

To: The Resource Consent Administration Officer  
 Tasman District Council  
 Private Bag 4  
 Richmond 7050

Email: resourceconsentadmin@tasman.govt.nz



tasman  
 district council

Te Kaunihera o

te tai o Aorere

RM220578 - CJ Industries Ltd - discharge

# Submission on Resource Consent Application

RM220578 CJ Industries Limited - discharge permit - compiled submissions 41 to 58

PLEASE ENSURE THAT ALL SECTIONS OF THIS FORM, ON BOTH SIDES, ARE COMPLETED.

Please note: all submissions become public documents. If the application requires a hearing, your submission may be published on the council's hearings page, including your name and contact details.

Personal information will also be used for administration purposes, including notifying submitters of hearings and decisions. All information will be held by the Tasman District Council with submitters having the right to access and correct personal information.

## Submitter Details

Full Name:

Contact Person (if different):

Address for Service:

Postcode:

Phone:  E-mail:

## Submission Details

This is a submission on the following application for resource consent lodged with the Council:

This is a submission on an application from:

For a resource consent to: *(details can be found on the notice in the letter from Council, newspaper, website or on-site)*

Tasman District Council Application Number (if known): RM

### 1) The specific parts of the application that my submission relates to are (details\*)

\* Note: Any additional information should be submitted on a separate sheet(s).

2) The reasons for my submission are (Give details\*):

See attached documents

\*Note: Any additional information should be submitted on a separate sheet.

3) The nature of my submission is that: (Tick one of the following three boxes)

I support the application  I oppose the application  I am neutral regarding the application

4) The decision I would like the Council to make is (Tick one of the following two boxes)

To grant consent  To refuse/decline consent

If consent is granted, I wish the council to impose the following conditions

(Note: you do not have to suggest conditions, particularly if you want the council to refuse consent)

\*Note: Any additional information should be submitted on a separate sheet(s).

5) Attendance at any Council Hearing (You must tick one of the following two boxes):

I wish to be heard in support of my submission  I do not wish to be heard in support of my submission

Note: If you indicate that you do not wish to be heard, you will still receive a copy of the Council's decision but you will not receive a copy of the hearing report if a hearing is held.

Print Full Name: Christopher Petzold

Signature\*:  
(Person making submission or authorised agent)

Date: Sept. 9, 2022

\*Note: A signature is not required if you make your submissions by electronic means.

A copy of this submission MUST also be sent to the applicant as soon as reasonably practicable after serving a copy on the Council.

RM22578 CJ Industries Limited - discharge permit - compiled submissions 41 to 58

Submission on Application RM220578 CJ (Industries Ltd.) Discharge contaminants to land from backfill.

Submitter details:

Name: Christopher Petzold

Address: Motueka River Valley, 750 West Bank Road, 7196.

Phone: 0273751846

E-mail: [chrisray.petzold.02@gmail.com](mailto:chrisray.petzold.02@gmail.com)

The specific parts of the application that my submission relates to are....

1. Contamination of Motueka's water supply?
2. Quality of backfill during consent period?
3. Confidence in consent holder?
4. Compliance to conditions?
5. Council monitoring and inspection?

The reasons for my submission are....

In light of unprecedented weather events in recent years leading to extensive flooding in the region and of the increased frequency of flooding along the Motueka River and adjacent land bordering the West Bank Road would it not be prudent for the TDC to give greater scrutiny to current and future industrial activity such as quarries along the Motueka river, it being a source of Motueka's water supply?

In July and August of this year the region experienced unprecedented precipitation resulting in tens of millions of dollars in damage and alerting local councils to the need for better planning and protections to safeguard against impacts to land and water from future disastrous weather events increasing as global temperatures rise.

New considerations of land use and development, in addition to future infrastructure, is warranting greater attention and scrutiny from councils in order to provide greater protection to private and public assets. Water is our greatest natural resource and asset determining our quality of life and the life of every other living organism on the planet. As such it deserves the protections necessary to safeguard against threats to its quality and existence. The numerous mitigations to adverse impacts to both land, water and community put forward by the applicant speaks to the very real risks involved in quarrying land for gravel extraction at this location and in such close proximity to the Motueka river which is prone to flooding with increased frequency and intensity. Yet the constant refrain in the applicants request for consent is that the impact of effects from this extensive and intensive quarrying activity, on a daily basis over the duration of 15 years, will be “minor or less than minor”. This means insignificant! Such a claim does not stand up to basic common sense.

Nor does it take into account the unprecedented impacts of extreme weather events that are only beginning to be witnessed. Based on that evidence alone would it not be justifiable and wisely proactive to exclude quarrying activity from land that is adjacent to rivers, period? I believe so, particularly having witnessed the Douglas Road quarry operated by CJ Industries on the banks of the Motueka river having been totally immersed and having become part of the flood waters of the Motueka river in recent weather events. It’s worth noting that the above mentioned quarry not only borders on Motueka residences but extends beyond what was allowable and has contaminated the ground water of those residents. Not surprisingly, after photographic evidence has revealed the burying of toxic waste containers and additional contaminants in what is referred to as ‘ clean backfill ‘ by the applicant CJ Industries.

The extensive assurances and conditions offered by the applicant in its application for consent to dispose of contaminated fill into the proposed quarry site on the west bank of the Motueka river, (following the TDC and the submissions Commissioner being informed of violations) simply put, do not hold water....certainly not the clean Motueka river water we currently use from its existing water table and aquifers along the west bank. It raises the valid question if such a consent for disposing of contaminated backfill anywhere near a river should even exist for that possibility to be considered!! The TDC would be well advised to make the necessary changes to this specific consent in light of the concerns raised in this submission.

Finally, CJ Industries in its application attempts to alleviate any concerns there might be about the adverse impacts in engaging in the quarrying activities proposed by assuring residents that all order of recording, surveillance and technological inputs will be employed by its appointed employees ensuring compliance to conditions. Not only that but regular oversight and engagement with TDC staff will provide the necessary assurances that conditions will be met, compliance followed and no wrong doing will prevail. On the surface this all sounds very thorough and responsible while portraying an image of sincere concern for adverse environmental impacts. Unfortunately, documented past actions do not support this view and such attempts at alleviating concern is clearly flawed and misleading.

In addition, there is little doubt that the applicant is aware of staff shortages within TDC which do not allow for the independent monitoring, inspection and enforcement of conditions within this application to be upheld sufficiently in order to adhere to conditions. The TDC and its staff openly acknowledge that deficiency on the basis of budgetary constraints. The broader community is sorely

aware of it. Consequently there exists little confidence in the applicant's ability to carry through in a responsible manner with its proposed activities regardless of the volumes of reports and expert advice. One concludes this is mere window dressing in order to secure consents and approval of their application.

With this in mind I strongly oppose the applicants request for the consent to discharge contaminants from backfill, in addition to its application for extraction of gravel from Peach Island. I ask that the Council and Hearing Commissioner reject the application.

I will be providing additional information at the upcoming Hearing once that Hearing date has been decided.

Christopher Petzold (West Bank Road Resident)

3. The nature of my submission is that I oppose the application.
4. The decision I would like the Council to make is to refuse/decline consent.
5. Attendance at any Council Hearing: I wish to be heard in support of my submission.

Christopher Petzold

Signed and dated the 9<sup>th</sup> day of September 2022

## Submission: RM220578 CJ Industries Ltd

RM220578 - Submission 041 - C Petzold - Oppose - 2022-09-09.pdf - page 6 of 6



chris petzold <chrisray.petzold.02@gmail.com>

To Resource Consent Admin; hayden@planscapes.co.nz

Lynda to deal with Pushpa

Click here to download pictures. To help protect your privacy, Outlook prevented automatic download of some pictures in this message.

CJ contaminants submissiom draft.odt 9 KB	Submission form - RM220578 - [C PRETZOLD].pdf 240 KB
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To whom it may concern,

Included is attachments for submission on applicants consent request RM220578 for discharge of contaminated fill onto land.

Virus-free. [www.avg.com](http://www.avg.com)

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Te Kaunihera o  
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RM220578 - CJ Industries Ltd - discharge  
Submission on Resource  
Consent Application

RM22578 CJ Industries Limited - discharge permit - compiled submissions 4.1 to 5.8

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2) The reasons for my submission are (Give details\*):

as per shared document

\*Note: Any additional information should be submitted on a separate sheet.

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I support the application  I oppose the application  I am neutral regarding the application

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If consent is granted, I wish the council to impose the following conditions

(Note: you do not have to suggest conditions, particularly if you want the council to refuse consent)

An independant checker must be employed by the company to monitor the quality of the backfill. Council must regularly do unannounced spot checks. Shut downs that will hurt and fines must happen if there is any non compliance.

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5) Attendance at any Council Hearing (You must tick one of the following two boxes):

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Note: If you indicate that you do not wish to be heard, you will still receive a copy of the Council's decision but you will not receive a copy of the hearing report if a hearing is held.

Print Full Name: Charles de Garis Martin

Signature\*:  
(Person making submission or authorised agent)

Date: 8 Sept 22

\*Note: A signature is not required if you make your submissions by electronic means.

A copy of this submission MUST also be sent to the applicant as soon as reasonably practicable after serving a copy on the Council.

RM22578 CJ Industries Limited - discharge permit - compiled submissions 41 to 58



Submission on application for resource consent. RM 220578

To: Tasman District Council

And to: The Applicant c/- Planscapes (NZ) Ltd.

Submitter: Charles de Garis Martin

Applicant: CJ Industries

Proposed activity: Discharge contaminants to land from backfill associated with gravel extraction.

The submitter opposes the consent application and seeks that the consent is refused.

The submitter does not wish to speak to their application at a hearing.

1) The specific parts of the application that my submission relates to are:

Groundwater and clean fill management Plan (GMP) - quality, monitoring, inspection and testing of the backfill.

The proposed depths of excavation and monitoring of groundwater levels and the effect on the aquifer. The ability for the company to comply with consent conditions. The council's resources for monitoring and enforcement of the consent conditions set.

2) The reasons for my submission are:

As a resident of Motueka who has enjoyed the Motueka river with my family and in my career as an outdoor instructor for over 20 years, I opposed this application. This river is a Taonga and must be protected from further environmental degradation. The effects and the damage caused by the mining of gravel and the subsequent backfilling in the fragile area will be irreparable.

My concerns and reasons to oppose this application are:

The quality of the fill that would be used to backfill at the site.

The effect on the Motueka River Aquifer if the natural soil structure and filtering ability is disrupted.

That poor quality backfill will contaminate the groundwater which is the water source for many homes in the local and wider Motueka area.

The effects this extraction operation will have on the area's ecosystem, flora and fauna.

The consent holder not being able to follow the consent conditions in the GMP (such as excavation depths above ground water and sizes of excavation pits) based on past performance.

The council not being sufficiently resourced with staff to be able to check on compliance regularly.

Wrong activity in the wrong place. No to mining gravel in the Motueka Valley.

**From:** Charlie Martin <Charlie@whenuaiti.org.nz>  
**Sent:** Friday, 9 September 2022 10:09 am  
**To:** Resource Consent Admin  
**Subject:** Submission on Resource Consent Application  
**Attachments:** Submission form - RM220578 - from Charles Martin (1).pdf; Charles Martin submission discharge application (1).pdf

**Categories:** Lynda to deal with, Pushpa

The form viewer did not save the checked boxes on the submission form. The attached document has the information relating to these.

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 Private Bag 4  
 Richmond 7050  
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RM220578 - CJ Industries Ltd - discharge  
**Submission on Resource Consent Application**

RM22578 CJ Industries Limited - discharge permit - compiled submissions 41 to 58

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Tasman District Council Application Number (if known): RM

**1) The specific parts of the application that my submission relates to are (details\*)**

A. opposing the application for discharge of contaminants  
 B. pre-screening of clean fill for back fill  
 C. 2 year monitoring after 15 year consent  
 D. Road safety and road maintenance  
 E. Noise  
 F. Monitoring of Back-fill  
 G. Monitoring of Water - testing, sampling.  
 H. 2% allowance for contaminants  
 I. Motueka River quality  
 J. Backfill quantities  
 K. Inundated groundwater  
 L. Stopbank  
 M. Air quality  
 N. Reinstating of land

\* Note: Any additional information should be submitted on a separate sheet(s).

2) The reasons for my submission are (Give details\*):

Submission to oppose application on the following points:  
A. Two years of monitoring after is not adequate- does not allow for any medium to long term effect from the quarry operations to be detected  
B. The quarry operator seems to be a conflict of interest in the monitoring of backfill material  
C. Wefeelthatthequarryoperatorisaconflictofinterestinthemonitoringofwater, especially in the collection of sampling.  
D. Thequarryoperatoralsoisaconflictofinterestinthemonitoringofgroundwaterlevels  
E. Application only seems to say "some backfill will come from off-site". But doesn't seem to give any percentage or quantity  
F. If 1,000,000 tonnes of gravel is allowed to be extracted and up to 2% of this is allowed to be backfilled with contaminants this could be 20,000 tonnes of contaminants to be placed above an aquifer that is also used for domestic use. If only 50% of backfill is from off-site then this would still be 10,000 tonnes of contaminants placed above the aquifer. Doesn't seem like best practice to allow this to happen  
G. No amount of testing would stop any leaching; the damage would be done  
H. Thecollectorroad(MotuekaRiverWestBank)isnotsuitablefortrucksandtrailers, especially now that their trucks could be returning with back fill too

\*Note: Any additional information should be submitted on a separate sheet.

3) The nature of my submission is that: (Tick one of the following three boxes)

I support the application  I oppose the application  I am neutral regarding the application

4) The decision I would like the Council to make is (Tick one of the following two boxes)

To grant consent  To refuse/decline consent

If consent is granted, I wish the council to impose the following conditions

(Note: you do not have to suggest conditions, particularly if you want the council to refuse consent)

A. 2yearmonitoringaftergravelextractionandbackfillisnotsufficientthisdoesn'tallow for any medium to long term effects from the quarry operation to be picked up. In the building code all structural foundations must meet 50 years durability minimum as a robust timeline. 50 year monitoring period would be the absolute minimum requirement for a robust monitoring after such quarry operations too.  
B. 15yeargravelextractions shouldbereducedto2yearsonly,duetotheimpactonthe community and peoples lives.  
C. All back-fill should be independently monitored not just random 1 in 50 truck loads  
D. Independentmonitoring,samplingandtestingweekly.Especiallyifthebackfillisgoing over an aquifer used for domestic water supply and horticulture. The operator should not be involved in any part of monitoring testing sampling etc..... need to allow for independent contractor to do all this for unbiased result. Needs to be appointed by the TDC and paid for by CJs industries.  
E. Whilethe60kmreductioninspeedfortruck/trailersisbetter,ifanyonehaslocal knowledge of this collector road then 40 km would seem to be a more acceptable speed, for road safety, dust, noise, cycle way, school bus route etc...

\*Note: Any additional information should be submitted on a separate sheet(s).

