

IN THE MATTER OF

The Resource Management Act 1991

And

The Tasman Resource Management Plan

And

An application by Tasman Bay Asphalt to establish and use an asphalt plant (with associated land disturbance and air discharge) at 272 Bartlett Road, Appleby

Tasman District Council references RM201000, RM201002, RM201018

MINUTE NUMBER 2 OF THE HEARING PANEL

Purpose of this minute

1. This minute records that the hearing has been adjourned and the timetable towards closure of the hearing and determination of a decision.

Hearing adjournment

2. The hearing was adjourned on Friday 21 January 2022 after hearing the evidence of the applicant, submitters and Council staff. Before the adjournment, the Panel discussed with the parties present our preference for an iterative process for comment on conditions by parties before the applicant's right of reply.

Expert evidence – Air quality

3. Having considered the evidence received including answers to our questions at the hearing, the Hearing Panel seeks further clarification on the expert evidence in respect to Air Quality heard from Mr Bender (applicant), Mr Iseli (joint submitters), and Mr Pigott (the Council) with particular regard to the specifics of any conditions that they consider to appropriately manage adverse effects. This covers both conditions relating to the application for the air discharge permit (RM201000), and any appropriate conditions of consent on the land use consent application (RM201002) to manage fugitive emissions from the application site. The starting conditions are the most recent set tabled by the applicant.
4. Accordingly, we direct that the above experts caucus.
5. From this caucusing we expect:
 - a. The experts may set the agenda among themselves, but in any absence of agreement may seek clarification from the Panel (via Mr Jewell).
 - b. At completion of the task a joint statement prepared as far as is practicable in accordance Appendix 3 of the Environment Court's Practice Note 2014;
 - c. A set of tracked changes conditions identifying consensus, and areas of difference (by whom) with any reasons.

6. The joint statement with conditions shall be completed and provided to the Council (Mr Jewell) by 5.00 pm 18 February 2022 (thirteen working days).

Comment on proffered conditions

7. Thereafter the following timetable shall apply for the circulation of conditions for comment by the parties:

Action	Date (working days) – by 4.00 pm to allow circulation
Applicant proffered conditions of consent released pdf and word versions; attach original pdf versions of any plans referred to in the conditions	25 February 2022 (five working days)
Council staff comment tracked change version with comments	4 March 2022 (five working days)
Submitters' comment ¹ Submitters – those who gave evidence at the Hearing.	18 March 2022 (ten working days)
Applicant right of reply due by	1 April 2022 (ten working days)

8. The Panel emphasises that seeking comment from parties does not indicate any intent to grant resource consent, but allows us as decision makers to have evidence from the parties on the appropriateness of conditions if we are minded to grant any resource consents on the terms that they were applied for. The parties are reminded that this opportunity to comment on conditions is limited to this purpose, and not to introduce any new evidence or repeat evidence already presented at the Hearing.

Providing documents

9. The documents will be circulated digitally, available in the [05 Hearing documents folder](#) on the Council webpage. Documents can be emailed to alastair.jewell@tasman.govt.nz or uploaded directly to the “Comments on conditions” subfolder using the following link:

<https://tdc-nz.sharefile.com/r-rb497a463d0bc42a797dfd53a2a28deb9>

10. The Council will notify submitters by email once the Council officer’s comments on the applicant’s suggested conditions have been uploaded.
11. If any party has any questions about the above, please contact Mr Alastair Jewell at the Council (email Alastair.Jewell@tasman.govt.nz). Mr Jewell will confer with the Panel as necessary.

D. L. Mountfort

David Mountfort (Chairperson) on behalf of the Hearing Panel

27 January 2022

¹ Any submitter who does not intend to comment is asked to let Mr Jewell (alastair.jewell@tasman.govt.nz) know at their earliest convenience.