Bay of Plenty Regional Council and Tauranga City Council

Section 87F Report

Report under Section 87F of the Resource Management Act 1991 (RMA) on a notified application made by Allied Asphalt Ltd for consents under Sections 9 and 15 of the RMA to establish and operate a new asphalt manufacturing plant.

Report to:	The Environment Court
Report from:	Stephanie Bougen Principal Planning and Policy Consultant, 4Sight – Part of SLR
Reviewed by:	Danielle Petricevich Principal Planning and Policy Consultant, 4Sight – Part of SLR
Report approved by:	Ella Tennent, Consents Manager Bay of Plenty Regional Council Stacey Hikairo, Environmental Planning Team Leader Tauranga City Council
Date:	23 August 2023
File reference:	RM22-0649 (BOPRC) RC29596 (TCC)

1.0 Introduction

My name is Stephanie Bougen, I am employed as a Principal Planning and Policy Consultant by 4Sight Consulting Ltd – Part of SLR. I have been working in this role since July 2022, prior to which I worked at both the Tauranga City Council (TCC), and the Bay of Plenty Regional Council (BOPRC) in the resource consent planning teams.

My qualifications include a Bachelor of Science (Geography) and a Master of Planning from the University of Otago. I am full member of the New Zealand Planning Institute and am certified as a resource management decision maker through the Making Good Decisions certification programme run by WSP and the Ministry for the Environment (MfE). I have approximately 12 years postgraduate planning experience, which includes processing a broad range of resource consent applications and other planning applications for local and state government in Australia, and Regional and City Council in New Zealand.

This report has been prepared in accordance with Section 87F of the *Resource Management Act 1991* (RMA). It provides an analysis of the resource management issues in respect of consent applications RC26596 and RM22-0649, for the establishment of a new asphalt plant at 54 Aerodrome Road, Mount Maunganui. These applications have been made by Allied Asphalt Limited (the Applicant).

In this report I have recommended conditions which I consider should be imposed if the Environment Court grants the consents sought and in particular a framework to ensure that the new plant will operate using natural gas as a fuel source as soon as possible. If the recommended conditions are imposed I consider the adverse effects of the proposal to be acceptable, and that the proposal is generally consistent with relevant planning policy.

If the Environment Court determines to grant consents RC26596 and RM22-0649, two separate suites of draft conditions have been prepared and included as Appendix C and

Appendix D to this report. These conditions have been pre-circulated and largely agreed to (except as noted in this report) by the Applicant's planning consultant, Mr Craig Batchelar of Cogito Consulting.

This report has been prepared without knowledge of the content of any evidence or submissions that will be made at the hearing; consequently, it is acknowledged that my recommendations on certain issues may require revisiting during the hearing process if new information is made available.

On behalf of the Applicant, Mr Batchelar has prepared a comprehensive resource consent application and assessment of environmental effects (the Application / AEE). I have prepared this report with the intention that it is read alongside Mr Batchelar's Application. Rather than unnecessarily repeat information or assessment, I have in many instances referred back to Mr Batchelar's Application.

2.0 Resource Consent History

The consenting history for the asphalt manufacturing plant is set out in Sections 4.2 and 4.3 of the Application. In short, asphalt plant operations were first established on the site in 1970 following the grant of a planning consent by the Mount Maunganui Borough Council in February 1970 under the *Town and Country Planning Act 1953*.

The plant was repositioned and upgraded at its current location on the site in 1997. Land use consent was not required at that time as the asphalt manufacturing activity was a permitted activity under the Tauranga City Transitional District Plan.

In terms of the air discharge, the plant currently operates under air discharge permit 64720 granted in 2004 by BOPRC. A copy of the permit is included as Appendix 7 to the Application. The air discharge permit expired on 30 November 2020. An application to renew the permit for the existing plant was made by the Applicant on 12 May 2020 (RM20-0301).

BOPRC issued a request for further information on 5 August 2020. This included a request for further assessment and consideration of best practicable options and mitigation measures. BOPRC also requested that the Applicant consider upgrading the current abatement system (emission control) to a more efficient system.

Following this request, the Applicant decided to undertake complete replacement of the existing plant. RM20-0301 was placed on hold while investigation, design and planning for a replacement plant was carried out.

This current application is for resource consents associated with the replacement plant, and a short term (2 year) renewal of the air discharge permit to allow the existing asphalt plant to operate until the replacement plant is commissioned. The existing asphalt plant will continue to operate under the existing air discharge permit until a decision is made on this application as provided under Section 124(3) of the RMA.

3.0 Summary of the Proposal

The proposal is described in Sections 4 and 5 of the Application. Given that the Applicant is seeking a short-term consent (2-years) for the existing plant while the proposed new plant is constructed, full details of both the existing plant and proposed future plant are provided. As Mr Batchelar has provided a comprehensive description of both the existing and proposed plants, the relevant sections of his Application report should be referred to.

To avoid any confusion regarding the operation of the existing plant and proposed plant, a comparison of the typical operating hours and capacities for the existing and proposed plants is included below:

	Operating capacity (T/hr)	Operating capacity (T per day)	Typical operating hours
Existing plant	50-60 (typical) 80 (maximum)	250-300 (typical) 1,000 (maximum)	7am – 12pm (5 hours)
Proposed new plant	120 (typical) 200 (maximum)	250-300 (typical) 1,000 (maximum)	6am – 5pm (13 hours)

Notes: The maximum operating capacity per day is not the theoretical continuous asphalt plant capacity which is much higher for both the existing and new plants. Maximum operating capacity per day reflects the overall operational limits of the business and how much throughput can be achieved when all systems are considered.

4.0 Description of the environment

Section 3.1 of the Application provides a brief description of the site and locality. Having visited the site on 1 June 2023, I concur with the description provided. The key points of this section of the Application, along with some additional commentary, is included below. A montage of photographs of the site, taken on my site visit on 1 June 2023, is included as Appendix A to this report.

4.1 Physical site description

As set out in Section 3.1.1 of the Application, the site is flat, and is occupied by the existing Allied asphalt manufacturing plant with accessory buildings, areas used to store aggregate and materials, and an office.

Access to the site is from Aerodrome Road, with a two-way heavy vehicle crossing, shared with the Fulton Hogan regional office and depot. A site plan showing existing development on the site is included at Appendix 2 of the Application. The area occupied by the asphalt plant is approximately 7,200m^2.

4.2 Legal Descriptions

As detailed in Section 3.1.2 of the Application, the site is composed of two land titles with frontage and access off Aerodrome Road. Lot 1 DP36408 is 1.974ha and Lot 2 DP36408 is 6526m^2.

4.3 Surrounding Locality

Section 3.2 of the Application provides an accurate description of the surrounding locality, which is a large and established industrial area, locally referred to as the Mount Industrial Area. The area is depicted in Figure 5 of the Application.

While I adopt the description of the surrounding locality provided in the Application, I wish to add that the site sits on land known by tangata whenua as the Whareroa Block, an area of cultural significance to the people of Ngāti Kuku hapū. The main Whareroa Marae is located approximately 1.5km from the site (refer Figure 2 below). The Whareroa community supports numerous activities including papakāinga, kaumatua housing, kōhanga reo and other marae activities such as tangihanga, hui, wānanga events. The head office of Te Rūnanga o Ngāi Te Rangi Iwi is also located at Whareroa.

Figure 2: Locality Plan, showing location of Allied Asphalt plant site (yellow pin) and Whareroa Marae (orange triangle).

4.4 Zoning and Plan Features

City Plan

The City Plan was made operative on 9 September 2013. The next full review of the City Plan will be notified in 2024, however, Plan Change 27 was notified in November 2021 and is relevant to the Proposal. Section 6 of the Application details the zoning and plan overlays of relevance to the site. I agree with the description provided, which can be summarised as follows:

- The site is in the City Plan Industry Zone.
- The site sits outside the *Specified Airport Slopes and Surfaces* overlay for Tauranga Airport.
- The site is within a *Viewshaft Protection Area* overlay (Mauao viewshaft from the Tahuwhakatiki Marae Viewing Point)[1]. The *Viewshaft Protection Area* map identifies the height that a building or structure could be built to, above the existing permitted height of the zone in which the activity is proposed to be located[2]. The proposal will be below the viewshaft 'floor' for the Viewshaft Protection Area, which is 16m above the permitted 16m height limit, or 32m above ground level.
- The site and access are within areas delineated as Flood Prone Area, Minor Overland Flowpath, and Major Overland Flowpath on the non-statutory maps associated with Plan Change 27 to the City Plan.

[1] *City Plan Viewshaft Protection Areas Map 16*

[2] *City Plan Section 7 Viewshaft Protection Areas Index – Viewshaft Protection Area (Note on Plan)*

The relevance of the *Viewshaft Protection Area* overlay, and the Plan Change 27 maps is detailed further in the assessment of environmental effects - Sections 7.4 and 7.5 of this report.

Regional Natural Resources Plan

The Regional Natural Resources Plan (RNRP) was made operative in 2008. The review of the RNRP, relating to freshwater, will be notified in 2024. The previous Regional Air Plan has been reviewed and replaced by Plan Change 13 - Air Quality to the RNRP (PC 13). PC 13 was notified in 2018, the provisions relevant to this application are beyond appeal[3] and are treated as operative. PC 13 was incorporated into the RNRP on 6 June 2023. Some aspects of PC 13 are still under appeal.

National Environmental Standard for Air Quality (NES-AQ).

The Mount Maunganui Industrial Area is part of a gazetted airshed, which has the potential to breach the NES-AQ. Formally known as the Mount Maunganui Airshed (see Figure 3), this airshed has been gazetted due to issues with exceedances of PM_{10} standards. The Airshed was gazetted as a polluted airshed (in relation to PM_{10}) in October 2019 in accordance with Regulation 3(1)(b) of the NES-AQ and came into force on 28 November 2019.

[3] *Only rule AQ R22 Handling of bulk solid materials remains under appeal, and this rule is not relevant to the current proposal.*

Figure 3: Extent of the Mount Maunganui Airshed shown in pink. Site indicated with yellow rectangle.

5.0 Resource Consent Requirements

Mr Batchelar has set out the reasons for consent in Sections 6 and 7 of the Application, and I agree with his assessment, and the final activity status of the proposal, which is summarised below.

5.1 Tauranga City Plan

The table below provides a summary of the resource consent triggers relating to the Tauranga City Plan. For clarity, no resource consents are required from TCC for the short-term renewal of the existing plant, as this operates as a lawfully established land use. All resource consents sought from TCC relate to the proposed new plant.

While the primary 'Industrial Activity' proposed is a permitted use within the Industry Zone, the following activities require resource consent:

Rule	Activity status	Activity description
4E.3 Commercial and Industrial Zone – Noise	D[4]	Permitted rule 4E.2.3 outlines that activities in the Industrial Zone shall not exceed 65dbA[5] Leq within the boundary of any site within the Industrial Zone. It is estimated that noise levels on neighbouring industrial sites will exceed 65dbA by 1-4dbA, therefore consent is required under Rule 4E.3.
8A.12.1.1 Building height industrial zones	D	Under Rule 18A.12.1.1 the maximum height of any building or structure in the Industry Zone (except permitted intrusions) shall be 16 metres. The proposed stack height exceeds this limit and therefore resource consent is required under Rule 18A.16.
9A.6 Storage of Hazardous Substances	D	City Plan Table 9A.1 identifies a consent status matrix (effects ratio) for activities that store or use hazardous substances in the Industry Zone. Any activities with an effects ratio greater than 1.5 in the Industry Zone requires resource consent pursuant to Rule 9A.6a). The proposal has an effects ratio greater than 1.5. The Applicant has advised that storage of hazardous substances was provided under the resource consent granted in 1970. However, the specific substances and quantities were not specified in the application of consent, so to remove any doubt over compliance a resource consent is being sought.
9B.3 Use or development of contaminated land	D	General provisions 9B.2.1 and 9B.2.2 establish that the use and development (including remediation) of contaminated land is a Restricted Discretionary Activity under Rule 9B.3.

[4] *D = Discretionary*

[5] *It is noted that Section 6.3 of the Application erroneously refers to 55dbA, however, the supporting Noise Assessment refers to 65dbA.*

Proposed Plan Change 27 Proposed Rule 8D.4.2.4	RD[6]	The proposal cannot comply with proposed Permitted Rule 8D.3.5 because it includes buildings and structures which are greater than 20m^2 at ground floor level, within an area that has a flood depth of 300mm or more. Therefore, resource consent is required for a Restricted Discretionary Activity under Rule 8D.4.2.4.
Proposed Plan Change 27 Proposed Rule 8D.4.2.2	RD	New industrial activities within a minor overland flow path are classified as Restricted Discretionary Activities in Table 8D.1 of the City Plan.

As all activities are inextricably linked, the proposal has been assessed as a discretionary activity under the City Plan, in accordance with the bundling principle.

5.2 Bay of Plenty Regional Natural Resources Plan

The table below provides a summary the resource consent triggers relating to the RNRP.

Rule	Activity status	Duration sought	Activity description
LM R4 Earthworks	D	2 years	Earthworks will be required to build the new plant. Earthworks are limited to site preparation works and at 1,500m^3, will be less than the permitted activity limits with the exposed area being no greater than 1 hectare and volume being no greater than 5,000m^3.[7] Because of the limited nature of the earthworks, the earthworks will comply with the permitted activity standards under Rule LM R1 of the RNRP, however, Rule LM R1 contains a condition (h) which sets out that "*the activity shall not disturb an identified contaminated site*" The proposed earthworks are therefore a discretionary activity, despite meeting all other requirements of permitted Rule LM R1.
DW R25 Disturbance of a contaminated site.	RD	2 years	Site disturbances and earthworks will be required in order to construct the new plant, and the site is considered to be contaminated.
DW R21 Discharge of stormwater to surface water	RD	2 years 35 years	The proposed stormwater discharge from the site into the piped stormwater network, and ultimately Tauranga harbour, will exceed 125 litres per second for a 10-minute duration 10%AEP storm event, therefore, cannot meet the standards of permitted Rule DW R20 of the RNRP. The Applicant is seeking consent for a stormwater discharge from both the existing plant in the short-term, and the proposed new plant in the long-term.

[6] *RD = Restricted Discretionary*

[7] *Rule LM R1*

AIR-R15(2) Specific discharges – Asphalt or bitumen manufacture or processing.	D	2 years 35 years	Under Rule AIR-R15 'Specific activities' the discharge of contaminants to air from asphalt or bitumen manufacture or processing is a Discretionary Activity. "Asphalt or bitumen manufacture or processing" covers all components of the manufacture or processing on the site that produce emissions, including delivery and yard activities, bulk goods handling, and burning equipment. The Applicant is seeking both a short-term (2 year) consent under Rule AIR-R15 to continue operating the existing plant while the new plant is constructed, and a longer term (35 year) consent for the new plant.

5.3 National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health 2011

The Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (NES-CS) provides a range of regulations to manage the potential effects on human health associated with sites that are being used, have been used or are more than likely to have been used for activities or industries listed on the MfE Hazardous Activities and Industries List (HAIL).

Section 11.1.6 of the Application provides an assessment of the proposal against the NES-CS and concludes that resource consent is required under Regulation 11. I accept the assessment provided in this section of the Application. I note that the Application, and further information has been peer reviewed by Ms Emma Joss (contaminated land consultant for BOPRC), who also agrees with the Mr Batchelar's assessment.

Further assessment in relation to the disturbance of contaminated soils is included in the assessment of environmental effects – Section 7.7 of this report.

5.4 Other National Environmental Standards

The National Environmental Standard for Greenhouse Gas Emissions from Industrial Process Heat 2023 (NES–GHG), and the National Environmental Standard for Air Quality (NES-AQ) are addressed in Section 10.3 of this report. Resource consent is not required under these standards.

6.0 Notification and Submissions

6.1 Notification

Public notification of the Application by both BOPRC and TCC was requested upon lodgement (refer Section 13 of the AEE). Following a period of assessment, and a Section 92 further information process, a decision to notify the proposal was made both by BOPRC and TCC in May 2023.

The notification report for BOPRC included the following recommendation:

"Under Regulation 10(2)(d) of the Resource Management (Forms, Fees, and Procedure) Regulations 2003, the consent authority must serve notice on: "iwi authorities, local authorities, persons with a relevant statutory acknowledgement, persons, or bodies that the consent authority considers should have notice of the application".

From the Applicant's assessment it is clear that iwi, hapū and marae in the area are potentially affected parties. A letter was also received from schools located nearby in the residential area. This joint letter was received from Mount College on behalf of 5 local schools[8], noting that regular odour is noticed at both Ōmanu Primary School and Mount Maunganui College. In addition, Public Health and Clear the Air[9] community group are a link to the wider community that I consider should have notice of this application."

Therefore, in addition to public notification it was recommended that tangata whenua, local schools, Toi Te Ora and a local community group (Clear the Air) were given direct notice of the public notification.

Delegated staff at BOPRC endorsed this recommendation on 2nd May 2023.

The notification report for TCC recommended and decided that direct notice be served on the same iwi and hapū, in addition to the community action group 'Clear the Air'. It also recommended that notice be served directly on the following additional parties for the reasons specified below:

- The TCC wastewater assets management unit - noting "*The Applicant is currently working on information to provide TCC some certainty around the volumes of trade waste to be discharged, however, this information has not been finalised. In order to make a timely decision under section 95 and still enable TCC's involvement in understanding the effects of the discharge, I consider they are a potentially affected party."*; and
- The owners of immediate adjoining neighbours who may be affected by the proposal to a greater extent than the general public, including the owners of 48 and 60 Aerodrome Road, 63 and 67 Hewletts Road and 14 Harvard Way.

BOPRC and TCC notified the application jointly on 12 May 2023. The proposal was notified via the Bay of Plenty Times, and on the BOPRC website. Social media was also used to spread awareness of the public notification. Direct notice of the public notification was served on the interested and affected parties listed above.

6.2 Submissions

The notification and submission process were administered by BOPRC, on behalf of both councils. At the close of submissions, a total of 103 submissions were received. 20 of these submissions were identical pro-forma submissions. Four late submissions were received within a week of the closing date. Both BOPRC and TCC determined to waive the failure to comply with the time limit for submissions, as provided for by Section 37(1) of the RMA, and these submissions were accepted.

A submission summary has been prepared and included as Appendix B to this report. Two maps are also included in Appendix B which show the spatial distribution of submitters by location.

The issues raised by the submitters can be summarised as follows:

a) There were many submissions relating to air quality, with key concerns as follows:
    - High levels of air pollution generated by the proposal close to sensitive land use areas, including daycares, schools, businesses, sports fields, residential areas, and local marae.

[8] *Mount Maunganui College; Ōmanu School; Mount Maunganui Intermediate; Mount Maunganui Primary School and Arataki School*

[9] *Clear the Air is a community group specifically interested in Air Quality in the Mount Industrial Area and surrounding residential areas*

- The renewal of the proposed discharge consent continuing to adversely impact on human health, particularly of vulnerable populations, by exacerbating emissions of dust and particulate matter, respiratory issues, and foul smells.
- Cumulative impacts of the discharge consent renewal associated with poor pre-existing air quality in the Mount Maunganui Airshed.

b) There were several submissions which outlined key concerns relating to impacts of the proposal on the surrounding environment as follows:
   - Disturbance of soils through earthworks activities on a known contaminated site, culminating in the risk of contaminants entering waterways, and adversely affecting ecosystems through stormwater runoff.
   - The proposal will be counter-intuitive to global and nationwide climate change mitigation initiatives and coinciding emission reduction strategies.

c) The proposal is highly offensive to iwi and hapū and fails to avoid, remedy, or mitigate a range of adverse effects on iwi for several reasons:
   - The proposal is inconsistent with and fails to adequately assess several iwi and hapū long term management plans.
   - The proposal represents a further encroachment on traditional lands and the cumulative effects of this activity along with similar land uses in the area is unacceptable.
   - Air is a taonga to local Mana Whenua and Iwi, and the degradation of air quality lessens its Mauri.
   - Insufficient consultation or cultural impact assessment has been undertaken to assess adverse effects generated by the proposal on iwi, culminating in a breach of natural justice.

d) The proposal will result in excessive noise generation in the Mount Maunganui community, specifically with the increase in large truck movements associated with proposed earthworks activities.

e) The proposal will detract from the amenity values and aesthetic cohesion of Mount Maunganui for visitors and local residents and does not align with long term community visions for the area.

f) The proposal does not achieve the requirements of the RMA, particularly Part 2, the NZCPS, and does not give enough regard to regional planning documents, such as the Regional Policy Statement.

g) The proposal prioritises the profits of industrial corporations over the impacts to public health.

Several of these matters have been addressed in the following sections of this report.

7.0 Actual and Potential Environmental Effects

An assessment of the actual and potential effects on the environment is provided below. As detailed above, this assessment should be read alongside Mr Batchelar's AEE, which I have attempted not to replicate unnecessarily.

7.1 Air quality

Mr Batchelar has provided an assessment of effects associated with the proposed air discharge in Section 8.2 of the AEE, which refers to the Tonkin & Taylor (T&T) Air Quality

Assessment included as Appendix 6 to the Application. Additional Air Quality information and assessments were also provided by T&T via a response to a further information request. I note that the T&T assessments have been peer reviewed by Mr Rob Murray, Environmental Scientist at Air Matters (Consultant Air Quality Scientist for BOPRC). Given the nature of the topic, my assessment has been heavily guided by the content of the T&T Assessment, and the comments I have received from Mr Murray.

As the Applicant is seeking consent for the ongoing discharge from the existing plant for another two years, while the proposed new plant is constructed, separate assessments are provided for both the existing and proposed plants.

7.1.1 Proposed plant

Mr Batchelar has provided an assessment of effects associated with the discharge from the proposed new plant. This assessment has been informed by the T&T Assessment, which I accept has been prepared comprehensively by suitability qualified and experienced air quality scientists, based on sound methodology, and is aligned with best practise. Key findings of the assessment are:

- For most contaminants, concentrations discharged from the proposed asphalt plant are lower than the existing plant due to improved air pollution control and a taller stack, which will increase dispersion and dilution of emissions. Dispersion modelling predictions, using conservative assumptions, indicate that the cumulative effects of emissions of PM_{10}, $PM_{2.5}$, SO_2, NO_2, CO, VOCs and trace metals from the proposed plant are well below relevant air quality assessment criteria. Benzene and PAHs are also modelled below air quality guidelines.
- While the Mount Maunganui Airshed is a polluted airshed for PM_{10}, the incremental effect of the emissions from the proposed asphalt plant are small and are significantly lower than the existing asphalt plant. The decommissioning of the existing plant will more than offset the consented PM_{10} emissions to the airshed and will result in a net reduction in consented PM_{10} mass emissions.
- The assessment of odour effects indicates that, with the improvements to odour control, the frequency, intensity and duration of odour likely to be experienced beyond the boundary of the site is such that that offensive or objectionable odour is unlikely.
- The proposed plant will implement a number of controls that constitute the best practicable option, including use of a reverse-air baghouse for removal of particulate from emissions from the aggregate drying unit, and a blue smoke aerosol treatment system for capture of oils and semi-volatile organic compounds (and associated odours) from the mixing of bitumen.

I questioned Mr Murray about whether the T&T Assessments consider all recognised air quality guidelines and standards that are appropriate to the discharge. He was comfortable that the assessment achieved this.

The only concern raised by Mr Murray was that one of the measures relied on to mitigate odour effects from the new plant is the use of a blue smoke filter, however, it is unclear how this filter system works, and upon request, the Applicant has not been able to provide further information. It appears that the predicted odour for the new plant is based on actual testing from a plant in Australia, however, that plant has a different system where vapours (odour generating compounds) are directed back into the drying drum where they are combusted and destroyed.

This concern was raised with Mr Batchelar, who was able to clarify that odours will be managed using the same technology as the Australian plant, with the blue smoke filter as an additional feature. The conditions contained in Appendix D have been updated to reinforce this as a required mitigation measure for the plant and discharge.

Overall, I accept the assessment of Mr Batchelar in relation to the nature and magnitude of potential adverse air quality effects from the proposed new plant, which he has concluded are less than minor, and therefore acceptable.

Notable is that Mr Batchelar has in places provided a comparison of the existing plant and the new plant, stating that contaminant concentrations discharged from the proposed new plant will be lower, and that there will be a net reduction of particulates into the Mount Maunganui Airshed when compared with the existing plant (which Mr Murray agrees with based on modelling for maximum operating conditions). While this may be the case, my assessment does not rely on the existing plant as a baseline, but rather, the fact that air quality assessment criteria will be achieved by the new plant.

7.1.2 Existing plant

In relation to the existing plant, the T&T Assessment indicates that emissions of PM_{10}, $PM_{2.5}$, SO_2, NO_2, CO, VOCs and trace metals from the existing plant are well below relevant air quality assessment criteria for the continuous operation at the maximum production rate. Mr Murray agrees with this assessment.

A primary issue for the existing plant relates to odour. The issue of odour from the existing plant appears to be of particular concern for submitters in the Omanu area, and the parents of children at schools in this part of Mount Maunganui. Submitters have cited the specific 'bitumen' smell experienced in the area, preventing outdoor enjoyment, and resulting in schools having to take action such as closing classroom windows. There is also a history of complaints to the BOPRC 'Pollution Hotline' in respect of odours generated by the existing plant.

The T&T Assessment is comprehensive in its assessment of odour effects from the existing plant and can be referred to for more detail, however, Mr Batchelar has acknowledged that modelling of the maximum production rate on a 24-hour basis does suggest that 99.5th percentile 1-hour average odour concentrations higher than the MfE guideline could occur at the nearest receptors to the northeast of the site. Mr Murray has also indicated that modelling for the typical production rate and typical operating hour scenario (7am – 12pm) shows that odour concentrations will be equal to MfE guideline, therefore, odour could still be an issue, even on a typical operating day.

I accept that operation of the existing plant will result in intermittent periods where odour effects are not avoided, and may be experienced at sensitive receptors, primarily to the northeast of the site. Mr Batchelar has advised that in the short-term (until the existing plant is decommissioned), such effects will be minimised by ensuring all systems are maintained to achieve the highest level of performance. Whilst this is unlikely to prevent all intermittent adverse odour effects, Mr Batchelar has advanced the addition of several new conditions for the existing plant, including:

- An air quality management plan (AQMP) condition which must be complied with at all times by the consent holder, and which must stipulate how the plant will be operated to minimise odour;
- A complaints log condition, which requires the consent holder to investigate the likely cause of odour issues that generated complaints and set out future actions proposed as a result of the complaint; and
- A new reporting condition so that the BOPRC is advised in the instance that there is an accidental discharge or plant breakdown.

