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Fri 12 May 2023 @ 4.31 pm

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

**MEMORANDUM OF COUNSEL – CLARIFICATIONS SOUGHT DURING FINAL
HEARING ON 9 MAY 2023**

12 May 2023

Counsel: Sally Gepp
3 Brookside
Nelson 7010
Tel: 021 558 241
Email: sally@sallygepp.co.nz

MAY IT PLEASE THE COMMISSIONER

1. This Memorandum responds to the Commissioner's request for clarification of some matters of detail during the hearing on 9 May 2023.
2. The Applicant submits that no further comments from other parties should be provided for. The clarifications in this Memorandum are constrained to responding to the Commissioner's questions of clarification and do not provide "new" information (except to the extent that providing the clarification necessarily requires the Applicant to provide details that had not previously been given). If these clarifications had been given by the Applicants' witnesses orally when responding to questions as part of the hearing on 9 May, this would not have justified giving any other party an opportunity to respond. It is submitted that this situation is no different just because the responses are given in writing. The applicant also relies on the procedural principles in s 18A which support the Application being determined now, without further rounds of comments and reply comments.
3. The Applicant accordingly requests that the hearing is closed upon receipt of this Memorandum.

Site security

4. The Commissioner asked whether the site will be locked outside operating hours. There will be no public access to the southern end of the site, which crosses private land. Public access from the northern end (Peach Island Road) is legally available and will not be gated, however public access is unlikely given the nature of the paper road (see Evidence of Gary Clark dated 4 November 2022 at 2.6 – 2.7 on this point). In addition, security cameras will be in operation.

Maximum area of disturbance/water for dust mitigation

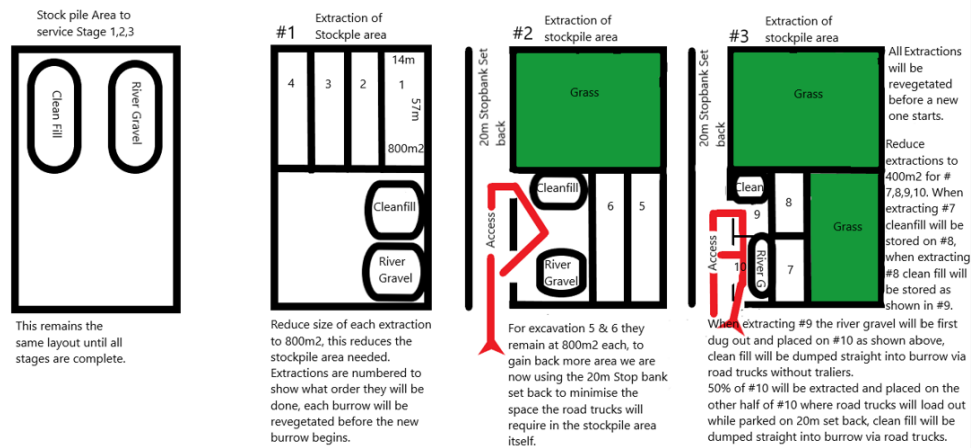
5. If the maximum area of disturbance is taken to mean the Stockpile and Service Area, haul roads and one pit, the maximum area of disturbance is approximately 8,426 m².
6. For the purpose of assessing the volume of water required for dust suppression (which was used by the Applicant in applying for the variation to Resource Consent RM171337 to enable water to be used for dust suppression), Mr Bluett assumed 1,600 m² for a pit, 800 m² for the haul roads, and 5,250 m² for the Stockpile and Service Area which equates

to a total area of 7,650 m² - a slightly smaller area than the Applicant’s estimated maximum area of disturbance.

7. Using a water application rate of 1 mm/hr, which he advises is conservative, means that to water that entire area would require 7.7 m³ an hour. Over a 10-hour day the water demand would be 77 m³/day.
8. Under Resource Consent RM171337v1, available water for dust suppression is 0.89 l/s which may be taken 24 hours/day. This equates to 77 m³/day. Water available for irrigation is significantly higher at 8.33 l/s and 2625 m³/week.
9. Mr Bluett advises that 1 mm/hr is a conservative application rate, and not all of the area of disturbance will need to be watered at the same time.

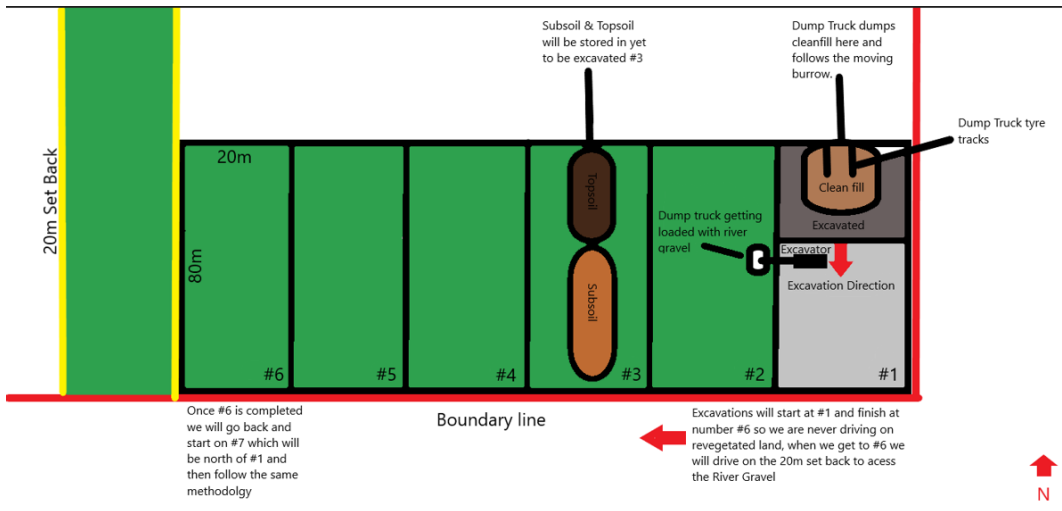
Quarrying beneath Stockpile and Staging Area

10. The proposed conditions do not enable the Applicant to stockpile gravel or clean fill other than in the Stockpile and Service Area. Mr Corrie-Johnston has prepared the schematic below to show how quarrying beneath the Stockpile and Service Area and clean fill placement/reinstatement could occur.

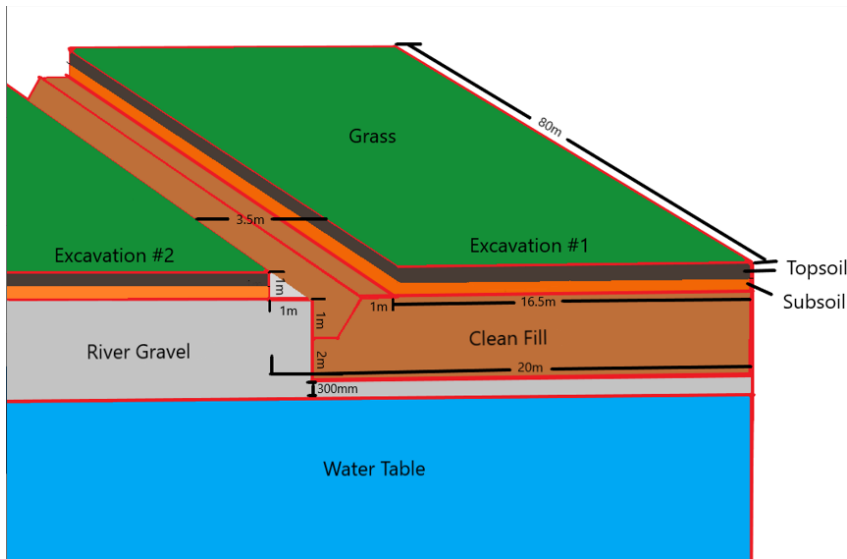


Excavation diagram

11. Mr Corrie-Johnston has prepared the schematic below to show how quarrying will proceed across a Stage:



12. Mr Corrie Johnston has also prepared a schematic showing how extraction and clean filling/reinstatement will move from one pit to the next:



Mr Freeman’s Qualifications and Experience

- 13. As part of the preparation of the Clean fill Procurement Standard Operating Procedure (SOP), Mr Rowan Freeman provided contaminated land technical support to Mr Nicol. The Commissioner has requested clarification of Mr Freeman’s qualifications and experience.
- 14. Mr Freeman is currently employed by Pattle Delamore Partners Limited in the role of Service Leader – Contaminated Land and is based in Christchurch.
- 15. Mr Freeman holds a Bachelor of Science in Geology from Tennessee Tech University and a Master of Science in Environmental Science from the University of Canterbury. He is a Certified Environmental Practitioner for Site Contamination under the

Environment Institute of Australia and New Zealand and a member of the Australasian Land and Groundwater Association (ALGA). He currently sits on a Contaminated Land Management Sector Group directed by the Waste Management Institute of New Zealand (WasteMINZ).

