials;
  - b. waste (if any) handling;
  - c. processing plant;
  - d. instrumentation and control; and

- e. plant buildings.

Conditions of consent have been recommended to address each of the above matters.

- 12.21 The activity by its nature will produce some odour. The combustion of diesel and hot bitumen will emit unburnt hydrocarbons and partly burnt hydrocarbons, or volatile organic compounds (VOC's). Some of these VOCs are odours. Minimising the production of VOCs is achieved by maintaining the burners and ensuring that the plant does not overheat.
- 12.22 Dispatch of asphalt will be in covered trucks to limit the odour.
- 12.23 Subject to good practice, the risk of a significant odour discharge is not considered to be high. The current (and zoned) landuse creates a low-risk environment for odour complaints.
- 12.24 A complaint register is included in the conditions of consent and as is an ongoing Air Quality Management Plan. This should allow for the control of fugitive emissions outside the main discharge stack.
- 12.25 A condition limiting the maximum temperature of the mix has been included. This will limit the temperature of the mix coming out of the process to 175 degrees Celsius . This is to minimise the risk of overheating the mix. As bitumen's temperature increases, the risk of odour discharging increases significantly.

#### Dust

- 12.26 Nuisance dust effects (as opposed to health effects) will arise from poor handling of aggregates. Management includes keeping working places clean and driving at low speeds when surfaces are dry.
- 12.27 There are several sources of dust
  - a. Unsealed yards
  - b. Storage of fine aggregates
  - c. Transferring material

- 12.28 The plant is working with large volumes of potentially dusty material. The storage and transfer of this material has the opportunity to produce dust. Usually, the simplest thing is to keep the working surfaces damp.
- 12.29 The applicant has proposed to include dust management in the Environmental Management Plan for the site.

#### Visible plume

- 12.30 Under normal operations the discharge from the hotmix plant will consist of a noticeable white steam plume, which dissipates as the steam evaporates. The application does not provide information about the size of the plume. I accept that the details of the plume will depend on the receiving atmosphere (temperature, humidity, stability etc) but I have been unable to find much detail on the size of the plume. It would be good for the applicant to provide more detail in respect to the plume.

#### Key Issue 4 Conditions of consent

- 12.31 The draft conditions of consent for the discharge to air provided by the applicant are considered to be inadequate.

##### Discharge to air

1. The Applicant shall ensure that the Mixing Drum burner has reached optimal temperature prior to inputting aggregates.
2. The MARINI Latin America Carbon T-Box 130 shall operate to a maximum of 10 hours per 24 hours.
3. The chimney stack shall be at least 2 metres above the roof of the Bag House.

- 12.32 I have drafted a set of proposed conditions for the commissioners, which is attached to this report.
- 12.33 The key submission on conditions of consent came from Nelson Marlborough District Health Board (NMDHB). They suggested some conditions of consent as follows:

6. The decision sought is to have the following added as conditions for consent:

- I. A minimum stack height should be set out in the consent.
- II. A maximum PM<sub>10</sub> emission of 20 mg/Nm<sup>3</sup> corrected to 0°C, dry gas basis.
- III. A minimum stack exit velocity of 20 m/s.
- IV. A requirement to monitor and record pressure in the bag house. Records to be made available to council upon request.
- V. The baghouse shall be fitted with an interlock system which ensures the hot mix plant shuts down in the event of a bag filter failure.
- VI. A condition to maintain and correctly adjust the burner to ensure good operation to minimise smoke and fugitive discharges to air.
- VII. A condition requiring the annual monitoring for particulate emissions.
- VIII. A condition requiring a contingency plan for moving the asphalt plant in the event of an extreme flood and a timeframe for the removal of the bitumen and diesel tanks.

The odour emissions require a further assessment and consideration should be given to including a condition around odour emissions.

12.34 The conditions sort by the NMDHB have been generally included in the attached proposed conditions of consent. With a few exceptions, as explained below .

12.35 I accept that there is the risk of odour from the process, however given the separation distances I consider this to be low. I have chosen not to put specific odour monitoring conditions on the consent, and instead rely on the Air Quality Management Plan.

12.36 I have not included an interlock system that shuts the process down in case of a bag filter failure, rather I have included a condition of consent alarming any possible failure. It is my understanding that bag house failures can be very minor (small tear) to a large failure, and interlock is a relatively coarse tool.

12.37 I note that the applicant will have difficulty running the plant for 10 hours a day at 130 T/hour. They simply will not have enough diesel on site with the 5,000 litre tank. At full capacity the plant will use 780 litres per hour so they could run the plant for about 6.4 hours at full capacity. Noting that the applicant has stated that the limiting factor is likely to be shipping the finished product offsite.

### Key Issue 5 - Duration of consent

12.38 Initially the applicant applied for a 35-year term for the consent, subsequently the revised the application reducing the proposed term of consent. This reduction in term was part of the notified application.

12.39 The Applicant volunteers to line up the consent with the Waimea River Park Management Plan, and volunteers that the Asphalt Batching Plant shall only operate

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whilst there is extraction and crushing operating within the Waimea River Park Reserve, or for a period of 20 years, whichever is the lessor. It is also volunteered, that once all extraction and crushing operations cease within the Waimea River Park Reserve, the Applicant shall vacate and remediate the Asphalt Batching Plant site within 6 months.

- 12.40 Several submissions have asked for a shorter duration of consent e.g., Te Ātiawa Manawhenua Ki Te Tau Ihu request a duration of 10 years
- 12.41 While the RMA provides for a maximum term of 35 years for regional consents, it is silent on the specific considerations a consent authority must or may turn to when deciding on the duration of consents. For notified consents these decisions must be included in the decision report and must outline the reasons for deciding on a shorter term than that requested in the application or set in legislation (s113(1)(b)).
- 12.42 MFE Good Practice Guide for Assessing and Managing Odour 2016, section 3.2.5 states the following:
- A shorter consent may apply if the activity:
    - is one which generates fluctuating or variable effects, or
    - depends on human intervention or management for maintaining satisfactory performance, or
    - relies on standards that have altered in the past and may be expected to change again in future.
- 12.43 The asphalt plant is modern and is likely to meet good, if not best, practice. The revised expiry is in line with other discharge to air consents in the district.

## Issues raised in submissions

### Water contamination and effects on the Waimea River

- 12.44 No consent has been applied for the discharge of contaminants to land where they may enter water or a discharge to water. The applicant is relying on the permitted activity rule for any discharge of this nature.
- 12.45 Several submissions are on the risk to the ground water and the Waimea river and associated aquifer.
- Air pollution getting into the water

- Spill of Diesel
- Bitumen spill
- Sediment from the site

- 12.46 The site has been a gravel crushing plant. The ground is very free draining and the risk of overland flow from the site any distance is considered to be low.
- 12.47 The earthworks / stopbank works will have a certified erosion and sediment control plan to minimise the risk from sediment. Given the location, with free draining soils and relatively flat topography, an erosion and sediment control plan is considered to be straight forward.
- 12.48 The largest risk of contamination comes from the diesel used on site. The permitted activity rule 16.7.2.1 requires no more than 5,000 litres of diesel to be stored on site. The application complies with this volume limit and, coupled with the Worksafe NZ requirements, this is considered to be a permitted activity which requires a double skinned tank which minimises the risk of rupture.
- 12.49 There are no nearby urban water supply bores. The Richmond water supply bores are more than 3 km downstream. The risk from the activity on urban water supply is considered to be less than minor. As such regulation 12 of the National Environmental Standard for Sources of Human Drinking water is not relevant and no specific condition of consent is required.

### Carcinogenic effects

- 12.50 I have addressed human health effects from the discharge to air, above.
- 12.51 A submission is concerned that bitumen is a carcinogen. Bitumen is basically an inert material that must be heated or diluted to a point where it becomes workable for the production of materials for paving, roofing, and other applications. In examining the potential health hazards associated with asphalt, the International Agency for Research on Cancer (IARC) determined that it is the application parameters, predominantly temperature, that affect occupational exposure and the potential bioavailable carcinogenic hazard/risk of the asphalt emissions. In particular, temperatures greater than 199 °C (390 °F) were shown to produce a greater exposure risk than when asphalt was heated to lower temperatures. The lower temperatures are typically used in asphalt pavement mix production and placement, and this is the basis

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of this application. IARC has classified paving asphalt fumes as a Class 2B possible carcinogen, indicating inadequate evidence of carcinogenicity in humans. It is noted that bitumen is found throughout the urban and rural environment as part of the road network.

12.52 The bitumen is not considered to be a significant risk as it will harden if a spill occurs, and it can be scraped up and reused. The bitumen needs to be kept heated in the storage tanks or it will solidify.

12.53 A condition of consent has been suggested to limit the temperature of the plant to minimise the emissions of volatile organic compounds.

#### Effects on horticulture

12.54 Submissions have raised the concern that crops will be tainted by the air discharge. It is unclear what that assertion is based on.

12.55 No effects from the plant discharge are predicted on the horticulture crops in the area. There is the potential to get an adverse effect from dust from the unsealed roads on the river berm. A management plan will be in place to limit the fugitive emissions of dust from the worksite.

### Tasman Resource Management Plan

12.56 The Applicant has provided an assessment of the relevant objectives and policies in the TRMP related to air quality (refer to the table at paragraph 3.62, page 22, of the amended application dated 9 April 2021).

12.57 I consider the following are the key objectives and policies from Chapter 34 of the TRMP related to air quality

#### 34.1.2 Objective

The discharge of contaminants to air in such a way that avoids, remedies or mitigates adverse effects while:

- (a) maintaining existing air quality; and
- (b) enhancing air quality where existing quality is degraded for natural or human uses or values.

#### 34.1.3 Policies

- 34.1.3.1 To ensure that any discharges of contaminants to air are undertaken in a way that avoids, remedies or mitigates any adverse effects on the receiving environment or surrounding activities.
- 34.1.3.2 To allow or regulate contaminant discharges to air in relation to their actual or potential contamination effects, including:
  - (a) adverse effects on human health;
  - (b) adverse effects on amenity values;
  - (c) contamination of adjacent sites;
  - (d) degradation of water quality;
  - (e) the production of objectionable, noxious or offensive odours.
- 34.1.3.3 To provide for contaminant discharges to air while maintaining or enhancing the ambient air quality.
- 34.1.3.4 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.
- 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.
- 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.
- 34.1.3.11 To manage air quality to meet National Environment Standards for ambient air quality, especially in relation to concentrations of PM10.
- 34.1.3.14 To take into account national guidelines for air quality when considering applications to discharge contaminants into the air.
- 34.1.3.16 To take into account potential adverse effects on ambient winter-time PM<sub>10</sub> concentrations in the Richmond Airshed of discharges to air that may enter the Richmond Airshed

- 12.58 I am satisfied that the proposed activity is consistent with almost all the relevant objectives and policies. On balance I find that the proposal is consistent with the overall objective and policy framework.

## 13 Part 2

- 13.1 In considering recourse to Part 2 matters it is appropriate and necessary to refer to it in certain circumstances, including:

- a. If the relevant higher order policies of the NPS are equivocal and it is unclear from them whether consent should be granted or refused, or
- b. If the TRMP as the relevant plan has not been competently prepared in accordance with Part 2, or if there is some doubt about that.

- 13.2 In this instance, we consider that:

- a. The TRMP has been competently prepared to promote the sustainable management of natural and physical resources in accordance with Part 2; and
- b. While the TRMP predates the NPS FW, the proposed activities are considered to be consistent with the relevant higher order policy in the NPS-FM.

## 14 Summary of key issues and recommendations

- 14.1 Overall the proposed activities will not be inconsistent with the policies and objectives of the TRMP and the NES-FM.

### Industrial land use (RM201000)

- 14.2 Generally the proposal should have minor adverse effects at the asphalt plant site and with regard to truck traffic using local roads, but clarifications are required as to potential cumulative effects and the maximum number of truck movements that will be authorised by this consent.

