

Appendix 1: Minutes

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IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of application RM200488 and RM200489,
CJ Industries, 134 Peach Island Road,
Motueka

BEFORE Tasman District Council

Minute # 1 of the Hearing Commissioner – Procedural Matter

1. I have recently received email correspondence from Mr Alastair Jewell – Tasman District Council Principal Planner, Resource Consents relating to an information request from Ms Hannah Mae and Mr Pete Taia. Both are submitters to the application. They are requesting copies of the background technical exchanges that are referred to in the s 42A Report but are not included as [attachments](#) in the [s 42A Report](#). I note in this I have excluded the Applicant's draft soil productivity report (item 5), which as I understand it: will be provided by the Applicant as part of their evidence (for 15 July 2022); the Applicant's solicitor had offered release of the copy of any soil productivity report if finalised and available before then; and Mr Taia had previously accepted that response, rather than the matter going through the formal LGOIMA request process.
2. The specific information requested is listed in an email from Ms Mae / Mr Taia dated 10 June 2022 (attached). They are seeking the information under the [Local Government Official Information and Meeting Act 1987](#). However, as this request has been referred to me, I am able to address the request via directions.
3. As the information is referenced in the s 42A Report and provides background information used to inform the report I consider that the request is reasonable and I direct that the Tasman District Council make the information available to all parties by 4.30 pm [Monday 27 June 2022](#).
4. The provision of this information fits with the timetable provided for by [section 103B](#) of the Resource Management Act 1991 and there are no natural justice issues arising with respect to the information requested and the hearing timetable.

Discharge to Land

5. I note from page 11 of the [Application documentation](#) provided by Planscapes NZ Ltd that the proposed backfill material comprises:

“The bottom quarter of the fill may comprise larger inert material such as old concrete and bricks if such material is available. The balance of the excavation to 300 mm below the finished surface level will be filled with ordinary clean hardfill such as may be obtained from road trimmings, slip clearance, site excavation, etc but may include up to 10% (by volume) of organic material provided it is thoroughly mixed with the ordinary fill. The top 300 mm of fill will comprise topsoil stripped from the site originally or brought in from elsewhere. Where material is brought in it will be inert and non-contaminated.”

6. Paragraph 4.23 of the s 42A Report considers the backfill material is not clean fill due to the inclusion of the organic material. In addition, I note the inclusion of “old concrete and bricks” does not fit within the definition of clean fill as defined in the [Waste Management Institute New Zealand \(WasteMINZ\) Technical Guidelines for Disposal to Land 2018](#).
7. The material proposed to be discharged better fits within the “controlled fill” or “managed fill” definition in the Guidelines.
8. Based on this, I direct that the Applicant clarify the type of fill material (clean fill, controlled fill or managed fill) to be backfilled with respect to the Guideline document outlined in paragraph 6, and subsequently clarify whether a discharge permit (discharge of contaminants to land) is required to carry out the backfill activity? This information is to be provided by 4.30 pm Monday 27 June 2022.
9. I reserve leave to issue further directions based on the answer to the questions in paragraph 8.
10. I direct that Mr Alastair Jewell circulate this minute to all parties to the proceedings.

Dated: 20 June 2022.



Craig Welsh

Chairman

Attachment – Requested information from Hannah Mae / Pete Taia (email 10 June 2022)

Under the Local Government official Information and Meetings Act I request a copy of the following information relating to the Council's section 42A report and recommendation titled 04A RM200488 and ors – CJ Industries Limited – Council Agenda – s42A report recommendation – attachment 1 – 2022-03-04:

1. Evidence of documents and statements of *Council's Technical Expert's* views from Daniel Winter on Noise. Mr Winter has contributed to sections 8.12, 8.17 and 8.18 of the 42A.
2. Evidence of documents and statements of *Council's Technical Expert's* views from Jamie McPherson on Access, and specifically on bank trimming works and location. Mr McPherson has contributed to sections 9.7 and 9.14 of the 42A.
3. Evidence of documents and statements of *Council's Technical Expert's* views from Giles Griffith on flood plain and stop bank effects. Mr Griffiths has contributed to sections 11.4, 11.9, 11.10, 11.11 and 11.17 of the 42A.
4. Evidence of documents and statements of *Council's Technical Expert's* views from Joseph Thomas (Water Resource Scientist) on ground water quality. Mr Thomas has contributed to sections 12.27 and 12.28 of the 42A.
5. Draft Soil Management Plan and assessment of effects, written by Dr Reece Hill, and provided to the Council by the applicant (C J Industries Ltd) on 17 February 2022. Dr Hill has contributed his Technical Expert views to sections 8.28, 10.9, 10.10, 10.11, 10.12, 10.14, 11.17, and 12.24 of the 42A.

