

**BEFORE THE ENVIRONMENT COURT
I MUA I TE KOOTI TAIAO O AOTEAROA**

ENV-2023-AKL-000160

AT AUCKLAND

UNDER the Resource Management Act 1991 (the Act)

IN THE MATTER of a direct referral under section 87G of the Act of applications for resource consents by Allied Asphalt Ltd associated with the construction and operation of an asphalt plant

BETWEEN **ALLIED ASPHALT LIMITED**

Applicant

AND **BAY OF PLENTY REGIONAL COUNCIL**

Consent Authority

AND **TAURANGA CITY COUNCIL**

Consent Authority

**STATEMENT OF EVIDENCE OF DANIELLE PETRICEVICH ON BEHALF OF
BAY OF PLENTY REGIONAL COUNCIL AND TAURANGA CITY COUNCIL -
PLANNING**

DATE: 21 MARCH 2024

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INTRODUCTION

1. My name is Danielle Petricevich.
2. I hold the qualification of Bachelor of Science (Geography). I am currently an associate member of the New Zealand Planning Institute. I have approximately 10 years' planning experience, primarily in processing resource consent applications lodged with Regional Councils. In particular, I have worked for the Bay of Plenty Regional Council in the Resource Consents Team and as a consultant since 2017.
3. I currently work for SLR Consulting Limited and am contracted to the Bay of Plenty Regional Council and Tauranga City Council as the reporting officer for these direct referral resource consent applications.
4. I have read the Expert Witness Code of Conduct set out in the Environment Court's Practice Note 2023 and I agree to comply with it. I confirm that the issues addressed in this statement of evidence are within my area of expertise, except where I state I am relying on the specified evidence of another person. I have not omitted to consider material facts known to me that might alter or detract from my expressed opinion.
5. I am familiar with the location of the subject site and general area as I live locally and travel through the area most weeks. I have undertaken a site visit on 13 March 2024.
6. While I am not the author of the s87F Report, I completed the peer review of this report for my colleague Stephanie Bougen, on the basis that it was likely I would be required to continue as the reporting officer, as Ms Bougen is now on maternity leave. In addition, I completed the s95 Recommendation Report to both Councils in relation to the notification of these resource consent applications and was the Regional Council Planner processing the resource consent application previously lodged with the Bay of Plenty Regional Council by the applicant¹. I am

¹ That application was superseded by the present application as explained in paragraph 52 of the evidence of Mr Craig Batchelar for the applicant.

therefore highly familiar with the history and details of these resource consent applications.

7. I have also recently been the Regional Council reporting officer for a recent application for another asphalt plant within the area.² I am therefore familiar with the issues and complexities of the Mount Maunganui Airshed, discharges to air of this nature and issues of concern to submitters.

SCOPE OF EVIDENCE

8. My statement of evidence will provide:
- (a) An overview of the process and proposal including recent amendments proposed by the applicant;
 - (b) A summary of the resource consents applied for/required;
 - (c) A summary of the existing environment;
 - (d) An assessment of the proposal taking into consideration:
 - (i) Relevant statutory documents, including:
 - (1) National Environmental Standards for Freshwater (**NES-F**);
 - (2) National Environmental Standards for Air Quality (**NES-AQ**);
 - (3) National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (**NES-CS**);
 - (4) National Environmental Standards for Greenhouse Gas Emissions from Industrial Process Heat (**NES-GHG**);
 - (5) National Policy Statement for Freshwater Management (**NPS-FM**);

² To authorise the discharge of contaminants to air from the Higgins' asphalt plant at 92 Hewletts Road, Mount Maunganui.

- (6) Bay of Plenty Regional Policy Statement (**RPS**);
 - (7) Bay of Plenty Regional Natural Resources Plan (**RNRP**)
 - (8) Tauranga City Plan (**TCP**).
- (ii) Resource Consent Applications and accompanying technical reports, submitted 19 December 2022;
 - (iii) Further information, provided in response to a Section 92 Further Information Request, dated 26 April 2023;
 - (iv) Submissions received following joint public notification of the applications;
 - (v) Section 87F report;
 - (vi) Further information/amendment supplied by the applicant, dated 31 January 2024, provided in response to issues raised in submissions;
 - (vii) Applicant's statements of evidence circulated on 29 February 2024;
 - (viii) Statements of evidence of the other Council experts, Mr Robert Murray (Air Quality) and Dr Emily Wilton (Health Risk Assessment); and
 - (ix) Advice sought from Council experts in transport and noise/vibration.
9. Rather than repeating the analysis and conclusions in the s87F report, this statement of evidence will focus on the January 2024 further information/addendum made to the application, and the statements of evidence prepared by experts engaged by the Applicant.
10. Where possible, to avoid repetition, my statement of evidence refers back to the information provided by the Applicant and particularly Mr Batchelar's statement of planning evidence and the statements of evidence of the Councils' experts.