5) Attendance at any Council Hearing (You must tick one of the following two boxes):

I wish to be heard in support of my submission  I do not wish to be heard in support of my submission

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Signature\*:   
(Person making submission or authorised agent)

Date:

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RM22578 CJ Industries Limited - discharge permit - compiled submissions 41 to 58

## RM220578 Tony Shuttleworth and Jennifer Shay Submission

-4 pages

1) The specific parts of the application that my submission relates to are (details\*):

- A. *opposing the application for discharge of contaminants*
- B. *pre-screening of clean fill for back fill*
- C. *2 year monitoring after 15 year consent*
- D. *Road safety and road maintenance*
- E. *Noise*
- F. *Monitoring of Back-fill*
- G. *Monitoring of Water - testing, sampling.*
- H. *2% allowance for contaminants*
- I. *Motueka River quality*
- J. *Backfill quantities*
- K. *Inundated groundwater*
- L. *Stopbank*
- M. *Air quality*
- N. *Reinstating of land*

2) The reasons for my submission are (Give details\*):

*Submission to oppose application on the following points:*

- A. *Two years of monitoring after is not adequate- does not allow for any medium to long term effect from the quarry operations to be detected*
- B. *The quarry operator seems to be a conflict of interest in the monitoring of backfill material*
- C. *We feel that the quarry operator is a conflict of interest in the monitoring of water, especially in the collection of sampling.*
- D. *The quarry operator also is a conflict of interest in the monitoring of groundwater levels*
- E. *Application only seems to say "some backfill will come from off-site". But doesn't seem to give any percentage or quantity*
- F. *If 1,000,000 tonnes of gravel is allowed to be extracted and up to 2% of this is allowed to be backfilled with contaminants this could be 20,000 tonnes of contaminants to be placed above an aquifer that is also used for domestic use. If only 50% of backfill is from off-site then this would still be 10,000 tonnes of contaminants placed above the aquifer. Doesn't seem like best practice to allow this to happen*
- G. *No amount of testing would stop any leaching; the damage would be done*
- H. *The collector road (Motueka River West Bank ) is not suitable for trucks and trailers, especially now that their trucks could be returning with back fill too*
- I. *The hydrology reports says that these are "just assessments"*
- J. *[www.lawa.org.nz](http://www.lawa.org.nz) will sometime show the the water quality is red , "unsuitable for swimming' or is orange "caution advised" for swimming at the Motueka Bridge SH6. Clearly, the Motueka River water quality is already fragile. The Motueka bridge is downstream of the proposed quarry site. In the Hydrology report it say the impacts of leaching from backfill would be "minor' to "less than minor". Even if this is the best case scenario you would be adding this "minor impact" to an already compromised ecosystem that is not even suitable for swimming in at times. Lots of folks use*

*Bluegum corner as a swimming/kayak spot too, also downstream of the proposed quarry.*

- K. *It states in the hydrology report that the backfill will be inundated by groundwater at certain times and that the impact from this is "minor" to "less than minor" the report also seems to suggest that dilution from any minor impacts from contaminant from inundation is acceptable. This 'dilution is the solution to pollution' is out of date and draconian, especially now in 2022 where clearly climate change is upon us all and our environment needs protecting*
- L. *Apparently the Motueka River stop bank was built in the 1950s to hold a one in a 50 year flood. Nelson/ Tasman/Marlborough/ West Coast areas have more recently received several one in a 100 year events. The climate seems to be changing and the risk of flooding will seemly make this proposed quarry location incredibly vulnerable. Fox Glacier a few years ago had an old dump site wash out in a flood that was close to the banks of the river.*
- M. *Extra road maintenance and cost for wear and tear on road system- see photos of road condition in first submission.RM200488*
- N. *Road safety- see first submission for photos and details about truck and trailer accident and other incidents RM200488*
- O. *Table 1: Summary of acceptable clean fill material: mentions material from Construction/ Excavation operations. What does construction material entail? This is unclear.*
- P. *Material from "civil emergence" used for back fill. Looks like this can be brought directly to quarry environment without pre-screening and without any independent testing - again, this seems to present a conflict of interest in allowing the Quarry operator to certify that the 2% threshold for contaminates is met*
- Q. *Air pollution is a concern as silca dust is a hazard. All this extraction of materials and stockpiling of materials and bringing in backfill etc is going to have a significant impact of the dust particles in the air. Even when materials are trucked away from the quarry site wet, it can wash out onto the collector road in transit. When the wet material dries it will kick up dust into the environment. Our house is close to the road on Motueka River West Bank Road.*
- R. *Road noise: Truck noise is already a problem on Motueka River West Bank Road, not helped by the poor quality of the current road condition. There are numerous pot holes, missing road edging, dips and hollows in the road that create loud noise from trucks. Adding 30 truck/ trailers each work day, will be, quite frankly, awful. And will have a significant negative effect on our lives.*
- S. *How to reinstate land if taking 1,000,000 tones gravel extraction but bring only "some" off site back fill in return? How is this possible to make up the balance to reinstate the land back to original levels/highs etc... and return to Rural 1 productive land?*
- T. *Applicate acknowledges some environment impacts, but does not seem to acknowledge the direct and indirect impact of these operations may have on humans.*
- U. *Road safety - There have been serval accidents now on Motueka River West Bank Road- including the death of a motorcyclist at the Shaggery road intersections, a cyclist air lifted to hospital at the Alexander Bluff Bridge, and three serious accidents on the bend next to our home in the last 11 years since we have lived here. One involving a truck and trailer, rolling off the bank down onto our land, narrowly missing our horse grazing in that paddock. The driver was lucky and airlifted to hospital. See photos of road condition and truck accident on our first submission for gravel extraction.*
- V. *Drinking water standards. RM200488*
- W. *Mitigation should not replace common sense - It's at odds with the environment to allow contaminants and quarry operations like this.*
- X. **4.0 Proposed Management Plan 4.0**  
**"ongoing monitoring of groundwater quality both upgradient and downgradient of the Quarry site will be undertaken by the Quarry operator to monitor for any adverse changes in groundwater quality as a result of the quarry activities". no independent monitoring/testing seems like a conflict of interest**

here. The quarry operator should not be involved in any part of monitoring testing sampling etc..... need to allow for independent contractor to do all this for unbiased result. Needs to be appointed by the TDC and paid for by CJs industries.

**“Any issues arising from groundwater quality monitoring will be investigated by the Quarry operator....”** Again, no independent monitoring- therefor, a conflict of interest here.

**“An annual monitoring report will be prepared by the Quarry operator.... “** Again no independent monitoring- seems like a conflict of interest here.

**“All other materials of any description will be considered as unacceptable for placement unless written permission is obtained from the Regulatory and Compliance Manager at the Tasman District Council. Any permission shall not create a precedent, shall be made on a case-by-case basis and shall be restricted to the site of origin”.** Will this be open for public submission and consultation?

#### **X. 5.0 Groundwater level monitoring and excavation controls**

Looks like this is also only done by quarry operator, still no independent monitoring.

#### **Y. 31) “All samples shall be taken by a suitably qualified and experienced**

**person..”** It's not clear who this person will be. Is this the quarry operator still from CJ industries or independent TDC appointed so no conflict of interest?

### **3) If consent is granted, I wish the council to impose the following conditions**

- A. *2 year monitoring after gravel extraction and backfill is not sufficient this doesn't allow for any medium to long term effects from the quarry operation to be picked up. In the building code all structural foundations must meet 50 years durability minimum as a robust timeline. 50 year monitoring period would be the absolute minimum requirement for a robust monitoring after such quarry operations too.*
- B. *15 year gravel extraction should be reduced to 2 years only, due to the impact on the community and peoples lives.*
- C. *All back-fill should be independently monitored not just random 1 in 50 truck loads*
- D. *Independent monitoring, sampling and testing weekly. Especially if the backfill is going over an aquifer used for domestic water supply and horticulture. The operator should not be involved in any part of monitoring testing sampling etc..... need to allow for independent contractor to do all this for unbiased result. Needs to be appointed by the TDC and paid for by CJs industries.*
- E. *While the 60 km reduction in speed for truck/trailers is better, if anyone has local knowledge of this collector road then 40 km would seem to be a more acceptable speed, for road safety, dust, noise , cycle way, school bus route etc...*
- F. *Regular and proper road repairs to road due to damage from truck and trailers. CJ industries needs to contribute to this so ratepayers aren't taking on this burden.*

- G. *Widen road on Motueka River West Bank road and create safe cycle lane for cycle way trail. At CJ industries expense.*
- H. *Cover truck and trailers to keep dust levels down on transportation of materials to and from the quarry site*
- I. *Independent company to assess the air quality around quarry site and neighbouring area, as well as along the transport route - cost paid by CJs*
- J. *inspected and verified clean fill safe by independent source. Not the quarry operator.*
- K. *All testing monitoring and the like will be paid for by CJ industries.*
- L. *(29) "The monitoring bores shall be made accessible to the Tasman District Council at all times for the purpose of groundwater sampling." CJ's not ratepayer needs to cover cost for this sampling, testing.*
- M. *Independently assess the carbon footprint of the quarry operations over its lifetime and offset this with native tree planting in the local community.*
- N. *Set more clear and firm timelines for remedy to any breaches of consent . Rather than "practicable time"*
- O. *Enforce stricter penalties for breaches of consent.*
- P. *-RM200488 see our first submission for further and more detailed conditions for consent.*

-



**From:** Tony Shuttleworth <pizidesignz64@gmail.com>  
**Sent:** Friday, 9 September 2022 10:10 am  
**To:** Resource Consent Admin  
**Cc:** hayden@planscapes.co.nz  
**Subject:** submission RM220578  
**Attachments:** Submission contaminants PDF.pdf; Submission form - RM220578 - from [insert name]-1.pdf

**Categories:** Lynda to deal with, Pushpa

To whom it may concern,

Please find attached submission form opposing the discharge of contaminants RM220578 and a 4 page PDF with the same information as backup if you can't read the submission file.

Let us know any questions or concerns around this submission.

Regards,

Tony Shuttleworth and Jennifer Shay

To: The Resource Consent Administration Officer  
Tasman District Council  
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Email: resourceconsentadmin@tasman.govt.nz



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RM220578 - CJ Industries Ltd - discharge

# Submission on Resource Consent Application

RM22578 CJ Industries Limited - discharge permit - compiled submissions 41 to 58

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For a resource consent to: (details can be found on the notice in the letter from Council, newspaper, website or on-site)

Tasman District Council Application Number (if known): RM

### 1) The specific parts of the application that my submission relates to are (details\*)

I oppose the application due to lack of safeguards/testing requirements for the potential impact on the groundwater, freshwater, and the lack of testing of the backfill quality/composition of the backfill. When the Council ought to be doing everything it can to protect our freshwater this application appears to be exceedingly relaxed.

Drinking Water Standard Triggers - hydro carbons: As stated in your own report the DWS trigger levels proposed are maximum acceptable values (MAVs) and would allow significant deterioration in groundwater quality before any action would be required. Furthermore, proposed condition / control #32 of Appendix D (Nicol Groundwater and Clean Fill Management Plan) would allow drinking water standards to be exceeded without triggering any action, as it allows the down-gradient wells to have concentrations of up to 20% greater than MAV concentrations. This is unacceptable.

Drinking Water Standards - nitrates: I could not find reference to any testing/monitoring for the backfill relevant to nitrate level increases in the water level. This needs to be implemented to prevent an increased nitrate load.

Cost of proof of contamination: 'The Consent Holder shall monitor the drinking water quality of the water supply bores in 37) at the same time as the dedicated monitoring bores in 27) ... If the monitoring shows that the

\* Note: Any additional information should be submitted on a separate sheet(s).

2) The reasons for my submission are (Give details\*):

As above.

\*Note: Any additional information should be submitted on a separate sheet.

3) The nature of my submission is that: (Tick one of the following three boxes)

- I support the application
- I oppose the application
- I am neutral regarding the application

4) The decision I would like the Council to make is (Tick one of the following two boxes)

- To grant consent
- To refuse/decline consent

If consent is granted, I wish the council to impose the following conditions

(Note: you do not have to suggest conditions, particularly if you want the council to refuse consent)

If consent is granted it should be for an initial two years so impacts can be assessed (nitrate levels, sediment levels, groundwater contamination, etc) and testing can be carried out. Then for a period of five years. A duration of 17 years does not address the potential impacts of climate change that must now be considered in any application.

An environmental bond should be considered especially in relation to contamination of water bores as alternative water will be required. Company insolvency or liquidation can affect these remedies so a bond ought to be held.

\*Note: Any additional information should be submitted on a separate sheet(s).

5) Attendance at any Council Hearing (You must tick one of the following two boxes):

- I wish to be heard in support of my submission
- I do not wish to be heard in support of my submission

Note: If you indicate that you do not wish to be heard, you will still receive a copy of the Council's decision but you will not receive a copy of the hearing report if a hearing is held.

Print Full Name:

Signature\*:   
 (Person making submission or authorised agent)

Date:

\*Note: A signature is not required if you make your submissions by electronic means.

A copy of this submission MUST also be sent to the applicant as soon as reasonably practicable after serving a copy on the Council.

RM220578 CJ Industries Limited - discharge permit - compiled submissions 41 to 58

**From:** Anne <anne@nzpix.co.nz>  
**Sent:** Friday, 9 September 2022 11:32 am  
**To:** Resource Consent Admin  
**Cc:** hayden@planscapes.co.nz  
**Subject:** C J Industries Ltd consent application  
**Attachments:** Submission form - RM220578 - from A Webber.pdf

**Categories:** Lynda to deal with, Pushpa

Hi People

Please find my submission on this consent attached.

Thanks

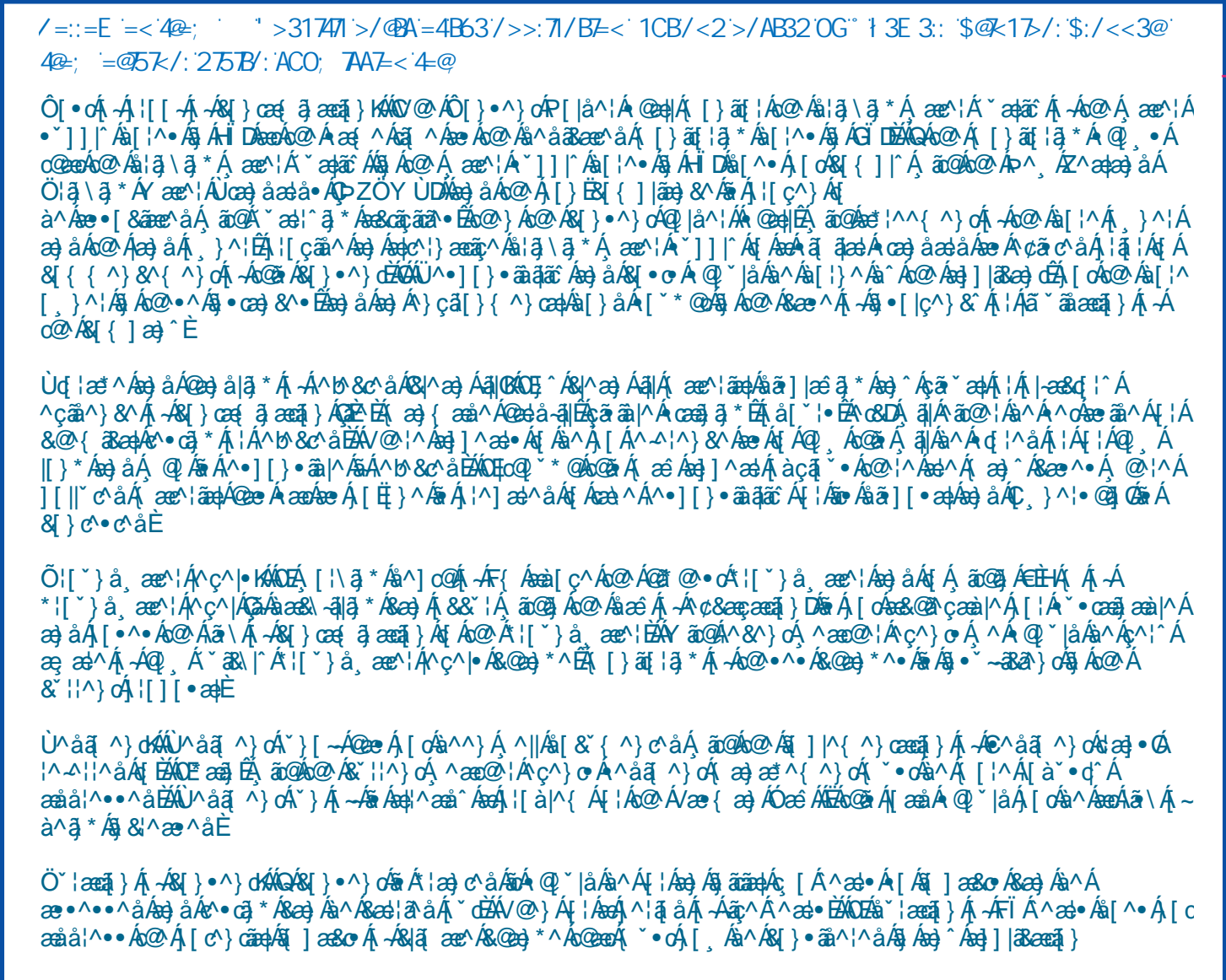
Anne

--

This email has been checked for viruses by AVG antivirus software.