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of application RM200488 and RM200489,
CJ Industries, 134 Peach Island Road,
Motueka

BEFORE Tasman District Council

Minute # 2 of the Hearing Commissioner – Procedural Matter

1. I have received a memorandum of counsel regarding consent for discharge of contaminants dated 4 July 2022 (attached). This memorandum responded to the questions raised in Minute 1 dated 20 June 2022.
2. The memorandum identified that an additional resource consent will be required to undertake the backfill activity referred to in the land use consent applications. The consent required is a discharge permit to land. The memorandum considered there is jurisdiction to grant consent for discharge to land from the backfill activity as part of the current proposal. Two case law decisions were attached for me to consider. The memorandum stated that the Applicant's identification of an additional rule applicable to the backfill activity does not in any way change the nature of the activities for which consent was sought.
3. In other words, once the discharge permit application is made to the Council, the Applicant seeks to bring the discharge permit application into the current proposal directly via the hearing process.
4. The land use consents were publicly notified. The application material made reference to backfilling and the nature of this backfill with an assessment of effects.
5. However, I have decided that it is inappropriate for me to allow the discharge permit to be brought into the current proposal hearing process directly for the following reasons:
 - a. The process proposed by the Applicant gives rise to natural justice issues. The reference to land use consents in the public notice required the public to delve into the application material to discover that the backfill activity has potential discharge of contaminant issues. There is a significant risk that the omission of the discharge permit to discharge contaminants to land in the public notice may have resulted in members of the public (who might otherwise have made a submission) not taking an interest in the proceedings and failing to submit;
 - b. Discharge permit applications are treated differently under the RMA to land use consents with different considerations in terms of the existing environment, policy, statutory tests, effects assessment and environmental outcomes;
 - c. The discharge permit to land application makes it apparent that contaminants will be discharged to land and these contaminants (or any other contaminant emanating as a result of natural processes from that contaminant) may enter

water. In this case the site is immediately adjacent to the Motueka River which is subject to a Water Conservation Order. Simple reference to backfill activity in a land use consent does not have the same inference.

6. I consider on reasonable grounds that it is appropriate, for the purpose of better understanding the nature of the proposal that application for a discharge permit be made before proceeding further.
7. Therefore, in accordance with section 91, I have determined not to proceed with the hearing of the application for a resource consent until such time as a discharge permit application is lodged, a notification decision is made and followed through, and the discharge permit application has effectively "caught-up with the timetable of the current proposal.
8. The deferral outlined in paragraph 7 will take effect from 18 July 2022 following receipt of the Applicant's evidence relating to the current proposal, which is due on 15 July 2022.
9. I direct that Mr Alastair Jewell circulate this minute to all parties to the proceedings.

Dated: 7 July 2022.



Craig Welsh

Chairman

Attachment to Commissioner Minute no 2

BEFORE

Independent Commissioners appointed
by Tasman District Council

IN THE MATTER

of the Resource Management Act 1991

AND

IN THE MATTER

of an application by C J Industries Ltd
for land use consent RM200488 for
gravel extraction and associated site
rehabilitation and amenity planting and
for land use consent RM200489 to
establish and use vehicle access on an
unformed legal road and erect
associated signage



**MEMORANDUM OF COUNSEL REGARDING CONSENT FOR DISCHARGE OF
CONTAMINANTS**
4 July 2022

Counsel: Sally Gepp / Madeleine Wright
Level 1, 189 Hardy Street
Nelson 7010
Tel: 021 558 241
Email: sally@sallygepp.co.nz

Original filename - "20220704 Memorandum of Counsel re cleanfill.pdf"

MAY IT PLEASE THE COMMISSIONER

1. The Applicant's Memorandum of Counsel in Response to Minute 1 dated 23 June 2022 advised that consent to discharge contaminants to land is not required for the backfill activity because it is cleanfill.
2. The Applicant has subsequently received expert advice that in this context cleanfill is a contaminant as defined by s 2(b) RMA.
3. The Applicant therefore advises that a discharge permit for discharge of contaminants to land is required to carry out the backfill activity using cleanfill.
4. The application as lodged with Council did not specifically identify a requirement for resource consent to discharge contaminants to land under s 15 RMA. However, there is nevertheless jurisdiction to grant consent for discharge to land from the backfill activity. This is because consents authorise activities, not breaches of rules (*Duggan v Auckland Council* [2017] NZHC 1540; *Macpherson v Napier City Council* [2013] NZHC 2518), and the activities for which consent was sought included backfilling of the excavation pits as part of quarrying the site. The Applicant's identification of an additional rule applicable to those activities does not in any way change the nature of the activities for which consent was sought.
5. The Applicant apologises for any inconvenience over the change in position on this issue. It will be addressed further in the Applicant's legal submissions.