SUMMARY

11. The s87F report prepared on behalf of the Councils concluded that the resource consents applied for could be granted subject to:
 - (a) the recommended conditions (agreed with the Applicant); and
 - (b) the Applicant making a commitment to run the new plant using natural gas as a fuel source as soon as possible, and this being included in consent conditions (not agreed with the Applicant at that time).
12. I have considered the information/amendment provided by the Applicant on 31 January 2024. In summary this information now includes a commitment to using natural gas as the primary fuel source for the plant, updated technical assessments to reflect this change and potential maximum production of the plant, and an updated set of proposed conditions. Additionally, the Applicant has engaged an expert to provide a Health Risk Assessment, specific to this proposal. I am satisfied that the Applicant has now addressed the issue regarding use of natural gas as a fuel source for the new plant.
13. The Bay of Plenty Regional Council has engaged Mr Murray and Dr Wilton to review the air quality and health risk technical information respectively, provided by the Applicant. I rely on their advice, as outlined in their statements of evidence.
14. I have reviewed the Applicant's evidence, and my evidence will focus on any areas of disagreement or suggested refinements. These relate to the proposed conditions of consent. In summary, changes proposed by the Applicant to conditions relating to noise and limits of operation within the short term air discharge consent are not agreed upon.
15. Subject to the matters above concerning the conditions being addressed, I remain of the view that the Applicant has satisfactorily addressed all statutory considerations and that the recommended conditions of consent are appropriate should the consents be granted.

Overview of Process and Proposal

16. On 19 December 2022, the Applicant lodged resource consent applications with the Bay of Plenty Regional Council and Tauranga City Council. These applications are to enable the construction and use of a new asphalt plant at 54 Aerodrome Road, Mount Maunganui. Short term (interim) resource consent from the Bay of Plenty Regional Council is also required to continue the discharge from the existing plant while the new one is constructed and commissioned.
17. The required resource consents are detailed in the s87F report. Mr Batchelar details, in paragraph 289 of his statement of evidence, three minor matters arising from the s87F report relating to the planning framework for noise non-compliance, contaminated land disturbance and buildings and structures in floodable areas. I agree with the corrections made by Mr Batchelar.
18. Technical experts undertook reviews of the applications on behalf of the Councils, on the following matters:
 - (a) Air Quality;
 - (b) Stormwater;
 - (c) Contaminated Land;
 - (d) Geotechnical;
 - (e) Landscape;
 - (f) Noise;
 - (g) Transport;
 - (h) Flood hazard and infrastructure.
19. As a result of the above technical reviews and my own planning review, a request for further information was issued to the Applicant on 8 February 2023. A response to that request was received on 26 April 2023. At that point, the further information request was satisfied.
20. The Applicant requested public notification under section 95A(3)(a) of the Resource Management Act 1991 (the **Act**). Both Councils made a

decision to publicly notify their respective resource consent applications on 9 May 2023. The application was jointly publicly notified on 12 May 2023. This included serving direct notice on parties identified as being an affected person under section 95B of the **Act** and other interested parties. These parties were:

- (a) Whareroa Marae;
- (b) The following iwi and hapū with a recorded interest in the area:
 - (i) Waitaha (iwi);
 - (ii) Ngai Tukairangi (hapū);
 - (iii) Ngāti Kuku (hapū);
 - (iv) Ngai Te Rangi (iwi);
 - (v) Ngāti Pūkenga (iwi);
- (c) Local Schools:
 - (i) Mount Maunganui College;
 - (ii) Mount Maunganui Intermediate;
 - (iii) Mount Maunganui Primary School;
 - (iv) Omanu Primary School;
 - (v) Arataki School;
- (d) Toi Te Ora Public Health;
- (e) Clear the Air – Mt Maunganui;
- (f) TCC Directorate – Drainage Services;
- (g) Neighbouring sites:
 - (i) 48 Aerodrome Road;
 - (ii) 63 Hewletts Road;
 - (iii) 67 Hewletts Road;

(iv) 60 Aerodrome Road;

(v) 14 Harvard Way.

21. The public notification period closed on 12 June 2023.

Submissions

22. A total of 103 submissions were received, with four of these being late submissions. Both Councils applied section 37(1)(b) of the Act to waive the failure to comply with the submission timeframe, and therefore these four late submissions were accepted.

23. Key topics raised in submissions are:

(a) Air quality;

(b) Soil and water contamination;

(c) Cultural values;

(d) Noise;

(e) Amenity values;

(f) Achieving the purpose of the Act and regional planning documents; and

(g) Prioritisation of profit over public health.

24. These issues have been assessed by the Applicant and in the section 87F report, and the Applicant has provided further information in its 31 January 2024 further information/amendment to address issues and concerns raised by submitters.

Further Information/amendment

25. On 31 January 2024, the Applicant circulated a formal amendment to the application and supporting information in response to submissions received and issues raised in the s87F report.

26. In summary, this further information/amendment includes:

- (a) Production limit restrictions of 3,500 tonnes per day and 300,000 tonnes per year;
 - (b) A commitment to use natural gas as the preferred burner fuel unless there is a supply restriction and/or this fuel source becomes financially unviable to source and use, in which case diesel will be utilised;
 - (c) Additional odour management measures, including recirculation of exhaust gases and hot mix storage to enable the thermal destruction of odours;
 - (d) An updated air quality assessment that considers the above amendments and includes assessments of additional contaminants not included in the original air quality assessment (being benzene and nitrogen dioxide);
 - (e) Updated proposed consent conditions, reflecting the above further information/amendments;
 - (f) A health risk assessment, which relies on the updated air quality information;
 - (g) Consideration of alternative locations; and
 - (h) An Emissions Reduction Plan, prepared and certified in accordance with the NES-GHG.
27. The information provided by the Applicant addresses the outstanding matters raised in the section 87F report, and will be addressed further below, in conjunction with comments on the statements of evidence provided from Applicant engaged experts.