[www.avg.com](http://www.avg.com)

RM22578 CJ Industries Limited - discharge permit - compiled submissions 41 to 58



To: The Resource Consent Administration Officer  
 Tasman District Council  
 Private Bag 4  
 Richmond 7050  
 Email: resourceconsentadmin@tasman.govt.nz



RM220578 - CJ Industries Ltd - discharge  
**Submission on Resource Consent Application**

RM220578 CJ Industries Limited - discharge permit - compiled submissions 41 to 58

PLEASE ENSURE THAT ALL SECTIONS OF THIS FORM, ON BOTH SIDES, ARE COMPLETED.

Please note: all submissions become public documents. If the application requires a hearing, your submission may be published on the council's hearings page, including your name and contact details.

Personal information will also be used for administration purposes, including notifying submitters of hearings and decisions. All information will be held by the Tasman District Council with submitters having the right to access and correct personal information.

### Submitter Details

Full Name:

Contact Person (if different):

Address for Service:

Postcode:

Phone:  E-mail:

### Submission Details

This is a submission on the following application for resource consent lodged with the Council:

This is a submission on an application from:

For a resource consent to: *(details can be found on the notice in the letter from Council, newspaper, website or on-site)*

Tasman District Council Application Number (if known): RM

**1) The specific parts of the application that my submission relates to are (details\*)**

\* Note: Any additional information should be submitted on a separate sheet(s).

2) The reasons for my submission are (Give details\*):

Allowing anyone to discharge contaminants onto land immediately adjacent to a river where the contaminants could enter the river, is not acceptable in the twentyfirst century. Particularly for a river such as the Motueka which is a fine recreational and trout fishing river and is subject to frequent large flooding events.

\*Note: Any additional information should be submitted on a separate sheet.

3) The nature of my submission is that: (Tick one of the following three boxes)

I support the application  I oppose the application  I am neutral regarding the application

4) The decision I would like the Council to make is (Tick one of the following two boxes)

To grant consent  To refuse/decline consent

If consent is granted, I wish the council to impose the following conditions

(Note: you do not have to suggest conditions, particularly if you want the council to refuse consent)

[Empty box for conditions]

\*Note: Any additional information should be submitted on a separate sheet(s).

5) Attendance at any Council Hearing (You must tick one of the following two boxes):

I wish to be heard in support of my submission  I do not wish to be heard in support of my submission

Note: If you indicate that you do not wish to be heard, you will still receive a copy of the Council's decision but you will not receive a copy of the hearing report if a hearing is held.

Print Full Name: CHRISTOPHER JOHN HINKLEY

Signature\*: \_\_\_\_\_ Date: 09/09/2022  
(Person making submission or authorised agent)

\*Note: A signature is not required if you make your submissions by electronic means.

A copy of this submission MUST also be sent to the applicant as soon as reasonably practicable after serving a copy on the Council.

RM22578 CJ Industries Limited - discharge permit - compiled submissions 41 to 58

**From:** Chris Hinkley <chris@celsoft.co.nz>  
**Sent:** Friday, 9 September 2022 11:49 am  
**To:** Resource Consent Admin  
**Subject:** RM220578 - CJ Industries Ltd - discharge  
**Attachments:** Submission form - RM220578 - from ChristopherJohnHinkley.pdf

**Categories:** Lynda to deal with, Pushpa

Hello,

Please find attached my submission on 'RM220578 - CJ Industries Ltd - discharge'

Regards

Chris Hinkley

To: The Resource Consent Administration Officer  
Tasman District Council  
Private Bag 4  
Richmond 7050

Email: resourceconsentadmin@tasman.govt.nz



tasman  
district council

Te Kaunihera o

te tai o Aorere

RM220578 - CJ Industries Ltd - discharge

# Submission on Resource Consent Application

RM22578 CJ Industries Limited - discharge permit - compiled submissions 41 to 58

PLEASE ENSURE THAT ALL SECTIONS OF THIS FORM, ON BOTH SIDES, ARE COMPLETED.

Please note: all submissions become public documents. If the application requires a hearing, your submission may be published on the council's hearings page, including your name and contact details.

Personal information will also be used for administration purposes, including notifying submitters of hearings and decisions. All information will be held by the Tasman District Council with submitters having the right to access and correct personal information.

## Submitter Details

Full Name:

Contact Person (if different):

Address for Service:

Postcode:

Phone:  E-mail:

## Submission Details

This is a submission on the following application for resource consent lodged with the Council:

This is a submission on an application from:

For a resource consent to: (details can be found on the notice in the letter from Council, newspaper, website or on-site)

Tasman District Council Application Number (if known): RM

### 1) The specific parts of the application that my submission relates to are (details\*)

I'm against any form of contaminant going into the land and subsequently the river.  
 I'm concerned about the fact that there is a potential for unknown and unregulated material that may affect the land and water.  
 I don't have confidence the Council will monitor as required to ensure conditions of consent are complied with.  
 I am not confident the applicants will follow through with what they propose. An example being hours of operation advised by the Council have not been adhered to in Hau road.

\* Note: Any additional information should be submitted on a separate sheet(s).



2) The reasons for my submission are (Give details\*):

[Empty text box for reasons for submission]

\*Note: Any additional information should be submitted on a separate sheet.

3) The nature of my submission is that: (Tick one of the following three boxes)

- I support the application
- I oppose the application
- I am neutral regarding the application

4) The decision I would like the Council to make is (Tick one of the following two boxes)

- To grant consent
- To refuse/decline consent

If consent is granted, I wish the council to impose the following conditions

(Note: you do not have to suggest conditions, particularly if you want the council to refuse consent)

I want the Commissioner to refuse consent.  
[Empty text box for conditions]

\*Note: Any additional information should be submitted on a separate sheet(s).

5) Attendance at any Council Hearing (You must tick one of the following two boxes):

- I wish to be heard in support of my submission
- I do not wish to be heard in support of my submission

Note: If you indicate that you do not wish to be heard, you will still receive a copy of the Council's decision but you will not receive a copy of the hearing report if a hearing is held.

Print Full Name:

Signature\*: \_\_\_\_\_ Date:

(Person making submission or authorised agent)

\*Note: A signature is not required if you make your submissions by electronic means.

A copy of this submission MUST also be sent to the applicant as soon as reasonably practicable after serving a copy on the Council.

RM220578 CJ Industries Limited - discharge permit - compiled submissions 41 to 58

**From:** Wendy Wallator <wendywallator@gmail.com>  
**Sent:** Friday, 9 September 2022 12:02 pm  
**To:** Resource Consent Admin; hayden@planscapes.co.nz  
**Subject:** Submission on RM220578  
**Attachments:** Submission form - RM220578 - [W WALLATOR].pdf  
  
**Categories:** Lynda to deal with, Pushpa

Sent from my iPad

To: The Resource Consent Administration Officer

Tasman District Council  
Private Bag 4  
Richmond 7050



**tasman**  
district council

Te Kaunihera o  
**te tai o Aorere**

Email: resourceconsentadmin@tasman.govt.nz

# Submission on Resource Consent Application

RM22578 CJ Industries Limited - discharge permit - compiled submissions 41 to 58

PLEASE ENSURE THAT ALL SECTIONS OF THIS FORM, ON BOTH SIDES, ARE COMPLETED.

Please note: all submissions become public documents. If the application requires a hearing, your submission may be published on the council's hearings page, including your name and contact details.

Personal information will also be used for administration purposes, including notifying submitters of hearings and decisions. All information will be held by the Tasman District Council with submitters having the right to access and correct personal information.

## Submitter Details

Full Name:

Contact Person (if different):

Address for Service:

Postcode:

Phone:  E-mail:

## Submission Details

This is a submission on the following application for resource consent lodged with the Council:

This is a submission on an application from: (Name of Applicant):

For a resource consent to: (details can be found on the notice in the letter from Council, newspaper, website or on-site)

Tasman District Council Application Number (if known): RM

### 1) The specific part(s) of the application that my submission relates to is/are (Give details\*):

1. Clean fill management plan being in draft only.
2. Confusion with documentation.
3. Duration of consent.
4. Cultural considerations.
5. Consent conditions.

\* Note: Any additional information should be submitted on a separate sheet(s).

2) The reasons for my submission are (Give details\*):

See attached.

\*Note: Any additional information should be submitted on a separate sheet(s).

3) The nature of my submission is that: (Tick one of the following three boxes):

I support the application       I oppose the application       I am neutral regarding the application

4) The decision I would like the Council to make is (Tick one of the following two boxes):

To grant consent       To refuse/decline consent

If consent is granted, I wish the council to impose the following conditions

(Note: you do not have to suggest conditions, particularly if you want the council to refuse consent):

[Empty text box for conditions]

\*Note: Any additional information should be submitted on a separate sheet(s).

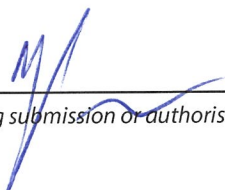
5) Attendance at any Council Hearing (You must tick one of the following two boxes):

I wish to be heard in support of my submission       I do not wish to be heard in support of my submission

Note: If you indicate that you do not wish to be heard, you will still receive a copy of the Council's decision but you will not receive a copy of the hearing report if a hearing is held.

Print Full Name: Mike Ingram

Signature\*:



(Person making submission or authorised agent)

Date:

9.9.2022

\*Note: A signature is not required if you make your submissions by electronic means.

A copy of this submission MUST also be sent to the applicant as soon as reasonably practicable after serving a copy on the Council.

RM220578 CJ Industries Limited - discharge permit - compiled submissions 41 to 58



# WAKATŪ

INCORPORATION

9 September 2022

C J Industries Limited  
c/- Planscapes (NZ) Ltd.  
P O Box 99  
NELSON 7010

Wakatū House  
28 Montgomery Square  
PO Box 440  
Whakatū (Nelson) 7040  
Aotearoa (New Zealand)

Ph +64 3 546 8648  
Fax +64 3 548 3226  
info@wakatu.org  
www.wakatu.org

Tēnā koe,

## Application for Resource Consent – RM220578

Wakatū Incorporation is in receipt of a resource consent application to discharge contaminants to land.

Wakatū has land directly adjoining part of the application site.

Please find attached, a submission by Wakatū relating to this application. A copy has been lodged with the Tasman District Council.

Nāku, nā,

**Mike Ingram**

Pou Whakahaere Whenua (Property Manager)



**WAKATŪ INCORPORATION**

**SUBMISSION ON RM220578**

**09 September 2022**



**Submitter details:**

Wakatū Incorporation, Nelson

**Contact details:**

Mr Mike Ingram, Wakatū  
mike.ingram@wkatu.org

Wakatū House,  
Montgomery Square,  
PO Box 440, Nelson.

03 546 8648

## Introduction

1. This submission, on behalf of the Wakatū Incorporation (**Wakatū**), the submitter, is made in relation to Resource Consent Application RM200488 and RM200489 (**the Application**).
2. Our submission includes specific submissions and comments on the Application alongside framing our submission with kōrero about our responsibilities as kaitiaki (guardians) and our connection to our taonga (treasure/s).

## Ko wai mātou? Who are we?

3. Wakatū is a Māori Incorporation pursuant to Te Ture Whenua Māori Act 1993. Based in Whakatū Nelson, New Zealand. Wakatū has approximately 4,000 shareholders who are those families who descend from the customary Māori landowners of the Whakatū, Motueka and Mohua (Golden Bay) regions – Te Tau Ihu.
4. Wakatū has an intergenerational 500-year vision - Te Pae Tawhiti - which sees us through to 2512.<sup>1</sup> It is a declaration of our fundamental values, common goals and guiding objectives that will ensure our success and create a strong identity now and in the future. At the heart of Te Pae Tawhiti is our overarching purpose which is to preserve and enhance our taonga for the benefit of current and future generations.
5. Wakatū grew from \$11m asset base in 1977 to a current value of over \$300m. Whenua (land) is the foundation of our business with 70% of assets held in whenua and water space. We manage a diverse portfolio from vineyards, orchards to residential properties, large retail developments, office buildings, marine farms and water space. Wakatū owns, on behalf of its shareholders, both Māori land and General land.
6. Our whānau and our businesses are located primarily in our traditional rohe, Te Tau Ihu – the top of the South Island.

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<sup>1</sup> Te Pae Tāwhiti is available online at <https://www.Wakatū.org/te-pae-tawhiti>.



7. In short, our purpose is to preserve and enhance our taonga, for the benefit of current and future generations. Our submission on RM200488 and RM200489 is made with that at the forefront of our minds.
8. We have included further detail in an **Appendix A**, to this submission which sets out who we are in further detail.

### **Our kaitiaki responsibilities**

*Toitū te marae a Tāne, Toitū te marae a Tangaroa, Toitū te Iwi*

9. We have a unique relationship with our ancestral lands and waters which have sustained us since the arrival of our tūpuna. The proverb above, “Toitū te marae a Tāne, Toitū te marae a Tangaroa, Toitū te Iwi”, has been passed down by our ancestors and identifies that when the realm of Tāne – deity of the forest and the domain of Tangaroa – God of the Ocean are sustained, so too is the future of the iwi. The Māori connection to customary land is very powerful. It is mana tūpuna - power from the ancestors. This generation is the living face of all those that came before, carrying all of their hopes and aspirations in our DNA. They give us the right to be.
10. As mana whenua, we have customary and legal rights to use and access our land and water within our rohe. We also have intergenerational responsibilities to protect the physical and spiritual components of our land and water. We are always mindful of the need to look after our resources for the benefit of current and future generations.
11. As kaitiaki, we adhere to certain practices and protocols that were established by our tūpuna when using land and resources. These practices ensure that the physical and spiritual aspects of life are kept in balance.
12. Fundamental to our identity is our connection with place. It has reflected the tenets of our culture since time immemorial. It shapes our thinking, our way of being and our priorities of what is of value. Learning about land is not the same as recognising that we learn best from land.
13. Our interaction with our lands and waters defines us, providing clarity on our roles and relationships, our responsibilities, and our place in the natural world.