Sally Gepp
Counsel for CJ Industries Limited

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of applications RM200488, RM200489
(land use consents), and RM220578
(discharge permit to land), CJ Industries,
134 Peach Island Road, Motueka

BEFORE Tasman District Council

Minute # 3 of the Hearing Commissioner – Procedural matter

1. I have received a memorandum of counsel outlining the Applicant's position with respect to the [National Policy Statement for Highly Productive Land 2022](#) (NPS-HPL) that comes into force on 17 October 2022.
2. The Applicant supplied their evidence on the land use consents portion of the application on 15 July 2022. This evidence included some new information (e.g. mitigation measures) that the Council Officers had not had a chance to respond to in their section 42A Reports. I address this issue below.
3. In order to avoid confusion and to promote efficiency at the hearing (due to the applications being lodged in stages) I hereby direct:
 - a. The evidence exchange for the [discharge permit application](#) follows the normal evidence exchange timetable outlined in [section 103B](#) of the Act, i.e for a hearing commencing Monday 21 November 2022:
 - i. The Council Officers' evidence is to be provided by 28 October 2022;
 - ii. The Applicant's evidence is to be provided by 4 November 2022;
 - iii. The Submitters' expert evidence is to be provided by 11 November 2022;
 - b. With respect to the [land use consent applications](#), the timetable to align with the above in a:
 - i. Relevant Council Officers provide an addendum to their section 42A Reports covering any matters relating to new information (including mitigation measures) provided by the Applicant's experts as outlined in paragraph 2 above. This should be provided by 28 October 2022;
 - ii. Applicant's supplementary evidence (if any) is to be provided by 4 November 2022;
 - iii. The Submitters' expert evidence is to be provided by 11 November 2022.
4. For any submitter who submitted on both the land use consent application and the discharge permit application it would be expedient for them to submit just one piece of evidence addressing their concerns.

5. I direct that Mr Alastair Jewell circulate this minute to all parties to the proceedings. If any party needs clarification on anything in this Minute, they should contact Mr Jewell at alastair.jewell@tasman.govt.nz.

Dated: 4 October 2022.



Craig Welsh

Chairman

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

Minute # 4 of the Hearing Commissioner – Procedural Matter – Rebuttal Evidence

1. I understand the Applicant has prepared rebuttal evidence in relation to the submitters' technical evidence.
2. I direct that rebuttal evidence is not to be tabled until after I have heard from the submitters, and is to be presented as part of the right of reply.
3. My reasons for this include:
 - a. I consider that rebuttal evidence gives rise to inequities in participation;
 - b. I prefer any rebuttal in the right of reply to be drafted having heard my questioning of the parties;
 - c. I am not aware of any new issues have been raised by other parties on which the applicant has not had the opportunity to comment and cannot be properly answered in the applicant's right of reply
4. I direct that Mr Alastair Jewell circulate this minute to all parties to the proceedings.

Dated: 17 November 2022.



Craig Welsh

Chairman

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**

Minute # 5 of the Hearing Commissioner – Further Information Timetable Directions

1. I have received a Memorandum of Counsel regarding post-hearing directions dated 28 November 2022. This memorandum provides a suggested timetable with respect to site visit, provision of further information in response to questions, caucusing of expert witnesses, and circulation of revised proposed conditions and management plans as discussed at the hearing.
2. I have considered the timetable and consider that it covers the main procedural matters discussed at the hearing and that the timeframes are fair. I consider that some additional steps are required to address natural justice matters (regarding circulation of information). These steps are included in the attached timetable that I direct the parties to follow.
3. With regard to facilitating the expert caucusing I direct that Mr Jewell facilitate this caucusing having regard to the confidentiality matters raised in the memorandum. I direct the parties to confer on the appropriate agenda (Applicant to provide first draft) subject to me approving the final agenda before caucusing commences. I agree that noise conferencing is not required.
4. I remind parties that circulation of proposed conditions and management plans does not indicate that I have made a decision regarding the outcome of the application. This is information I consider I need to assist me in making a decision.
5. I direct that Mr Alastair Jewell circulate this minute to all parties to the proceedings.

Dated: 2 December 2022.



