For the Commissioner

Hannah Mae

Submitter # 84 (RM200488)

Submitter # 34 (RM220578)

Thank you for this opportunity to comment on the applicant's new information provided since Minute # 6, that I have read since I presented my statement at the Hearing in November 2022.

I list 118 points to outline my individual comments on all of the new documents. I hope my list is read and considered by Council representatives and the Commissioner, but in view of the length of that list, I offer the following in summary:

- A consent holder who monitors their own compliance to conditions is a joke! This proposed condition set provides no effective monitoring requirements or any enforcement pathway if the consent holder fails to comply. It fails to display any SMART attributes which should be required for protection of the environment. Accountability and obligations of the consent holder, and responsibility of the regulatory authority in enforcement of consent is yet to be demonstrated in these conditions.
- Monitoring of conditions needs to be done by Council, the regulated authority or a delegated service provider and should include at least a site visit on a regular basis throughout the duration of consent.
- A condition should provide for public engagement and partnership for any and all condition change requests from the applicant, whether there are expected to be adverse effects or not.
- A public notice should be required if investigation or enforcement is necessary, such as non-compliance due to unauthorised vehicle movements, noise limit breach or groundwater quality exceedance.
- Compliance is impossible where there is complete absence of Specific, Measurable, Achievable, Realistic and Timely conditions, and this is problematic from what has been provided:
    - Vehicle count radar and speed surveillance of truck movements is absent.
    - 24/7 video surveillance of trucks through site access is absent so fails to protect against unauthorised back fill content, unauthorised entry and excessive truck count.
    - Reporting of extraction volumes to Council-compliance and monitoring is based on a trust us mentality, when evidence proves the applicant is not adequately reporting at other consented and expired consent gravel extraction locations (Douglas Road).
    - Complaints resolution and reporting of complaints to Council from different plans (noise, dust, groundwater quality) differs in detail, remains in some plans untimely, and is overall confusing. Any details that differ will render the process of complaint to resolution as pointless and this needs to be addressed by establishment of a SMART condition set in the first place.
- Recent change to extraction area and reinstatement in stage 1 following the Pit Erosion JWS has been proposed in the conditions, added by Counsel or Planner. I understand the change (3 tranches worked in stage 1) is to facilitate better establishment of vegetated cover in the flood channel for the winter period, though this has not been accompanied by any expert review on whether this increase of working pit to five times the size adds to sediment yield from the site to the Motueka River and Tasman Bay.
- Bank trimming recommended by Traffic report writer Gary Clark on the west side of Motueka River Westbank Road is not in conditions and needs urgent attention for road user safety. This has continued to be understood wrong from what was reported in the 7 June 2020 Traffic Concepts report which accompanied the original land use application and I'm concerned the applicant has not made us aware of this in the past 12 months or more. Clark states (page 5 Recommended measures) : *'With regard to the SSD (Figure 3) to the South, the sight line is restricted by a willow tree and a bank within road reserve on the western side of the road. It is recommended that the willow tree to be removed and some trimming of the bank to be carried out.'* All references including in the original s42A of this bank have been wrong and should be corrected, otherwise the safe sight distance will be reduced for other traffic as heavy vehicles exit the site out onto MRWBR. The western bank is across the road as one exits the site access and is someone else's land. There is no bank on the eastern side.
- In my view Hau Road capability and associated authority to manage unknown fill for supply to Peach Island should be considered as a part of this application. Hau Road may be the unfortunate receiving

environment for adverse effects associated with collection, testing and storage of unknown material that may be potentially hazardous until results verify otherwise. This process should include verification of the required discharge permits and consents to perform that activity. Up to 40 local contracting companies have discharged their waste fill to Douglas Road extraction sites over the years under the applicants' gravel extraction consents, and this proposal is going to need to dump that additional pressure at Hau Road or as the applicant's propose now, to any of the CJs Yards.

I also wish to comment as a member of my community. The amount of information that has come from the applicants is astounding and overwhelming. In many cases confusing and frustrating. It's no wonder the community is disengaging. The plethora of information has become impossible for many members of the local community to be able to compute and community engagement has diminished a great deal.

I have made my best attempt to be informed on this proposal and at times the applicant's information has exuded a lack of respect for both the community and the environment, and in some cases intimidation. This is most recently displayed by the failure to incorporate recommendations from Council input despite appropriate rationale from the Hearing. This process of building a condition set for an activity's consent to be considered, should demonstrate respect and willingness to be accepted by the Council and the Community, though thus far the applicants' new condition set displays nothing but what they have done at Douglas Road. It is clear they have no intention of implementing gravel extraction and backfilling any differently at Peach Island.

The community that I am a member of are growers or producers, who take care of the lands that we benefit from by contributing good to receive good back. This continues to confront us as we face the opposing agenda from this application presented by an organisation who are just going to take the value of the land out for their own profit.

I fear how this working and growing community will garner the resources to oppose the next gravel extraction proposal such as what is expected from the applicant who also owns the 493 Motueka River Westbank Road property. I suggest to the Commissioner that the Community cost is yet another of the greatest costs that has not been considered by the applicants in this proposal.