14. Our relationship with our land and water is based on and strengthened by our whakapapa to the land and water and the fact that we are descendants of the earth and sky, and all elements. We whakapapa to our ancestral lands and waters and see them as a part of us, as our ancestors.
15. This whakapapa demonstrates how the world has unfolded both physically and spiritually. It is the thread connecting us from the beginnings of time to today and beyond. It demonstrates how everything is part of a web of relationships, not only in relation to other human beings but in relation to everything in nature as well. This understanding underpins our approach to our environment and our use of resources.
16. There is no separation between the land, water and people. All things are interconnected, particularly through the burial of our ancestors. The land and water, for example, is one - an indivisible whole. The land is connected to the water resources which flow in, on or under it, as is the water connected to the land that surrounds it. Both the land and water are in turn connected to us, as the people who have mana whenua and mana moana over this area. Water is imbued with a mauri, a life force and personality of its own which is to be protected and sustained for future generations. Maintaining and protecting the mauri of our ancestral waters are of critical importance to us.
17. Wakatū has a number of work-programmes underway focused on ensuring that we whakatinana (embody) our kaitiaki values and responsibilities, these include our Whenua Ora and Tangata Ora programmes. Wakatū is committed to showing leadership in these matters to achieve transformative change for our taiao and our whānau.

## **SUBMISSION**

18. Wakatū has made a submission on the applicants consent applications RM200488 and RM200489.
19. Wakatū is the owner in fee simple of that parcel of land described as Lot 3 DP 1650, comprised in Record of Title NL58/75. This parcel of land immediately adjoins the applicant's land, being Lot 2 DP 2357. Wakatū is an affected party.

20. SO 1045 is the original Plan of Motueka District, surveyed by S. Stephens in 1842. This plan shows that part of the Motueka River flowed over that land described as Lot 2 DP 432236, part of the balance of that land comprising areas of gravel and native bush. Native bush is also shown covering a significant part of Lot 2 DP 2357 (original Section 252).
21. Objections to RM200488 and RM200489 are summarised below:
  - a. Excavation
  - b. Backfill Material
  - c. Access
  - d. Cultural Heritage
  - e. Consultation
  - f. Use of other land
  - g. Effects on adjoining land
  - h. Duration of Consent
  - i. Noise
22. As an adjoining landowner and without its concerns being addressed as part of RM200488 and RM200489, also object to this application.

***RM220578 application to contaminants to land.***

23. Specific areas of concern are noted as follows
24. Proposed discharge of contaminants, page 10 of the application. The first paragraph of this section refers to the Groundwater and Clean Fill Management Plan (GMP). Wakatū notes that this document is in Draft form only. Wakatū note that the applicant has volunteered a condition that a final GMP be submitted to the Council for certification prior to clean fill activities. Wakatū object to any documentation forming part of this application to be in draft form. It must be in its final form for a correct assessment to be made.
25. Wakatū notes that the same paragraph under its paragraph 24 above refers to “*acceptable materials*” detailed in Table 2 of the GMP. Table 2 refers to Water quality parameters and trigger concentrations.

26. Proposed discharge of contaminants, page 11 of the application. A consent term of 17 years is requested. Wakatū objects to this term (duration) of consent, consistent to its objection to RM200488 and RM200489.
27. Cultural Effects, page 19. Wakatū note the applicant's comments. Not only is the mauri of the land affected but also the mauri of the water. It is not exclusive to the land as indicated in this part of the application. It is inappropriate for the applicant to make a comment that expert evidence relating to physical, biological and chemical properties of a groundwater resource can be compared in parallel to cultural values. Wakatū strongly object to this statement. Wakatū reiterate its position with RM200488 and RM200489, that only a formal Cultural Impact Assessment undertaken and agreed to by Mana Whenua iwi will the applicant be truly able to gauge the cultural significance of the area including any effects on the mauri of the land and water.
28. Note that while the applicant has volunteered to engage a Matakite, the findings of a Matakite assist Iwi with forming a picture of any cultural matters in relation to a site or activity.
29. Volunteered conditions of consent, page 21.
  - a. Condition 4. Wakatū objects to duration of consent.
  - b. Condition 5. Wakatū objects to the duration of the discharge.
  - c. Condition 6. Wakatū appreciates the applicants volunteered condition of using a Matakite. However, this needs to be an Iwi lead initiative. The applicant needs to seek guidance from mana whenua on the engagement and use of a Matakite. The applicant also needs to understand the role of a Matakite more fully. Only mana whenua Iwi can give the applicant this guidance. Wakatū strongly disagree with that part of the condition stating that any recommendation made by the Matakite will potentially be ignored if they "frustrate this resource consent". This appears to imply that any cultural matters identified will be ignored by the applicant, raising concerns by the submitter that the applicant is treating any cultural matters for bureaucratic expediency rather than accomplish any higher purpose.

- d. Conditions 15 and 22 refer to GCFMS. The application does not state what this acronym refers to.

## Other comments

30. Groundwater and Clean Fill Management Plan (GMP).
  - a. Section 4.1 Receipt, page 4. This refers to record keeping. The second bullet point refers to *“the C|J Industries staff member that delivered the clean fill to the site.”* Volunteered Condition 20, states that any backfill material shall only be brought to the site by the Consent Holder and/or its contractor. Condition 20 appears to be inconsistent with the GMP. Wakatū note some other inconsistencies with this paragraph. Wakatū refers to its comments under paragraph 24, above.
  - b. Neither the application nor GMP are clear on which party certifies the clean fill.
31. Page 5 of application RM200488 and RM200489, refers to the applicants consents RM150901 and RM150896 to extract gravel from the banks of the Motueka River at 83 Douglas Road and *“has an excellent compliance record over this time.”* While not directly related to this application as the activities and applicant are the same the submitter recommends that independent tests on back fill and discharge be undertaken at the Douglas Road site, to assist with this application as they are both intrinsically linked to clean fill and discharge into groundwater.

## Conclusion

32. The submitter main objections/comments on application RM 220578 follow:
  - a. Inconsistency in documentation.
  - b. Volunteered conditions of consent.
  - c. Cultural Heritage.
  - d. Duration of Consent.

33. Thank you for the opportunity to participate in this process.

*Ngā mihi nui,*

Mike Ingram  
Property Manager

## APPENDIX A

### A BRIEF CUSTOMARY HISTORY OF THE NELSON AND TASMAN DISTRICT

1. In the 1820s and 1830s, mana whenua then living in Te Tau Ihu were conquered by tribes from the North Island, including Ngāti Rārua, Ngāti Awa (now known as Te Ātiawa), Ngāti Tama and Ngāti Kōata. This tribal grouping is known as Ngā Tāngata Heke – the people of the Heke. The Heke were the series of migrations back and forth from the north to the south, including to Te Tau Ihu, in the early 19th century from the Kāwhia and Taranaki coasts. These migrations are remembered in the collective memory of the people as a series of named Heke.
2. By 1830, it was established that the hapū who held Māori customary title or mana whenua in Nelson, Tasman Bay and Golden Bay were the descendants of the four Tainui-Taranaki iwi of Ngāti Koata, Ngāti Rārua, Ngāti Tama and Te Ātiawa.
3. The four Tainui-Taranaki iwi in western Te Tau Ihu are recognised as the mana whenua on the basis of acquiring Māori customary title through a combination of take (raupatu (conquest) and tuku (gift)) and ahi kā roa (keeping the fires alight, by occupation or in other recognised ways). Over time, the whakapapa of the migrant iwi from the north became, as the Waitangi Tribunal has put it, ‘embedded in the whenua through intermarriage with the defeated peoples, the burial of placenta (whenua) and the dead, residence, and the development of spiritual links.’<sup>2</sup>
4. From the time of the heke onwards, Māori customary title manifested itself in western Te Tau Ihu (Nelson, Tasman Bay and Golden Bay) as an exclusive right to land, with the power to exclude others, if necessary, with the ability to dictate how land and resources was used and accessed.
5. Ngāti Rārua, Te Ātiawa, Ngāti Tama and Ngāti Koata did not move to Te Tau Ihu en-masse, but particular whānau and hapū, or sections of particular whānau and hapū,

---

2 Waitangi Tribunal, *Te Tau Ihu o Te Waka a Maui*, vol III, 1366.

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from those iwi settled in a staged series of migrations, with land allocated in various locations as different groups arrived.

6. The pattern of mana whenua in Te Tau Ihu was dictated by the pattern of settlement, in which each kāinga (village) was established around a chief or chiefs and each kāinga was home to extended whānau, with most residents at each kāinga related by blood or marriage. The whānau or hapū (an extended whānau or cluster of whānau could equally be described as a hapū) tended to establish themselves at locations where their neighbouring communities were relatives and/or close allies.
7. By 1840, whānau or hapū belonging to the four Tainui Taranaki iwi were established in Nelson, Tasman Bay and Golden Bay as the mana whenua.

### **The arrival of the New Zealand Company**

8. When the New Zealand Company (“NZ Company”) arrived in the South Island in 1841, rangatira [tribal leaders] representing the families of those whānau or hapū who held mana whenua and who were resident in western Te Tau Ihu negotiated with Captain Arthur Wakefield of the NZ Company and agreed to welcome European settlement in parts of the Nelson, Motueka and Golden Bay area.
9. One of the main reasons for this agreement, from the Māori perspective, was to promote trade relationships between European settlers and Māori for mutual benefit, bearing in mind that tribes of Te Tau Ihu had already had several decades of contact with European traders prior to 1841.
10. According to the arrangements a major benefit promised by the NZ Company when it entered into what it called ‘Deeds of Purchase’, was that the resident Māori and their families who held mana whenua in the relevant parts of western Te Tau Ihu (Nelson, Motueka and Golden Bay), would be entitled to retain all existing Māori settlements, including urupa, wāhi tapu and cultivated land, and in addition reserves would be set aside comprising one-tenth of the land purchased. These additional land reserves became known as the Nelson Tenths Reserves (“Tenths Reserves”).
11. As a result of the negotiations between the NZ Company and tāngata whenua, the Crown issued a grant in 1845 which extinguished Māori aboriginal (or customary)



title over 151,000 acres in Nelson and Tasman (the Nelson settlement). The 1845 Crown Grant excluded all existing Māori settlements, including urupa, wāhi tapu and cultivated land, along with one-tenth of the total area of land acquired for European settlement (15,000 acres).

12. The Crown intended to hold the Tenths Reserves on trust on behalf of and for the benefit of the tāngata whenua who were those families who held Māori customary title to the 151,000 acres in the 1840s.
13. Despite the guarantees and the provisions stipulated in the 1845 Crown Grant, the Crown failed to reserve a full one-tenth of land or exclude settlements, urupa, wāhi tapu and cultivated land from European settlement.
14. On completion, the NZ Company's Nelson Settlement comprised approximately 172,000 acres, although it is likely a much larger area of approximately 460,000 acres was eventually acquired by the Crown.
15. As at 1850, the Nelson Tenths Reserves comprised only 3,953 acres (this figure does not include the designated Occupation Reserves).
16. Between 1841 and 1881, Crown officials administered the Tenths Reserves and the occupation reserves on behalf of the original owners. From 1882, the Public Trustee administered the estate.

### **Identifying the original landowners**

17. In 1892 – 1893, the Native Land Court undertook an inquiry to ascertain who owned the land in Nelson, Tasman Bay and Golden Bay prior to the transaction with the New Zealand Company. The reason for this inquiry was to determine the correct beneficiaries of the Tenths Reserves trust.
18. The Native Land Court Judge (Judge Alexander MacKay) considered that the “New Zealand Company Tenths” (as he called them) had been set aside in accordance with the NZ Company's stipulation in the Kapiti Deed that it would hold a portion of the land on trust, and accordingly he decided that to ascertain those persons with a

beneficial interest “it was necessary to carry back the inquiry to the date the land comprised in the original Nelson Settlement was acquired by the Company”.

19. The Court’s ruling determined the ownership of the 151,000 acres “at the time of the Sale to the New Zealand Company”, with the ownership of the four hapū – Ngāti Koata, Ngāti Tama, Ngāti Rārua and Ngāti Awa - broken down according to each of the areas awarded by Commissioner Spain in 1845 (Nelson district, 11,000 acres; Waimea district, 38,000 acres; Moutere and Motueka district, 57,000 acres, and Massacre Bay, 45,000 acres).

20. The Judge’s ruling included a determination:

*That although the Reserves made by the Company were situated in certain localities the fund accruing thereon was a general one in which all the hapū who owned the territory comprised within the Nelson Settlement had an interest proportionate to the extent of land to which they were entitled, at the time of the Sale to the Company.*

21. The Court requested each of the hapū so entitled to provide lists of the persons who were the original owners of the land at the time of the New Zealand Company’s arrival and their successors.

22. Importantly, therefore, the 1893 lists were not drawn up by the Native Land Court, but by the people. The evidence of how this was done is consistent with a tikanga Māori style process where the lists were debated and revised until consensus is reached.

### **The Crown’s management of the land**

23. From 1842 until 1977, when the original owners regained control of their lands, the Crown held the Tenth’s Reserves and occupation reserves in trust and managed it on behalf of its owners.

24. From 1882 onwards, the Public Trustee, Native Trustee and Māori Trustee administered the Tenth’s Reserves and occupation reserves on behalf of the original

owners and their descendants. During this period, a great deal of land was either sold or taken under public works legislation - in many cases without the owners' consent and without compensation for the loss.

25. A clear example of the Crown's mismanagement during this period is illustrated by the imposition of perpetual leases on the Tenth's Reserves and occupation reserves. By way of legislation, the Crown imposed perpetual leases on the land, which for example, allowed for 21-year rent review periods, rents below market value, and perpetual rights of renewal for lessees. In practice this meant the Māori owners could not access or use their land, nor did they receive adequate rent for leasing the land. The problems associated with the perpetual lease regime continue to impact adversely on the submitters' land, despite some legislative changes in 1997.
26. In the period to 1977, as a result of the Crown's mismanagement, the Tenth's Reserves estate was reduced to 1,626 acres.

### **Proprietors of Wakatū (Wakatū Incorporation)**

27. By the 1970s, the descendants of the original owners were lobbying for the return of their land to their control and management. This led to a Commission of Inquiry (the Sheehan Commission) into Māori Reserved Lands.
28. Our establishment was the result of recommendations made by the Sheehan Commission of Inquiry that the Tenth's Reserves should be returned to the direct ownership and control of Māori. This recommendation was implemented by the Wakatū Incorporation Order 1977, which according to its explanatory note constituted "the proprietors of the land commonly known as the Nelson-Motueka and South Island Tenth's".
29. The land vested in Wakatū Incorporation comprised the remnants of the Tenth's Reserves and occupation reserves and the beneficial owners of the land were allocated shares in the same proportion as the value of their beneficial interests in the land transferred.
30. With a few exceptions, those beneficial owners were the descendants of the 254 tūpuna identified as beneficial owners by the Native Land Court in 1893. Wakatū can

therefore trace the genesis of a large portion of the land in its estate back to the initial selection of the Tenths Reserves in 1842.