Craig Welsh

Chairman

Step	Deadline	Notes
Site visit	9 December 2022	
All parties' answers on issues raised by Commissioner	19 December 2022	
Submitters' comments on new information from Applicant in response to questions	27 January 2023	
Council officers' comments on new information	3 February 2023	Taking into account submitters' comments
Caucusing of technical experts re productive land, groundwater quality, pit erosion issue (Stage 1)	17 February 2023	
Applicant's revised conditions and updated draft management plans circulated	3 March 2023	
Submitters' comments on revised conditions and management plans circulated	17 March 2023	
Council officers' comments on revised conditions and management plans	24 March 2023	Taking into account submitters' comments
Right of reply and rebuttal evidence circulated	31 March 2023	
Hearing	To be set	

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

Minute # 6 of the Hearing Commissioner – Further Information Traffic Movements and Clean Fill Acceptance Procedures

1. As part of my deliberations on the information received to date, I have identified further information that I consider should be addressed before the Applicant provide revised conditions and updated Management Plans (due on 3 March 2023).
2. Mr Clark provided second supplementary traffic evidence dated 19 December 2022 in response to two questions of clarification at the hearing. These questions are referred to in paragraph 1.5 of his second supplementary evidence. They include the route for truck and trailer units carrying clean fill; and truck and trailer movements at Hau Road.
3. He stated in paragraph 2.1 that all clean fill associated with the gravel extraction application will use Motueka Valley Highway and Motueka West Bank River Road (from Alexander River Bridge to the site).
4. He provided an explanation as to why truck and trailer movements at Hau Road associated with the proposal will reduce. In paragraph 2.6 he states that "Overall, the delivery of gravel material and picking up of clean fill from the Hau Road Depot associated with the application will be less as a result of truck and trailers being able to carry heavier loads. There will be an increase in some movements to Hau Road Depot, but this is a result of changes not related to this application".
5. I wish to pursue this line of enquiry further. My line of questioning related to truck movements that will be generated by bringing fill material to Hau Road for screening prior to accepting or rejecting it.
6. Mr Corrie-Johnston stated in his primary evidence (paragraph 3.52) that clean fill will be brought to Hau Road, where it will be inspected visually and additional testing as specified in the Groundwater and Clean Fill Management Plan (GCFMP) carried out.
7. When I did my site visit on 9 December 2022 I was shown where Clean Fill Screening, Handling and Stockpiling would be located. There was no facility in place at the time of my site visit.
8. Mr Corrie-Johnston stated in paragraph 3.42 of this primary evidence that "the sources of clean fill for Peach Island reinstatement would include: (a) Rock and overburden from CJ Industries Riwaka Quarry. (b) Cuttings from road construction. (c) Cuttings removed from land during subdivisions. (d) Slip materials."

9. Furthermore, in paragraph 2.16(a) of his supplementary evidence, Mr Corrie-Johnston stated that "CJ Industries now owns or has access to three rock quarries that have considerable amounts of granite/overburden available for use as backfill."
10. Against this background, I direct the following:
 - a. Mr Clark reconsider his evidence taking into account the fill material that will be bought to Hau Road for screening, handling and stockpiling prior to clean fill being transported to Peach Island. It appears that this is an additional layer of truck movements that has not been considered to date. This might include truck movements from Riwaka Quarry to Hau Road for instance;
 - b. The Applicant clarify the source of the clean fill material as described in paragraph 8 and 9 above;
 - c. The Applicant provide more information regarding the facility that will be created at Hau Road to screen potential fill material, reject unacceptable material, stockpile acceptable material and load/unload the material. Further to this, the Applicant shall clarify whether existing Hau Road consents allow for handling of fill material (clean and not clean – due to the fact that screening won't take place until the fill material reaches Hau Road) or whether other consents are required.
11. In addition, at the hearing Ms Gepp stated that she considered Hau Road is not part of the application "site". I heard evidence that quality control of the clean fill is important to manage water quality effects on Peach Island. If Hau Road is not considered as part of the application site, then I seek assistance from the Applicant with respect to how consent conditions would be worded to address clean fill management (reject, stockpile, load/unload etc) at Hau Road.
12. I seek feedback from the Applicants' counsel with respect to any timetable adjustments that may be required to address these matters. I understand the Joint Witness Statements from the experts witness caucusing are being drafted. I consider that this additional information can run in parallel to the caucusing process as they are separate matters.
13. I reserve the right to issue further directions when I have heard back from the Applicant on the matters listed above.
14. I direct that Mr Alastair Jewell circulate this minute to all parties to the proceedings.

Dated: 22 February 2023.