Assessment of Adverse Effects

28. The Applicant has provided evidence relating to a number of other key matters relating to the proposal.
29. No changes to the proposal or technical advice in relation to landscape, stormwater, contaminated land and earthworks, flood hazards and infrastructure services, and geotechnical matters are raised in the Applicant's evidence. Therefore, no changes to the conclusions made in

the section 87F report are necessary in relation to those matters, which I understand (based on submissions) are unlikely to be the focus of submitters' evidence. If necessary, concerns raised in submitters' evidence can be addressed in reply.

30. In summary, the section 87F report concluded:
- (a) Any potential landscape and visual amenity effects arising from non-compliant stack height will be acceptable. Consent conditions are proposed to control effects of lighting and colour of the plant;
 - (b) The water quality effects of stormwater discharge fall within permitted and consented baselines, and therefore the adverse effects of the stormwater discharge are acceptable. There is no appreciable change in volume of stormwater being discharged from the site and therefore effects relating to stormwater quantity are considered acceptable. There is not expected to be any adverse effect on the capacity or functioning of the Tauranga City Council operated stormwater networks;
 - (c) Provided soil disturbing activities are undertaken in accordance with the Contaminated Site Management Plan, any unacceptable adverse effects arising from the disturbance of contaminated soils on human health, or the environment will be avoided;
 - (d) 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;
 - (e) Given the site is flat, there is no significant cutting and filling proposed, and 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.
31. The Applicant's transport, noise and air quality evidence include updated technical assessments of the further information/amendments proposed in the 31 January 2024 further information/amendment. In addition, a health risk assessment has been provided to address issues raised in the

s87F report and submissions. The health risk assessment also responds to a report prepared for Toi Te Ora Public Health by ESR in July 2023, which estimates the health effects of air pollution in the Mount Maunganui Airshed (**ESR Report**). These matters are addressed below.

Air Quality Assessment

32. The air quality assessment provided by Ms Jenny Simpson includes an updated assessment based on the proposed amendments to the proposal communicated in the 31 January 2024 further information/amendment.
33. Mr Murray (Bay of Plenty Regional Council engaged Air Quality Expert) has reviewed the updated information and Ms Simpson's statement of evidence. While he has identified some uncertainties in relation to the assessment (which will likely be addressed in expert conferencing), his review concludes that the proposed plant, mitigations and conditions of consent are suitable to ensure the effects on air quality of discharges are minimised, in line with best practice.
34. Mr Murray has considered the changes to proposed conditions contained within Mr Batchelar's statement of evidence and recommended some conditions of his own. I will address these further below.

Health Risk Assessment

35. As part of the January 2024 further information/amendment the Applicant provided a health risk assessment in relation to the proposed air discharge activity, prepared by Dr Lynette Denison (**Applicant's HRA**).
36. Dr Emily Wilton has been engaged by the Bay of Plenty Regional Council to undertake an expert review of the Applicant's HRA and provide evidence for this hearing. In summary her opinion is that:
 - (a) The Applicant's HRA does not assess cumulative effects;
 - (b) In a polluted airshed (such as the Mount Maunganui Airshed) improvements in all significant discharges should be required, on the basis that they are contributing to a collective issue;
 - (c) Improvements should be achieved through the adoption of the best practicable option (**BPO**);

- (d) The proposal generally aligns with the previous two points as it includes a new plant, with new technology and a move to natural gas as the fuel source, however Dr Wilton would like to explore further at expert caucusing whether the approach represents BPO and whether more improvements could be achieved in terms of overall health impacts within the airshed;
 - (e) There are some uncertainties in how the overall health impact is quantified, which should be canvassed in expert conferencing;
 - (f) Natural gas should be the preferred fuel source and if diesel is to be used additional mitigation for NO₂ should be evaluated and implemented.
37. Having considered Dr Wilton's evidence, I have drafted a proposed condition relating to mitigation of NO₂ if diesel fuel is to be used. I understand she is also proposing the option of constraints on daily production if the proposed asphalt plant were to operate for significant periods using diesel owing to the impacts of increased NO₂. I would like to give further thought to that option through planner caucusing.
38. Dr Wilton also poses a question as to what proportion of the technological improvements achieved through the application should go to the environment by way of reduced health impacts, and what extent should be claimed by the industry in terms of increased production ability. In my view this issue is usefully considered in the context of proposed new Policy 12 to the Air Plan which was recently introduced through an amendment to Plan Change 13. That policy, which I address at para 83 of my evidence, is aimed at an "iterative management approach" to activities which discharge PM₁₀. The weight to be given to that policy and its meaning in the context of this particular consent application is an issue which could usefully be addressed in caucusing.
39. Related to that issue is the question of cumulative health effects on the wider airshed, raised by Dr Wilton, and how this proposal might best contribute to an overall reduction. Dr Wilton has suggested that a condition limiting the maximum annual tonnage to less than the 300,000 tonnes per year (as currently proposed by the Applicant) would be more beneficial to air quality and would reduce the associated health risks. The extent of production limits imposed as condition of consent, and the

relative benefits for the environment and any impacts on the efficiency or productivity of the business, are matters that could usefully be explored further at expert caucusing.