### **Wakatū Incorporation today**

31. Wakatū is the kaitiaki and legal trustee of the remnants of the Tenths Reserves and occupation reserves. Wakatū Incorporation is responsible for the care and development of the owners' lands.
32. The Incorporation represents approximately 4000 Māori landowners in Nelson, Tasman Bay and Golden Bay. Apart from the Crown and local authorities, Wakatū is one of the largest private landowners in the Nelson/Tasman regions.
33. Since 1977, the owners of Wakatū have built a successful organisation that has contributed to the economic growth of the Tasman District and the economic, social and cultural well-being of the descendants of the original owners.
34. Wakatū Incorporation's primary focus is based around its management and use of the ancestral lands of the owners for their cultural and economic sustenance. Today, this comprises a mixture of leasehold land, commercial land and development land.
35. Wakatū has interests in horticulture, viticulture and aquaculture (Kono NZ LP) throughout the Tasman and Nelson District as well as in other parts of New Zealand.
36. The principles and values of Wakatū Incorporation are reflected in its guiding strategic document – Te Pae Tāwhiti.

### **Further information**

37. A full history of the lands administered by Wakatū Incorporation, along with Ngāti Rārua Ātiawa Iwi Trust, Rore Lands, and other whānau and iwi trusts, who own land in the Nelson and Tasman region is set out and discussed more fully in the Waitangi Tribunal, Te Tau Ihu o te Waka a Maui report. Also see [www.Wakatū.org.nz](http://www.Wakatū.org.nz) for further information.

**From:** Hayden Taylor <Hayden@planscapes.co.nz>  
**Sent:** Friday, 9 September 2022 12:07 pm  
**To:** Alastair Jewell; Resource Consent Admin  
**Subject:** FW: CJ Industries - RM2205778  
**Attachments:** 09092022114740-0001.pdf

**Categories:** Lynda to deal with, Pushpa

In case you haven't been sent separately.

Regards,

Hayden

**Hayden Taylor**

Resource Management Consultant  
BSc (Hons)

**Planscapes (NZ) Ltd**

94 Selwyn Place : PO Box 99 : Nelson

**T** 03 539 0281 : **M** 021 071 2209 **E** [Hayden@planscapes.co.nz](mailto:Hayden@planscapes.co.nz)



*CONFIDENTIALITY: This email and any attachments are confidential and may be legally privileged. If you have received this email in error or are not the intended recipient, please notify the sender and delete the email message immediately. Planscapes (NZ) Ltd does not warrant or guarantee that this communication is free of errors, virus or interference.*

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**From:** Mike Ingram <[Mike.Ingram@wakatu.org](mailto:Mike.Ingram@wakatu.org)>  
**Sent:** Friday, 9 September 2022 11:56 am  
**To:** Hayden Taylor <[Hayden@planscapes.co.nz](mailto:Hayden@planscapes.co.nz)>  
**Subject:** CJ Industries - RM2205778

Tēnā koe Hayden

Please attached a submission made by Wakatū Incorporation, with regard to the above application.

Ngā mihi

**Mike Ingram**

*Pou Whakahaere Whenua – Hunga Whaipānga*  
Property Manager | Wakatū Incorporation



Wakatū House, 28 Montgomery Square, Nelson 7040

021 565 462 | [Mike.Ingram@wakatu.org](mailto:Mike.Ingram@wakatu.org) | [www.wakatu.org](http://www.wakatu.org)

To: The Resource Consent Administration Officer  
Tasman District Council  
Private Bag 4  
Richmond 7050

Email: resourceconsentadmin@tasman.govt.nz



tasman  
district council

Te Kaunihera o

te tai o Aorere

RM200488 - CJ Industries Limited

# Submission on Resource Consent Application

RM22578 CJ Industries Limited - discharge permit - compiled submissions 41 to 58

PLEASE ENSURE THAT ALL SECTIONS OF THIS FORM, ON BOTH SIDES, ARE COMPLETED.

Please note: all submissions become public documents. If the application requires a hearing, your submission may be published on the council's hearings page, including your name and contact details.

Personal information will also be used for administration purposes, including notifying submitters of hearings and decisions. All information will be held by the Tasman District Council with submitters having the right to access and correct personal information.

## Submitter Details

Full Name:

Contact Person  
(if different):

Address for  
Service:

Postcode:

Phone:

E-mail:

## Submission Details

This is a submission on the following application for resource consent lodged with the Council:

This is a submission on an application from: ÔRĀQĀ • dā • ĀSĀ ā ā

For a resource consent to: (details can be found on the notice in the letter from Council, newspaper, website or on-site)

Tasman District Council Application Number (if known): RM

**1) The specific parts of the application that my submission relates to are (details\*)**

\* Note: Any additional information should be submitted on a separate sheet(s).

**2) The reasons for my submission are (Give details\*):**

*\*Note: Any additional information should be submitted on a separate sheet.*

**3) The nature of my submission is that: (Tick one of the following three boxes)**

I support the application                      I oppose the application                      I am neutral regarding the application

**4) The decision I would like the Council to make is (Tick one of the following two boxes)**

To grant consent                                      To refuse/decline consent

If consent is granted, I wish the council to impose the following conditions

*(Note: you do not have to suggest conditions, particularly if you want the council to refuse consent)*

*\*Note: Any additional information should be submitted on a separate sheet(s).*

**5) Attendance at any Council Hearing (You must tick one of the following two boxes):**

I wish to be heard in support of my submission                      I do not wish to be heard in support of my submission

*Note: If you indicate that you do not wish to be heard, you will still receive a copy of the Council's decision but you will not receive a copy of the hearing report if a hearing is held.*

Print Full Name:

Signature\*:  \_\_\_\_\_ Date: \_\_\_\_\_  
 (Person making submission or authorised agent)

*\*Note: A signature is not required if you make your submissions by electronic means.*

**A copy of this submission MUST also be sent to the applicant as soon as reasonably practicable after serving a copy on the Council.**

Submission on application for resource consent. RM 220578

To: Tasman District Council

And to: The Applicant c/- Planscapes (NZ) Ltd.

Submitter: May Teo

Applicant: CJ Industries

Proposed activity: Discharge contaminants to land from backfill associated with gravel extraction.

The submitter opposes the consent application and seeks that the consent is refused.

The submitter does not wish to speak to their application at a hearing.

1) The specific parts of the application that my submission relates to are:

Groundwater and clean fill management Plan (GMP) - quality, monitoring, inspection and testing of the backfill.

The proposed depths of excavation and monitoring of groundwater levels and the effect on the aquifer. The ability for the company to comply with consent conditions. The council's resources for monitoring and enforcement of the consent conditions set.

2) The reasons for my submission are:

As a resident of Brookly who enjoys the Motueka river and surrounding environment on a daily basis, I opposed this application. This river is a Taonga and must be protected from further environmental degradation. The effects and the damage caused by the mining of gravel and the subsequent backfilling in the fragile area will be irreparable.

My concerns and reasons to oppose this application are:

The quality of the fill that would be used to backfill at the site.

The effect on the Motueka River Aquifer if the natural soil structure and filtering ability is disrupted.

That poor quality backfill will contaminate the groundwater which is the water source for many homes in the local and wider Motueka area.

The effects this extraction operation will have on the area's ecosystem, flora and fauna.

The consent holder not being able to follow the consent conditions in the GMP (such as excavation depths above ground water and sizes of excavation pits) based on past performance.

The council not being sufficiently resourced with staff to be able to check on compliance regularly.

Wrong activity in the wrong place. No to mining gravel in the Motueka Valley. This river must be protected.



**From:** Teo May Wei <maykayak@gmail.com>  
**Sent:** Friday, 9 September 2022 12:54 pm  
**To:** Resource Consent Admin; hayden@planscapes.co.nz  
**Subject:** Submission RM220578  
**Attachments:** May Teo submission discharge application.pdf; Form for submission - RM200488 - from May Teo.pdf

**Categories:** Lynda to deal with, Pushpa

To the \ Resource Consent Administration Officer,

I am writing to oppose to the consent application by CJ Industries, to discharge contaminants to land from backfill associated with gravel extraction on the Motueka River.

Please see submission forms attached.

Regards,  
May Teo  
Motueka Valley (Brooklyn) resident

To: The Resource Consent Administration Officer  
Tasman District Council  
Private Bag 4  
Richmond 7050



tasman  
district council

Te Kaunihera o  
te tai o Aorere

# Submission on Resource Consent Application

RM220578 CJ Industries Limited - discharge permit - compiled submissions 41 to 58

PLEASE ENSURE THAT ALL SECTIONS OF THIS FORM, ON BOTH SIDES, ARE COMPLETED.

Please note: all submissions become public documents. If the application requires a hearing, your submission may be published on the council's hearings page, including your name and contact details.

Personal information will also be used for administration purposes, including notifying submitters of hearings and decisions. All information will be held by the Tasman District Council with submitters having the right to access and correct personal information.

## Submitter Details

Full Name:

Contact Person (if different):

Address for Service:

Postcode:

Phone:  E-mail:

## Submission Details

This is a submission on the following application for resource consent lodged with the Council:

This is a submission on an application from: (Name of Applicant):

For a resource consent to: (details can be found on the notice in the letter from Council, newspaper, website or on-site)

Tasman District Council Application Number (if known): RM

### 1) The specific part(s) of the application that my submission relates to is/are (Give details\*):

\* Note: Any additional information should be submitted on a separate sheet(s).

2) The reasons for my submission are (Give details\*):

See attached

\*Note: Any additional information should be submitted on a separate sheet(s).

3) The nature of my submission is that: (Tick one of the following three boxes):

- I support the application
- I oppose the application
- I am neutral regarding the application

4) The decision I would like the Council to make is (Tick one of the following two boxes):

- To grant consent
- To refuse/decline consent

If consent is granted, I wish the council to impose the following conditions

(Note: you do not have to suggest conditions, particularly if you want the council to refuse consent):

See attached

\*Note: Any additional information should be submitted on a separate sheet(s).

5) Attendance at any Council Hearing (You must tick one of the following two boxes):

- I wish to be heard in support of my submission
- I do not wish to be heard in support of my submission

Note: If you indicate that you do not wish to be heard, you will still receive a copy of the Council's decision but you will not receive a copy of the hearing report if a hearing is held.

Print Full Name: Sylvie Filipo on behalf of Te Atiawa Manawhenua Ki Te Tau Ihu Trust

Signature\*:  
(Person making submission or authorised agent)

Date: 09.09.2022

\*Note: A signature is not required if you make your submissions by electronic means.

A copy of this submission MUST also be sent to the applicant as soon as reasonably practicable after serving a copy on the Council.

RM220578 CJ Industries Limited - discharge permit - compiled submissions 41 to 58

**TE ĀTIAWA MANAWHENUA KI TE TAU IHU TRUST'S SUBMISSION ON APPLICATION FOR RESOURCE CONSENT BY CJ INDUSTRIES LIMITED (RM220578) FOR DISCHARGES FROM BACKFILL ASSOCIATED WITH PROPOSED GRAVEL EXTRACTION AT 134 PEACH ISLAND ROAD, MOTUEKA**

Te Ātiawa Manawhenua Ki Te Tau Ihu Trust is a trust that represents those people who whakapapa to Te Ātiawa in Te Tau Ihu. Te Ātiawa holds mana whenua within the region and specific area that is subject to this resource consent application.

In this instance, it is the Rohe of Te Ātiawa and the role of Te Ātiawa, as kaitiaki, that this proposal has implications on. Te Ātiawa is opposed to this application, primarily because it involves the discharge of contaminants to whenua near Motueka Awa, an Awa Tupuna for the people of Te Ātiawa. Because Motueka Awa is a taonga, which holds great cultural and spiritual significance to Te Ātiawa, this activity will potentially compromise the role of Te Ātiawa as kaitiaki.

As identified in Te Ātiawa Deed of Settlement<sup>1</sup>:

*For Te Ātiawa o Te Waka-a-Māui the Motueka River is an Awa Tupuna. Te Ātiawa o Te Waka-a-Māui ancestral ties bind us to one another and to our ancestor - the Motueka River. Te Ātiawa o Te Waka-a-Māui has mana, whakapapa and history within the Motueka River and its tributaries. Te Ātiawa o Te Waka-a-Māui has kaitiaki responsibilities for the Motueka River and its tributaries.*

Te Ātiawa acknowledges that the Applicant has agreed to commission a Cultural Impact Assessment (CIA) and is committed to that process. However, until the CIA is completed and the issues identified have been responded to appropriately, the application fails to adequately identify cultural effects on Te Ātiawa or meet the expectations of Te Ātiawa as kaitiaki of the Awa and wider rohe.

The term sought is 17 years, Te Ātiawa considers that this is too long, particularly for an activity that compromises the role of Te Ātiawa as kaitiaki. Te Ātiawa considers that a shorter term would allow for the review of methods to ensure best practice with contemporary standards. For activities in culturally sensitive areas such as this, Te Ātiawa expects that, if granted, there would be a shorter term of consent and would seek a s128 condition stating that the consent is subject to review.

---

<sup>1</sup> Te Ātiawa o Te Waka-A-Māui and Te Ātiawa o Te Waka-A-Māui Trust and The Crown Deed Of Settlement Schedule: Documents

To summarise, Te Ātiawa Manawhenua Ki Te Tau Trust opposes the proposal as lodged on the following bases:

- Potential adverse environmental effects that are more than minor;
- Potential adverse cultural and spiritual issues for mana whenua iwi;
- Potentially compromising the role of Te Ātiawa as kaitiaki;
- Potentially compromising the mana of Te Ātiawa; and
- The term sought of 17 years is considered too long to allow this activity to occur.

Te Ātiawa wishes to be heard in respect of this submission.

Te Ātiawa thanks the Council for the opportunity to submit on this application for resource consent.

**From:** Sylvie Filipo | Te Ātiawa Trust <sylvie@teatiawatrust.co.nz>  
**Sent:** Friday, 9 September 2022 1:58 pm  
**To:** Alastair Jewell  
**Cc:** Resource Consent Admin  
**Subject:** RM220578 - submission by Te Ātiawa Trust  
**Attachments:** RM220578 - CJ Industries - TAM Submission form.pdf; RM220578 - CJ Industries - TAM Submission .pdf

**Categories:** Lynda to deal with, Pushpa

Kia ora Alastair,  
Please find attached a submission lodged on behalf of Te Ātiawa Trust on application RM220578 by CJ Industries Limited.

Ngā mihi  
Sylvie

*Sylvie Filipo*  
*Kaitiaki o te Taiāo | Guardians of the Environment*

Te Ātiawa Manawhenua Ki Te Tau Ihu Trust



Beach Road, Picton 7220  
PO Box 340, Picton 7250  
03 573 5170  
0800 284 292  
0273 828 017

[www.teatiawatrust.co.nz](http://www.teatiawatrust.co.nz)

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To: The Resource Consent Administration Officer  
Tasman District Council  
Private Bag 4  
Richmond 7050



Email: resourceconsentadmin@tasman.govt.nz

# Submission on Resource Consent Application

PLEASE ENSURE THAT ALL SECTIONS OF THIS FORM, ON BOTH SIDES, ARE COMPLETED.