Craig Welsh

Chairman

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

**Minute # 7 of the Hearing Commissioner – Further Information –
Assessment of Effects of Erosion of Pit 1 Arising From Flood Events**

1. I have received the Applicant's response to Minute 6 and the Joint Witness Statements.
2. For natural justice reasons, I am minded to provide other parties with a chance to respond to the new information provided in the Applicant's response to Minute 6. I consider this could occur at the same time that the Applicant's revised conditions and management plans are circulated.
3. However, there are two matters that I would like the Applicant to address before the bundle of new information, the applicants revised conditions and updated management plans are circulated.
4. Firstly, I direct Dr MacNeil to review the Joint Witness Statement relating to Pit Erosion dated 6 March 2023 (JWS-Pit Erosion) and Mr Aiken's supplementary evidence dated 19 December 2022 (which is referenced in the JWS-Pit Erosion) and identify any changes he might want to make to his evidence (if any). Dr MacNeil should provide this response by Friday 17 March 2023. Other parties will have a chance to respond to this addendum.
5. Secondly, I now understand on the basis of evidence of Mr Corrie-Johnston (dated 9 March 2023) that cleanfill material will either be transported to the site from Hau Road or from the other sites listed by Mr Corrie-Johnston including several quarry sites on the West side of the Motueka River. This raises questions regarding the scope of the application as notified. The discharge permit application and AEE - 15 Jul 2022 clearly states in the transport and access section on page 8 that "The truck and trailer units will travel to and from the site to CJ Industries' processing plant at 34 Hau Road, Motueka... This route has been chosen so as to avoid travelling across the busy Motueka River bridge on State Highway 60 as well as through Brooklyn and Motueka Township."
6. It also raises questions about the scope of the assessment of effects of the traffic generated by the proposal. Carting clean fill directly from the three quarries identified in paragraphs 2.1(a) to (c) of Mr Corrie-Johnston's evidence must involve travelling along one of the routes specifically excluded in the above mentioned application and AEE that was publicly notified.
7. I direct that the timetable as outlined in my Minute 5 be placed on hold until the Applicant responds to the matters outlined in paragraph 4 to 6 above.

8. I reserve the right to issue further directions when I have heard back from the Applicant on the matters listed above.
9. I direct that Mr Alastair Jewell circulate this minute to all parties to the proceedings.

Dated: 10 March 2023



Craig Welsh

Chairman

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

Minute # 8 of the Hearing Commissioner – Timetabling Directions

1. I have received the Applicant's response to Minute 7.
2. I understand that the legal counsel for Valley RAGE is unavailable to respond to circulated conditions and management plans until after 5 April 2023. As Valley RAGE represents a number of submitters, and for natural justice reasons, I have taken this factor into account when issuing the following timetable.
3. The further information that has been requested via Minute 6 and Minute 7 has been supplied by the Applicant. I understand that the Applicant is now in a position to provide the updated management plans and conditions referred to in previous minutes.
4. Against this background, I hereby direct the following timetable:
 - a. The Applicant is to provide updated management plans and revised conditions by 22 March 2023;
 - b. Submitters are to provide a response to the further information referred to in paragraph 3, updated management plans and revised conditions by 7 April 2023;
 - c. Council officers are to provide a response to the information provided in accordance with paragraph 4(a) and 4(b) by 14 April 2023;
 - d. The Applicant is to provide a Right of Reply by 21 April 2023.
5. In response to the question raised in the Memorandum of Counsel dated 17 March 2023 regarding which witnesses I wish to hear from when the hearing reconvenes. I can advise that I only wish to hear from witnesses who file evidence as part of the Applicants Right of Reply.
6. I direct that Mr Alastair Jewell circulate this minute to all parties to the proceedings.

Dated: 21 March 2023



Craig Welsh

Chairman

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**

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

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

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

Minute # 10 of the Hearing Commissioner – Procedural Matters

1. I have received a memorandum of counsel for Valley Rage Inc (Valley Rage) (dated 4 May 2023) seeking leave for two experts called by Valley Rage to speak at the reconvened hearing on 9 May 2023. I received a memorandum of counsel for the Applicant (dated 4 May 2023) in response to the Valley Rage memorandum.
2. I have carefully considered the memorandums and direct that the hearing on 9 May 2023 will proceed as planned. That is, it is a chance for the Applicant to present their Right of Reply and for me to ask questions of the Applicant's witnesses. I will not hear from other parties and this has been clearly articulated well in advance of the hearing.
3. All parties have been provided with sufficient opportunity to respond to new information supplied prior to the Right of Reply.
4. I am aware that some new information has been provided in the Right of Reply and I will be addressing this as a procedural matter at the start of the hearing. I would appreciate Ms Nightingale and Ms Gepp assisting me on this matter.
5. For natural justice reasons I will not utilise the information provided in the memorandums in my decision, with the exception that I would like Dr Campbell to clarify (via a statement of fact) any sampling he undertook around the Peach Island site boundary in order to draft his evidence and attend the JWS process. His statement should only refer to the sampling and not to any other matter. This is a point of clarification that will assist me and I can see no natural justice issues arising from this statement of fact. I direct Dr Campbell to provide this statement prior to the hearing.
6. I direct that Mr Alastair Jewell circulate this minute to all parties to the proceedings.