Despite the conditions advanced, it appears that complete avoidance of adverse effects from the discharge of odours from the existing plant is unlikely as the Applicant is not proposing any new technology or operating procedures that would reduce odour levels. Numerous submitters have raised issue with odour from the existing plant, and there is a history of

complaints to BOPRC, in my view, this is evidence that the odour being experienced by the community, particularly to the northeast of the site, is unacceptable. On this basis, I have recommended a condition in Appendix D, to limit operation of the existing plant to typical hours so that odour concentrations are less likely to exceed MfE Guidelines.

The recommended condition is indicative only. The Applicant is not supportive of such a condition, and I have therefore not been able to come to an agreement with Mr Batchelar as to how such a condition should be worded. This matter will need to be explored further to determine if such a limitation is problematic for plant operations, however, I consider that if such a condition can be developed and imposed, it should be.

Subject to the above-mentioned condition, I consider that adverse odour effects from the existing plant will be mitigated to an acceptable level, until such time as the plant is replaced and unacceptable odour effects are avoided entirely.

7.1.3 Cumulative Effects

Whilst Mr Batchelar has described in several parts of this AEE that the cumulative effects of emissions from the proposed plant will be well below air quality assessment criteria, there is no assessment provided regarding the broader cumulative effect of air discharges from across the Mount Industrial Area.

Relevant to cumulative effects is that following the notification period, in June 2023, Toi Te Ora Public Health released a Health Risk Assessment for Mount Maunganui[10]. The purpose of the assessment was to provide information on the potential scale of adverse health outcomes from existing air quality in Mount Maunganui, focussing on discharges from the Mount Industrial Area.

The report includes qualitative and quantitative assessment in relation to the potential health risks of exposure to identified air pollutants in the Mount Maunganui area. The pollutants assessed are:

- PM_{10} and $PM_{2.5}$;
- Nitrogen dioxide (NO_2);
- Sulphur dioxide (SO_2);
- Hydrogen sulphide (H_2S);
- Benzene (C_6H_6); and
- Odour.

Amongst other conclusions, the assessment found that compared with nearby Otūmoetai, in Mount Maunganui there were:

- Around five premature deaths each year associated with increased exposure to long-term concentrations of $PM_{2.5}$ and NO_2 in 2019 - This estimate represents around 3% of deaths in that year.
- An additional four cardiovascular and six respiratory hospitalisations associated with increased long-term exposure to $PM_{2.5}$ and NO_2.
- An additional 1,256 restricted activity days associated with increased long-term exposure to $PM_{2.5}$.
- Two additional cases of asthma in under 18-year-olds associated with increased long-term exposure to NO_2.

[10] Mt Maunganui HRA (cwp.govt.nz)

At the same time as the release of the Health Risk Assessment, a report by ESR, the Mount Maunganui Air Quality Review 2022 was also released[11]. This report, prepared by ESR on behalf of Toi Te Ora, indicates that between 2019 and 2022, there has been some notable improvements in ambient air quality in the Mount Industrial Area, including:

- Annual PM10 concentrations averaged over the seven monitoring locations in the Mount Maunganui Airshed have reduced by 15% since 2019 (20 µg/m^3 to 17 µg/m^3). Maximum daily levels of PM10 have also significantly reduced since 2019.
- Annual levels of PM2.5 measured at Totara Street (only)[12] have significantly reduced (35%) over the last four years, from 6.9 µg/m^3 in 2019 to 5.2 µg/m^3 in 2022. Maximum daily levels of PM2.5 have also significantly reduced since 2019.
- Short-term levels of SO2 have significantly reduced in the Mount Maunganui Airshed since 2019.
- There has been a significant decline in measured concentrations of PM10 at Whareroa Marae. Annual levels of PM_{10} at Whareroa Marae have reduced by 43% in 2022 compared with 2019 and are now well below health-based guidelines, with zero exceedances of the national environmental standard for PM10 in 2022.

Despite the air quality improvements reported by ESR, I consider the Health Risk Assessment relevant in the sense that it substantiates the views of many submitters, that there is an unacceptable cumulative effect associated with air discharges occurring across the wider Mount Industrial Area. While the assessment above has found that contaminant levels discharged from the existing and proposed plant are below relevant air quality assessment criteria, I accept that the proposed discharge will still contribute to this broader adverse cumulative effect being experienced by parts of the Mount community.

Notwithstanding this, I do not consider it follows that a particular discharge activity is also unacceptable just because it contributes to a broader adverse cumulative effect. Rather, I consider that where such an existing unacceptable effect exists within the wider receiving environment, it is the responsibility of applicants to demonstrate that measures will be taken to improve discharge quality and contribute to a cumulative reduction in contaminants being discharged. In my opinion the proposal achieves this, especially if a commitment to operating the plant using natural gas is firmed up, as discussed and recommended in other parts of this report.

7.1.4 Issues raised by submitters

Almost all submitters were concerned with the air discharge component of the application, raising issues regarding the physical and mental health impacts of contaminant and odour discharges from the existing and proposed plant. Particularly relevant is the submission of Dr Jim Miller (on behalf of Te Whatu Ora/Toi Te Ora - Health New Zealand). Dr Miller raised several issues which I address below.

The first of these concerns is that while the upgrade will significantly reduce the current consented annual emissions of both PM_{10} and $PM_{2.5}$, it does not address discharges of some other contaminants, such as benzene and polycyclic aromatic (PAHs) known to be emitted from the process.

I questioned Mr Murray in relation to this matter. Mr Murray has advised that benzene and PAHs have been considered in the assessment. While there is a modelled increase in the rate that these two contaminants are discharged from the new plant due to its greater production

[11] Mt Maunganui AQ 4 Yearly Review (esr.cri.nz)

[12] There is only one site measuring PM2.5 in the Mount Maunganui Airshed.

rate (80T/H to 200T/H), Mr Murray has advised that the modelled concentrations remain below the air quality guidelines.

A further concern was that the plant will increase daily emissions of NO_2 into an airshed where background levels are nearly double the World Health Organisation (WHO) guideline for NO_2 and increase daily background level emissions of NO_2 by double that recommended by the WHO.

WHO guidelines are designed to offer guidance in reducing the health impacts of air pollution based on expert evaluation of current scientific evidence. I sought advice from Mr Murray on this matter, who advised that the WHO 2021 ambient air quality guidelines for the 24-hour average is 25 µg/m^3 and the annual average NO_2 is 10 µg/m^3. In Mount Maunganui, the predicted background concentrations for NO_2 are already above these guidelines (24-hour background concentration 43 µg/m^3 and annual background concentration 16 µg/m^3), without additional contributions from the asphalt plant. The worst-case ground level concentration generated by the plant as a 24-hour average is between 0.43-0.88ug/m^3, and the annual average is between 0.9-1.9ug/m3, which is well below the WHO guidelines.

Mr Murray also provided some other comments in relation to oxides of nitrogen which I found useful and have summarised below:

- *The WHO released its updated global air quality guidelines in 2021… it is good practice to consider the guidelines where national or regional standards or guidelines for specific contaminants or exposure periods do not exist (such as for 24-hour and annual average PM2.5 concentrations).*
- *The MfE Good Practice Guide for Assessing Discharges to Air from Industry states that applications to discharge oxides of nitrogen (NOx) should be declined where the discharge is likely to cause a breach of the nitrogen dioxide (NO_2) ambient standard, and the discharge is a principal source of NOx.*
- *Whether an activity is a principal source varies depending on the airshed the source is discharging into. When determining whether a source is a 'principal source', councils should consider the mass emission rate for the source site compared with the total mass emission rate within the airshed, and the maximum ground level concentration from the source. For example, in areas with very low background levels of NO_2, consent should be declined for a large discharge of NOx (a 'principal' source) that would result in a breach of the NO_2 standard (200 µg/m3 as a 1-hour average). In an area of elevated levels of NO_2, however, a consent could still be granted for a small discharge of nitrogen oxides because it is not a principal source – even if it pushes ambient levels over the NO_2 standard.*
- *In this case, the proposal would not be a principal source. The maximum ground level concentration as a 1-hour average is 1.6% of the National Environmental Standard for Air Quality. The maximum ground level concentration as a 24-hr average is 1.7% of the WHO Air Quality Guideline for NO_2. An emissions inventory for Tauranga was issued by the BOPRC in 2018 and noted that the majority of NOx emissions are from shipping with the next largest contributor being motor vehicles.*

Notwithstanding his comments, Mr Murray did indicate that there may be some control techniques that could be incorporated to reduce NOx emissions from the plant. He suggested that Council could request that the Applicant do an investigation into control techniques for NO_2 and the practicality of using these techniques on the proposed plant. I consider this reasonable and have included a condition of consent to this effect (refer Appendix D).

The final concern raised by Dr Miller I wanted to address is that the while the application explains that a taller stack will improve plume dispersion and dilution, dispersion modelling may under-estimate and/or under-represent some potential health impacts. I have considered this matter, but do not consider it likely that the modelling undertaken may underestimate the

potential health impacts, as modelling has been undertaken based on a worst-case continuous operating scenario, and in reality, the plant will not operate continuously.

Overall, whilst there are a large number of submitters concerned with air quality in the Mount Maunganui area, having considered the specialist assessment of both T&T and Mr Murray, I consider that the air quality effects associated with the proposal are acceptable.

7.2 Greenhouse Gas Emissions

Mr Batchelar has included an assessment of the adverse effects associated with greenhouse gas emissions in Section 8.3 of the AEE. I accept this and have nothing to add to this assessment but note that greenhouse gas emissions are discussed further in Sections 10.2.4 and 10.3.2 of this report. Section 8 is also relevant, which discusses that transitioning the plant to operate using natural gas as a fuel would further reduce emissions.

7.3 Stormwater Management

7.3.1 Water quality effects

Mr Batchelar has provided an assessment of water quality effects in Section 8.4 of the AEE, which refers to the Infrastructure and Services Assessment included as Appendix 8 of the Application. Whilst I don't disagree with the assessment provided, I consider it necessary to provide some context and make some key points with respect to stormwater management on the site and potential water quality effects. Mr Batchelar has provided some similar context at Section 7.3 of the Application.

The site is within the area that is subject to Resource Consent 66823 – Comprehensive Stormwater Consent for Tauranga City, held by TCC. This resource consent does not provide an umbrella authorisation for stormwater discharges into the piped network (and ultimately Tauranga harbour). Rather, separate resource consents must be sought for individual discharge activities which do not meet the permitted activity discharge standards of the RNRP (due to water quality or quantity breaches). Through the assessment of these resource consent applications, it is determined whether TCC, as the owner of the piped network and associated end of pipe discharge, is an affected party.

Resource Consent 66823 contains end of pipe stormwater quality/discharge parameters that align with the permitted activity standards of the RNRP. The consent conditions require TCC to take steps if these end of pipe limits are not achieved where stormwater enters the Tauranga harbour.

In this instance, the proposed stormwater discharge will meet the permitted activity standards set out in Rule DW R20 of the RNRP in respect of water quality, therefore, there is not considered to be any risk of the end of pipe parameters being compromised. This is largely due to the stormwater treatment measures proposed for the site, which are described in the Appendix 8 Infrastructure and Services Report as a mixture of catch pit interceptors, oil separators and proprietary treatment devices. Given that TCC's end of pipe parameters will still be achieved, and these parameters align with permitted activity standards, a strong permitted and consented baseline exists and it can be assumed that effects associated with the quality of the proposed stormwater discharge will be acceptable.

For completeness, a technical review of the proposal has been undertaken by BOPRC contract engineers. Further information was initially requested to address concerns that proposed proprietary treatment devices may not sufficiently perform to ensure permitted stormwater standards are achieved. However, these concerns were sufficiently addressed

through the provision of a memo by Industrial Water Solutions Ltd that described the stormwater treatment train approach in more detail[13].

The conditions of consent recommended in Appendix D include water quality parameters consistent with the permitted activity conditions and TCC Comprehensive Resource Consent 66823.

7.3.2 Quantity of stormwater

While the proposed discharge will meet the permitted activity standards set out in Rule DW R20 of the RNRP in respect of stormwater quality, resource consent is necessary because the discharge cannot comply with permitted activity standard (d) of this rule, which sets out that the rate of discharge shall not exceed 125 litres per second for a 10-year return period storm.

The proposed discharge rate is 210 litres per second, noting that the site is almost entirely impervious with sealed accessways, equipment pads, highly compacted work areas, various buildings and minimal vegetated areas.

A technical assessment of the proposal was undertaken by BOPRC contract engineers. The assessment noted that there will be no appreciable change to the rate of stormwater discharging from the site, because the site is already impervious, and the proposal maintains existing flow paths. Furthermore, the site will still drain to Aerodrome Road, and into the comprehensive network, therefore, there will be no change to the volume entering the piped network.

Given there will be no fundamental change to the volume of stormwater generated over the site, or the means by which it is disposed, I am satisfied that the proposed stormwater discharge will not give rise to any unacceptable effects on the environment.

7.4 Landscape and visual amenity effects

The new plant does not meet the permitted activity rules of the City Plan, as the proposed buildings exceed the maximum building height for the Industrial Zone of 16m. Mr Batchelor has addressed the potential landscape and visual effects of the proposal at Section 8.5.1 of the AEE. He refers to the Landscape and Visual Technical Assessment (LVA), undertaken by Isthmus, which is included as Appendix 14 to the Application.

The key consideration of the LVA is that the proposed new plant includes a much higher than existing stack of approximately 27.6m. It is noted that site is not located within any landscape overlay areas, and that while the site is located in a Mauao viewshaft protection area, the height of the stack is well below the 'floor' of the viewshaft protection area which is 32m from ground level.

Based on the LVA determining that all landscape and visual effects will be 'very low', Mr Batchelor concludes that any landscape and visual amenity effects arising from the proposal will be acceptable.

A peer review of the LVA was undertaken in March/April of 2023 by Julia Wick, Principal Landscape Architect at Boffa Miskell Ltd. Following an initial review of the LVA, Ms Wick was concerned that it did not adequately address the Te Ao Māori perspectives or cultural landscape values of the site or wider context. Further information was subsequently requested through the Section 92 process.

In response to this request, an addendum to the LVA was prepared by Isthmus. This addendum concluded that "*the site-specific nature of the asphalt plant application, in*

[13] content (boprc.govt.nz)

conjunction with the limited height and footprint of the structure, the distance from any natural or cultural landscape features and the lack of visibility of the plant from any marae or kainga sites, ensures that the application can have no visual or physical effects on the cultural landscapes of the Mount Maunganui and southern Te Awanui area".

Following a review of this addendum, Ms Wick advised that the assessment contained in the LVA and addendum is set out according to recognised landscape methods in accordance with *Te Tangi A Te Manu Aotearoa New Zealand Landscape Assessment Guidelines (July 2022)*, and all simulations and photography have been undertaken in accordance with New Zealand NZILA best practice[14]. Ms Wick also advised that she agrees with the conclusions of the LVA, and the two recommended consent conditions.

Based on the comprehensive nature of the LVA and addendum prepared by Isthmus (refer Appendix 14 of the Application), the review by Ms Wick which endorses that LVA, and my own familiarity of the site and surrounding industrial area, I agree with Mr Batchelar, that any potential landscape and visual amenity effects arising from non-compliant stack height will be acceptable.

The conditions recommended in the LVA relate to the following:

- Lighting - The lighting strategy includes flood lighting to ensure safety on site, however, recommended these be fitted with back screens which restrict lighting to within the site boundaries, reducing light spill outside of the site; and
- Plant colour - It is recommended that the plant be finished in Resene Jumbo, a mid-colour low LRV rated grey.

I have incorporated these recommended conditions into the Appendix C consent conditions.

7.5 Flood Hazard

As detailed above, land use consents are not required from TCC for the operation of the existing plant. For this reason, this section of the report focusses on the hazard associated with the proposed new plant only.

Central to the consideration of flooding effects is Plan Change 27 of the City Plan. Plan Change 27 to the City Plan was notified on 16 November 2020, with the rules having immediate legal effect. The purpose of Plan Change 27 is to ensure that future land use, subdivision and development within Tauranga is planned to be resilient to flooding. The plan change introduces a new rule framework to manage the effects of flooding from intense rainfall on people, properties and infrastructure.

The proposed plan change seeks to manage the effects of flooding from intense rainfall by:

- Protecting floodplains and overland flowpaths;
- Managing development and redevelopment within flood prone areas;
- Managing displacement effects (inappropriate subdivision and earthworks can increase or cause flooding in areas where there was previously minor or no flooding);
- Managing floor levels to reduce damage caused by flooding and risk to life and property; and
- Managing the cumulative impacts on downstream properties of increased impervious surfaces.

As shown in Figure 3 below, the non-statutory maps associated with Plan Change 27 indicate that the site is likely affected by Flood Prone Areas, largely with a depth between 100-300mm, but with a small area exceeding 300mm in depth. The maps also indicate that the site is

[14] 2 NZILA, Best Practice Guide, Visual Simulations BPG 10.2
https://nzila.co.nz/media/uploads/2017_01/vissim_bpg102_lowfinal_gQFss9X.pdf

affected by a Minor Overland Flowpath, with a small amount of the northeast corner being affected by a Major Overland Flowpath.

Figure 3 - Aerial view of the site showing Flood Prone Area overlay (blues), Minor Overland Flowpath (light purple) and Major Overland Flowpath (dark purple) (Source: AEE).

Mr Batchelar has assessed the flooding effects in Section 8.6.1 of the AEE. His assessment refers to the Infrastructure and Services report included as Appendix 8 to the Application and concludes that flood hazard effects arising from the proposal will be negligible or positive, given there will be no increase in the existing risk and the proposed office will be protected from flooding.

A review of the Appendix 8 Infrastructure and Services Report has been undertaken by TCC development engineer Mr Iain Satterthwaite. His review confirms that:

- Development of the new plant will not alter the entry and exit points of overland flowpaths;
- Development of the new plant will result in a negligeable amount of stormwater displacement onto neighbouring upstream and downstream properties;
- The carrying capacity of flowpaths will not be impacted by development of the new plant; and
- Appropriate freeboard will be achieved by buildings on the site.

Given the review of Mr Satterthwaite, I am satisfied that any adverse effects associated with displacement of stormwater will be avoided and agree with Mr Batchelar's assessment overall.

7.6 Hazardous Substances

Resource consent is sought for the storage of hazardous substances in accordance with Rule 9A.6 of the City Plan. Within the Application Mr Batchelor has pointed out that storage of hazardous substances associated with asphalt manufacturing was enabled under the original land use consent granted in 1970, however, specific substances and their quantities were not specified in the application or consent. Resource consent is therefore sought to remove any doubt.

A Hazardous Substances Risk Assessment has been prepared by Beca and included as Appendix 9 to the Application (the Beca Assessment). On review of this assessment, it appears to be comprehensive, and I have not sought that it be peer reviewed.

I understand that there is a large amount of 'legislative crossover' when it comes to the storage of hazardous substances, and there are a vast number of regulatory requirements that exist outside of the RMA, in the Hazardous Substances and New Organisms Act 1996 (HSNO) and related Health and Safety at Work Regulations 2017 (HS Regulations), which must be adhered to ensure that potential adverse effects associated with storing hazardous substances are avoided. These other requirements are explained in more detail in Section 1 of the Beca Assessment.

Notable is the explanation in the Beca Assessment that the *Resource Legislation Amendment Act 2017* (RLAA) removed the explicit function of regional and territorial authorities under Sections 30 and 31 to control the adverse effects of the storage, use, disposal and transportation of hazardous substances to ensure RMA controls do not duplicate controls in HSNO and HS Regulations. I understand that many regional and district planning documents have subsequently been updated to remove rules relating to the storage of hazardous substances. However, as detailed in the Beca Assessment, under Policy IR 7C of the Bay of Plenty Regional Policy Statement (RPS), which hasn't been amended to reflect the RLAA amendment, TCC is required to regulate such activities through the City Plan.

The City Plan achieves this through the inclusion of a rule framework contained in Chapter 9 which is based on an effects ratio, in this instance a discretionary activity status is allocated to the existing proposal. Sections 9A.3.3 – 9A.3.9 of the City Plan contains a suite of assessment criteria relating to general site design, spill containment, washdown areas, warning signs, waste management of hazardous substances and separation from water resources. These matters are addressed in Section 7 of the Beca Assessment.

Overall, Beca has assessed that "*the risks associated with the storage of hazardous substances at the site will be low and appropriately managed. Based on the findings of this review, the cumulative adverse effects and residual risks of the hazardous substances land use are considered acceptable and that potential environmental effects are adequately addressed by the requirements of the HSNO and the HS Regulations*".

A number of recommendations are made, which Beca indicate should be adopted prior to the commencement of operations of the new plant. The recommendations include but are not limited to review of the final design of the plant against the HS Regulations and sign off by a Compliance Certifier (if required), an update of the existing risk register once the new plant is completed, and development of an emergency management plan. I understand that implementation of these matters is already required under the HS Regulations, therefore, I have not recommended these matters be included as consent conditions.

Mr Batchelor has summarised the assessment and conclusions contained in the Beca Assessment in Section 8.7 of the AEE. It is not necessary for me to repeat this summary or assessment. Given the very specialist nature of this topic, I have been heavily guided by the content of the Beca Assessment, and on this basis accept the conclusion of Mr Batchelor that the effects arising from the storage of hazardous substances on the site proposal will be negligible. There will be no increase in the existing risk, and the upgraded stormwater disposal system, with diversion of runoff from higher risk operational areas to trade waste, will avoid contaminants entering the stormwater system.

For completeness, I note that Chapter 9 of the City Plan contains several other provisions relating to the storage of hazardous substances, including a requirement that every application in respect of a Discretionary Activity shall contain the information specified in Rule 9A.5.1.1 – Specific Information Requirements on Hazardous Facilities (9A.6 of the City Plan). As it was unclear to me whether these information requirements were met, I sought clarification from Mr Batchelar. At the time of writing this report he is awaiting comment from technical staff. Information about whether the City Plan information requirements were met in full can be provided to the Environment Court at a later date if required, however, I do not consider this information will alter the assessment provided above.

7.7 Soil Contamination

Resource consent triggers relating to contaminated land exist for the proposal under the RNRP, the City Plan and the NEC-CS. Collectively, the RNRP, City Plan and NES-CS seek to ensure that activities which will disturb contaminated soils are undertaken in a manner which ensure that unacceptable adverse effects on the environment, and human health, are avoided.

Mr Batchelar has provided an assessment of effects associated with soil contamination in Section 8.8 of the AEE. A Preliminary Site Investigation (PSI) has also been provided as Appendix 10 of the Application, and following a Section 92 process, a further Contamination Assessment and Contaminated Site Management Plan (CSMP), both dated 6 April 2023, were provided. The Contamination Assessment and CSMP address the nature, extent and character of the potential contamination, the risk posed by contaminants to health and safety, the method proposed to address the risk from the soil disturbance, and the method proposed to ensure the land is safe for its intended use. Whilst these documents were not provided as part of the original Application, they are available on the BOPRC website[15].

The proposal has been reviewed by Ms Emma Joss of Pennan and Co Consulting, an experienced contaminated land practitioner. Ms Joss has confirmed that Contamination Assessment and CSMP have been prepared in accordance with MfE Contaminated Land Guidelines and by a suitability qualified and experienced practitioner in site contamination. Ms Joss has also confirmed that sufficient information has been provided to enable the likely effects of the proposed activity to be assessed and did not raise any specific concerns regarding the proposed site management practises. Ms Joss recommended a suit of conditions, with key conditions being:

- Notification to BOPRC if any previously unidentified contaminated land is discovered and adherence to accidental discovery protocol as set out in the CSMP; and
- Appropriate disposal of contaminated materials; and
- The provision of a works completion report containing specified details.

Based on the review by Ms Joss, I am satisfied that, provided soil disturbing activities are undertaken in accordance with the CSMP, any unacceptable adverse effects arising from the disturbance of contaminated soils on human health, or the environment will be avoided.

The conditions recommended by Ms Joss, with some minor modifications, are included in Appendix C and Appendix D.

7.8 Transportation

Mr Batchelar has provided an assessment of effects on the local transport network in Section 8.9 of the AEE, which refers to the Transportation Assessment included as Appendix 11 to the Application. Mr Batchelor has concluded that any adverse transportation effects will be less than minor, having regard to the existing environment and permitted baseline.

The Appendix 11 Transportation Assessment has been reviewed by the TCC transport panel consultant. This review supports the assessment methodology and conclusion of Transportation Assessment. The only issue raised by TCC's transport consultant was that the wide vehicle crossings may lead to higher manoeuvring speeds, and a condition of consent was recommended to ensure that vehicle crossing widths are a maximum of 10 metres, measured at the property boundary, in accordance with the TCC Infrastructure Development Code.

Overall, the review confirmed that the proposal development will have a less than minor adverse effect on the function, capacity and safety of the surrounding transport network, and that it complies with the permitted rules contained in Chapter 4 of the City Plan.

On this basis, I accept the assessment provided by Mr Batchelar. The conditions included at Appendix C reflect those recommended by TCC's reviewer.

[15] Notified applications, submissions and hearings (boprc.govt.nz)

7.9 Noise

An assessment of noise effects has been provided by Mr Batchelar in Section 8.10 of the AEE, which refers to the Marshall Day Acoustics Noise Assessment included as Appendix 12 of the Application (the Marshall Day Assessment).

Mr Batchelar has outlined that noise levels from the proposed new plant will comply with the permitted standards of the City Plan at Residential Zone receivers. At Industrial Zone receivers, noise levels have been assessed as compliant with permitted standards in a typical day of production (up to 250T of asphalt produced) but non-compliant if the plant is operated at maximum production (1000T asphalt produced).

The Marshall Day Assessment has been reviewed by TCC Noise and Vibration Specialist Ms Chloe Roper. Ms Roper initially had some concern regarding the frequency and duration of noise limit exceedances at neighbouring properties, particularly at 14 Harvard Way when the plant is at maximum production. Following the provision of further information, demonstrating that the extent of noise exceedances would only be 1-4dB(A) once or twice per year, Ms Roper was satisfied that any potential adverse effects will be acceptable.

While Ms Roper raised some other questions, particularly in relation to the appropriateness of noise level averaging for a typical 250T production day, she ultimately concluded that temporary effects of not complying with the permitted noise limits at all times are acceptable given that the surrounding receiving environment is not “noise sensitive”, that the +2dB exceedance for a 250T production day will be barely perceptible and that the proposed plant will produce the same level of noise or less than the existing plant.