My comments follow:

07B-L RM200488 RM220578 Applicant Counsel memo 9.3.23 (Reply to Minute 6)

1. (Refer 13.) *'Whether the storage of clean fill at Hau Road is authorised is not a question that is relevant to the determination of its application for a discharge permit.'*

   I suggest we are not talking about clean fill at Hau Road, we are talking about an unknown fill category that may contain hazardous content, asbestos, lead, hydrocarbon residue, etc. The reason why the fill is stored, sorted, tested and accumulated at Hau Road prior to supplying as fill to Peach Island, is to identify fill material that does not satisfy the criteria of clean fill. This should be considered as a potential hazard until tested.

2. (Refer 15-16.) *'Storage/testing of clean fill is authorised at Hau Road'*

   It is not correct to classify this off-site material as 'clean' fill. It is unknown and potentially hazardous fill until it is verified as suitable following assessment and testing.

3. (Refer 15. a. i.) '*Storage of clean fill is not one of the excluded activities.'*

   Storage of unknown fill is not one of the included activities neither.

4. (Refer 12.) *'Hau Road would be used for inspection and testing of material that has been sourced by the applicant at a source site that it does not have physical control of.'*

   As this to be inspected and tested material should be considered as hazardous, consent at Hau Road Rural 1 zone should be required to authorise this activity as this is relied upon if this proposal for consent is granted for gravel extraction and back filling at Peach Island.

5. (Refer 15. c.) RM070640 36 Hau Road authorised activities:

It is 100% wrong for applicants Counsel to submit that consent for 36 Hau Road authorises what this application proposal requires to occur at Hau Road. The consent document does not authorise storage of unknown contaminants and potentially hazardous fill material. A permit that grants discharge of contaminants to land within the industrial or the rural 1 zones is required.

6. (Refer 15. c.) 34 Hau Road authorised activities (industrial zoned site):

Industrial activities on the 34 Hau Road site do not include deposition, stock-piling, storage, disposal, back filling or testing of clean fill. Clean fill storage from sites that CJ Industries does not have control over DOES NOT come within the CJ Industries' activities on the adjoining land, even if it has an association with processing of quarry products.

7. (Refer footnote 9.) Defining industrial activity:

The definition does not include storage and processing/testing of fill material which may or may not contain asbestos, hydrocarbon residues, heavy metals etc.

07B-M – RM200488 Traffic 7.3.23 (Third supplementary evidence)

8. (Refer 1.15.) Truck movements at Hau Road:

At the time the Commissioner visited the Hau Road site, there was no active working area for the sorting, storage and testing of off-site fill because currently this material is dealt with at Douglas Road, Motueka whilst they fill that hole. The Douglas Road consent expired September 2022. Once the hole at Douglas Road is filled more trucks/trailers will be using Hau Road for the disposal of fill, that will then be processed, tested and supplied to Peach Island.

9. (Refer 1.15.) Hau Road and Peach Island:

The two 'larger' trucks that can carry more gravel or fill will not reduce their number of trips per day due to a slightly heavier load. If this consent relies on evidence that less truck movements to and from Hau Road will occur, then the two new 'larger' trucks should be conditioned as the only heavy vehicles used for the Peach Island gravel/fill transfer with Hau Road.

07B-N – RM200488 Operations 9.3.23 (Third supplementary evidence)

10. (Refer 1.2.) Site manager:

I have heard that Timothy Corrie-Johnston is not site manager for the CJ Industries' operations base at Hau Road. Mr Tim Corrie-Johnston's Site Manager role requires verification for his evidence to be accurate/honest.

11. (Refer 2.1 (a.)) Overburden from Riwaka quarry RM170876:

The conditions for this consent on pg 5 (para 4 and 5) does not necessarily authorise removal of surplus overburden to an off-site location. It does state where surplus overburden material may be used on that site, including '*spread on the stony paddock', 'on quarry benches to aid possible future plantings'* and *'the overburden site shall be bunded to prevent discharge to run-off water contaminated by sediment to the Riwaka South Branch River and to prevent erosion of the dumped material by the river.'*

12. (Refer 2.1 (b.)) Overburden from Moss Road, Riwaka RM 940151, NN940190, NN940191:

There is a note on use of overburden at the quarry site, the consent states (Refer pg 4, point 9 of that consent document): '*On the completion of extraction at each bench the final surface contour shall be instated using overburden and then the topsoil and subsoil spread evenly over the surface.'* There is no authorisation to use Moss Road, Riwaka overburden at another quarry location, or to dispose of over burden off-site.

13. (Refer pg 5. RM070640 for 36 Hau Road) Limitations of transfer of consent:

Please see note 1. *'All or any of the directors listed in this condition must be actively involved in managing the business, otherwise the activity must cease. Active involvement means being involved in the day-to-day running of the business and being a silent or sleeping partner in the business does not constitute active management.'* I have heard that two of the three listed family members have not been active in day to day business at Hau Road. This should be validated before the Peach Island activity depends on the Hau Road site for storage and testing of clean fill discharge destined to be used as fill at Peach Island.

14. (Refer pg 34.) Description of proposed discharge/storage in rural 1 zone (for 36 Hau Road):

Note, there is no inclusion of storage of fill for sorting, testing and verification of fill categorisation to supply as clean fill. I presume neighbouring residents (of the Hau Road CJ industries yard) are concerned if fill with unknown contaminants or potentially hazardous content is going to be stockpiled next door.

