



**BEFORE**

an Independent Commissioner  
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, and discharge permit  
RM220578

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**MEMORANDUM OF COUNSEL WITH SUPPLEMENTARY EVIDENCE POST-  
HEARING**

**19 December 2022**

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## **MAY IT PLEASE THE COMMISSIONER**

1. In accordance with Minute 5, I **enclose** supplementary evidence from the Applicant's witnesses addressing questions of clarification that arose during the hearing on 21 – 25 November 2022. This memorandum records the matters addressed in supplementary evidence.

### **Groundwater**

2. The following questions/issues were noted in relation to groundwater evidence, and are addressed in Mr Nicol's supplementary evidence:
  - a. Clarification of page references where the WasteMINZ "Technical Guidelines for Disposal to Land" is referenced. Mr Nicol also clarifies that the Guidelines were revised in October 2022 and provides a summary of changes from the 2018 version previously referred to in his evidence.
  - b. Whether an additional water quality monitoring bore is proposed; its location and specifications.
  - c. Clarification of hydraulic conductivity and groundwater pore velocities.
  - d. Water quality – methodology for determining exceedance. This has been updated in light of Mr Nicol's evidence that a full year of monitoring is preferable. The Applicant accepts this, and Mr Nicol has updated the methodology, including comparison of year-to-year rolling medians, taking into account the availability of 12 months of background monitoring data.
  - e. Use of test pitting (groundwater level) results.
  - f. Effects of rainwater infiltration.
  - g. Redox potential.
  - h. Water level data from Bore 24543.
  - i. Updated groundwater levels (September and November 2022 data).
  - j. Bores "missing" from Council records.

**Alternative sources of aggregate**

3. During Ms Bernsdorf-Solly's presentation, an issue arose as to alternative sources of aggregate for concrete and sealing chip. This issue is addressed in the evidence of Mr Corrie-Johnston and Mr Saavedra. Mr Corrie-Johnston's evidence also addresses the specific alternative aggregate sources put forward in Dr Harvey and Dr Campbell's evidence.

**Route taken by vehicles carrying clean fill**

4. This is addressed in Mr Clark's supplementary evidence.

**Vehicle movements at Hau Road**

5. Also addressed in Mr Clark's supplementary evidence.

**Pit erosion**

6. Mr Aiken's supplementary evidence provides an assessment of the potential volume of material that could be lost if there was a flood during the period when the re-established soils do not yet have vegetated cover.



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Sally Gepp

Counsel for CJ Industries Limited

Step	Proposed on Friday 25/11	Direction sought 28/11	Notes
Site visit	9 December 2022	9 December 2022	
All parties' answers on issues raised by Commissioner	16 December 2022	19 December 2022	
Caucusing of technical experts re productive land, groundwater quality, pit erosion issue	Weeks of 16 December, 9 January, 16 January or 23 January	By 17 February 2023	Applicant considers noise conferencing is not required given Valley RAGE defers to Mr Winter and the only outstanding issue relates to the appropriate noise limit. Parties to confer on appropriate agenda for expert conferences (counsel for Applicant to provide first draft)
Applicant's revised conditions and updated draft management plans circulated	3 February 2023	3 March 2023	2 weeks after conferencing finishes
Other parties' comments on revised conditions and management plans circulated	17 February 2023	17 March 2023	2 weeks after Applicant's conditions circulated
Right of reply and rebuttal evidence circulated	3 March 2023	31 March 2023	2 weeks after other parties' comments on conditions circulated
Hearing	After 3 March 2023	After 31 March 2023	One day hearing of rebuttal evidence