

IN THE ENVIRONMENT COURT
AT AUCKLAND

I TE KŌTI TAIAO O AOTEAROA
KI TĀMAKI MAKĀURAU

IN THE MATTER OF the Resource Management Act 1991

AND of an application by Allied Asphalt Limited under s87G of the Act for a direct referral to the Environment Court for an order granting the applicant's resource consent applications to construct and operate a new asphalt plant at 54 Aerodrome Road, Mt Maunganui, together with an application for consent to authorise the continued operation of the existing asphalt plant on the site pending construction of the new plant

(ENV-2023-AKL-000160)

MINUTE OF THE ENVIRONMENT COURT

(13 September 2023)

Background

[1] The Environment Court has received a notice of motion from Allied Asphalt Limited (**Allied Asphalt**) seeking a direct referral under the Act.

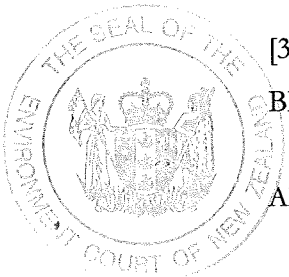
Section 274 notices

[2] Any person who made a submission to the Bay of Plenty Regional Council and/or the Tauranga City Council (**Consent Authorities**) on this matter may become a party to and participate in the Environment Court proceeding.

Friend of the Submitters

[3] Allied Asphalt and the Consent Authorities have identified Mr John Olliver of Bloxham Burnett & Olliver as a suitable Friend of the Submitters, to assist

ALLIED ASPHALT LIMITED



unrepresented parties during the Court process. The Court understands that Mr Olliver has been approached by and has confirmed his availability to Allied Asphalt and the Consent Authorities.

Directions

[4] I **direct** as follows:

- a) Any person who made a submission to the Consent Authorities on this matter and who wishes to participate in the Environment Court proceeding is required to file with the Court, **by 5:00pm on 29 September 2023**, a notice of wish to be a party to the proceeding in accordance with s274 of the Act. They will also need to serve a copy of their s274 notice on Allied Asphalt and the Consent Authorities by then.
- b) Section 274 notices may be filed with the Court by emailing the Hearing Manager or EnvironmentCourt@justice.govt.nz. Section 274 parties who do not have access to email may file a paper copy of their notice with the Court addressed to Environment Court, CX10086, Auckland. Alternatively, filing may be effected by physical delivery of the notice to the Environment Court Registry, Level 2, Specialist Courts and Tribunals Centre, 41 Federal Street, Auckland Central.
- c) Section 274 notices must otherwise meet the requirements of Form 33 of the Resource Management (Forms, Fees, and Procedure) Regulations 2003 and the Act.
- d) Section 274 notices may be served on Allied Asphalt and the Consent Authorities by email or post, as per the address list in Annexure A to this Minute.
- e) The requirement to file with the Court a signed and one hard copy of a s274 notice is waived where that s274 notice has been emailed to the Court. Where a s274 notice is posted or physically delivered to the Court, the requirement

to file one additional hard copy of that s274 notice is waived.

- f) Once the Court has received all s274 notices, the Registry will send the s274 parties a list of all s274 parties upon whom service will need to be effected. Section 274 parties will need to retain a copy of their completed s274 notice so they can fulfil this requirement. Service on the other s274 parties may be undertaken by email.
- g) The Court formally appoints Mr Olliver as Friend of the Submitters on the following basis:
 - i) Allied Asphalt will meet Mr Olliver's costs through to the end of the proceeding. Allied Asphalt is to urgently advise at any point if that ceases to be the case.
 - ii) Mr Olliver will invoice Allied Asphalt directly for his work.
 - iii) Mr Olliver is not an officer of the Court. His function will be to assist submitters with advice about the Court's practices and procedures, not as to the merit of their cases. Mr Olliver is not to give advice about matters of law applicable to the substantive proceeding nor matters of expert evidence that may be relevant to issues of the case.
 - iv) The Court understands that Mr Olliver may be contacted as follows:

email: jolliver@bbo.co.nz

phone: 027 482 2637
 - v) If the scale of the interest in the proceeding is such as to necessitate, another suitable Friend of the Submitters may be appointed on the same basis as above.
- h) I **direct** the Registrar to issue a copy of this Minute to the applicant, the Bay

of Plenty Regional Council and the Tauranga City Council, all persons who filed a submission, and Mr Olliver.



A handwritten signature in blue ink, consisting of a stylized 'M' followed by a long horizontal stroke that tapers to the right.

MJL Dickey
Environment Judge

Annexure A

<u>Lodgement:</u>	<u>ENV-2023-AKL-000160</u>	<u>Allied Asphalt Limited</u>
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@cmlaw.co.nz
Referral - Consent Authority	Tauranga City Council	Jemma Hollis, Cooney Lees Morgan, P O Box 143, DX HP40001, Tauranga, JHollis@cmlaw.co.nz