15. (Refer pg 40. Point 10) Reasons for the decision:

It states in 2nd para *'Rural 1 zoned land can be used as of right for some of the proposed activities which include storage of non-hazardous substance materials and parking of vehicles.'* Non-hazardous materials can only be determined after all or 100% of the fill material is tested. Once a representative sample has been analysed by an accredited laboratory, it can only then be assumed that the fill that sample/test represents is clean. It is critical that the sampling is representative of the batch. If it is not representative, then no confidence can be offered to designate the material as clean or non-hazardous. Fill material that has not being tested should be presumed hazardous until that representative test proves otherwise.

I expect that a discharge permit for containment of fill prior to and during testing would be required in the Rural 1 zone. And in the industrial zone for that matter, due to the potential effects on the environment. This is not any different than what is required for the Peach Island consent.

07B-P RM200488 RM220578 Applicant Counsel memo 17.3.23 (Reply to Minute no 7)

16. (Refer 5.) Pre-screened off site:

Throughout the iterations of applications and statements relating to fill management, the implication of all fill being processed at the Hau Road 'yard' has come through, in a hazy and inconsistent manner amongst the various management plans and drafted condition sets. I have been led to believe that all clean fill would be accumulated, sorted, tested and stored at the Hau Road depot. I suggest that others have also been led to believe this and that they have submitted with that in mind because of the repeated changes in detail and ad hoc flip flopping by the applicant.

17. (Refer 6.) Clean fill from Hau Road:

The applications 'may have envisaged' source sites other than Hau Road, but they have not stated nor proposed it for public notification. The applicants stated clean fill would be coming from Hau Road, I expect in response to community concerns of what has taken place under their consents at Douglas Road. The statements may have effectively deceived everyone as to their intentions for the overall supply of fill for Peach Island.

18. (Refer 7.) Reduced traffic at Hau Road, and for that matter at Peach Island:

The only way for this to be assured will be to condition a recorded count, which will be indistinguishable from other traffic or entirely untrusted as has occurred (with evidence available of such) at Douglas Road.

19. (Refer 7.) Counsel states that Hau Road is industrial:

Hau Road is NOT only zoned industrial, it is also zoned residential, and rural 1.

07B-Q RM200488 RM220578 Surface water quality and ecology 17.3.23 (Supplementary evidence)

20. (Refer pg 8, 3.8 of MacNeil's previous evidence 15.7.2022). MacNeil states: '*Inundation of Stage 1 works during major flood events has the potential to transport sediments to the Motueka River via failure of the stop banks, including seepage when the water level reaches near the crest level of the banks.*'

    MacNeil appears confused about erosion potential in the back channel and seems to relate it to stop bank failure, see sections 3.8 and 3.9 of his evidence. I suggest that MacNeil is confused as to where stage 1 is. Stage 1 is in the floodplain itself and in the same area as the back channel with no protection from inundation by stop banks because the stage 1 area is in the berm land of the Motueka River itself.

21. (Refer 2.6) New condition for 3 tranches in stage 1:

    MacNeil suggests that this new condition will provide additional measures to reduce the potential for sediment loss, as a result of flooding of active pits from stage 1. I do not understand how a worked pit that is up to 5 times the size of what has previously assessed, can reduce erosion and sediment loss. MacNeil doesn't appear to recognize the erosional issues of the pit backfill or headward erosion of the pit walls.

22. (Refer 2.12). Receiving environment:

    MacNeil's entire focus seems limited to the Motueka River and he doesn't seem to connect it to the Tasman Bay ultimate receiving environment. If the sediment doesn't deposit in the Motueka River it has to go to the Bay.

23. (Refer 2.12). Partiality:

    In my view it is not appropriate to suggest the proposal, as MacNeil states '*will protect instream ecological values in the Motueka River…'* and this concluding statement demonstrates partiality and bias rather than objective professionalism.

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24. (Refer 4.) Lapse and expiry:

    I consider 15 years is not appropriate given the available limited volume of gravel available for extraction and the stated rate of use provided by the applicant in Operations evidence. I disagree with 15 years of gravel extraction as safe or relevant for the environment. I agree with Ms S B Solly in recommendation of a shorter consent duration.

25. (Refer 9. (b) Plan certification:

    If a plan is submitted to Council for certification, works should be halted until Council responds. This should be written in conditions for clarity.

26. (Refer 10 last bullet) Groundwater quality and acceptable values:

    Continues to allow deterioration of groundwater quality up to acceptable values of the Water Services Regulations 2022. Is this considered safe for drinking water users downstream, given the baseline groundwater quality prior to the discharge of fill material in the fluctuating zone of groundwater?

27. (Refer table 1) Materials sourced offsite – acceptable material:

    Who impartially does the representative composite sampling?
    What are the regional soil Background concentration limits?
    Do these limits apply to the Peach Island site specifically?
    How will reliable and representative sampling of cleanfill materials be implemented now that the applicant is proposing clean fill to be coming from a number of 'CJs yards around the district? I find it very hard to believe the recommended Waste MINZ guidelines and effective sampling will occur in practice when sites all over the district will be supplying fill to Peach Island. Impossible to keep track of how much fill has come from here, there, or anywhere. Impossible to provide confidence that representative sampling will occur 100% of the time.

28. (Refer table 1) Materials sourced offsite – unacceptable material:

What about lead based paints, heavy metals or asbestos residues in soils which may be anticipated from the applicants other departments (eg CJ industries civil construction and works divisions) or where site recontouring occurs post demolition of buildings etc.