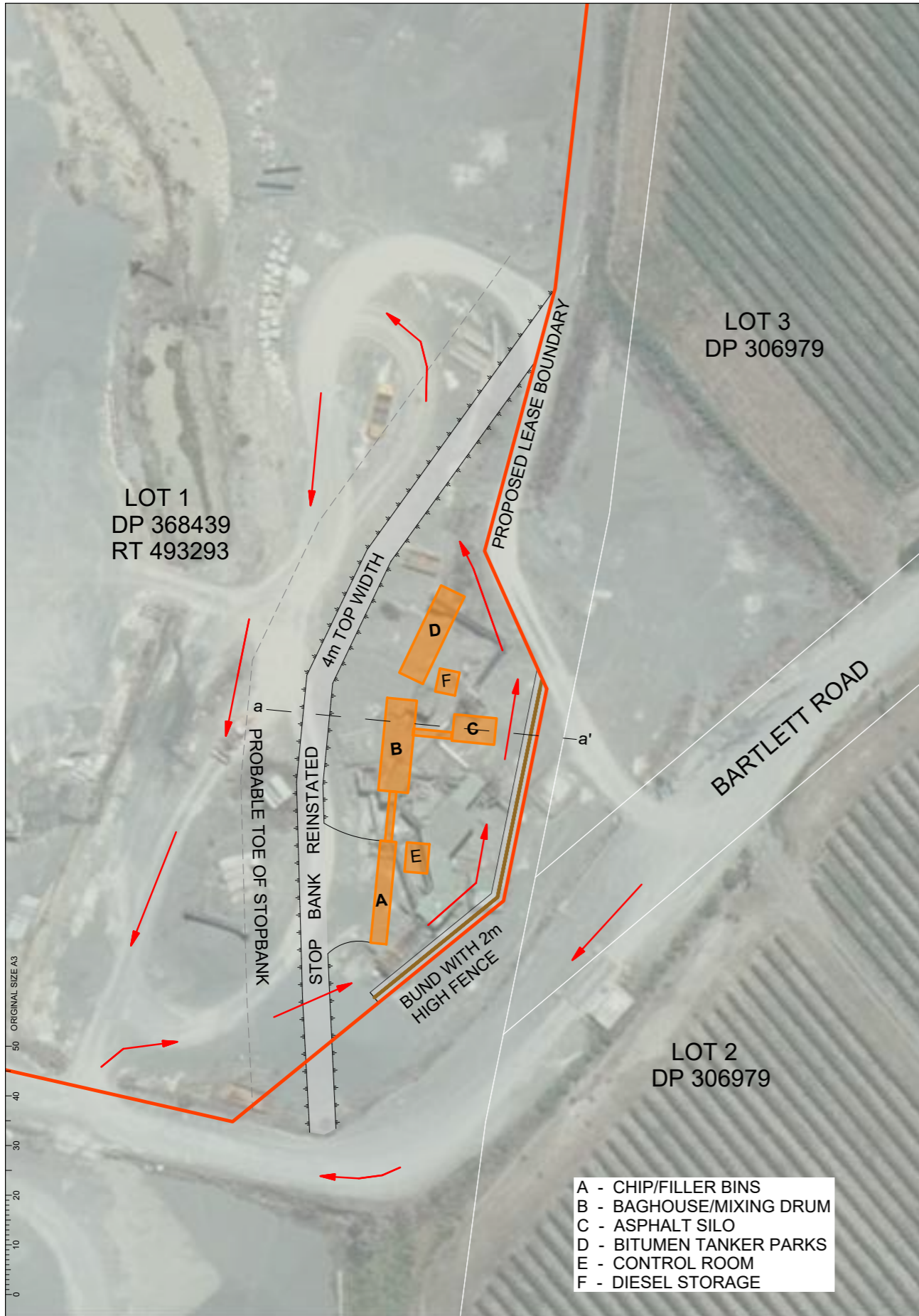
### Earthworks on the stopbank

- 14.3 The works associated with the stopbank are minor and subject to conditions of consent the effects are considered minor

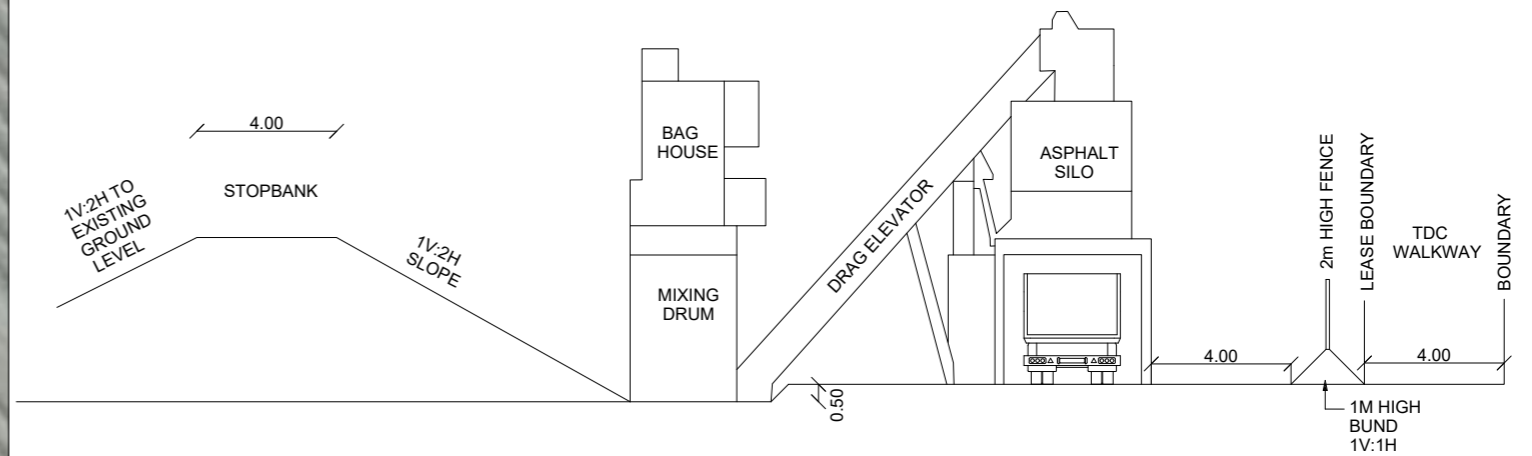
- 14.4 The works on the stopbank and surroundings are considered to be very low risk and subject to conditions of consent should not result.

### Discharge of contaminants to air

- 14.5 The discharge is from a modern asphalt plant that meets best practice with a bag house filter.
- 14.6 The location is relatively remote and is has little in the way of sensitive receivers near the proposed location.
- 14.7 For these reasons it is considered in principle that it is open to the Commissioners, after hearing the evidence from all parties, to grant resource consent subject to appropriate conditions of consent. This view is based on the amended application and information received to date, and we retain open minds to subsequent evidence.
- 14.8 To assist the Commissioners, should the Panel be minded to grant resource consent, draft recommended conditions for the resource consents are attached as follows:
- a. Land use consent for the industrial activity - RM201000 in **Attachment 10**
  - b. Land use consent for the earthworks - RM201018 in **Attachment 11**.
  - c. Discharge permit to discharge contaminants to air from the operation of the asphalt plant - RM201002 in **Attachment 12**



Location Diagram



tasman district council | Te Kaunihara o te tai o Aorere  
received 26 November 2021 by email

<p>81 Selwyn Place, Nelson 248 Montreal St, Christchurch</p> <p>Ph: 0800 807 818 www.staigsmith.co.nz enquiries@staigsmith.co.nz</p>	<p>Move to Lease bdy AMENDMENT</p> <p>26/11/21 DATE</p>	<p>JOB/CLIENT Tasman Bay Asphalt Bartlett Road Hope</p>	<p>DRAWING Proposed Asphalt Plant Site Plan</p>		<p>Survey: SA Drawn: SA Checked: DC Approved: DC</p>	<p>ISSUE 3</p> <p>DATE 26 Nov 2021</p>	<p>PROJECT NO. 12410</p> <p>SCALE: A3 A1 1:750 -</p> <p>VI - -</p>	<p>SHEET 1 OF 1</p>
					<p><small>COPYRIGHT © These drawings shall only be used for the purpose for which they were supplied. Any reuse is prohibited and no part of this document may be reproduced or distributed without the written permission of Staig and Smith Ltd.</small></p>			



## Proposed truck routes



Source:  
Figure 3 of Applicant's Attachment E Traffic Assessment as lodged.

Road names added.

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**DRAFT WAIMEA RIVER PARK RESTORATION AND ACCESS PLAN  
FOR CONSULTATION AND CONSENT HEARING  
(30/11/2021V)**

**Organisation Details:**

Name	Tasman Bay Asphalt Ltd
Address	C/- PO Box 3518, Richmond 7050
Contact person	Jarrold Du Plessis
Email	jarrod@asphaltandconstruction.co.nz
Phone	0274 222 176
Resource Consent	RM201000, RM201002, RM201018



**Vision:**

To ensure no pest weeds or species invade the Asphalt Plant site during operation.  
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.

**Site description:**

The site is located at the south-east of Lot 1 DP 368439 and is owned by Tasman District Council (Council). Lot 1 DP 368439 contains an area of 207ha and the Asphalt Plant site is ~1ha. The purpose of Lot 1 DP 368439 is for River Control Purposes. The Council administers this land as part of the ~394ha Waimea River Park in accordance with the *Waimea River Park Management Plan 2010*. The Asphalt Plant site is located on northern side of the Bartlett Road Entrance and is 0.2% of the Waimea River Park area. The Waimea River Park commences along the Wairoa River at Bryant Road and the Wai-iti River at Waimea West Road and proceeds downstream to the Waimea Estuary. The Asphalt Plant site is located around 160m from the current Waimea Riverbed, and 130m from the row of willows which demarks the current flood channel. The buildings and infrastructure of the Asphalt Plant site are to be located on the outside of the existing stopbank.



**Waimea River Park Management Plan 2010:**

The *Waimea River Park Management Plan 2010* identifies that “The primary objectives of park management are river control and soil conservation. Achievement of these objectives requires creation and maintenance of river control structures such as stop banks and ongoing management of the riverbed. Heavy machinery is used for these activities and for other activities, such as extraction and transporting of gravel from and through the park and adjoining lands. To enable these activities to continue, it may be necessary to close or restrict access to parts of the park at certain times.”

**Restoration Actions***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*.

#### **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.

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

5. Tasman Bay Asphalt will remove all fences restricting access through the Waimea River Park.
6. 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.
7. 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.

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## Consent Application RM201000, Tasman Bay Asphalt Ltd Review of Traffic Effects

30/11/2021

Affirm NZ Ltd has been engaged by Tasman District Council to carry out a review of the traffic matters of a resource consent application by Tasman Bay Asphalt Ltd to establish an asphalt plant on Bartlett Road. This review is intended to provide an independent expert appraisal of the proposal for the Council Planners Report on the consent application.

### 1. Background

Tasman Bay Asphalt (Applicant) seeks resource consent to construct and operate an Asphalt Plant at 272 Bartlett Road adjacent to the Waimea River.

The asphalt batching plant will utilise materials sourced from stockpiles on site, with some additional materials brought to site as required for asphalt production. Transportation of finished product will be by way of asphalt trucks.

It is proposed that the plant operate during daytime hours (as defined for permitted activity noise standards in the Rural 1 zone in the Tasman Resource Management Plan (TRMP)), but with a maximum of 10 hours operation over any 24-hour period. Approval has been sought for the plant to operate at a maximum rate of 130 tons per hour.

The Applicant has requested authorisation for truck movements to occur over a 10-hour window between the hours of 6.30am and 10.00pm.

The Traffic Impact Assessment (TIA) has provided a Truck Routes plan that shows defined routes that asphalt trucks would be required to take when travelling to and from the asphalt plant and work sites where the asphalt will be used. The routes vary depending on the location of the work sites and are specifically intended to avoid or restrict right-turning movements of trucks at intersections on State Highway (SH) 60. Refer to the TIA and the Council Planners Report for a copy of the Truck Routes plan.

### 2. Documents Reviewed

For the purpose of this review I have considered the following documents:

1. Staig & Smith Resource Consent Application and AEE of 20 November 2020, amended 9 April 2021, (the AEE).
2. The Traffic Impact Assessment of 12 October 2020 prepared by Traffic Concepts Ltd (the TIA).
3. Summary of the 73 submissions provided by Staig & Smith in an email dated 19 October 2021.
4. Applicant's written response to questions of clarification dated 23 November 2021.

In addition, I have had separate meeting with transport personnel from Tasman District Council and with New Zealand Transport Authority Waka Kotahi (Waka Kotahi) representatives to discuss traffic related matters of the application.

### 3. Existing Road Environment

#### 3.1 Land Use

The land alongside the local roads (Bartlett Road, Ranzau Road, Ranzau West Road and Pugh Road) proposed to be used for the asphalt truck routes is predominately rural in nature. It is used for a mixture of agricultural and horticultural use, with the majority of horticultural use being pip fruit orchards with some grape plantings.

There are two industrial activities located on the southwestern side of Ranzau Road, a timber operation and a fertilizer company. Both are sited within land zoned as Rural Industrial.

Ranzau School and the Hope Community Church are located opposite each other on Ranzau Road, approximately midway between SH6 (Main Road Hope) and Pugh Road.

There is a localised area of concentrated residential development on either side of Ranzau Road, near to the intersection with SH6. Outside of this area, housing is more rural-residential in nature.

