

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.