Please note: all submissions become public documents. If the application requires a hearing, your submission may be published on the council's hearings page, including your name and contact details.

Personal information will also be used for administration purposes, including notifying submitters of hearings and decisions. All information will be held by the Tasman District Council with submitters having the right to access and correct personal information.

## Submitter Details

Full Name:	Ruth Buchanan		
Contact Person (if different):			
Address for Service:	16 Motueka River West Bank Road Brooklyn		
Postcode:	7198		
Phone:	0272981530	E-mail:	rs.buchanan@yahoo.com

## Submission Details

This is a submission on the following application for resource consent lodged with the Council:

This is a submission on an application from: *(Name of Applicant)*: CJ Industries Limited's discharge permit

For a resource consent to: *(details can be found on the notice in the letter from Council, newspaper, website or on-site)*

CJ Industries Limited seeks an additional resource consent to discharge contaminants to land, specifically from backfill material associated with the proposed gravel extraction from the berm of the Motueka River and on the landward side of the stopbank at Peach Island (consent applicataion RM220578).

Tasman District Council Application Number (if known): RM220578

**1) The specific part(s) of the application that my submission relates to is/are (Give details\*):**

Being able to discharge contaminants to land, specifically backfill material associated with the proposed gravel extraction from the berm of the Motueak River.

\* Note: Any additional information should be submitted on a separate sheet(s).

RM22578 CJ Industries Limited - discharge permit - compiled submissions 41 to 58

**2) The reasons for my submission are (Give details\*):**

I would like more information as to what the back fill will be made up of. What possible contaminants this has.

Who and how will this be monitored, this is very close to the Motueka River (which we need to protect). , What if contaminants end up in the water supply.

\*Note: Any additional information should be submitted on a separate sheet(s).

**3) The nature of my submission is that: (Tick one of the following three boxes):**

I support the application       I oppose the application       I am neutral regarding the application

**4) The decision I would like the Council to make is (Tick one of the following two boxes):**

To grant consent       To refuse/decline consent

If consent is granted, I wish the council to impose the following conditions

(Note: you do not have to suggest conditions, particularly if you want the council to refuse consent):

[Empty box for conditions]

\*Note: Any additional information should be submitted on a separate sheet(s).

**5) Attendance at any Council Hearing (You must tick one of the following two boxes):**

I wish to be heard in support of my submission       I do not wish to be heard in support of my submission

Note: If you indicate that you do not wish to be heard, you will still receive a copy of the Council's decision but you will not receive a copy of the hearing report if a hearing is held.

Print Full Name:

Signature\*: 

Date:

(Person making submission or authorised agent)

\*Note: A signature is not required if you make your submissions by electronic means.

**A copy of this submission MUST also be sent to the applicant as soon as reasonably practicable after serving a copy on the Council.**



**From:** Ruth Buchanan <Ruth@whenuaiti.org.nz>  
**Sent:** Friday, 9 September 2022 2:48 pm  
**To:** Resource Consent Admin  
**Cc:** hayden@planscapes.co.nz  
**Subject:** Submission for CJ Industries Limited's discharge permit  
**Attachments:** Submission.pdf

**Categories:** Pushpa, Lynda to deal with

Kia ora

Please find attached submission on resource aonsent application.

Ngā Mihi  
Ruth

To: The Resource Consent Administration Officer  
Tasman District Council  
Private Bag 4  
Richmond 7050

Email: resourceconsentadmin@tasman.govt.nz



tasman  
district council

Te Kaunihera o

te tai o Aorere

RM220578 - CJ Industries Ltd - discharge

# Submission on Resource Consent Application

RM22578 CJ Industries Limited - discharge permit - compiled submissions 41 to 58

PLEASE ENSURE THAT ALL SECTIONS OF THIS FORM, ON BOTH SIDES, ARE COMPLETED.

Please note: all submissions become public documents. If the application requires a hearing, your submission may be published on the council's hearings page, including your name and contact details.

Personal information will also be used for administration purposes, including notifying submitters of hearings and decisions. All information will be held by the Tasman District Council with submitters having the right to access and correct personal information.

## Submitter Details

Full Name:

Contact Person (if different):

Address for Service:

Postcode:

Phone:  E-mail:

## Submission Details

This is a submission on the following application for resource consent lodged with the Council:

This is a submission on an application from:

For a resource consent to: (details can be found on the notice in the letter from Council, newspaper, website or on-site)

Tasman District Council Application Number (if known): RM

### 1) The specific parts of the application that my submission relates to are (details\*)

\* Note: Any additional information should be submitted on a separate sheet(s).

2) The reasons for my submission are (Give details\*):

I oppose the proposed gravel extraction based on the contaminants that will undoubtedly enter the Motueka River.

\*Note: Any additional information should be submitted on a separate sheet.

3) The nature of my submission is that: (Tick one of the following three boxes)

I support the application  I oppose the application  I am neutral regarding the application

4) The decision I would like the Council to make is (Tick one of the following two boxes)

To grant consent  To refuse/decline consent

If consent is granted, I wish the council to impose the following conditions

(Note: you do not have to suggest conditions, particularly if you want the council to refuse consent)

Empty text box for conditions.

\*Note: Any additional information should be submitted on a separate sheet(s).

5) Attendance at any Council Hearing (You must tick one of the following two boxes):

I wish to be heard in support of my submission  I do not wish to be heard in support of my submission

Note: If you indicate that you do not wish to be heard, you will still receive a copy of the Council's decision but you will not receive a copy of the hearing report if a hearing is held.

Print Full Name: Paula Finch

Signature\*: \_\_\_\_\_ Date: 09.09.22  
(Person making submission or authorised agent)

\*Note: A signature is not required if you make your submissions by electronic means.

A copy of this submission MUST also be sent to the applicant as soon as reasonably practicable after serving a copy on the Council.

RM22578 CJ Industries Limited - discharge permit - compiled submissions 41 to 58

**From:** paula Finch <pjlfinch@hotmail.com>  
**Sent:** Friday, 9 September 2022 3:19 pm  
**To:** Resource Consent Admin  
**Subject:** CJ Discharge  
**Attachments:** Submission form - RM220578 - from [insert name].pdf

**Categories:** Pushpa, Lynda to deal with

Please find attached my submission in opposition to CJ's proposed gravel extraction at 134 Peach Island Road

Regards  
Paula

To: The Resource Consent Administration Officer  
 Tasman District Council  
 Private Bag 4  
 Richmond 7050

Email: resourceconsentadmin@tasman.govt.nz



tasman  
 district council

Te Kaunihera o

te tai o Aorere

RM220578 - CJ Industries Ltd - discharge

# Submission on Resource Consent Application

RM22578 CJ Industries Limited - discharge permit - compiled submissions 41 to 58

PLEASE ENSURE THAT ALL SECTIONS OF THIS FORM, ON BOTH SIDES, ARE COMPLETED.

Please note: all submissions become public documents. If the application requires a hearing, your submission may be published on the council's hearings page, including your name and contact details.

Personal information will also be used for administration purposes, including notifying submitters of hearings and decisions. All information will be held by the Tasman District Council with submitters having the right to access and correct personal information.

## Submitter Details

Full Name:

Contact Person (if different):

Address for Service:

Postcode:

Phone:  E-mail:

## Submission Details

This is a submission on the following application for resource consent lodged with the Council:

This is a submission on an application from:

For a resource consent to: (details can be found on the notice in the letter from Council, newspaper, website or on-site)

Tasman District Council Application Number (if known): RM

### 1) The specific parts of the application that my submission relates to are (details\*)

\* Note: Any additional information should be submitted on a separate sheet(s).

**2) The reasons for my submission are (Give details\*):**

The bore from which our household water and that of 4 other houses is extracted is within 100m of the gravel extraction site. The subject site is flood-prone. There is significant risk of mobilisation of contaminants. There is also a very high risk of excavation pits and fill material becoming inundated by floodwater and also rising groundwater levels. The applicant's extraction activities at another site (Douglas Road) do not give us confidence that potential adverse effects on groundwater can be appropriately avoided, mitigated or remedied. The Hau Road site regularly breaches its noise control limits and at the Douglas road site did not submit the required sampling of groundwater. We have no faith that the applicant will comply with consent requirements. The following issues have occurred from the Douglas road site: Poor monitoring of consent conditions by council, breaches of consent conditions, groundwater contamination, dust coating properties, constant oud, vibrating disturbing noise, □

\*Note: Any additional information should be submitted on a separate sheet.

**3) The nature of my submission is that:** (Tick one of the following three boxes)

I support the application       I oppose the application       I am neutral regarding the application

**4) The decision I would like the Council to make is** (Tick one of the following two boxes)

To grant consent       To refuse/decline consent

If consent is granted, I wish the council to impose the following conditions

(Note: you do not have to suggest conditions, particularly if you want the council to refuse consent)

The council enforce monthly checks on the ground water to ensure OUR drinking water supply is SAFE.

\*Note: Any additional information should be submitted on a separate sheet(s).

**5) Attendance at any Council Hearing (You must tick one of the following two boxes):**

I wish to be heard in support of my submission       I do not wish to be heard in support of my submission

Note: If you indicate that you do not wish to be heard, you will still receive a copy of the Council's decision but you will not receive a copy of the hearing report if a hearing is held.

Print Full Name:

Signature\*: \_\_\_\_\_  
(Person making submission or authorised agent)

Date:

\*Note: A signature is not required if you make your submissions by electronic means.

**A copy of this submission MUST also be sent to the applicant as soon as reasonably practicable after serving a copy on the Council.**

RM22578 CJ Industries Limited - discharge permit - compiled submissions 41 to 58

**From:** Anthea Garmey <anthea.garmey@motuekahigh.school.nz>  
**Sent:** Friday, 9 September 2022 3:24 pm  
**To:** Resource Consent Admin  
**Subject:** CJ submission RM220578  
**Attachments:** Submission form - RM220578 - from Anthea Garmey contaminants.pdf  
  
**Categories:** Pushpa, Lynda to deal with

--

Anthea Garmey  
Teacher of Science, Horticultural and Agricultural Science, Specialist Classroom Teacher

To: The Resource Consent Administration Officer  
Tasman District Council  
Private Bag 4  
Richmond 7050  
Email: resourceconsentadmin@tasman.govt.nz



tasman district council | Te Kaunihera o te tai o Aorere

RM220578 - CJ Industries Ltd - discharge  
Submission on Resource Consent Application

RM22578 CJ Industries Limited - discharge permit - compiled submissions 41 to 58

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### Submitter Details

Full Name:

Contact Person (if different):

Address for Service:

Postcode:

Phone:  E-mail:

### Submission Details

This is a submission on the following application for resource consent lodged with the Council:

This is a submission on an application from:

For a resource consent to: *(details can be found on the notice in the letter from Council, newspaper, website or on-site)*

Discharge contaminants to land from backfill associated with gravel extraction

Tasman District Council Application Number (if known): RM

1) The specific parts of the application that my submission relates to are (details\*)

see attached

\* Note: Any additional information should be submitted on a separate sheet(s).



2) The reasons for my submission are (Give details\*):

see attached

\*Note: Any additional information should be submitted on a separate sheet.

3) The nature of my submission is that: (Tick one of the following three boxes)

I support the application  I oppose the application  I am neutral regarding the application

4) The decision I would like the Council to make is (Tick one of the following two boxes)

To grant consent  To refuse/decline consent

If consent is granted, I wish the council to impose the following conditions

(Note: you do not have to suggest conditions, particularly if you want the council to refuse consent)

[Empty box for conditions]

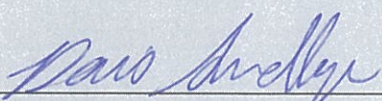
\*Note: Any additional information should be submitted on a separate sheet(s).

5) Attendance at any Council Hearing (You must tick one of the following two boxes):

I wish to be heard in support of my submission  I do not wish to be heard in support of my submission

Note: If you indicate that you do not wish to be heard, you will still receive a copy of the Council's decision but you will not receive a copy of the hearing report if a hearing is held.

Print Full Name:

Signature\*:  Date:   
(Person making submission or authorised agent)

\*Note: A signature is not required if you make your submissions by electronic means.

A copy of this submission MUST also be sent to the applicant as soon as reasonably practicable after serving a copy on the Council.

Submission on application for resource consent. RM 220578

To: Tasman District Council

And to: The Applicant c/- Planscapes (NZ) Ltd.

Submitter: Davis Jane Sundbye

Applicant: CJ Industries

Proposed activity: Discharge contaminants to land from backfill associated with gravel extraction.

The submitter opposes the consent application and seeks that the consent is refused.

The submitter does not wish to speak to their application at a hearing.

1) The specific parts of the application that my submission relates to are:

Groundwater and clean fill management Plan (GMP) - quality, monitoring, inspection and testing of the backfill.

The proposed depths of excavation and monitoring of groundwater levels and the effect on the aquifer. The ability for the company to comply with consent conditions. The council's resources for monitoring and enforcement of the consent conditions set.

2) The reasons for my submission are:

I have grown up on the banks of the Motueka River and enjoyed swimming regularly and taking our horses to the river. The health and protection of the river is very important to me so I opposed this application. This river is a Taonga and must be protected from further environmental degradation. The effects and the damage caused by the mining of gravel and the subsequent backfilling in the fragile area will be irreparable.

My concerns and reasons to oppose this application are:

The quality of the fill that would be used to backfill at the site.

The effect on the Motueka River Aquifer if the natural soil structure and filtering ability is disrupted.

That poor quality backfill will contaminate the groundwater which is the water source for many homes in the local and wider Motueka area.

The effects this extraction operation will have on the area's ecosystem, flora and fauna.

The consent holder not being able to follow the consent conditions in the GMP (such as excavation depths above ground water and sizes of excavation pits) based on past performance.

The council not being sufficiently resourced with staff to be able to check on compliance regularly.

Wrong activity in the wrong place. No to mining gravel in the Motueka Valley.

The river must be protected for future generations to enjoy.

**From:** davis sundbye <davisjanesundbye@gmail.com>  
**Sent:** Friday, 9 September 2022 3:35 pm  
**To:** hayden@planscaps.co.nz; Resource Consent Admin  
**Subject:** Submission RM220578  
**Attachments:** 09092022152611-0001.pdf; Davis Sundbye submission discharge application.pdf

**Categories:** Pushpa, Lynda to deal with

See attached

To: The Resource Consent Administration Officer  
Tasman District Council  
Private Bag 4  
Richmond 7050

Email: resourceconsentadmin@tasman.govt.nz



tasman  
district council

Te Kaunihera o

te tai o Aorere

RM220578 - CJ Industries Ltd - discharge

# Submission on Resource Consent Application

RM22578 CJ Industries Limited - discharge permit - compiled submissions 41 to 58

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Full Name:

Contact Person (if different):

Address for Service:

Postcode:

Phone:  E-mail:

## Submission Details

This is a submission on the following application for resource consent lodged with the Council:

This is a submission on an application from:

For a resource consent to: (details can be found on the notice in the letter from Council, newspaper, website or on-site)

Tasman District Council Application Number (if known): RM

### 1) The specific parts of the application that my submission relates to are (details\*)

- ? Council monitoring and enforcement
- ? Contamination of Motueka 's water supply
- ? Quality and quantity of backfill during consent period
- ? Confidence in consent holder
- ? Compliance to conditions
- ?