29. (Refer 16.) Groundwater quality monitoring: This section states all about collection of samples but fails to state testing and analysis. Testing and analysis should be written in conditions for specificity. For example (refer 16 (c).) '*At least two samples will be collected prior to the commencement of clean filling activities and sampling will continue…"*

    Will these be tested and analysed? It should say so.

30. (Refer 19.) Sampling: '*Groundwater samples shall also be collected annually from all water supply bores located within 500 m downgradient of the clean fill…*'

    And tested should be written in conditions.

31. (Refer 19.) Bores within 500 m of the site:

    How many are within 500 m and how would you know where they all are as TDC map as seen at the Hearing is out of date.

32. (Refer 20.) Bore condition survey:

    Needs to be done by an independent professional with relevant experience.
    Needs to be completed prior to clean filling activity under the discharge permit.

33. (Refer 22.) Results of testing at 19.:

    In this day and age results should be provided to the bore owner as well as Council directly from the laboratory (CC'D) or applicants should forward within 48 hours of receiving the results from the laboratory. I month delay is inappropriately and unnecessarily long, let alone unsafe for drinking water users considering another complaint (such as Noise) will be notified to Council within 1 working day.

34. (Refer 22.) Results of testing at 19.

    Results from bore 21033 (supplying the 134 Peach Island property), which also supplies many residences on the west side of Motueka River Westbank Road should be provided to all users of that bore within 48 hours of receipt of those results.

35. (Refer 24.) Groundwater trends assessment:

    Is this to be done by an impartial (independent) expert? This should be stated in conditions.

36. (Refer 25 (b) ii) Additional testing of clean-fill placed within an excavation:

    What does this entail to be effective in contribution to an investigation, or for enforcement?
    This needs to be considered and stated in the conditions.
    Representative sampling for soil testing of all filled areas should be performed within 1 month of reinstatement of each stage by an independent and impartial service provider.

37. (Refer 25 (b) iii) Additional groundwater monitoring beyond the routine sampling:

    What additional tests will be performed in this instance, or is it just around frequency of same tests? This needs to be specific to be SMART.

38. (Refer 29 (a).) Council notified of sampling results:

    First sampling will take up to a week to provide results, then 72 hrs to notify Council (may be a weekend delay). Again the second sample will require another week to gain a result. It could be 3 weeks or more before the Council and other groundwater users are notified of a drinking water quality exceedance. This is not safe or considering of other groundwater users. Investigation process following an exceedance in trigger levels still needs defining. For example how long is spent to work out what is at fault, while levels are exceeded. It matters less that response process is based on another approved consent's conditions,

and matters more that it is fit for purpose at this site, and takes into account the sensitive downstream receptors considering backfill is within the groundwater fluctuation zone.

39. (Refer 29.) Unclear text:

    I find this condition confusing and think it needs work to differentiate between the first exceedance and the second test.

40. (Refer 29 (b).) Notification of exceedance:

    This may be 3-3 ½ weeks after noticing the exceedance before sampling up to 500 m from the site. This is far too long to provide a response for a concerning deterioration to ground/drinking water quality.

41. (Refer 30.) Unclear text:

    Again, this condition is too hard to follow, and should be written more clearly.

42. (Refer 30.) Drinking water safety and alternative water supply:

    Is this when the cause of the exceedance is investigated? Does the clean filling and discharge activity stop during investigation? This should be stated in the conditions.

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43. (Refer 3.) Quarrying commencement after planting established:

    Is 80% survival required for 6 years duration? Is this understood to mean that if some plants do not survive or are lost by flood (say if 30% needed to be replanted) and where replanting is required to achieve 80% survival, then 6 years establishment time is required from the season when the replants are replanted? If more than 20% plants are replanted at any time the clock should start again at that time for the 6 years establishment criteria to be met, in order for the mitigation planting to be effective. This needs to be more specific in condition, otherwise it may as well say 6 years full stop, and not specify survival rate or establishment criteria.

44. (Refer 4 (a).) Process of review of consent by Council:

    If an adverse effect on the environment does occur which is assumed to be a serious effect and consent is reviewed, does the land use activity and discharge activity stop during that review process? This should be stated.

45. (Refer 21.) GCMP condition number is incorrect. Should be 15 (e).

46. (Refer 21. First bullet) Exposed groundwater: Condition number wrong, is it 109 or 110.

47. (Refer 22 (a).) GCMP shall address KPI: This should also include the Discharge consent conditions.

48. (Refer 23.) Impartial certification of established plantings:

    Who certifies that 80% of the plants have established for a minimum of 6 years? This needs to be stated to include an independent, suitably qualified service provider. It should be noted that a paid expert will say what the applicant is paying them to say which will be meaningless. I propose the Council would be required to tick this condition off and it should be specifically written in conditions.

49. (Refer 28.) Upgrade of entrance and site access:

    Bank trimming recommended by Traffic report writer Gary Clark on the west side of Motueka River Westbank Road is not in conditions, but it should be clarified. This has continued to be understood wrong from what was reported in the 7 June 2020 Traffic Concepts report which accompanied the original land use application. Clark states (page 5 Recommended measures) : *'With regard to the SSD (Figure 3) to the South, the sight line is restricted by a willow tree and a bank within road reserve on the western side of the road. It*

is recommended that the willow tree to be removed and some trimming of the bank to be carried out.' All references including in the original s42A of this bank have been wrong and should be corrected, otherwise the safe sight distance will be reduced for other traffic as heavy vehicles exit the site out onto MRWBR. The western bank is across the road as one exits the site access and is someone else's land. There is no bank on the eastern side.

