

In the Environment Court of New Zealand  
Auckland Registry

I Mua I Te Kōti Taiao O Aotearoa  
Ki Tāmaki Makaurau

**ENV-2023-AKL-160**

Under the Resource Management Act 1991

In the matter of An application for a direct referral to the Environment Court under section 87G of the Act for an order granting the applicant's resource consent applications to construct and operate a new asphalt plant at 54 Aerodrome Road, Mt Maunganui, together with an application for consent to authorise the continued operation of the existing asphalt plant on the site pending construction of the new plant

Between **Allied Asphalt Limited**

Applicant

And **Bay of Plenty Regional Council and Tauranga City Council**

Consent Authorities

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**Statement of Reply Evidence of Craig Barry Batchelar**

26 April 2024

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## **Qualifications and experience**

- 1 My full name is Craig Barry Batchelar.
- 2 My qualifications and experience are asset out in my evidence in chief.

## **Scope of evidence**

- 3 I have structured my reply evidence under the following topic headings:
  - (a) Proposal
    - (i) Production Caps for the New and Existing Plants
    - (ii) Diesel as an Alternative Fuel for the New Plant
  - (b) Planning Framework
    - (i) Overview
    - (ii) TCC Plan Change 33 – Intensification
    - (iii) Mount to Arataki Spatial Plan - Summary
    - (iv) Mount to Arataki Spatial Plan - Evaluation
    - (v) Existing use rights
  - (c) Consideration of Alternative Locations and Methods
    - (i) Alternative Locations
  - (d) Existing Environment
  - (e) Engagement with Iwi and hapū
  - (f) Mātauranga Māori Environmental Monitoring Plan
  - (g) Risk assessment for workers on adjacent industrial locations
  - (h) Conditions

## **Proposal**

*Production Caps for the Existing and New Plants*

- 4 Ms Petricevich<sup>1</sup> proposes a limit of 68,000 tonnes for the existing asphalt plant (rounded to 70,000 tonnes in her Appendix 2 condition amendments). AAL propose capping production volumes for the two years of remaining operation at 80,000 tonnes per annum. This is explained in Mr Palmer's reply evidence<sup>2</sup> and relates to uncertainties with other suppliers during this period .
- 5 Several statements of evidence refer to the proposed production limit (or cap) of 3,500 tonnes per day and 300,000 tonnes per annum for the new asphalt plant that forms part of the proposal. Concerns with the production limits include:
- “Consent for the proposed activity would enable the applicant to run a much bigger plant for much longer periods.”<sup>3</sup>
- “The applicant is using the environmental gains achieved by modernising their asphalt plant and using a cleaner fuel to vastly increase their production capacity.”<sup>4</sup>
- “The Applicant proposes to cap its volumes at 300,000 tonnes per year which is over four times its largest production year to date. While Toi Te Ora is supportive of a new plant when compared with the existing plant, it is within the Applicant's ability to further reduce its overall emissions and mitigate against any increase in emissions by putting a cap on their throughput and incorporating further BPO options.”<sup>5</sup>
- “I also agree with Dr Wilton's characterisation of the tension between increased discharges to air of some pollutants from increased production potentially undermining improvements in reductions of other pollutants from the improved technology in use.”<sup>6</sup>
- 6 Allied Asphalt Limited's (AAL's) intention in introducing the production cap was to provide assurance that the maximum daily and annual production volumes would remain well below the theoretical capacity of the new plant,

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<sup>1</sup> Petricevich EIC Para 60

<sup>2</sup> Palmer EIR, Para 13

<sup>3</sup> Scott, Para 32

<sup>4</sup> Scott, Para 85

<sup>5</sup> Shoemack, Para 30

<sup>6</sup> Wickham, Para 62

and would be, respectively, no more than 75% and 20% of the maximum production capacity of the plant for those periods.

- 7 The production limits on the new plant are proposed in the context that operating the plant continuously at maximum production capacity will have modelled effects of emissions on both PM10 and PM2.5 air quality that will be insignificant (less than 5%) compared to relevant New Zealand assessment criteria and the WHO 2021 air quality guidelines, and other emission effects would also be small or insignificant. With the production cap set at 20% of maximum production, the potential effects of emissions will be reduced by at least a factor of factor of four and are less than 1% of the relevant New Zealand assessment criteria and the WHO 2021 air quality guidelines<sup>7</sup>.
- 8 The intention is to supply asphalt only as the market requires. The reply statement of Mr Palmer<sup>8</sup> provides, from an operational perspective, the reasons why the production caps proposed by AAL are appropriate and why the proposed volume caps are set above current volumes. The proposed production cap includes provision for:
  - (a) The total asphalt needs for the region;
  - (b) Regional market growth estimated at 2% per year for an expanding road network with ongoing renewals and replacements, and for large one-off capital projects to occur in any given year;
  - (c) Supply outside the region, estimated at 15% additional.
- 9 The proposed production caps provide certainty that the future supply of asphalt can meet long term development needs in the region.
- 10 To limit the potential for the plant to be used to manufacture large volumes of asphalt for export to other regional markets, AAL proposes capping supply to this external market at no more that 15% of the proposed production limit (i.e. 45,000T per year).

### *Diesel as an Alternative Fuel for the New Plant*

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<sup>7</sup> Jenny Simpson EIR, para 28

<sup>8</sup> Palmer EIR paras 6-12

- 11 Several issues have been raised about use of diesel as an alternative fuel source for the new plant<sup>9101112</sup>.
- 12 No evidence raises a specific concern with the ability of the new plant to be run on diesel for a short period if there is an interruption to the supply of natural gas.
- 13 There is a concern than the reference to “financial viability” of natural gas as a trigger to allow a change to diesel will be problematic as it offers no certainty<sup>13</sup>, and that there is no assurance that the applicant wouldn’t switch to diesel even for a small price differential<sup>14</sup>. I agree that the limitation on the use of diesel as currently proposed is problematic because it is uncertain.
- 14 The propensity to change fuels is likely to be low. As Mr Palmer explains, the capital investment to enable natural gas as the primary burner fuel is significant<sup>15</sup>.
- 15 AAL propose an amendment to the proposed conditions such that diesel would only be able to be used as an alternative fuel source for the dryer burner for the new plant while natural gas supply is available if the cost of natural gas was at least 50% more than the cost of diesel. At present, the cost of natural gas is 50% less than diesel.
- 16 Consideration has been given to using “low NOx burners” by Ms Simpson<sup>16</sup>. The burner on the proposed asphalt plant is understood to be a low-NOx burner and is consistent with the Best Practicable Option (BPO) to control NOx emissions. AAL agree that if diesel needs to be used in the future in the new plant, the BPO for low NOx burner technology should be considered at that time and that this be included in the relevant consent conditions.
- 17 I have considered the option of AAL applying for a change to the discharge consent conditions, or to seek a new discharge consent, to use diesel as

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<sup>9</sup> Scott EIC Para 66-68, 91-103

<sup>10</sup> Petricevich EIC Para 37, 73

<sup>11</sup> Wilton EIC Para 44

<sup>12</sup> Wickham EIC Para 35-37

<sup>13</sup> Petricevich EIC, Para 68

<sup>14</sup> Scott EIC, Para 92

<sup>15</sup> Palmer EIR, paras 17 and 18

<sup>16</sup> Simpson EIR para 134-138

an alternative fuel for the new plant if and when the need arises. Such an application would allow reconsideration of the operating environment and BPO at that time and allow the setting of specific conditions.

- 18 While this pathway is available, in my opinion there is sufficient supporting evidence on air emission effects to include diesel as an alternative fuel in the conditions now. A consent process would create significant cost and uncertainty, and the potential for the time taken to process a change of consent conditions (or a new consent) raises a real risk of asphalt production being interrupted, with resulting effects on the maintenance and development of the road network.
- 19 The incorporation of the outcomes for production limits and use of diesel as an altered burner fuel into the proposed conditions is addressed later in my statement.

## **Planning Framework**

### *Overview*

- 20 In the Planning JWS, there is agreement on the relevant RMA plans and planning framework at district, regional and national level, including iwi planning documents and, by inference, the reasons for resource consent being required.
- 21 A range of resource management matters are addressed in the application and Section 87F report and recommended resource consent conditions. It is reasonably clear that the main matters in contention are those that relate to the effects of air emissions, including cultural effects. While submissions raised concerns about other effects such as transport, stormwater discharges, noise, soil contamination and hazardous substances, none of the evidence raises any specific concerns on these issues.
- 22 The AAL application has proceeded on the basis that the proposal fits within the operative and proposed planning framework for managing air quality by adopting BPO solutions that will result in effects on air quality being insignificant and contributes to bringing about compliance with the PM10 Standard for the Mount Maunganui Airshed (MMA).
- 23 Air quality and planning experts for AAL, the consent authorities, and Toi Te Ora appear to be aligned on this. There is agreement that the core plant selection and fuel choices in the proposal are the BPO. There are differing views on how the consent should be managed, including through conditions and duration, and the issue of production levels addressed earlier in my statement.