Transport

40. The transport evidence provided by Ms Judith Makinson includes an updated assessment based on maximum production of 3,500 tonnes per day. This evidence has been reviewed by Tauranga City Council Transport Engineer, Mr Sarishka Gandhi. Mr Gandhi agrees with the conclusions made by Ms Makinson, which are that *“there are negligible adverse effects in terms of function, safety and road capacity and I therefore conclude that there is no traffic or transportation reasons as to why the proposed development should not be consented.”*

Assessment of Positive Effects

41. The section 87F report notes that no assessment of positive effects was undertaken in the application. Mr Batchelar provides a brief assessment of positive effects within paragraphs 188 to 192 of his statement of evidence. In summary, these are the ability to provide asphalt supply to enable growth and development, the new plant results in lower emissions, energy consumption and greenhouse gas emissions, stormwater management will be improved across the site and traffic safety will also be improved. I agree that the proposed activity would result in these positive effects if operated in accordance with the consents applied for and proposed conditions.

Consideration of Alternatives

42. The section 87F report notes that no assessment of alternatives was undertaken in the application. Mr Batchelar provides a consideration of alternatives within paragraphs 193 to 198 of his statement of evidence.
43. Policy AIR-P4 of Plan Change 13 to the Regional Natural Resources Plan (**RNRP**) directs that particular regard be had to certain matters listed in the policy, including clause (8): *“The operational requirements and locational constraints relevant to the discharge and/or activity, for example for rural production activities.”*

44. There is no other direction provided in the Bay of Plenty Regional Policy Statement (**RPS**), RNRP or Tauranga City Plan on assessing alternatives relevant to this proposal.
45. I consider that Mr Batchelar's assessment of alternatives provides sufficient detail to understand the Applicant's choice for the location of the proposed activity, and addresses the direction of Policy AIR-P4(8).
46. Section 105(1)(c) of the Act also requires that the consent authority must have regard to any possible alternative methods of discharge, including discharge into any other receiving environment. From my understanding of the information provided within various statements of evidence, the proposed plant and mitigation technology represents industry best practice and therefore any alternative method of discharge would likely result in greater adverse effects. I am not aware of any other receiving environment (other than air) where these contaminants could be discharged. The discharge could occur in another location (outside of the Mount Maunganui polluted airshed). Those alternate locations and a satisfactory assessment of those are contained in the statement of evidence of Mr Batchelar.

Mount to Arataki Spatial Plan

47. In his evidence (paragraphs 274 to 278), Mr Batchelar provides a summary of the Mount to Arataki Spatial Plan process. I agree with his summary of this process.
48. Tauranga City Council is set to make a decision on adoption of the Mount to Arataki Spatial Plan in late March 2024. Given the timing of that decision (falling after the Councils' primary evidence falls due), an update can be provided through reply evidence or submissions at the hearing.

Conditions of Consent

49. I have considered Mr Batchelar's proposed changes to the recommended conditions of consent, previously agreed between Mr Batchelar and the reporting officer. I have the following comments and recommendations.

Tauranga City Council Consent Conditions

50. Mr Batchelar has proposed a number of amendments to the previously agreed recommended consent conditions. I have reviewed the proposed changes and sought advice on noise conditions from Ms Chloe Roper (Environmental Monitoring Officer: Noise & Vibration Specialist, Tauranga City Council).
51. Excluding the changes to noise and vibration conditions, I am in agreement with all changes to conditions proposed by Mr Batchelar in his statement of evidence, although I have identified several issues in my evidence above (as have Mr Murray and Dr Wilton for the Councils) which could benefit from further discussion at caucusing.
52. With regards to noise and vibration conditions, I rely on Ms Roper's expert opinion.
53. It is Ms Roper's opinion that conditions 20 and 21 relating to the Construction Noise and Vibration Management Plan are not required. In this matter Ms Roper is in agreement with Mr Cottle (Applicant engaged Acoustic expert).
54. Mr Batchelar has also proposed to remove conditions 22 and 23. Ms Roper does not agree with the removal of these conditions and notes that Mr Cottle has not provided any recommendation to remove this condition. Ms Roper sees the benefit in retaining condition 22 in that without this condition *"it may be unclear what noise limits are applicable for construction noise given the application and predicted noise exceedances, and the applicable noise limits may revert to those noise limits in the City Plan which require compliance with the noise limits in NZS 6803 (rule 4E.2.14a) at all times. Given the short term predicted noise limit exceedances, these noise limits will not be practical to comply with at all times."* Mr Batchelar has not provided any reasoning for removing these conditions, other than they relate to the Construction Noise and Vibration Management Plan, however this is not the case. I agree with Ms Roper that condition 22 should be retained.
55. Similarly, Ms Roper recommends condition 23 is retained, noting that Mr Cottle has not recommended the removal of this condition. I also note that Mr Batchelar provided the same reasoning as detailed in para 46

(above) for removing the condition. Ms Roper's reasoning for retaining condition 23 is that *"construction activities such as piling are likely to create higher vibration levels than the current and proposed operational activities on site (e.g. heavy vehicle movements), which could cause concern for damage to surrounding properties. The German DIN Standard provides guideline values for damage at different types of properties. The City Plan is silent on vibration limits. Therefore, for developments where vibration may be associated with the construction of said development, we typically attach this condition to ensure that unreasonable vibration levels are not permitted by approving the activity through the consenting process."* I agree with Ms Roper and recommend that condition 23 is retained.