This is a very dangerous situation for road users from both directions of the site access and needs attention.

50. (Refer 51.) Dust effects on orcharding activities: *No quarrying and soil stockpiles within 100 m of orchard activities between Jan-May inclusive.*

This may reduce dust effects on maturing fruit as it is close to harvest, but does not reduce damage to crops during flowering, pollination and fruit set which is equally at risk from dust effects. No quarrying has previously been suggested from October.

51. (Refer 51.) No quarrying within 100 m of orchard activity Jan-May:

The orchard to the west of stage 1 should also be included for protection of fruit in this area. This has not been stated in conditions.

52. (Refer 51.) Dust on fruit.

This no quarrying condition should include backfilling and remediation of land surface post extraction when dust would be damaging to fruit set. It should be stated as such.

53. (Refer 50.) Sensitive receptors are classed within 250m in a downwind direction.

Is 100 metres enough to protect sensitive crops. Coralie Le Frantz has submitted on this point.

54. (Refer 56 (c)) Restored soils shall achieve:

This condition is so vague, there's really no point in suggesting it. I understand that given the soil will be completely changed, disturbed due to the activity, and it will not be known as to what it contains.
Dr Iain Campbell requires the replaced soils to be well drained.

Dr Campbell states *'It will not be possible to determine the soil drainage state at the time of soil reinstatement as drainage problems will only be apparent sometime after a new soil moisture regime has been established. Continued subsurface consolidation of fill materials and the presence of clayey fill material will play an important part in the final soil drainage condition which cannot be predicted.'* (email correspondence March 2023).

55. (Refer 57-61.) The Noise monitoring condition recommended by Mr Winter in November 2022 has not been added to the condition set.

Mr Winter recommends an assessment of noise when activity is at 80% operation level or by a certain timeframe. 80% needs to be defined in this context. It must be thoughtful and specific to ensure assessment is not avoided by operating 'less than 80%'. Implementing a measure of operational level is required otherwise applicants will subjectively avoid assessment. It could be by way of vehicle movement count which should be recommended to enable surveillance of compliance to conditions in light of the proposed limit on number of truck movements each day of consent period.

56. (Refer 60.) Noise level of 55 dBA Leq (day):

Ms B Solly for Council has recommended a more stringent noise limit than 55dBA be applied to maintain an appropriate level of amenity. Mr Winter recommends the lower noise limit of 51.

57. (Refer 62.) Hours of work:

No operations between 20 December and 10 January the following year. It needs to be stated if this is inclusive of the 20 Dec and 10 Jan, or to state No operations from 20 December to 10 January inclusive. If it is not written and clear, they will operate on those days, as they have done at Douglas Road.

58. (Refer 64.) Traffic movements:

This condition is pointless if it is not measured and surveyed. A Vehicle movement counter should be required and a condition of this consent and data should be inspected by Council-monitoring on a regular basis. Filling in a book at the gate is not acceptable where the applicant cannot be trusted to keep to their word and to comply with this condition.

59. (Refer 79.) Heavy vehicle maintenance and servicing:

Why would you service a heavy vehicle outside of a workshop? More appropriate to service at the fit for purpose workshop at the applicants Hau Rd yard.

60. (Refer 85(c).) Backfilling excavations when groundwater levels measured display an increasing trend:

I understand this is to protect from groundwater contamination but really, how realistic is it to expect this condition to be met, considering an increasing trend is equally expected as a decreasing trend. A river level that goes down has to come up again at some point and this will always be likely. How will this condition on paper make the applicants perform any differently than at Douglas Road?

61. (Refer 86.) Global positioning and elevation systems:

Not accurate below ground, and in any case it should be considered an operational tool, not a protection for groundwater. It is one thing to be equipped with gadgets, it's another to actually use them for the right reasons.

62. (Refer 87.) Temporary excavation down to 1m below the working level:

I do not believe that this practice is to ensure the protection of the groundwater, but that it is to secure maximum outputs. How many temporary excavations will be performed on the excavation day? Will the gravel attained be harvested and removed from that temporary excavation and the hole refilled with the unwanted material? As the pit moves over the site I am concerned (and would suspect) that many temporary excavations will be said to be required to ascertain the uncertain ground water levels as this is unknown.
This proposed condition smacks of an attempt to authorise the digging into the groundwater layer to extract gravel. A condition on this will enable the practice of test pitting <u>all</u> over the site and essentially provides authorisation for unlimited excavation from groundwater.

63. (Refer 89.) *"If any uncontrolled exposure of ground water occurs..":*

Why would uncontrolled exposure of groundwater occur? This is not authorised. *Placement of cleanfill material* to fill in exposed groundwater. The new Soil management plan says that pits that have been backfilled because of rising groundwater levels would be extracted again when levels lower.
This is different from what was stated to the Commissioner at the Hearing. They are going back on their word. Would subsequent removal of previously backfilled pits be authorised and risk the groundwater fluctuating zone exposure to contaminants? Or not.

64. (Refer 90.) Notification of exposed groundwater to consent compliance monitoring officer at TDC:

This will be an everyday occurrence, and what will be done with that information. A ridiculous condition.

65. (Refer 91 (b).) Soil stockpiles for no more than 6 months before use:

How is this specific and measurable? Who is going to check on age of a stockpile?
A pointless condition.