16. Mr Freeman has worked in the field of contaminated land for 19 years and possesses in depth and practical working knowledge and understanding of a broad range of contaminated land and associated environmental issues. He is experienced in terms of compliance with New Zealand's regulatory planning framework as it relates to contaminated land investigations, remediation, management and contaminated waste disposal. Mr Freeman has participated as an expert witness for contaminated land issues for quarry sites and municipal stormwater discharges, and as an expert peer reviewer for local authority plan change submissions.
17. Mr Freeman's professional experience includes:
 - a. 2004 – 2009: Over five years working in the northeast United States as a field and project geologist undertaking environmental investigations and contaminated site remediations for clients in relation to the following site types: industrial manufacturing, oil refinery, power generation and former gas works, superfund and brownfields, pharmaceuticals, federal and municipal agencies, and private land developers.
 - b. 2009 – 2019: Over 10 years working for the Canterbury Regional Council Contaminated Sites Team. Mr Freeman's experience at Canterbury Regional Council included undertaking regional contaminated site investigations, review of independent contaminated land investigation reports, Hazardous Activities and Industries List (HAIL) site identification, contaminated land investigations and associated affidavit preparation in support of council RMA enforcement investigations (e.g., for illegal discharges of contaminants onto or into land), resource consent technical advisory for dewatering, stormwater and sediment discharges, passive discharges, earthworks, and waste disposal. In addition, Mr Freeman held the role of Principal Science Advisor for Contaminated Sites during his final three years with Canterbury Regional Council and served as an expert witness for contaminated land.
 - c. 2019 – Present: Nearly four years as a senior contaminated land consultant in New Zealand managing contaminated land investigations on sites of varying

complexity (primarily HAIL sites) for a variety of private, commercial/industrial, and local council clients.

Iron Sulphide (Pyrite - FeS₂)

18. Dr Nicol has prepared a Memorandum addressing this matter, which is attached.

“Fully decomposed organic material” / “biodegradable organic matter”

19. The commissioner raised a query regarding the difference between “biodegradable” and “fully decomposed” organic material and how the use of topsoil as part of rehabilitation purposes fits with the clean fill waste acceptance criteria for Peach Island.

20. Mr Nicol advises that:

- a. The WasteMINZ (2022) guidelines anticipate that there will be topsoil placed on top of the Class 5 clean fill as part of final cover requirement (Table 5-8), and in the 2nd to last paragraph of section 7.9 of the guidelines it is noted that “*Vegetation on the final cover should be established immediately following completion of the cover*”.
- b. Accordingly, the prohibition in the waste acceptance criteria on “*Materials containing more than 2% by volume per load of biodegradable organic matter, including peat, loams and topsoils with high organic content*” is only in relation to the acceptance of material for back filling excavations and does not apply to the final covering of the site which the guidelines state is to include vegetated topsoil.

21. The occurrence of vegetated topsoil as the final cover overlying clean fill material simply replicates the land surface that currently exists at the site.

22. Regarding the statement in the Soil Management Plan that “*The topsoil may include up to 10% (by volume) of fully decomposed organic material provided it is thoroughly mixed with the other soil material,*” having considered this statement further, Dr Hill advises that:

- a. It refers to the addition of organic material to improve the soil's physical, chemical, and biological properties (essentially, adding compost). An upper limit of 10% (by volume) has been set to ensure the retention of the soil mineral properties. As per his response to the Commissioner’s questions, the natural organic content of Riwaka soils is between 2 and 3 per cent.

- b. In that context, “fully decomposed organic material” means decomposed organic matter that forms from decayed plant and animal matter (for example, compost prepared by decomposing plant and food waste, recycling organic materials, and manure). If a definition is considered necessary, that wording is proposed by the Applicant.

Verification of iwi position on conditions

23. Mr Taylor has prepared a Memorandum addressing this. The Memorandum and relevant correspondence are **attached**.

Bond condition

24. ‘The initial bond condition proposed by Council in the s42A report was for a bond of \$40,000. The scope of potential works that this was intended to cover was given, and this has not changed – *The purpose of the performance bond required by condition 9 shall be to conduct remedial, repair, or rehabilitation works to the site, stopbank and/or access road, in the event that the consent holder fails to comply with conditions of this consent to the satisfaction of the Council’s Team Leader - Compliance & Investigation.*’
25. Further, the bond is not the only mechanism Council has at its disposal in relation to breaches of conditions. Indeed, the condition itself notes that, irrespective of the bond, the consent holder remains liable under the Act for any breach.
26. The Applicant was (and remains) of the view that this sum is sufficient to cover the potential scope of work that could be required in the unlikely event that the bond needed to be utilised. The Applicant did not produce evidence on the cost of the works covered by the bond because it accepted the bond figure sought by Council and neither the Council nor any submitter produced evidence that justified a different figure. Accordingly, the Applicant maintains that the bond condition as proposed in its right of reply conditions is appropriate and should be confirmed.
27. The Applicant has considered the alternative approach of a condition providing a process to determine the bond figure, but notes that Council and submitter views on this approach are not known, so if it were to put forward such a condition at this point, a further round of comments may be considered necessary. Accordingly, the Applicant continues to propose the bond condition in its right of reply.

Site Plan with Bores

28. The Site Plan showing bores that was provided with Mr Nicol's primary evidence is **attached**. The plan shows bore 21033.

Time period for decision

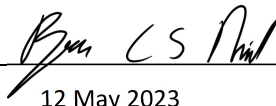
29. The Applicant requests that the hearing is closed today, or by Monday 15 May 2023 at the latest. On that basis, the Applicant agrees pursuant to s 37A(4) of the Act to an extension of 10 working days to the timeframe for a decision on the application.



Sally Gepp

Counsel for CJ Industries Ltd

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Fri 12 May 2023 @ 4.31 pm

INVESTIGATION	Commissioner questions of clarification: Iron Sulphide	PROJECT	Peach Island Quarry
CLIENT	CJ Industries Ltd	PROJECT NO	C04627800
CLIENT CONTACT	Richard Deck	PREPARED BY	Ryan Nicol
CLIENT WORK ORDER NO/ PURCHASE ORDER		SIGNATURE	
		DATE	12 May 2023

1.0 Introduction

During the readjourned hearing on 9 May 2023 regarding CJ Industries applications for quarrying and clean filling activities at Peach Island (resource consent applications RM200488, RM200489 and RM220578), the Commissioner raised a concern regarding the possibility of iron sulphide minerals being present within overburden material sourced from the applicants hard rock quarries in the Tasman area. The applicant proposes to use the overburden material from its hard rock quarries as clean fill material at Peach Island.