- 24 Other parties witnesses (Clear the Air and Ngāti Kuku) place significant emphasis on the opportunity to establish the new asphalt plant at another location outside the polluted Mount Maunganui Airshed, effecting a “managed retreat” from this location.
- 25 In my opinion, there is nothing in the operative policy framework that suggests consideration of managed retreat in the first instance. The decisions of the Environment Court on Plan Change 13 and the resulting plan provisions do not set up an expectation that PM10 emitting industries should relocate outside the MMA. PC13 recognises the importance of industry at Mount Maunganui and focusses on a pathway for business to continue operating while lowering emissions to bring about compliance with the PM10 Standard for the MMA in the shortest possible time frame. This same general approach should apply to this application.
- 26 With the implementation of Plan Change 13 and its associated Airshed Management Plan, with all activities contributing to reducing emissions, it is reasonable to expect that PM10 concentrations in the MMA will reduce with a view to allowing the polluted airshed classification to be removed.
- 27 I accept that “managed retreat” or relocation could be appropriate for an activity that cannot manage its emissions sufficiently through other methods. However, that is not the case with this application, where the effects of emissions from the new plant, including odour, can be mitigated to levels where the effects will be insignificant, if not avoided altogether.

*TCC Plan Change 33 – Intensification*

- 28 Mr Scott refers to plan change proposals which would enable high-density residential development of up to 6 storeys as a permitted activity within 1km of the site with medium-density residential of 3 storeys in height even closer, noting that such intensification would result in an increase in the residential population exposed to adverse effects of poor air quality.
- 29 Mr Scott concludes that health effects are anticipated to become more acute as greater numbers of people are exposed to the contaminants in the air<sup>17</sup>. This issue is also raised by others including Ms Jones<sup>18</sup> and Ms Ngatuere<sup>19</sup>.

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<sup>17</sup> Scott EIC Para 60-62.

<sup>18</sup> Jones EIC, para 28

<sup>19</sup> Ngatuere EIC, para 26.

30 The High Density Residential Zone (HDRZ) at Bayfair<sup>20</sup> is, at its nearest point, approximately 1km from the AAL site boundary on Aerodrome Road. Nearly all of the HDRZ is more than 1km from the site as shown in the figure below, where the yellow circle is conservatively measured 1km from the AAL site boundary on Aerodrome Road (as opposed to the proposed stack location) to the boundary of the Bayfair HDRZ.



Figure: Location of proposed High Density Residential Zone (HDRZ) at Bayfair

31 Ms Simpson has assessed the impact on air quality effects of the MDRZ and HDRZ and concludes that:

- (a) It is not relevant to effects of the existing plant because that plant will be closed before residential intensification occurs.
- (b) The impacts of emissions in the residential area from the proposed asphalt plant at the AAL site are very small compared to health-based assessment criteria and there should be no adverse effects of odours.
- (c) Residential activities are not being brought any closer (which might give rise to increased effects).<sup>21</sup>

32 The Council has not yet made its decisions on Plan Change 33, and this is scheduled to occur at a Council meeting on 20 May 2024.

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<sup>20</sup>[https://www.tauranga.govt.nz/Portals/0/data/council/city\\_plan/plan\\_changes/pc33/files/s42a-appendix-3-annotated-text-chapter-14-sections-14g-14h.pdf](https://www.tauranga.govt.nz/Portals/0/data/council/city_plan/plan_changes/pc33/files/s42a-appendix-3-annotated-text-chapter-14-sections-14g-14h.pdf)

<sup>21</sup> Simpson IER para 35-39



*Mount to Arataki Spatial Plan - Summary*

33 In my evidence in chief<sup>22</sup>, I identified that the development of broader public policy on industrial land use at Mount Maunganui was occurring through the Mount Spatial Plan (MSP) and Mount Industrial Planning Study (MIPS). These two workstreams have now merged into a single “Mount To Arataki Spatial Plan” (MTASP), which was formally approved by Tauranga City Council in March 2024.

34 In the Planners JWS, it was agreed that I would provide a “summary of key actions” from the MTASP in my reply evidence.

35 The introduction to the MTASP identifies its purpose, including:

“As a non-statutory document, the spatial plan helps to inform council planning processes such as city plans, social infrastructure planning, transport planning, local plans, and the annual plan and long-term plan. It does this by identifying actions and projects that are needed to achieve the outcomes sought for the Mount to Arataki area”<sup>23</sup>.

36 The significance of Whareroa Marae and its community is recognised in the MTASP<sup>24</sup>:

“Whareroa Marae has been present for around 160 years, making it one of the oldest kainga in the area. It is a traditional pā site and is the key marae for Ngāi Tukāirangi and Ngāti Kuku hapū of the Ngāi Te Rangi Iwi, including a kōhanga reo and papakāinga housing, as well as providing for important events such as tangi and iwi and hapū hui.”

37 The significance of Mount Maunganui industrial area as the largest in Tauranga City is also recognised<sup>25</sup>.

38 “Key challenges” are identified including those for industry and port activity, and Whareroa<sup>26</sup>:

“The area has issues arising from adjoining land uses, particularly between industrial and residential activities. There are concerns about worsening air

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<sup>22</sup> Batchelar EIC paras 274-280

<sup>23</sup> MTASP p7, Introduction – Purpose of the Spatial Plan

<sup>24</sup> MTASP p13, He māramatanga mō te rohe mai i Mauao ki Arataki, Understanding Mount to Arataki

<sup>25</sup> MTASP p14, Tangata Whenua aspirations for the Mount to Arataki area

<sup>26</sup> MTASP p19, Key Challenges

and water quality from industrial activities, and the impact of this on human and environmental health.

The ability for industrial and port activity to continue in a way where it can co-exist with surrounding land uses and the environment is important for the economic wellbeing of the city and region. A move toward more sustainable practices by industrial businesses, along with a shift to lighter industrial activities in some specific locations, will lessen the impacts of the industrial area on surrounding land use in the future.

...

Tangata whenua have strong connections and history to the Mount to Arataki area. The community of Whareroa in particular faces significant challenges from the surrounding industrial activity. There is a need to find balance between enabling development while safeguarding the cultural values of the area.”

- 39 Tangata Whenua aspirations for the Mount to Arataki area are identified. These include partnership and engagement, recognising rangatiratanga and Mana Motuhake, and Ngā tātai kōrero - place-based values<sup>27</sup>.
- 40 Specific aspirations for Whareroa Marae and the surrounding area are identified, which are to address the health and environmental impacts of the adjacent industrial land, port, airport and related activities:

“Through the spatial plan and other projects, as well as submissions on the Long-term Plan, mana whenua and representatives of the community have provided clear feedback that the current effects from activities in the Mount Maunganui Airshed on people’s health and the environment are not being addressed and, therefore, they support greater land use controls, with emitting industrial activity removed. They have also identified concerns over noise, traffic, safety, hazard risks, visual amenity impacts and pollution of waterways and Te Awanui (Tauranga Harbour).

An aspect of this spatial plan and related mahi has been on what can be done to respond to issues identified by Whareroa marae hau kāinga (the home people), mana whenua and the wider community,

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<sup>27</sup>MTASP p23 Ngā manakonui i wawatahia ai e ngā hapū ki te takiwā o Maunganui - Tangata Whenua aspirations for the Mount to Arataki area

and whether a move away from emitting industries in this area can be achieved over time.”

41 The Mount to Arataki Outcomes Sought are to:<sup>28</sup>

Foster a thriving Mount to Arataki community that centres on manaaki tangata (care for people), emphasising wellbeing and health of the community and environment, and the unique cultural heritage and local identity

Provide opportunities for housing to better meet our social and economic needs

Improve accessibility and movement

Proactively manage natural hazards and land use activities to enhance the wellbeing of our community

Support an economically productive, healthy and connected industrial area that fits with the surrounding environment and communities.

42 These broad Outcomes are achieved within a framework of “Unique”, “Liveable”, “Connected” and “Healthy” neighbourhoods, each of which set out the community feedback, key directions, specific outcomes, and a narrative vision.

43 Issues associated with the Mount Maunganui Industrial area and emissions are primarily addressed in “He Hapori Ora Noa - Healthy neighbourhoods”<sup>29</sup>.

44 The key direction for the Mount Maunganui Industrial area is to:

Minimise the impacts of polluting industries to people and to the natural environment in the Mount to Arataki area.

45 The outcome sought is:

“Pollution generated by industry is limited and does not impact on the health of nearby residents or on the natural environment”.

46 An Action Plan provides for “Area-wide”, and “Neighbourhood” based actions. There are no Area wide actions relevant to the AAL proposal.