Dated: 5 May 2023



Craig Welsh

Chairman

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

Minute # 11 of the Hearing Commissioner – Hearing Closure

1. I have received the Applicant's Memorandum of Counsel (12 May 2023) responding to my questions on the final hearing day (9 May 2023). I also asked the Applicant (via Mr Jewell) to respond to my question about the size of each stage taking into account refinements through the process, and was referred to Figure 16 of the land use application document, page 10.
2. With respect to the procedural question regarding whether the proposed tranche system was new information which Valley Rage Inc. sought leave to respond to, I have determined that it is not new information. Rather, it is a mitigation measure raised at the Joint Witness conferencing and parties had a chance to comment on it during the March/April circulation of information (and in fact they did comment). I also took into account the fact that the pit size outlined in the final volunteered conditions has not changed since the primary hearing (it remains 80m x 20m) and that the tranche is an additional measure that further restricts the proposed activity rather than expanding it.
3. With respect to the timeframe for me to release a decision, I hereby double the time period from 15 working days to 30 working days according to my powers under s37A(4). I consider that special circumstances apply as the proposal is complex and there is a large volume of information (including a significant number of submissions and conflicting technical evidence) for me to consider. I have also considered the matters listed in s37A(1). Taking public holidays into account the decision will be released on or before Thursday 29 June 2023.
4. I now consider that I have sufficient information to make a decision and hereby direct that the hearing is closed as of Wednesday 17 May 2023.
5. On this basis, I direct that Mr Alastair Jewell circulate this minute to all parties to the proceedings.

