

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of application RM200488, RM200489 (Land Use Consents), and RM220578 (Discharge Permit to Land), CJ Industries, 134 Peach Island Road, Motueka

BEFORE Tasman District Council

Minute # 10 of the Hearing Commissioner – Procedural Matters

1. I have received a memorandum of counsel for Valley Rage Inc (Valley Rage) (dated 4 May 2023) seeking leave for two experts called by Valley Rage to speak at the reconvened hearing on 9 May 2023. I received a memorandum of counsel for the Applicant (dated 4 May 2023) in response to the Valley Rage memorandum.
2. I have carefully considered the memorandums and direct that the hearing on 9 May 2023 will proceed as planned. That is, it is a chance for the Applicant to present their Right of Reply and for me to ask questions of the Applicant's witnesses. I will not hear from other parties and this has been clearly articulated well in advance of the hearing.
3. All parties have been provided with sufficient opportunity to respond to new information supplied prior to the Right of Reply.
4. I am aware that some new information has been provided in the Right of Reply and I will be addressing this as a procedural matter at the start of the hearing. I would appreciate Ms Nightingale and Ms Gepp assisting me on this matter.
5. For natural justice reasons I will not utilise the information provided in the memorandums in my decision, with the exception that I would like Dr Campbell to clarify (via a statement of fact) any sampling he undertook around the Peach Island site boundary in order to draft his evidence and attend the JWS process. His statement should only refer to the sampling and not to any other matter. This is a point of clarification that will assist me and I can see no natural justice issues arising from this statement of fact. I direct Dr Campbell to provide this statement prior to the hearing.
6. I direct that Mr Alastair Jewell circulate this minute to all parties to the proceedings.

Dated: 5 May 2023



Craig Welsh

Chairman