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<sup>28</sup> MTASP p36 Mount to Arataki outcomes sought

<sup>29</sup> MTASP p51-54 6.4. He Hapori Ora Noa Healthy neighbourhoods

- 47 The specific “Mount Industrial Area Plan<sup>30</sup> is included in Annexure 1. There are 20 Actions, including:
- (a) Prepare an Airshed Management Strategy, led by Bay of Plenty Regional Council
  - (b) Environmental Accord with businesses in the industrial area, led by Priority One
  - (c) Industrial transition area adjacent to Newton Street and McDonald Street, and Totara Street (northeast block)
  - (d) Industrial transition area adjacent to Whareroa
  - (e) A City plan change to restrict residential activities in commercial zoned areas of the Mount Maunganui Airshed
  - (f) Investigate a regional plan change to further address the polluted Mount Maunganui Airshed, adopting WHO guidelines and a ‘sinking lid’ approach to managing existing emissions.
  - (g) Water sensitive planning (policy and guidance) for the industrial area
  - (h) Investigate opportunities to restore and maintain the mauri of te wai (life force of the water)

*Mount to Arataki Spatial Plan - Evaluation*

- 48 While the MTASP is not a statutory planning document it has some relevance in my opinion, as it represents a current public policy position on the overall management of the Mount Maunganui area including the Industrial Area.
- 49 The AAL proposal was not assessed against the MTASP in the application or my evidence in chief as the MTASP had not been adopted at that time. I have evaluated the AAL proposal against the Key Direction and Outcomes and the Mount Industrial Area Action Plan in Annexure 2.
- 50 In summary, my opinion is that the AAL proposal is:
- (a) consistent with the Mount to Arataki Outcomes Sought;

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<sup>30</sup> MTASP p73-79 7.6. Mount Industrial Area

- (b) consistent with the He Hapori Ora Noa - Healthy neighborhoods Key Direction and outcomes;
  - (c) aligned with the relevant actions in the Mount Maunganui Industrial Area Plan.
- 51 The MTASP recognises the importance of the Mount Maunganui industrial area and provides for the future operation of business where that activity does not impact on the health of nearby residents or on the natural environment. The AAL proposal is consistent with this, in adopting BPO solutions that will result in effects on air quality and other effects being insignificant.
- 52 Two “Industrial transition areas” (Newton Street/McDonald Street/Totara Street and Whareroa) are identified where the action is to minimise noise, air quality, odour, health, cultural and amenity impacts through appropriate land use, built form and/or activity controls. The AAL site is not within either of the two transition areas.

*Existing use rights*

- 53 Mr Scott states<sup>31</sup>:

In relation to the existing plant, existing use rights apply to the land use element of the activity – essentially the production of 68,000 tonnes of asphalt per year, in the current location.

- 54 In my evidence in chief<sup>32</sup>, I set out the planning history of the existing asphalt plant. The existing asphalt plant does not operate under existing use rights under Section 10 of the RMA. It was established through a ‘planning consent’ granted in 1970 which has not expired nor been surrendered. The existing asphalt plant land use is currently a permitted activity under the City Plan. There are no production limits under the granted resource consent or the operative City Plan rules.

**Consideration of Alternative Locations and Methods**

- 55 Ms Petricevich states:

The section 87F report notes that no assessment of alternatives was undertaken in the application. Mr

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<sup>31</sup> Scott EIC Para 30

<sup>32</sup> Batchelar EIC Para 50-51.

Batchelar provides a consideration of alternatives within paragraphs 193-198<sup>33</sup>.

- 56 This is not correct as the application as lodged included a consideration of alternative locations and methods in Section 9. The Section 87F report also states that

“...comprehensive assessment of alternatives has been provided in Section 9 of the Application, in accordance with Clause 6 of Schedule 4 of the RMA.”

- 57 Mr Scott concludes that the assessment of alternatives provided with the application is:

“...woefully inadequate for the scale and significance of the adverse effects of the discharge of contaminants at the proposed location”<sup>34</sup>

- 58 I agree that the scale and significance of the adverse effects of the discharge of contaminants at the proposed location is a relevant consideration in the approach to assessing alternatives. In this case, and as noted above, the effects of emissions from the new plant on particulate air quality, at an assumed annual asphalt production of 300,000 TPA, will be insignificant (less than 1%) compared to relevant New Zealand assessment criteria and the WHO 2021 air quality guidelines, and other emission effects would also be small or insignificant.

- 59 In my opinion, the assessment of alternative locations included in my evidence, as well as the detailed consideration of alternative methods is appropriate in this context.

#### *Alternative Locations*

- 60 The starting position for the applicant has been that the existing location at Mount Maunganui has proven to perform very well over several decades from an operational perspective, being centrally located to the subregional urban settlement areas that form its main market and being well served by the established main road network including access for the input of raw materials.

- 61 The option of a new location was considered early in development planning, but with no overall benefit in relocating being identified, the focus has been

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<sup>33</sup> Petricevich EIC Para 42

<sup>34</sup> Scott EIC Para 154.

on improving environmental performance at the existing location using BPO technology in line with the expectations of Plan Change 13.

- 62 The assessment of alternatives gives effect to Policy Air-P4 of Plan Change 13 which directs that particular regard be had to certain matters listed in the policy, including clause (h):

“The operational requirements and locational constraints relevant to the discharge and/or activity.”

- 63 Assuming adverse effects can be managed to acceptable levels (e.g., management of stormwater and air discharges), and assuming there are a variety of suitable alternative sites available, transport is the main operational determinant of location choice for the asphalt plant.
- 64 Transport of raw material inputs is a major cost component for AAL as a manufacturer. For its client market, costs and timeliness of transporting asphalt product to the location where it is to be used is critical. Infrastructure delivery is challenging, and all parts of the supply chain must work to manage costs and efficiency to promote overall affordability.
- 65 Transport is also the main variable for carbon emissions for the asphalt supply chain whether for inputs or outputs, even though this is out of scope for the Emissions Reduction Plan which focusses solely on emissions from the on-site manufacturing process. Cumulative effects of wear and tear on the road network are a wider public interest issue which is proportional to vehicle kilometres travelled.
- 66 CKL consultants have developed a gravity model to assess the relative transport effects of the alternative locations previously identified in the application and in my Evidence-in-Chief. They have also undertaken an alternative assessment considering vehicle kilometres travelled (VKT). The gravity model and VKT analysis is described in the reply statement from Ms Makinson.
- 67 The results from the modelling of alternative locations generally confirms the operational experience and insights of AAL on where best to locate a new asphalt plant. Tauriko Business Estate and Mount Maunganui locations rank well ahead of the other locations that were assessed in terms of transport cost and vehicle kilometres travelled.
- 68 Tauriko Business Estate is identified as the location with the best overall transport cost attributes under the gravity model assessment. A key factor in this is the expected level of urban growth in the north and west of the subregion, including the Takitimu Northern Link and the Western Corridor upgrade.

- 69 As Ms Makinson discusses, while Tauriko is closer than the existing site to aggregate inputs from the Waikato, this advantage is largely offset by trucks then travelling into Tauranga/Mount Maunganui to backload goods, largely from the port.
- 70 As referred to in the application (but omitted from the updated assessment in my EIC) Tauriko Business Estate does have limitations in being located in proximity (some areas within 500m) of planned residential development in the short and long term, rural residential dwellings, and some isolated rural zoned dwellings in and around the operative and proposed industrial zoned areas.
- 71 The undulating plateau and valley topography at Tauriko leads to complexity in managing the effects of air emissions and this is addressed in the statement of Ms Simpson.<sup>35</sup> Tauriko is not considered to have any advantages with respect to air quality effects compared to the Mt Maunganui industrial area, and has some features that would suggest it could be worse, depending on the particular location of the emitting industry within the Tauriko Industry Zone and whether proposed future residential development occurs.
- 72 The existing site at Mount Maunganui ranks second to Tauriko in the transportation cost in the gravity model assessment but ranks first as having the lowest total vehicle kilometres travelled in this alternative assessment. A key factor in this is its location relative to maintenance and renewals of the existing road network, which makes up most (at least 80%) of the demand for asphalt in the region.
- 73 The gravity model includes future land use assumptions based on the draft SmartGrowth Future Development Strategy. In the medium to long term, there are uncertainties about where urban growth will occur in the subregion that may affect the assumptions used in the gravity model. Many of the medium to long term growth areas are not yet “plan enabled”, and infrastructure is planned but with significant funding gaps remaining. There are also some strategic decisions that are yet to be made on the allocation of growth between the east and west of the subregion, and uncertainties on how much uptake of brownfield intensification will occur in existing urban areas.
- 74 The gravity model and VKT assessments show that the existing Mount Maunganui site is a good location for the new asphalt plant. The location is central to meeting maintenance and renewals needs of the existing road

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<sup>35</sup> Simpson EIR Paras 40-46



network and is resilient to whatever direction long term growth takes in the subregion.

- 75 In my opinion, the assessment of alternative locations is fit for purpose given the scale and significance of the adverse effects, the operational requirements and locational constraints relevant to the activity, and the general indications of suitability verified by the gravity model, relative to uncertainties in the future market.

