



BEFORE

Independent Commissioners appointed
by Tasman District Council

IN THE MATTER

of the Resource Management Act 1991

AND

IN THE MATTER

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

**MEMORANDUM OF COUNSEL REGARDING EVIDENCE FOR THE
APPLICANT**

15 JULY 2022

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MAY IT PLEASE THE COMMISSIONER

1. This Memorandum addresses two matters relating to evidence to be provided by the applicant in relation to applications for the resource consents necessary to undertake gravel extraction, site rehabilitation, and associated activities at Peach Island:
 - a. Outline of primary evidence lodged in support of land use consents.
 - b. Application for discharge permit for discharge of clean fill to land and associated evidence.

Primary evidence in support of land use consents

2. This Memorandum accompanies 14 statements of evidence lodged by the applicant, in support of its application for land use consent RM200488 for gravel extraction and associated site rehabilitation and amenity planting and for land use consent RM200489 to establish and use vehicle access on an unformed legal road and erect associated signage:
 - a. Evidence of Tim Corrie-Johnstone – corporate and operations
 - b. Evidence of Liz Gavin – landscape, natural character, and amenity
 - c. Evidence of Evidence of Tony Payne – terrestrial ecology
 - d. Evidence of David Averill – geotechnical
 - e. Evidence of Simon Aitken – flooding
 - f. Evidence of Calum MacNeill – surface water
 - g. Evidence of Ryan Nicol – ground water
 - h. Evidence of Rhys Hegley – noise
 - i. Evidence of Gary Clark – traffic
 - j. Evidence of Jeffrey Bluett – air quality and dust
 - k. Evidence of Reece Hill – soil management and land productivity
 - l. Evidence of Michael Nelson – land productivity for horticulture

- m. Evidence of Bill Kaye-Blake – economics
 - n. Evidence of Hayden Taylor – planning
3. Read in this order the evidence is intended to provide a clear and logical picture of the activity for which consent is sought.
 4. It begins with a description of the proposed quarry and how it would operate in practice. The evidence then moves to the suitability of the site for quarrying, and any potential adverse effects on the environment from quarrying the site and how they will be managed. To end, it provides an analysis of the economic benefits of the activity, and an assessment of the activity against s 104 RMA and the relevant objectives and policies of the applicable planning documents.
 5. The evidence confirms, in summary, that:
 - a. The proposal will supply a resource that is used in high value products (sealing chip and concrete) that are required for infrastructure, housing and community projects across the region.
 - b. The site is appropriate for quarrying.
 - c. Any potential adverse effects can be appropriately avoided, remedied, or mitigated through staging, conditions on how the activity must be undertaken, and through management plans.
 - d. The land does not have high productive value. Once quarrying stops the site can be rehabilitated to have a similar (and potentially enhanced) level of productive potential where it is returned to pasture, and to improve its ecological value where it is planted with indigenous vegetation.
 - e. The proposal will reduce carbon emissions, compared with bringing aggregate from outside the Motueka area.
 - f. The total economic benefit of the proposal greatly outweighs any economic costs.
 - g. The proposed activity is consistent with the objectives and policies of regional and national planning documents, including the National Policy Statement on Freshwater Management 2020 and the Water Conservation (Motueka River) Order 2004, and can

be appropriately managed such that it is consistent with the sustainable management of resources.

Application for discharge permit for discharge of clean fill to land

6. In Minute 2 the Commissioner determined that a separate application for a discharge permit for the discharge of clean fill to land should be made in addition to the existing application for land use consents. The applicant will lodge an application for this permit today.
7. Minute 2 anticipates that the application for land use consents will be suspended following lodgment of evidence today, to allow the application for a discharge permit to be processed in accordance with Part 5 RMA, until it ‘catches us’ so all applications relevant to the proposed quarry can be heard together.
8. As noted in Minute 2, the application for land use consent addressed back filling of the excavation pits and the nature of the fill to be used.¹ As a consequence, the applicant engaged Ryan Nicol, an expert hydrogeologist, to assess potential effects on groundwater and to prepare evidence regarding clean fill parameters and measures to avoid, remedy or mitigate effects on groundwater, including preparation of a draft Groundwater and Clean Fill Management Plan.
9. Mr Nicol’s assessment report and evidence and the draft Groundwater and Clean Fill Management Plan are primarily relevant to the discharge permit application. However they also have relevance to the application for land use consents and draft consent conditions, and have been relied on in some other witnesses’ evidence.
10. Due to the difficulty of separating out evidence that is strictly discharge-related from evidence that is also relevant to the land use consents, the applicant has decided to file Mr Nicol’s evidence and the draft Groundwater and Clean Fill Management Plan now. Parts of Mr Nicol’s evidence that are primarily relevant to the discharge permit application have been indicated in grey shading.
11. The applicant may file supplementary evidence from Mr Nicol and other supplementary evidence (e.g. planning) in support of the discharge permit application, in order to

¹ Para 3 Minute 2.

respond to matters raised in a s 42A report or submissions to the extent that those issues have not already been addressed.

A handwritten signature in blue ink, appearing to read "Sally Gepp". The signature is written in a cursive, flowing style.

Sally Gepp
Counsel for the applicant - CJ Industries Ltd