\* Note: Any additional information should be submitted on a separate sheet(s).

**2) The reasons for my submission are (Give details\*):**

The policies of the TRMP encourage growth away from areas of versatile and productive land in Motueka where practicable and also require " the adverse effects of industrial and commercial activities on the Riwaka/Motueka groundwater resource " to be avoided. This proposal is in blatant violation of this objective.

An alluvial aquifer system lies below the extraction site. The aquifer provides a source of clean groundwater for irrigation and domestic purposes. This would be in jeopardy. The area is flood-prone in worsening climatic forecasts where 1 in 100 year floods will soon occur every few years, then every other year.

Given the applicant's record at Douglas Rd. with site contaminants, which have been extensively documented, this appears like a recipe for a natural disaster on a magnitude which even the applicant can't imagine. There are no guarantees that conditions of the consent will be met by the applicant.

\*Note: Any additional information should be submitted on a separate sheet.

**3) The nature of my submission is that:** (Tick one of the following three boxes)

- I support the application
- I oppose the application
- I am neutral regarding the application

**4) The decision I would like the Council to make is** (Tick one of the following two boxes)

- To grant consent
- To refuse/decline consent

If consent is granted, I wish the council to impose the following conditions

(Note: you do not have to suggest conditions, particularly if you want the council to refuse consent)

n/a

\*Note: Any additional information should be submitted on a separate sheet(s).

**5) Attendance at any Council Hearing (You must tick one of the following two boxes):**

- I wish to be heard in support of my submission
- I do not wish to be heard in support of my submission

Note: If you indicate that you do not wish to be heard, you will still receive a copy of the Council's decision but you will not receive a copy of the hearing report if a hearing is held.

Print Full Name: **OLIVER FREDERICK LANGRIDGE**

Signature\*: \_\_\_\_\_ Date: **8/9/22**  
 (Person making submission or authorised agent)

\*Note: A signature is not required if you make your submissions by electronic means.

**A copy of this submission MUST also be sent to the applicant as soon as reasonably practicable after serving a copy on the Council.**

RM22578 CJ Industries Limited - discharge permit - compiled submissions 41 to 58

**From:** Ollie Langridge <ollie\_langridge@hotmail.com>  
**Sent:** Friday, 9 September 2022 3:40 pm  
**To:** Resource Consent Admin; Hayden Taylor  
**Subject:** Submission on RM220578  
**Attachments:** Submission form - RM220578 - [N LANGRIDGE].pdf; Submission form - RM220578 - [O LANGRIDGE].pdf

**Categories:** Pushpa

For the attention of: The Resource Consent Administration Officer

Please see the two attached documents and submission forms on Resource Consent Application RM220578

Kind regards,  
Ollie & Nataliya Langridge  
021 241 1000

Sent from [Outlook](#)

To: The Resource Consent Administration Officer  
Tasman District Council  
Private Bag 4  
Richmond 7050  
Email: resourceconsentadmin@tasman.govt.nz



RM220578 - CJ Industries Ltd - discharge  
**Submission on Resource  
Consent Application**

RM220578 CJ Industries Limited - discharge permit - compiled submissions 41 to 58

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Full Name:

Contact Person (if different):

Address for Service:

Postcode:

Phone:  E-mail:

### Submission Details

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Tasman District Council Application Number (if known): RM

**1) The specific parts of the application that my submission relates to are (details\*)**

\* Note: Any additional information should be submitted on a separate sheet(s).

2) The reasons for my submission are (Give details\*):

The policies of the TRMP encourage growth away from areas of versatile and productive land in Motueka where practicable and also require " the adverse effects of industrial and commercial activities on the Riwaka/Motueka groundwater resource " to be avoided.

So why is this application even being considered?

\*Note: Any additional information should be submitted on a separate sheet.

3) The nature of my submission is that: (Tick one of the following three boxes)

I support the application  I oppose the application  I am neutral regarding the application

4) The decision I would like the Council to make is (Tick one of the following two boxes)

To grant consent  To refuse/decline consent

If consent is granted, I wish the council to impose the following conditions

(Note: you do not have to suggest conditions, particularly if you want the council to refuse consent)

not applicable

\*Note: Any additional information should be submitted on a separate sheet(s).

5) Attendance at any Council Hearing (You must tick one of the following two boxes):

I wish to be heard in support of my submission  I do not wish to be heard in support of my submission

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Print Full Name: NATALIYA LANGRIDGE

Signature\*: \_\_\_\_\_  
(Person making submission or authorised agent)

Date: 7 Sept 22

\*Note: A signature is not required if you make your submissions by electronic means.

A copy of this submission MUST also be sent to the applicant as soon as reasonably practicable after serving a copy on the Council.

RM22578 CJ Industries Limited - discharge permit - compiled submissions 41 to 58



**From:** Ollie Langridge <ollie\_langridge@hotmail.com>  
**Sent:** Friday, 9 September 2022 3:40 pm  
**To:** Resource Consent Admin; Hayden Taylor  
**Subject:** Submission on RM220578  
**Attachments:** Submission form - RM220578 - [N LANGRIDGE].pdf; Submission form - RM220578 - [O LANGRIDGE].pdf

**Categories:** Pushpa

For the attention of: The Resource Consent Administration Officer

Please see the two attached documents and submission forms on Resource Consent Application RM220578

Kind regards,  
Ollie & Nataliya Langridge  
021 241 1000

Sent from [Outlook](#)

To: The Resource Consent Administration Officer  
Tasman District Council  
Private Bag 4  
Richmond 7050

Email: resourceconsentadmin@tasman.govt.nz



tasman  
district council

Te Kaunihera o

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RM220578 - CJ Industries Ltd - discharge

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## Submitter Details

Full Name:

Contact Person  
(if different):

Address for  
Service:

Postcode:

Phone:

E-mail:

## Submission Details

This is a submission on the following application for resource consent lodged with the Council:

This is a submission on an application from: ÔRĀQĀ • dā • ĀSĀ ā ā

For a resource consent to: (details can be found on the notice in the letter from Council, newspaper, website or on-site)

Tasman District Council Application Number (if known): RM

**1) The specific parts of the application that my submission relates to are (details\*)**

\* Note: Any additional information should be submitted on a separate sheet(s).

**2) The reasons for my submission are (Give details\*):**

*\*Note: Any additional information should be submitted on a separate sheet.*

**3) The nature of my submission is that: (Tick one of the following three boxes)**

I support the application

I oppose the application

I am neutral regarding the application

**4) The decision I would like the Council to make is (Tick one of the following two boxes)**

To grant consent

To refuse/decline consent

If consent is granted, I wish the council to impose the following conditions

*(Note: you do not have to suggest conditions, particularly if you want the council to refuse consent)*

*\*Note: Any additional information should be submitted on a separate sheet(s).*

**5) Attendance at any Council Hearing (You must tick one of the following two boxes):**

I wish to be heard in support of my submission

I do not wish to be heard in support of my submission

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Print Full Name:

Signature*: <hr style="border: 0; border-top: 1px solid black; margin: 5px 0;"/> <i>(Person making submission or authorised agent)</i>	Date: <hr style="border: 0; border-top: 1px solid black; margin: 5px 0;"/>
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*\*Note: A signature is not required if you make your submissions by electronic means.*

**A copy of this submission MUST also be sent to the applicant as soon as reasonably practicable after serving a copy on the Council.**

Submitter: Peter J Taia

Applicant: C J Industries Limited

Submission to **RM220578 – Discharge Consent**

Proposed activity: Discharge contaminants to land, specifically from backfill material associated with the proposed gravel extraction from the berm of the Motueka River and on the landward side of the stopbank at Peach Island specifically 134 Peach Island Road.

As an earlier submitter to the original application by CJ Industries Ltd, I have read again my submission [# 86] in opposition and remain comfortable with the content of that original submission though thank you for the opportunity to comment again on this important point. Discharge of contaminants to Land.

1. The application we are dealing with now is very different from the original though all the same concerns are relevant.
2. The discharge application refers directly to contaminants from backfill to land that may enter water at the site. I believe that contaminants such as dust, noise, visual effects, and contaminants to ground water are all of equal importance.
3. The term 'minor effects' and 'less than minor effects' are repeatedly used throughout the latest group of commissioned reports for the applicants. This says there will be many effects that surely add up to more than minor.
4. Residents neighbouring the CJ Industries site at Douglas Road have as recently as the 7th of September complained of dust being a problem from the heavy machinery working on site and have complained directly to CJ management. They have been asked to make these complaints directly to the applicants, therefore bypassing any recording of complaints at council of non-compliance. It appears there have been a large number of complaints over a long period not registered at Council.
5. Affected neighbours shouldn't have to make complaints if compliance to conditions is taken seriously by the consent holder and the Council. Adherence to conditions should be standard operating procedure.
6. Serious concerns with a lack of compliance monitoring by council and adherence to conditions by the applicants are still, and will continue to be, key concerns with the application.
7. It is fair to say nobody in our Peach Island community and many in the wider Motueka area has any confidence in Councils ability or the applicant's motivation to comply to conditions or to monitor compliance when Councils own staff admit there are limitations

to time and resources to allocate to compliance monitoring. See email in the appendix which was supplied for a LGOIMA request in March 2022. The Council states in this email:

- *'There have been problems in the past with consent holders keeping true to their conditions, particularly around quantity and quality of backfill and size and depth of area opened up '*
  - *'I would like to see these applicants paying for independent supervision rather than it being left to our compliance officers who have a lot of other tasks to do,'*
8. The email correspondence supplied by Council for LGOIMA request of March 2022 provides further statement:
- *'What are your thoughts on CJ's request below? They essentially would like us to allow them to continue to remediate the site past the expiry date as they are struggling to source cleanfill. I am wondering if they are still extracting gravel– I would hope not because they should really be trying to comply with the consent in the first instance – less extraction, less cleanfill.'*
  - *'Having said that I can say that generally the availability of suitable clean-fill has long been a problem, where concrete aggregate and road chip demand outstrips cleanfill availability. I've tried to be understanding when excavations become greater in area than allowed, with (on occasion) area open exceeding that permitted by 100% or more'*
  - *'Consent holders like CJ's are generally only able to catch up significantly either when we have a significant rain event with slips and flood debris needing to be cleared from the land, or when the consent to extract has expired but the requirement to restore ground levels remains enforceable'*
9. Recently a USB flash drive containing photos and video footage has been provided to Council management- Environmental Assurance. They clearly show some of the practices that have been going on and accepted by council over the years at Douglas Road outside of the conditions of consent. From this evidence that has been gathered, it is clear to see why our community is concerned.
10. It would be of benefit to Commissioner Welsh to have access to this evidence provided to Council to add necessary context. This information has been provided from a number of sources.
11. We are currently waiting for information from Council around the management of contaminated soil from the Mapua aquarium fire site 2011. It was established in 2015 this material was not suitable for disposal as 'cleanfill' material and therefore it must be disposed of at a facility authorised to accept it. It was knowingly stored at Douglas Road from the end of 2015 to the end of 2018 which is of major concern. 3 years leaching into the water table and the difficulties in attaining the necessary documentation from council, after a LGOIMA request over a 3 month period are both of real concern.

12. Backfill quality and quantity:

- Where is all the now proposed much higher standard of fill going to come from to back fill as per volunteered conditions of the application after proposed sorting at the CJ Industries, Hau Road site?
- Who will monitor this?

13. It is clear from Council provided information that CJ Industries have struggled to source the required volumes of backfill and continue to do so in their existing quarry operations, even considering the much lower classified type of fill. The back fill potentially suitable for Peach Island will be far more difficult to source in volumes required to comply to any conditions of consent. The proposed moving pit model simply does not work without the equivalent volume of compliant fill being available.

14. The added risks associated with relying on unsorted, unknown, and unreliable storm damage debris to contribute to catching up with back filling is not acceptable.

15. Only yesterday 8th September, I received a cc'd email. See appendix 3.  
Another example of more of the same. My wife and I also witnessed this.

16. Contamination. Contamination. Contamination.

I can't help but feel any real or perceived risk of contamination of our ground water and the Motueka aquifer is unacceptable.

Many of the applicants commissioned reports refer to the dilution of contaminants being a less than minor risk. In this day and age dilution is not a solution.

There is no other option but to decline this consent application.

**Attendance at hearing**

17. I wish to be heard in support of this submission.

18. If others make a similar submission, I will consider presenting a joint case with them at the hearing.

**Commissioners**

19. I request, pursuant to section 100A of the Resource Management Act 1991, that you delegate your functions, powers, and duties to hear and decide the application to 1 or more hearings commissioners who are not members of the local authority.

Signed and dated this 9<sup>th</sup> day of September 2022

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Pete Taia

## APPENDIX

1. Email provided by Council alongside application documents for RM 200488:

Alice Woodward

From: Giles Griffith <giles.griffith@tasman.govt.nz>

Sent: Wednesday, 15 January 2020 1:05 pm

To: Alice Woodward

Cc: Rick Lowe

Subject: RE: Gravel extraction application

Hi Alice,

For my 2 cents worth my preference would be to align the strips parallel to the river, this should result in less erosion in a flood and reduce the likelihood of the water being channelled in an unintended direction.

Proposed buffers and sizes sound good.

They will need to make sure that the stopbank crossing point is built up so that the crest doesn't get worn down with all the trucks crossing it.

There have been problems in the past with consent holders keeping true to their conditions, particularly around quantity and quality of backfill and size and depth of area opened up – I would like to see these applicants paying for independent supervision rather than it being left to our compliance officers who have a lot of other tasks to do, but I guess that is outside your remit?

Ngā mihi,

Giles.

Giles Griffith

Rivers and Coastal Engineer

2. Email supplied by Council for LGOIMA request of March 2022:

From: Amy Bennetts Sent: Thursday, 15 April 2021 10:41 am To: Warren Galbraith Subject: FW: 83 Douglas Road Kia ora Warren,

What are your thoughts on CJ's request below? They essentially would like us to allow them to continue to remediate the site past the expiry date as they are struggling to source cleanfill. I am wondering if they are still extracting gravel– I would hope not because they should really be trying to comply with the consent in the first instance – less extraction, less cleanfill.

Cheers, Amy Amy Bennetts | Environment & Planning Consent Planner - Natural Resources

From: Warren Galbraith Sent: Thursday, 15 April 2021 1:18 pm To: Amy Bennetts Cc: Ryno Botha Subject: RE: 83 Douglas Road Hi Amy

Probably the compliance person who can give you the most up to date info is Ryno, he is the monitoring officer for land based gravel extractions now and has been dealing with these guys for the past year or so. Having said that I can say that generally the availability of suitable clean-fill has long been a problem, where concrete aggregate and road chip demand outstrips cleanfill availability. I've tried to be understanding when excavations become greater in area than allowed, with (on occasion) area open exceeding that permitted by 100% or more. Suitable cleanfill tends to be generally available only in conjunction with demolition (old concrete) and construction (stripped topsoil etc from foundations or building platforms – and often that material can be respread elsewhere on a site). Consent holders like CJ's are generally only able to catch up significantly either when we have a significant rain event with slips and flood debris needing to be cleared from the land, or when the consent to extract has expired but the requirement to restore ground levels remains enforceable. So I have tried to walk that thin line between compliance with consent conditions/risk/pragmatism.