### **Existing Environment**

- 76 Dr Shoemack's statement<sup>36</sup> refers to "residences throughout the airshed" needing to be taken into account in the AQ Assessment.
- 77 The application and my evidence in chief refer to the ancillary residential uses within hangar buildings at the Tauranga Airport approximately 400m to the south of the site, and within the airshed. The effect of emissions on these activities is included in the AQ Assessment.
- 78 Additional ancillary residential uses have also been identified on the airport that are 300-500 metres to the south and east of the site and within the airshed. These are also ancillary residential uses, similarly, located within hangars, in Dakota Way and Kittyhawk Way. I understand that these residential activities are authorised through an Outline Plan approval under the Airport's District Plan designation. Examples of possible occupiers given at the time the outline plan was approved included airport security personnel, owners and operators of aircraft stored in hangars, maintenance personnel, and people undertaking aviation training.
- 79 I undertook a site visit on 21 April 2022 of the area within 500m of the AAL site and did not see visible evidence of any residential uses other than those already known. However, I acknowledge there may be unauthorised residential uses within industrial buildings that are difficult to see.

### **Engagement with Iwi and hapū**

- 80 The statements of Mr Scott, Ms Ngātuere, and Mr Ngātuere all express levels of dissatisfaction with the adequacy of AAL engagement with Ngāti Kuku prior to lodgement of the application.

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<sup>36</sup> Shoemack, Para 32

- 81 The reply evidence of Dale Eastham provides an account of the engagement process from the AAL perspective<sup>37</sup>.
- 82 From both accounts, dissatisfaction with the pre application process is a shared experience. However, dissatisfaction with pre application engagement is not a reason to decline consent.
- 83 The proposal to consent a new asphalt plant at this location, even with mitigation in place that will manage effects to an insignificant level, is fundamentally at odds with the Ngāti Kuku preference for the “managed retreat” of all heavy industry from Mount Maunganui as stated by Mr Ngatuere<sup>38</sup>:

In July 2020 Ngāti Kuku and Whareroa marae made it clear to councils, central government, industries, and our wider community that our aspirations are for a managed retreat of all heavy industries out of the Mount Maunganui peninsular by 2030. This has not changed.

- 84 The AAL approach has been to seek to understand this position, but also to seek recognition of its expectation of being able to rely on an operative planning framework that provides a pathway to consent. That planning framework itself embodies outcomes from engagement with tangata whenua, some of this relatively recent, including through Plan Change 13 and the MTASP.
- 85 Mr Scott states:

“One relevant matter that was not covered in his assessment was the actions in Policy 24 of the TMIMP: “[to] involve Iwi and hapū in resource consent processes for industrial discharges close to marae, papakainga, kura kaupapa or kohanga reo”.<sup>39</sup>

- 86 Policy 24 of the TMIMP is referenced in the application<sup>40</sup>. Iwi and hapū have been directly involved in the resource consent processes for industrial discharges for the AAL proposal. The air discharge point is not close to marae, papakainga, kura kaupapa or kohanga reo, being 1.4km away. The

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<sup>37</sup> Eastham EIC Paras 18-36

<sup>38</sup> Ngatuere EIC Para 34

<sup>39</sup> Scott EIC Para 54

<sup>40</sup> Section 7.1.7 Iwi and hapū resource management plans

stormwater discharge from the Council system to the harbour is near to the marae (approximately 250m).

- 87 Beyond its endeavours to engage with iwi and hapū prior to application lodgement, AAL has:
- (a) requested public notification in recognition of the community and iwi interests in the proposal;
  - (b) sought direct referral to the Environment Court in recognition of the importance of the proposal to iwi, in the context of wider policy debates that are ongoing, and acknowledging the indication from Ngāti Kuku that it would appeal a Council decision to grant consent to the Environment Court in any event;
  - (c) participated in Environment Court mediation which included Ngāti Kuku hapu representatives.

### **Mātauranga Māori Environmental Monitoring Plan**

88 I agree with the assessment of Mr Scott that the proposed condition relating to cultural values for the air discharge consent for the new plant is deficient in that it does not allow for thoughtful, effective responses to any issues emerging from that monitoring<sup>41</sup>.

89 Ms Ngātuere states that:

Another popular mechanism used is a matauranga monitoring framework. These have the potential to be useful, but only if they are designed by tangata whenua themselves and resourced appropriately. In a broader context like in the MMAS, these will only work if there was a broader matauranga monitoring framework in place and not in silos with each industry.<sup>42</sup>

90 The mātauranga monitoring condition was adopted from a resource consent granted for a similar plant in Hamilton and was intended as a starting point for discussion with Ngāti Kuku hapū.

91 I agree with Mr Scott's suggested additions to the condition to include provision for reporting, discussion, consideration of responses, and cost

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<sup>41</sup> Scott EIC Para 167

<sup>42</sup> Ngatuere EIC Para 42

reimbursement, while acknowledging Mr Scott's overall view that the consent for the new asphalt plant should be declined.

- 92 It would be appropriate that the outcomes of cultural monitoring and reporting are linked to the proposed review conditions, consistent with the link from other monitoring conditions proposed in the consent conditions for the new asphalt plant.
- 93 I agree with Ms Ngātuere that a better outcome would be a broader mātauranga monitoring framework and not in silos with each industry. AAL would support an action to establish a broader mātauranga monitoring framework across industry, although could not facilitate this on its own. I have proposed an amendment to the mātauranga monitoring condition to allow for this outcome to replace the consent specific monitoring approach
- 94 There may also be value in extending the scope of cultural monitoring to include monitoring of stormwater discharges. However, Comprehensive Stormwater Discharge Consent 66823 (CSDC) held by Tauranga City Council included hapū in carrying out cultural impact assessment reports and there is hapū involvement in monitoring, testing, reporting and providing mitigation programmes, so I am not sure this is needed for this consent.

### **Risk assessment for workers on adjacent industrial locations**

- 95 The statement of Dr Denison refers to the health expert caucusing where the issue of the potential impacts of the Allied emissions on adjacent industrial workers was raised.
- 96 Her view is that the ambient air quality standards/guidelines are not appropriate for adjacent industrial locations, and her assessment is that the emissions from the existing and proposed Allied Plants pose a negligible risk to the workers at adjacent industrial locations<sup>43</sup>.
- 97 The planning framework under the RPS and RNRP does not specifically address this issue beyond general objectives and policies to avoid remedy and mitigate effects to protect people and the environment<sup>44</sup> and protection of the mauri of air and human health from adverse effects of anthropogenic contaminant discharges to air<sup>45</sup>.

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<sup>43</sup> Denison EIR Para 99-116

<sup>44</sup> RPS Objective 1

<sup>45</sup> RNRP Objective AQ01

98 The City Plan takes a more specific approach in identifying the purpose of the Industrial Zones<sup>46</sup> to include allowing activities with lower expectations of impact and amenity:

The purpose of the Industry Zone is to group together industrial, service and complementary activities that are:

- a. Strategically located in the transport network;
- b. May otherwise impact on sensitive uses such as residential development;
- c. Require the ability to operate unencumbered by the expectations of amenity inherent in other zones.

99 Related industrial activity policies include ensuring that:

“... non-industrial activities do not impact on the present or future legitimate operation of industrial or adjacent activities through higher expectations of amenity.”<sup>47</sup>

100 In my opinion, the risk based approach taken by Dr Denison is appropriate having regard to the planning framework and the definition of ‘effect’ which encompasses consideration of probability and impact.

### **Conditions**

101 Amended conditions for the two air discharge consents are included in Annexure 3 of my statement. These conditions bring together the condition changes and additions set out in the Applicant’s reply evidence. The new text is shown in blue. The scope of each of the condition amendments is briefly summarised below.

### **Air Discharge (2-year existing plant)**

#### *Production Limits on Existing Asphalt Plant (Condition 3)*

102 A production limit of 70,000 tonnes of asphalt within any calendar year is proposed, consistent with the recommendation of Ms Petricevich. A suggested additional clause would require recording and reporting of annual production volumes.

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<sup>46</sup> 8A.1 Purpose of the Industry Zone

<sup>47</sup> 8A.5.3.3 Policy - Compatible Activities and Reverse Sensitivity Clause c

### **Air Discharge (35-year new plant)**

#### *Commissioning of New Plant (Condition 3)*

- 103 An advice note is proposed to clarify that the restriction on both plants operating at the same time would not apply to testing and commissioning of systems that do not involve the use of the dryer burner.

#### *Maximum Asphalt Production Limits for New Asphalt Plant (Condition 9)*

- 104 An additional condition is proposed to limit the production of asphalt that may be transported outside the Bay of Plenty Region to no more than 15% of the annual production limit.