The presence of iron sulphide minerals (of which most common variety is pyrite) in sufficient quantities can cause acid mine drainage (AMD) which is the process where sulphide ore minerals are oxidised, acidifying surrounding water. The acidified water can cause heavy metals to be leached from surrounding rocks into surface water ways or shallow groundwater (Anthony, 1999)¹. Globally, AMD is generally associated with the mining of sulphide ores (Anthony, 1999) and associated minerals which are present in economic quantities although AMD in New Zealand is typically associated with coal mining on the West Coast of the South Island, particularly mining in the Brunner Coal measures which were enriched with pyrite minerals during deposition (Trumm, 2007)².

This memorandum assesses the potential of the occurrence of iron sulphide minerals at the applicants hard rock quarries and potential risk to groundwater at Peach Island from the use of overburden from the hard rock quarries as clean fill.

2.0 Iron sulphide risk

The applicant has proposed to use overburden material from three hard rock quarries it manages in the Tasman area. The rock type and underlying geology at each quarry (along with the address of each quarry) are provided below:

- Separation Point Suite (granitic rock)– Quarry located at 44 Takaka Hill Highway.
- Arthur Marble 2 (limestone)– Quarry located at 49 Moss Road, Sandy Bay.
- Onekaka Schist (quartz) – Quarry located at 142 Riwaka Valley, Left Branch Road.

The geologic description for each of these rock types is provided below:

- Separation Point Suite (granitic rock) – Equigranular hornblende-biotite granodiorite and diorite ((Hutton, 1995)³.

¹ Anthony, M. K. 1999. Ecology of streams contaminated by acid mine drainage near Reefton, New Zealand. University of Canterbury. A thesis submitted in partial fulfilment of the requirements for the degree of Master of Science in Zoology in the University of Canterbury.

² Trumm, D. 2007. Acid mine drainage in New Zealand. Reclamation Matters: Issue 1.

³ Hutton, P. R. 1995. A structural study of the Separation Point Batholith: Emplacement mechanisms and tectonic regime. University of Canterbury. A thesis submitted in partial fulfilment of the requirements for the degree of Master of Science in Geology in the University of Canterbury.

TECHNICAL MEMORANDUM

- b) Mount Arthur 2 (limestone) – Limestone and calcareous mudstone (Rattenbury, et. al, 1998)⁴.
- c) Onekaka Schist – Quartzofeldspathic, amphibolite and quartzite metasediments (Schist) (Moerhuis, 2015)⁵.

The available information indicates that none of the geologic descriptions for the rock types at the applicants three hard rock quarries have iron sulphide minerals as a dominant mineral.

The applicant is not aware of any of AMD issues occurring either naturally or as a result of mining processes at any of their hard rock quarries listed above. It is noted that each of the quarries listed above are used for the production of aggregate and lime for agricultural purposes, not the mining of ore. Further to this, Separation Point suite granitic rocks underlie the Motueka River Valley in the vicinity of Peach Island as well as the mountains to the west of Peach Island. Onekaka Schist and Mount Arthur 2 (limestone) also occur within the upper catchment of the Motueka River. Therefore, it is likely that the naturally occurring alluvium and colluvium at Peach Island that groundwater occurs in is derived (at least partially) from the Separation Point Suite rocks, Onekaka Schist and Mount Arthur 2 (limestone) which have not caused any documented AMD issues at Peach Island that I am aware of.

3.0 Conclusion

As no AMD issues have been documented in the Peach Island groundwater or at the applicants hard rock quarries, this is not expected to be an issue of concern

This memorandum has been prepared by Pattle Delamore Partners (PDP) on the specific instructions of CJ Industries Limited for the limited purposes described in the memorandum. PDP accepts no liability if the memorandum is used for a different purpose or if it is used or relied on by any other person. Any such use or reliance will be solely at their own risk.

This memorandum has been prepared by PDP on the basis of information provided by CJ Industries Limited. PDP has not independently verified the provided information and has relied upon it being accurate and sufficient for use by PDP in preparing the memorandum. PDP accepts no responsibility for errors or omissions in, or the currency or sufficiency of, the provided information.

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⁴ Rattenbury, M. S., Cooper, R. A., Johnston, M. R. (compilers). 1998. Geology of the Nelson Area. Institute of Geological and Nuclear Sciences 1:250 000 geological map 9. 1 sheet + 67 p. Lower Hutt, New Zealand: Institute of Geological and Nuclear Sciences Limited.

⁵ Moerhuis, N. 2015. Deposition, Metamorphism and Mineralisation of the Onekaka Schist in Northwest Nelson. University of Otago. Thesis, Master of Science.



Job Ref: RM200488, RM200489 and RM220578

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Surveying and Resource Management

Memo To: Hearings Commissioner

RE: Draft volunteered conditions relating to matters raised by Mana Whenua

Date: 12 May 2023

This memorandum relates to matters raised by the Commissioner in questioning during the reconvened hearing on 9 May 2023. These questions related to volunteered conditions relevant to matters raised in submissions from Te Ātiawa Manawhenua Ki Te Tau Ihu Trust and Te Rūnanga o Ngāti Rārua (Te Ātiawa and Ngāti Rārua).

Iwi agreement to conditions

I prepared a subset of draft volunteered consent conditions for consideration of Te Ātiawa and Ngāti Rārua and provided these to representatives of these iwi organisations on 16 December 2022. A response was received on 10 February 2023, which attached a tracked change version of these conditions. The email response and the tracked change document are included as Annexure A to this memo. The changes suggested by Te Ātiawa and Ngāti Rārua were largely adopted by the Applicant and are reflected in the current volunteered condition set.

The outstanding conditions in contention were the Iwi Monitoring and Landscape Mitigation Plan conditions. Subsequent correspondence on the landscape condition resulted in Te Ātiawa and Ngāti Rārua accepting that the mitigation planting could remain on the condition that it be removed at the cessation of the quarrying activity. Refer to correspondence on this matter at Annexure B.

Agreement was not reached on the final wording of the iwi monitor condition. Correspondence on this is included at Annexure C, along with a tracked changes version showing the preferred wording of Te Ātiawa and Ngāti Rārua.

Iwi monitoring condition

The Commissioner queried what 'tikanga' would be monitored on site during iwi monitoring. My response to this was that I anticipated that this would relate to any relevant tikanga detailed during the cultural induction undertaken in accordance with Condition 12 of the volunteered land use condition set.

The Commissioner also queried whether the monitoring requirements should relate to all topsoil and subsoil disturbance (including soil reinstatement and rehabilitation), or just initial stripping and stockpiling of these. My intent in drafting the condition was for this only the initial disturbance of the soil, not its reinstatement. The rationale for this being that it is assumed that any finds would be during this stage of the works, not at a later date during reinstatement.

To reflect this, I suggest that amendments could be made to Condition 13, should the Commissioner be minded to, as follows (additions underlined and deletions struck through):

"The Consent Holder shall engage a representative of Te Rūnanga o Ngāti Rārua and Te Ātiawa o Te Waka a Māui Trust (submitters and mana whenua iwi), to be present during ~~any~~ initial disturbance of topsoil and subsoil on site (ie removal of existing soil, not its reinstatement or rehabilitation). The purpose of the monitor is to identify any cultural material and or taonga (e.g., midden, hangi or ovens, garden soils, pit depressions, occupation evidence, burials, taonga, etc) uncovered during the

disturbance of cultural layers, and to monitor the observance of any tikanga requirements that are identified as part of a cultural induction undertaken in accordance with Condition 12. The Consent Holder shall notify the above iwi at least 10 working days prior to commencing initial land disturbance works and advise them of the planned commencement date and likely duration of the works. Where the above notification is given, and an Iwi Monitor is unable to be present for any reason, the Consent Holder may commence works regardless. For the avoidance of doubt, this condition requires only a single monitor to be engaged by the Consent Holder to be on site at any given time. The Consent Holder may consider engaging an iwi monitor representative of ngā iwi with Statutory Acknowledgements over Motueka River, Ngāti Toa Rangatira, Te Rūnanga o Ngāti Kuia and Ngāti Tama ki Te Waipounamu.”