Regards Warren Warren Galbraith | Environment & Planning Compliance & Investigations Officer – Forestry & Land Management



3. Email of Douglas Road resident to TDC 9.9.22

Hi Warren.

You wrote to me stating that C.J.ind. needed to stop extracting gravel from their Douglas road site on 3 September. It is now 8 September and they are still going flat out digging deep into the aquifer and stock piling the gravel on site. Since you are very well aware of the conditions in this consent, I would have expected someone from the Council to police this. C.J.ind. seem to be a law unto themselves and basically do what they want and totally ignore the Council. I think the people opposing the proposed Peach Island gravel extraction should be very worried. Monitoring by the Council has always been dismal and it seems that nothing has changed.

Regards,

Bill Van Eyndhoven.

**From:** petetaia370@gmail.com  
**Sent:** Friday, 9 September 2022 3:52 pm  
**To:** Resource Consent Admin; hayden@planscapes.co.nz  
**Cc:** dhilum.nightingale@kschambers.co.nz  
**Subject:** Submission on RM220578  
**Attachments:** Submission on RM 220578\_Pete Taia.pdf; Submission form - RM220578 - [P J TAIA].pdf

**Categories:** Pushpa

To the Resource Consents Administration Officer.

Please see attached.

To: The Resource Consent Administration Officer  
Tasman District Council  
Private Bag 4  
Richmond 7050



**tasman**  
district council

Te Kaunihera o  
**te tai o Aorere**

Email: resourceconsentadmin@tasman.govt.nz



RM220578 - CJ Industries Ltd - discharge  
**Submission on Resource Consent Application**

RM22578 CJ Industries Limited - discharge permit - compiled submissions 41 to 58

PLEASE ENSURE THAT ALL SECTIONS OF THIS FORM, ON BOTH SIDES, ARE COMPLETED.

Please note: all submissions become public documents. If the application requires a hearing, your submission may be published on the council's hearings page, including your name and contact details.

Personal information will also be used for administration purposes, including notifying submitters of hearings and decisions. All information will be held by the Tasman District Council with submitters having the right to access and correct personal information.



### Submitter Details

Full Name:

Contact Person (if different):

Address for Service:

Postcode:

Phone:  E-mail:

### Submission Details

This is a submission on the following application for resource consent lodged with the Council:

This is a submission on an application from:

For a resource consent to: *(details can be found on the notice in the letter from Council, newspaper, website or on-site)*

Tasman District Council Application Number (if known): RM

#### 1) The specific parts of the application that my submission relates to are (details\*)

\* Note: Any additional information should be submitted on a separate sheet(s).

**2) The reasons for my submission are (Give details\*):**

I am strongly apposed to the submission by CJ industries. They are seeking a long term consent in the wrong place. This area has recently opened up to semi residential housing (of which there is a strong community need), yet CJ industries are seeking to start a long term mining operation in the middle of this recent residential growth.

I get that gravel extraction is needed and short term actions are sometimes necessary, but a long term consent isn't in the interests of the community.

\*Note: Any additional information should be submitted on a separate sheet.

**3) The nature of my submission is that:** (Tick one of the following three boxes)

I support the application       I oppose the application       I am neutral regarding the application

**4) The decision I would like the Council to make is** (Tick one of the following two boxes)

To grant consent       To refuse/decline consent

If consent is granted, I wish the council to impose the following conditions

(Note: you do not have to suggest conditions, particularly if you want the council to refuse consent)

Consent for open mining, close to areas which council has recently allowed residential subdivisions should not be granted.

\*Note: Any additional information should be submitted on a separate sheet(s).

**5) Attendance at any Council Hearing (You must tick one of the following two boxes):**

I wish to be heard in support of my submission       I do not wish to be heard in support of my submission

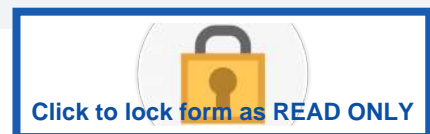
Note: If you indicate that you do not wish to be heard, you will still receive a copy of the Council's decision but you will not receive a copy of the hearing report if a hearing is held.

Print Full Name:

Signature\*: \_\_\_\_\_  
(Person making submission or authorised agent)

Date:

\*Note: A signature is not required if you make your submissions by electronic means.



**A copy of this submission MUST also be sent to the applicant as soon as reasonably practicable after serving a copy on the Council.**

**From:** Cymen Crick <cymen@rankers.co.nz>  
**Sent:** Tuesday, 13 September 2022 7:48 am  
**To:** Resource Consent Admin  
**Subject:** RM220578  
**Attachments:** Submission form - RM220578 - from Cymen Crick (4) (1).pdf

**Categories:** Lynda to deal with

See submission form attached.

Thank you.

Cymen Crick

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Cymen Crick  
Co-owner

021 468 995  
[cymen@rankers.co.nz](mailto:cymen@rankers.co.nz)




 Te Kaunihera o  
**te tai o Aorere**  
 received by email  
 Tues 13/09/2022 @ 1:53 pm

## SUBMISSION ON RESOURCE CONSENT APPLICATION RM220578

### Application for consent to discharge contaminants (cleanfill) to land 134 Peach Island, Motueka

**TO:** Resource Consent Administration Officer  
 Tasman District Council  
 Private Bag 4, Richmond 7050  
 Submitted via email: [resourceconsentadmin@tasman.govt.nz](mailto:resourceconsentadmin@tasman.govt.nz)


 Te Kaunihera o  
**te tai o Aorere**  
**Late submission accepted**  
 sections 37 & 37A RMA under delegated authority  
 13 Sept 2022  
 Alastair Jewell, Principal Planner

**Copy to:** C J Industries Limited  
 C/- Planscapes (NZ) Ltd  
 Attention Hayden Taylor, email: [hayden@planscapes.co.nz](mailto:hayden@planscapes.co.nz)

#### Introduction

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1. This submission is made in relation to application RM220578 for resource consent to discharge contaminants to land. RM220578 is sought in addition to applications RM20048 & RM20049 for land use consent for quarrying (gravel extraction) and associated activities at the same site. Te Rūnanga o Ngāti Rārua was also a submitter to RM20048 & RM20049.

#### Ngāti Rārua iwi

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2. Ngāti Rārua are tangata whenua iwi in Te Taihū o te Waka-a-Māui ('Te Taihū', the northern South Island) and hold mana whenua in (inter alia) the Motueka region.
3. Ngāti Rārua originate from the western coast of the King Country region and descend from those tupuna who travelled to Aotearoa on the Tainui Waka.
4. Ngāti Rārua came to Te Taihū from the late 1820s and established pā and kāinga at numerous locations in Te Tai Tapu, Golden Bay, Tasman Bay and Wairau. In many of these areas, Ngāti Rārua customary rights overlapped and intersected with those of other iwi.
5. The lands at Motueka, Riuwaka and Mārahau became an important area of occupation for Ngāti Rārua and today remains highly significant to Ngāti Rārua whānau. Particular associations with the Motueka awa are further detailed below.
6. Te Rūnanga o Ngāti Rārua manages assets, businesses and taonga on behalf of all Ngāti Rārua whānau members. It is the mandated voice and representative for the collective interests of Ngāti Rārua.

#### Ngāti Rārua Association with Motueka River

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7. Awa (rivers) are taonga to Ngāti Rārua. They are the ribs of the tūpuna, which plunge from the maunga down to the sea, creating wetlands and swamps on their way. Ngā awa carry the lifeblood of Papatūānuku and the tears of Ranginui. The wai flowing through these rivers

sustains the physical and spiritual survival of all things and symbolises the spiritual link between the past and present. Each awa has a mauri, wairua, tapu and mana of their own. The relationship Ngāti Rārua has with these taonga relates to the entire catchment.

8. The Motueka River is central to the lives of Ngāti Rārua whānau. In the early 1830s, a series of heke arrived in Motueka. Rangatira Pukekōhatu, Te Poa Kāroro, Tūrangapeke and other Ngāti Rārua settled in the Motueka and Riuwaka river catchments.
9. For the original Ngāti Rārua families, Motueka awa was the source of life. The water channels, swamps and wooded areas associated with the river were habitats supporting a huge food basket. Oral traditions identify the Motueka River and flood plain as an extensive and bountiful mahinga kai from which to gather a huge variety of natural resources. Floods would replenish and fertilise the catchment, enabling iwi to cultivate food. Modified soils, argillite adzes, drill points, whalebone patu and pounamu pendants convey the kind of association tūpuna had with the Motueka River catchment and surrounding lands.
10. The Motueka River Valley provided a natural inland ara (pathway) to reach Te Tai Poutini. This pathway was a traditional greenstone trail, used by tūpuna in search of this valuable taonga and other items for trade. Waka were used to negotiate the waterways, therefore the Motueka River has many traditional tauranga waka (landing sites) and camps sites, which were used for fishing along its banks.
11. The significance of the Motueka River to Ngāti Rārua is illustrated in the carvings in the wharenuī at Te Āwhina Marae in Motueka. The river is also recognised in the pepehā of Motueka whānau, “Ko Motueka te awa, Ngāti Rārua te iwi...”.

### **Statutory acknowledgement of Ngāti Rārua associations with Motueka River**

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12. Ngāti Rārua have a statutory acknowledgement over the Motueka awa and its tributaries. A statutory acknowledgement is legal recognition of the particular cultural, spiritual, historical and traditional association of an iwi with an identified statutory area. Statutory acknowledgements enhance the ability of iwi to participate in Resource Management Act 1991 process.

### **Ngāti Rārua Environmental Strategy**

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13. The Ngāti Rārua environmental strategy, [Poipoia Te Ao Tūroa](#), sets out Ngāti Rārua values, priorities and aspirations for environmental management. Poipoia Te Ao Tūroa is an ‘iwi management plan’ prepared and mandated by Te Rūnanga o Ngāti Rārua o Ngāti Rārua and it was lodged with Tasman District Council in December 2021.
14. There are a number of provisions in Part B of Poipoia Te Ao Tūroa which are relevant to this application and reflected in the Ngāti Rārua submission. Objectives of particular relevance include:

**Objective 5.1 Rangatiratanga | Leadership and decision making**

*Ngāti Rārua kaitiaki role is enhanced, restored and protected through having effective influence over, meaningful involvement in, and priority given to kaitiaki interests in all areas of environmental management where decisions are made by others.*

**Objective 6.1 Mauri | Protecting the life supporting capacity of the natural world**

*The mauri of the natural environment is protected, enhanced and restored, in recognition that the natural world nourishes and sustains us, and that we in turn have a duty of care.*

**Objective 7.1.1 Te mana o te wai**

*The mana, mauri and wairua of wai is protected, enhanced and restored.*

**Objective 7.2.1 Water quality, quantity and aquatic ecosystems**

*Water quality, quantity and the functioning of aquatic ecosystems are protected, enhanced or restored.*

**Objective 7.3.1 Discharges**

*Protect the mana, mauri and wairua of wai from adverse effects of discharges.*

**Objective 8.1 Ngā Wāhi Taonga Tuku Iho | Sites and areas of significance**

*Ngāti Rārua protect and maintain their cultural and spiritual associations with ngā wāhi taonga tuku iho and exercise their role as kaitiaki of these places, sites and areas.*

**Objective 9.1 Mahinga Kai | Protection of customary harvest**

*Mahinga kai is protected, maintained and managed to enable sustainable use and the exercise of customary practices by present and future generations.*

**Objective 10.1. Mātauranga | Incorporation of customary practices, principles and techniques in environmental management**

*Ngāti Rārua tikanga and mātauranga inform and guide environmental management and statutory planning processes within Te Taihū.*

**Objective 12.4 Mining & quarrying**

*Mining and quarrying activities do not adversely affect the mauri and wairua of natural resources.*

## Submission

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15. Ngāti Rārua **opposes** the application.
16. The specific parts of the application that this submission relates to are:
  - The inadequate assessment of cultural effects
  - The inadequate assessment of effects on the mana and mauri of the Motueka awa
  - The volunteered condition in relation to matakite assessment

### *Assessment of cultural effects and impacts on the mana and mauri of the Motueka awa*

17. Ngāti Rārua submits that the application does not adequately identify the actual or potential effects of the activity on Ngāti Rārua values and interests or the mana and mauri of the



Motueka awa. A cultural impact assessment (CIA) prepared by a suitably qualified and experienced person or persons is required.

18. Te Rūnanga o Ngāti Rārua acknowledges the willingness of the applicant to work with tangata whenua to prepare a CIA for the proposed gravel extraction and associated activities (i.e. all activities encompassed by RM220578, RM20048 and RM20049). This CIA is currently being developed, but as the process has not yet been completed the cultural effects of the activity have not been adequately identified and assessed.

*Volunteered condition relating to matakite assessment*

19. The applicant has volunteered a condition requiring the engagement of a Matakite to assess the site prior to undertaking works (volunteered condition 6, page 21). It is entirely inappropriate for the applicant to volunteer such a condition unless it is at the express request of mana whenua iwi and whānau. As noted above, the CIA for all activities encompassed by RM220578, RM20048 and RM20049 has not been completed and therefore mana whenua iwi and whānau have not yet had an opportunity to consider, in accordance with their tikanga and mātauranga, whether such an assessment is required.

### Relief sought

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20. Ngāti Rārua seeks the **decline** of this application.

**DATED** 13 September 2022

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Shane Graham

Pou Whakahaere | CEO

Te Rūnanga o Ngāti Rārua

**ADDRESS**

Rowena Cudby

**FOR SERVICE:**

Te Rūnanga o Ngāti Rārua

[taiao@ngatirarua.iwi.nz](mailto:taiao@ngatirarua.iwi.nz); 027 234 4246

Alastair Jewell

**From:** Rowena Cudby | Pou Taiao <taiao@ngatirarua.iwi.nz>  
**Sent:** Tuesday, 13 September 2022 1:53 pm  
**To:** Resource Consent Admin  
**Cc:** Alastair Jewell  
**Subject:** Submission - RM220578  
**Attachments:** Submission CJ Industries Gravel Extraction Motueka awa - discharge consent.pdf

**Categories:** [SharePoint] This message was saved in 'Intranet > Resource Consents 2022 > Resource Consents > 220578 > 04 Notifications and Submissions'

Kia ora

Please find attached the Te Rūnanga o Ngāti Rārua submission to the above resource consent application.

Te Rūnanga o Ngāti Rārua would like to speak to its submission at a hearing and would consider making a joint submission with other mana whenua iwi.

We acknowledge that the deadline for submissions was Friday 9 September at 4.30pm and therefore this submission is late by two working days. We ask that you consider an extension of time under s37/37A of the Resource Management Act 1991. We have a very small environmental team and have been significantly under resourced during the past month as a result of staff absence while on ill and/or on leave, combined with unusually high workloads.

Nāku noa, nā

**Rowena Cudby**

Pou Taiao | Environmental Manager

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Port Nelson, Nelson 7010  
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