Ms Roper supports the condition recommended in the Marshall Day Assessment, which requires operational noise to comply with permitted Rule 4E.2.3(b) of the City Plan when measured at the boundary of the site of any other industrial sites, except for in certain circumstances set out.

Based on the Marshall Day Assessment, and the review of Ms Roper, I am satisfied that any effects associated with non-compliant operational noise from the new plant will be acceptable, given these effects will be temporary, infrequent, and experienced at non-sensitive industrial sites. I also accept that noise level exceedances associated with construction of the new plant will not cause an adverse effect.

I have included conditions in Appendix C, in line with those recommended in the Marshall Day Assessment and by Ms Roper.

7.10 Infrastructure and Services

Effects associated with the generation of stormwater over the site have been addressed in Section 7.3 above. TCC have confirmed that as there will be no difference in the volume of stormwater generated over the site, there will be no effect on the capacity of the piped stormwater network.

In relation to wastewater and potable water, Mr Batchelar has provided a brief assessment in Section 8.11 of the AEE. Further assessment of how the development will impact on the capacity and functioning of the reticulated wastewater and water networks is included in the Instructure and Services Report included as Appendix 8 to the Application.

In short, there is not expected to be any adverse effect on the capacity or functioning of these networks. TCC development engineer Mr Iain Satterthwaite has reviewed the proposal and has not raised any concerns.

On this basis, I have nothing to add to the assessment provided by Mr Batchelar and am satisfied that subject to any upgrades occurring in accordance with the Instructure and Services Assessment, any unacceptable effects on the three waters network will be avoided.

I also note that the development will still need to proceed in accordance with the TCC Infrastructure Development Code.

7.11 Geotechnical

Mr Batchelar has provided an assessment of geotechnical related effects in Section 8.12 of the AEE, which refers to the Geotechnical Assessment prepared by Beca, and included as Appendix 15 to the Application. The hazards discussed in the Geotechnical Assessment are fault rupture, ground shaking, liquefaction, static settlement, tsunami and volcanic hazards. The risk of ground shaking, liquefaction and static settlement was expected to be high and is proposed to be calculated in more detail and managed at the building consent stage.

The Geotechnical Assessment was reviewed by Elles Pearse-Danker, Senior Geotechnical Engineer at Stratum Consulting. While Ms Pearse-Danker did seek some further information through the Section 92 process, no significant concerns were raised regarding geotechnical stability of the site. It was noted by Mr Batchelar, and accepted by Ms Pearse-Danker, that the appropriate time to undertake further site-specific geotechnical testing is following the detailed design stage, in accordance with the requirements of the New Zealand Building Code.

I note that the City Plan contains one high level policy in respect of geotechnical stability. Policy 4C.1.1.1 states "*By ensuring that areas of cut and fill associated with site earthworks are managed to minimise the risk of instability and damage to other properties both during and after construction*". Given the site is flat, there is no significant cutting and filling proposed. I am therefore satisfied that the proposal meets this policy, and that any adverse effects associated with other geotechnical issues such as liquefaction/settlement will be appropriately managed through the building consent process, once further site-specific investigations have been completed.

7.12 Construction Effects

Mr Batchelar has provided an assessment of construction related effects in Section 8.13 of the AEE, and I accept the assessment provided. The conditions recommended in Appendices C and D to this report include requirements for erosion and sediment controls, a noise and vibration management plan, and a contaminated soils management plan, reflecting the technical assessments undertaken by TCC and BOPRC staff and contractors. I note that in terms of noise and traffic, the surrounding environment is a non-sensitive industrial area. Overall, I am satisfied that subject to compliance with the recommended consent conditions, any adverse effects associated with the construction process will be either avoided, or appropriately mitigated to an acceptable level.

7.13 Cultural effects

This section of the report discusses the potential effect of the proposal on the cultural values of tangata whenua. Further consideration of relevant policy direction and iwi management plans is provided later in this report.

7.13.1 Nature and magnitude of effect

An assessment of effects on cultural values has been provided by Mr Batchelar in Section 8.14 of the AEE. Key points of this assessment are:

- Mana whenua consider the effects of the activity to be significant and adverse because the activity is seen as contributing to the cumulative adverse effects of industrial uses in the Mount Industrial Area that already exceed a culturally acceptable level.
- The installation of the tall emissions stack is seen as a visual eyesore.

- Mana whenua are seeking managed retreat of heavy industry to other locations further away from sensitive activities to reduce cumulative effects.

I accept these points of Mr Batcheler's assessment, which generally align with the commentary provided by Ngāti Kuku in their submission on the proposal (refer Appendix B to this report).

It is also evident from the submission of Ngāti Kuku that it is not just the proposed discharge of contaminants to air which gives rise to concern, other aspects of the proposal are also relevant. The proposed long-term nature of the underlying land use is at odds with Ngāti Kuku's vision for the future. Whilst not expressly stated in the submission, my assessment is that the proposal will therefore have an adverse effect on the ability of Ngāti Kuku to exercise kaitiakitanga.

The submission of Ngāti Kuku also refers to the cumulative effect associated with the historical encroachment of industry onto its sacred lands. This includes effects on the physical health and wellbeing of its people, and their ability to engage in tikanga, kawa and whakapapa. Tangata whenua consider that the proposal will contribute to that cumulative effect.

I accept that the impact of the proposal on the cultural values held by tangata whenua is significantly adverse.

7.13.2 Mitigation measures

Several measures have been proposed to mitigate adverse cultural effects. These include:

- Enabling the exercise of kaitiakitanga through the implementation of the resource consents, including through the development of a Mātauranga Māori Environmental Monitoring Plan as a condition of the air discharge permit.
- Further measures to enable mana whenua to be directly engaged in the management and monitoring of the asphalt plan, including engagement in the final design of the stormwater management system and ESCP, karakia at the commencement of construction and cultural monitoring of earthworks, including the application of accidental discovery protocols.

Ngāti Kuku have not made comment in relation to these proposed mitigation measures, however, given the nature and strength of opposition to the proposal, it appears unlikely that these measures will mitigate the adverse cultural effects in a sufficiently meaningful way from the perspective of Ngāti Kuku, particularly given the wider concerns about the inappropriateness of industrial land use in proximity to Whareroa Marae and the wider cumulative effects which are unable to be resolved through this application.

7.13.3 Relevance of Mount industrial studies

Section 8.14 of the AEE also provides an overview of several studies and investigations being undertaken for the Mount Maunganui industrial area and surrounds, these include:

- An investigation into the potential for instigating managed retreat for pollutant industries from Totara Street south of Hewletts Road has been instigated by the Tauranga Moana Advisory Group in 2020. The investigation is at scoping stage and relates to pollutant industries from Totara Street south of Hewletts Road in proximity to Whareroa Marae and includes Ballance, NZ Oil Services and the Lawter NZ sites (all within 500m of the Marae); and
- Several strategic planning studies are underway for the Mount Maunganui area, including Mount Spatial Plan and Mount Industrial Planning Study and a SmartGrowth Industrial Land Study project.

Mr Batchelar has outlined that the outcomes of this investigation work are unknown and will not be available for consideration for this application and, as such, they are not relevant considerations. He has further stated that while managed retreat may be a topic of discussion, it is fundamentally at odds with the operative Industrial zoning. I agree with Mr Batchelar's comments.

7.13.4 Overall comment on cultural effects

I acknowledge that the cultural effects of the proposal are considered significant and adverse to tangata whenua, particularly when viewed as an additional contribution to the existing industrial activities in proximity to Whareroa, which are impacting on the ability of tangata whenua to exercise kaitiakitanga over Whareroa.

However, based on the information available at the time of writing this report, I do not consider this particular proposal will adversely affect the physical health and wellbeing of Ngāti Kuku, nor do I consider there will be an adverse effect on their ability to undertake traditional practices in and around Whareroa Marae. This is due to the separation distance between this particular proposal and the marae, and with reference to Section 7.1 of this report, the fact that physical effects will largely be experienced to the northeast of the site.

While I accept that tangata whenua view the proposal as contributing to a broader cumulative effect arising from the inappropriate encroachment of industrial activities on their sacred lands, based on expert advice I have not assessed that the proposal will contribute to this cumulative effect in a material way. This is also because the site in question is separated from Whareroa Marae by a distance of 1.5km, and because the level of contaminants proposed to be discharged are below relevant air quality assessment criteria. In addition, compared with the existing plant there will be a reduction in PM_{10} within the Mount Maunganui air shed once the new plant is commissioned. I therefore do not consider the proposal comparable to other offensive industrial activities which occur in much closer proximity to the marae, and with greater level of effect.

7.14 Positive Effects

Mr Batchelar has not specifically identified any positive effects associated with the proposal but has alluded in the Application to the fact that the asphalt plant is a critical supplier for urban development projects, including large scale projects such as the Takitimu North Link (proposed replacement road for State Highway 2 between Tauranga and Waihi). I accept there are positive social and economic outcomes associated with these projects, and by association, the asphalt plant as a critical supplier. I understand that Mr Batchelar is in the process of preparing a further statement regarding the positive effects of the proposal, but this was not available at the time of completing this report.

7.15 Conclusion in relation to Environmental Effects

This section of the report has examined a range of different environmental effects associated with the proposal.

In relation to effects associated with stormwater discharges from the site, flooding effects, landscape and visual effects, effects associated with storing hazardous substances, soil contamination effects, effects on the local transport network, noise effects, effects on infrastructure and services, geotechnical stability effects and construction related effects, I am satisfied that these effects will either be avoided or mitigated to a less than minor/acceptable magnitude through appropriate site and operations management, which is, where necessary, reinforced in the recommended consent conditions contained in Appendices C and D.

I further note that these matters are less contentious, being less of a concern to submitters.

I expect that the effects associated with the proposed discharge of contaminants to air, including odour, from the existing and proposed plants, and the effects of the proposal on cultural values will be the focus of the Environment Court Hearing.

At the time of writing this report, I am of the view that unacceptable adverse effects associated with the discharge of contaminants (except odour and cumulative effects) to the air will be avoided. This is largely on the basis that the level of contaminants being discharged from both the existing plant and proposed plant, including PM_{10}, $PM_{2.5}$, SO_2, NO_2, CO, VOCs, will be below relevant air quality assessment criteria.

In relation to odour, there will be ongoing unacceptable odour effects from the existing plant. I have recommended a condition to reduce operating hours to typical hours, so that odour levels are less likely to exceed guidelines. Subject to the recommended conditions being adhered to, I consider that adverse odour effects will be mitigated to an acceptable level, until such time as the existing plant is replaced.

I accept that cumulatively, there is an adverse air quality effect being experienced by some parts of the Mount Maunganui community. However, I consider this to be a broader issue that shouldn't fall solely upon this Applicant and note air quality improvements have been reported since 2019[16]. While the proposal will make a small contribution to this cumulative adverse effect, the Applicant is meeting their responsibility to improve the quality of future discharges and contribute to a cumulative reduction in contaminants being discharged to the Airshed.

I accept that Ngāti Kuku has identified significant adverse effects of the proposal, particularly on its ability to exercise kaitiakitanga in relation to Whareroa. However, with reference to Section 7.1 of this report, it does not appear that this proposal will have a direct impact on the physical health and wellbeing of Ngāti Kuku, mainly due to the separation distance from the site and Whareroa Marae.

On balance, I consider the effects associated with the proposal to be acceptable, subject to appropriate conditions being imposed, along the lines recommended in Appendices C and D.

8.0 Assessment of alternatives

A comprehensive assessment of alternatives has been provided in Section 9 of the Application, in accordance with Clause 6 of Schedule 4 of the RMA. This assessment is also useful in addressing Section 105 of the RMA which also needs to be considered, as the application is for a discharge that would contravene Section 15(1)(c) of the RMA.

Section 105 requires the consenting authority to have regard to the nature of the discharge and the sensitivity of the receiving environment, the Applicant's reasons for the proposed choice and any possible alternative methods of discharge including into another receiving environment.

Mr Batchelar's assessment considers numerous other locations for the proposed activity, including the Fulton Hogan site at Poplar Lane, Papamoa, Rangiuru Business Park and Tauriko Business Estate. Whilst the Poplar Lane site is further from sensitive receptors and is therefore considered to be a less sensitive environment, the site is zoned Rural, and there are other challenges associated with establishing a plant there. Rangiuru Business Park and Tauriko Business Estate have been discounted as alternative locations due to several reasons, including (but not limited to) the unavailability of sites, distance to raw materials input and localised conditions not being conducive to air dispersion.

In terms of alternative discharge methods, the Application sets out that the proposed plant can run on a variety of fuels including natural gas, diesel, biodiesel or used oil. The applicant seeks the ability to run the plant on any of these fuels due to the uncertainty around security of supply

[16] Refer Section 7.1.3 of this report and MHH-133911-834-1936-1 Air Quality Monitoring Review June 2023.pdf

and cost. While it is proposed that used lubricating oil will be used, the plant offers potential to use natural gas in the future, as availability and cost allows. Notable is that the T&T Air Quality Assessment is based on using waste oil, because it provides the most conservative assessment of effects.

Mr Murray has commented that a better discharge quality would be achieved if the plant was operated using natural gas as a fuel source. He suggested that the plant should be run on natural gas. I agree with Mr Murray, and despite the effects assessment in Section 7.1 of this report, I consider that a transition from waste oils to natural gas represents the best practicable option and is necessary to achieve Policy 1 of the NPS-GHG (refer Section 10.2.4 below). At present, there has been no information provided to clarify why the new plant will not be run using natural gas from the date of commissioning, other than a brief mention of cost and security of supply.

While I have not included specific conditions requiring a transition to natural gas in Appendix D, I have questioned Mr Batchelar about whether the Applicant is willing to consider such conditions. Mr Batchelar has advised that the Applicant is not averse to exploring this further through the hearings process. He also suggested that the appropriate mechanism for exploring a transition to natural gas is through the greenhouse gas emissions plan, which the Applicant has proposed a condition to address (refer Appendix D).

Overall, I consider that use of natural gas as a fuel source for the new plant represents the best practicable option. I recommend that the issue of using natural gas as an alternative fuel source is considered in greater depth through the hearings process, with a view that a condition framework be put in place to ensure a transition to natural gas as soon as possible.

9.0 Conditions

The recommended conditions in Appendix C relate to resource consents required from TCC under the City Plan and the NES-CS. I have adopted TCC's standard format for these conditions.

The recommended conditions in Appendix D relate to resource consents required from BOPRC under the RNRP. I have adopted BOPRC's standard format for these conditions, whereby, a different suite of conditions is provided for each separate activity. One of the reasons for this format is ease of compliance monitoring. On this basis, there are four sets of conditions recommended, one for each of the following activities:

1. Stormwater discharge to land where it may enter water under Rule DW R21 of the RNRP from both existing plant and proposed future plant – as the conditions are the same for both, a single suite of conditions has been included.
2. Air discharge under Rule AIR-15 of the RNRP for the existing plant (short term of 2 years sought).
3. Air discharge under Rule AIR-15 of the RNRP for the proposed new plant (35-year consent term sought).

   Given the air discharge conditions associated with the existing and proposed plants are different, two separate sets of conditions are provided for ease of compliance monitoring.
4. Disturbance of/discharge of stormwater from a contaminated site under Rule DW R25 of the RNRP and earthworks under Rule LM R4 of the RNRP – Note that these are combined as both relate to the land disturbing works associated with constructing the new plant.

BOPRC compliance officers and Mr Murray have contributed to the development of conditions.

On behalf of the Applicant, Mr Batchelar has also reviewed the recommended conditions set out in Appendices C and D, and following some modifications, is supportive of the conditions proposed. The exception to this is the condition which would limit the operating hours from the existing plant, to reduce odour effects. The Applicant has not expressly agreed to this condition.

10.0 Relevant provisions of Statutory Documents

Section 104(1)(b) of the RMA requires that a consent authority must, subject to Part 2, "*have regard to*" any relevant provisions of certain statutory planning documents. Mr Batchelar has addressed this requirement of the RMA by providing a Stautory Assessment in Section 11 of the Application. My supplementary assessment is provided below.

10.1 RMA Part 2

Mr Batchelar has addressed Part 2 of the RMA at Section 11.1.1 of the Application. He has indicated that as the applicable planning provisions have been prepared having regard to Part 2, and there is a coherent set of policies designed to achieve clear environmental outcomes, referring to Part 2 of the RMA for an overall judgement is not necessary. I accept this approach, and consider that because the RPS, RNRP and City Plan collectively give full coverage to the Part 2 Purpose and Principles, a direct assessment against Part 2 of the RMA will not add anything to the evaluative process.

10.2 National Policy Statements

10.2.1 New Zealand Coastal Policy Statement 2010

Mr Batchelar has provided an assessment of the proposal against the NZCPS in Section 11.1.2 of the Application. I accept his assessment and have nothing further to add.

10.2.2 National Policy Statement on Urban Development 2020

Mr Batchelar has addressed this National Policy Statement at Section 11.1.3 of the Application. I accept his assessment and have nothing further to add.

10.2.3 National Policy Statement for Freshwater Management 2020

Mr Batchelar has addressed this National Policy Statement at Section 11.1.4 of the Application. I accept his assessment and only wish to add that in relation to the discharge of stormwater, the proposed discharge will achieve the permitted standards in relation to contaminant concentrations, and this requirement has been reflected in the conditions recommended in Appendix D.

10.2.4 National Policy Statement for Greenhouse Gas Emissions from Industrial Process Heat 2023

The NPS-GHG came into force on 27 July 2023, and therefore, was not addressed in the Application. The NES-GHG applies to emissions of greenhouse gases from fossil fuel-fired industrial heat devices. The objective of the NPS-GHG is "*to reduce emissions of greenhouse gases by managing the discharges to air of greenhouse gases from the production of industrial process heat, in order to mitigate climate change and its current and future adverse effects on the environment and the wellbeing of people and communities*."

The NPS-GHG has three policies, which are addressed below.

Policy 1 requires that the discharge to air of greenhouse gases from heat devices are reduced or eliminated by complying with sub-clauses (a)-(f). Subclauses (a) – (d) relate only to devices that burn coal. Subclause (e) requires the avoidance of discharges from new heat devices that burn any fossil fuel other than coal unless there is not technically feasible and financially viable lower emissions alternative. Sub-clause (f) requires discharges from existing heat devices burn fossil fuels other than coal to be restricted.

As set out in Section 8 of this report, whilst there is a loose commitment in the Application to explore operation of the plant using natural gas in the future, there is no compelling explanation why this is not possible from the outset. While using a natural gas fuel source would not be a shift away from fossil fuels entirely, it would further reduce emissions and I consider it to represent the best practicable option. For this reason, I recommend that the technical feasibility, and financial viability of transitioning to natural gas fuel sources be explored further at the hearing, with a view that a framework be put in place through the conditions to ensure a transition to natural gas as soon as possible. Subject to this transition being firmed up, or evidence being provided that this transition is not technically feasible or financially viable, I consider the proposal to meet Policy 1.

Policy 2 requires regional councils to consider the cumulative effects of discharges of greenhouse gases when considering resource consent applications for discharges from heat devices. Provided a transition is made to natural gas as a fuel source, the contribution to cumulative effects associated with GHG will be reduced significantly.

Policy 3 requires that holders of resource consents for discharges to air of greenhouse gases from heat devices update relevant emissions plans to reflect technological developments and best practice. The Applicant has advanced a condition regarding the preparation of a greenhouse gas emissions reduction plan.

10.3 National Environmental Standards

10.3.1 Resource Management (National Environmental Standards for Air Quality) Regulations 2004

Mr Batchelar has provided a sufficient assessment of the National Environmental Standards for Air Quality (NES-AQ) in Section 11.1.5 of the Application. Mr Batchelar has addressed Regulations 17, 20 and 21 in particular. I have provided some supplementary comments below.

Regulation 17

Regulation 17 states at subclause (1) that "*A consent authority must decline an application for a resource consent (the proposed consent) to discharge PM_{10} if the discharge to be expressly allowed by the consent would be likely, at any time, to increase the concentration of PM_{10} (calculated as a 24-hour mean under Schedule 1) by more than 2.5 micrograms per cubic metre in any part of a polluted airshed other than the site on which the consent would be exercised".* However, subclause (1) does not apply in certain circumstances as set out in subclauses (2) and (3).

Mr Batchelar has indicated that the circumstances set out in subclause (3) can be achieved. In short, subclause (3) enables an offsetting of sorts, which in this instance is relevant because the proposed new plant will replace the existing plant, meaning that the proposed PM_{10} discharge is offset by decommissioning of the existing plant. I accept this assessment and agree that there is no impediment to the granting of consent presented by Regulation 17(1).

However, in contrast to Mr Batchelar's opinion, I also consider that the circumstances set out in subclause (2) can be achieved. With reference to the criteria of sub-clause (2), I consider the proposed consent is for the same activity (an air discharge from an asphalt plant) on the same site (54 Aerodrome Road) as another consent (existing consent 62740) held by the

Applicant when the Application was made. Furthermore, the rate of PM_{10} discharge to be expressly allowed by the proposed consent will be the same or less than under existing consent, and there will not be a circumstance where the two plants (existing and proposed) are discharging at the same time.

This reinforces that Regulation 17(1) does not present an impediment to the granting of consent.

Regulation 20

Regulation 20 sets out circumstances where resource consent applications to discharge carbon monoxide, oxides of nitrogen, and volatile organic compounds must be declined. I agree with Mr Batchelor the restrictions on granting consent for the discharge set out in Regulation 20 are not applicable, as all ambient air quality standards for CO and NOx are predicted to be complied with for both the existing and proposed plant.

Regulation 21

Regulation 21 sets out circumstances where resource consent applications to discharge sulphur dioxide must be declined. I agree with Mr Batchelor that the restrictions on granting consent for the discharge set out in Regulation 21 are not applicable, as the predicted ground level concentrations of sulphur dioxide from the plant complies with the ambient air quality standard.

10.3.2 National Environmental Standard for Greenhouse Gas Emissions from Industrial Process Heat 2023

The NES–GHG came into force on 27 July 2023. The NES-GHG provides a range of regulations to manage the discharges to air of greenhouse gas emissions from the production of industrial process heat.

The NES-GHG (Regulation 10) applies to this activity as the activity produces industrial process heat[17]. However, under Section 43B(7) of the RMA, a consent prevails over the standard if the application giving rise to the consent was the subject of a decision on whether to notify it before the date on which the standard is published under the Legislation Act 2019.

The NES-GHG is relevant given that it contains more stringent standards than the RNRP, which does not address greenhouse gas emissions in its rules. Regulation 10 of the NES-GHG is the relevant regulation. However, Mr Batchelar has advanced that Section 43B(7) of the RMA is applicable, and because the current proposal was notified in May/June 2023, the NES-GHG should not be applied. I accept this position, and therefore, an assessment of the proposal against the NES-GHG has not been provided in this report.

10.3.3 National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health 2011

The NES-CS has been addressed in Section 5.3 of this report.

[17] industrial process heat—

(a) means thermal energy that is used—
  (i) in industrial processes, including in manufacturing and in the processing of raw materials; or
  (ii) to grow plants or other photosynthesising organisms indoors; but

(b) does not include thermal energy used in the warming of spaces for people's comfort (for example, heating of commercial offices)

10.4 Relevant provisions of the Bay of Plenty Regional Policy Statement

Mr Batchelar has provided an assessment of the relevant objectives and policies of the RPS at Section 11.3 of the Application, which refers to a tabled policy assessment at Appendix 17.

A reproduced version of the tabled RPS assessment, which includes my supplementary comments/assessment, has been included at Appendix G to this report. While I consider the proposal to be consistent with most of the policy outcomes set out in the RPS, it is necessary to comment further on the following:

Policy IW 2B of the RPS

"*Proposals which may affect the relationship of Māori and their culture and traditions must:*

(a) Recognise and provide for… The role of tangata whenua as kaitiaki of the mauri of their resources… The mana whenua relationship of tangata whenua with, and their role as kaitiaki of, the mauri of natural resources…; and

(b) Recognise that only tangata whenua can identify and evidentially substantiate their relationship and that of their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga"

Policy IW 5B of the RPS

"*When considering proposals that may adversely affect any matter of significance to Māori recognise and provide for avoiding, remedying or mitigating adverse effects on… The exercise of kaitiakitanga…Mauri, particularly in relation to fresh, geothermal and coastal, waters, land and air… Places sites and areas with significant spiritual or cultural historic heritage value to tangata whenua, and existing and zoned marae or papakāinga land.*

Of interest is that both Policy IW 2B and 5B elevate the importance of kaitiakitanga from a matter which, under Section 7 of the RMA, "*particular regard*" shall be given to a matter which must be "*recognised and provided for*".

IW 2B is an unusually worded policy. While it requires kaitiakitanga to be "recognised and provided for", this is qualified by the ability to avoid, remedy or mitigate adverse effects on the exercise of kaitiakitanga.

I do not interpret this policy as requiring absolute avoidance of effects. As noted above, the Applicant has proposed certain measures aimed at better enabling the exercise of kaitiakitanga. While these may not fully mitigate the cumulative effects of the proposal when assessed in addition to the existing industrial activity, they are a starting point which I expect will be explored further through the hearing (and any mediation) process.

I acknowledge the submission of Ngāti Kuku that the proposal is not fully consistent with some relevant policy of the RPS and could be enhanced further to better address the relevant IW policies.

10.5 Relevant provisions of the City Plan

Mr Batchelar has provided an assessment of the relevant objectives and policies of the City Plan in Section 11.5 of the Application, which refers to a tabled policy assessment at Appendix 17.

A reproduced version of the tabled City Plan assessment, which includes my supplementary comments/assessment, has been included at Appendix E to this report. There are no instances where I disagree with Mr Batchelar's assessment, and overall, I consider the proposal consistent with the policy outcomes set out in the City Plan.

The City Plan does not contain a specific section addressing iwi resource management. Instead, the policy provisions addressing issues of relevance to tangata whenua are

addressed throughout the plan in relation to specific activities. On this basis, it is appropriate and necessary to refer to the RPS for policy guidance.

10.6 Relevant provisions of the RNRP

Mr Batchelar has provided an assessment of the relevant objectives and policies of the RNRP Section 11.4 of the Application, which refers to a tabled policy assessment at Appendix 17.

A reproduced version of the tabled City Plan assessment, which includes my supplementary comments/assessment, has been included at Appendix F to this report.