Cultural Health Monitoring condition

The Commissioner queried who should undertake the CHI monitoring required by Conditions 16 and 138, as this is not explicit in the conditions. In drafting the condition, my expectation was this would be undertaken by a nominee of Te Ātiawa and/ or Ngāti Rārua, at the consent holder’s cost, and this expectation is shared by the Applicant. The reason for this being that they would be best placed to nominate a person with appropriate expertise to undertake this. Whilst I consider that this detail could be included in the framework required by Condition 16, if the Commissioner was minded to provide greater clarity on this in the consent conditions, then an amendment could be made to Condition 138 as follows (additions underlined):

“Cultural Health Indicator (CHI) monitoring shall be undertaken in accordance with the framework developed under Condition 16 of this consent. The Consent Holder shall invite Te Ātiawa and Ngāti Rārua to nominate a CHI monitor. The cost of the CHI monitoring shall be covered by the Consent Holder. Monitoring shall occur prior to works, mid-way through the project, on completion of works, and two years post-works to assess remediation and enhancement measures.”

Cultural Induction condition

The Commissioner queried who the ‘relevant representatives’ required to be on site for any cultural induction (as addressed in Condition 12) would be. Having reviewed this condition again, and the tracked changes to the condition made by Te Ātiawa and Ngāti Rārua, it is my view that two distinct groups have become conflated in this wording. I would suggest that it would be clearest to word this condition as follows, if the Commissioner were minded to do so (additions underlined and deletions struck through):

‘At least one month prior to commencement of the consent, the consent holder shall contact Te Rūnanga o Ngāti Rārua and Te Ātiawa o Te Waka-a-Māui Trust to advise them of the commencement date of the earthworks and to provide an opportunity for a cultural induction to be ~~undertaken~~ provided by relevant representatives of Te Rūnanga o Ngāti Rārua and Te Ātiawa o Te Waka-a-Māui Trust, to be attended by employees and contractors of the Consent Holder who will be working on the site.’

Sincerely,

PLANSAPES (NZ) LTD



Hayden Taylor
Resource Management Consultant |

Hayden Taylor
Te Kaitiaki Take Kōwhiri
Te Taiāo Aorere

From: Received by tdc-sharefile upload <Sylvie Filipo | Te Ātiawa Trust <sylvie@teatiawatrust.co.nz>
Sent: Fri 12 May 2023 @ 4.31 pm Friday, 10 February 2023 4:36 pm
To: Hayden Taylor
Cc: Rowena Cudby | Pou Taiao; Aneika Young | Poutohutohu Taiao Motueka; Daren Horne | Te Ātiawa Trust
Subject: FW: CJ Industries - draft conditions
Attachments: RM220578 - CJ Industries - Draft Conditions - Track changes .docx
Follow Up Flag: Follow up
Flag Status: Flagged

Kia ora Hayden

Thank you for sending us the draft conditions for comment. Representatives of Te Rūnanga o Ngāti Rārua and Te Ātiawa o Te Waka-a-Maui Trust have met and discussed the proposed consent conditions. I have attached the tracked changes version, which includes the changes we are seeking.

Please do not hesitate to get in touch if you have any questions. Please cc all – kia ora.

Ngā mihi
Sylvie

Sylvie Filipo
Pou Taiao | Environmental Manager

Te Ātiawa o Te Waka a Māui Trust



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From: Rowena Cudby | Pou Taiao <taiao@ngatirarua.iwi.nz>
Sent: Thursday, 9 February 2023 7:13 PM
To: Sylvie Filipo | Te Ātiawa Trust <sylvie@teatiawatrust.co.nz>
Cc: Aneika Young | Poutohutohu Taiao Motueka <aneika.young@ngatirarua.iwi.nz>
Subject: FW: CJ Industries - draft conditions

Kia ora Sylvie

I have attached a track changes version with my comments. Great work there e kara – thanks. Ngāti Rārua are ok with this being sent to the applicant now.

Nāku noa, nā
Rowena Cudby

Pou Taiao | Environmental Manager
Te Rūnanga o Ngāti Rārua

From: Hayden Taylor <Hayden@planscapes.co.nz>
Sent: Thursday, 9 February 2023 12:35 pm
To: Rowena Cudby | Pou Taiao <taiao@ngatirarua.iwi.nz>; Daren Horne | Te Ātiawa Trust <daren@teatiawatrust.co.nz>; Taiao | Te Ātiawa Trust <taiao@teatiawatrust.co.nz>; Aneika Young | Poutohutohu Taiao Motueka <aneika.young@ngatirarua.iwi.nz>
Cc: Richard CJ Industries <richard@cjindustries.co.nz>; sally@sallygepp.co.nz
Subject: RE: CJ Industries - draft conditions

Kia ora Rowena,

I just wanted to follow up with you to see if you had any feedback on draft conditions following your catch-up on the 20th of January?

Ngā mihi,

Hayden

Hayden Taylor

Resource Management Consultant
BSc (Hons)

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94 Selwyn Place : PO Box 99 : Nelson

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From: Rowena Cudby | Pou Taiao <taiao@ngatirarua.iwi.nz>
Sent: Monday, 9 January 2023 10:21 am
To: Hayden Taylor <Hayden@planscapes.co.nz>; Daren Horne | Te Ātiawa Trust <daren@teatiawatrust.co.nz>; Taiao | Te Ātiawa Trust <taiao@teatiawatrust.co.nz>; Aneika Young | Poutohutohu Taiao Motueka <aneika.young@ngatirarua.iwi.nz>
Cc: Richard CJ Industries <richard@cjindustries.co.nz>; sally@sallygepp.co.nz
Subject: RE: CJ Industries - draft conditions

Kia ora Hayden ōtira koutou katoa,

Ngā mihi o te tou hou Pākehā, Happy New Year to you all.

I have included Aneika in this email as requested. I think that Te Ātiawa staff may be on leave until next week, but we have a regular catch up on joint Te Ātiawa/Ngāti Rārua matters scheduled for 20th January. I have added this to our agenda and we'll get back to you as soon as possible after we have met.

Nāku noa, nā

Rowena Cudby

Pou Taiao | Environmental Manager
Te Rūnanga o Ngāti Rārua

From: Hayden Taylor <Hayden@planscapes.co.nz>
Sent: Monday, 9 January 2023 9:19 am
To: Daren Horne | Te Ātiawa Trust <daren@teatiawatrust.co.nz>; Rowena Cudby | Pou Taiao <taiao@ngatirarua.iwi.nz>; Taiao | Te Ātiawa Trust <taiao@teatiawatrust.co.nz>
Subject: RE: CJ Industries - draft conditions

Mōrena Daren, Sylvie and Rowena,

Happy new year to you all, I hope you have had a good break. It occurred to me over the break that I neglected to include Aneika in the email below. I don't have her email address, so was hoping one of you might be able to pass my email on to her, and also pass on my apologies for the original omission. I hope that we are able to catch up some time this month to discuss the conditions, if possible.

Ngā mihi,

Hayden

Hayden Taylor

Resource Management Consultant
BSc (Hons)

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From: Hayden Taylor
Sent: Friday, 16 December 2022 5:05 pm
To: Daren Horne Te Ātiawa Trust <daren@teatiawatrust.co.nz>; Taiao Ngāti Rārua <taiao@ngatirarua.iwi.nz>; Taiao Te Ātiawa Trust <taiao@teatiawatrust.co.nz>
Cc: Richard CJ Industries <richard@cjindustries.co.nz>; sally@sallygepp.co.nz
Subject: CJ Industries - draft conditions

Kia ora Daren, Rowena and Sylvie,

I hope you are all well and coping with the inevitably busy run up to the end of the year. It was nice to see you all at the hearing. CJ's and the team have been giving some further thought to the matters raised in your joint evidence regarding consent conditions that you would consider appropriate, should the Commissioner be minded to grant consent.