66. (Refer 92.) Prohibited machinery movement over stockpiled soil, other than in construction of noise bund:

Is the noise bund removed after the activity (given the soil structure will be degraded) and will it be discarded off-site? Construction, machinery movement to compress it will have damaged the soil profile. It has been said in a management plan that topsoil may be used to construct the Noise bund. This should not be allowed given statements of machinery movement over stock piles being prohibited.

67. (Refer 97.) Number of excavations open at any one time:

This condition is pointless. How is this different to two pits are allowed. If so much cleanfill is required on site to fill pits up to 1 m below ground level, and not stored for longer than 6 months - would you not complete 1 pit entirely before opening another. These statements show how inconsistent the applicants are between the multiple plans and conditions, so talk about all over the place, how can anyone follow it all. Of note, condition 99 requires an established vegetated cover before the next is started.

68. (Refer 97.) Stage 1 is 25,000m^2 therefore according to the new SMP the new 'tranch' will be significantly larger than the previous proposed 1,600m^2 pit. If one third of stage 1 is worked at a time, the hole will now be around 8,300m^2, or about 5 times the size.

    Has this been assessed for pit erosion effects on the downstream land, Motueka River and Tasman Bay? This increased open pit size from 1,600 to 8,300 has not being assessed in terms of the environmental effects, landscape effects and impacts on amenity for the surrounding community.

69. (Refer 100.) Stage 1 work during October – March:

    What about the orchard on next property. Apple and pear crops flowering, pollinating, fruit-set and growing to harvest fruit will be damaged through that time.

70. (Refer 103.) Batter angles adjacent to property boundaries:

    A private agreement needs to be written and provided to the monitoring officer of Council so that the applicant's word is not mis-used. This should be written in conditions for clarity.

71. (refer 94.) Bermland excavation in strips:

    How can excavation in the floodplain occur in strips no wider than 20m if tranches are worked 1/3 of stage 1 at a time? It can't be both.

72. (Refer 111.) Backfill to site by consent holder:

    How can this be 100% measurable or trusted. The applicant uses unmarked trucks at times and other contractor' trucks at times. This could be anyone bringing backfill conveniently from offsite other than from a CJs yard elsewhere. I have no trust in that CJs will keep to this condition. Surveillance by camera 24/7 at the site access should be required for this condition to be meaningful and SMART.

73. (Refer 112.) Re-excavating from previously back filled (virgin material from the site) pits because of rising groundwater levels is proposed to be appropriate:

    So, if 1/3 of stage 1, which could be up to 8,300m^2, is worked and backfilled when ground water levels rise, then can they have another crack at it later on once the levels drop again! This is a ridiculous suggestion, a back-step from what Tim Corrie-Johnston agreed at the Hearing and should not be considered. Given, the importance of contamination risk to the fluctuating ground water, how can it be assured that virgin material (from Peach Island) is the only back fill that would be used. This practice of digging up back filled areas should not be authorised. I note here of the possible twisting of terminology of virgin material and foreign material in the Soil Management plan which I explain further on.

74. (Refer 117.) Revegetation of reinstated areas in one month:

    Is one month a realistic period of time to allow sufficient settlement before seeding of new cover takes place? Note the lowered profile at Douglas Road since reinstatement.

75. (Refer 126.) Nominee in complaint's register:

    A contact number of the nominee should be provided and updated as required to all residences, not just neighbouring, who may be affected by transport, noise, dust and groundwater change.

76. (Refer 128.) Weight of gravel extracted reporting to Council monthly:

    This is as ridiculous as a fishing company reporting how many fish they take from the sea. Will they be honest about taking more than should be there, above groundwater?

77. (Refer 128.) Gravel extracted reporting:

Should this reporting not occur, such as what occurred for a year or more during the Douglas Road extraction, what is the consequence? Will activity cease while they fail to report? How will this be enforced?

78. (Refer 129.) Topographic survey of final levels within 3 months of completion of all recontouring on site:

Does this allow enough time for settling? Perhaps it needs to be more realistic for a completely back filled site.

79. (General)

- If there is a failure to meet the consent conditions, the consent should be terminated as there would be little likelihood that remedial action could be undertaken. A condition should be included that addresses failure to comply.
- A condition is absolutely necessary to ensure public are sought to assist Council when any change to these conditions under section 127 of the RMA is requested by the consent holder. In my opinion, any change request must be formally and publicly determined by all parties, ie Council, community and consent holder.
- Dr Iain Campbell offers the following: *"It should be a requirement to maintain the site under high producing pasture for a minimum of 30 years in order to establish a stable A horizon soil structure. (This may mean irrigation and intensive stocking)."*
- The Frew Quarry consent condition document (Jan 2016) offers a similar condition:
'The application site shall be rehabilitated in accordance with the conditions of this resource consent. Once all extraction and rehabilitation activities are complete, the land shall not be used for the following activities:
    - *A. Intensive pastoral farming (stock rates of more than 10 stock per hectare);*
    - *B. Intensive animal farming, such as cattle feedlots, pig farms, poultry farms or any other farming operation where animals are housed and their collected effluent disposed of on site; or*
    - *C. Any activity involving the use or storage of hazardous chemicals, including petroleum products, in quantities greater than normal on rural-residential property.'*

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80. (Refer pg 5, top) This continues to state '*gravel will be extracted in an upstream direction starting at the downstream end of the property*.'

This is opposite to what is required by the GCMP.