Notable is that an assessment has not been provided by Mr Batchelar against Policies KT P1 – KT P20 of Chapter 3 – Kaitiakitanga. I have reviewed these polices and when compared to the iwi resource management policies of the RPS, much of the policy content is the same. However, I consider the RPS, as a newer planning document, provides stronger policy direction in some instances. For example, Policies KT P8 and KT P9 of the RNRP only requires that matters relating to kaitiakitanga are recognised and given particular regard, as opposed to recognised and provided for in the RPS. On this basis, I do not consider assessment against the KT policies of the RNRP necessary and that the direction of the RPS should be relied on for these matters.

While I consider the proposal is consistent with most policies in the RNRP, the following matters require particular consideration:

Policy AIR-P4 of the RNRP

Policy AIR-P4 of the RNRP is a relatively new policy, having been introduced into the RNRP in 2023 as part of Plan Change 13. This policy requires that when considering the acceptability of any discharge of contaminant to air, decision makers are to have particular regard to "*adverse effects on air quality values identified in the relevant iwi and hapū resource management plans*". As detailed in Section 11.2 below, the *Te Awanui Harbour Iwi Management Plan 2008* does discuss the issue of air quality in the Maunganui Industrial Area, however, the context and discussion relating to this policy is specific to the use of methyl-bromide. I have not been able to identify any other air quality values of specific relevance to this proposal within iwi and hapū management plans.

Policies AIR – P2 and P3

These policies, which are also new to the RNRP through Plan Change 13, both require the use of the best practicable option for managing discharges. The Application acknowledges that using natural gas as a fuel source for the plant in the future will further improve the quality of the air discharge. As detailed in Section 8 above, despite the effects of the proposal being considered acceptable on balance, Mr Murray and I both consider a transition to natural gas represents the best practicable option for managing the adverse effects of the discharge.

On this basis, I consider a framework should be created to ensure the plant is transitioned to operation using natural gas as soon as possible. This is not at odds with the Applicant's proposal, as a loose commitment to this transition was already provided, however, it is considered necessary to firm up this commitment. Subject to this framework being in place through the consent conditions, I consider this policy will be met.

11.0 Other matters

Section 104(1)(c) of the RMA states that consideration must be given to "*any other matters that the consent authority considers relevant and reasonably necessary to determine the application."* Other matters I consider relevant to the proposal are addressed below.

11.1 Health Risk Assessment and Air Quality Monitoring Review for Mount Maunganui

Following the notification period, in June 2023 Toi Te Ora Public Health released a Health Risk Assessment for Mount Maunganui[18], and ESR on behalf of Toi Te Ora, released an Air Quality Monitoring Review for Mount Maunganui. I have addressed these in Section 7.1 above.

11.2 Iwi Management Plans

Ngāti Kuku has also indicated that the Applicant has failed to assess the proposal against iwi management plans. I have reviewed the *Ngai Tukairangi Hapū-Ngati Tapu Management Plan 2014,* the *Te Awanui Harbour Iwi Management Plan 2008* and the *Tauranga Moana Iwi Management Plan 2016-2026*. While these management plans contain numerous policies/vision statements reinforcing the importance of kaitiakitanga, there is limited content of direct relevance to the proposal.

At Section 5.4.8, the *Te Awanui Harbour Iwi Management Plan 2008* addresses in some detail the issue of toxic waste and discharges to air, however, this section of the management plan is specific to methyl-bromide fumigation practices at the Port of Tauranga, rather than air discharges more generally.

The *Ngai Tukairangi Hapū-Ngati Tapu Management Plan 2014* includes a policy that *"hapū are involved in the process as a Treaty partner for the allocation or use of airspace within our rohe*". The policy is supported by a statement that "*our hapū seek to maintain and enhance the quality and utilisation of airspace above our rohe. To date, our capacity to make decisions on how this airspace has been utilised and exploited has been very limited. Our hapū aims to become more involved in the decision making that impacts on our airspace".* It is noted that neither Ngai Tukairangi nor Ngati Tapu have made submissions on the proposal.

The *Tauranga Moana Iwi Management Plan 2016-2026* is a joint environmental management plan for Ngāti Ranginui, Ngāi Te Rangi and Ngāti Pūkenga and the hapū of these iwi. This management plant includes the following objective:

"*The mauri of air within Tauranga Moana is protected and where possible enhanced. This means that the air we breathe is clean and our wellbeing is not impacted by the discharge of contaminants to air*."

Policy 24 of the management plan is also relevant to the proposal and relates to "*the management of the effects of rural and urban air discharges on the health and wellbeing of our people*".

Policy 24.1 that iwi and hapū are involved in resource consent processes for industrial air discharges close to marae, papakainga, kura kaupapa or kohanga reo. As the proposal has been notified, Ngāti Kuku hapū are involved in the consent process, and I consider this policy to have been achieved.

Policy 24.2 sets out that Tauranga Moana Iwi will work with Toi te Ora – Public Health Service and BOPRC to advocate for more air quality monitoring sites in Tauranga Moana, a compliance audit of permitted discharges to air, a review of air discharge rules, and enforcement action for non-compliant air discharges. This policy is focussed on monitoring and enforcement and is therefore less relevant to this consent process.

While the policy guidance does not provide any strong direction of relevance to the proposal, I consider the proposal is a step in the right direction in terms of meeting the overarching objective of "*where possible enhancing*" air quality in the Tauranga Moana, particularly if a transition to natural gas fuel sources is firmed up.

[18] Mt Maunganui HRA (cwp.govt.nz)

Ngāti Kuku have also submitted that the proposal does not align with Kuku Ki Taiatea Strategy, the 100-year strategy of the hapū. I have not been able to obtain a copy of this document online.

Overall, I cannot identify any policies in these management plans, which the proposal is directly at odds with.

12.0 Summary and Recommendation

This report has examined the resource management issues of importance to the proposal by Allied Asphalt Ltd to construct and operate a new (replacement) asphalt manufacturing plant at 54 Aerodrome Road, Mount Maunganui, and to temporarily continue operating the existing plant on the same site, until the new plant is commissioned.

The proposal requires a range of resource consents from TCC and BOPRC under the City Plan, the RNRP and the NES-CS. These resource consents are summarised in Section 5 above, but overall, the proposal has a 'discretionary' activity status.

The relevant matters for the Environment Court to have regard to under section 104(1) of the RMA are as follows:

a) Any actual and potential effects on the environment of allowing the activity; and

b) Any relevant provisions of—

   (i) A national environmental standard:

   (ii) Other regulations:

   (iii) A national policy statement:

   (iv) A New Zealand coastal policy statement:

   (v) A regional policy statement or proposed regional policy statement:

   (vi) A plan or proposed plan; and

c) Any other matter the consent authority considers relevant and reasonably necessary to determine the application.

<u>Actual and potential effects</u>

In considering the potential and actual environmental effects, it is my conclusion that, subject to the imposition of appropriate conditions, most potential adverse effects will either be avoided or mitigated to a less than minor/acceptable magnitude. I consider the effects which would benefit from further consideration are those related to the proposed air discharge, and effects on cultural values.

In relation to the air discharge, I consider that unacceptable adverse effects (except relating to odour and cumulative effects) will be avoided. This is largely on the basis that the level of contaminants being discharged from both the existing plant and proposed plant will be below relevant air quality assessment criteria. In addition, the proposal includes a significant upgrade that will mitigate the PM_{10} discharge.

There will be ongoing unacceptable odour effect from the existing plant in the short-term. In light of the submissions received and noting that there is a history of complaints to BOPRC regarding odour from the existing plant, I have recommended that if consent is granted, a condition is imposed to reduce operating hours to typical hours, so that odour levels are less likely to exceed guidelines. Subject to an appropriate condition of this nature, I consider that adverse odour effects will be mitigated to an acceptable level, until such time as the existing plant is replaced, and adverse odour effects can be avoided entirely.

I have also accepted that the cumulative effect of discharges from the Mount Industrial Area being experienced by some parts of the Mount Maunganui community is unacceptable. However, while the proposed discharge makes a small contribution to this adverse effect, I consider the Applicant is meeting its responsibility to improve the quality of future discharges and contribute to a cumulative reduction in contaminants being discharged to the airshed.

In relation to cultural effects, I acknowledge the position of tangata whenua that the proposal gives rise to significant adverse cultural effects. However, these effects are focussed on the ability to exercise kaitiakitanga (particularly due to the long-term nature of the land use activity) and on the wider cumulative impact of existing industrial activity in proximity to Whareroa Marae. Air quality modelling in relation to the effects of the proposal indicates that there is unlikely to be an effect on the physical health and wellbeing of Ngāti Kuku.

On balance, and without diminishing the importance of the non-physical cultural effects, I have concluded that the potential adverse effects of the proposal are acceptable.

Relevant provisions of statutory plans/policy

In respect of the matters set out in Section 104(1)(b) of the RMA, because a significant adverse cultural effect associated with the proposal has been identified by tangata whenua, in my view the proposal is not fully consistent with some RPS policy which requires the role of tangata whenua as kaitiaki of the mauri of their resources to be recognised and provided for.

Furthermore, I do not consider the proposal to fully align with RNRP and NPS-GHG policy relating to the management of discharges using the best practicable option, and the avoidance of new discharges of greenhouse gases, because there is no firm commitment to operating the new plant using natural gas fuel sources despite this being possible. However, the Applicant appears open minded to exploring this issue further. If a framework is put in place through the consent conditions to ensure that a transition to natural gas fuel sources occurs as soon as possible, I would agree that the policy expectations of the RNRP and NPS-GHG are met.

Overall, I consider the proposal either does, or could potentially with some improvement in conditions, align with the most relevant and directive statutory policies.

Overall comment

Based on my assessment of the expert evidence, and the relevant planning provisions and recommended conditions, I have reached the conclusion that consent could be granted if, following the hearing, a framework has been established within the consent conditions to ensure that the new plant will operate using natural gas as a fuel source as soon as possible.

If such a framework is not established through the conditions, I consider that consent could still be granted, subject to the Applicant providing sufficient evidence that there are no technically feasible and financially viable lower emissions alternatives to using used lubricating oil as a fuel for the plant.

Appendix A

Site visit photos

Figures - Existing plant (left) and storage area behind office, southern boundary of the site (right).

Figures – Aggregate storage sheds on western boundary of site. Dust visible.

Figures – Existing plant taken from northwest of site (left) and southeast behind office (right).

Appendix B

Summary of Submissions

No.	Submitters Name	Stance	Submission Summary	Decision Sought
1	Kelsey Takuita-Mita	Support	No reasons for support specified.	Accept
2	Yulia Wilkinson	Support	No reasons of support specified.	Accept
3	Dr Jim Miller (on behalf of Te Whatu Ora/Toi Te ora - Health New Zealand)	Neutral	They key points of the submission are as follows: General • Clean air is a basic human right. • For Maori, air is a taonga – degradation to air quality lessens the mauri of this taonga. • Insufficient Cultural Impact Assessment/consultation with mana whenua. • Poor air quality presents a risk to vulnerable populations including; pregnant women, elderly, children, Maori, communities with pre-existing poor air quality; people with underlying cardiovascular or respiratory diseases. • Air Quality standards not being met at Mount Maunganui Airshed – hence people's health is being harmed. • No practical way of treating or cleaning air discharge – best controlled from the source of output. • Emission output guidance limits are not targets – any exposure to emissions (regardless of levels) is harmful to human health. • Economic prosperity does improve health but should not produce discharges which are detrimental to public health. • Effective management of discharge key for this proposal. • Refers to investigations into ill health of community members associated with discharge reported – concern that air quality continues to harm health in the Mount Maunganui area. • Submission includes map of vulnerable groups and sensitive activities in proximity to the plant. • Submitter has concerns regarding whether meaningful cultural consultation has been undertaken. Air emissions • The site is within the Mount Maunganui airshed which has a polluted status. This is due to breaches of the national environmental standard for particulate matter less than 10 micron (PM10). The airshed has historically exceeded the	Neutral

			World Health Organisation annual ambient guideline for PM2.5 and has no room for any increase in PM2.5 emissions. • Mount Maunganui airshed also has at times in some locations ambient air quality levels of particulate matter less than 2.5 microns (PM2.5), sulphur dioxide ($S0_2$) and nitrogen dioxide (NO_2) that are also elevated relative to New Zealand and World Health Organisation health-based guidelines. • While the upgrade will significantly reduce the current consented annual emissions of both PM10 and PM2.5, it does not address discharges of some other contaminants. • The plant will increase daily emissions of NO_2 into an airshed where background levels are nearly double the World Health Organisation guideline for NO_2. The proposed new plant will also increase daily emissions of SO_2 and maximum predicted daily levels are very close to the World Health Organisation (WHO) daily guideline at a sensitive receptor. • Plant will increase daily background level emissions of NO_2 by double that recommended by the WHO – however taller stack and improved plume dispersant fundamental. • The application explains that a taller stack will improve plume dispersion and dilution. However, submitter is concerned that the dispersion modelling may under-estimate and/or under-represent some potential health impacts. The application only presents modelling predictions for sensitive receptors and the predicted concentrations at other locations maybe significantly higher and could exceed standards and guidelines. Submitter is advised that modelling is reasonable at predicting maximum downwind concentrations (within a factor of two), but less accurate at predicting exactly where these maximum downwind concentrations will occur. This is a reason why treating all emissions at source is the most effective option for improving air quality and provides the best health protection. • The assessment does not appear comprehensive or robust for some important contaminants such as benzene and polycyclic aromatic (PAHs) known to be emitted from the process. Contaminated soil • Submitter is supportive of the application that a contaminated soil management plan be prepared. Stormwater management	

			• The applicant intends to manage stormwater onsite as part of the redevelopment and apply different treatment methods to meet the requirements of the Regional Natural Resources Plan and Tauranga City Council (TCC) public stormwater requirements. Submitter would not like to see improvements delayed while the plant is built and commissioned. Hazardous substances • The application indicates that the Hazardous Substances and New Organism Act will be complied with before the new plant is commissioned. Bearing in mind that the hazardous substance assessment is limited on the fact that the new/proposed site is not built or operational, submitter agrees that the current site and corporate procedures must be confirmed before the new plant is commissioned to ensure the release of contaminants can be avoided by the range of management tools the applicant describes. Overall, submitter neither supports or opposes the applications in current form, provided there are adequate and effective conditions of consent that will protect public wellbeing moving forward. If consent is granted, submitter requests conditions in relation to: • Completion of the plant within two to three years, and improvements that may be made now progressed without unnecessary delay such as stormwater, contaminated soil and hazardous substances improvements. • A technical review undertaken after two years of the new plant being operative and following this, every five years thereafter to ensure the applicant continues to operate to best practice, to demonstrate that Applicant has taken steps to continually reduce air emissions and discharges to land. A copy of each compliance assessment and improvement report should be provided by the regulatory authorities to the Medical Officer of Health to give reassurance that best practice is implemented and public health is protected. • Requirement for contaminated soil management plan to be approved by TCC and the Bay of Plenty Regional Council (BOPRC) before soil is disturbed. • Requirements for regular stormwater discharge monitoring which demonstrates that the discharge is meeting the requirements of TCC and BOPRC.	
4	Emma Jones (on behalf of Clear the Air	Oppose	Key issues raised/submission points are as follows:	Decline

	Mount Maunganui Charitable Trust)		• Air pollution is a major concern in Mount Maunganui, with the substantial industrial area and its proximity to residential areas, schools, and sports fields being a significant contributor to poor air quality. • The proposed discharge will exacerbate this issue, posing an on-going threat to the health and wellbeing of the community. • The discharge to air from the applicant of particulate matter and other contaminants can have serious health impacts on the lungs of residents, particularly children, the elderly, and those with pre-existing respiratory conditions. • Exposure to PM10 and PM 2.5 has been linked to increased risks of lung cancer, heart disease, and respiratory illnesses such as asthma and bronchitis. These emissions can cause irritation of the respiratory system and exacerbate respiratory conditions. The odour associated is extremely unpleasant resulting negatively on the mental health of the local community. • The applicant is a heavy emitter of the below which has a detrimental impact on people: - Fine particulate matter (PM10 and PM2.5) from the combustion of fuels, from the drying, tumbling and screening of aggregates and from the condensation of organic contaminants volatilised during the manufacture of asphalt. - Dust from site operation such as vehicle movements and materials handling. - Dust from demolition and construction. - Products of combustion of fuel: Sulphur dioxide (SO2)., Oxides of nitrogen (NOX), and Carbon monoxide (CO). - Volatile organic compounds from the heating of bitumen (benzene, acetaldehyde and formaldehyde). - Odour from the mixing of bitumen with heated aggregate, from the warm storage of bitumen and from the storage and handling of hot-mix asphalt. • Submitter considers heavy industry emitters should be moved away from the Mount Industrial area. • The applicant has a history of non-compliance with the allowed limits. Whilst the aim is to construct a new factory to mitigate the air pollution issues that it is responsible for, submitter is skeptical that a new plant will result in overall lower emissions and believe a new location away from Mount Maunganui is ultimately the best solution for the applicant and the residents. • Submitter has provided a map of vulnerable sites and populations near the Mount Maunganui air shed.	

			• The odour emitted from the applicant is distinctive and easily discernible from other odours of a more 'organic' nature. People who live near the site know what it is and do not get it confused with other smells. It is a strong chemical odour which lingers in the nose and throat at times causing irritation. • When plant is operational, the submitter is aware that the community experiences the following issues: - Not being able to open windows. Not able to sit outside due to the toxic smelling odours. - Not able to enjoys walks. - Stree, anger and sadness about detraction from quality of life. - Thoughts about selling up and moving, despite loving the area. - Feeling of powerlessness/helplessness that anything will change - High level of concern for the children at nearby schools who are vulnerable with developing lungs and are often running around deep breathing this polluted air. • The applicant has a history of creating and releasing offensive and objectionable emissions. The plant operates for long hours. • In order to build the new plant, there will be risks to the community from dust and contaminants from the Earthworks. Noise and waterway contamination are inevitable. • The submitter supports Whareroa Marae.	
5	Awhina Ngātuere (Chairperson and on Behalf of Ngāti Kuku Hapū) [Late Submission]	Oppose	The submission outlines that Ngāti Kuku is a hapū of Ngāi Te Rangi Iwi who holds 'ahi kaa' in Whareroa and the wider Mount Maunganui area in Tauranga. Allied Asphalt sits on the original Whareroa Block, an area of cultural significance and is a precious source of ancestral connection to the people of Ngāti Kuku hapū, a relationship that can be traced back to before the early 1800's. The submission initially provides reasons why late submission should be accepted, including that Ngāti Kuku are the closest residential community to the applicant and that means that we are an affected party under the RMA, tribal representatives have a heavy workload and are inundated by consent applications, and any decision made without the participation of Ngāti Kuku will breach natural justice. The submission provides the 'context' of Whareroa Marae, its location, and people, and notes that this history is complex and deserves to be recounted properly.	Decline

			The submission provides an overview of how poor planning decisions have caused the Whareroa whanau to carry disproportionate environmental burdens. The submission also raises the issue of collective harm and describes how consent authorities have failed to deal with the cumulative effects arising from the grant of individual resource consents. The submission discusses the issue of cumulative effects in some detail. Overall, the submitter requests that the proposal is declined. The key points of the submission are as follows: • Allied Asphalt have attempted to engage with Ngāti Kuku over the course of time. Each engagement meeting left Ngāti Kuku with more questions than answers. Ngāti Kuku did not consider that the minutes off the meeting captured the true essence of what was discussed from a cultural impacts point of view. Ngāti Kuku continues to feel that its issues haven't been well understood or addressed by Allied Asphalt. • The proposal by Allied Asphalt is highly offensive to Ngāti Kuku, its tikanga and is also inconsistent its long plan for our region (Kuku Ki Taiatea Strategy). • Kuku ki Taiatea is the name of Ngāti Kuku's 100-year plan. The key priorities of the strategy include: a) Oranga Tangata – Thriving people b) Te Taiao – Our natural environment c) Mana Motuhake – Self-determination d) Ahurea – Culture and identity and; e) Te Ao Ohanga – Future economies. • The people of Ngāti Kuku envisage a future where there is no heavy industry poisoning its people and environment, a future where its ancestral lands are returned for future generations, and a future where descendants can return home to a toxic free environment. A future where the people of Ngāti Kuku can engage in tikanga, kawa and whakapapa without being poisoned. • Ngāti Kuku considers the Application fails to meet the following requirements of the RMA: (i) Part 2, Section 5 – Purpose. (ii) Part 2, Section 6 – Matters of National Importance (specific reference to the protection of outstanding natural features and landscapes from inappropriate subdivision, use and development; the relationship of Māori and their culture and traditions with their ancestral lands, water,	

			sites, waahi tapu and other taonga; the protection of historical heritage from inappropriate subdivision, use and development; the recognition of recognised customary activities; and the management of significant risks from natural hazards. (iii) Part 2, Section 7 – Other matters (particular reference to Kaitiakitanga and the maintenance and enhancement of amenity values, intrinsic values of ecosystems). (iv) Part 2, Section 8 – Treaty of Waitangi. • The proposal fails to avoid, remedy or sufficiently mitigate the range of adverse effects on Ngāti Kuku and of Ngāi Te Rangi values. • The proposal fails to recognize the NZCPS as a relevant consideration and therefore the application is not able to demonstrate compliance with relevant provisions of NZCPS. • The proposal fails to recognize the Iwi provisions and other relevant planning instruments for our region including relevant RPS, RCEP & RNRP, Ngāi Te Rangi Iwi management plan, Ngāi Tukairangi Hapū Plans.	
6	Lloyd Bassett-Smith	Oppose	The submitter believes the air pollutants are poisonous and harmful. He also opposes these air pollutants being discharged in populated areas where there are schools, homes, sports fields, and beaches.	Decline
7	Oliver William Dent	Oppose	The submitter opposes for the following reasons: • Concerns for public and family health. • Concerns for environmental impacts.	Decline
8	Sebastien Delattre	Oppose	The submitter opposes for the following reasons: • Effects of the contaminants. • Exacerbation of pre-exiting air pollution. • Contaminant threat to humans and the environment.	Decline
9	Jill Glazewski	Oppose	The submitter opposes for the following reasons: • Asphalt fumes toxic and dirty (for air and water). • Counter-intuitive to national and global initiatives towards a clean environment and climate change	Decline
10	Gaylene Frear	Oppose	The submitter opposes for the following reasons: • Exacerbation of pre-existing air pollution.	Decline

			• Smell of the discharge. • Long term health effects, specifically for children at kindergartens and local schools. • Notes alternative site location could be found (away from residential areas).	
11	Elizabeth Josephine Fullerton-Coles	Oppose	Opposes for the following reasons: • Concerns for public health. • Emission of thick dark smoke near schools. • The business already a significant local polluter. • Notes alternative site location could be found (away from residential areas).	Decline
12	Michael O'Neill	Oppose	Opposes for the following reasons: • Dust emissions. • Daily coverage of black soot on surfaces. • Foul smell of the discharge. If consent is granted, seeks that the plant is shifted to a better suited location.	Decline
13	Helen Ridge	Oppose	The submitter opposes for the following reasons: • Air pollution in Mount Maunganui. • Short and long term health impacts of exposure to discharge.	Decline
14	Bridget Yeoman	Oppose	Opposes for the following reasons: • Impact of discharge on air quality. • Need to preserve air quality for whanau and residents.	Decline
15	Iria Friconnet	Oppose	No reasons for opposition specified	Decline
16	Cassandra Archer	Oppose	Submission reads as follows: "*Let's keep our air clean and pollution away from our tamariki"*	Decline
17	Amelia Walters	Oppose	Opposes for the following reasons: • Submitter moved from London for cleaner fresher air and the mount of air pollution is abhorrent. • Submitter recently moved from London UK to NZ for cleaner air and believe the level of pollution anticipated from the proposal is unacceptable.	Decline

18	Serena Ross	Oppose	Believes children and the community should be safe from chemicals	Decline
19	Hannah Morris	Oppose	The submitter opposes for the following reasons: • High levels of air pollution emitted by the proposal. • Levels of contaminants, odour and dust emitted. • Concerns surrounding the effects of carcinogens on human health and respiratory system.	Decline
20	Heather Murphy	Oppose	The submitter opposes for the following reasons: • Concerns for people and the environment being exposed to toxins emitted. • Notes that toxins to be discharged into the air are a known carcinogen. If consent is granted, seeks: *"Impose restrictions on production and ensure sufficient penalties are recouped for operation outside the scope of consent."*	Decline
21	Harriett McAdam	Oppose	The submitter opposes for the following reasons: • Concerns of High Levels of Air Pollution from the Proposed Asphalt Plant • Notes alternative site location could be found (away from residential areas in a fit-for-purpose industrial zone).	Decline
22	Katie Hungerford	Oppose	The submitter opposes for the following reasons: • Concerns regarding the impacts of pollutants on both human health (through the emission of known carcinogens) and environmental health • States humans and the environment are already suffering from existing pollutants emitted into the air. • Concerns surrounding dust emissions and odour. • Concerns of the proposed plant's site location and proximity to schools, early childcare centres, homes, local marae, workplaces, and sports fields. • Notes alternative site location could be found (away from residential areas in a fit-for-purpose industrial zone).	Decline
23	Kim Davis	Oppose	The submitter opposes for the following reasons: • Humans have the right to clean air.	Decline

			• Pollutants to be emitted are disgusting. • Counter-intuitive to combatting climate change actions. • Concerns regarding prioritization of money over human health and the environment.	
24	Allan Goodhall	Oppose	The submitter opposes for the following reasons: • Concerns as a long-term resident on the impact of pollution on the surrounding neighbourhood.	Decline
25	Em Jay	Oppose	The submitter opposes for the following reasons: • Health and wellbeing concerns.	Decline
26	Dominic Glazewski	Oppose	The submitter opposes for the following reasons: • Concerns over discharge of “abhorrent smells and odour” • Contaminants and toxic discharge impacting workplaces, homes, kindergartens, and general public health. • Prioritisation of private sector financial gains over the public [health] cost. • Implications for the cities future and long term planning repercussions in transitioning Tauranga into a “great city.”	Decline
27	Aylsa Dawn Jessie Keenan	Oppose	Opposes for the following reasons: • Retaining local air quality for all locally including for local marae users, childcare centres, schools, and residents If the consent was to be granted, seeks shorter operating hours and monitoring.	Decline
28	Carla Forster	Oppose	Opposes for the following reasons: • Raises concerns surrounding the detrimental effects on air quality and toxins released into the air. • Concerns for the health and wellbeing implications of discharge on surrounding residents, pupils at local schools, and local business employees. If consent is granted, seeks:	Decline