Please find attached a document that outlines some potential amended and new conditions to address the matters you have raised, and some commentary around these. We hope that you will be open to giving these some thought in the new year, and providing us with some feedback. We would welcome the opportunity to have a hui to discuss if you think this could be accommodated. We will provide a full set of revised conditions to all parties by 3 March, but are keen to align our thoughts on these particular conditions as much as possible prior to that.

I will be in the office next week if you have any immediate thoughts or questions, but I expect you will be busy so don't expect you to find time for this prior to Christmas.

I hope you all have a restful break with your families, and I look forward to catching up in the new year.

Ngā mihi,

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



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CJ Industries Ltd

14 December 2022

Amended and additional volunteered conditions following consideration of evidence of Te Ātiawa Manawhenua Ki Te Tau Ihu Trust and Te Rūnanga o Ngāti Rārua.

Cultural Induction

A new condition is volunteered requiring a cultural induction to be undertaken by relevant ~~staff representatives of Te Rūnanga o Ngāti Rārua and Te Ātiawa o Te Waka-a-Māui Trust members who will be working on the site~~. The Applicant welcomes input from Te Ātiawa and Ngāti Rārua in relation to appropriate wording for this condition. The below is volunteered as a starting point for this.

At least one month prior to commencement of the consent, the consent holder shall contact Te Rūnanga o Ngāti Rārua and Te Ātiawa o Te Waka-a-Māui Trust to advise them of the commencement date of the earthworks and to provide an opportunity for a cultural induction to be undertaken by relevant ~~staff members~~representatives who will be working on the site.

Review

Condition 4 is amended to adopt the 6-month time frame suggested in the submitter evidence, however it is considered appropriate to apply this timeframe to the date the consent commences, rather than the date consent is granted (given that the consent may not be fully exercised within 6 months of granting):

For the purposes of, and pursuant to section 128 of the Resource Management Act 1991 ('the Act'), the Council reserves the right to review this consent annually commencing 6 months from the commencement of the consented activities, for the purposes of: ...

Iwi monitoring

~~Condition 10 amended to encourage a longer notice period for iwi monitoring prior to commencement of works. The applicant is keen to be as accommodating as possible on this matter, but is also conscious that with constraints around weather and groundwater conditions affecting when works can take place, a 10 day notice period could be very difficult to achieve. It is anticipated and hoped that over time the relationship between the consent holder and iwi over this matter will develop, making management of this easier.~~

At least five working days prior to earthworks commencing, the consent holder shall contact Ngāti Toa Rangatira, Ngāti Rārua, Te Ātiawa o Te Waka-a-Māui, Ngāti Kuia and Ngāti Tama ki Te Tau Ihu and advise them of the commencement date of the earthworks to provide an opportunity for an iwi monitor to be present when earthworks are started in each area. The Consent Holder shall endeavour to give 10 days' notice prior to works, if possible.

The Consent Holder shall engage the services of a representative of Te Rūnanga o Ngāti Rārua and Te Ātiawa o Te Waka a Māui Trust to be present during any earthworks. The Consent Holder shall contact Te Rūnanga o Ngāti Rārua and Te Ātiawa o Te Waka a Māui Trust at least 10 working days prior to commencing any earthworks and advise them of the planned commencement date of the earthworks. The Consent Holder will also contact Ngāti Toa Rangatira, Te Rūnanga o Ngāti Kuia and Ngāti Tama ki Te Waipounamu Trust to invite them to nominate an iwi monitor. In the event of any archaeological artefacts (e.g., midden, hangi or ovens, garden soils, pit depressions, occupation evidence, burials, taonga, etc) being uncovered, the consent holder shall:

- (a) cease the works immediately, as required by the Heritage New Zealand Pouhere Taonga Act 2014.
- (b) consult with the Heritage New Zealand's Central Regional Office (email

Commented [RC|PT1]: We are comfortable with amending this condition to the date the consent commences, as proposed.

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infocentral@heritage.org.nz, PO Box 2629, Wellington 6140, phone (04) 494 8320, and (c) shall not recommence works in the area of the discovery until the relevant Heritage New Zealand approvals to damage, destroy or modify such sites have been obtained.

Advice Note:

At the time this consent was granted the contact details for Te Rūnanga o Ngāti Rārua: 56 Vickerman Street, Port Nelson, Nelson 7010, Phone (03) 553-1198, Email taiao@ngatirarua.iwi.nz

And, for Te Ātiawa o Te Waka a Māui Trust:

Beach Road, Waikawa Marina, Waikawa, Picton 7220, Phone (03) 573 5170, Email taiao@teatiawatrust.co.nz

Cultural Audit

Condition 11 (previously volunteering involvement of Matakite) amended to read:

The Consent Holder shall ~~extent seek interest from an invitation to~~ Te Ātiawa o Te Waka a Māui and Te Rūnanga o Ngāti Rārua for a cultural audit of the site to be undertaken prior to the commencement of the consented activities. If advised by Te Runanga o Ngāti Rārua and/or Te Ātiawa o Te Waka a Maui Trust that mana whenua iwi desire a cultural audit, this will be funded by the Consent Holder.

Landscape Mitigation Plan

Condition 21 is amended to reflect submitter comments regarding use of eco-sourced native plants to the extent possible. Note that the draft planting plans already maximise the use of these.

The Landscape Mitigation Plan, Stage 1 River Terrace Restoration Plan, and Maintenance and Establishment Plan required by condition 13(f) shall be prepared in general accordance with the plans prepared by Canopy, dated November 2022. These plans shall be prepared to ensure that

Commented [RC|PT2]: We seek this change to make it clear that a cultural audit can/will take place if mana whenua iwi require it.

the proposed landscape mitigation and restoration plantings successfully establish and shall include, as a minimum:

- Species and grade of plantings. ~~Species-The Consent Holder will shall maximise the use of eco-sourced native species only. Exotic species may be used where they provide a specific visual screening function that cannot be achieved through the use of native species.~~
- ...

Site Management

Condition 66 (proposed by Council) ~~is amended to provide restrictions on where polymer or chemical stabilisation measures may be used dust control:~~

~~Only water will be used for dust suppression. The Consent Holder may will not use polymer or chemical stabilization methods, including to limit the dust generation. Waste Oil or Reprocessed Oil shall not be used to control dust. Polymer or chemical stabilization shall not be used within 50m of any surface water bodies and shall only be used in the event that use of water for dust suppression is not effective or practicable.~~

Note, the consent holder does not envisage that polymer or chemical stabilization will be necessary on site.

Accidental Discovery Protocols

Proposed Condition 108 is amended to add specific contact details, as follows:

In the event of any Māori ~~waāhi tapu/Māori cultural/archaeological~~ sites of significance (e.g. ~~shell~~ midden, hangi or ovens, garden soils, pit depressions, occupation evidence, burials, taonga) or kōiwi (human remains) being uncovered, activities in the vicinity of the discovery shall cease. The consent holder shall notify a representative of Te Rūnanga o Ngāti Rārua and Te Ātiawa o Te Waka a Māui Trust and Heritage New Zealand Pouhere Taonga Central Regional Office (phone 04 494 8320), and shall not recommence works in the area of the discovery until the relevant approvals to damage, destroy or modify such sites have been obtained.

Advice Note:

At the time this consent was granted the contact details for Te Rūnanga o Ngāti Rārua: 56 Vickerman Street, Port Nelson, Nelson 7010. Phone (03) 553-1198, Email taiao@ngatirarua.iwi.nz

And, for Te Ātiawa o Te Waka a Māui Trust:

Beach Road, Waikawa Marina, Waikawa, Picton 7220. Phone (03) 573 5170. Email taiao@teatiawatrust.co.nz

Advice Note:

In the event that kōiwi (human remains) are uncovered, the New Zealand Police will need to be contacted to assess the site.