Bay of Plenty Regional Consent Council Conditions

56. Mr Batchelar has proposed changes to the conditions of the stormwater discharge consent. These changes are intended to improve readability and implementation. I agree with these changes. It is noted that Allied will remain the consent holder of the stormwater discharge consent (if granted) as the discharge is from an industrial site (which is higher risk than residential stormwater). This means that Allied will need to continue to comply with this consent, which in turn assures Tauranga City Council that their stormwater discharge consent is being complied with.
57. I address proposed changes to the short-term and long-term air discharge consents in more detail below.

Short Term Air Discharge Consent

58. In regards to the short term air discharge consent for the existing plant, Mr Batchelar proposes that condition 3, limiting plant operation to 5 hours per day between 7am and 5pm, is removed, on the basis that this is a misinterpretation of odour modelling results (as described in Ms Simpson's statement of evidence).
59. Instead of the 'placeholder' condition 3 as recommended in the section 87F report (or removing condition 3 as proposed), I consider that (in consultation with Mr Murray) a limit on annual production could be a more appropriate condition to ensure adverse effects on the environment do not increase over the duration of the short-term consent.

60. Ms Simpson has provided details of the annual production over the last 20 years. When averaging production over this period, annual average production is 42,498 tonnes per year. This is significantly lower than current actual annual production, with there being a significant increase in production in the last 2 years (60,814 and 68,236 tonnes per year). To ensure adverse effects do not increase from the current actual operation, I recommend an annual production limit of 68,000 tonnes per year as an appropriate limit to manage these potential adverse effects.
61. In my opinion, all other changes in the short-term air discharge resource consent proposed by Mr Batchelar are appropriate.

Long Term Air Discharge Consent

62. For the long-term air discharge consent, I have comments to make regarding conditions 3, 9, 11, 29 and 30. I also suggest amendments and additions to conditions based on the expert opinion of Mr Murray and Dr Wilton.
63. Mr Batchelar proposes new wording for condition 3, to enable testing of the new plant to occur as part of the commissioning process. This has the potential to introduce cumulative effects from operating the existing plant at the same time as the testing is being undertaken on the new plant.
64. Until further information is provided by the Applicant on the duration and frequency of testing required for commissioning, I consider the amendment proposed to conditions 3 to be inappropriate. Considering the current operating parameters of existing plant, it would seem that testing can be accommodated outside of the operational hours of the existing plant. I have proposed some amended wording to this condition to clarify the restrictions on operation and testing within the appended conditions.
65. Condition 9(a) is drafted with daily operating hours being between 12.00am and 12.00pm. This appears to be an error, and that the Applicant intends to be able to operate between 12.00am and 23.59pm daily.

66. Condition 11 specifies that natural gas must be used unless one of 3 clauses is applicable. With regards to clause (c) there is currently no certainty as to what 'financially viable' would mean. To ensure the condition is certain and enforceable, it is my opinion that some definition/clarity around 'financially viable' needs to be included. I would be happy to address this issue in planner caucusing.
67. Conditions 29 and 30 relate to the preparation of a Mātauranga Māori Environmental Monitoring Plan (MEMEP). While I support the idea of this to better enable Ngāti Kuku to exercise their role as kaitiaki, I am yet to understand whether Ngāti Kuku support this condition to address effects on cultural values for this application. I have been involved in similar resource consent processes where other iwi and hapū have identified that these types of conditions place an unreasonable burden on them. Similar consent conditions have been cited as adding further workload onto an already high workload, when considering that these same groups are usually also involved in pre-application engagement, submissions on resource consents and plan changes, and other processes such as those under the Marine and Coastal Area Act and Treaty Settlements, on top of other roles, responsibilities or jobs.
68. I note also that the RPS and RNRP contain policies directing that only tangata whenua should identify ways to avoid, remedy, or mitigate adverse effects on matters of importance to them. Appropriate conditions to address issues of concern to tangata whenua may be something which can be explored further through the hearing process.

Conditions Suggested by Mr Murray - Long Term Air Discharge Consent

69. Mr Murray has identified some uncertainty with the natural gas testing. To verify testing results he has suggested a condition requiring testing of NO_x for the new plant (if consent is granted). I consider this appropriate and have drafted a condition to this effect. I suggest the air quality experts consider the wording of this condition in their expert caucusing and that the planning experts do the same.
70. Mr Murray also identifies some uncertainty around the impact of manufacturing Reclaimed Asphalt Paving (**RAP**) in relation to odour. He has suggested that a condition limiting the amount of RAP used in the manufacturing process may be suitable to limit any potential odour

effects. Ms Simpson identifies in her statement of evidence (see paragraphs 158 to 162) that, while RAP seems to increase odour emissions 3-fold, the odour concentrations from the new plant, when manufacturing RAP, will still be lower than the existing plant and below relevant odour guideline values. Weighing up the evidence, at this point in time, it is my opinion that a condition limiting the manufacturing of RAP is not required.

71. Mr Murray has raised concerns relating to fugitive emissions from the loadout process, noting that no enclosure is proposed for this area of the process, but is possible to reduce effects from fugitive emissions. Given there is a practical solution to reduce fugitive emissions, I consider it appropriate to include a condition of consent which requires enclosure of the loadout area. A proposed condition has been included in the appended conditions.
72. Mr Murray has identified that fugitive dust control is important for the site, and has identified a number of measures Allied could implement to control dust on their site. Condition 17 of the proposed conditions appended to Mr Batchelar's statement of evidence includes the controls Mr Murray has suggested. It is noted that no resource consent is required under Rule AQ R22 of proposed Plan Change 13 to the RNRP, as this rule only applies to activities which only carry out bulk handling and storage on their site. Where bulk handling and storage occurs as part of another activity e.g. asphalt manufacturing, the entire activity is encapsulated within Rule AIR-15(2), being for asphalt manufacture/processing.