#### *Fuel Sources for Dryer Burner (Conditions 11 and 14)*

- 105 A 50% cost differential is proposed that provides certainty on the circumstances where diesel may be used as an alternative fuel to natural gas.
- 106 Where diesel is used as an alternative fuel to natural gas, low NOx emissions dryer burner equipment must be used.

#### *Enclosure of Loadout Area (Condition 21)*

- 107 An adaptive management condition is proposed that will require enclosure of the loadout area in the event that the planned extraction system is not effective in preventing offensive or objectionable odours from the loadout area beyond the boundary of the site.

#### *NOx Testing (Condition 25)*

- 108 A condition is proposed to require testing for NOx annually for the first 5 years of the consent to confirm NOx levels/concentrations associated with the burning of natural gas. The condition includes remedial action if any compliance issues arise. This condition has been drafted with technical advice from Ms Simpson.

#### *Site Boundary Monitoring for PM10 (Condition 26)*

- 109 A condition is proposed to require site boundary monitoring for PM10. The condition includes remedial action if any compliance issues arise. The condition has been drafted with technical advice from Ms Simpson.

#### *Mātauranga Māori Environmental Monitoring Plan (Conditions 34-36 and 42)*

- 110 Additional conditions are proposed to set out the actions that will follow from the monitoring survey required under the proposed conditions. These actions include a specific reporting requirement, and a forum with Ngāti Kuku hapū to discuss and follow up on matters arising from monitoring and reporting. The consent holder would be required to reimburse hapū costs of engagement in the conditions.
- 111 It is also proposed that reporting on the outcomes of the monitoring survey under the Mātauranga Māori Environmental Monitoring Plan is linked to the Review condition, consistent with other monitoring and reporting requirements.

*Reporting (Condition 39)*

- 112 An Annual Monitoring and Compliance Report requirement and notification of abatement and enforcement notices has been added as sought by Toi te Ora.



**Craig Batchelar**

26 April 2024

## 7.6. Mount Industrial Area

As part of the overall outcomes sought for the spatial plan area, Council has agreed the following outcome (vision statement) for the Mount Industrial area:


***An economically productive, healthy and connected industrial area that fits with the surrounding environment and communities.***

Council will work with mana whenua, other partners and key stakeholders to deliver on this vision by:

- Proactively managing land use activities to enhance the environmental, cultural and social wellbeing of our community
- Recognising and providing for the importance of the area to tangata whenua
- Adopting best practice and innovation
- Improving accessibility and movement within and through the area of both people and goods
- Promoting opportunities for higher value land uses that promotes economic, environmental, social and cultural outcomes
- Delivering the necessary infrastructure to support business growth
- Considering our response to climate change, technological changes and hazard risks.

Key actions to achieve the desired outcomes for the Arataki / Bayfair neighbourhood are described below.

# Place specific actions are identified on the Arataki / Bayfair Neighbourhood Plan below with the corresponding action number.

Directions	Intervention Name and Description	Who	Costs	Timeframes
 <p><b>Liveable Neighbourhoods</b></p>	<p><b>Higher value use of industrial zoned land</b></p> <p>1 To inform future decision making, undertake a study to consider how higher value use of the existing Mount industrial area can be enabled. Include consideration of mechanisms to enable higher value uses; making best use of limited industrial zoned land resource; limiting container and goods storage area (and investigating alternatives e.g. Rangiuru Business Park, Ruakura); and encouraging 'green' industry.</p>	<p><b>TCC, P1,</b> Businesses, mana whenua, MBIE, BOPRC</p>	<p>\$</p>	<p>Short term</p>



## Directions



### Connected Neighbourhoods

## Intervention Name and Description

## Who

## Costs

## Timeframes

2

### Investigate safe cycling options from the city centre to the Omanu and Arataki areas

Investigate and provide for safe cycling options from the city centre to the Omanu and Arataki areas, through the Mount Industrial area. Investigate use of Hewletts Road in the short term, and use of industrial back streets, remnant rail corridors, open space and other areas that are not dominated by heavy vehicles in the medium to long term. *Note: Final detail is subject to approval of the Connecting Mount Maunganui Business Case (Hewletts Road corridor and adjacent transport system improvements).*

Waka Kotahi,  
TCC, BOPRC

\$\$\$

Immediate to longer term

3

### Rail safety improvements (underway)

Work with Kiwirail, Waka Kotahi and the Port of Tauranga to investigate opportunities to improve safety, including reducing rail crossing points.

KiwiRail,  
TCC, Port,  
Waka Kotahi

\$\$

Immediate to longer term

4

### Better manage vehicle movements on Totara Street south and Taiaho Place

Improve access, amenity and safety by considering:

- Improved phasing of Hewletts Road / Totara Street traffic lights
- Future land use and associated movements to minimise impact on Whareroa Marae
- Creating alternative access for heavy vehicles to existing businesses.

Note: Final detail is subject to the Connecting Mount Maunganui Business Case transport improvements

Waka Kotahi,  
TCC, BOPRC

\$

Short term

5

### Improve the internal industrial roading network



Determine the need to formalise existing paper road connections within industrial area (Hewletts/Totara/Hull area) eg. Te Maire Street, to improve connectivity and increase movement of people and goods.

Note: This action is subject to outcomes of the Connecting Mount Maunganui Business Case, and future Long-term Plan funding.

Waka Kotahi,  
TCC, BOPRC

\$\$\$\$

Medium term to longer term

Directions	Intervention Name and Description	Who	Costs	Timeframes
 <p data-bbox="174 352 392 411">Connected Neighbourhoods</p>	<p data-bbox="459 300 504 359">6</p> <p data-bbox="548 220 1496 244"><b>Enhance rail efficiency and investigate completion of rail loop within industrial area</b></p> <p data-bbox="548 280 1507 373">Work with Kiwirail, Waka Kotahi and the Port of Tauranga to investigate opportunities to complete the railway line within Mount industrial area, to improve traffic and movement of goods and services to the port.</p> <p data-bbox="548 408 1408 432">Note: Final detail is subject to the Connecting Mount Maunganui Business Case.</p>	<p data-bbox="1574 220 1675 244"><b>KiwiRail,</b></p> <p data-bbox="1574 256 1688 280">TCC, Port,</p> <p data-bbox="1574 293 1711 317">Waka Kotahi</p>	<p data-bbox="1778 220 1809 244">\$\$</p>	<p data-bbox="1906 220 2040 244">Longer term</p>
	<p data-bbox="459 555 504 614">7</p> <p data-bbox="548 472 1464 496"><b>Prepare an Airshed Management Strategy, led by Bay of Plenty Regional Council</b></p> <p data-bbox="548 531 1525 687">Set out a clear framework for the ongoing management of the Mount Maunganui Airshed to reduce emissions and enhance air quality as directed by the Environment Court. As part of this approach, investigate options such as new regulations and/or non-regulatory methods, to restore the mauri of the whenua and improve the wellbeing of people living in the Mount to Arataki area.</p>	<p data-bbox="1574 472 1659 496"><b>BOPRC</b></p>	<p data-bbox="1778 472 1794 496">\$</p>	<p data-bbox="1906 472 2022 496">Immediate</p>
 <p data-bbox="174 890 392 949">Healthy Neighbourhoods</p>	<p data-bbox="459 786 504 845">8</p> <p data-bbox="548 730 1458 754"><b>Environmental Accord with businesses in the industrial area, led by Priority One</b></p> <p data-bbox="548 791 1480 884">Priority One and businesses to work together with Tauranga City Council, Bay of Plenty Regional Council and other agencies to establish a voluntary environmental accord to improve environmental outcomes in the Mount industrial area.</p>	<p data-bbox="1574 730 1675 754"><b>P1, Business,</b></p> <p data-bbox="1574 767 1727 791">TCC, BOPRC,</p> <p data-bbox="1574 804 1727 828">mana whenua</p>	<p data-bbox="1778 730 1794 754">\$</p>	<p data-bbox="1906 730 2022 754">Immediate</p>
	<p data-bbox="459 1066 504 1125">9</p> <p data-bbox="548 922 1518 978"><b>Industrial transition area adjacent to Newton Street and McDonald Street, and Totara Street (northeast block)</b></p> <p data-bbox="548 1015 1503 1070">Investigate and apply appropriate land use, built form and/or activity controls through the City Plan to:</p> <ul data-bbox="548 1107 1525 1251" style="list-style-type: none"> <li>- Respond to environmental issues e.g. noise, air quality, odour and amenity values</li> <li>- Create a transitional area / interface between the Mount industrial area and the adjoining residential areas and other land uses</li> <li>- Recognise the existing use rights of businesses and their continued ongoing operation.</li> </ul>	<p data-bbox="1574 922 1626 946"><b>TCC</b></p>	<p data-bbox="1778 922 1794 946">\$</p>	<p data-bbox="1906 922 2051 978">Immediate to short term</p>

## Directions



### Healthy Neighbourhoods

## Intervention Name and Description

## Who

## Costs

## Timeframes

10

### Industrial transition area adjacent to Whareroa

Investigate and apply appropriate land use, built form and/or activity controls for industrial activities near the Whareroa community to minimise noise, air quality, odour, health, cultural and amenity impacts.