Cultural Health Indicator (CHI) monitoring

New Condition 117 is proposed:

A programme of Cultural Health Indicator (CHI) monitoring shall be undertaken with the cost covered by the Consent Holder. The consent holder shall assist Te Ātiawa Manawhenua Ki Te Tau Ihu o te Waka a Māui Trust, Te Rūnanga o Ngāti Rārua or their nominated agent-representatives to develop a framework for this monitoring and any necessary responses to this monitoring. Monitoring shall occur prior to works, mid-way through the project, on completion

Commented [SF|TAT3]: We do not accept this wording. What exotic species can provide screening that cannot be provided by natives? Condition must state that only natives will be used.

Commented [SF|TAT4]: If this is the case, the use of polymers or chemicals should not be included in the condition

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of works, and two years post-works to assess remediation and enhancement measures. The framework for monitoring must be completed prior to any earthworks commencing.

Input from Te Ātiawa and Ngāti Rārua on the wording of this condition is welcomed. As an alternative to the above wording that requires the development of a framework, relevant details including the specific nature of the monitoring that would be undertaken, and by whom could be included.

Reporting and Monitoring

If consent is granted, Te Ātiawa and Ngāti Rārua have requested that they be immediately notified in the event of any significant issues relating to compliance with consent conditions. The Applicant is comfortable with this in principle; however, this requirement seems to me to be most appropriately and practically addressed by Council as part of their compliance function, particularly as the proposed trigger is somewhat subjective. If Council do not feel that they can reliably implement this from an operational perspective the Applicant would accept a condition that requires the consent holder to notify Te Ātiawa and Ngāti Rārua in the event that they are served notice of a breach of their consent conditions by Council.

Commented [SF|TÁT5]: We accept that this needs to be addressed directly between mana whenua iwi and the council

Hayden Taylor
District Council | Te Tai o Aorere

From: Received by tdc-sharefile upload <Sylvie Filipo | Te Ātiawa Trust <sylvie@teatiawatrust.co.nz>
Sent: Fri 12 May 2023 @ 4.31 pm Friday, 17 March 2023 4:57 pm
To: Hayden Taylor
Subject: RE: CJ Industries - draft conditions

Kia ora Hayden,

Thanks for the update. I've been in touch with Ro and, given the situation with the planting plan, we reluctantly accept the proposal to plant exotics but we do support the removal of these after the quarrying activity is complete as long as these areas are then planted in natives.

Regarding the offer to meet about the condition, the only time I have to catch up with you early next week is 9am on Monday. Does that work for you? If so, flick me an appointment and link and I'll be there.

Enjoy your weekend.

Ngā mihi
Sylvie

Sylvie Filipo
Pou Taiao | Environmental Manager

Te Ātiawa o Te Waka a Māui Trust



Beach Road, Picton 7220
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From: Hayden Taylor <Hayden@planscapes.co.nz>
Sent: Friday, 17 March 2023 10:54 AM
To: Sylvie Filipo | Te Ātiawa Trust <sylvie@teatiawatrust.co.nz>
Cc: Rowena Cudby | Pou Taiao <taiao@ngatirarua.iwi.nz>; Aneika Young | Poutohutohu Taiao Motueka <aneika.young@ngatirarua.iwi.nz>; Daren Horne | Te Ātiawa Trust <daren@teatiawatrust.co.nz>
Subject: RE: CJ Industries - draft conditions

Kia ora Sylvie,

I have checked in with Liz on the possibility of using only native species for mitigation planting. Her response is:

'I would love to use natives, unfortunately the growth rates within the short timeframe that we are looking at – within 5-10 years will not provide the same level of screening that the rapid growing height of the poplars and the (slower but still taller) gum species. I have included a excel spreadsheet based on southernwood growth rates (a south island nursery) for all plants. I have included some other native species to provide a comparison of the height anticipated within 5 years (which is the information available on their website). Those closest to achieving the heights of the gum and poplar are Ngaio (which don't like wet conditions), Plagianthus, Ake Ake and Ti kouka. Ake

ake aren't on the Riwaka plains and Valleys ecosystem list (but are in the local environment). Manatu (lowland ribbonwood) most closely resembles poplar – in terms of single trunk and are suited to the river flats environment, but have a slower growth rate. These species would need to be shown to the river engineers if they were to be used in place to ensure they enabled the same level of flow during floods, and would result in an increased level of (visibility) effects – however would marginally increase the natural character value. I have also included the Motueka-Riwaka Plains planting list so that Sylvie can see the conditions the plants like that are endemic to the area, (and when they can be introduced to site).'

We are simply not able, at this point in the process and with the evidence that has been given on visual and landscape effects, to make changes to the proposed landscape mitigation planting that would increase the landscape and visual effects on the surrounding environment. I'm sorry that we can't be more accommodating on that matter. The vast majority of the mitigation planting will be native, including all of the planting within the marginal strip, and obviously all of the restoration planting is also native. The Applicant is still happy to volunteer the removal of the exotics after the quarrying activity is complete.

I have been giving some more thought to the iwi monitor condition. I don't want to draft a condition that leaves too much to be agreed between the parties at a later date, as that adds quite a bit of uncertainty for all parties, and risk of not agreeing. Perhaps we could have a chat to discuss how we might deal with this, if you have a few spare minutes today or Monday?

Ngā mihi,

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



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From: Sylvie Filipo | Te Ātiawa Trust <sylvie@teatiawatrust.co.nz>

Sent: Tuesday, 14 March 2023 12:35 pm

To: Hayden Taylor <Hayden@planscapes.co.nz>

Cc: Rowena Cudby | Pou Taiao <taiao@ngatirarua.iwi.nz>; Aneika Young | Poutohutuhu Taiao Motueka <aneika.young@ngatirarua.iwi.nz>; Daren Horne | Te Ātiawa Trust <daren@teatiawatrust.co.nz>

Subject: RE: CJ Industries - draft conditions

Kia ora anō,

Thanks Hayden, appreciate your understanding.

Ro and I have corresponded, and we agree with the suggestion to word the iwi monitor condition in a similar line with the CHI monitoring condition. However, we would like these to be separate conditions.

Could I please leave it with you to draft something up for our consideration?

Ngā mihi
Sylvie

Sylvie Filipo

Pou Taiao | Environmental Manager

Te Ātiawa o Te Waka a Māui Trust



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From: Hayden Taylor <Hayden@planscapes.co.nz>
Sent: Monday, 13 March 2023 5:09 PM
To: Sylvie Filipo | Te Ātiawa Trust <sylvie@teatiawatrust.co.nz>
Cc: Rowena Cudby | Pou Taiao <taiao@ngatirarua.iwi.nz>; Aneika Young | Poutohutohu Taiao Motueka <aneika.young@ngatirarua.iwi.nz>; Daren Horne | Te Ātiawa Trust <daren@teatiawatrust.co.nz>
Subject: RE: CJ Industries - draft conditions

Kia ora Sylvie,

Thanks for the feedback. No need to apologise, I realise you are doing your best. I have asked Liz to consider the mitigation planting species again and will come back to you with her feedback on this.

Regarding the monitoring, thanks for the explanation of how you see this working – that is really useful. Conceptually, this sounds quite similar to what we currently have proposed for the CHI monitoring condition:

1. *A programme of Cultural Health Indicator (CHI) monitoring shall be undertaken with the cost covered by the Consent Holder. The consent holder shall assist Te Ātiawa o te Waka a Māui Trust, Te Rūnanga o Ngāti Rārua or their nominated representatives to develop a framework for this monitoring and any necessary responses to this monitoring. Monitoring shall occur prior to works, mid-way through the project, on completion of works, and two years post-works to assess remediation and enhancement measures. The framework for monitoring must be completed prior to any earthworks commencing.*

What do you think about either wording the iwi monitoring condition to provide for development of a mutually agreed framework for the monitoring, prior to commencement of works? Alternatively, working the two together into a single condition that will address both. CJ's concern is that, as currently worded, there would need to be a monitor on site at all times, which would be quite onerous.