Conditions Suggested by Dr Wilton - Long Term Air Discharge Consent

73. As suggested by Dr Wilton, I have drafted a condition relating to mitigation of NO₂ if diesel is to be used as a fuel source. As noted above, I suggest that the issue of a production limit to address this issue is considered further at caucusing.

Consent Term and Review Conditions

74. The short-term air and stormwater discharge, and construction related consents have a proposed 2-year consent term. This allows Allied to

undertake construction activities and continue operating the existing plant while the new plant is constructed.

75. In my opinion a 2-year timeframe is reasonable for these activities to ensure that the adverse effects are minimised as soon as possible through the construction and commissioning of the new plant. This gives certainty to any interested and/or affected parties and the general public that air quality will be improved in the near future.
76. The long-term ongoing consents have a proposed consent duration of 35-years. I consider that this consent term is appropriate given my understanding that the Applicant is adopting the best practicable option to minimise contaminants from the proposed activities, they have used data from existing operations to understand the level of effects which gives a reasonable level of certainty, and there is a significant level of investment required to construct the new plant and mitigation technology.
77. Additionally, the long-term consents propose comprehensive review conditions, which will allow Council to undertake a review of the consent(s) for a number of reasons, including unforeseen adverse effects, updated mitigation technology, and new limits/plan requirements.
78. Furthermore, the Applicant's proposed consent conditions (detailed in Mr Batchelar's statement of evidence) include a condition that requires Allied to undertake a review of BPO for minimising discharges of contaminants to air. This condition goes above and beyond the s128 RMA review clauses, and will give the Bay of Plenty Regional Council more information to review the consent, if deemed necessary. This provides extra surety that Allied will continue to assess and adopt mitigation measures for their discharge to air.
79. For the above reasons, I consider the proposed consent durations to be appropriate.

Statutory Analysis

80. The s87F Report and Mr Batchelar's statement of evidence consider the relevant objectives, policies and sections of the Act, NES-F, NES-AQ, NES-CS, NES-GHG, NPS-FM, RPS, RNRP and TCP. I have reviewed and endorse the assessments of these matters, particularly noting the

commitment of the Applicant to fuel the new asphalt plant with natural gas.

81. It is noted that the NES-GHG does not apply to this application, however, the Applicant has voluntarily prepared and received independent certification of an Emissions Reduction Plan in accordance with the requirements of the NES-GHG.
82. In addition to the existing statutory analysis that has been undertaken, I would like to highlight a new policy that has been introduced through Plan Change 13 to the RNRP. Policy 12 has been introduced to the Plan Change to address concerns the Environment Court has with how PM₁₀ is being managed in the Mount Maunganui Airshed. Policy 12 has been notified and submissions close on 30 April 2024. Policy 12 has been attached as **Appendix 1** for reference.
83. Policy 12 proposes an iterative management approach to manage activities which discharge PM₁₀, to (summarised):
 - (a) Recognise the polluted status of the airshed in relation to PM₁₀;
 - (b) Improve air quality;
 - (c) Stop the airshed from being a polluted airshed as soon as possible and from then, ensure that a breach of the ambient air quality standards of the National Environmental Standards for Air Quality is avoided;
 - (d) Safeguard the life supporting capacity of the air and protect human health; and
 - (e) avoid, remedy or mitigate adverse effects on cultural values, amenity values, and the environment.
84. Proposed Policy 12 is directly relevant to this activity, given that asphalt processing results in the discharge of PM₁₀. In my opinion, the proposal is consistent with the direction of proposed Policy 12 in that it seeks to minimise the discharge of PM₁₀ to the greatest extent practicable, through the construction and operation of the new plant and mitigation technology within it.

85. Resource consent conditions are proposed to ensure that the new plant implements appropriate mitigation technology. Further, review conditions will enable a review of the consent, to adopt new measures to achieve compliance with the NES-AQ if they are not being achieved and/or reflect any changes which are made to these standards in the future.

Part 2 RMA

86. Mr Batchelar considers there is no reason or added value to revert to an assessment of the proposal against Part 2 of the Resource Management Act. I agree.

Conclusion and Recommendation

87. Taking into consideration the January 2024 amendments made by the Applicant, evidence supporting the application, and technical advice received from Council's experts, I continue to support the conclusion reached in the s87F report, that consent could be granted subject to appropriate conditions.
88. A suite of consent conditions has been proposed by Mr Batchelar, of which I have recommended several changes to, based on expert advice from the relevant technical experts. An amended set of conditions, based on Mr Batchelar's version with my changes marked up (in green), is attached as **Appendix 2** to my evidence. I expect that these suggested changes will be subject to expert caucusing by the Air Quality, Health Risk and Planning experts.

Danielle Petricevich

21 March 2024

Note: Proposed Policy 12 has been renumbered to ensure consistency with the formatting requirements of the Ministry for the Environment's National Planning Standards. The updated proposed policy number is shown first, followed by the original proposed policy number in brackets e.g., **AREA2-P2 [AQ P12]**.