			"No increase in industrial discharge into the air due to any change in production. This business already discharges a huge amount of toxins to our air, they shouldn't be allowed to increase this due to the health implications of breathing polluted air."	
29	Jon Hume	Oppose	Opposes for the following reasons: • Increased detrimental effect on air quality (on top of existing issues). • Concerns surrounding the effects on the health and wellbeing of surrounding homes, schools, and businesses. • Further exacerbation to exiting public health implications (in addition to existing pollution). If the consent is granted, seeks conditions preventing any increase of industrial discharge (pollution) to the air due to any increase of production.	Decline
30	Nicola Limer	Oppose	Opposes/denies proposal for increase in plant size and 35-year contract extension for the following reasons: • Concerns about air quality and pollution levels. • Impacts of dangerous pollution levels to children in nearby daycare centres and schools. • Air quality in the area already low due to factories and the toxins they emit.	Decline
31	Dominique Paduch	Oppose	Submitter opposes for the following reasons: • Concern over contaminants being discharged in close proximity to our homes. • Prioritization of Economic Benefits over Public Health. • Believes that businesses can move out of the city to Rangiuru so the city can become healthier and ensure air is fresh and clean. • Concerns of exacerbation of pollution in combination with other industrial enterprises. • Concerns surrounding residents and visitors' future enjoyment of clean air, land and waterways over the next 35 years.	Decline
32	Emma Ciardelli	Oppose	Opposes proposal for the following reasons: • Impact to the health and wellbeing of residents • Impact to wildlife and the environment • Prioritization of corporation profits over public and environmental health	Decline

33	Dorothy Forster	Oppose	Oppose for the following reasons: • Avoidance of excessive toxic gas being emitted into the neighbourhood. • Proximity of three schools within 0.5km of the factory, along with sports areas, homes, and businesses. If consent is granted, seeks conditions to ensure there is no increase in gas emitted.	Decline
34	Hayley Fruish	Oppose	Oppose for the following reasons: • Submitter lives in close proximity to the plant, with their children going to school in the area. • Suggests stricter regulations on contaminants that can be dispersed into the air in heavily populated areas/near schools. • Believes the plant should be relocated away from heavily populated areas. If consent is granted, seeks: *"Stronger restrictions around what can be dispersed in the air from the chemicals used. This type of air contamination should be moved away from heavily populated areas."*	Decline
35	Deb DuVall	Oppose	No reasons for opposition specified	Decline
36	Kathryn Ison	Oppose	Oppose for the following reasons: • Nature of the Business Disturbing • Release of toxins close to marae, schools, and homes unacceptable.	Decline
37	Rosie Kelway	Oppose	The key issues raised/submission points are as follows: • Health and wellbeing of the community must be prioritized – Submitter experiences headaches, sore throat and has concerns regarding the long-term health impacts. • Support Clear the Air Mount Maunganui submission. • Discharge proximity to the community, schools, residential areas, and their home – noticeable difference to air quality when site is not/is operating. • Made many calls to pollution line over the last 3 years – concern for children playing outside, cannot sit outside or open windows when pollution is bad. • The submitter has two children. Relocated one of their children to a different school located further away from the plant/discharge. One of the submitter's	Decline

			children was hospitalized 5 times last year due to respiratory issues and asthma. Believes the discharge is creating an environment which is not safe to raise families. • Can often smell the toxic odour from submitters' house. • Cumulative effects to mental and physical health are concerning. • Notes that Te Toi Te Ora Public Health has stated the health of the Mount Maunganui Community is being harmed because air quality limits are not being met. • Opposes the increase in production and corresponding increase of pollutants into the atmosphere. • Plant should be relocated to a fit-for-purpose industrial zone, away from urban centres. • Exposure to PM10 linked to increase in risk of lung cancer, heart disease and respiratory illness. • Impacts of exposure to carbon monoxide and NO_2. • Recommends plant is relocated to a fit-for-purpose industrial zone.	
38	Blair Cutforth	Oppose	Oppose for the following reasons: • Concerned about air quality and proximity of plant to local residents, schools, and daycares.	Decline
39	Per Bojsen-Moller	Oppose	Submitter opposes discharge of contaminants into air, construction of a new plant, emission of noise associated with ongoing construction and operations, storage and use of hazardous substances, discharge of stormwater to TCC wastewater network for the following reasons: • Health and safety risk to public and communities from contaminants being discharged; specifically for schools, kindergartens, residential homes, sports fields, marae located several hundred metres from the plant. • Noise Generated.	Decline
40	Kelly Williams	Oppose	Opposes for the following reasons: • Submitter concerned for family health. • General amenity concerns.	Decline
41	Meredith Perkins	Oppose	Submitter Opposes for the following reasons:	Decline

			• Does not accept discharge of contaminants, construction of new plant, noise during construction, storage/use of hazardous substances; discharge of stormwater into wastewater. • Submitter concerned for her children breathing in contaminants. • Proximity of Factory to Urban Areas.	
42	Jason Low	Oppose	Submitter Opposes for the following reasons: • Cares about air quality for his children. • Concerned about pollutants.	Not specified
43	Johann Breeuwer	Oppose	Submitter opposes for the following reasons: • Bikes to work – the discharge stinks. • As an industrial chemist with 20 years of experience concerns of discharge impacts to human health. If the consent is granted, requests conditions regarding real-time monitoring is available to the community for all contaminants.	Decline
44	Vicki Semmens	Oppose	Submitter opposes proposal for the following reason: • Earthworks on contaminated site – disturbance of soil result in discharge of contaminants into waterways – posing threat to ecosystems. • Noise levels from earthworks impacting community tranquillity. • Release of contaminants, dust, odour into air – comparable to London underground dust levels; black dust accumulating on windowsill. • Impacts on public health due to proximity of site to educational institutions, early childcare centres, homes, local marae, workplaces, and sports fields – specifically vulnerable elderly and children. • Impact to future generations. • Need to prioritize long-term sustainability and community wellbeing.	Decline
45	Lousie Dobson	Oppose	Submitter opposes for the following reasons: • Dangerous air quality levels. • Proximity of the site residential areas and their child's school.	Decline
46	Shaina Low	Oppose	Submitter opposes for the following reasons:	Decline

			• Toxic and harmful chemicals released into air. • Affects to people's schools, homes, and livelihoods. • Sick of smelling chemicals at the Mount. • Submitter experiences sickness, headaches and sinus infections.	
47	Sophie Bieshaar	Oppose	No reasons specified.	Decline
48	Caleb Walsh	Oppose	Submitter opposes for the following reasons: • Should be illegal to pump toxic fumes into air so close to schools and homes. • Submitter's child goes to Kindy 40m from the facility.	Decline
49	Matt Bear	Oppose	Submitter opposes for the following reasons: • Profit being prioritized over health and wellbeing is sustainable.	Decline
50	Larissa Hattaway	Oppose	Opposes for the following reason: • Plant is too close to many public spaces, numerous childcare centres, schools, parks and reserves.	Decline
51	Kelly Burns	Oppose	Opposes for the following reasons: • Emission of high levels of pollution. • Proximity of the plant to schools, schools, early childcare centres, homes, local marae, workplaces, and sports fields. • Recommends plant is located to a fit-for-purpose industrial zone.	Decline
52	Stephanie Busbridge	Oppose	Opposes due to impacts on the health of residents.	Decline
53	Caterina Echave	Oppose	Opposes for the following reasons: • Opposes toxic contamination into the air. • Already pre-exiting pollution • Does not follow 'going green initiatives' – increased use of electric cars. If consent is granted, seeks that air is not polluted.	Decline
54	Lynley Katherine McGaughran	Oppose	Opposes for the following reasons: • High Levels of air pollution – Plant should be in an industrial area.	Decline

			• Suggests plant is relocated further from schools, early childhood centres, sports fields etc.	
55	Cayley McLean	Oppose	Opposes for the following reasons: • Lives close to the subject site of the proposal – house constantly covered in dust. • Advocates for air pollutants to be reduced or eliminated in entirety. • Concern for community and environment health If consent is granted, seeks conditions regarding the monitoring of pollutants and reducing to be in line with best practice should be imposed.	Decline
56	Rhiannon Rizvi	Oppose	Concerned with the health of people.	Decline
57	Harly Eames	Oppose	Opposes for the following reasons: • Clean air an essential – requires protection. • Impacts of air pollution on community.	Decline
58	Kathleen Kirby	Oppose	Opposes for the following reasons: • Submitter wishes to protect her children's right to clean air. • Prevailing wind blows pollutants towards Mount Maunganui residential area.	Decline
59	Anne Prout	Oppose	Opposes for the following reasons: • Right to fresh air without pollution. • Schools close by.	Decline
60	Jess Meyers	Oppose	Opposes for the following reasons: • Submitters' kids go to school and play sports near the site of the proposal.	Decline
61	Ella Drake	Oppose	Opposes for the following reasons: • Need for basic rights to clean air. • Release of toxic industrial chemicals into air. • Have a child with a pre-existing respiratory condition (moved from London seeking better life) • Plant should be undertaken in a controlled fit-for-purpose industrial zone.	Decline

62	Alisha Merriman	Oppose	No reasons specified.	Not Specified
63	Lisa Denyer	Oppose	Opposes for the following reasons: • Unacceptable pollutant and unacceptable increase in scale of pollutant discharged. • Proximity of discharge to schools and residential areas.	Decline
64	Anna Scotland	Oppose	Opposes for the following reasons: • Proximity of discharge to residential areas • Bad air quality Already at Mount Maunganui	Decline
65	Steven Tscherning-Hodkinson	Oppose	Concerned regarding air quality at the submitter's residence.	Decline
66	Hamish Coleman	Oppose	Opposes for the following reasons: • Concern for long term health impacts • Proximity of pollutants in the air to schools – Submitter has three children at a nearby school. If consent is granted, seeks no increase in total amount of pollutants discharged into the air.	Decline
67	Vicki Coleman	Oppose	Opposes for the following reasons: • Submitter concerned with air quality near their home and child's school, and long-term effects of industrial pollutants. If consent is granted, seeks no increase in total amount of pollutants discharged into the air.	Decline
68	Jaime Allen	Oppose	Opposes for the following reasons: • Money does not compensate for health effects of pollutants. • BOPRC has responsibility to keep people safe in the region from pollutants. • Proximity of pollutants to homes, schools, marae, and sports fields. • If it has to go ahead must be at an alternative location. • Considers money is being prioritised over people. • Seeks relocation of plant away from urban areas.	Decline

69	Chanelle August	Oppose	Opposes for the following reasons: • While they appreciate efforts made by the company to reduce pollutants, they do not support the plant being located near Whareroa Marae and the community. • However, would support the company to relocate away from homes and decommission current site. • Seeks decommissioning and relocation of the plant.	Decline
70	Catelin Paterson	Oppose	Oppose for the following reasons: • Does not want this proposal to go ahead due to its impact on children. • Emission's released toxic and dangerous. • Wants air to be kept clean.	Decline
71	Lauren Schick	Oppose	Key issues raised/submission points as follows: • Proximity of the site to workplaces; schools; early childcare facilities; recreation locations. • Public health implications – thousands of people exposed; risks to vulnerable communities – i.e., with 500m of sensitive activities. • Believes air shed statements are flawed and that they assume no person is going to be exposed over a 24 hour period. • Cumulative effects of emissions, not only from this plant but from other emissions. Background levels of emissions pre-existing not necessarily "healthy". • Believes that the new facility must be assessed as a separate proposal to the existing factory, as the existing factor (with old technologies) would not meet standards of resource consent approval. • Notes that even if the new factory has better technologies/filtration system, this doesn't mean that emission outputs will be acceptable from the factory – highlights that any addition of pollutants to background emission concentrations would be hazardous. • Prevailing west-southwest wind directions means pollutants/discharge carried straight over adjacent residential areas. If consent is granted, seeks:	Decline

			"A consent term of no longer than 10 years is to ensure they are operating efficiently and using the best available air discharge/baghouse filter technology to reduce emissions of particles, and to ensure emissions stay within any new ranges as technology and science move forward and limits and acceptable tolerances etc change. They should not be allowed any annual exceedances, and any exceedances shall be reported on and they shall be fined or court action taken on each exceedance to ensure they operate at maximum efficiency and the lowest possible environmental impact at all times. The existing plant should cease to operate once the consent term are expired, and this process has completed. IT cannot be allowed to be renewed. Operations on site shall have to cease until the new plant is open and running (if consent is obtained for the new plant). Rigorous and regular testing and reporting for the new plant shall be included in consent conditions. At least 6 monthly."	
72	Nathan Sowter	Oppose	Opposes for the following reasons: • Requires assurance that whatever is being discharged won't have negative impacts on my child's health + not paying the price for company's profit. • Distinct Odour Impacting Health – rough on throats, youngest daughter struggles to breath when the smells are strong. I consent is granted, seeks assurances that emission is not harmful.	Decline
73	Vivian Mitchell [Late Submission]	Oppose	Key points of the submission are as follows: • Submitter support's Clear the Air's Submission. • Highlights Mount Maunganui airshed has poor air quality and is already deemed as being polluted. • PM10 levels (pre-existing) already above NES requirements for two out of five months between January to May 2023 • Increase in hospital admissions associated with respiratory illness in the local area. • Ignorance of widespread harm to the community and impacts to the environment. • Proximity of discharge to schools, marae, recreational areas, sports fields, kindergartens and homes. • Industrial companies in Mount Maunganui known to use green-washing tactics and downplay their role in environmental degradation and manipulation of public perception which hinders collective awareness of the issue. • More effective regulatory action needed.	Decline

			• Power of corporations to influence decision-making over public health and wellbeing ongoing – this needs to stop in our community.	
74	Leanne McDonald [Late Submission]	Oppose	Submitter opposes for the following reasons: • Support's Clear the Airs Submission to oppose Allied Asphalts New consent. • Schools, kindy's, homes, sports fields, and residential areas being located within 1km of the site. • Health and wellbeing of the community needs to come first.	Decline
75	Catie & Andrew Dawson [Pro Forma Submissions x2]	Oppose	Opposes for the following reasons: • Exacerbation of poor air quality. • States that industrial activities that emit high levels of pollutants should not be located near their children's schools, early childcare centres, residential areas, local marae, workplaces, or sports fields. If the consent is granted, seeks: *"That the new plant isn't developed and that it is only temporary consent until new plant is developed outside of the area."*	Decline
76	Shirley Jeanette Stead, Simon Paul Taylor, Ernest Rex Stead, Ngaire Burnadette Hughes [Pro Forma Submissions x4]	Oppose	Oppose for the following reasons: • Had enough of the smell and odour from the manufacturing process. • Submitter believes more conditions needed to reduce emission and smell/odour from the manufacturing operations. If the consent is to be granted, seeks that: "*That any future breach of the Resource Consent have a significant impact on Allied Asphalts to manufacture asphalt on the current site."*	Decline
77	Ruby Bird, Claire Matthews, Zoe Harvey-White, Natalie Leigh, Bridget Clarke; Victoria Ellen Glasglow; Sonja Motus; Lucy Bradshaw; Janette	Oppose	Opposes for the following reasons: • Support's Clear the Air's Submission to oppose TCC and BOPRC giving consent to Allied Asphalts • Health and Safety Risk to surrounding communities including schools; kindergartens, residential homes, sports fields, and marae several hundred metres away.	Decline

	Williams; Carl Stewart Glasglow; Ella Brown; Jack Barraclough; Michelle Clarke; Anna Maney [Pro Forma Submissions (Summaries Only) to Clear the Air Mount Maunganui Charitable Trust x14]		• Health and Wellbeing of Mount Maunganui community must be prioritised – negligent for TCC and BOPRC to give consent for proposal knowing health implications to the extended community.	
78	Dr Mark Lawrence; Sophia Lawrence; Hoani Lawrence; Katherine Lawrence [Pro Forma Submissions x4]	Oppose	Submitter Opposes for the following reasons: • High levels of pollution emitted close to schools, early childhood centres, homes, local marae, workplaces, sports fields. • Concerned about dust emissions and release of carcinogens – harm to respiratory system. • Construction and major earthworks at contaminated causing excessive noise from large truck movements and contamination risk to waterways. • Damage to local and national reputation for Tourists • Further Air Pollution on Top of that Pre-existing • The factory needs to be assisted/incentivised to build their new factory in a zone that is fit for purpose.	Decline
79	Duncan Pearce	Oppose	Submitter opposes for the following reasons: • High levels of contaminants, odour, and dust released into the air – known carcinogens causing harm to human respiratory system. • Proximity of the factory to schools, early childcare centres, homes, local marae, workplaces, and sports fields. • Factory should be relocated to an industrial zone that is fit for purpose. • High levels of air pollution.	Decline
80	Karylene O'Neill	Oppose	Submitter opposes for the following reasons:	

			• Noise generated from major earthworks and run-off from contaminated site entering local waterways. • Increased traffic generation due to large truck movements to/from the site. • Concern surrounding levels of contaminants, odour, and dust released into the air – risk of harmful effects from carcinogens on the human respiratory system. • Proximity of the factory to schools, early childcare centres, homes, local marae, workplaces, and sports fields.	
81	Sandy Tuhakaraina [Late Submission]	Oppose	Key points of the submission are as follows: • Proposal to continue under the existing consent to increase tonnage from 80 to 200 tons per hour for a further 35 years in unacceptable. • There is a risk to the health and safety of the tangata whenua of Whareroa Marae, sportsmen young and old, local students, preschoolers, families, the elderly, business operators, workers, and community at large who are already affected under the existing consent. • Refers to existing fumes from the heavy traffic flows along Hewletts Road, Maunganui Road, State Highway 2 and entire Mt Maunganui Air Shed and surrounding industrial operations including the Port of Tauranga. • Cumulatively these effects pose risks to the health of the workers, not only within the Air Shed but outside of it. Tangata whenua from Whareroa Marae have been experiencing health problems since the placement of heavy industry in the immediate surrounds of the Marae. • Submitter supports the call for the managed retreat of heavy industry from Whareroa Marae • The plant should be relocated to a more suitable industrial zone. • Council has a responsibility to ensure the wellbeing of the environment and people.	Decline
82	Olivia Aranui	Unknown	No comments provided	N/A
83	Natalie Skyes	Unknown	No comments provided	N/A

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

Legend

- Whareroa Marae
- 54 Aerodrome Road
- Submission Locations

Client: TCC/BOPRC
Project: RC29596 (TCC) and RM22-0649 (BOPRC) - 54 Aerodrome Road
Map Description: RMA submissions and site locations
Date: 20/06/2023
Version: 1.0
Author: MC

4SIGHT CONSULTING | PART OF SLR

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

Legend

- Whareroa Marae
- 54 Aerodrome Road
- Submission Locations

Client: TCC/BOPRC
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Map Description: RMA submissions and site locations
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Appendix C

Recommended Consent Conditions – District

Tauranga City	**RESOURCE CONSENT NUMBER RC29596**
	APPENDIX A – CONDITIONS OF RESOURCE CONSENT *[TCC conditions are usually attached as 'Appendix A' to the decision document]*

The conditions of resource consent RC29596 are as follows:

General

1. The asphalt manufacturing plant shall be constructed in general accordance with the following plans:
    a) The General Lay-Out Plan, drawing number MO4004/05 Revision A, prepared by Fayat and dated 21/10/21;
    b) The Site Clearance Plan, drawing number 3936642-CA-020 Revision B, prepared by Beca and dated 18.11.22; and
    c) The Proposed Site Plan, drawing number 3936244-CA-030 Revision B, prepared by Beca and dated 18.11.22; and
    d) The Proposed Services Plan, drawing number 3936244-CA-040 Revision B, prepared by Beca and dated 18.11.22.

2. The proposal shall proceed in general accordance with Section 5 of the 'Resource Consent Application for Asphalt Plan - Mount Maunganui' prepared for Allied Asphalt Ltd by Cogito Consulting Ltd and dated 19 December 2022, including:
    a. The Beca Infrastructure and Services Assessment, Aerodrome Road Asphalt Plant Upgrades, Ref: 3936244- 159207228- 1673 Rev. 1 dated 22 November 2022; and
    b. The Beca Preliminary Geotechnical Appraisal report for Mt. Maunganui Asphalt Plant – Ref: 3936244- 159207228- 1726 Rev.1 dated 17/11/22.

3. All costs associated with the conditions of this consent, including those required under the Infrastructure Development Code shall be met by the consent holder.

4. All matters and works relating to the servicing and accessing of the development, shall be designed, supervised, constructed and certified in accordance with requirements of the Tauranga City Council Infrastructure Development Code.

Hazardous substance storage

5. The volume of hazardous substances stored shall not exceed the following maximum quantities:

Substance	Maximum Quantity
Diesel	1,250 litres
Bitumen Release	400 litres
LPG	210 kg
Soda Ash	1,000 kg
Fatty Amine Derivative	1,000 litres
High Calcium Lime	50 tonnes
Used Lubricating Oil	50,000 litres
Other: cleaners, lubricants, coatings	20 litres or less per product

6. Within one month of consent being granted, and again prior to the commissioning of the new asphalt manufacturing plant, the consent holder shall provide the following documents to the Tauranga City Council:
    a. Copies of all certificates required by the consent holder under the Health and Safety and Work (Hazardous Substances) Regulations 2017 (HSW-HS Regulations); and
    b. A copy of the Emergency Management Plan required by the HSW-HS Regulations;
    c. Evidence that a copy of this resource consent, along with the plans listed in Condition 1, has been provided to the New Zealand Fire Service; and
    d. A copy of the Emergency Response Plan approved by the New Zealand Fire Service.

Landscape

7. The maximum height of the plant stack shall be 27.6 metres above ground level.

8. Safety lighting on the site shall be fitted with back screens which restrict lighting to within the site boundaries, reducing light spill outside of the site.

9. The plant shall be finished in Resene Jumbo, a mid-colour low LRV rated grey. or other similar recessive grey colour paint finish approved by the Council that will ensure the plant is a visually recessive feature within the environment.

Operational Noise

10. Operational noise levels shall not exceed the limits contained in the table below within the boundary of the listed sites:

Address	**Daytime and Night-time Noise (dB L_{Aeq})**	**Night-time Noise (dB L_{AFmax})**
14 Harvard Way	69	85
67 Hewletts Road	66	85
44 Aerodrome Road	66	85
60 Aerodrome Road	67	85

11. Operational noise levels shall not exceed the limits contained in the table below within the boundary of any other industrial zoned sites:

At any time (dB L_{Aeq})	**Night-time Noise (dB L_{AFmax})**
65	85

12. Operational noise from the consented activity shall be measured in accordance with NZS 6801:2008. Acoustics – Measurement of Sound and assessed in accordance with NZS 6802:2008 Acoustics – Environmental Noise, or any superseding codes of practice and/or standards.

Earthworks and geotechnical

13. All earthworks design, testing and construction shall be undertaken in accordance with DS10 of the Tauranga City Council Infrastructure Development Code and the specific requirements of the consent holder's appointed Geo-Professional.

14. The Consent Holder shall establish the relocated office at a minimum finished floor level of RL4.75m NZVD16 for to avoid the effects of inundation. A Licensed Cadastral Surveyor shall certify, in writing, that the finished floor level is constructed to the required minimum level.

Construction Erosion and Sediment Management

15. Prior to the planned commencement of any site works, the consent holder shall submit an Erosion and Sediment Control Plan (ESCP) to Tauranga City Council for certification, or recertification if any changes are needed. The purpose of the ESCP is to demonstrate that best practice measures will be adopted on-site in order to prevent erosion and sediment runoff. As a minimum, the ESCP shall include the following:

    a. A site plan showing the nature and location of erosion and sediment controls that will be employed;
    b. The design and dimensions of typical erosion and sediment controls;
    c. The construction timetable for the erosion and sediment control measures;
    d. Maintenance, monitoring and reporting procedures to ensure that erosion and sediment controls remain in effective capacity for the duration of earthworks;
    e. Details of how the property will be accessed and traffic managed to ensure that off-site tracking of sediment does not occur and procedures to be used to prevent loose material, spoil, dust and litter from being deposited onto the public roads from trucks and associated equipment and the proposed methods of cleaning surrounding roads from such deposits;
    f. Details of the Site Manager, including their contact details (phone, email, postal address). A telephone number for afterhours emergencies shall also be supplied;
    g. The location of a notice board on the site that clearly identifies the name, telephone number and address for contacting the site manager;

16. Tauranga City Council's certification shall be limited to confirming that the ESCP contains the required information and that the proposed erosion and sediment controls comply with the best practice principles set out in the Bay of Plenty Regional Council Guideline 2020/01 – *'Erosion and Sediment Control Guidelines for Land Disturbing Activities'.*

17. The consent holder shall not commence any site works until the ESCP has been certified or 15 working days has passed and no response has been received from Tauranga City Council.

18. The consent holder shall install erosion and sediment controls prior to any earthworks commencing on-site and shall adhere to the certified ESCP for the duration of earthworks on the site.

19. The consent holder shall ensure that no damage to public roads, footpaths, berm, kerbs, drain or other public assets occurs as a result of the earthwork activities. If damage does occur to any of these public assets, the costs of rectifying any damage and restoring the asset(s) to its original condition shall be met by the consent holder.

Construction Noise Management

20. Prior to the planned commencement of any site works, the consent holder shall submit a Construction Noise and Vibration Management Plan (CNVMP) to Tauranga City Council for certification. The CNVMP shall be prepared by a suitably qualified and experienced acoustic expert. The CNVMP shall include the following information:
    a. The applicable construction noise and vibration limits.
    b. Details of how construction noise will be managed to ensure compliance with NZS6803:1999 Acoustics Construction Noise, as far as practicable.
    c. Description and duration of the works, anticipated equipment and construction processes to be undertaken.
    d. Hours of operation, including specific times and days when construction activities causing adverse noise / vibration effects would occur.
    e. Mitigation measures which will be implemented to ensure that compliance with the noise and vibration limits will be achieved as far as practicable.
    f. Details of a complaint management system including contact details for the person(s) responsible for managing noise and vibration complaints.
    g. Methodology of any scheduled noise and vibration monitoring or monitoring undertaken in response to any reasonable complaints received. The results of monitoring in response to a reasonable complaint shall be submitted to the Councils Team Leader: Monitoring within 48 hours of receipt of that complaint.

h. Training procedures for construction personnel specifically relating to noise and vibration.