#### 3.2 Tasman Great Taste Trail

The Tasman Great Taste Trail runs alongside parts of Ranzau Road and Pugh Road. The trail joins Ranzau Road approximately 200m north of SH6. It runs along the eastern side of the road until a point approximately 170m south of the Pugh Road intersection, where it crosses to the western side of Ranzau Road. When it meets Pugh Road, the trail turns west, continuing along the south side of Pugh Road.

#### 3.3 Existing Traffic Volumes

The TIA provides figures on the number of proposed truck movements associated with the asphalt plant, but there is no information provided on the current traffic volumes or truck movements on the local road network. The current traffic volumes should be used to provide a base level for comparison of the likely change in truck movements on the local roading network.

For the local roads that cover the Truck Routes plan, the most recent traffic count data has been sourced from Tasman District Council. This information is provided in Table 1 below.

The Average Daily Traffic recorded at each location is provided as both 5 -day (Monday to Friday) and 7-day counts. Information is also provided on the %age of Heavy Vehicles in the traffic stream as a proportion of the 5-day count. As the counts were all taken over a single week (7-day) period, the derived values represent the Average Daily Traffic for that particular week. They have not been converted to an Annual Average Daily Traffic value.

The traffic counts have taken place at different times of the year, with the Ranzau Road count occurring in February 2018, the Bartlett Road count occurring in May 2019 and the counts on Pugh Road and Ranzau Road West taking place in August 2019. In addition, the volumes and distribution of trucks will also vary throughout the year. For example, there will be peak movements associated with the pip fruit and grape harvest periods, through the period from February to April. Due to these seasonal variations, aside from the Pugh Road and Ranzau Road West counts from August, the counts shouldn't be directly compared.

Subject to these limitations, the traffic counts provide useful information on the relative traffic volumes, the pattern of travel over the course of a week and the differences between weekday and weekend traffic patterns.

*Table 1 – Local Road Traffic Data*

Location and Count Date	Annual Daily Traffic (ADT) vehicles per day	% Heavy Vehicles (Number of Trucks)
Bartlett Road – May 2019 (SH60 to Ranzau Road West)	5-day = 462vpd 7-day = 393vpd	10% (46 trucks per day)
Ranzau Road – February 2018 (Pugh Road to SH6)	5-day = 1035vpd 7-day = 911vpd	13.6% (140 trucks per day)
Ranzau Road West – August 2019 (Pugh Road to Bartlett Road)	5-day = 585vpd 7-day = 513vpd	12.3% (72 trucks per day)
Pugh Road – August 2019 (SH60 to Ranzau Road)	5-day = 804vpd 7-day = 716vpd	13.4% (108 trucks per day)

The traffic volumes on SH6 and SH60 for 2020 have been obtained from Waka Kotahi traffic count data. For the section of SH6 either side of Ranzau Road, the ADT is approximately 12,000vpd with 12% Heavy Vehicles. On SH60, for the section of highway between Pugh Road and Bartlett Road, the ADT is approximately 11,000vpd with 9% Heavy Vehicles.

### 3.4 Existing Truck Volumes

The approximate number of trucks per day on each of the local roads is shown in Table 1 above. Existing truck volumes are lowest on Bartlett road and Ranzau Road West, at less than 100 movements per day. There is a relatively high number of trucks on Pugh Road. The highest number of truck movements for the four local roads is on Ranzau Road, between Pugh Road and SH6.

The traffic counts on the local roads also provides a summary of the frequency of movements of heavy vehicles. This includes a breakdown of movements by hour, over a 24-hour period. For the 5-day working week, Monday to Friday, the majority of truck movements on the local roads occur during the hours of 8.00am and 5.00pm. On Bartlett Road and Ranzau Road the summary shows that heavy truck movements prior to 6.00am and after 9.00pm on these roads is rare. On Pugh Road there are occasional truck movements occurring in the late evening and early morning, typically only a single truck over a one-hour period.

Over the weekend the traffic count data shows there are virtually no existing truck movements on Bartlett Road. On Ranzau Road the truck movements over the weekend reduce to approximately 1/3 of the weekday numbers on Saturday and approximately 1/5 of the weekday numbers on Sunday. Similarly, for Pugh Road the truck movements reduce to approximately 1/2 of the weekday numbers on Saturday and 1/3 of the numbers on Sunday.

### 3.5 Road Safety

The TIA doesn't include any discussion on the overall safety of the routes and intersections that will form the proposed Truck Routes Plan and the potential effect of increased truck movements from the asphalt plant.

Road Safety Risk Ratings have been obtained from Waka Kotahi for the local roads. Collective Risk Ratings on all the local roads are Low. The Personal Risk Ratings for Bartlett Road, Ranzau Road West and Pugh Road are all Low-Medium while the Personal Risk Rating for Ranzau Road is Medium.

Personal Risk is defined as the risk of death or serious injuries per 100 million vehicle kilometres travelled, or more simply the level of risk per vehicle. The Risk Ratings indicate that there is a slightly higher level of Personal Risk for Ranzau Road in comparison to the other local roads.

Crash reports have been obtained from the CAS database maintained by Waka Kotahi for four of the six intersections that are included in the proposed Truck Routes plant from the TIA. There have been no reported crashes over the past ten years at the Bartlett Road/ Ranzau Road West intersection. Crash reports have not been obtained for the intersection of SH6 and SH60 at Three Brothers Corner, as the high volumes of existing traffic through this intersection are unlikely to be affected by any additional truck movements associated with the Application.

The reported crash history for the ten-year period 2011 – 2020 at the remaining four intersections has been reviewed and is summarised in Table 2 below.

*Table 2 – 2011-2020 (10-Year) Crash History at intersections*

Location	Number of Crashes	Crashes involving Trucks	Crash Severity
Bartlett Road/ SH60 intersection	12	3	1 Serious 4 Minor 7 Non-injury
Pugh Road/ SH60 intersection	13	1	5 Minor 8 Non-injury
Pugh Road/Ranzau Road Intersection	2	2	1 Fatal 1 Non-injury
Ranzau Road/ SH6 intersection	5	1	3 Minor 2 Non-injury

Based on the above, a moderate number of crashes have occurred at the two intersections on SH60, with lower numbers of crashes reported at the other two intersections.

The Bartlett Road/ SH60 intersection has a relatively high number of crashes for the volume of traffic on the intersecting side roads and trucks have been involved in ¼ of these crashes. Limiting truck turning movements at this intersection, which the Truck Routes plan indicates, is a sensible approach. By



comparison, trucks are involved in a low number of crashes at the Pugh Road/ SH60 intersection and with dedicated turning lanes provided on the highway at this intersection, it should be used in preference to the Bartlett Road/ SH60 intersection

While the two reported crashes at the Pugh Road/ Ranzau Road intersection involved trucks, in both instances the crashes occurred when other vehicles failed to give way to the trucks at the priority-controlled STOP signs.

## 4. Submissions

A total of 73 submissions have been received, of which 47 are in opposition. Of the submissions in opposition, a majority raise traffic matters as the main reason for opposition. A review of the submissions in opposition has been completed to categorise the specific issues raised.

The primary issues raised were increase in traffic volumes (35 submissions), increased traffic noise (19 submissions), and the change in traffic type with additional trucks (12 submissions). The potential effects stated were overall traffic safety (25 submissions), children safety (14 submissions), cycle safety (12 submissions) and pedestrian safety (7 submissions).

Of the submitters in opposition that have provided an address, 21 are on Ranzau Road, with 11 on Bartlett Road and six on Pugh Road.

## 5. Review of Traffic Matters

### 5.1 Council and Waka Kotahi Comments

To inform this Review, separate meetings were held with Tasman District Council transportation personnel and representatives from Waka Kotahi to discuss the application

Council transport personnel identified no significant areas of concern regarding the increase in truck movements on the local road network. The safety of the Ranzau Road/ Pugh Road intersection was raised, as a fatal crash occurred at this intersection in 2017. There is restricted visibility from the Ranzau Road limit line looking northwest along Pugh Road due to the position of trees planted along the boundary.

With regards to Ranzau School, it was noted that a Kea Crossing operates during the times of the school drop off and pick up along with an associated school zone 40km/h speed limit.

The meeting with Waka Kotahi verified their preference, as outlined in the TIA, to avoid right-turning movements of trucks at the SH60/ Bartlett Road intersection. This intersection has no separated turning lanes on the highway and a much narrower seal width than the SH60/ Pugh Road/ McShanes Road intersection further to the south.

Waka Kotahi also advised that there were no currently programmed improvement works at the intersections on SH60 or any committed route-wide works along the highway within the next two – five years.

## 5.2 Truck Routes Plan

A Truck Routes plan has been provided in the TIA showing defined routes that asphalt trucks would be required to take when travelling to and from the asphalt plant. It has been developed in part as an outcome of discussions with Waka Kotahi to avoid right turning truck movements at intersections on SH60, particularly the Bartlett Road/ SH60 intersection.

Routes are shown for three destinations for asphalt, to the northeast (Richmond and Nelson), the northwest (Motueka) and the southwest (Wakefield and Murchison). As a Volunteered Condition, these routes will form part of a Traffic Management Plan to be prepared prior to commissioning of the asphalt plant.

The Truck Routes plan is a rational approach to minimise turning truck movements, particularly right-turns, at the identified higher risk intersection of Bartlett Road and SH60. The plan eliminates right-turn movements onto SH60 at the respective Bartlett Road and McShanes Road/ Pugh Road intersections with the highway.

As the plan imposes longer truck trips for some journeys, it may be difficult to enforce the required routes. It will be important that all truck operators are made aware of the required routes, including the non-asphalt trucks delivering other materials to site. Making the Truck Routes plan a formal requirement of an operational Traffic Management Plan will assist in compliance.

## 5.3 Site Generated Truck Movements

The Application is based on a maximum of 80 truck movements per day (averaged), which is one of the Volunteered Conditions.

On pages 4 and 5 of the TIA it is stated that the number of truck movements from the site when the asphalt plant is operational are expected to be less than those generated by existing site activities. This is due to the removal of current truck-generating activities and the use of materials on-site that would otherwise be transported off site.

However, it is understood that while the existing crushing plant is to be removed to allow for installation of the asphalt plant, that both gravel extraction and potentially crushing operations could continue from the Downer lease area. This is also confirmed in paragraph 5 of the Applicant's written response to questions of clarification dated 23 November 2021.

There are no figures provided in the TIA regarding either the number or frequency of existing truck movements from the site related to extraction and crushing activities or how these may change once the asphalt plant is in operation. Without this information it is not possible to quantify any net changes in site generated truck movements.

In the absence of any information on existing truck movements from the site, and uncertainty over the future truck movements from separate gravel extraction and crushing operations, for the purpose of this review it has been assumed that the truck movements associated with the asphalt plant will be in addition to those currently generated from existing site activities.

#### 5.4 Effect of Truck Movements

Based on the existing local road traffic volumes, the truck movements associated with the asphalt plant will generate a noticeable amount of traffic on these roads. The generated truck movements will be more obvious on those roads with lower existing traffic volumes and a lower number of truck movements, namely Bartlett Road and Ranzau Road West.

On Bartlett Road the additional 80 truck movements are approximately twice the current number of truck movements. On Ranzau Road West the additional truck movements are approximately equal to the existing number of truck movements, so overall truck movements on Ranzau Road West when asphalt trucks use this road will be double that of the existing.

For the higher volume roads of Pugh Road and Ranzau Road, the additional truck movements associated with the asphalt plant will be lower than current truck movements, but they will still result in noticeable increases. On Ranzau Road, 80 additional truck movements per day represents an increase of approximately 60% of existing truck movements. Based on the Truck Routes plan included in the TIA, Pugh Road will only cater for one-way truck movements, so will be subject to 40 additional truck movements when in use by asphalt trucks. These additional movements represent an increase of just under 40% of existing trucks.

The truck movements associated with the asphalt plant should be adequately catered for within the local roading network. The local roads are of a sufficient standard, with appropriate speed limits and adequate capacity to cater for the proposed number of truck movements. The adoption of the Truck Routes plan avoids right-turning truck movements at the higher risk intersection of Bartlett Road and SH60.

#### 5.5 Non-Asphalt Truck Movements

The TIA provides an average number of truck movements per day of less than 20 trucks, with an expected number of truck movements to be less than 40 trips per day at the peak sealing season. On a day to day basis the TIA considers the number of movements to be around two trucks per hour and at peak time four trucks per hour (or one every fifteen minutes).

Volunteered Conditions in the Application state that the activity shall generate a maximum of 80 truck movements per day once averaged. This equates to 40 trucks making a return visit to the site, which over a ten-hour working period would be approximately four trucks per hour making return trips.