Implement outcomes through a business hierarchy under the City Plan in line with the National Planning Standards 2019: general industrial, heavy industrial, light industrial and port zones.

Regulate future land use activities to improve environmental outcomes, while recognising existing use rights of businesses and providing for their future operation.

TCC

\$\$

Immediate to short term

11

### Undertake a plan change to restrict residential activities in commercial zoned areas of the Mount Maunganui Airshed

Undertake a plan change to restrict residential activities in commercial zoned areas of the Mount Maunganui Airshed under the operative Tauranga City Plan.

TCC

\$

Immediate to short term

12

### Implement a landscape plan to enhance amenity and biodiversity in the industrial area

Prepare a landscape plan (stage 1) for the industrial area to identify opportunities for progressive implementation (stage 2) of amenity and landscape enhancements over time, in partnership with business. Work with business owners to deliver landscape plan including through specific projects and renewals, and by private businesses (through an environmental accord or other funding arrangement).

TCC, Port, businesses

\$\$-\$\$\$

Immediate, longer term

13

### Decarbonisation of industrial emissions

Investigate and implement decarbonisation initiatives.

P1, businesses, BOPRC, Central Government

\$\$-\$\$\$\$

Short term

## Directions



### Healthy Neighbourhoods

## Intervention Name and Description

## Who

## Costs

## Timeframes

14

### Support the Whareroa community's wellbeing by working on climate change response planning

Work with hapū and the Whareroa community to develop a resilience plan for the Marae area, to support future community wellbeing with recognition of impacts from climate change.

TCC, mana whenua, BOPRC, Central Government

\$

Medium term

15

### Investigate alternate power sources for cruise ships and port operations

Work with PowerCo and Transpower to determine the viability and cost of establishing shoreline power connections for ships while they are in port. This would eliminate carbon emissions from fuel use. Provide for greater use of electricity and alternative fuel sources, such as hydrogen, across port operations.

Port

\$-\$\$

Short term to medium term

16

### Landscape buffer – Whareroa (physical environmental buffer)

Work with tangata whenua and landowners to develop and deliver a programme of works to create an enhanced landscape buffer between industrial land use and Whareroa, by considering:

- Planting around the road corridor, street trees and private planting/developments,
- Noise barriers/controls
- Improvements to biodiversity and water quality
- Integration with landscape plan for Industrial area action.

TCC, landowners, mana whenua

\$\$-\$\$\$

Short term to medium term

17

### Enhance the landscape buffer between industry and adjoining land uses along Maunganui Road

Work with landowners (including Kiwirail and Waka Kotahi) to develop and deliver a programme of works to create a landscape buffer between the industrial and residential areas along Maunganui Road, through a staged approach including consideration of:

- Planting around the rail corridor, street trees, private planting/ developments, safety and movement
- Noise barriers/controls.
- Improvements to biodiversity and water quality
- Integration with Landscape Plan for Industrial area action.

TCC, landowners (including KiwiRail)

\$\$

Short term to medium term

## Directions

## Intervention Name and Description

## Who

## Costs

## Timeframes



## Healthy Neighbourhoods

18

### Investigate a regional plan change to further address the polluted Mount Maunganui Airshed

Investigate a plan change to the operative Bay of Plenty Regional Natural Resources Plan to further address the polluted Mount Maunganui Airshed which could include implementing:

- World Health Organisation air quality guidelines to reduce the health impacts of air pollution and/or
- A 'sinking lid' approach to managing existing emissions.

BOPRC

\$\$

Medium term

19

### Water sensitive planning (policy and guidance) for the industrial area

Working in partnership with Bay of Plenty Regional Council, review existing strategies and policies, including the requirements for construction sediment management and industrial discharge standards; impervious surface allowances for Industrial Zone; and managing stormwater on site to improve the quality of discharges from industrial land use and roading run off.

TCC, BOPRC, businesses

\$

Medium term

20

### Investigate opportunities to restore and maintain the mauri of te wai (life force of the water)

In partnership with business, identify enhancement opportunities in the Mount industrial area to:

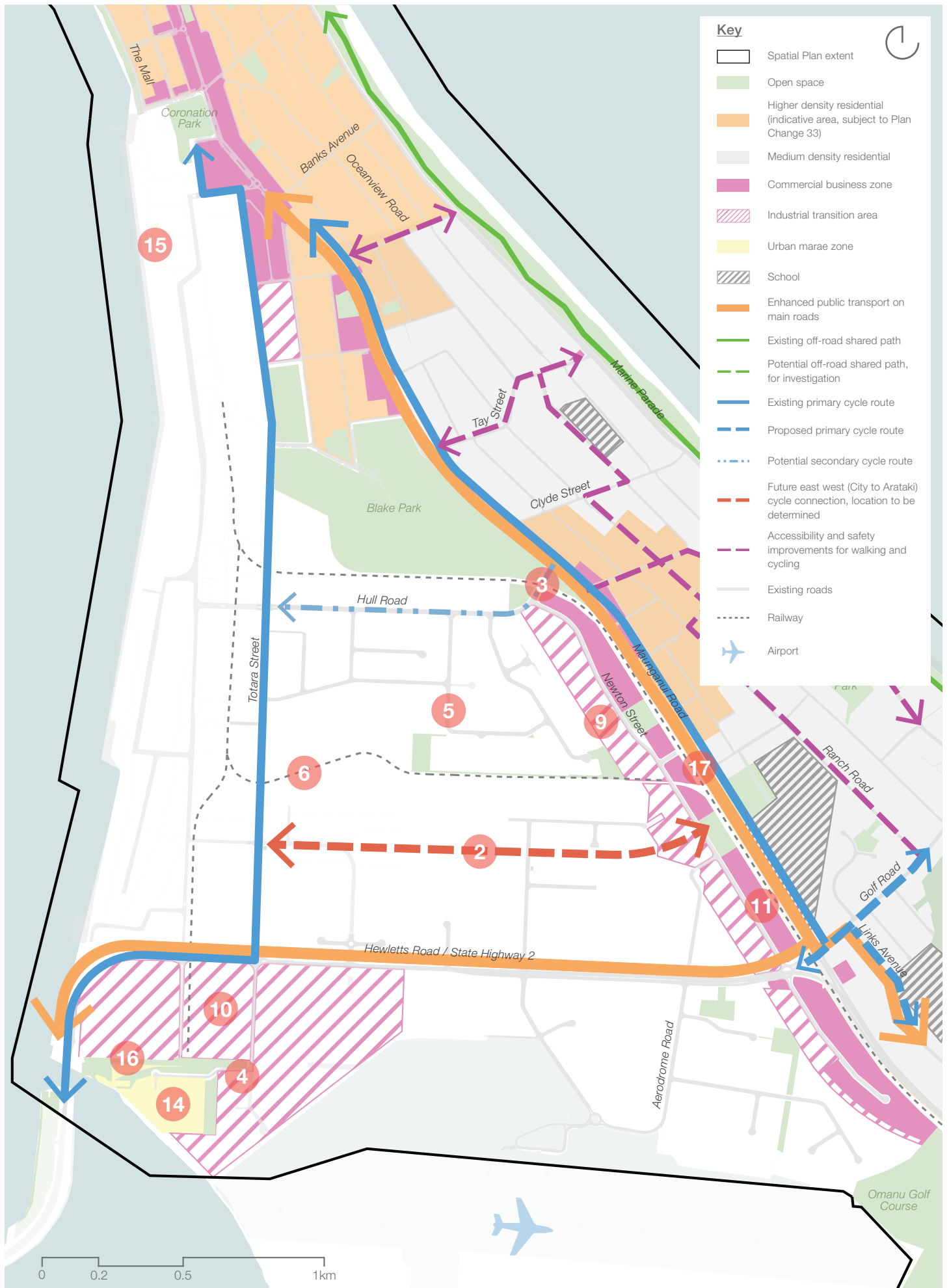
- Enhance existing waterways through riparian planting
- Improve the quality of discharges from industrial landuse and roading runoff
- Integrate with the landscape plan for the Mount industrial area.

Note: excludes larger scale capital projects related to stream daylighting and wetlands (refer projects not included)

TCC, BOPRC, businesses

\$\$\$

Medium term



## Te Mahere ā-Takiwā o Mauao ki Arataki - Mount to Arataki Spatial Plan

### Evaluation of Allied Asphalt Proposal

#### Mount to Arataki Outcomes Sought

<b>Policy</b>	<b>Assessment</b>
Foster a thriving Mount to Arataki community that centres on manaaki tangata (care for people), emphasising wellbeing and health of the community and environment, and the unique cultural heritage and local identity	The proposal adopts BPO solutions that will result in effects on air quality and human health being insignificant.
Provide opportunities for housing to better meet our social and economic needs	The proposal is an important part of the infrastructure supply chain that enables opportunities for housing. The location is well located to promote efficient infrastructure provision.
Improve accessibility and movement	The assessment of transport effects concludes that the proposal can be readily accommodated within the transport network.
Proactively manage natural hazards and land use activities to enhance the wellbeing of our community	Natural hazards risk (land stability and flooding) have been identified and can be managed to a low level. Other land use activity effects have been evaluated and assessed as acceptable.
Support an economically productive, healthy and connected industrial area that fits with the surrounding environment and communities.	The new plant adopts BPO measures that will ensure the activity fits with the surrounding environment and communities.