21. The consent holder shall not commence any site works until the CNVMP has been certified or 15 working days has passed and no response has been received from Tauranga City Council.

22. As far as practicable, construction noise as a result of giving effect to this consent shall not exceed the limits recommended in, and shall be measured in accordance with, NZS 6803:1999 Acoustics –Construction Noise.

23. Vibration levels shall not exceed the limits in German Industrial Standard DIN 4150 –3 (1991), Structural vibration – Part 3 Effects of vibration on structures.

Contaminated Soils

24. The Contaminated Site Management Plan prepared by Beca and dated 6 April 2023, or an updated version certified by Tauranga City Council, shall be adhered to for the duration of works associated with the construction of the new asphalt manufacturing plant.

25. In the event that previously unidentified contaminated land is discovered, the consent holder shall immediately cease works within 5 metres of the discovered contaminant, notify Tauranga City Council and engage a suitably qualified and experienced practitioner (SQEP) in site contamination in accordance with the accidental discovery protocol for contaminated land in the CSMP.

26. Any soil analysis required in accordance with this consent shall be undertaken by an IANZ accredited laboratory.

27. All contaminated material removed from the site shall be disposed of at a landfill that holds a consent to accept the relevant level of contamination. Soils requiring offsite disposal shall be characterised for disposal by a SQEP, in accordance with the CSMP. Soil analytical results from any sampling, and the locations that material has been disposed of to, shall be available for Tauranga City Council to review at any time.

28. A Works Completion Report (WCR) shall be prepared and submitted to Tauranga City Council for written certification, within two months of the completion of works. The WCR shall be prepared by a SQEP in site contamination in accordance with the current edition of the Ministry for the Environment Contaminated Land Management Guidelines No.5 - Site Investigation and Analysis of Soils and No.1 - Reporting on Contaminated Sites in New Zealand. The WCR shall address the following:
    a. A summary of the works undertaken, including a statement confirming whether the works have been completed in accordance with the CSMP.
    b. The locations and dimensions of the excavations carried out, including a relevant site plan;
    c. Details and results of any additional soil sampling and validation sampling and interpretation of the results;
    a. Records of any unexpected contamination encountered during the works and response actions, if applicable;
    b. Volume of soil removed from the works area and the disposal location(s) and documentation relating to the transportation of soil disposed of off-site;
    c. Volume of material imported to the works area, including certification documentation (if required);
    d. Details regarding any complaints and/or breaches of the procedures set out in the CSMP and the relevant conditions of this consent; and
    e. A statement certifying that all works have been carried out in accordance with the requirements of the consent.

Transport

29. The northernmost vehicle crossing from the site to Aerodrome Road shall be reduced from the existing 15.4-metre width to 10 metres at the property boundary in accordance with the Tauranga City Council Infrastructure Development Code prior to commencement of asphalt manufacturing plant operations.

Advice Notes

1. All documents required to be provided to Tauranga City Council should be submitted to the Team Leader, Environmental Monitoring – emac@tauranga.govt.nz

2. Prior to any works commencing on-site the consent holder should submit plans of the servicing of the site to Tauranga City Council for a service connection approval. Applications should be submitted to sca@tauranga.govt.nz and as a minimum, include the following:

    a. Location and details of existing services and connections.
    b. Route of proposed pipework with invert level and details of access points or rodding eyes.

3. New connections to Tauranga City Council infrastructure should be inspected and approved by a Council Development Monitoring Advisor or Development Engineer prior to backfilling.

4. All as-built drawings should be lodged electronically in accordance with QA-6.2 of the Tauranga City Infrastructure Development Code. The as-built assets to vest are to be completed, inspected and approved prior to commencement of asphalt manufacturing plant operations.

5. Where any building or drainage works are required to satisfy conditions of this consent, all consents required under the Building Act 2004 must be obtained prior to the works being carried out.

6. The consent holder is advised that under Condition 13, additional geotechnical investigations, analyses and design inputs are required to be undertaken for any earthworks, buildings and overall site development to ensure that the geotechnical risks of the site are properly addressed in all site development works.

Appendix D

Recommended Consent Conditions – Regional

Stormwater Discharge (2-year existing plant / 35-year new plant)

A resource consent:

Under section 15(1)(a) of the Resource Management Act 1991 and Rule DW R21 of the Bay of Plenty Regional Natural Resources Plan to undertake a restricted discretionary activity being to discharge stormwater to land where it may enter water.

subject to the following conditions:

Purpose

1. The purpose of this resource consent is to authorise and set conditions on the discharge of stormwater to the Tauranga City Council piped stormwater network from an existing asphalt manufacturing plant on a short-term basis, and from a new asphalt manufacturing plant on the same site once upgrades and replacement of the plant are complete.

Location

2. The activity authorised by this resource consent shall be located:
   (a) At 54 Aerodrome Road, Mount Maunganui.
   (b) As shown on BOPRC Consent Plan RM23-0649/01.
   (c) At or about NZTM 1882352, 5826246.

Stormwater Management System

3. Prior to the operation of the new asphalt plant, the on-site stormwater management system shall be upgraded generally in accordance with:
   (a) Section 4 of the Beca 'Infrastructure and Services Assessment, Aerodrome Road Asphalt Plant Upgrades', Ref: 3936244- 159207228- 1673 Rev. 1 dated 22 November 2022, and the 'Proposed Services Plan' drawing number 3936244-CA-040 Revision B.
   (b) The Allied Asphalt - Beca Resource Consent Responses Ref: 3936244-159207228-2244 Dated 26 April 2023
   (c) Allied Asphalt, 54 Aerodrome Rd, Mount Maunganui Stormwater and trade waste treatment solutions summary - Industrial Waters Solutions Ltd - 26 April 2023.

Discharge quantity

4. The discharge shall not cause nor contribute to flooding or ponding on any land or property owned or occupied by another person.

Discharge Quality

5. The suspended solids concentration of the discharge shall not be greater than 150g/m³, except where a 10-minute duration 10% AEP storm event (10-year return period storm) is exceeded.

6. The discharge shall not cause the production of conspicuous oil or grease films, scums or foams, or floatable materials.

7. The discharge shall not cause a conspicuous change in the colour of the receiving waters, being the Tauranga Harbour.

Operations Management

8. Any contaminants stored onsite shall meet all Hazardous Substances and New Organisms (HSNO) codes of practice and/or Health and Safety at Work Regulations 2017 storage requirements in relation to avoiding leaks or spills of these contaminants.

9. Any hazardous substances spills greater than 20 litres shall be reported to the Bay of Plenty Regional Council within 24 hours of the spill and within 10 working days of a spill, the consent holder shall send to the Bay of Plenty Regional Council a report with the following information:
   (a) The clean-up response carried out;
   (b) Disposal method of hazardous substances and any other contaminated materials used in the spill clean-up;
   (c) Documentation of the waste disposal from the authorised disposal facility;
   (d) Stormwater analysis results for any stormwater discharges within five days after the spill; and
   (e) Actions carried out to ensure that the spill event doesn't happen again.

10. The consent holder shall notify the Bay of Plenty Regional Council, in writing, of any upgrades, changes to the stormwater management system, stormwater sub-catchments, site imperviousness, operation and layout of the site which may cause a change in the quantity or composition of the discharges to the Tauranga City Council stormwater network.

11. The site shall be swept of loose debris at least once per week.

12. All wastes, including chemicals, cleaning materials and de-sludged sediments shall be recycled or disposed of at a disposal facility authorised to accept the type of waste being disposed of.

Monitoring

13. The following monitoring conditions shall apply to the upgraded Stormwater Management System required under Condition 3.

14. An easily accessible sampling point must be made available prior to the outlet(s) to the Tauranga City Council stormwater network, for sampling and monitoring purposes.

15. Before the site re-development is completed, a plan showing the proposed locations where easily accessible sampling points for stormwater monitoring will be provided to the Bay of Plenty Regional Council for certification. If the sampling points are changed, they shall be re-certified by the Bay of Plenty Regional Council before samples are collected from them.

16. The consent holder shall provide annually to the Bay of Plenty Regional Council surface run-off samples from three rainfall events that cause observable run-off.

    Advice note: In order to satisfy this condition, the consent holder will need to provide the Bay of Plenty Regional Council with a plan of proposed monitoring locations, so that the Council can certify that these monitoring locations will provide for representative stormwater samples.

17. Once the upgrades of the site stormwater system are undertaken, stormwater samples shall be collected from the stormwater, where it leaves the site, during three events each year. The samples shall be representative of the stormwater discharging from the outlet and, as far as practicable, be collected within the first 30 minutes of stormwater being discharged. Sampling is only to be undertaken if no rainfall has occurred for three days prior.

    Advice note: Capturing first flush of storm events with a Nalgene first flush sampler can provide much better representation and alleviates the need for being on site at time of an

event. The alternative is setting an autosampler to capture time/flow proportional samples over an event.

18. Stormwater samples shall be analysed for the contaminants listed in Condition 19. Analysis shall be carried out as set out in the latest edition of Standard Methods for the Examination of Water and Wastewater, APHA -AWWA-WPCF, or such other method as proposed by the consent holder and certified as good sampling practice by the Bay of Plenty Regional Council. An IANZ registered laboratory shall carry out the analysis.

19. The results of the stormwater system sampling and analysis shall be compared to the following trigger levels:

Contaminant	Unit	Trigger Levels
Total suspended solids (TSS)	g/ m3	150
Dissolved Chromium (CrVI)	g/ m3	0.085
Dissolved Cadmium	g/ m3	0.036
Dissolved Copper (Cu)	g/ m3	0.008
Dissolved Nickel	g/ m3	0.560
Dissolved Zinc	g/ m3	0.043
Total Petroleum Hydrocarbons (TPH)	g/ m3	15
Benzene	g/ m3	2.0
Naphthalene	g/ m3	0.120
pH	pH units	Monitor only

20. If any water quality results exceed the trigger concentrations listed in Condition 19, the consent holder shall report this to the Bay of Plenty Regional Council within one week of receiving the laboratory results, and take two further samples within three months of the exceedance result (provided there are suitable rainfall events for sampling during this time period) In the event that any of the samples from supplementary monitoring exceed the trigger levels in Condition 19, then the consent holder shall identify the cause of the exceedances. If the exceedances are due to an activity on the site, the consent holder shall submit a site improvement plan to the Bay of Plenty Regional Council (within 3 months of receiving the last round of sampling results). This shall include:

    (a) a review of the data collected;
    (b) a review of the potential eco-toxicity effects from the contaminants, undertaken by a person who is suitably qualified and experienced in assessing the effects of stormwater discharges, to determine whether there is likely to be an effect that is more than minor as a result of the trigger level exceedance(s);
    (c) recommendations to remedy or mitigate any more than minor adverse eco-toxicity effect that has been identified in accordance with (b) including, but not limited to, additional stormwater treatment or site improvements contaminant concentrations in stormwater from the site consistently meets the trigger levels in Condition 19.
    (d) The timeframes within which any measures set out in (c) will be put in place by the consent holder.

21. Prior to the operation of the new asphalt plant, an Operations and Maintenance Plan for the upgraded stormwater system shall be submitted to the Bay of Plenty Regional Council for certification. The Operations and Maintenance Plan shall be prepared by a stormwater engineer and as a minimum shall:
    (a) set out the intervals for inspection of the system;
    (b) programme for scheduled maintenance;
    (c) response times for remedial maintenance in the event of debris build up, blockages and erosion and scour;

(d) provision for the consent holder to undertake any maintenance work as soon as practically possible or within two working days of a request from the Bay of Plenty Regional Council.

The consent holder shall adhere to the certified Operations and Maintenance Plan, or an updated certified version for the duration of the consent.

22. The consent holder shall maintain a record, for the duration of this consent, of the dates and details of any inspections and maintenance carried out in accordance with the Operations and Maintenance Plan required by Condition 21.

23. The stormwater system shall be inspected and maintained immediately after a spill of 20 litres or more of hazardous substances or any other substance that may impact its effective functioning.

Review of Consent Conditions

24. The Bay of Plenty Regional Council may, at six-monthly intervals throughout the duration of the consent, serve notice on the consent holder of its intention to review the conditions of this consent. The purpose of such a review is to assess any unforeseen environmental effects arising from the discharge, or the need for further monitoring and treatment of stormwater, and to impose monitoring and discharge control conditions relating to these discharges, if appropriate.

25. The fair and reasonable costs associated with any such review shall be recovered from the consent holder.

Resource Management Charges

26. The consent holder shall pay the Bay of Plenty Regional Council any administrative charges, which are fixed in accordance with section 36 of the Resource Management Act 1991.

Term of Consent

27. This consent shall expire on [35 years sought].

The Consent

28. This consent is granted under the Resource Management Act 1991 and is not an authority under any other act, regulation or bylaw.

Advice Notes

1. *All conditions must be fulfilled to the satisfaction of the Bay of Plenty Regional Council.*
2. *Reporting and notification required by conditions of this consent shall be directed (in writing) to the Regulatory Compliance Manager, Bay of Plenty Regional Council, PO Box 364, Whakatane or email compliance_data@boprc.govt.nz, this notification shall include the consent number RM22-0649.*
3. *The consent holder is responsible for ensuring that all contractors carrying out works under this consent are made aware of the relevant consent conditions, plans and associated documents.*
4. *The consent holder is advised that non-compliance with consent conditions may result in enforcement action against the consent holder and/or their contractors.*

Earthworks and Contaminated soils (2-year construction)

A resource consent:

Under section 15(1)(a) and (b) of the Resource Management Act 1991 and Rule DW R35 of the Bay of Regional Natural Resources Plan to undertake a restricted discretionary activity being the discharge of contaminants to land, or to land in circumstances where they may enter water.

And

Under section 9(1)(a) of the Resource Management Act 1991 and Rule LM 4 of the Regional Natural Resources Plan to undertake a discretionary activity being disturbance of land and soil as a result of earthworks.

subject to the following conditions:

Purpose

1. The purpose of this resource consent is to authorise and set conditions on the undertaking of earthworks in association with the construction of a new asphalt manufacturing plant, and the discharge of contaminants to the environment as a result of disturbing contaminated soils during the construction of a new asphalt manufacturing plant.

Location

2. The activity authorised by this resource consent shall be located:
   (a) At 54 Aerodrome Road, Mount Maunganui,
   (b) As shown on BOPRC Consent Plan [insert plan reference].
   (c) At or about NZTM 1882352, 5826246.

Notification of Works

3. No less than five working days prior to the overall start of works under this consent the consent holder shall request (in writing) a site meeting with a representative of the Bay of Plenty Regional Council. This request shall include details of who is to be responsible for site management and compliance with consent conditions.

4. No less than five working days prior to the completion of works under this consent, the consent holder shall notify and request (in writing) a site meeting with a representative of the Bay of Plenty Regional Council to confirm that all relevant conditions have been complied with.

Earthworks

5. All earthworks shall be carried out generally in accordance with the 'Resource Consent Application for Asphalt Plan - Mount Maunganui' prepared for Allied Asphalt Ltd by Cogito Consulting Ltd and dated 19 December 2022.

6. Earthworks shall be limited to site preparation works not exceeding 2000m^3 in volume, with the exposed area not exceeding 1 hectare.

Erosion and sediment control

7. Before the overall start of works authorised by this consent, the consent holder shall submit a final erosion and sediment control plan (ESCP) to the Bay of Plenty Regional Council for

written certification, or re-certification in the event of an update. The purpose of the certification process is to ensure that erosion and sediment controls are designed in accordance with the Bay of Plenty Regional Council 'Erosion and Sediment Control Guidelines for Land Disturbing Activities – Guideline 2010/1'.

8. No works shall commence until the certification of the ESCP from the Bay of Plenty Regional Council has been received in writing. If ten working days have passed and no correspondence has been received about the ESCP from the Bay of Plenty Regional Council, the ESCP shall be deemed certified.

9. The consent holder shall ensure that all sediment and erosion controls are installed before works start and shall adhere to the certified ESCP for the duration of works.

10. The consent holder shall divert uncontaminated catchment runoff away from the area of works.

11. The consent holder shall ensure that the erosion and sediment controls and associated erosion protection devices are maintained in an effective capacity and good working order at all times during works and until the site is stabilised.

12. The consent holder shall ensure that any necessary maintenance of erosion and sediment controls identified by inspection under conditions of this consent or by Bay of Plenty Regional Council staff is completed within 24 hours or as soon as is safely practicable.

13. The consent holder shall ensure that there is no tracking of soil or sediments offsite.

Disturbance of Contaminated Soils

14. The Contaminated Site Management Plan (CSMP), prepared by Beca and dated 6 April 2023, or an updated version certified by the Bay of Plenty Regional Council, shall be adhered to for the duration of works associated with the construction of the new asphalt manufacturing plant.

15. In the event that previously unidentified contaminated land is discovered, the consent holder shall immediately cease works within 5 metres of the discovered contaminant, notify the Bay of Plenty Regional Council and engage a suitably qualified and experienced practitioner (SQEP) in site contamination in accordance with the accidental discovery protocol for contaminated land in section 3.2.1 of the CSMP.

16. Any soil analysis required in regard to this consent shall be undertaken by an IANZ accredited laboratory.

17. All contaminated material removed from the site shall be disposed of at a landfill that holds a consent to accept the relevant level of contamination. Soils requiring offsite disposal will require testing by the SQEP. Soil analytical results from any sampling would be compared against the criteria of the classification of soil as cleanfill, managed fill or contaminated material and shall be available for Bay of Plenty Regional Council to review at any time.

18. The consent holder shall ensure that any imported material deposited on site is:

    (a) Classified as 'cleanfill' as defined as defined by The WasteMINZ 'Technical Guidelines for Disposal to Land (2022); and
    (b) To be solid material of an inert nature; and
    (c) Not contain hazardous substances or contaminants above natural background levels of the receiving site.

19. A Works Completion Report (WCR) shall be prepared and submitted to the Bay of Plenty Regional Council for written certification (by a suitably qualified and experienced practitioner in site contamination), within two months of the completion of works. The WCR shall be prepared by a SQEP in site contamination in accordance with the current edition of the Ministry for the Environment Contaminated Land Management Guidelines No.5 - Site Investigation and Analysis of Soils and No.1 - Reporting on Contaminated Sites in New Zealand. The WCR shall address the following:

    (a) A summary of the works undertaken, including a statement confirming whether the works have been completed in accordance with the CSMP;
    (b) The locations and dimensions of the excavations carried out, including a relevant site plan;
    (c) Details and results of any additional soil sampling and validation sampling and interpretation of the results (if any was undertaken);
    (d) Records of any unexpected contamination encountered during the works and response actions, if applicable;
    (e) Volume of soil removed from the works area and the disposal location(s) and documentation relating to the transportation of soil disposed of off-site;
    (f) Volume of material imported to the works area, including certification documentation (if required); and
    (g) Details regarding any complaints and/or breaches of the procedures set out in the CSMP and the relevant conditions of this consent.

Dust

20. The consent holder shall comply with the principles of dust management as set out in the Bay of Plenty Regional Council 'Erosion and Sediment Control Guidelines for Land Disturbing Activities – Guideline 2010/01', to prevent an offensive or objectionable discharge of dust from occurring beyond the property boundary.

Signage

21. Before the start of works under this consent, the consent holder shall erect a prominent sign adjacent to the entrance of site works and maintain it throughout the period of the works. The sign shall clearly display the following information:

    (a) The consent holder;
    (b) The main site contractor;
    (c) A 24-hour contact telephone number for the consent holder or appointed agent;
    (d) A clear explanation that the contact telephone number is for the purpose of receiving complaints and information from the public about dust nuisance resulting from the exercise of this consent.

Resource Management Charges

22. The consent holder shall pay the Bay of Plenty Regional Council any administrative charges, which are fixed in accordance with section 36 of the Resource Management Act 1991.

Term of Consent

23. This consent shall expire on [2 years sought].

The Consent

24. This consent is granted under the Resource Management Act 1991 and is not an authority under any other act, regulation or bylaw.

Advice Notes

1. *Send reporting, notification and submission of plans required by conditions of this consent (in writing) to the Regulatory Compliance Manager, Bay of Plenty Regional Council, PO Box 364, Whakatāne or email notify@boprc.govt.nz. Please include the consent number RN22-0649.*
2. *All conditions must be fulfilled to the satisfaction of the Bay of Plenty Regional Council.*
3. *The consent holder is responsible for ensuring that all contractors carrying out works under this consent are made aware of the relevant consent conditions, plans and associated documents.*
4. *Non-compliance with consent conditions may result in enforcement action against the consent holder and/or their contractors.*

Air Discharge (2-year existing plant)

A resource consent:

Under section 15(1)(c) and 15(2A)(b) of the Resource Management Act 1991 and Rule AIR-R15 of the Bay of Plenty Regional Natural Resources Plan to undertake a discretionary activity being the discharge contaminants to air

subject to the following conditions:

Purpose

1. The purpose of this resource consent is to authorise the discharge of contaminants to air from an existing asphalt manufacturing plant for a short-term period until a new asphalt manufacturing plant is constructed on the same site.

Location

2. The activity authorised by this resource consent shall be located:
   (a) At 54 Aerodrome Road, Mount Maunganui,
   (b) As shown on BOPRC Consent Plan [insert plan reference].
   (c) At or about NZTM 1882352, 5826246.

Emission Limits and Controls

3. The plant shall be operational for no more than 5 hours between the hours of 7am and 5pm on any given day [Note – condition recommended to prevent operation beyond 'typical' production to reduce likelihood that odour levels will exceed guidelines – to be refined]

4. The discharge of particulate matter from the yard and aggregate stockpiles within the premises, and loading and unloading of aggregates, shall be controlled by the consent holder so that a dust nuisance does not occur beyond the boundary of the site.

5. The consent holder shall ensure that the asphalt plant stack is at least 18 metres above ground level.

6. The consent holder shall ensure that the plant is brought to a stable exhaust temperature of between 100 and 150°C within no more than 5 minutes to minimise start up smoke emissions. The consent holder shall maintain a record of plant start-up times, which shall be kept for a minimum of three months and made available to the Bay of Plenty Regional Council on request.

7. Stack emission testing must be carried out within 6 months of commencement of this Resource Consent and annually thereafter. Testing must be done under normal plant operating conditions using USEPA, ISO or ASTM, or an equivalent method agreed with the Bay of Plenty Regional Council, by persons experienced in the use of such methods. Each sampling occasion shall comprise a minimum of three tests. The plant operating conditions during the test period must be recorded and reported. The consent holder must notify the Bay of Plenty Regional Council at least 48 hours prior to the testing taking place and shall forward the results of all emissions testing to the bay of Plenty Regional Council and mandated representatives of Ngāti Kuku hapu no later than one month after receiving the results of the testing. Any test that fails to comply must be repeated as soon as practicable and at least within 2 months of the previous test.

8. The consent holder shall ensure that the total emissions of particulate matter from the asphalt plant stack do not exceed:

(a) 175 mg/m^3 corrected to 0°C, dry gas basis, and one atmospheric pressure.

(b) The mass discharge of particulate matter from the asphalt plant shall not exceed 2.9 kg/hr.

9. The consent holder shall maintain a sampling port on the stack of the asphalt plant to specifications to be agreed upon in writing by the Bay of Plenty Regional Council.

10. The consent holder shall take all practical measures to ensure the discharge does not result in noxious, dangerous, offensive or objectionable odour to the extent that it causes an adverse effect at or beyond the boundary of the site.

11. The only fuels permitted to be used in the asphalt plant are natural gas, automotive diesel oil, biodiesel or used lubricating oil (ULO). When ULO is burnt it must not exceed a fuel burning rate of 1000 kg/hr and it must meet the following specifications:
    (a) Contaminant Allowable level Sulphur content 5,000 ppm w/w (0.5 %) or less;
    (b) Arsenic 5 ppm w/w or less;
    (c) Cadmium 2 ppm w/w or less;
    (d) Copper 100 ppm w/w;
    (e) Chromium 10 ppm w/w or less; and
    (f) Lead 100 ppm w/w or less.

12. The consent holder must maintain a log of the source of ULO and the volume used per annum. This log must be made available to the Bay of Plenty Regional Council at all reasonable times.

13. The consent holder must collect a representative sample of each delivery of ULO supplied and after every third delivery, combine the three samples and test the composite sample to determine compliance with Condition 11. Results of the testing must be made available to the Bay of Plenty Regional Council on request at all reasonable times and forwarded to the Bay of Plenty Regional Council annually.

14. Neither mineral diesel oil nor kerosene shall be used as release agents on the trays of any vehicles, including trucks and trailers, receiving hot mix products.

15. The consent holder shall ensure the sulphur content of fuel used to heat the asphalt plant does not exceed 0.5% w/w.

16. The consent holder shall ensure the scrubber water is maintained at a pH of greater than 7.

17. The consent holder shall take all practical measures to prevent bitumen fires from occurring and shall extinguish any bitumen fires as soon as possible.

18. The consent holder shall provide access to Bay of Plenty Regional Council staff to carry out periodic inspections to ascertain compliance with the conditions of this consent.

19. There shall be no noxious, dangerous, objectionable or offensive dust to the extent that it causes an adverse effect at or beyond the boundary of the site.

20. There must be no discharge of other gaseous emissions as a result of the activities authorised by this resource consent to the extent that it causes an adverse effect at or beyond the boundary of the subject property.

Maintenance

21. The asphalt plant, including the heating burner, particulate control equipment and settling ponds for the scrubber water (including neutralising the scrubber water) shall be maintained

and operated to control the level of discharge of contaminants to air so as to not cause adverse effects from that discharge.

Air Quality Management

22. Within three months of the grant of this consent, the consent holder shall submit an Air Quality Management Plan (AQMP) to the Bay of Plenty Regional Council for certification. As a minimum the AQMP must address the following specific matters:

    (a) A description of the facilities and maintenance procedures;
    (b) Procedures for responding to abnormal operation, in particular equipment fire;
    (c) Procedures to monitor for scrubber failures, including pH checks, and the shutdown of the plant in the event of suspected scrubber failure.
    (d) Methods for controlling vehicle speeds on site and the sealing of high traffic areas of the site;
    (e) Fugitive dust management in the yard and aggregate handling areas;
    (f) Operation of asphalt plant to minimise odour;
    (g) Operation of ancillary activities (e.g. bitumen storage and transfer) to minimise odour;
    (h) Bitumen tank water filter maintenance and servicing;
    (i) Complaint response procedures and contact telephone numbers for parties who are responsible for responding to complaints;
    (j) Individual responsibilities for staff of the consent holder, including responsibility for ensuring the effective application of the measures identified above;
    (k) Procedures for reporting the required information to mandated representatives of Ngāti Kuku hapu; and
    (l) Procedures for keeping the AQMP up to date.

