

**IN THE MATTER** of the Resource Management Act 1991

**AND**

**IN THE MATTER** of application RM200488, RM200489 (Land Use Consents), and RM220578 (Discharge Permit to Land), CJ Industries, 134 Peach Island Road, Motueka

**BEFORE Tasman District Council**

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**Minute # 9 of the Hearing Commissioner – Joint Witness Statement Land Productivity - Clarification**

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1. I have issued timetable directions leading up to hearing the Right of Reply via Minute 8.
2. This timetable provides time for submitters and Council Officers to respond to further information provided in accordance with Minute 6 and Minute 7 as well as the updated management plans and conditions circulated by the Applicant.
3. As part of my deliberations to date, I have noted that Ms Solly's final recommendation (dated 28 November – which cross references paragraph 17.2 of the s42A Report dated 21 November 2022) refers to stage 1 of the proposal being sited on land that has limited productive use due to flood risk "There is agreement that this part of the land has limited productive risk due to flooding risk".
4. However, in the Joint Witness Statement-Productive Land (dated 16 February 2023) Ms Langford answered "no" to question 10 relating to clause 3.10(1) of the NPS-HPL. This is at odds with Ms Solly's statement.
5. I have outlined in Minute 8 that, at the reconvened hearing, I only wish to hear from witnesses who file evidence as part of the Applicants Right of Reply.
6. Therefore, I wish to address the anomaly outlined above as part of the current timetable, and direct that Ms Langford provide me with further clarification with on this matter as part of the Council Officers response due on 14 April 2023.
7. I consider this will not cause issues for the timing of the Applicants Reply which is due on 21 April 2023.
8. I direct that Mr Alastair Jewell circulate this minute to all parties to the proceedings.

Dated: 30 March 2023



Craig Welsh

Chairman