#### He Hapori Ora Noa - Healthy neighbourhoods

<b>Policy</b>	<b>Assessment</b>
Key Direction: Minimise the impacts of polluting industries to people and to the natural environment in the Mount to Arataki area.	The MTASP recognises the importance of the Mount Maunganui industrial area and providing for future operation of business, where that activity does not impact on the health of nearby residents or on the natural environment. The proposal adopts BPO solutions that will result in effects on air quality being insignificant.
Outcome: Pollution generated by industry is limited and	

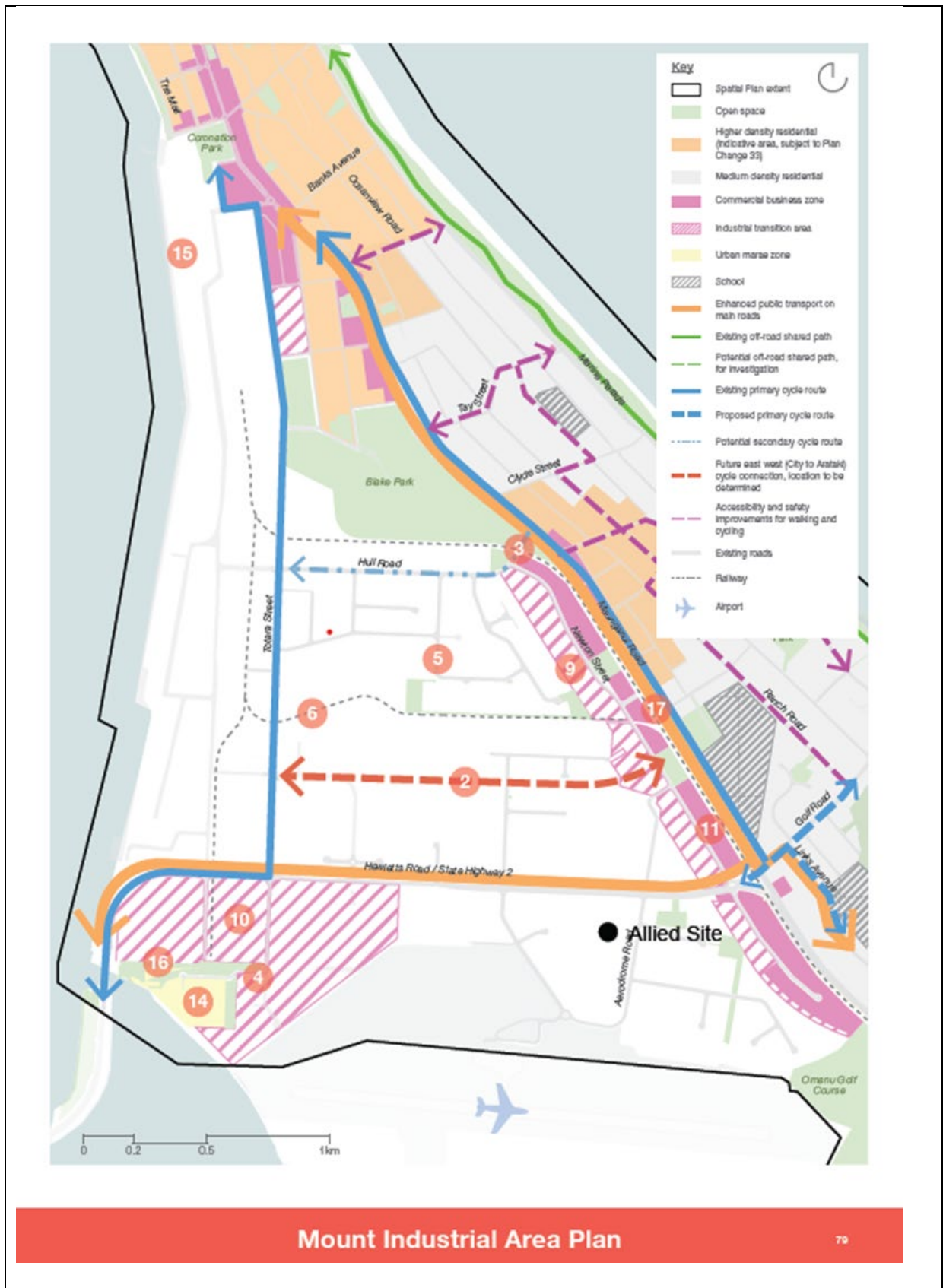
## Mount Maunganui Industrial Area Plan

Number	Intervention Name and Description	Assessment
1.	Higher value use of industrial zoned land	The Allied use is a high value use (i.e. not container and goods storage).
2.	Investigate safe cycling options from the city centre to the Omanu and Arataki areas	Not applicable.
3.	Rail safety improvements (underway)	Not applicable.
4.	Better manage vehicle movements on Totara Street south and Taiaho Place	Not applicable.
5.	Improve the internal industrial roading network	Not applicable.
6.	Enhance rail efficiency and investigate completion of rail loop within industrial area	Not applicable.
7.	Prepare an Airshed Management Strategy, led by Bay of Plenty Regional Council	The aim of the Allied proposal is to reduce emissions and enhance air quality and is consistent with the Environment Court direction.
8.	Environmental Accord with businesses in the industrial area, led by Priority One	Allied and Fulton Hogan are signatories to the Environmental Accord.
9.	Industrial transition area adjacent to Newton Street and McDonald Street, and Totara Street (northeast block)	The Allied site is not within the industrial transition area. See markup below.
10.	Industrial transition area adjacent to Whareroa	The Allied site is not within the industrial transition area. See markup below.
11.	Undertake a plan change to restrict residential activities in commercial zoned areas of the Mount Maunganui Airshed	Not applicable. However, Allied support the action.
12.	Implement a landscape plan to enhance amenity and biodiversity in the industrial area	Streetscape improvements are proposed on Aerodrome Road. The Allied site is a rear lot with limited visibility from public places.
13.	Decarbonisation of industrial emissions	Decarbonisation is promoted through the proposed Emissions Reduction Plan. The central location of the site minimises the vehicle kilometres travelled with carbon reduction and other benefits.
14.	Support the Whareroa	Not applicable.



Annexure 2 to Craig Batchelar Reply Evidence

Number	Intervention Name and Description	Assessment
	community's wellbeing by working on climate change response planning	
15.	Investigate alternate power sources for cruise ships and port operations	Not applicable.
16.	Landscape buffer – Whareroa (physical environmental buffer)	Not applicable.
17.	Enhance the landscape buffer between industry and adjoining land uses along Maunganui Road	Not applicable.
18.	Investigate a regional plan change to further address the polluted Mount Maunganui Airshed	A future consideration. However, emissions from the new plant are well within the World Health Organisation air quality guidelines. The emissions from the new plant will be less than those of the existing plant ("sinking lid"). The iterative management review process will see ongoing reduction as BPO technology is adopted.
19.	Water sensitive planning (policy and guidance) for the industrial area	Stormwater management from the site will be significantly improved through adoption of the BPO.
20.	Investigate opportunities to restore and maintain the mauri of te wai (life force of the water)	Stormwater management from the site will be significantly improved through adoption of BPO stormwater management. The Allied proposal will improve the quality of discharges from industrial landuse.