81. (Refer pg 5, top point) All excavation in strips 20m wide parallel to flood flow:

This is not possible in stage 1 where 1/3 is worked across the stage 1 area of up to 8,300m^2.

82. (Refer pg 9.) Key concepts for restoration which have not been included:

Dr Iain Campbell offers *"The best consent conditions to achieve the best possible gravel extraction Peach Island outcome would be those stipulated by the court in the Ranzau soil case. The Ranzau soil gravel extraction exercise did not however involve introducing any foreign backfill."*

Factors for restoration key concepts is incomplete according to Dr Campbell's statements and should also include:

- *'Separate removal of A horizon (topsoil) and B horizon (sub soil) and separate storage is a must with a stockpile height of not more than 80 cm (about what could be expected from a tip truck unloading).'*
- *'No foreign material used as back fill.'*
- *'Only vehicles with low ground pressures should be used, apart from trucks removing the extracted gravel.'*
- *'Separate replacements of A and B horizons must only be with the use of low ground pressure machinery.'*

- *'In order to achieve a minimum of 80 cm of replaced Riwaka soil material for best possible growing conditions, it is likely that C horizon material will also need to be removed, stockpiled and replaced or incorporated with the B horizon material.'*
- *'The replacement of the original Riwaka soil material must be to a minimum depth of 80 cm and must only be Riwaka soil materials. There are no other soils in the district that come anywhere near having the same natural nutrient levels and replacing any part of the 80 cm soil profile with other soil material represents a downgrading of the natural nutrient status from the original.'*
- *'The replaced A horizon should have a minimum thickness of 15 cm across the whole area. (The Landvision report states 300-400 topsoil minimum and 700mm of subsoil but these are clearly generalised and non-specific definitions of the soil materials and include fill material).'*
- *'The replacement of fill materials must only be with the use of low ground pressure machinery and no fill or foreign materials should be within 80 cm of the soil surface.'*
- *'The replaced soil should be well drained.'*
- *'It is absolutely fundamental that the movement of soil and fill materials should only take place when the soil is dry.'*

Dr Iain Campbell email March 2023.

83. (Refer pg 9.) Suitability for later use:

Dr Campbell states 30 years is needed to establish a stable A horizon soil structure. Three years sounds woefully inadequate.

84. (Refer pg 11, para 3.) Some topsoil may be used for construction of a noise bund if required.

This will compress, compact and be there a long time. It will do precisely what is recommended to not do, that is, compacting and degrading the structure of the soil. The following line states soil stockpiles must be protected from compaction, degradation and soil loss. Next it is stated no machinery is permitted on the soil stockpiles, so how will the topsoil be constructed to form the noise bund on the northern boundary?

85. (Refer pg 11.) 3 m high stockpiles:

How can a stockpile be 3 m high without machinery driving over that soil?

86. (Refer pg 11.) Transport:

Vibration and compaction of soil during transport at 80 km/h (or 100 elsewhere off site) during transport would be a risk to topsoil, it is stated as so and then is immediately contradicted.

87. (Refer pg 13.) Soil placement and irrigation:

Irrigation will be necessary to avoid wind erosion especially in the warm months. It will be a requirement and should state such, rather than acceptable.

88. (Refer figure 5, pg 14.) Figure 5 shows a graphic with topsoil and subsoil stockpiles.

It needs to be stated in the text (pg 10 and pg 11) and in conditions that topsoil and subsoil removal and storage in stockpiles needs to be separated to protect and isolate the A and B horizon soils.

89. (Refer pg 17) Seeding should occur within two weeks of topsoil placement:

Difficult to allow both sufficient settling time of the reinstated area while protecting loss of soils to wind erosion and flood risk. The two points are antagonistic.

90. (Refer pg 17.) Land use:

Dr Campbell recommends a far longer period for recovery of the soil structure. Remediation of surface depression for first five years is inadequate.

91. (Refer pg 21.) Annual soil quality and soil condition monitoring for rehabilitated soil areas for first 3 years is inadequate and will not be a responsible measure following this significant land disturbance of the Peach Island site. Representative soil sampling should be required from the entire backfilled site to be undertaken

to determine compliance to the conditions. Repair of the site undertaken if sampling demonstrates non-compliance should be in conditions.

92. (Refer pg 21.) Soil monitoring second point:

Control site sampling and analysis. What is the control site? This has not been mentioned anywhere else in documentation of this proposal.

07B-Y RM200488 RM220578 Proposed groundwater + cleanfill management plan (unknown version #):

93. (Refer pg 1, bullet 3.) Minimising any change to the physical and chemical properties of groundwater:

Introduction of foreign material will be significant in order to back fill the cleanfill zone up to 1 m therefore this key performance indicator will not be achievable.

94. (Refer pg 3, point 5.) Temporary test pits:

How many of these are allowed and how close together? How does this, with no control on frequency, differ from extraction from groundwater, especially when the conditions specify test excavations are allowed to 1 m below the working level?

95. (Refer pg 3, point 5.) Temporary test pits:

The dimensions of the test pit/excavation has been removed from conditions and/or management plan. How close can these test pit/excavations be to each other? What fill is returned to that pit, virgin or foreign and how is that defined? The conditions say virgin, however this SMP is not clear in distinguishing between virgin (on site) and foreign (off site). I explain further on this point below.

96. (Refer pg 5, point 6.0, 4.) Spill:

Groundwater testing after a spill accident refers to conditions, but it is not stated as a condition. It should be specific and stated in both documents when a spill exceeds 20L or not.