The Application and TIA also discuss truck movements to and from the asphalt plant other than asphalt trucks. Deliveries are required for diesel and bitumen products to the site along with crusher dust and hard chip. Depending on the quantities required for specific asphalt mixes, the truck movements associated with crusher dust and chip materials brought in from off-site could be numerous. The number of non-asphalt truck movements is not quantified and there is no assessment provided in the TIA of these additional truck movements.

Additional truck movements will occur from non-asphalt trucks and there is the potential that these truck movements could be numerous, depending on the volumes of chip required to be imported from off-site. As the TIA has not considered movements from these vehicles, it is unclear what effect these additional truck movements could have on the local roads.

Further information on non-asphalt truck movements was provided by the Applicant in their written response to questions of clarification dated 23 November 2021. They have advised that the expected number of truck movements associated with bitumen and diesel deliveries is low, in the order of one truck per day. The response indicates that truck movements for delivery of off-site aggregates and crusher dust can't be easily quantified but will be infrequent, with aggregate *"needed in very limited instances"* and crusher dust required *"very infrequently"*.

In paragraphs 7 and 12 of this response, the Applicant has stated that all truck movements associated with diesel, bitumen and delivery of off-site sourced aggregate (including crusher dust) will fit within the maximum of 80 truck movements per day once averaged.

## 6. Volunteered Conditions

The Application has volunteered Conditions, with those relevant to traffic matters covered in Part 5.102 – Volunteered Conditions Land Use (District). These have been reviewed and commented on.

### 6.1 Operation

Under **Volunteered Condition (6)** there is the potential for the asphalt plant to operate at a rate of 130 tons/hour. This is approximately 2.5 x greater than the 45-50 tons per hour production rate that has been used in the Application to determine the truck movements of 80 per day, or eight movements per hour (four trucks per hour) over a 10-hour working day.

At this maximum rate, the number of truck movements per hour would increase to approximately 20 (ten trucks per hour). If this production rate continued over a full 10-hour working day the resulting truck movements would be 200 (100 trucks).

However, in paragraph 7 of the Applicant's written response to questions of clarification dated 23 November 2021, they advise that asphalt production *"will not exceed 400T"*, *"typical asphalt production is 70T per hour"* and *"on average a typical day might see about 150T of asphalt produced"*.

On this basis it is understood that operation of the plant at the maximum rate of 130 tons per hour will not occur over any sustained period of time., Volunteered Condition (6) is therefore acceptable provided limits can be set on both hourly and daily truck movements, which is discussed below under Volunteered Conditions A (e) and B.

**Volunteered Condition (9)** provides hours of operation between 6.30am and 10pm. As can be shown from review of the traffic count data on the local roads comprising the proposed Truck Routes, very few truck movements currently occur on these roads before 7.00am and after 9.00pm. To remain consistent with the current frequency of truck movements on the local roads, it would be appropriate to limit the operation of asphalt trucks to at least within the hours of 7.00am and 9.00pm

### 6.2 Traffic Management Plan

Under **Volunteered Condition A (a)**, a Traffic Management Plan is to be prepared to *"Detail the routes as per the Traffic Concepts Ltd report"*. To confirm that the Truck Routes as proposed in the TIA are adopted

as part of the Traffic Management Plan, it is recommended that this Condition be amended to read, “Detail the routes as per Figure 3 of the Traffic Concepts Ltd report”.

Under **Volunteered Condition A (b)**, there is provision made such that trucks will not travel “past Ranzau School during school drop off and pick up hour periods of 8.30am – 9.15am and 2.45pm – 3.30pm”. This means that trucks would avoid the peak school traffic hours. However, there will also be times outside these hours in the afternoons, where after-school activities take place along with associated traffic at the school, which the School as a submitter can confirm, or otherwise.

**Volunteered Condition A (d)** provides for the Traffic Management Plan to be “reviewed and provided to Council for certification”. It is recommended that “certification” be amended to “approval”.

**Volunteered Condition A (e)** allows for review of the Traffic Management Plan “at any stage when traffic volumes increase to more than 4 asphalt trucks per hour (averaged weekly)”.

In paragraph 14 of the Applicant’s written response to questions of clarification dated 23 November 2021, they have stated that the averaged and average figures refer to a 6-day working week (Monday to Saturday). As it is likely that this period will include days of nil and/or low volumes of asphalt production, averaging traffic volumes in this way could result in significantly higher numbers of truck movements without triggering the need for review of the Traffic Management Plan.

It is more suitable that the average is taken over the hours that the plant is actually operating, rather than a weekly average. That will then provide a more accurate baseline measure that negates the effect of non-working or part working days.

### 6.3 Traffic Generation

**Volunteered Condition B** states that the “activity shall generate a maximum of 80 truck movements per day once averaged.” On the same basis as the discussion above for Volunteered Condition A (e), the proposed averaging approach could result in more than 80 daily truck movements occurring. It would be more appropriate to have a set maximum number of daily truck movements (without any averaging), which is then used for both monitoring and as the limit at which the Traffic Management Plan is reviewed.

## 7. Summary and Recommendations

### 7.1 Conclusions

The additional truck traffic generated by the asphalt plant operation will produce a noticeable increase in truck movements, particularly on the lower volume roads of Bartlett Road and Ranzau Road West. When these roads are used by asphalt trucks, the resulting truck volumes will be in the order of two to three times greater than that of the existing volumes.

There are some truck movements associated with the asphalt plant that have not been quantified in the TIA or the Application. There is the possibility of an increased number of additional truck movements over that assessed in the TIA.

The volunteered conditions could result in potential truck movements occurring at a much greater rate and number than that assessed in the TIA. This is largely due to the proposed averaging of truck movements across a 6-day working week, independent of the actual operating hours of the asphalt plant. A more effective method should be used to set limits on the peak hourly and daily truck movements.

The Truck Routes plan provided in the TIA has been developed as an outcome of discussions with Waka Kotahi and limits turning movements at the SH60 intersections, specifically excluding right-turning movements at the Bartlett Road/ SH60 intersection. The plan is a rational approach to avoiding higher risk turning movements. It is important the Truck Routes plan applies to all trucks servicing the asphalt plant, not just the asphalt trucks.

## 7.2 Recommendations

There should be a limitation placed on the proposed hours of work to restrict truck movements to no earlier than 7.00am and no later than 9.00pm on all of the local roads that form part of the Truck Routes developed in the TIA.

If averaging is to be used to determine hourly truck movements, then this should be taken over the hours that the plant is actually operating, (producing asphalt), rather than as a weekly (6-day) average. Days where there is no asphalt production should be excluded from any averaging.

A set maximum limit of daily truck movements (without any averaging) is recommended.

Any non-asphalt trucks should be included in the Traffic Management Plan, with their expected truck movements forming part of the plan. A limit should be placed on 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.



Ari Fon, BE Civil (Hons), CMEngNZ

Director Affirm NZ Ltd

## MEMORANDUM

**TO:** Phil Doole, Principal Planner-Resource Consents  
**FROM:** Daniel Winter, Team Leader Environmental Health  
**DATE:** 26 November 2021  
**FILE NO:** RM201000 - Tasman Bay Asphalt Limited  
**SUBJECT:** **Review of noise effects**

---

### Introduction

This memo provides my comments in respect to the potential noise effects from resource consent application RM201000 - Tasman Bay Asphalt. I have reviewed the following documents:

1. Staig & Smith Resource Consent Application and AEE dated 20 November 2020 and amended 9 April (the AEE).
2. The Bladon Bronka Acoustics (BBA) acoustic assessment dated 22 September 2020 (the BBA report).
3. Summary of the 73 submissions provided by Staig & Smith in an email dated 19 October 2021.
4. Additional information provided by BBA on 23 November 2021.

The Applicant seeks resource consent to construct and operate an Asphalt Plant at 272 Bartlett Road in a Rural 2 zone, with the site bounding a Rural 1 zone. Overall, the application is considered to be a Discretionary Activity, per the Tasman Resource Management Plan (TRMP).

The proposed operating hours of the asphalt batching plant will be limited to during daytime hours as defined in the TRMP. The application is for full compliance with the TRMP noise limits which apply to permitted activities in the Rural 1 and 2 zones.

The application seeks to authorise transportation of staff and materials within the hours of 6.30am and 10.00pm. It is noted that to qualify as a discretionary activity, the asphalt plant must not generate traffic between the hours of 10pm and 6am (per TRMP Rule 17.6.2.9(c)).

No site activities will occur at any time on a Sunday or Public Holiday.

### Assessment criteria

The application site is within the Rural 2 Zone and the receivers are in both Rural 1 and 2 Zone. Both the AEE and the BBA report correctly identify the applicable assessment criteria, which are identical for Rural 1 and Rural 2 Zones

The noise limits for permitted activities are set out in Table 1 below:

**Table 1: TRMP noise limits**

<b>Proposed activity</b>	<b>Proposed hours</b>		<b>Applicable TRMP noise limits for permitted activities</b>
Operation of the asphalt plant	Monday to Friday 7.00am to 9.00pm  Saturday 7.00am – 6.00pm		55 dB L <sub>Aeq</sub>
Transportation of staff and materials	Monday to Saturday 6.30am to 10.00pm	Monday to Friday 7.00am to 9.00pm	55 dB L <sub>Aeq</sub>
		Monday to Friday 6.30am to 7.00am 9.00pm to 10.00pm	40 dB L <sub>Aeq</sub> 70 dB L <sub>AMAX</sub>
		Saturday 7.00am – 6.00pm	55 dB L <sub>Aeq</sub>
		Saturday 6.30am to 7.00am 6.00pm to 10.00pm	40 dB L <sub>Aeq</sub> 70 dB L <sub>AMAX</sub>

**Proposed noise mitigation at the operating site**

BBA recommend a 3m high acoustic barrier along the southern site boundary as set out in Figure 3 of the BBA report. The barrier is proposed to consist of a 1m high bund and a 2m solid acoustic wall with a minimum superficial mass of 10kg/m<sup>2</sup>. The



barrier must be constructed with no gaps along the length or base. The barrier must be maintained to be acoustically effective for as long as this consent is given effect to.

In addition to the barrier mitigation, I also recommend that the following mitigation to control truck noise:

- The number of truck movements is limited to 80 per day (40 collections)
- The speed limit for truck movements on site is limited to 10 km/h.

### **Predicted noise levels and assessment of the noise effects**

I agree with the methodology used in the BBA report to predict the noise levels and the data used for the noise modelling of activities at the site.

#### ***Daytime noise***

The predicted noise levels in Table 1 of the BBA report show that with no mitigation measures noise levels will be within the daytime criterion of 55 dB  $L_{Aeq}$  by a confident margin. With mitigation in place the daytime noise levels are predicted to 28 – 35 dB  $L_{Aeq}$  at the closest receivers.

I agree with BBA that the daytime noise effects are likely to be reasonable.

However, that assumes no other noise generating activities are taking place on or adjacent to the proposed site, such as gravel crushing and processing, which could cause cumulative noise effects. The following comments are noted from the TIA:

*The proposed development will see the existing quarry operation on part of the site cease with the new asphaltic concrete batching plant setting up to provide this valuable product to the Nelson Province (Nelson and Tasman).*

*It should be noted that overall, the number of truck movements from the site are expected to be less. This is due to the removal of one of the trucks generating activities and the use of material on the site directly into the batching plant.*

The comments above alleviate the potential concerns regarding cumulative noise.

#### ***Night-time noise***

The amended application states that there will be no on-site operations at night. The only activity occurring at night will be from the transportation of staff and materials within the hours of 6.30am to 7.00am and 9.00pm - 10.00pm.

The predicted noise levels in Table 1 of the BBA report do not differentiate between the operation of the batching plant and the transportation noise. This is regrettable because it is therefore not possible to identify if the proposed acoustic barrier is still required with the amended application. Without this information, I have had to take a worst-case scenario approach and I have assumed that the barrier is still required for compliance with the night-time noise criteria of the TRMP between the hours of 6.30am to 7.00am and 9.00pm - 10.00pm.

With mitigation in place the night-time noise levels are predicted to 37 – 39 dB  $L_{Aeq}$  at the closest receivers. It is unlikely that these predicted noise levels are correct given the amended application and that the batching plant will not be in operation at night. The predicted noise levels from truck noise on site will likely to be slightly lower.

The BBA acoustic report did not assess truck noise on the public roads. That aspect of the proposed activities is considered below.

### Review of submissions

A total of 73 (seventy-three) submissions have been received, of which 47 (forty-seven) are in opposition. Of the submissions in opposition, a number of the submissions relate to traffic noise (11), plant/ general noise (17), and hours of operation (2).