Proposed AREA2-P2 (AQ P12) – Iterative management of air quality within the Mount Maunganui Airshed

AREA2-P2 [AQ P12]

Iterative management of air quality within the Mount Maunganui Airshed – [Te reo Māori heading TBC]

Activities which discharge **PM₁₀** and other **particulates** to air within the **Mount Maunganui Airshed**, other than those in compliance with Interim Permitted Activity Rules AREA2-R1 [AQ R22A], and AREA2-R4 [AQ R23A], must be managed by implementing an iterative management approach to:

- (a) recognise that the **Mount Maunganui Airshed** is a polluted airshed as defined in Regulation 17(4)(a) of the National Environmental Standards for Air Quality (Polluted Airshed); and
- (b) improve air quality and ensure the **Mount Maunganui Airshed** stops being a Polluted Airshed as soon as reasonably practicable, including by managing cumulative *effects*; and
- (c) ensure that once the **Mount Maunganui Airshed** stops being a Polluted Airshed, 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 Quality is avoided; and
- (d) safeguard the life supporting capacity of the air and protect human health within the **Mount Maunganui Airshed**, and
- (e) avoid, remedy or mitigate adverse *effects* on cultural values, amenity values, and the *environment*.

The iterative management process may include, but not necessarily be limited to:

- (f) requiring each **subject site** within the **Mount Maunganui Airshed** to minimise discharges of **PM₁₀** to air to the greatest extent reasonably practicable and at the time of resource consent applications to take account of the effectiveness of mitigation measures and operating procedures implemented in accordance with the Interim Permitted Activity Rules AREA2-R1 [AQ R22A] and AREA2-R4 [AQ R23A]; and
- (g) assessing changes in **Mount Maunganui Airshed**-wide air quality based on monitoring results to 31 December 2025, to determine the extent to which compliance with the National Environmental Standards for Air Quality and the annual guideline value in the Health-based Guideline Values of the Ambient Air Quality Guidelines 2002 (or its amendment or replacement) is likely to be achieved based on the **Mount Maunganui Airshed**-wide mitigation measures implemented to that time; and

- (h) setting resource consent conditions based on (f) and (g) that can be expected to ensure compliance; and
- (i) making provision for the reviewing of consent conditions as necessary to ensure compliance with the National Environmental Standards for Air Quality is achieved as soon as reasonably practicable.

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. If there is a hazardous substances spills of 20 litres or more:
 - (a) The spill shall be reported to the Bay of Plenty Regional Council within 24 hours of the spill
 - (b) The stormwater system shall be inspected immediately after the spill, and cleaned or maintained to remove any hazardous substances or any other substance that may impact its effective functioning.
 - (c) Within 10 working days of a spill, the consent holder shall send a report to the Bay of Plenty Regional Council with the following information:
 - i. The clean-up response carried out;
 - ii. How the spilled hazardous substances and any other materials contaminated by the spill or used in the spill clean-up were disposed of;
 - iii. Documentation of the waste disposal from the authorised disposal facility confirming they received the spilled and contaminated materials;
 - iv. Stormwater analysis results for any stormwater discharges within five days after the spill; and
 - v. The reason that the spill occurred, and 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 to remove loose debris from sealed areas at least once per week.
12. No waste material, including chemicals, washdown water or other cleaning materials shall be discharged or disposed of via the stormwater system.
13. All wastes, including chemicals, cleaning materials and all materials removed as part of the maintenance of the stormwater system such as de-sludged sediments shall be recycled or disposed of at a disposal facility authorised to accept the type of waste being disposed of.

Monitoring

14. The upgraded stormwater management system required by Condition 3 must have an easily accessible sampling point which is located 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 that it complies with condition (14) of this consent. 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. Once the stormwater system is upgraded, the consent holder shall collect samples from the certified sampling point during three rainfall events each year that cause observable run-off. Sampling is only to be undertaken if no rainfall has occurred for three days prior.

~~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 required in conditon 16 above, 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. The fair and reasonable costs associated with any such review shall be recovered from the consent holder.

Resource Management Charges

25. 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

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

The Consent

27. 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 **earthworks** 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 **earthworks** 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 2000m³ 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 type and 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]. The production rate for hot mix asphalt must not exceed 70,000 tonnes per year.~~
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 for the duration of this consent. These records 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/m³ 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, unless the complaint has been received via the Bay of Plenty Regional Council. 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] ~~except for the purposes of testing the new plant as part of the commissioning process. Only one plant may operate at any time from the site to produce asphalt for retail sale.~~
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.

Maximum Asphalt Production Limits

9. The asphalt plant shall not produce more than:

- (a) 3,500 tonnes of asphalt within any daily period being 12.00am to 12.00pm23.59pm;
- (b) 300,000 tonnes of asphalt within any calendar year.

10. The consent holder must maintain a record of daily production volumes at all times and provide a report on daily and annual production volumes to the Bay of Plenty Regional Council by 31 March of each calendar year.

Fuel Sources for Dryer Burner

- 11. The consent holder must use natural gas as the fuel source for the Dryer Burner, unless:
 - (a) an alternative fuel is to be used with a lower emissions profile than natural gas; or
 - (b) natural gas is unable to be supplied to the site due to a physical restriction or interruption;
or
 - (c) the consent holder is unable, despite genuine and demonstrable efforts, to secure a contract to supply natural gas on terms that are financially viable¹ to the consent holder;
- 12. In the event of (a) above, the consent holder shall provide a report on the emissions profile of the alternative fuel prepared by a suitably qualified and experienced person for certification by the BOPRC.
- 13. In the event of (b) above the consent holder is permitted to use diesel as an alternative fuel source until such time as the supply to the site has been restored. Prior to commencing the use of diesel, the consent holder shall notify the Bay of Plenty Regional Council and notification shall also be given when the supply reverts to natural gas.
- 14. In the event of (c) above the consent holder is permitted to use diesel as an alternative fuel source until such time as natural gas can be supplied on financially viable terms. Prior to commencing the use of diesel under (c) the consent holder shall notify the Bay of Plenty Regional Council and notification shall also be given when the supply reverts to natural gas.