    Except where the Bay of Plenty Regional Council provides notice in writing that it refuses to certify the AQMP (or any proposed changes to it), then should certification not be provided within 20 working days, the consent holder shall regard the AQMP (or any proposed changes to it) as being deemed to have been certified.

23. Subject to any other condition of this consent the AQMP must be implemented, and all activities must be undertaken in accordance with the AQMP certified by the Bay of Plenty Regional Council.

24. As part of the preparation of the AQMP, the consent holder must provide Ngāti Kuku with a draft copy of the AQMP for review and comment at least 30 working days prior to submitting it to the Bay of Plenty Regional Council for certification.

    Advice Note: Should Ngāti Kuku choose not to accept the offer to provide feedback on the draft AQMP, or do not respond to the offer within the timeframe set out above, that does not constitute a non-compliance of this consent condition.

Complaints log

25. The consent holder must maintain a log of all complaints (including those received via third parties including the Bay of Plenty Regional Council) regarding dust, odour, or other contaminants. The consent holder must notify the Bay of Plenty Regional Council of each complaint within 48 hours of receiving the complaint. The consent holder must record the following details in the complaint log:

    (a) Time and type of complaint, including details of the alleged incident, i.e. duration, location, character, intensity and any effects noted (where known and reported by the complainant);
    (b) Name, address and contact phone number of the complainant (if provided);

(c) As far as practicable, the weather conditions including wind direction at the time of the alleged incident;
(d) The likely cause of the alleged incident and the response made by the consent holder including any corrective action undertaken;
(e) Future actions proposed as a result of the complaint; and
(f) The response from the consent holder to the complainant.

26. The complaint log must be made available to the Bay of Plenty Regional Council at all reasonable times and a copy must be forwarded to the Bay of Plenty Regional Council annually.

Reporting

27. The consent holder must notify the Bay of Plenty Regional Council as soon as practicable, and as a minimum requirement within 24 hours, of the consent holder becoming aware of any accidental discharge, plant breakdown, or other circumstances which are likely to result in the performance standards of this resource consent being exceeded. The consent holder must, within 7 days of the incident occurring, provide a written report to the Bay of Plenty Regional Council, identifying the issue, whether an exceedance occurred, possible causes, steps undertaken to remedy the effects of the incident and measures that will be undertaken to ensure future compliance.

Resource Management Charges

28. The consent holder shall pay the Bay of Plenty Regional Council any administrative charges, which are fixed in accordance with section 36 of the Resource Management Act 1991.

Term of Consent

29. This consent shall expire on [2 years sought].

The Consent

30. This consent is granted under the Resource Management Act 1991 and is not an authority under any other act, regulation or bylaw.

Advice Notes

1. *Send reporting, notification and submission of plans required by conditions of this consent (in writing) to the Regulatory Compliance Manager, Bay of Plenty Regional Council, PO Box 364, Whakatāne or email notify@boprc.govt.nz. Please include the consent number RN22-0649.*
2. *All conditions must be fulfilled to the satisfaction of the Bay of Plenty Regional Council.*
3. *The consent holder is responsible for ensuring that all contractors carrying out works under this consent are made aware of the relevant consent conditions, plans and associated documents.*
4. *Non-compliance with consent conditions may result in enforcement action against the consent holder and/or their contractors.*

Air Discharge (35-year new plant)

A resource consent:

Under section 15(1)(c) and 15(2A)(b) of the Resource Management Act 1991 and Rule AIR-R15 of the Bay of Plenty Regional Natural Resources Plan to undertake a discretionary activity being the discharge contaminants to air.

subject to the following conditions:

Purpose

1. The purpose of this resource consent is to authorise and set conditions for the discharge to air from an asphalt manufacturing plant.

Location

2. The activity authorised by this resource consent shall be located:
   (a) At 54 Aerodrome Road, Mount Maunganui,
   (b) As shown on BOPRC Consent Plan [insert plan reference].
   (c) At or about NZTM 1882352, 5826246.

General

3. At no time shall the consent holder discharge contaminants to air under this resource consent at the same time as discharging contaminants to air under resource consent [insert reference to short term consent for existing plant].

4. Except as specifically provided for by other conditions of this consent, all activities to which this consent relates shall be undertaken generally in accordance with the information contained in the 'Resource Consent Application for Asphalt Plan - Mount Maunganui' prepared for Allied Asphalt Ltd by Cogito Consulting Ltd and dated 19 December 2022.

   Should there be any conflict between these documents and the conditions of this consent, the conditions of the consent shall prevail.

Performance Standards

5. The consent holder must at all times operate, maintain, supervise, monitor, and control all processes on site so that emissions authorised by this consent are maintained at the minimum practicable level.

6. The discharge must not result in noxious, dangerous, offensive or objectionable odour to the extent that it causes an adverse effect beyond the boundary of the site.

7. There shall be no noxious, dangerous, objectionable or offensive dust to the extent that it causes an adverse effect beyond the boundary of the site.

8. There must be no discharge of other gaseous emissions as a result of the activities authorised by this resource consent to the extent that it causes an adverse effect beyond the boundary of the subject property.

Contaminant Discharge Controls and Limits

9. Within three months of commissioning the new asphalt manufacturing plant, the consent holder must provide to the Bay of Plenty Regional Council a report from an independent and

appropriately qualified air quality professional, which verifies that the design and installation of the plant is in accordance with conditions 10, 14 and 15.

10. Emissions from the asphalt plant shall be discharged via a stack that is at least 27.6 metres in height relative to ground level.

11. The discharge of total suspended particulate (TSP) from the asphalt plant stack must not exceed a concentration of 30 mg/m^3, corrected to zero degrees Celsius and one atmosphere pressure on a dry gas basis.

12. The mass discharge of particulate matter from the asphalt plant shall not exceed 1.0 kg/hr.

13. The consent holder must operate and maintain the fuel combustion equipment and the air emission control equipment in a manner that minimises, as far as practicable, the discharge of contaminants into the air from the asphalt plant stack.

14. The consent holder shall ensure:

    (a) Air from the aggregate drying drum is extracted to a baghouse filtration unit prior to discharge via the asphalt plant stack;
    (b) Air from the mixer and mixer tower is recirculated to the combustion zone of the dryer drum burner, and
    (c) Air from the hotmix storage bins is extracted to a bluesmoke aerosol filtration system and discharged via the asphalt plant stack.

15. The baghouse filtration unit must be fitted with differential pressure monitoring. Monitoring of the system during operation shall establish the appropriate range for the pressure drop, and alarm set points for abnormal operating conditions, and the response to alarms must be included in the air quality management plan.

16. The consent holder shall ensure that all bitumen storage tanks are not heated above 165^C, have failsafe thermostats and are vented through a water filtration system.

17. The aggregate stockpiles, yards and associated processes shall be managed in such a way as to keep fugitive dust emissions to a practicable minimum. Measures must include at least the following:
    (a) The yard surfaces must be kept clean and free of surface dust as far as practicable;
    (b) The site shall be swept of loose debris at least once per week.
    (c) Aggregate stockpiles liable to be dusty if dry shall be covered and/or sheltered from prevailing winds, in order to minimise emissions from this source;
    (d) Sprinkler systems must be fitted and used to control dust;
    (e) Vehicle speeds shall be controlled to minimise dust emissions; and
    (f) High traffic areas of the site shall be sealed.

18. The aggregate drying drum burner must be serviced at least annually to ensure efficient operation. Servicing must include setting of the air to fuel ratios to minimise the generation of products of incomplete combustion of the fuel. Air emissions control equipment (including the baghouse and bluesmoke aerosol filter) must also be serviced at least annually. Service documentation must be made available to the Bay of Plenty Regional Council on request at all reasonable times and a copy must be forwarded to the Bay of Plenty Regional Council annually.

19. Hot mix cut-back asphalt shall not be manufactured on the site.

    Advice note: Cut-back asphalt is asphalt manufactured with bitumen that is cut with kerosene or mineral diesel as a hot or high temperature process

20. The only fuels permitted to be used in the asphalt plant are natural gas, automotive diesel oil, biodiesel or used lubricating oil (ULO). When ULO is burnt it must not exceed a fuel burning rate of 1000 kg/hr and it must meet the following specifications:
    (a) Contaminant Allowable level Sulphur content 5,000 ppm w/w (0.5 %) or less;
    (b) Arsenic 5 ppm w/w or less;
    (c) Cadmium 2 ppm w/w or less;
    (d) Copper 100 ppm w/w;
    (e) Chromium 10 ppm w/w or less; and
    (f) Lead 100 ppm w/w or less.

21. The consent holder must maintain a log of the source of ULO and the volume used per annum. This log must be made available to the Bay of Plenty Regional Council at all reasonable times.

22. The consent holder must collect a representative sample of each delivery of ULO supplied and after every third delivery, combine the three samples and test the composite sample to determine compliance with Condition 20. Results of the testing must be made available to the Bay of Plenty Regional Council on request at all reasonable times and forwarded to the Bay of Plenty Regional Council annually. Following no less than two years' worth of compliant sampling results, the consent holder may submit a proposal to the Bay of Plenty Regional Council to reduce ULO monitoring frequency. Any proposed monitoring alteration must be accompanied by relevant details and justification that the reduced frequency will provide reasonable representation of the quality of waste oil. The consent holder must not implement any ULO monitoring changes until certification from the Bay of Plenty Regional Council has been provided to confirm that the monitoring frequency will provide for representative monitoring.

23. Neither mineral diesel oil nor kerosene shall be used as release agents on the trays of any vehicles, including trucks and trailers, receiving hot mix products.

Monitoring

24. Sampling ports must be installed and maintained to enable the testing of emissions from the asphalt plant stack. The sampling port must be an internally threaded British Standard Pipe (BSP) fitting of six inches (or greater) internal diameter (ID). As far as practicable this should be a location at least 7 duct diameters downstream and 2 duct diameters upstream of any bend, obstruction, inlet, fan, or exit. Safe access for sampling must be provided.

25. The consent holder must test stack emissions for Total Suspended Particulate annually to demonstrate compliance with Conditions 11 and 12 of this consent. Testing must be done under normal plant operating conditions using USEPA, ISO or ASTM, or an equivalent method agreed with the Bay of Plenty Regional Council, by persons experienced in the use of such methods. Each sampling occasion shall comprise a minimum of three tests. The plant operating conditions during the test period must be recorded and reported. The consent holder must notify the Bay of Plenty Regional Council at least 48 hours prior to the testing taking place and shall forward the results of all emissions testing to the bay of Plenty Regional Council and mandated representatives of Ngāti Kuku hapu no later than one month after receiving the results of the testing. Any test that fails to comply must be repeated as soon as practicable and at least within 2 months of the previous test.

26. Irrespective of the annual testing interval specified in Condition 25, the consent holder shall ensure that stack emission testing, in accordance with Condition 25, is undertaken on at least one occasion and within one month of the first time that waste oil is used as a fuel source for asphalt manufacture. Testing must be undertaken while ULO is being combusted.

Air quality Management

27. Prior to any discharge occurring under this consent, the consent holder shall submit an Air Quality Management Plan (AQMP) to the Bay of Plenty Regional Council for certification. As a minimum the AQMP must address the following specific matters:

    (a) A description of the facilities and maintenance procedures;
    (b) Procedures for responding to abnormal operation, in particular equipment fire;
    (c) Procedures to monitor for bag-house failures, in particular the use of differential pressure monitoring, and the shutdown of the plant in the event of suspected filter failure;
    (d) Methods for controlling vehicle speeds on site and the sealing of high traffic areas of the site;
    (e) Fugitive dust management in the yard and aggregate handling areas;
    (f) Operation of asphalt plant to minimise odour;
    (g) Operation of ancillary activities (e.g. bitumen storage and transfer) to minimise odour;
    (h) Bitumen tank water filter maintenance and servicing;
    (i) Complaint response procedures and contact telephone numbers for parties who are responsible for responding to complaints;
    (j) Individual responsibilities for staff of the consent holder, including responsibility for ensuring the effective application of the measures identified above;
    (k) Procedures for reporting the required information to mandated representatives of Ngāti Kuku hapu; and
    (l) Procedures for keeping the AQMP up to date.

    Except where the Bay of Plenty Regional Council provides notice in writing that it refuses to certify the AQMP (or any proposed changes to it), then should certification not be provided within 20 working days, the consent holder shall regard the AQMP (or any proposed changes to it) as being deemed to have been certified.

    Advice Note: The certification (or withholding of certification) shall be limited to the Council's assessment of whether Condition 27 (matters (i) through (xi)) have been addressed in sufficient detail so as to ensure that the AQMP achieves the objectives of this Condition.

28. The AQMP must be maintained and reviewed every two years by a suitably qualified and experienced person(s) to ensure that it documents how compliance will be achieved with the conditions of this consent. The consent holder must provide a copy of any subsequent revisions of or amendments to the AQMP for certification by the Bay of Plenty Regional Council.

29. Subject to any other condition of this consent the AQMP must be implemented, and all activities must be undertaken in accordance with the latest version of the AQMP certified by the Council.

30. As part of the preparation of the AQMP, the consent holder must provide mandated representatives of Ngāti Kuku hapu with a draft copy of the AQMP for review and comment at least 30 working days prior to submitting it to the Bay of Plenty Regional Council for certification.

    Advice Note: Should Ngāti Kuku hapu choose not to accept the offer to provide feedback on the draft AQMP, or do not respond to the offer within the timeframe set out above, that does not constitute a non-compliance of this consent condition.

Complaints log

31. The consent holder must maintain a log of all complaints (including those received via third parties including the Bay of Plenty Regional Council) regarding dust, odour, or other

contaminants. The consent holder must notify the Bay of Plenty Regional Council of each complaint within 48 hours of receiving the complaint. The consent holder must record the following details in the complaint log:

(a) Time and type of complaint, including details of the alleged incident, i.e. duration, location, character, intensity and any effects noted (where known and reported by the complainant);
(b) Name, address and contact phone number of the complainant (if provided);
(c) As far as practicable, the weather conditions including wind speed and direction at the time of the alleged incident;
(d) The likely cause of the alleged incident and the response made by the consent holder including any corrective action undertaken;
(e) Future actions proposed as a result of the complaint; and
(f) The response from the consent holder to the complainant.

The complaint log must be made available to the Bay of Plenty Regional Council at all reasonable times and a copy must be forwarded to the Bay of Plenty Regional Council annually.

Mātauranga Māori Environmental Monitoring Plan

32. The consent holder must prepare a Mātauranga Māori Environmental Monitoring Plan (MMEMP) prior to exercising this consent. The purpose of the MMEMP is to establish a methodology to monitor cultural values of the natural environment within and around the Site for the duration of this consent. To achieve this purpose, the MMEMP must include:

    (a) A methodology, established with Ngāti Kuku hapu to monitor the health of the environment; and
    (b) Locations of monitoring points for site discharges.

33. The MMEMP required by Condition 32 must be developed with Ngāti Kuku hapu. In this respect, the consent holder must arrange a hui to discuss the contents of the MMEMP and must provide Ngāti Kuku hapu an invitation to attend the hui no less than 30 working days ahead of the hui date. The final MMEMP must be provided to Ngāti Kuku hapu for comment at least 20 working days prior to submitting the MMEMP to the Bay of Plenty Regional Council for information. Implementation of the MMEMP must include the following:

    (a) An initial monitoring survey to be undertaken by Ngāti Kuku hapu prior to works associated with the Asphalt Plant replacement commencing; and
    (b) Unless otherwise agreed with Ngāti Kuku hapu, ongoing monitoring survey at least every two years on average thereafter. Any changes proposed to the MMEMP, or its implementation, must be confirmed in writing by the consent holder following consultation with Ngāti Kuku hapu, prior to the implementation of any changes proposed.

    Advice Note: Should Ngāti Kuku hapu choose not to take up the offer to consult with the consent holder in respect of preparing the MMEMP or attend a hui to discuss the preparation of the MMEMP, or choose not to, or is for any reason, not able to carry out the cultural monitoring set out in the MMEMP, these circumstances do not constitute non-compliances of this consent condition.

Reporting

34. The consent holder must notify the Bay of Plenty Regional Council at least 24 hours prior to the first exercise of this resource consent.

35. The consent holder must notify the Bay of Plenty Regional Council as soon as practicable, and as a minimum requirement within 24 hours, of the consent holder becoming aware of

any accidental discharge, plant breakdown, or other circumstances which are likely to result in the performance standards of this resource consent being exceeded. The consent holder must, within 7 days of the incident occurring, provide a written report to the Bay of Plenty Regional Council, identifying the issue, whether there was an exceedance, possible causes, steps undertaken to remedy the effects of the incident and measures that will be undertaken to ensure future compliance.

Greenhouse Gas Emissions Plan

36. No later than 2 years after the granting of this consent, the consent holder must provide a final Greenhouse Gas (GHG) Emissions Plan to the Bay of Plenty Regional Council, prepared in accordance with the purpose and content as set out in Regulation 15 of the Resource Management (National Environmental Standards for Greenhouse Gas Emissions from Industrial Process Heat) Regulations 2023.

Review of Best Practicable Option for Minimising Discharges of Contaminants to Air

37. Once every 10 years from the granting of this consent, the consent holder must provide a report to the Bay of Plenty Regional Council, from an appropriately qualified professional, that investigates and evaluates alternative technologies to address whether the existing systems still represent the best practicable option for minimising discharges of contaminants to air. The report shall include, but not be limited to, investigation and evaluation of:
    (a) alternative fuels used in the asphalt plant.
    (b) control techniques and stack emissions testing for NO2, and the practicality of using these at the asphalt plant.

    Advice Note: The report may be independently reviewed and if it is concluded by that review that the best practicable option has been redefined, the Bay of Plenty Council may negotiate with the consent holder an appropriate time period for implementation of measures to adopt the advanced technology.

    [Possible additional conditions here requiring transition to natural gas fuel sources within a set timeframe. Matter for discussion at hearing as recommended in Section 87F report].

Review of consent conditions

38. The Bay of Plenty Regional Council may within three months of commissioning of the asphalt plant, and every two years thereafter, or in the three-month period after the receipt of a report in accordance with Condition 31 and 23, serve notice on the consent holder of its intention to review the conditions of this resource consent for the following purposes:

    (a) To review the effectiveness of the conditions of this consent in avoiding or mitigating any adverse effects on the environment, including cumulative effects which may arise from the exercise of the permit, and which it is appropriate to deal with at a later stage, or which become evident after the date of commencement of the permit;
    (b) To review the adequacy of and the necessity for monitoring undertaken by the consent holder;
    (c) Where results from the testing undertaken to comply with Conditions 12 and 20 show that the limits in Conditions 12 and 20 are being exceeded;
    (d) To respond to an analysis of the complaints register where substantiated complaints are occurring more than once per month;
    (e) To require the adoption of the best practicable option to remove or reduce any adverse effects on the environment;
    (f) Ensuring that the conditions of this consent are effective in avoiding and mitigating adverse effects;

(g) Ensuring that the monitoring and reporting required by this consent are sufficient and necessary, in particular the need for monitoring of particulate matter or odour emissions from the asphalt plant;
(h) If appropriate, adding to, deleting, or amending the conditions, to avoid, remedy or mitigate such effects, or adding to, deleting, or amending the monitoring and reporting conditions, or amending the timing and frequency of subsequent reviews; and
(i) To ensure the conditions of this consent are consistent with any National Environmental Standard; other Regulations; and relevant Regional Plan, Regional Policy Statement or National Policy Statement promulgated under the Resource Management Act 1991 or replacement legislation.

Resource Management Charges

39. The consent holder shall pay the Bay of Plenty Regional Council any administrative charges, which are fixed in accordance with section 36 of the Resource Management Act 1991.

Term of Consent

40. This consent shall expire on [35 years sought].

The Consent

41. This consent is granted under the Resource Management Act 1991 and is not an authority under any other act, regulation or bylaw.

Appendix E

Assessment against relevant City Plan policies

Note – This table has been reproduced from the Application. All supplementary assessment is shown in *red and italics*.

Provision ref.	Provision title	Content	Assessment from Application	*Council Officer Comment*
4B.1.2	Objective – Maintaining a Sustainable Transport Network	Transport-related effects of the subdivision, use and development of land do not compromise the integrated, safe, sustainable and efficient function of the transport network within the sub-region.	The proposal will maintain the safe and efficient function. the transport network. Traffic generation will not change from that of the existing consented activity. Visibility to or from vehicle access points and intersections is appropriate for the specified legal speed limit of that road. The proposed access arrangement with one way flow will enhance the safety of pedestrian and vehicle movements within the site and mitigate adverse effects on the safe and efficient operation of the transport network.	*Agree with assessment provided.*
4B.1.2.1	Policy – Use of Land	Ensuring the pattern of subdivision, use and development of land occurs in a co-ordinated and comprehensive manner that optimises land availability whilst integrating with the transport network to maintain its safe and efficient function.		*Agree with assessment provided.*
4B.1.2.2	Policy – Maintaining Road Function	By ensuring that traffic generation associated with the subdivision, use and development of land does not adversely affect the primary function of roads within the road hierarchy.		*Agree with assessment provided.*
4B.1.2.4	Policy – Access Visibility	By ensuring that visibility to or from vehicle access points and intersections is appropriate for the specified legal speed limit of that road.		*Agree with assessment provided.*
4B.1.2.5	Policy – Access Location and	By ensuring the location of vehicle entry and exit points and / or points of service maintain the safety of pedestrian and vehicle movements		*Condition has been recommended to reduce width of crossover to Aerodrome Road as existing wider*

Provision ref.	Provision title	Content	Assessment from Application	*Council Officer Comment*
	Points of Service	within the site and avoid, remedy or mitigate adverse effects on the safe and efficient operation of the transport network (including the function of roads as identified in the road hierarchy).		*crossover may lead to higher speeds.*
4C1.1.1 – 4C.1.1.4	*Stability, Sediment runoff, Flood-prone areas, Contaminated soils*	*Policies relevant to earthworks/construction.*	*None provided*	*These policies are relevant to the earthworks/construction phase of development, proposal is considered compliant.*
4E.1.1	Objective – Noise	The generation of noise is reasonable for the nature and scale of individual activities, recognising the purpose and character of the underlying zone whilst minimising annoyance and disturbance on surrounding activities and sensitive zones.	Given the site is in an existing established industrial zone with low sensitivity, and considering the calculated noise levels and noise character, noise levels will remain reasonable, with no adverse noise amenity effects. Sensitive activities will not be affected by noise from the asphalt plant.	*Noise effects assessed as acceptable. Generally agree with assessment provided.*
4E.1.1.1	Policy – Noise from Non-Residential Activities	By ensuring non-residential activities and roadside cabinets do not generate noise levels normally considered unacceptable in sensitive zones or create noise levels which are unreasonable for occupiers of adjoining or adjacent properties.		
6A.1.9	Objective – Urban	The City's urban landscape character values are maintained and enhanced.	The site is well suited for the proposal and any landscape and	*Agree with assessment provided.*

Provision ref.	Provision title	Content	Assessment from Application	*Council Officer Comment*
	Landscape Character		visual amenity effects arising from the proposal on the receiving environment are acceptable. The exceedance of the 18m height standard of the Industry Zone will not be a prominent feature within the environment. Where visible, the proposal will be seen within the context of the surrounding industrial land uses and structures, including the wider Mount Maunganui Industrial area and the Port of Tauranga. The site is not located and the interface between different land uses. The site is not located at the interface between private and public space. Natural waterways and drainage patterns; are not affected. The site is not located within any specific landscape overlay and there are no known landscape values that require protection. The height of the proposal is below the 32m high floor of the protected viewshaft of Mauao	
6A.1.9.1	Policy - Maintenance and Enhancement of Landscape Character in Urban Areas	By ensuring that subdivision, use and development does not adversely affect the landscape character values of urban areas by: a. Maintaining and enhancing the characteristics and elements that determine the character and amenity of the surrounding area; b. Ensuring the bulk and scale of the built form is compatible with that anticipated in the surrounding area; c. Maintaining and enhancing amenity between different land uses by screening, buffering or otherwise providing an appropriate interface treatment; d. Achieving a high amenity interface between private and public space; e. Protecting and enhancing natural waterways and drainage patterns; f. Protecting areas of cultural or heritage value;		

Provision ref.	Provision title	Content	Assessment from Application	*Council Officer Comment*
		g. Maintaining and enhancing indigenous vegetation, notable trees and heritage trees; h. Recognising that the landscape character values in urban growth areas will change through the subdivision, use and development process; i. Managing the interface between urban activities and adjoining landscapes to maintain the integrity of identified outstanding natural features and landscapes and important amenity landscapes; j. Ensuring the effects of activities maintain and enhance the factors, values and associations of outstanding natural features and landscapes and/or important amenity landscapes.	from the Tahuwhakatiki Marae viewing point. There is no indigenous vegetation, notable trees and heritage trees on the site. The site is not in an urban growth area. The site is not at the interface between urban activities and adjoining landscapes. The proposal does not affect any outstanding natural features and landscapes or important amenity landscapes.	
6A.1.12.1	*Views to Mauao*	*Views of Mauao from marae in the City are identified and protected from obstruction by buildings and structures.*	*Not provided*	*Proposed stack height is below floor of viewshaft protection area. Proposal complies.*
8D.1.1	Objective - Avoidance or mitigation of	The flood risk to life, property and infrastructure resulting from subdivision, use and	Water carrying capacity will be maintained.	*Agree with assessment provided.*

Provision ref.	Provision title	Content	Assessment from Application	*Council Officer Comment*
	flooding from intense rainfall	development of land is reduced over time taking into account the effects of climate change.	Water storage capacity will be maintained. The overland flow path will not be obstructed. Risk is not transferred to others. The buildings are not habitable but provide the freeboard in any event. Flood flows are less than 300mm depth in an extreme event and there is no significant safety issue. The buildings are not habitable but provide the freeboard in any event. Risk is not transferred to others The plant is located outside the floodable area. Aggregate storage is resilient and not affected by flooding. Impervious surface rules do not apply in the Industrial Zone.	
8D.1.1.2	Policy - Overland Flowpaths - General	Maintain the function of overland flowpaths to safely convey flood water and reduce risk to life, property and infrastructure by:		*Agree with assessment provided.*
		a) Maintaining the water carrying capacity of an overland flowpath;		
		b) Maintaining the water storage capacity of a major overland flowpath;		
		c) Restricting activities that may obstruct an overland flowpath;		
		d) Ensuring that the risk of flooding is not transferred to other people, property or infrastructure; and		
		e) Ensuring that the minimum freeboard level of habitable rooms is 500mm above the		
		f) Demonstrating that a safe evacuation route or refuge during flood events is provided.		
8D.1.1.4		Requiring new buildings and additions to existing buildings (other than social		