I have specifically addressed these matters in the Table 2 below:

**Table 2: Response to submissions**

<b>Submission</b>	<b>Specific matters raised</b>	<b>Response</b>
<b>Traffic noise</b>	<p><i>Increased trucks and engine breaking.</i></p> <p><i>Install noise barriers for residents.</i></p> <p><i>Will noise barrier work? - doesn't deal with traffic noise.</i></p> <p><i>Issue that not considered traffic noise.</i></p>	<p>The acoustic report has assessed noise from truck movements on site, but the noise from trucks moving along Bartlett Road has not been specifically addressed in either the acoustic report or the application.</p> <p>There will be a noticeable increase in traffic noise between the hours 6.30am - 10.00pm, 6 days per week.</p>

Submission	Specific matters raised	Response
		<p>It is not practicable to install noise barriers for residents along Bartlett Road.</p> <p>This matter was addressed in the additional information provided on 23 November 2021</p> <p>It must also be acknowledged that the noise from vehicles on a public road is not a matter that section 16 of the RMA has jurisdiction over.</p> <p>I have included a section on traffic noise in this review report.</p>
<p><b>Plant noise</b></p>	<p><i>Intermittent or regular noise not in keeping with quiet nature of area and will impact on lifestyle and wellbeing.</i></p> <p><i>Noise after 9pm.</i></p> <p><i>Impact of noise barrier re silo and height of plant.</i></p> <p><i>No noise management plan.</i></p> <p><i>Fence doesn't surround whole site.</i></p> <p><i>Only 3m high, and silo will be above this.</i></p> <p><i>Height of plant and acoustic wall.</i></p>	<p>The closest dwelling to the plant is 202 Edens Road, which is 620m to the south of the proposed asphalt plant.</p> <p>At a distance of 620m it may be possible under certain weather conditions for the noise of the plant to be audible, but I agree with the applicant's acoustic specialists that this noise will not be unreasonable.</p> <p>Even without the acoustic barrier, the predicted noise rating level at the closest residential receiver during the day is 39 dB <math>L_{Aeq}</math>, which is 16 dB below the permitted daytime noise level in the TRMP.</p> <p>With the acoustic barrier in place the predicted daytime noise level at 202 Edens Road is 35 dB <math>L_{Aeq}</math>, which is which is 20 dB below the permitted daytime noise level in the TRMP.</p> <p>I have considered the need for a noise management plan but have concluded that such a plan is not</p>

Submission	Specific matters raised	Response
		<p>necessarily required subject to the draft noise conditions being accepted by the applicant, or similar conditions achieving the same outcomes.</p> <p>If the conditions are not accepted, then a noise management plan should be considered.</p> <p>I can provide a draft condition for a nose management plan, should this option be preferred over prescriptive conditions.</p>
<p><b>Hours of operation</b></p>	<p><i>6.30 until 10 is too long, and 7 days a week</i></p>	<p>The submissions raising concerns about the operating hours may have not understood that amendments have been made to the proposed plant operating hours.</p> <p>The plant operating hours will be conditioned to only operate during the daytime hours set out in the TRMP which are as follows:</p> <p style="padding-left: 40px;">Monday to Friday: 7.00am to 9.00pm</p> <p style="padding-left: 40px;">Saturday: 7.00am – 6.00pm</p> <p>The application does seek to authorise truck noise between the hours of 6.30am - 10.00pm, 6 days per week.</p> <p>Traffic noise (road traffic) is addressed in the next section.</p>

**Traffic noise assessment**

The application seeks to authorise 80 truck movements per day between the hours of 6.30am - 10.00pm, 6 days per week. Page 18 of the application is more specific and states:

*The proposal seeks to have four asphalt trucks accessing the site per hour for up to 10 hours per day.*

The BBA report has assessed traffic noise on site. I agree with the methodology of the assessment and the recommendations.

The BBA acoustic report **has not** assessed truck noise on the public roads. The omission of traffic noise from the application is likely due to the fact that the noise from vehicles on a public road is not a matter covered by the TRMP noise limits or section 16 the RMA (the section that deals with unreasonable noise).

Additional information was provided by BBA on 23 November 2021:

*With a scenario of 8 truck movements per hour, a maximum increase of 1 - 2dBA is predicted for LAeq(24hr) 24hr period, or the typical daytime hour LAeq(1hr) between 7am - 5pm. This increase is not expected to be noticeable due to the fluctuating character of traffic noise over a daytime period and so is not expected to cause any adverse noise effects to residential acoustic amenity.*

*During the evening periods when truck movements may operate between 5pm - 10pm, a 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 during this time. This increase in noise levels will be reduced significantly when trucks operate at lower volumes, and at reduced frequency, as trucks will use a variety of routes from the site. The overall noise effect from evening operations is not expected to cause a disturbance to residential activities such as rest and relaxation or cause ongoing annoyance if the number of evenings (5pm - 10pm) with truck movements is limited to 20 per year. Considering this, TBAL proposes to include a condition of consent that the number of evenings (5pm - 10pm) with truck movements is limited to 20 per year.*

I agree with the BBA assessment and the additional information provided above. Notwithstanding that there are no specific noise limits for traffic on the road, there will be some noticeable increase in traffic noise from the additional 4 trucks

If controls to the road traffic noise are warranted, then consideration could be made to the following enhanced mitigation options:

- Limiting the speed of the trucks on the public roads when passing the rural dwellings
- Improving the road surface where trucks are passing close to dwellings (although it appears the three main roads accessing the application site are already sealed)

- Offering owners of dwellings where trucks are passing by in close proximity. An upgrade of road facing fencing to provide increased acoustic performance from the fences

I recommend a condition that limits the number of truck movements to the numbers that have been applied for in the application, which is a maximum of 80 per day (40 collections).

**Recommendations**

If the application is granted, I recommend that the following conditions are added to the consent and complied with:

1. **Operational times and noise limits:** The operation of the asphalt plant and associated activities must comply with the times and noise limits set out below:

Proposed activity	Proposed hours	Noise limits	
Operation of the asphalt plant	Monday to Friday 7.00am to 9.00pm  Saturday 7.00am – 6.00pm	X dB L <sub>Aeq</sub>	
Transportation of staff and materials	Monday to Friday 7.00am to 9.00pm	X dB L <sub>Aeq</sub>	
	Monday to Saturday 6.30am to 10.00pm	Monday to Friday 6.30am to 7.00am 9.00pm to 10.00pm  Saturday 7.00am – 6.00pm	Y dB L <sub>Aeq</sub>  70 dB L <sub>AMAX</sub>  X dB L <sub>Aeq</sub>

		Saturday	Y dB L <sub>Aeq</sub>
		6.30am to 7.00am	70 dB L <sub>AMAX</sub>
		6.00pm to 10.00pm	

2. **Truck movements:** The number of truck movements is limited to 80 per day (40 collections)  
 Except that for a period of (20?) days per year there shall be permitted an increased number (Y) of truck movements  
 Hourly (peak) truck movement condition?
3. **Truck speed limit:** The speed of truck movements on the site shall be limited to 10km/h.
4. **Acoustic barrier:** A 3m high acoustic barrier shall be constructed along the southern site boundary as per Figure 3 of the BBA report dated 22 September 2020. The barrier shall have a minimum superficial mass of 10kg/m<sup>2</sup>. The barrier must be constructed with no gaps along the length or base. The barrier must be maintained to be acoustically effective for as long as this consent is given effect to.
5. **Construction times:** Construction work on site may only take place between 7.30am and 6.00pm from Monday to Saturday. There shall be no works on Sundays or public holidays. The restriction on hours of works shall not apply to low noise generating activities, such as site set up or staff meetings, which may occur outside of these hours provided they are generally inaudible off site.
6. **Construction noise limits:** Construction noise shall be measured and assessed in accordance with the recommended limits set out in Table 2 of the NZS6803:1999. Noise from any construction work must not exceed the recommended limits set out in Table 2 of the NZS6803:1999.

**Conclusion**

I have reviewed the potential noise effects from the application to operate an asphalt plant at 272 Bartlett Road.

With the proposed mitigation in place and compliance with the recommended conditions of consent, I agree that the noise effects from the operation of the asphalt plant will not result in unreasonable noise effects. My assessment is based on the following key factors:

- The proposed operating hours of the asphalt batching plant will be limited to during daytime hours as defined in the TRMP
- No site activities will occur at any time on a Sunday or Public Holiday
- No cumulative effects from noise generated by other activities on or adjacent to the site
- The transportation of staff and materials will be limited to within the hours of 6.30am and 10.00pm, Monday - Saturday
- The number of truck movements is limited to 80 per day (40 collections)
- The acoustic barrier forms shall be constructed in accordance with the BBA recommended design. The acoustic barrier forms part of the best practicable option (BPO) to minimise both the day and night-time noise effects.



**Daniel Winter**  
Team Leader Environmental Health



# Submitters wishing to speak - known locations (NE)



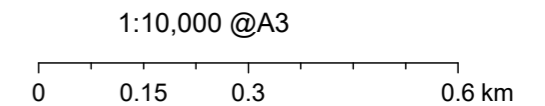
December 2, 2021

- State Highway Roads
- Road Boundaries
- Road Name Label
- Valuation Boundaries



Submitter in opposition wishing to speak  
(submission number & name)

Refer supplementary for market gardens /  
horticultural boundaries



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# Submitters wishing to speak - known locations (SE)

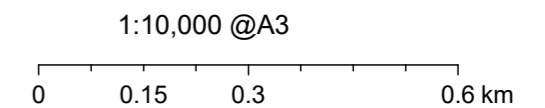


December 2, 2021



Submitter in opposition wishing to speak (submission number & name)

Refer supplementary for market gardens / horticultural boundaries



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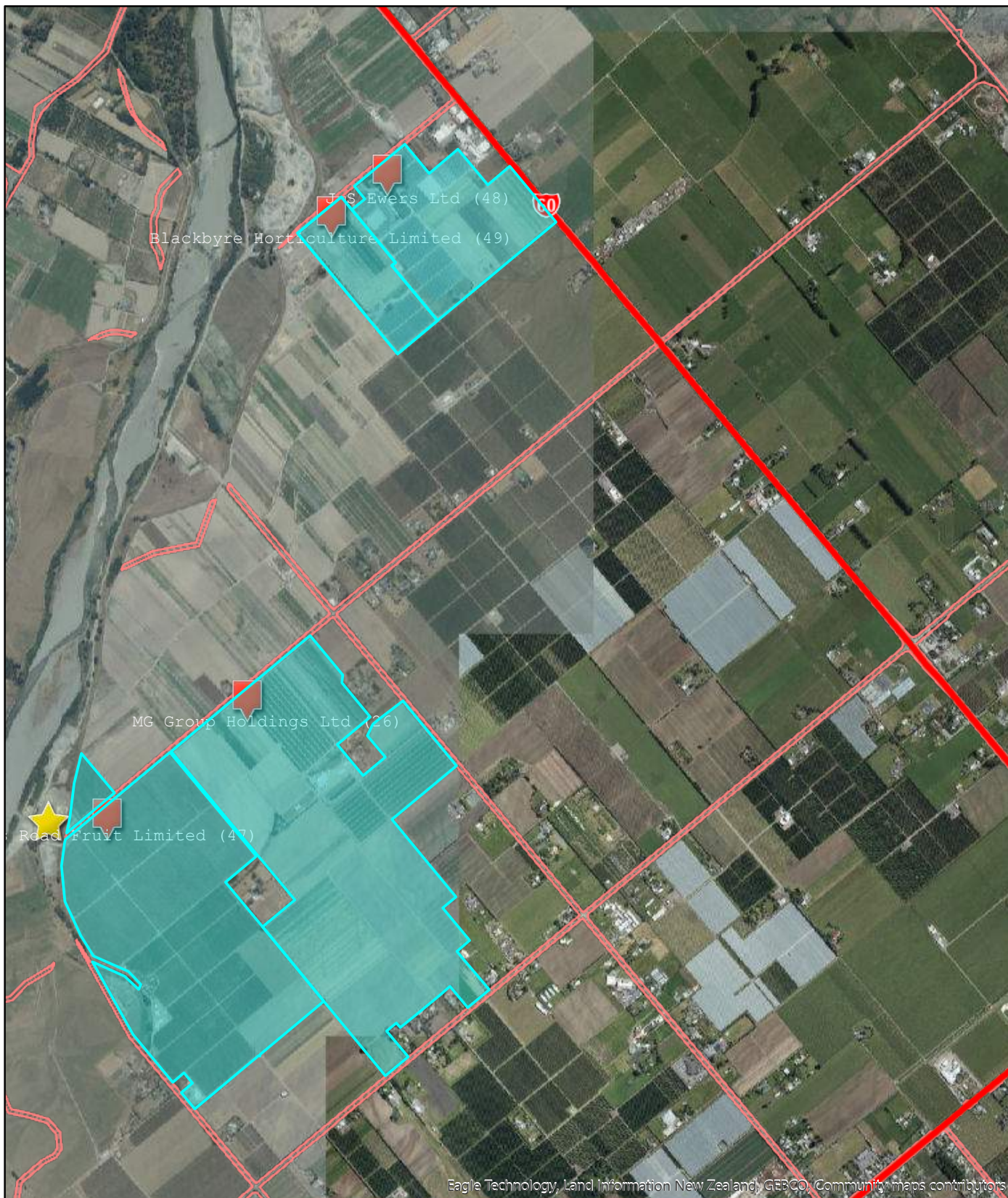