97. (Refer pg 7, point 8.0, 2.) Water quality complaints:

Complaints should be notified to the Council (compliance) within the same timeframe as other complaints for example noise complaints notified within 1 day.

Appendix A:

98. (Refer pg 13, 2.0 A.) "*Overburden is virgin natural material of a consistent composition…"*

Yes, overburden from CJ Industries quarries is virgin material at that quarry.
No, this is not virgin material at another site and this confuses the fundamental difference between virgin material and foreign material.
Any material that comes from off-site should be classified as foreign material in all cases and this should be stated clearly.

99. (Refer pg 14, 7. a.) Clean fill inspection at Peach Island following transport should not find clean fill that is visibly wet.

Transport of clean fill that is wet is not authorised, and that has already been stated elsewhere.

100. (Refer pg 14, 7. b.) Clean fill inspection at Peach Island following transport should not find clean fill displaying any visual or olfactory evidence of contamination.

Transport of this contaminated clean fill is not authorised, and should not have been transported to Peach Island. This would indicate a breach of consent and places the groundwater at risk.

101. (Refer pg 15. C.1.) CJI sites:

The material may come from any CJ Industry sites now. Listed here is Hau Road, Lower Queen Street (Richmond) or any other CJI sites which they now call "CJI yard". I expect this will also include Douglas Road, next to the Motueka River.
This proposed plan does not provide for any confidence that this practice will be improved from what has occurred at Douglas Road, Motueka where all manner of back fill is dumped into the excavation areas. The convenience of disposal at no cost must be deterred.

102. (Refer pg 17.) Soil testing:

I cannot see hydrocarbon analysis included in their analytical parameters listed.

103. (Refer pg 18.) Reporting of results:

To who? And in what timeframe?

07B-Z RM200488 RM200489 Proposed Dust management and monitoring plan- Version 2.

104. (Refer 3, para 2) Apple orchard on north eastern boundary of stage 2:

Maturing fruit is not the only time where damage to crops can occur from dust effects. Flowering, pollination and fruit set stages during the spring months are also at risk if dust is carried across the boundary. This is not necessarily going to be adequately mitigated by 100 m distance.

105. (Refer pg 4, 5.1.) Water suppression of dust:

This makes no suggestion of dust suppression efforts in weekends, holiday periods and out of hours, when the wind continues to generate dust from exposed ground surfaces or exposed stockpiles (topsoil, subsoil and clean fill stockpiles) in windy and dry conditions. Soil erosion and dust effects are expected during dry periods, not just during working hours.

106. (Refer pg 11. 8.1. last para) Site manager or delegate does a site walk over daily:

This should occur in the afternoon of each working day so assessed in the part of the day when windy conditions is typical. The daily dust inspection log is more relevant to be completed in the afternoon as many of the questions are targeted for what measures have been required during the work day.

107. (Refer pg 12 para 3.) Four validated dust complaints within 12 month period to initiate DMMP review and real time dust monitoring:

What remedial action will be undertaken on validation of complaints to persons affected by dust effects? This needs to be considered and stated in the conditions of consent for the activity.

108. (Refer pg 16, 10.2.) Response procedure:

Council should be notified of any complaint received in a timely fashion like for noise complaints or groundwater quality complaints.

109. (Refer pg 17, 12.0) Annual report:

Should be provided to the Council by the end of September of each year as for other annual reporting. Needs to be consistent.

07C-A RM200488 RM200489 Proposed Noise management plan

110. (Refer Pg 4, 2.2.) Noise criteria:

Mr Winter for Council recommended a noise level of 51 dBA to be appropriate for this activity at this site.

111. (Refer pg 4, 3.1.) Pit size:

Wrong maximum size of the extracted area. Stage 1 will be up to 8,300m^2.

112. (Refer pg 8, 4. b) 1.) Mitigation bund:

Construction of bund of topsoil requires compacting for any mitigation of noise effects. This is not authorised due to the degradation of soil structure. This should be prohibited.

113. (Refer pg 8, 4. c) 1 and 2.) Larger loaders/excavators/ HPMV trucks/trailers:

Use of larger heavy machinery for excavation and movement of soil will compact soils and damage soil structure over reinstated areas.

114. (Refer pg 11, 8.) Complaints:

All complaints should go to Council in the first instance, as Council should be monitoring and enforcing the conditions of the Consent. Escalation of an unresolved complaint should go to the Council and pointless to go to the Directors of CJI.

115. (Refer pg 13, 9.) Contingency plan:

Exceeding the noise limits applied to the activity (which should be 51 dBA as recommended by Council) should require the activity to stop.

116. (Refer flowchart pg 12) Addressing complaints:

This flowchart is 100% rubbish and should be thrown in the bin. The final step proposed to resolve a complaint where the noise limit is exceeded, is to adopt the best practicable option. BPO should be instituted before the activity starts and before noise limits are exceeded in order to comply with conditions of consent. This demonstrates disregard and disrespect of community, environment and affected residences.

117. (Refer pg 11, 8.) Unresolved complaints:

Unresolved complaint will be escalated to the Directors of CJ Industries Ltd. Is this meant to be threatening to the community and complainant? What are the directors going to do differently? Who are the Directors of CJ Industries, as they appear to change regularly?

118. General:

All noise complaints should require noise level measurement as part of the response to a complaint.

END

Hannah Louise Mae

6.4.23