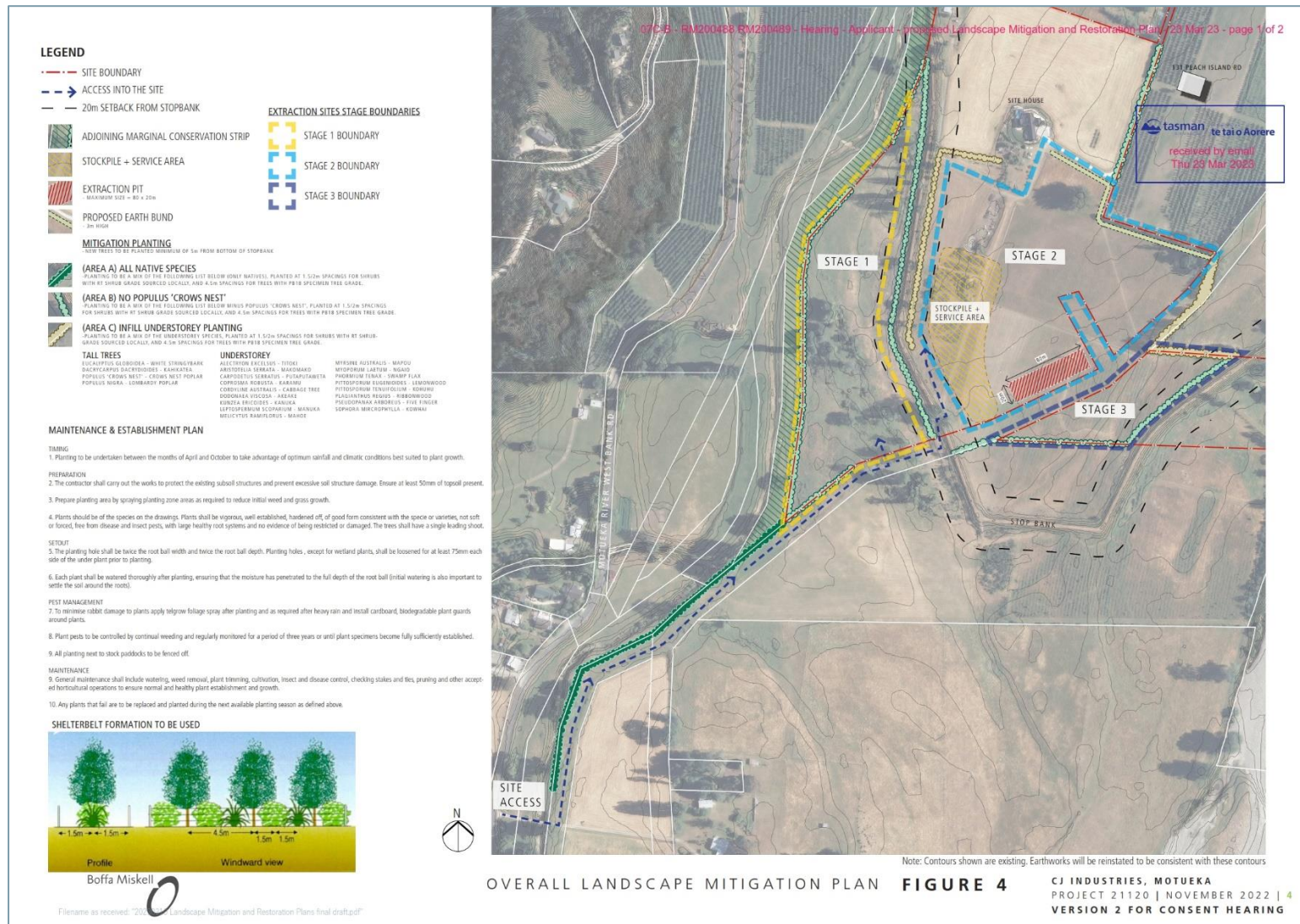
Dated: 17 May 2023



Craig Welsh

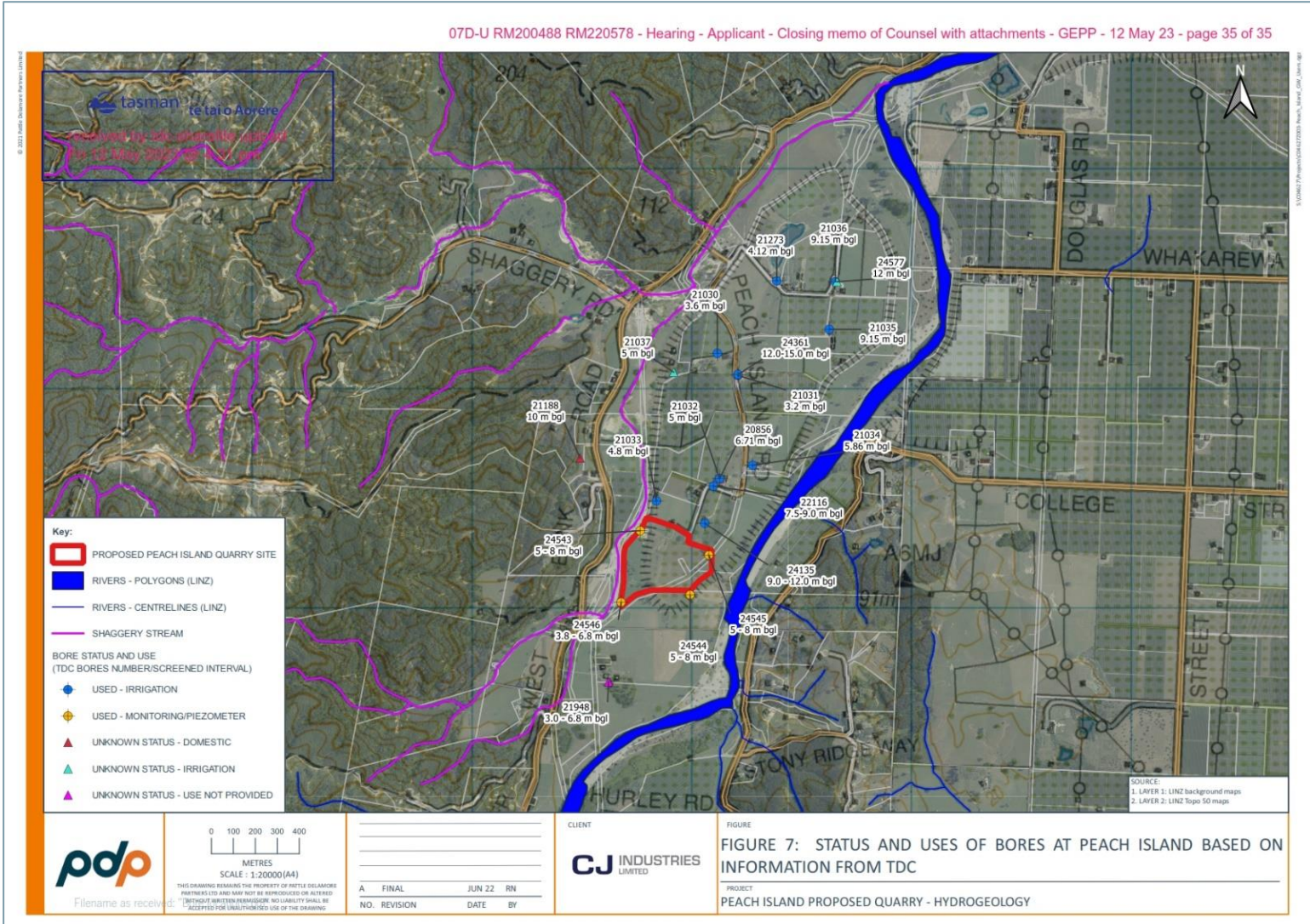
Chairman

Appendix 2: Gravel extraction and clean fill stages and landscape mitigation plan