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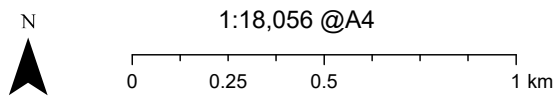
# Submitters to speak - market garden / horticulture

Item 2.1

Attachment 7



December 3, 2021



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Te Kaunihera o  
**te tai o Aorere**

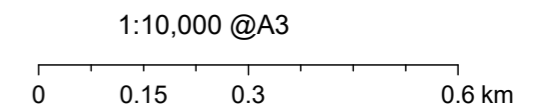
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# Submitters known location - NE to E



December 2, 2021

	Submitter in opposition wishing to be heard (submission number & name)		Submitter in support not speaking (submission number & name)
	Submitter in opposition not speaking (submission number & name)		



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# Submitters known location - SE



December 2, 2021



Submitter in opposition wishing to be heard (submission number & name)



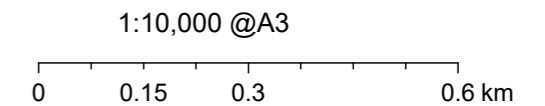
Submitter in opposition not speaking (submission number & name)



Submitter in support not speaking (submission number & name)



Submitter neutral not speaking (submission number & name)



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**SALLY GEPP**  
BARRISTER

Tasman District Council

C/O Phil Doole

23 November 2021

**By Email**

Dear Phil

**RM 201000 TASMAN BAY ASPHALT LTD RESOURCE CONSENT APPLICATION -  
RESPONSE TO QUESTIONS RAISED 15 NOVEMBER 2021**

1. This letter provides a response from Tasman Bay Asphalt Ltd (“TBAL”) to the questions raised in your email of 15 November 2021. Thank you for providing TBAL with the opportunity to provide a response prior to release of the s 42A Notificaiton Report.

**Acoustic**

**Question 1**

2. Your email states that the noise assessment report (“Noise Report”) provided with the Application has not assessed truck noise on the public roads. The question asked is: “can we expect to receive an assessment of noise effects for the additional proposed number of trucks on the public (40 trucks per day / 80 truck movements) and whether this noise will be reasonable in this environment?”

**Answer**

3. This matter will be discussed in evidence for TBAL however for the purposes of this response Mr Bronka, TBAL’s acoustic expert, has advised:
  - a. Noise from trucks using the surrounding rural roads is not subject to the permitted activity Tasman Resource Management Plan noise limits and there is currently no applicable noise standard used in New Zealand for increased traffic on roads due to private activities.
  - b. With a scenario of 8 truck movements per hour, a maximum increase of 1 - 2dBA is predicted for LAeq(24hr) 24hr period, or the typical daytime hour LAeq(1hr) between 7am - 5pm. This increase is not expected to be noticeable due to the fluctuating character of traffic noise over a daytime period and so is not expected to cause any adverse noise effects to residential acoustic amenity.
  - c. During the evening periods when truck movements may operate between 5pm - 10pm, a 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 during this time. This increase in noise levels will be reduced significantly when trucks operate at lower volumes, and at reduced frequency, as trucks will use a variety of routes from the site. The overall noise effect from evening operations is not expected to cause a disturbance to residential activities such as rest and relaxation or cause

ongoing annoyance if the number of evenings (5pm - 10pm) with truck movements is limited to 20 per year. Considering this, TBAL proposes to include a condition of consent that the number of evenings (5pm - 10pm) with truck movements is limited to 20 per year.

### **Question 2**

4. Your email notes that there will potentially be other activities occurring on the Downer lease area, which were not assessed in the Noise Report, for example gravel processing. The question asked is: “can we expect to receive a noise assessment that takes account of all cumulative noise sources?”

### **Answer**

5. A response to this question is being prepared and will be provided in evidence for TBAL. If ready, it will be provided sooner. TBAL is sourcing information about the frequency of operation of the existing, temporary gravel processing operation. It is understood that the crushers operate infrequently (approximately 1 week crushing every 4 months), but this will be confirmed.

### **Traffic**

#### **Question 1**

6. Your email notes that there will be truck movements associated with deliveries of crusher dust, chip, diesel, and bitumen to the asphalt plant and that, depending on the quantities delivered, associated truck movements could be numerous. The two questions asked are:
  - a. “Allowing for typical asphalt production capacity of 45 – 50 tons per hour, please advise the expected weekly number of truck movements required for deliveries of diesel and bitumen to site.”
  - b. “For the maximum quantities of off-site additional chip and crusher dust required in particular asphalt mixes, please advise the expected number of daily truck movements required for deliveries of these materials at a typical asphalt production capacity of 45 – 50 tons per hour.”

### **Answer**

7. In response to a. above:

#### Bitumen

- Typical asphalt production is 70T per hour not 45T-50T, but this amount of asphalt will not be produced every hour of the working day. To get an idea of production volume and so the amount of bitumen needed, it is more useful to look at a daily average of asphalt production. This will not exceed 400T because of the maximum number of truck movements for which consent is sought (8 movements per hour) and the amount the trucks can carry (10T). At a bitumen content of 5%<sup>1</sup>, this will require approximately 20T of bitumen per day. This equates 1 tanker load per day given the on-site storage capacity of 50,000 litres.<sup>1</sup>

The above (400T) is the maximum daily production volume and the asphalt plant will not operate at this capacity every day. The amount of asphalt produced per day will vary but on average a typical day might see about 150T of asphalt produced.

Consent has been sought for “a maximum of 80 truck movements per day once averaged”<sup>1</sup>. It is intended that truck movements associated with bitumen delivery fit within that requirement.

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<sup>1</sup> Pg 41 Application.



Diesel

- Running at a maximum capacity of 130T of asphalt produced per hour the asphalt plant will use between 5 - 5.5 litres of fuel per tonne of asphalt.<sup>2</sup> At this level of production, diesel would only need to be delivered once every 2 days given an on-site storage capacity of 5,000 litres.

This fuel use, and consequently the frequency of diesel delivery, is not directly scalable to 40T – 50T (i.e. production of 40T – 50T of asphalt will not require 1/3 of the amount of diesel used to produce 130T). However, as noted above the amount of asphalt produced on any given day will differ and it is safe to assume that the number of diesel deliveries will be less than 1 every 2 days under typical operations. It is intended that truck movements associated with diesel delivery fit within the consented number of truck movements.

8. In response to b. above, offsite aggregate material will only be needed in very limited instances. It is therefore difficult to state how many daily truck movements would be needed for this. The off-site aggregate material used is likely to be limited to a very hard form of surfacing chip not available locally, and crusher dust.
9. The very hard surfacing chip is almost never used because of its cost. It is infrequently specified on Waka Kotahi New Zealand Transport Agency (“NZTA”) projects. However, TBAL has discussed with NZTA what asphalt it is likely to focus on in the future and understand that it will be focusing on standard mixes which only need the type of aggregate available at the existing stock-piles/can be made on-site, as opposed to the more ‘exotic’ aggregates described above.
10. The crushing dust will only be required if the aggregate grading needed cannot be made on-site using on-site machinery. This is expected to happen very infrequently.
11. Most of the asphalt produced will use aggregate sourced from aggregate stock-piles within Downer’s operation and lease site and will be delivered to the asphalt plant’s filler bins by way of wheeled loaders.<sup>3</sup>
12. Again, consent has been sought for “a maximum of 80 truck movements per day once averaged”<sup>4</sup>. It is intended that truck movements associated with delivery of off-site sourced aggregate (including crusher dust) fit within that requirement.

**Question 2**

13. Your email notes that the draft conditions in the Application state that there would be a maximum of 80 truck movements per day once averaged and that there may be more than 40 collections (each collection capturing 2 movements) per day on occasion, as long as the weekly average does not exceed 40 per day. The question asked is: “Do the averaged and average figures referred to in Item B apply to a 5-day working week or a 7-day working week?”

**Answer**

14. The averaged and average figures refer to a 6 day working week (Monday – Saturday).

<sup>2</sup> Per comms with Bliss & Reels the asphalt plant machinery supplier.

<sup>3</sup> Pg 33 at 5.14, 5.46 Application.

<sup>4</sup> Pg 41 Application.

**Site boundaries**

15. Your email states that Council's Property Services department has advised you that Council and Downer have agreed to an adjusted lease area, and that some modifications to the asphalt plant site plan will be required to align with the new lease boundary.
16. No response has been requested, however TBAL advises that although the revised lease boundary is smaller than was anticipated when the Application was lodged, the asphalt plant can be installed and operated within it, with its different parts positioned slightly closer together but in the same configuration.
17. Jane and Jarrod are meeting with Giles Griffith on-site tomorrow to discuss the revised boundary and Council's proposed realignment of the stop bank which TBAL has only recently been made aware of.

Regards

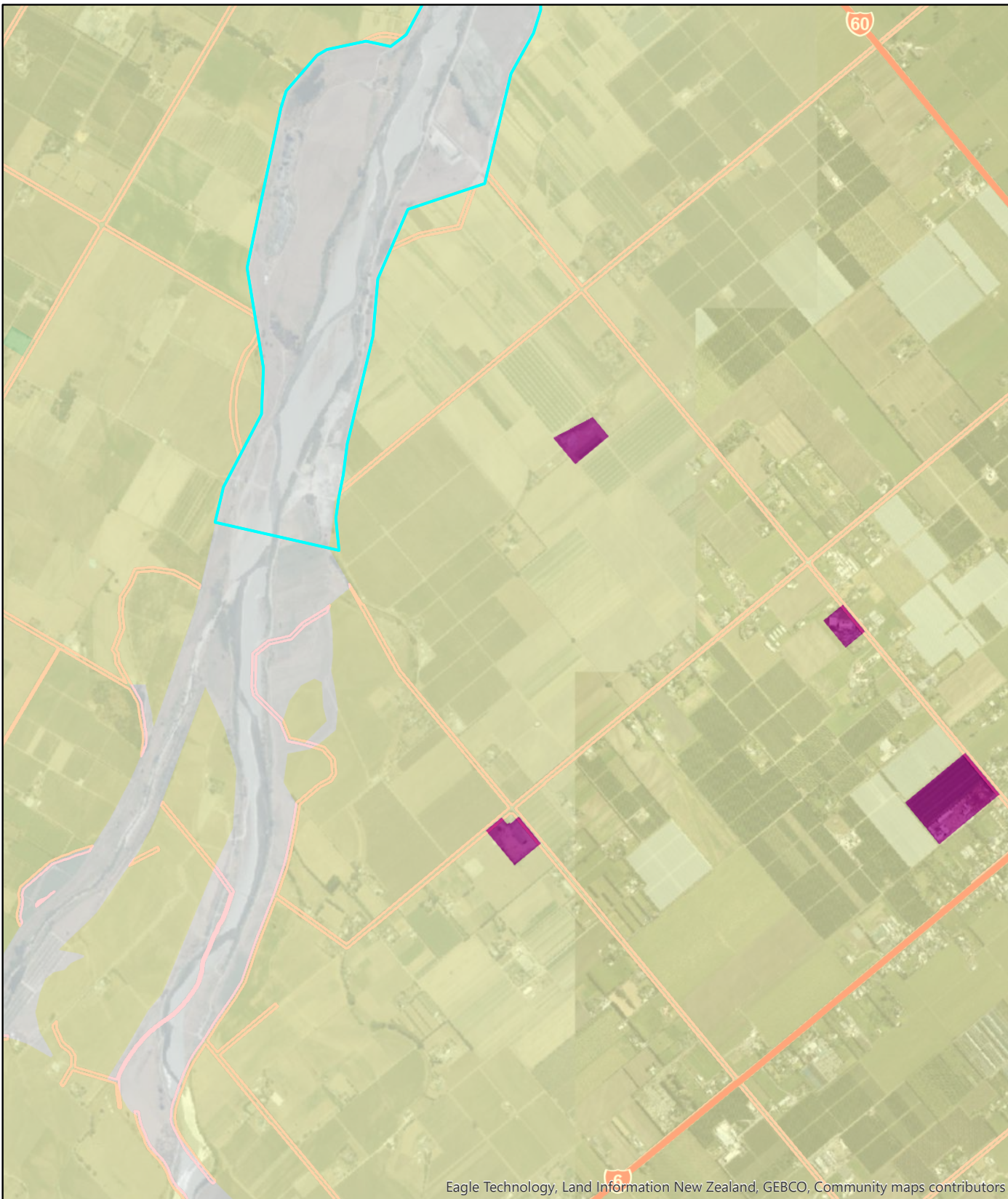
A handwritten signature in black ink, appearing to read 'Sally Gepp', is enclosed in a light grey rectangular box.