Advice Note: To avoid doubt, any alternative fuel source to natural gas must meet all of the conditions of this consent on a continuing basis.

14A. If, at any time, Diesel is to be used for the dryer fuel source for more than one week (consecutively) or becomes the primary fuel source, the consent holder shall investigate and where practical implement further mitigation to reduce the discharge of NO₂ from the site.

Contaminant Discharge Controls and Limits

- 15. 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 16, 20 and 21.
- 16. Emissions from the asphalt plant shall be discharged via a stack that is at least 27.6 metres in height relative to ground level.
- 17. The discharge of total suspended particulate (TSP) from the asphalt plant stack must not exceed a concentration of 30 mg/m³, corrected to zero degrees Celsius and one atmosphere pressure on a dry gas basis.
- 18. The mass discharge of particulate matter from the asphalt plant shall not exceed 1.0 kg/hr PM10.

¹ Definition to be included – subject to planning expert conferencing.

19. 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.
20. 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.~~

20. 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.

20A. Within 1 year of the granting of this resource consent, the consent holder shall investigate methods to enclose or partially enclose (at least 2 sides) the loadout area to reduce fugitive emissions, and provide a report to the Bay of Plenty Regional Council details how the loadout area will be enclosed.

20B. Prior to commencing asphalt production under this resource consent, the consent holder shall ensure that the loadout area is enclosed in accordance with the report provided under condition 20A, and emissions within this area are captured and treated in accordance with the proposed plant design and mitigation.

Monitoring

21. 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.

22. The consent holder must test stack emissions for Total Suspended Particulate annually to demonstrate compliance with [Conditions 16 and 17](#) 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.

~~23. 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.~~

23A. The consent holder shall undertake testing for NO_x annually for the first 5 years of this consent to confirm NO_x levels/concentrations associated with the burning of natural gas. The consent holder shall report these results to the Bay of Plenty Regional Council within 20 working days of undertaking the testing, along with an analysis of the results undertaken by a suitably qualified and experienced person. This analysis shall consider the predicted NO_x

levels/concentrations in the resource consent application and those gained from stack testing and whether the testing results and resulting adverse effects are within the levels/concentrations and adverse effects modelled and predicted within the consent application.

Air Quality Management

24. 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 24 (matters (a) through (l)) have been addressed in sufficient detail so as to ensure that the AQMP achieves the objectives of this Condition.

25. 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 that the changes comply with the conditions of this consent.
26. 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 Bay of Plenty Regional Council.
27. 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

28. 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 **except for complaints received via the [Bay of Plenty Regional Council](#)**. 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 Plan²

29. 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.

30. The MMEMP required by **Condition 29** 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.

² Advice form Ngāti Kuku should be sought n the suitability of this condition.

Reporting

31. The consent holder must notify the Bay of Plenty Regional Council at least 24 hours prior to the first exercise of this resource consent.
32. 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

33. The consent holder must implement the independently certified Greenhouse Gas (GHG) Emissions Plan submitted as part of the additional information dated 31 January 2024 or any independently certified amended plan that conforms to the requirements of 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

34. 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.
 - (c) Compliance 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.
 - (d) At the final review, consideration of plant replacement options and programme for reconsenting.

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.

Review of consent conditions

35. The Bay of Plenty Regional Council may:
 - (a) within three months of commissioning of the asphalt plant, and every two years thereafter,
 - (b) or in the three-month period after the receipt of a report in accordance with Condition 32 or 34,
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 **Condition 18** show that the limits in **Conditions 18** 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


36. 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

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

The Consent

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

	RESOURCE CONSENT NUMBER RC29596
	APPENDIX A – CONDITIONS OF RESOURCE CONSENT <i>[TCC conditions are usually attached as 'Appendix A' to the decision document]</i>

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 **reasonable Council** costs associated with the conditions of this consent, including those required under the **Tauranga City Council** 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	16,250 litres
Bitumen Release	400 litres
LPG	240 kg
Soda Ash	1,000 kg
Fatty Amine Derivative	1,000 litres
High Calcium Lime	50 tonnes
Used Lubricating Oil	50,000 litres

Substance	Maximum Quantity
Other: cleaners, lubricants, coatings	< 20 litres

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 Response Plan required by the HSW-HS Regulations which shall include as-built plans of the facility;
 - 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

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 recessive grey colour 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 LAeq)	Night-time Noise (dB LAFmax)
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 LAeq)	Night-time Noise (dB LAFmax)
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 undertake works to establish a minimum finished floor level of RL4.75m NZVD16 for the relocated office 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. 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 since the draft CNVMP was submitted for certification 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 be measured, assessed in accordance with, and not exceed the limits in German Industrial Standard DIN 4150 –3 (1999), 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, 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 section 3.2.1 of the CSMP.
26. Any soil analysis required in regard to 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 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 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.