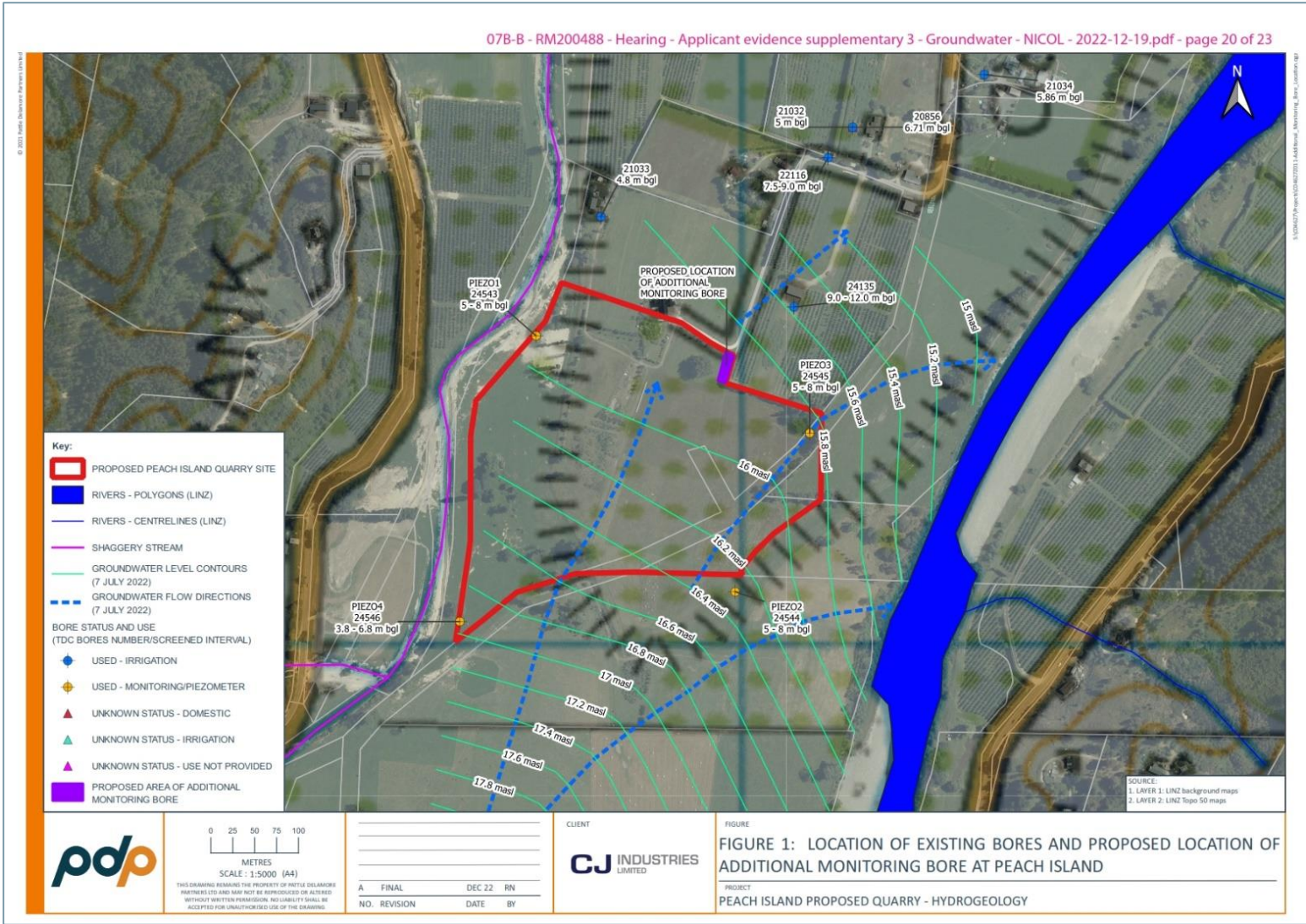
Resource consent applications RM200488, RM200489, RM220578 – CJ Industries Limited
Decision of Hearing Commissioner dated 28 June 2023, issued 29 June 2023.

Appendix 4: Registered water supply bores on peach island downgradient of clean fill site



Resource consent applications RM200488, RM200489, RM220578 – CJ Industries Limited
Decision of Hearing Commissioner dated 28 June 2023, issued 29 June 2023.

Appendix 5: Monitoring bores and registered water supply bores immediately downgradient of the site



Resource consent applications RM200488, RM200489, RM220578 – CJ Industries Limited
Decision of Hearing Commissioner dated 28 June 2023, issued 29 June 2023.