Provision ref.	Provision title	Content	Assessment from Application	*Council Officer Comment*
	Policy – Flood Prone Area - General	and cultural buildings and critical buildings) within the flood prone area to mitigate risks from flood hazards by: a) Requiring that the minimum freeboard level of habitable rooms is 500mm above the flood level b) Ensuring that the risk of flooding is not transferred to other people, property or c) Ensuring that business and industrial activities are designed to minimise damage to goods and internal fittings caused by flooding		
8D.1.1.6	Policy - Impervious surfaces	Restrict on site impervious surfaces to manage the amount of stormwater run-off generated by a development and ensure that adverse effects of flooding are avoided or mitigated.		
9A.1.1	Objective - Prevention or Mitigation of Adverse Environmental Effects and Minimisation of Risk	Adverse environmental effects and/or risks to human health, property and/or the receiving environment associated with facilities and activities involving the manufacture, storage, use, transportation and/or disposal of hazardous substances are prevented or mitigated.	Potential effects on the environment will be managed through storing hazardous substances in a secondary containment bund (liquids) and appropriate design and maintenance of containers, upgraded stormwater disposal system with diversion of runoff higher risk operational areas to trade waste that will avoid contaminants	*Agree with assessment provided.*
9A.1.1.1	Policy - Location of	By ensuring that facilities involving the manufacture, storage, use, disposal and transportation of hazardous		

Provision ref.	Provision title	Content	Assessment from Application	*Council Officer Comment*
	Hazardous Facilities	substances are located so the risk to the wider environment is prevented or mitigated. In particular, facilities should avoid locating adjacent to water bodies, residential areas or other sensitive receiving environments unless the potential adverse effects of any failure of the facility, storage device or systems can be avoided.	entering the stormwater system and downstream water bodies. The final design will be reviewed and certified for compliance against the applicable hazardous substances regulations once the new facility is complete, and prior to operation of the processes. A final Environmental Management Plan will be submitted for certification incorporating detailed procedures and protocols to minimise hazards, including an Emergency Response Plan There will be no increase in risk to the natural or physical environment, or to the safety, health or well-being of people and communities.	
9A.1.1.2	Policy - Design and Management of Hazardous Facilities	By ensuring that facilities involving the manufacture, storage, use, disposal or transportation of hazardous substances are designed, constructed and managed to prevent or mitigate adverse environmental effects and minimise risks to the environment.		
9A.1.1.3	Policy – Risk Management	By ensuring that all hazardous substances facilities have emergency contingency plans or strategies capable of avoiding, remedying or mitigating adverse environmental effects upon failure of the facility, primary storage device or accidental spill or release during handling or transfer.		
9A.1.1.4	Policy - Storage and Use of Hazardous Substances	By ensuring that the storage or use of hazardous substances does not result in cumulative adverse effects, particularly through increased risk to		

Provision ref.	Provision title	Content	Assessment from Application	*Council Officer Comment*
		the natural or physical environment, or to the safety, health or well-being of people and communities.		
12G.1.1	Objective – Services and Infrastructure	The provision of effective, efficient, functional, safe and sustainable services, infrastructure and network utilities throughout the City.	Roads and three waters are connected to a Council owned system. Demand on infrastructure will be unchanged, other than the addition of a trade waste discharge which will comply with the trade waste bylaw. Demand on broader service or infrastructure supply will be unchanged The asphalt manufacturing activity is permitted in the industrial zone.	*Agree with assessment provided.*
12G.1.1.1	Policy – Services	Ensuring that the subdivision, use and development of land will provide for a level of on-site services, infrastructure and network utilities that: a. Connects to a Council owned system where appropriate; b. Avoids generating an unanticipated level of demand on infrastructure, service or network utility capacity that is not able to be remedied or mitigated; c. Do not compromise existing service or infrastructure supply in the broader area; and d. Are consistent with the purpose of the underlying zone		
9B.1.2	Objective - Managing Risks for	Significant risks to human health and the environment posed by remediation, subdivision, use and development of		*Agree with assessment provided.*

Provision ref.	Provision title	Content	Assessment from Application	*Council Officer Comment*
	Contaminated Land	contaminated land are prevented or mitigated.	The activity will not be changing in a way that will increase risks to human health and the environment. There will be limited disturbance of the land which will be strictly managed under a Contaminated Soils Management Plan.	
9B.1.2.1	Policy – Prevention or Mitigation of Adverse Effects for Contaminated Land	By ensuring that all remediation, subdivision, use and development of land affected by soil contamination prevents or mitigates adverse effects and significant risk on human health and the environment.		
9B.1.2.2	Policy – Management Measures for Contaminated Land	By requiring management measures for contaminated land that provide for remediation, or containment, or disposal of contaminated soil, so the level of contamination is appropriate for any likely future use of the land.		
9B.1.2.3	Policy – Risk Management for Use of Contaminated Land	By ensuring that exposure from the on-going use of land affected by soil contaminants is managed in a way that prevents or mitigates any adverse effects on human health and the environment.		
18A.5.1	Objective - Location of Industrial Land Use	Industrial land use and development is clustered in specific locations throughout the City to provide convenient and efficient access to the transport network, avoid conflict with sensitive land use, and provide for both	The application site will provide convenient and efficient access to the transport network, avoid conflict with sensitive land use, and provide	*Agree with assessment provided.*

Provision ref.	Provision title	Content	Assessment from Application	*Council Officer Comment*
		efficiency and a choice of means of access for employees.	for both efficiency and a choice of means of access for employees. The proposal will maintain the landscape character of the locality, which is characterised by large industrial buildings and structures. The proposal is not readily visible from surrounding zones and will not compromise amenity. Building form is appropriate and use of recessive colours will reduce its visibility.	
18A.5.1.2	Policy – Efficiency of the Transport Network	By ensuring that impacts on the transport network and sensitive zones are minimised by providing for industrial land use within Industrial Zones that: a. Are located near to main roads, rail and sea transport routes; b. Provide efficient access to and for employees; c. Provide efficient integration with the transport network consistent with the objectives and policies described in Chapter 4 – General Rules Provisions of the Plan.		
18A.6.1	Objective – Bulk and Scale of Buildings in Industry Zone	Buildings are of a bulk and scale sufficient to provide for the needs of industry while not compromising landscape character or the amenity of adjacent zones.		
18A.6.1.1	Policy – Bulk and Scale of Buildings in Industry Zone	By limiting industrial development within the Industry Zone to a building envelope sufficient to provide for that development, while: a. Ensuring the maintenance of the landscape character of the locality;		

Provision ref.	Provision title	Content	Assessment from Application	*Council Officer Comment*
		b. Ensuring the amenity of surrounding zones is not compromised; c. Ensuring the effects of development is mitigated by the inclusion of large specimen plantings and appropriate building form, where the provided building envelope is exceeded.		

Appendix F

Assessment against relevant RNRP policies

Note – This table has been reproduced from the Application. All supplementary assessment is shown in *red and italics*.

Chapter	Provision	Summary	Assessment from Application	*Council Officer Comment*
Air	AIR -01	Protection of the mauri of air and human health from adverse effects of anthropogenic contaminant discharges to air.	*None provided.*	*Refer assessment below for Policies AIR P1 – AIR P4 which given effect to these objectives in greater detail.*
	AIR -02	The region's ambient air quality meets the National Environmental Standards for Air Quality (2004) (or its amendment or replacement).		
	AIR - 02	Sustainable management of discharges of contaminants to air according to their adverse effects on human health, cultural values, amenity values and the receiving environment.		
	AIR - P1	Classification of activities — Te wehewehenga o ngā mahinga Provide for the discharge of contaminants to air by: (1) permitting discharges from activities where the discharge can be suitably managed with general conditions to avoid, remedy or mitigate any adverse effects of the discharge; (2) managing all other discharges where (1) does not apply, as controlled, restricted	An air discharge from asphalt manufacturing is a Discretionary Activity.	*No further comment.*

Chapter	Provision	Summary	Assessment from Application	*Council Officer Comment*
		discretionary, discretionary, or non-complying activities.		
	AIR - P2	Seek to avoid adverse effects from discharges of hazardous substances and hazardous air pollutants to air and where avoidance is not practicable, remedy or mitigate the adverse effects of the discharge using the best practicable option.	Adverse effects from discharges of hazardous substances and hazardous air pollutants to air will be mitigated using the best practicable option.	*Accept assessment provided but note that operation of plant using natural gas as a fuel is considered the BPO.*
	AIR-P3	Activities that discharge contaminants to air must be managed, including by use of the best practicable option, to:		*Note that operation of plant using natural gas as a fuel is considered the BPO.*
		(1) safeguard the life supporting capacity of the air, protect human health, and avoid, remedy or mitigate adverse effects on cultural values, amenity values, and the environment.	The proposal mitigates adverse effects on cultural values, amenity values, and the environment by adopting best practice technology and processes. The conditions include periodic reviews of technology and processes to ensure best practice is maintained for the life of the plant.	*Do not agree that adverse effects on cultural values are being mitigated.*
		(2) avoid the discharge of contaminants at a rate or volume that may cause an exceedance or breach of the ambient air quality standards of the National Environmental Standards for Air	The predicted ground level concentrations, using conservative assumptions, indicate that the effects of emissions from the proposed	*Accept assessment provided. Note that ambient air quality guidelines do not have a standard for odour. Conditions recommended to limit odour from existing plant.*

Chapter	Provision	Summary	Assessment from Application	*Council Officer Comment*
		Quality (or its replacement or amendment).	plant are well below relevant air quality assessment criteria.	
		(3) avoid reduction in visibility where it may cause adverse effects on vehicle, aircraft, or ship safety	The discharge will not reduce visibility where it may cause adverse effects on vehicle, aircraft, or ship safety	*Accept assessment provided.*
		(4) avoid, remedy or mitigate the discharge of contaminants that may cause adverse effects on regionally significant infrastructure or regionally significant industry.	The discharge will not cause adverse effects on regionally significant infrastructure or regionally significant industry.	*Accept assessment provided.*
	Air – P4	Have particular regard to the following matters when considering the acceptability of any discharge of contaminants to air:		
		(1) The proximity of sensitive areas to the discharge including the effect of new activities discharging contaminants into air near established sensitive areas.	Sensitive areas have been considered in the AQA, and appropriate separation distance are provided.	*Accept assessment provided.*
		(2) Areas where the discharge may cause an exceedance or breach of the ambient air quality standards of the National Environmental Standards for Air Quality or exceed the Health-based Guideline Values in Table 1 of the Ambient Air Quality	There are no areas where the discharge may cause an exceedance or breach of the relevant standards or guidelines.	*Accept assessment provided. Note that ambient air quality guidelines do not have a standard for odour.*

Chapter	Provision	Summary	Assessment from Application	*Council Officer Comment*
		Guidelines (or their replacements or amendments).		
		(3) Adverse effects on air quality values identified in the relevant iwi and hapū resource management plans during assessments of resource consent applications.	The proximity of marae, papakainga, Kura Kaupapa, kohanga reo have been considered in the AQA and appropriate separation distance are provided.	*No air quality values expressed in iwi and hapu management plans of specific relevance.*
		(4) The effect of the prevailing weather conditions, including rainfall, wind speed and wind direction.	Prevailing weather conditions, including rainfall, wind speed and wind direction have been included in the dispersion modelling used in the AQA.	*Accept assessment provided.*
		(5) The effect of the discharge on human health, cultural values, amenity values, the environment, and regionally significant infrastructure.	The proposal mitigates effects on human health, cultural values, amenity values, and the environment to an acceptable level, in compliance with all applicable standards and guidelines. The discharge will not cause adverse effects on regionally significant infrastructure or regionally significant industry.	*Despite significant adverse effects on some cultural values, it has been noted that the proposal is physically separated from the marae by some distance and will not have an impact on the health and wellbeing of Ngāti Kuku and its people in a physical sense.*
		(6) Cumulative effects.	The predicted ground level concentrations, using conservative assumptions, indicate that the cumulative effects of emissions of from the	*The cumulative effects of discharges from the Mount Industrial area are recognised, however, while the proposal will make a small contribution to this*

Chapter	Provision	Summary	Assessment from Application	*Council Officer Comment*
			proposed plant are well below relevant air quality assessment criteria.	*adverse effect, it will also contribute to a cumulative reduction in contaminants being discharged to the airshed.*
		(7) Whether a change to an activity expressly allowed by an existing resource consent will cause a net increase of particulates into an airshed in breach of the ambient air quality standard for particulates of the National Environmental Standards for Air Quality.	The proposal will result in a net reduction of particulates into the Mount Maunganui airshed.	*Accept assessment provided.*
		(8) The operational requirements and locational constraints relevant to the discharge and/or activity, for example for rural production activities.	The site is centrally located in the Tauranga/Western Bay of plenty subregion, and highly accessible to raw material inputs and the freighting of asphalt to construction sites.	*Accept assessment provided.*
		(9) Any other recognised air quality guidelines or standards (not listed) that are appropriate to the discharge.	Other recognised air quality guidelines or standards have been considered in the AQA.	*Accept assessment provided.*
Discharges DW O16	Contaminated Land	The significant adverse effects of existing contaminated land are remedied or mitigated.	The activity will not be changing in a way that will increase risks to human health and the environment. There will be minimal disturbance of the land which will be strictly managed	*Accept assessment provided.*
DW P22	Contaminated Land	To encourage remediation of contaminated land, where such land poses a significant risk of adverse effects		

Chapter	Provision	Summary	Assessment from Application	*Council Officer Comment*
		to water, ecosystems, the life-supporting capacity of soil or public health.	under a Contaminated Soils Management Plan Nationally accepted environmental and health guidelines, standards for soil contamination have been applied in the assessment. Effects will be managed under a Contaminated Soils Management Plan.	
DW P23	Contaminated Land	To use nationally accepted environmental and health guidelines, standards for soil and water contamination, and standards for discharges from contaminated land, when undertaking contaminated land investigations in order to determine whether a site poses a significant risk of adverse effects.		
DW P24	Contaminated Land	To use processes under the Act or any other legislation to ensure that any potential adverse effects caused by remediation or disturbance of contaminated land are avoided, remedied or mitigated.		
DW O8 (Objective 30)	Stormwater	Integrated and comprehensive management of stormwater within a catchment or sub-catchment framework, where practicable.	The Mount Maunganui Industrial Area has an existing CSDC and SMP in place. The discharge consent will be transferred into this consent and be subject to the same terms and conditions.	*Accept assessment provided.*
DW O9 (Objective 31)	Stormwater	Improvement, where necessary, to the quality of stormwater discharged to the environment.	SW systems on the site will be upgraded and will ensure to compliance with water quality standards.	*Accept assessment provided.*

Chapter	Provision	Summary	Assessment from Application	*Council Officer Comment*
DW O10 (Objective 32)	Stormwater	Erosion and scour caused or exacerbated by stormwater discharges is avoided, remedied or mitigated.	SW discharge is to an existing public SW network. There are no known erosion or scour issues attributed to the site.	*Accept assessment provided.*
DW O11 (Objective 33)	Stormwater	The volume of stormwater from urban areas and other sources that utilise stormwater systems that discharge to streams, rivers and lakes is minimised.	The land use is existing and not changing. There will be no increase in runoff rate or volume.	*Accept assessment provided.*
DW O12 (Objective 34)	Stormwater	Streams and rivers are not used as treatment systems for contaminated stormwater.	On site treatment is provided.	*Accept assessment provided.*
DW O13 (Objective 35	Stormwater	Stormwater is discharged to land, where appropriate.	Discharge to land is not appropriate in this case due to space restrictions, impervious areas, heavy vehicle loads and high water table.	*Accept assessment provided.*
DW O15 (Objective 37)	Stormwater	Stormwater discharges avoid, remedy or mitigate adverse effects on the ecological, natural character, landscape, recreational, and Maori cultural values of streams, rivers and lakes.	The proposal mitigates adverse effects on cultural values, amenity values, and the environment by adopting best practice technology and processes. Source controls will be used to avoid contamination. The best practicable option will be used, to be defined at final	*Accept assessment provided. Note that end of pipe limits as set by TCC comprehensive consent will not be compromised.*
DW P15 (Policy 51)	Stormwater	To require the appropriate management of stormwater quality, including: (a) The use of source controls to avoid the contamination of stormwater.		

Chapter	Provision	Summary	Assessment from Application	*Council Officer Comment*
		(b) The use of best practicable options. (c) Treatment of stormwater to prevent the contamination of receiving environments.	design stage, to achieve required water quality standards. Source controls will be used to prevent the contamination of receiving environments.	
DW P18 (Policy 54)	Stormwater	To require stormwater discharge rates and volumes, and stormwater discharge outlet structures, to be designed and managed to avoid or mitigate erosion and scour.	SW discharge is to an existing public SW network. There are no known erosion or scour issues attributed to the site.	*Accept assessment provided.*
DW P19 (Policy 55)	Stormwater	To encourage the minimisation of the volume of stormwater runoff discharged to the environment from urban areas.	The land use is exising and not changing. There will be no increase in runoff rate or volume.	*Accept assessment provided.*
DW P21 (Policy 57)	Stormwater	Where appropriate to the environmental limitations of the site, encourage the discharge of stormwater to land.	Discharge to land is not appropriate in this case due to space restrictions, impervious areas, heavy vehicle loads and high-water table.	*Accept assessment provided.*

Appendix G

Assessment against relevant RPS policies

Note – This table has been reproduced from the Application. All supplementary assessment is shown in *red and italics.*

RPS Chapter	**Provision**	**Provision summary**	**Assessment from Application**	***Council Officer Comment***
Air Quality	Objective 1	The adverse effects of odours, chemical emissions and particulates are avoided, remedied or mitigated so as to protect people and the environment.	The activity is located in an industrial zone with requirements that seek to limit sensitive activities locating in proximity. Some sensitive activities have been allowed to establish within 500m of the site, being worker accommodation in hangars at the airport and an early childhood centre. These activities will not be adversely affected by the air discharges. The adverse effects of odours, chemical emissions and particulates are mitigated by the application of best practicable option technology. The adverse effects of fine particulates are mitigated by the application of best practicable option technology and result in a net reduction.	*Agree with assessment provided. Note that operation of the plant using natural gas as a fuel is considered the best practicable option.*
	Policy AQ 1A:	Discouraging reverse sensitivity associated with odours, chemicals and particulates		
	Policy AQ 2A:	Managing adverse effects from the discharge of odours, chemicals, and particulates		
	Policy AQ 3A:	Managing adverse effects of fine particulate contamination		
Energy and Infrastructure	Objective 5	Provide for energy efficiency and conservation and promote the use and development of renewable energy sources	The new plant provides a resilient platform for progressive introduction of low carbon, renewable energy technology to the manufacturing process over the life of the plant. The new plant will reduce greenhouse gas emissions through the use of modern and efficient heating systems and provides a	*Agree with assessment provided.*
	Policy EI 1B:	Promoting the use and development of renewable energy sources		

RPS Chapter	Provision	Provision summary	Assessment from Application	*Council Officer Comment*
	Policy EI 2B:	Promoting energy efficiency and conservation	platform for ongoing introduction of low carbon technology.	
Integrated Resource Management	Objective 10	Cumulative effects of existing and new activities are appropriately managed	A precautionary approach has been taken by modelling of air quality effects based on full scale production that is well above typical operating levels, which is appropriately conservative in this case. The application considers all environmental effects as an integrated whole. The application is to replace an existing plant with a new plant with significantly improved emissions control technology. This will contribute to a reduction in cumulative air quality effects. The application considers all environmental effects as an integrated whole, with a single application addressing all environmental effects.	*Generally agree with assessment provided, however, accept that cumulative effects of discharges from Mount Industrial Area is unacceptable to the community.*
	Policy IR 1B:	Applying a precautionary approach to managing natural and physical resources		
	Policy IR 3B:	Adopting an integrated approach		
	Policy IR 5B:	Assessing cumulative effects		
	Policy IR 6B:	Promoting consistent and integrated management across jurisdictional boundaries		
	Objective 11	An integrated approach to resource management issues is adopted by resource users and decision makers	Modelling of air quality effects is based on full scale production that is well above typical operating levels, which is appropriately conservative in this case, given the sensitivity of the receiving environment.	*Agree with assessment provided.*
	Policy IR 1B:	Applying a precautionary approach to managing		

RPS Chapter	Provision	Provision summary	Assessment from Application	*Council Officer Comment*
		natural and physical resources	Climate change effects have been included as factors in stormwater assessment (increased flood risk) and air quality monitoring (Changed weather patterns). The application considers all environmental effects as an integrated whole, with a single application addressing all environmental effects. The application considers all environmental effects as an integrated whole.	
	Policy IR 2B:	Having regard to the likely effects of climate change		
	Policy IR 3B:	Adopting an integrated approach		
	Policy IR 5B:	Assessing cumulative effects		
	Objective 12	The timely exchange, consideration of and response to relevant information by all parties with an interest in the resolution of a resource management issue	The application considers all environmental effects as an integrated whole. Consultation with consent authority, community groups and iwi has identified the high level of concern about the asphalt plant operation and its contribution to emissions, including odour. The application process has included early engagement and consultation with manawhenua. Active protection will be provided through consent conditions. Information has been shared with tangata whenua to promote enagement on management measures.	*Some divergence in opinions regarding adequacy of consultation, however, the proposal has also been notified and tangata whenua have been given an opportunity to formally particulate through the submission process.*
	Policy IR 4B:	Using consultation in the identification and resolution of resource management issues.		
Iwi resource management	Policy IW 3B:	Recognising the Treaty in the exercise of functions and powers under the Act		
	Policy IW 6B:	Encouraging tangata whenua to identify measures to avoid,		

RPS Chapter	Provision	Provision summary	Assessment from Application	*Council Officer Comment*
		remedy or mitigate adverse cultural effects		
	Objective 13	Kaitiakitanga is recognised and the principles of the Treaty of Waitangi (Te Tiriti o Waitangi) are systematically taken into account in the practice of resource management	Proposed conditions seek to provide for kaitiakitanga. The application process has included early engagement and consultation. Active protection will be provided through consent conditions. Consultation has identified relevant resource management issues. Engagement is ongoing in an endeavour to resolve issues.	
	Policy IW 3B:	Recognising the Treaty in the exercise of functions and powers under the Act		*Refer comments in main Section 87 F report.*
	Policy IR 4B:	Using consultation in the identification and resolution of resource management issues		*Some divergence in opinions regarding adequacy of consultation.*
	Objective 15	Water, land, coastal and geothermal resource management decisions have regard to iwi and hapū resource management planning documents		*Refer comments in main Section 87 F report.*
	Policy IW 4B:	Taking into account iwi and hapū resource management plans	Iwi and hapū resource management plans have been taken into account.	

RPS Chapter	Provision	Provision summary	Assessment from Application	*Council Officer Comment*
	Policy IW 6B:	Encouraging tangata whenua to identify measures to avoid, remedy or mitigate adverse cultural effects	Consultation has identified relevant resource management issues. Engagement is ongoing in an endeavour to resolve issues.	*Some divergence in opinions regarding adequacy of consultation, however, the proposal has also been notified and tangata whenua have been given an opportunity to formally particulate through the submission process.*
	Objective 17	The mauri of water, land, air and geothermal resources is safeguarded and where it is degraded, where appropriate, it is enhanced over time	The proposed upgraded plant will significantly reduce contaminant emissions enhancing the mauri of air and water, both of which are degraded.	*Agree with assessment provided.*
	Policy IW 5B	Adverse effects on matters of significance to Māori		*Refer comments in main Section 87 F report.*
	Objective 21	Recognition of and provision for the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga	Consultation has identified relevant resource management issues. Engagement is ongoing in an endeavour to resolve issues. Consultation has identified relevant resource management issues. Engagement is ongoing in an endeavour to resolve issues.	*Refer comments in main Section 87 F report.*
	Policy IW 2B:	Recognising matters of significance to Māori		
	Policy IW 5B:	Adverse effects on matters of significance to Māori		

RPS Chapter	Provision	Provision summary	Assessment from Application	*Council Officer Comment*
Urban Growth	Objective 23	A compact, well designed and sustainable urban form that effectively and efficiently accommodates the region's urban growth	The proposal is an urban activity within defined urban limits. Council has provided for business land in appropriate locations to meet the economic and social growth needs of the subregion.	*Agree with assessment provided.*
	Policy UG 14B	Restricting urban activities outside the urban limits – Western Bay of Plenty sub-region.		
	Policy UG 16B	Providing for new business land – western Bay of Plenty subregion		
Water Quality and land use	Objective 27	The quality and mauri of water in the region is maintained or, where necessary to meet the identified values associated with its required use and protection, enhanced	The requirements of the CSDC and associated SW Management Plan are met by the proposed management of stormwater runoff and site management during construction. Discharge effects will be managed on the site.	*Agree with assessment provided.*
	Policy WL 1B:	Enabling land use change		
	Objective 29	Land use activities are: 1 within the capability of the land to support the activity;	The requirements of the CSDC and associated SW Management Plan are met by the proposed management of stormwater	

RPS Chapter	Provision	Provision summary	Assessment from Application	*Council Officer Comment*
		2 integrated with the wider environmental values of their surroundings; and 3 within the capacity of receiving waters to assimilate any discharge	runoff and site management during construction. Discharge effects will be managed on the site. The discharge consent will be incorporated into the CSDC, where periodic reviews apply.	
	Policy WL 7B:	Minimising the effects of land and soil disturbance.		
	Policy WL 8B:	Providing for regular reviews of regional council consent conditions		
Natural Hazards	Objective 31	Objective 31 Avoidance or mitigation of natural hazards by managing risk for people's safety and the protection of property and lifeline utilities	Natural hazard risks from flooding and land instability have been assessed as low after the completion of development, subject to appropriate mitigation.	*Agree with assessment provided.*
	Policy NH 1B:	Taking a risk management approach		
	Policy NH 3B:	Natural hazard risk outcomes		
	Policy NH 9B:	Assessment of natural hazard risk at the time of subdivision or change or intensification of land use before Policies NH		

RPS Chapter	Provision	Provision summary	Assessment from Application	*Council Officer Comment*
		7A and NH 8A have been given effect to.		