Sally Gepp  
Barrister

# TRMP Zoning, Notations and Development Areas

Item 2.1

Attachment 9

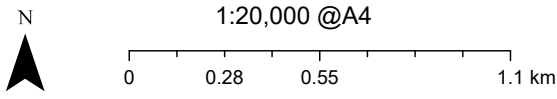


Eagle Technology, Land Information New Zealand, GEBCO, Community maps contributors

November 30, 2021

### Zones

- Recreation
- Rural 1
- Rural 2
- Rural Industrial



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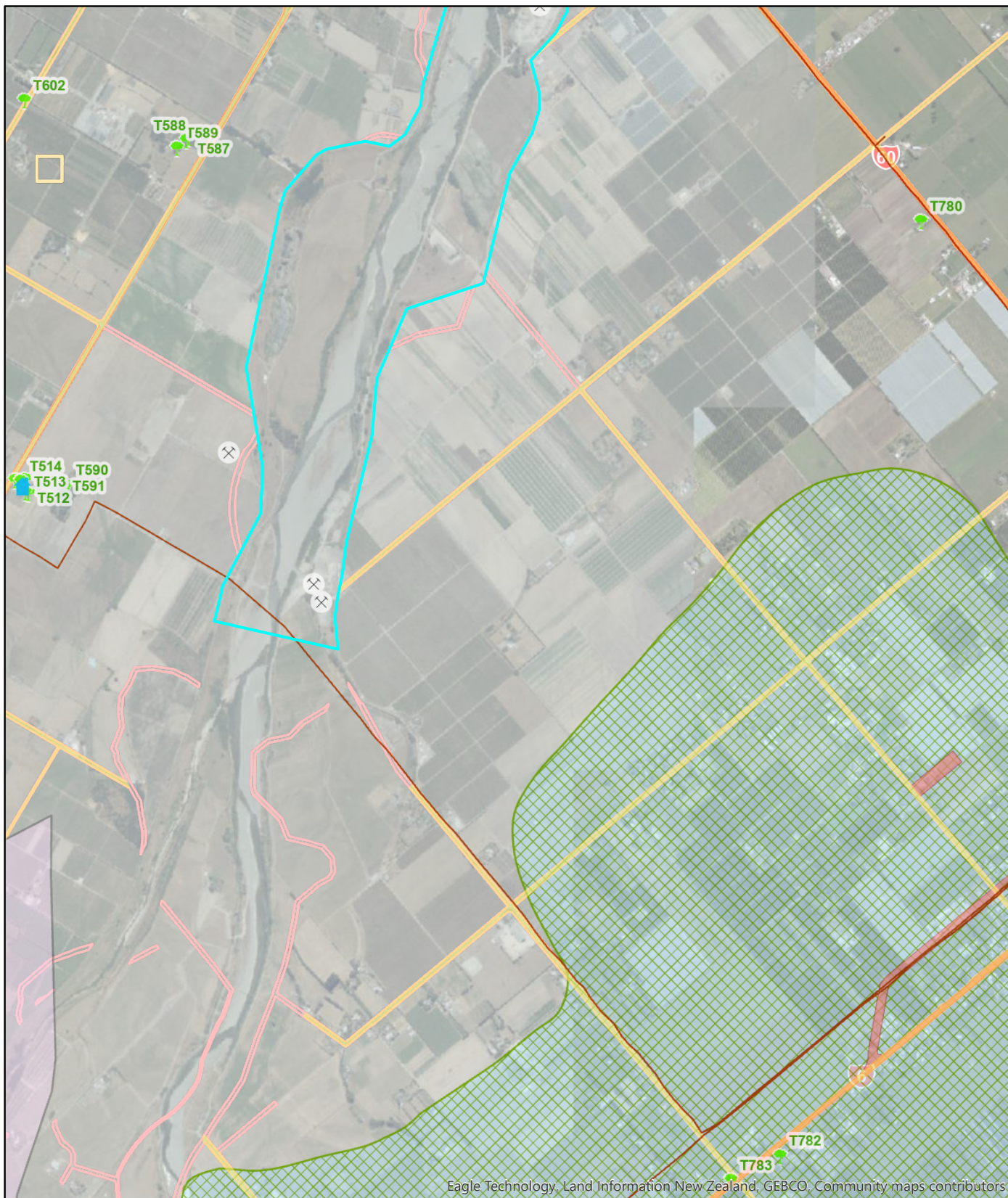
The information on this map is prepared for indicative use only and is not intended for definitive legal, location or formal reference. This map was produced council's internal Localmaps viewer.

Te Kaunihera o te tai o Aorere

# TRMP Areas

Item 2.1

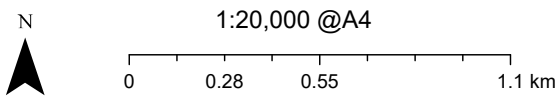
Attachment 9



Eagle Technology, Land Information New Zealand, GEBCO, Community maps contributors

November 30, 2021

- |   |  |
|---|--|
| <p>Heritage Buildings</p> <ul style="list-style-type: none"> <li> Heritage Building - Heritage New Zealand</li> <li> Protected Trees</li> <li> Working Quarry Site</li> <li> Overhead Lines 33kV</li> <li> Road Area</li> </ul> | <p>Designations Area &amp; Notice of Requirement</p> <ul style="list-style-type: none"> <li> TRMP</li> <li> Special Domestic Wastewater Disposal Areas</li> <li> Aquifer Protection Area</li> <li> Significant Natural Areas</li> <li> Surface Water Yield Protection Area</li> </ul> <p>Land Disturbance</p> <ul style="list-style-type: none"> <li> Land Disturbance - Zone 1</li> </ul> |
|---|--|



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Te Kaunihera o  
**te tai o Aorere**

## Attachment 10

Draft recommended conditions for land use – industrial activity RM201000

Prepared by Phil Doole – to help Hearing Panel in case minded to grant consent

### Activity that would be authorised by consent

To construct and operate an asphalt plant and associated activities as an industrial activity on land zoned Rural 2.

## RECOMMENDED CONDITIONS

The following are the conditions volunteered by the applicant and as amended by the reporting officer (changes marked by red underline)

### General

1. The consent holder shall ensure that all works are carried out in general accordance with the information submitted in support of applications RM20100, by Staig and Smith dated XXXXX, further information received XXXXX, and attached Plans A, B, and C, dated ...  
  
In the event that there is any conflict between these documents and any condition of these consents, the conditions shall prevail.

### Construction

2. The Applicant shall realign the stop bank and level and compact the Plant area prior to construction.
3. The Applicant shall erect the MARINI Latin America Carbon T-Box 130, in accordance with manufacturer's specifications and Building Act requirements.
4. Lighting is to be kept to a minimum and lights directed internally, away from any housing.
5. The height of the Stack on the Bag House and the Silo shall not exceed 11 metres above surrounding levelled ground level.
6. The stack shall be at least 2 metres in height above the roof of the Bag House.

### Operation

7. The MARINI Latin America Carbon T-Box 130 shall operate at a maximum rate of 130 tons per hour.
8. The MARINI Latin America Carbon T-Box 130 shall operate to a maximum of 10 hours per 24 hours.
9. The Applicant shall operate the MARINI Latin America Carbon T-Box 130 Asphalt Plant during the TRMP daytime hours.

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

Page replaced  
see details page 5  
Alastair Jewell, Principal Planner

**Acoustic barrier**

11. The Applicant shall construct a 3 m high acoustic barrier prior to operation of the T-Box 130, in the location as shown on the site plan included in the application attached as Plan A RM201000, dated xxx.

**Traffic Management Plan**

12. Prior the commissioning of the asphalt plant, the consent holder shall prepare a Traffic Management Plan to operate under, including and inducing induction of all staff to ensure they are familiar with the requirements. The Traffic Management Plan shall:

- (a) Detail the routes as per the Traffic Concepts Ltd report to be used to access the site;

**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;

For instance, the Applicant will not use the transport route past Ranzau School during the School drop off and pick up hour periods of 8.30 am – 9.15 am and 2.45pm - 3.30pm. If asphalt is required to be delivered during these times, then the alternative route of Pugh Road shall be used.

- (c) Address internal traffic flows within both the Waimea River Park Reserve and the application site and detail the one-way traffic flow system to the 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); ~~and,~~
- (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

Page replaced  
see details page 5  
Alastair Jewell, Principal Planner

13. The activity shall generate a maximum of 80 truck movements per day ~~and~~ averaged.

*Advice notes*

*This equates to 40 truck collections per day, where one truck entering and exiting the site is counted as two movements. ~~There may be more than 40 movements per day on occasion, as long as the weekly average does not exceed 40 per day.~~*

*Any non-asphalt trucks should be included in the Traffic Management Plan, with their expected truck movements forming part of the plan. A limit should be placed on 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.*

14. The number of evenings (5pm - 10pm) with truck movements is limited to 20 per year.
15. The consent holder shall maintain a record of truck movements to and from the site and submit it annually (no later than XXX each year) to the Council and shall provide a copy to Waka Kotahi NZ Transport Agency for their information.

### Flood hazards

16. The Applicant shall not block the stop bank, and shall ensure that it is available at all time for flood monitoring.
17. Should an extreme flood event be predicted where it was expected that the flood waters would overtop the stop bank, the consent holder will remove the bitumen and diesel tanks rom the site

### Consent duration and Lapsing

18. The Asphalt Batching Plant shall only operate whilst there is extraction and crushing operating on the Council approved lease area within the Waimea River Park Reserve, or for a period of 20 years, whichever is the lesser.
19. Once all extraction and crushing operations cease within the Waimea River Park Reserve, the Applicant shall vacate and remediate the Asphalt Batching Plant site within 6 months.

## ADVICE NOTES

Page replaced

see details page 5

Alastair Jewell, Principal Planner

### Council regulations

1. *This is not a building consent and the consent holder shall meet the requirements of the Council with regard to all building and health bylaws, regulations and Acts.*

### Other Tasman Resource Management Plan provisions

2. *This resource consent only authorises the activity described above. Any matters or activities not referred to in this consent or covered by the conditions must either:*
  - (a) *comply with all the criteria of a relevant permitted activity rule in the Tasman Resource Management Plan (TRMP) or national environmental standard;*
  - (b) *be allowed by the Resource Management Act; or*
  - (c) *be authorised by a separate resource consent.*

### Consent holder

3. *This consent is granted to the abovementioned consent holder but section 134 of the Act states that such land use consents “attach to the land” and accordingly may be enjoyed by any subsequent owners and occupiers of the land. Therefore, any reference to “consent holder” in the conditions shall mean the current owners and occupiers of the subject land. Any new owners or occupiers should therefore familiarise themselves with the conditions of this consent as there may be conditions that are required to be complied with on an ongoing basis.*
4. *All reporting required by this consent should be made in the first instance to the Council’s Team Leader Monitoring & Enforcement.*
5. *Council draws your attention to the provisions of the Heritage New Zealand Pouhere Taonga Act 2014 that require you in the event of discovering an archaeological find (eg, shell, midden, hangi or ovens, garden soils, pit, depressions, occupation evidence, burials, taonga) to cease works immediately, and tangata whenua, the Tasman District Council and Heritage New Zealand should be notified within 24 hours. Works may recommence with the written approval of the Council’s Team Leader Monitoring & Enforcement, and Heritage New Zealand.*



10. The Applicant shall transport asphalt between the hours of 6.30 am and 10.00 pm only, subject to conditions 13 and 14.

**Acoustic barrier**

11. The Applicant shall construct a 3 m high acoustic barrier prior to operation of the T-Box 130, in the location as shown on the site plan included in the application attached as Plan A RM201000, dated xxx.

**Operational times and noise limits**

12. The operation of the asphalt plant and associated activities must comply with the times and noise limits set out below.