Feel free to call if you would like to discuss.

Ngā mihi,

Hayden

Hayden Taylor

Resource Management Consultant

BSc (Hons)

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94 Selwyn Place : PO Box 99 : Nelson

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From: Sylvie Filipo | Te Ātiawa Trust <sylvie@teatiawatrust.co.nz>

Sent: Monday, 13 March 2023 3:03 pm

To: Hayden Taylor <Hayden@planscapes.co.nz>

Cc: Rowena Cudby | Pou Taiao <taiao@ngatirarua.iwi.nz>; Aneika Young | Poutohutohu Taiao Motueka <aneika.young@ngatirarua.iwi.nz>; Daren Horne | Te Ātiawa Trust <daren@teatiawatrust.co.nz>

Subject: RE: CJ Industries - draft conditions

Kia ora anō Hayden

I hope this message finds you well. I wanted to apologise for the delay in responding to your email.

Regarding the iwi monitoring condition, we are committed to ensuring that the iwi monitor is on site during key times in the project. Generally, our iwi monitors will make an assessment of the site and the work program and determine when they will need to be present. This is not only during times when there might be discoveries, it might also include monitoring of effects of earthworks on water quality, quality of fill being used, ensuring tikanga is adhered to, etc. We are seeking to develop a flexible agreement between the iwi monitors and CJs, which can be adapted as needed during the life of the consent. Our goal is to have these points captured in a condition of consent. We are keen to get your thoughts on this.

Furthermore, we would like to see the use of native plant options to visually screen the area. Instead of poplars and eucalyptus, has Liz considered using pittosporum, poroporo, coprosma, myrsine, or melicytus? Maybe Liz has some other suggestions? We hope to find a suitable alternative that aligns with our commitment to enhancing the health of the taiao.

Please do not hesitate to reach out if you have any further questions or concerns.

Ngā mihi
Sylvie

Sylvie Filipo

Pou Taiao | Environmental Manager

Te Ātiawa o Te Waka a Māui Trust



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From: Hayden Taylor <Hayden@planscapes.co.nz>
Sent: Monday, 6 March 2023 5:04 PM
To: Sylvie Filipo | Te Ātiawa Trust <sylvie@teatiawatrust.co.nz>
Cc: Rowena Cudby | Pou Taiao <taiao@ngatirarua.iwi.nz>; Aneika Young | Poutohutohu Taiao Motueka <aneika.young@ngatirarua.iwi.nz>; Daren Horne | Te Ātiawa Trust <daren@teatiawatrust.co.nz>
Subject: RE: CJ Industries - draft conditions

Kia ora Sylvie,

I hope you're well. I was wondering if you had had the opportunity to consider these few outstanding matters yet? Please feel free to call if you would like to discuss anything.

Ngā mihi,

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



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From: Hayden Taylor
Sent: Friday, 17 February 2023 3:02 pm
To: Sylvie Filipo | Te Ātiawa Trust <sylvie@teatiawatrust.co.nz>
Cc: Rowena Cudby | Pou Taiao <taiao@ngatirarua.iwi.nz>; Aneika Young | Poutohutohu Taiao Motueka <aneika.young@ngatirarua.iwi.nz>; Daren Horne | Te Ātiawa Trust <daren@teatiawatrust.co.nz>
Subject: RE: CJ Industries - draft conditions

Kia ora Sylvie,

Thank you for the time you and the others have put into reviewing these conditions, and the constructive feedback provided. I have liaised with the Applicant on these, and with specialists where relevant, and we think that the majority of your suggestions can be accommodated. There are just two matters that I would appreciate you considering further:

1. Iwi Monitoring condition. The proposed wording requires a monitor to be present on site during all earthworks. As this would require essentially full-time presence on the site, this could potentially be an onerous requirement both in terms of cost for the consent holder and resourcing for Iwi. It is my assumption that the critical stages of works in terms of potential for discovering items of cultural

significance would be during the removal and stockpiling of topsoil and subsoil from an excavation area. Please correct me if this is not the case. If this is correct, could the wording be amended to require monitoring to be only during these times? Alternatively, if you have any other suggestions for managing this, please let me know.

2. Landscape mitigation plan. I have discussed your suggestion that only native species be used with Liz Gavin and the Applicant. The use of exotic species is limited to polar and eucalypts in specific locations, and the purpose of these is to provide fast-growing visual mitigation to screen the works areas. It does not appear that there would be alternative native species that could achieve this, in the timeframe required. As an alternative, would you be accepting of a condition that required these exotics to be removed at the cessation of the activity, leaving only the native plantings in place?

Please feel free to give me a call if you would like to discuss further.

Ngā mihi,

Hayden

Hayden Taylor

Resource Management Consultant
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From: Sylvie Filipo | Te Ātiawa Trust <sylvie@teatiawatrust.co.nz>

Sent: Friday, 10 February 2023 4:36 pm

To: Hayden Taylor <Hayden@planscapes.co.nz>

Cc: Rowena Cudby | Pou Taiao <taiao@ngatirarua.iwi.nz>; Aneika Young | Poutohutohu Taiao Motueka <aneika.young@ngatirarua.iwi.nz>; Daren Horne | Te Ātiawa Trust <daren@teatiawatrust.co.nz>

Subject: FW: CJ Industries - draft conditions

Kia ora Hayden

Thank you for sending us the draft conditions for comment. Representatives of Te Rūnanga o Ngāti Rārua and Te Ātiawa o Te Waka-a-Maui Trust have met and discussed the proposed consent conditions. I have attached the tracked changes version, which includes the changes we are seeking.

Please do not hesitate to get in touch if you have any questions. Please cc all – kia ora.

Ngā mihi

Sylvie

Sylvie Filipo

Pou Taiao | Environmental Manager

Te Ātiawa o Te Waka a Māui Trust



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From: Rowena Cudby | Pou Taiao <taiao@ngatirua.iwi.nz>
Sent: Thursday, 9 February 2023 7:13 PM
To: Sylvie Filipo | Te Ātiawa Trust <sylvie@teatiawatrust.co.nz>
Cc: Aneika Young | Poutohutohu Taiao Motueka <aneika.young@ngatirua.iwi.nz>
Subject: FW: CJ Industries - draft conditions

Kia ora Sylvie

I have attached a track changes version with my comments. Great work there e kara – thanks. Ngāti Rārua are ok with this being sent to the applicant now.

Nāku noa, nā

Rowena Cudby

Pou Taiao | Environmental Manager
Te Rūnanga o Ngāti Rārua

From: Hayden Taylor <Hayden@planscapes.co.nz>
Sent: Thursday, 9 February 2023 12:35 pm
To: Rowena Cudby | Pou Taiao <taiao@ngatirua.iwi.nz>; Daren Horne | Te Ātiawa Trust <daren@teatiawatrust.co.nz>; Taiao | Te Ātiawa Trust <taiao@teatiawatrust.co.nz>; Aneika Young | Poutohutohu Taiao Motueka <aneika.young@ngatirua.iwi.nz>
Cc: Richard CJ Industries <richard@cjindustries.co.nz>; sally@sallygepp.co.nz
Subject: RE: CJ Industries - draft conditions

Kia ora Rowena,

I just wanted to follow up with you to see if you had any feedback on draft conditions following your catch-up on the 20th of January?