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

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### **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/m<sup>3</sup>, 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 spill 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](mailto: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)**

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### **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 2000m<sup>3</sup> 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](mailto: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)

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### 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]~~
3. The asphalt plant shall not produce more than 80,000 tonnes of asphalt within any calendar year. The consent holder must maintain a record of production volumes at all times and provide a report on annual production volumes to the Bay of Plenty Regional Council by 31 March of each 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/m<sup>3</sup> 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~~ 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](mailto: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)

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### 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.~~ Note: To avoid doubt, this condition does not restrict the testing of systems during commissioning that do not use the dryer burner.
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 11.59pm;
  - (b) 300,000 tonnes of asphalt within any calendar year.
  - (c) No more than 15% of the annual production volume limit may be transported outside the Bay or Plenty Region.
10. The consent holder must maintain a record of daily production volumes at all times

## **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 at a cost that is financially viable. For the purpose of this consent, natural gas will not be considered “financially viable” if it is more than 150% of the cost of diesel.
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. If natural gas is not “financially viable” as set out in condition 11(c):
  - (a) the consent holder is permitted to use diesel as an alternative fuel source until such time as natural gas can be supplied at a cost that is financially viable
  - (b) 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.
  - (c) Prior to commencing the use of diesel under conditions 12 or 13 above, the consent holder shall install dryer burner equipment that is designed to ensure the lowest practicable emissions of NOx;

*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.*

## **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, 22 and 23.
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/m<sup>3</sup>, 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 PM<sub>10</sub>.
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:
- Air from the aggregate drying drum is extracted to a baghouse filtration unit prior to discharge via the asphalt plant stack;
  - Air from the mixer and mixer tower is recirculated to the combustion zone of the dryer drum burner, and
  - 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:
- The yard surfaces must be kept clean and free of surface dust as far as practicable;
  - The site shall be swept of loose debris at least once per week.
  - 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;
  - Sprinkler systems must be fitted and used to control dust;
  - Vehicle speeds shall be controlled to minimise dust emissions; and
  - 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.
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:~~
- ~~Contaminant Allowable level Sulphur content 5,000 ppm w/w (0.5 %) or less;~~
  - ~~Arsenic 5 ppm w/w or less;~~
  - ~~Cadmium 2 ppm w/w or less;~~
  - ~~Copper 100 ppm w/w;~~
  - ~~Chromium 10 ppm w/w or less; and~~
  - ~~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.
21. Within 1 year of the commencement of the asphalt plant operation, the consent holder shall undertake testing of odour emissions to determine whether there are offensive and objectionable odours at the boundary attributable to the loadout area. If the above confirmation cannot be provided, the consent holder shall:
- Within 3 months, 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 detailing how the loadout area will be enclosed.
  - As soon as practicable, ensure that the loadout area is enclosed in accordance with the report and emissions within this area are captured and treated in accordance with the proposed plant design and mitigation.

## Monitoring

22. 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.
23. 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.
- ~~24. 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.~~

25. The consent holder shall undertake testing for NO<sub>x</sub> annually for the first 5 years of this consent to confirm NO<sub>x</sub> 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. If the NO<sub>x</sub> emission rate exceeds 3.9 kg/hour, the consent holder shall:
- (a) Within 3 months, investigate methods to reduce NO<sub>x</sub> concentrations to the required levels and provide a report to the Bay of Plenty Regional Council with recommendations on how this will be achieved.
  - (b) As soon as practicable, ensure that mitigation occurs in accordance with the report.
26. The consent holder shall install and operate a PM<sub>10</sub> air quality monitor at or near the site boundary for the purpose of confirming the effectiveness of dust management measures and identifying when additional measures may be required to avoid offensive or objectionable effects of dust, including that:
- (a) The PM<sub>10</sub> monitor shall be an optical (nephelometer) or reference monitor.
  - (b) The location of the monitor shall take account of prevailing wind directions and the location of dust emission sources.

If the PM<sub>10</sub> monitoring required by this condition shows an exceedance of any of the trigger levels outlined below, the cause of the exceedance shall be investigated by the consent holder. If an investigation indicates that a source or sources within the site have caused the exceedance, all practicable measures shall be taken by the consent holder to reduce dust emissions. Investigations and remedial actions undertaken shall be recorded and reported in accordance with Condition 38. The trigger levels for investigation are:

- (a) 150 micrograms per cubic metre calculated as a rolling 1-hour average concentration; and
- (b) 65 micrograms per cubic metre calculated as a rolling 12-hour average

Monitoring may cease with the written approval of the Bay of Plenty Regional Council on the basis of compliance with the trigger levels set out above or the outcomes of investigations into the causes of exceedances of those trigger levels.

## **Air Quality Management**

27. Prior to any discharge occurring under this consent, the consent holder shall submit an Air Quality Management Plan (AQMP) to the Bay of Plenty Regional Council for certification. As a minimum the AQMP must address the following specific matters:
- (a) A description of the facilities and maintenance procedures;
  - (b) Procedures for responding to abnormal operation, in particular equipment fire;
  - (c) Procedures to monitor for bag-house failures, in particular the use of differential pressure monitoring, and the shutdown of the plant in the event of suspected filter failure;
  - (d) Methods for controlling vehicle speeds on site and the sealing of high traffic areas of the site;
  - (e) Fugitive dust management in the yard and aggregate handling areas;
  - (f) Operation of asphalt plant to minimise odour;
  - (g) Operation of ancillary activities (e.g. bitumen storage and transfer) to minimise odour;
  - (h) Bitumen tank water filter maintenance and servicing;

- (i) Complaint response procedures and contact telephone numbers for parties who are responsible for responding to complaints;
- (j) Individual responsibilities for staff of the consent holder, including responsibility for ensuring the effective application of the measures identified above;
- (k) Procedures for reporting the required information to mandated representatives of Ngāti Kuku hapu; and
- (l) Procedures for keeping the AQMP up to date.

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

*Advice Note: The certification (or withholding of certification) shall be limited to the Council's assessment of whether Condition 24 (matters (a) through (l)) have been addressed in sufficient detail so as to ensure that the AQMP achieves the objectives of this Condition.*

- 28. The AQMP must be maintained and reviewed every two years by a suitably qualified and experienced person(s) to ensure that it documents how compliance will be achieved with the conditions of this consent. The consent holder must provide a copy of any subsequent revisions of or amendments to the AQMP for certification by the Bay of Plenty Regional Council that the changes comply with the conditions of this consent.
- 29. Subject to any other condition of this consent the AQMP must be implemented, and all activities must be undertaken in accordance with the latest version of the AQMP certified by the Bay of Plenty Regional Council.
- 30. As part of the preparation of the AQMP, the consent holder must provide mandated representatives of Ngāti Kuku hapu with a draft copy of the AQMP for review and comment at least 30 working days prior to submitting it to the Bay of Plenty Regional Council for certification.

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

## **Complaints log**

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

### **Mātauranga Māori Environmental Monitoring Plan**

32. The consent holder must prepare a Mātauranga Māori Environmental Monitoring Plan (MMEMP) prior to exercising this consent. The purpose of the MMEMP is to establish a methodology to monitor cultural values of the natural environment within and around the Site for the duration of this consent. To achieve this purpose, the MMEMP must include:
- (a) A methodology, established with Ngāti Kuku hapu to monitor the health of the environment; and
  - (b) Locations of monitoring points for site discharges.
33. The MMEMP required by [Condition 30](#) 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.
34. Following completion of a monitoring survey under the Mātauranga Māori Environmental Monitoring Plan, the results shall be reported to Ngāti Kuku hapū, along with the results of other monitoring required under the conditions of this consent, and any complaints received and responses to those complaints.
35. Within 3 months of a monitoring survey being reported, the consent holder shall arrange a forum with Ngāti Kuku hapū to discuss matters arising from monitoring and reporting. The applicant shall consider and respond to matters that Ngāti Kuku hapū raise in the forum, and report those matters to the Council.
36. The consent holder shall reimburse Ngāti Kuku for reasonable costs of time their representatives spend on the preparation of the monitoring plan, undertaking any monitoring surveys, and for attendance at the forum.

*Advice Note: Should Ngāti Kuku hapū 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.*

*Advice Note: Should a broader mātauranga monitoring framework across industry be established with the support and agreement of Ngāti Kuku hapū and the consent holder demonstrates active commitment to that framework, these circumstances will be deemed to be compliance with this consent condition.*

### **Reporting**



37. The consent holder must notify the Bay of Plenty Regional Council at least 24 hours prior to the first exercise of this resource consent.
38. 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.
39. The consent holder shall:
- (a) Provide an Annual Monitoring and Compliance Report year to the Bay of Plenty Regional Council, Toi te Ora reporting and Ngati Kuku Hapu by 31 March of each year, summarising:
    - i. The volume of asphalt produced each day, and the total for the year
    - ii. The volume of asphalt sold outside the Bay of Plenty region
    - iii. The results of the stack testing
    - iv. The results of any NOx testing
    - v. Confirmation of the burner servicing
    - vi. The results of PM10 monitoring
    - vii. A summary of complaints received, including how they were responded to
    - viii. A summary of the results of Mātauranga Māori monitoring undertaken, and actions taken in response to this
  - (b) Notify the Medical Officer of Health within working 5 days of any abatement or enforcement notice issued.

### **Greenhouse Gas Emissions Plan**

40. 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**

41. 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:
- (c) alternative fuels used in the asphalt plant.
  - (d) control techniques and stack emissions testing for NO<sub>2</sub>, and the practicality of using these at the asphalt plant.
  - (e) 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.
  - (f) 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**

42. The Bay of Plenty Regional Council may:

- (a) within three months of commissioning of the asphalt plant, and every two years thereafter, or
- (b) in the three-month period after the receipt of a report in accordance with [Condition 38 or 41, or](#)
- (c) [within 3 months of a report on the outcomes of the monitoring survey under the Mātauranga Māori Environmental Monitoring Plan.](#)

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**

43. 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**

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

## **The Consent**

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

