



ENVIRONMENT COURT OF NEW ZEALAND

11 September 2023

In reply, please quote reference  
ENV-2023-AKL-000160

**BY EMAIL ONLY**

Dear Submitter

**ENV-2023-AKL-000160 – Allied Asphalt Limited**

Topic: An application for direct referral for resource consents relating to the construction and operation of a new asphalt plant at 54 Aerodrome Road, Mt Maunganui

The Environment Court has received an application for a direct referral from Allied Asphalt Limited on the above matter. The direct referral means that there will be no hearing of the resource consent application before the Council. The only hearing will be before the Environment Court at a place and time yet to be decided. The Environment Court has received a list of those persons who have made submissions to the Council and you are one of them.

If you wish to participate in any mediation, hearing, or other Environment Court process, you will need to become a party to this proceeding under section 274 of the Resource Management Act 1991. If you become a party, you will be entitled to give evidence yourself, or to call other witnesses, make submissions, and cross examine other parties' witnesses. As a party, you will have to comply with Environment Court directions and timetables. If the issue of costs arises, the Environment Court may order you to pay a contribution to the costs of another party or the Crown. You can find out more about the Environment Court's procedures on the Environment Court's website <https://www.environmentcourt.govt.nz/> or you can contact me. The advice that Environment Court staff can give you about how to proceed is limited, however, and you should consider seeking professional advice before becoming a party to the proceeding.

If you do wish to become a party to this proceeding, please complete and return the **attached** form (Form 33 – section 274 notice) **by 5:00pm on 29 September 2023**. (The form can be downloaded from the Environment Court's website at <https://www.environmentcourt.govt.nz/forms-fees/>.) You will also need to serve your section 274 notice on Allied Asphalt Limited and the Bay of Plenty Regional Council and the Tauranga City Council within that same time frame. Any section 274 notice received by the Environment Court after the deadline will not entitle the submitter to become a party to the proceeding unless an application under section 281 of the Act is made, and subsequently granted, to waive the statutory time frame within which to file and serve the section 274 notice. There is no fee for lodging a section 274 notice. Once the Environment Court has received all section 274 notices, I will send you a list of the parties to whom you will need to send a copy of your own section 274 notice (ie, Form 33). Please retain a copy of your completed section 274 notice (Form 33) so that you can fulfil this requirement.

You may wish to present a joint case with other parties who raise similar issues.

I have also **attached** a copy of information for submitters produced by the Ministry for the Environment.

If you do not wish to become a party to this proceeding, **do not** complete and return a section 274 notice (Form 33). If you do not wish to become a party to this proceeding, the submission you have already lodged with the Bay of Plenty Regional Council and/or the Tauranga City Council will still be read and considered by the Environment Court. However, you will receive no further communication from the Environment Court, apart from a copy of the final decision.

Please direct any correspondence or enquiries to **Diana Wolfgramm** as Hearing Manager for this matter and note the above Court reference.

Yours faithfully



Trent Grace  
Case Manager

**For and on behalf of**

Diana Wolfgramm  
Hearing Manager

**ENVIRONMENT COURT**

Direct dial phone: (09) 351 4154

E-mail address: [diana.wolfgramm@justice.govt.nz](mailto:diana.wolfgramm@justice.govt.nz)

**Copied by email to:**

Allied Asphalt Limited, c/- Stephen Christensen  
Bay of Plenty Regional Council, c/- Jemma Hollis  
Tauranga City Council, c/- Jemma Hollis

## LIST OF PARTIES - EMAIL

<b><u>Lodgement:</u></b>	<b><u>ENV-2023-AKL-000160</u></b>	<b><u>Allied Asphalt Limited</u></b>
Initiator	Allied Asphalt Limited	S W Christensen, PO Box 1251, Dunedin 9054, stephen@projectbarrister.nz
Referral - Consent Authority	Bay of Plenty Regional Council	Jemma Hollis, Cooney Lees Morgan, P O Box 143, DX HP40001, Tauranga, JHollis@clmlaw.co.nz
Referral - Consent Authority	Tauranga City Council	Jemma Hollis, Cooney Lees Morgan, P O Box 143, DX HP40001, Tauranga, JHollis@clmlaw.co.nz