Proposed activity	Proposed hours	Noise limits
Operation of the asphalt plant	Monday to Friday 7.00 am to 9.00 pm Saturday 7.00 am to 6.00 pm	<u>X dB LAeq</u>
Transportation of staff and materials	Monday to Saturday	Monday to Friday 7.00 am to 9.00 pm <u>X dB LAeq</u>
	6.30 am to 10.00 pm	Monday to Friday 6.30 am to 7.00 am 9.00pm to 10.00pm 70 dB LAMAX
		Saturday 7.00 am to 6.00 pm <u>X dB LAeq</u>
		Saturday 6.30 am to 7.00 am 6.00 pm to 10.00 pm <u>Y dB LAeq</u> dB LAMAX

Refer Daniel Winter’s review and further evidence pending from BBA.

**Traffic Management Plan**

13. Prior the commissioning of the asphalt plant, the consent holder shall prepare a Traffic Management Plan to operate under, including and inducing induction of all staff to ensure they are familiar with the requirements. The Traffic Management Plan shall:

- (a) Detail the routes as per the Traffic Concepts Ltd report to be used to access the site;

**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;

For instance, the Applicant will not use the transport route past Ranzau School during the School drop off and pick up hour periods of 8.30 am – 9.15 am and 2.45pm - 3.30pm. If asphalt is required to be delivered during these times, then the alternative route of Pugh Road shall be used.

- (c) Address internal traffic flows within both the Waimea River Park Reserve and the application site and detail the one-way traffic flow system to the 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); ~~and,~~
- ~~(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

14. The activity shall generate a maximum of 80 truck movements per day once averaged.

### *Advice notes*

*This equates to 40 truck collections per day, where one truck entering and exiting the site is counted as two movements. ~~There may be more than 40 movements per day on occasion, as long as the weekly average does not exceed 40 per day.~~*

*Any non-asphalt trucks should be included in the Traffic Management Plan, with their expected truck movements forming part of the plan. A limit should be placed on 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.*

15. The number of evenings (5pm - 10pm) with truck movements is limited to 20 per year.

16. The consent holder shall maintain a record of truck movements to and from the site and submit it annually (no later than XXX each year) to the Council and shall provide a copy to Waka Kotahi NZ Transport Agency for their information.

### Flood hazards

17. The Applicant shall not block the stop bank, and shall ensure that it is available at all time for flood monitoring.
18. Should an extreme flood event be predicted where it was expected that the flood waters would overtop the stop bank, the consent holder will remove the bitumen and diesel tanks rom the site

### Consent duration ~~and Lapsing~~

19. The Asphalt Batching Plant shall only operate whilst there is extraction and crushing operating on the Council approved lease area within the Waimea River Park Reserve, or for a period of 20 years, whichever is the lesser.
20. Once all extraction and crushing operations cease within the Waimea River Park Reserve, the Applicant shall vacate and remediate the Asphalt Batching Plant site within 6 months.

## ADVICE NOTES

### Council regulations

1. *This is not a building consent and the consent holder shall meet the requirements of the Council with regard to all building and health bylaws, regulations and Acts.*

### Other Tasman Resource Management Plan provisions

2. *This resource consent only authorises the activity described above. Any matters or activities not referred to in this consent or covered by the conditions must either:*
  - (a) *comply with all the criteria of a relevant permitted activity rule in the Tasman Resource Management Plan (TRMP) or national environmental standard;*
  - (b) *be allowed by the Resource Management Act; or*
  - (c) *be authorised by a separate resource consent.*

### Consent holder

3. *This consent is granted to the abovementioned consent holder but section 134 of the Act states that such land use consents “attach to the land” and accordingly may be enjoyed by any subsequent owners and occupiers of the land. Therefore, any reference to “consent holder” in the conditions shall mean the current owners and occupiers of the subject land. Any new owners or occupiers should therefore familiarise themselves with the conditions of this consent as there may be conditions that are required to be complied with on an ongoing basis.*
4. *All reporting required by this consent should be made in the first instance to the Council’s Team Leader Monitoring & Enforcement.*
5. *Council draws your attention to the provisions of the Heritage New Zealand Pouhere Taonga Act 2014 that require you in the event of discovering an archaeological find (eg, shell, midden, hangi or ovens, garden soils, pit, depressions, occupation evidence, burials, taonga) to cease works immediately, and tangata whenua, the Tasman District Council and Heritage New Zealand should be notified within 24 hours. Works may recommence with the written approval of the Council’s Team Leader Monitoring & Enforcement, and Heritage New Zealand.*

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## Attachment 11

Draft recommended conditions for land use consent - earthworks - RM201018

Prepared by Leif Pigott – to help Hearing Panel in case minded to grant consent

### Activity that would be authorised by consent

Land use consent for earthworks on or within 10 metres of the toe of the stopbank that runs through the eastern berm of the Waimea River to re-form and re-align the stopbank.

## RECOMMENDED CONDITIONS

### General

1. The consent holder shall ensure that all works are carried out in general accordance with the information submitted in support of applications RM20100, by Staig and Smith dated XXXXX, further information received XXXXX, and attached Plans A, B, and C, dated ...

In the event that there is any conflict between these documents and any condition of these consents, the conditions shall prevail.

2. Any levelling and compacting of the Plant Site shall not impact the functionality of the stop bank.
3. The consent holder shall realign and regrade the stop bank level with the high point of the road and the connecting stop bank, ensuring a 4 m wide top to the stopbank.

### Prior to work

4. 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.
5. 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 representative required under condition 4;
  - (b) the principal contractor (if not the consent holder representative).
6. Should the person 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 Compliance within one working day.

7. 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 on site prior to any works commencing. No works shall commence until the Council's assigned monitoring officer has completed the site meeting.
8. At least 15 working days prior to the commencement of 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.
9. At least 10 working days prior to the commencement of works, the consent holder shall prepare and submit an Earthworks 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.*

10. The following shall apply in respect of condition 9:
  - (a) the Consent Holder may commence the activities in accordance with the submitted ECSP 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 an ECSP, the consent holder shall submit a revised plan to the Council for certification, and (a) shall apply for any resubmitted plan.
11. The ESCP required by condition 9 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, restabilisation 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 Erosion and Sediment Control Plan shall be confirmed in writing by the consent holder and authorised by the Council's Team Leader Monitoring & Enforcement and shall not be implemented until notified of the authorisation.

- 12. Prior to undertaking work authorised by this consent, the consent holder shall ensure that all personnel working on site are made aware of, and have access to the following:
  - (a) the contents of this resource consent; and
  - (b) the certified ESCP as required by condition 9.

### During work

- 13. Except as provided for in condition x, work authorised by this consent shall only occur between the following hours:
  - (a) 0700 to 1800 Monday to Saturday;
  - (b) no work shall occur on Sundays or Public Holidays.
- 14. 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 and NZS6802:2008.

15. 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. 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. 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.
18. The consent holder's operations shall not give rise to any discharge of contaminants (e.g. 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.

## Administration

19. 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:
- (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 and national environmental standards made under the Resource Management Act 1991.

## Duration

20. These consents shall expire 18 months after the commencement of the work approved under these consents.
21. These consents shall lapse on the x xx 20xx.

## ADVICE NOTES

1. *Officers of the Council may also carry out site visits to monitor compliance with resource consent conditions*
2. *Access by the Council or its officers or agents to the property is reserved under section 332 of the Resource Management Act 1991.*
3. *The consent holder should meet the requirements of the Council with regard to all Building and Health Bylaws, Regulations and Acts. Building consent will be required for these works.*
4. *This resource consent only authorises the activity described above. Any matters or activities not referred to in this consent or covered by the conditions must either:*

- (a) *comply with all the criteria of a relevant permitted activity rule in the Tasman Resource Management Plan (TRMP) or national environmental standard;*
  - (b) *be allowed by the Resource Management Act; or*
  - (c) *be authorised by a separate resource consent.*
5. *This consent is granted to the abovementioned consent holder but section 134 of the Act states that such land use consents “attach to the land” and accordingly may be enjoyed by any subsequent owners and occupiers of the land. Therefore, any reference to “consent holder” in the conditions shall mean the current owners and occupiers of the subject land. Any new owners or occupiers should therefore familiarise themselves with the conditions of this consent as there may be conditions that are required to be complied with on an ongoing basis.*
6. *All reporting required by this consent should be made in the first instance to the Council’s Team Leader Monitoring & Enforcement.*
7. *The actual and reasonable charges may also include gravel royalties for gravel extracted from within the unformed legal road as set out in the Tasman District Council Annual Plan. This charge is subject to change in accordance with the Annual Plan each year.*
8. *Council draws your attention to the provisions of the Heritage New Zealand Pouhere Taonga Act 2014 that require you in the event of discovering an archaeological find (eg, shell, midden, hangi or ovens, garden soils, pit, depressions, occupation evidence, burials, taonga) to cease works immediately, and tangata whenua, the Tasman District Council and Heritage New Zealand should be notified within 24 hours. Works may recommence with the written approval of the Council’s Team Leader Monitoring & Enforcement, and Heritage New Zealand.*

## Attachment 12

Draft recommended conditions for air discharge permit - RM201002

Prepared by Leif Pigott – to help Hearing Panel in case minded to grant consent

### Activity that would be authorised by consent

Resource consent to discharge contaminants to air from the operation of the asphalt plant.

## RECOMMENDED CONDITIONS

### General

1. The discharge shall only be contaminants to air from the manufacture of hot-mix asphalt and ancillary activities at Downer's old crushing plant at 272 Bartlett Road, Appleby. The application site located within the area of Lot 1 DP 368439, attached Plan A RM201002, dated xxxxxxxx, which forms part of this consent.
2. The discharge shall only be of the following, located in general accordance with attached Plan B RM201002, dated xxxx, which forms part of this consent:
  - (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) Operating a maximum of 10 hours within a 24 hour period

### Limits

3. The discharge shall not cause odour or particulate matter that is offensive or objectionable beyond the boundary of the site.

#### Advice note

*Boundary of the site is defined as outside of the work area and acoustic fence. It is not the parcel boundary for the river park.*

4. The concentration of PM<sub>10</sub> particulate 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. The minimum stack exit velocity shall be 20 meters per second

6. The emission rate of PM<sub>10</sub>, consisting of both filterable and condensable particulate matter, from the baghouse stack shall not exceed 0.62 kilograms of PM<sub>10</sub> particulate per hour (0.17g/s).
7. The temperature of asphalt product exiting the asphalt mixing mill or drum shall not exceed 175 degrees Celsius at any time.
8. The burner shall be maintained and correctly adjusted to avoid smoke emissions

#### Emissions control and pollution abatement measures

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. 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.
11. 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 with a discharge height of no less than 7.8 metres above ground level at the base of the stack.
12. 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. The discharges from stacks described in conditions 9 and 11 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.
14. All measures shall be taken to ensure that fugitive emissions from extracted enclosures and equipment, ducting and emissions control equipment are kept to a practicable minimum. These measures shall include but not be limited to maintaining negative pressure conditions in the equipment while in operation.

## Monitoring

15. 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 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.
16. 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. 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 6.
18. The consent holder shall implement the following measures to control the discharge of dust from the 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 3 mm.

- (b) Within 12 months of the initial exercise of this consent, all storage bins containing material of a particle size of less than 3 mm shall be enclosed on three sides and fitted with a roof;
19. In addition to the requirements of condition 18, 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) 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;
  - (c) Sweeping, suction cleaning or use of other housekeeping measures to regularly remove accumulated bulk solid materials on yard or hardstand areas;
  - (d) Using water and/or dust suppressants on disturbed surfaces and stockpiles when required;
  - (e) Limiting vehicle speeds within the site.
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 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:
- (a) Identification of all fugitive and point sources for discharges of contaminants into air, including a map showing the location of each source;
  - (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 site;
  - (c) Details of management and monitoring practices in place to minimise
  - (d) discharges of contaminants into air, including dust and odour;
  - (e) Details of methods and procedures for measuring operating parameters relating to discharges to air, including the monitoring required by Conditions (14) to (17).
  - (f) Where appropriate, the operating parameters and manufacturer's instructions for all emissions control equipment;

- (g) Procedures for the monitoring of dust and odour, including details of inspection procedures, recording requirements and contingency measures;
  - (h) The identification of staff responsibilities;
  - (i) The procedures for the receipt, recording and handling of air quality complaints received; and
  - (j) Details of the frequency and scope of the regular checks to be performed on emissions control equipment.
21. 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 condition 3. 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

22. A record of complaints relating to discharges of contaminants to air from the 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) A description of the wind speed and wind direction when the odour or particulate matter or dust was detected by the complainant;
  - (d) The most likely cause of the odour or particulate matter or dust detected; and
  - (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.
  - (f) This record shall be provided to the Council on request.

### Maintenance and servicing

23. 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. 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.

### Review

25. 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:
- (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
  - (b) Requiring the adoption of the best practicable option to remove or reduce any adverse effect on the environment; or
  - (c) Requiring further mitigation if particulate matter emission test results exceed the emission limit specified by condition 5; or
  - (d) 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.