Ngā mihi,

Hayden

Hayden Taylor

Resource Management Consultant
BSc (Hons)

Planscapes (NZ) Ltd

94 Selwyn Place : PO Box 99 : Nelson

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From: Rowena Cudby | Pou Taiao <taiao@ngatirarua.iwi.nz>

Sent: Monday, 9 January 2023 10:21 am

To: Hayden Taylor <Hayden@planscapes.co.nz>; Daren Horne | Te Ātiawa Trust <daren@teatiawatrust.co.nz>; Taiao | Te Ātiawa Trust <taiao@teatiawatrust.co.nz>; Aneika Young | Poutohutohu Taiao Motueka <aneika.young@ngatirarua.iwi.nz>

Cc: Richard CJ Industries <richard@cjindustries.co.nz>; sally@sallygepp.co.nz

Subject: RE: CJ Industries - draft conditions

Kia ora Hayden ōtira koutou katoa,

Ngā mihi o te tou hou Pākehā, Happy New Year to you all.

I have included Aneika in this email as requested. I think that Te Ātiawa staff may be on leave until next week, but we have a regular catch up on joint Te Ātiawa/Ngāti Rārua matters scheduled for 20th January. I have added this to our agenda and we'll get back to you as soon as possible after we have met.

Nāku noa, nā

Rowena Cudby

Pou Taiao | Environmental Manager

Te Rūnanga o Ngāti Rārua

From: Hayden Taylor <Hayden@planscapes.co.nz>

Sent: Monday, 9 January 2023 9:19 am

To: Daren Horne | Te Ātiawa Trust <daren@teatiawatrust.co.nz>; Rowena Cudby | Pou Taiao <taiao@ngatirarua.iwi.nz>; Taiao | Te Ātiawa Trust <taiao@teatiawatrust.co.nz>

Subject: RE: CJ Industries - draft conditions

Mōrena Daren, Sylvie and Rowena,

Happy new year to you all, I hope you have had a good break. It occurred to me over the break that I neglected to include Aneika in the email below. I don't have her email address, so was hoping one of you might be able to pass my email on to her, and also pass on my apologies for the original omission. I hope that we are able to catch up some time this month to discuss the conditions, if possible.

Ngā mihi,

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



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From: Hayden Taylor

Sent: Friday, 16 December 2022 5:05 pm

To: Daren Horne Te Ātiawa Trust <daren@teatiawatrust.co.nz>; Taiao Ngāti Rārua <taiao@ngatirarua.iwi.nz>; Taiao Te Ātiawa Trust <taiao@teatiawatrust.co.nz>

Cc: Richard CJ Industries <richard@cjindustries.co.nz>; sally@sallygepp.co.nz

Subject: CJ Industries - draft conditions

Kia ora Daren, Rowena and Sylvie,

I hope you are all well and coping with the inevitably busy run up to the end of the year. It was nice to see you all at the hearing. CJ's and the team have been giving some further thought to the matters raised in your joint evidence regarding consent conditions that you would consider appropriate, should the Commissioner be minded to grant consent.

Please find attached a document that outlines some potential amended and new conditions to address the matters you have raised, and some commentary around these. We hope that you will be open to giving these some thought in the new year, and providing us with some feedback. We would welcome the opportunity to have a hui to discuss if you think this could be accommodated. We will provide a full set of revised conditions to all parties by 3 March, but are keen to align our thoughts on these particular conditions as much as possible prior to that.

I will be in the office next week if you have any immediate thoughts or questions, but I expect you will be busy so don't expect you to find time for this prior to Christmas.

I hope you all have a restful break with your families, and I look forward to catching up in the new year.

Ngā mihi,

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



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Hayden Taylor
Te Kaitiaki Take Kōwhiri
Te Taiāpō
district council | te taiāpō

From: Received by tdc-sharefile upload
Sent: Fri 12 May 2023 @ 4.31 pm
To: Hayden Taylor
Cc: Sylvie Filipo | Te Ātiawa Trust
Rowena Cudby | Pou Taiao; Aneika Young | Poutohutohu Taiao Motueka; Daren Horne | Te Ātiawa Trust
Subject: RE: RM220578 - CJ Industries - Draft Iwi Monitoring Condition

Kia ora Sylvie,

I don't think we are too far away from agreeing, but I think we have already traversed the matters that are still outstanding. It is probably useful for me to detail these, as I see them, so that we can focus on these in any response and in the hearing:

1. Reference to 'cultural layers' – the Applicant's concern is that this could extend to all of earthworks, which would be prohibitively expensive to monitor. I note that the recent Fulton Hogan consent for Douglas Rd only required monitoring of topsoil disturbance.
2. No procedure to deal with a situation where a monitor may not be available. Resourcing for this is outside consent holder control and could frustrate implementation of the consent.

If you have any further thoughts on how to manage these matters, please feel free to contact me, and I'll do the same.

Ngā mihi,

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



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From: Sylvie Filipo | Te Ātiawa Trust <sylvie@teatiawatrust.co.nz>
Sent: Wednesday, 5 April 2023 10:44 am
To: Hayden Taylor <Hayden@planscapes.co.nz>
Cc: Rowena Cudby | Pou Taiao <taiao@ngatirarua.iwi.nz>; Aneika Young | Poutohutohu Taiao Motueka <aneika.young@ngatirarua.iwi.nz>; Daren Horne | Te Ātiawa Trust <daren@teatiawatrust.co.nz>
Subject: RE: RM220578 - CJ Industries - Draft Iwi Monitoring Condition

Kia ora Hayden,

Thanks for your efforts. It's a shame that the applicant is not in the position to accept the suggested wording, it's similar to other conditions that have been imposed on consent holders in the past by TDC.

Te Ātiawa will respond through the Minute 8 hearing process.

Ngā mihi
Sylvie

Sylvie Filipo
Pou Taiao | Environmental Manager

Te Ātiawa o Te Waka a Māui Trust



Beach Road, Picton 7220
PO Box 340, Picton 7250

03 573 5170
0800 284 292
0273 828 017

www.teatiawatrust.co.nz

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From: Hayden Taylor <Hayden@planscapes.co.nz>
Sent: Tuesday, 4 April 2023 5:58 PM
To: Sylvie Filipo | Te Ātiawa Trust <sylvie@teatiawatrust.co.nz>
Cc: Rowena Cudby | Pou Taiao <taiao@ngatirarua.iwi.nz>; Aneika Young | Poutohutuhu Taiao Motueka <aneika.young@ngatirarua.iwi.nz>; Daren Horne | Te Ātiawa Trust <daren@teatiawatrust.co.nz>
Subject: RE: RM220578 - CJ Industries - Draft Iwi Monitoring Condition

Kia ora Sylvie,

Thanks for coming back to me on this. I have liaised with the Applicant, and I don't think we are going to be able to reach agreement on the wording of this condition at this point, unfortunately. I believe that submitters currently have an opportunity to provide feedback on the draft conditions, so you may wish to address this condition if you do so. I will also address the difference in opinion on the condition in my reply evidence. The Commissioner may then wish to discuss the matter at the reconvened hearing. Thanks to you, Rowena, Aneika and Daren for your effort with the conditions.

Ngā mihi,

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



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From: Sylvie Filipo | Te Ātiawa Trust <sylvie@teatiawatrust.co.nz>
Sent: Monday, 3 April 2023 9:09 am
To: Hayden Taylor <Hayden@planscapes.co.nz>
Cc: Rowena Cudby | Pou Taiao <taiao@ngatirarua.iwi.nz>; Aneika Young | Poutohutohu Taiao Motueka <aneika.young@ngatirarua.iwi.nz>; Daren Horne | Te Ātiawa Trust <daren@teatiawatrust.co.nz>
Subject: FW: RM220578 - CJ Industries - Draft Iwi Monitoring Condition

Kia ora Hayden,

We have done some further work on the draft iwi monitoring condition. I have attached the related word doc, you can view our edits as tracked changes.

Ngā mihi

Sylvie

Sylvie Filipo

Pou Taiao | Environmental Manager

Te Ātiawa o Te Waka a Māui Trust



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The Consent Holder shall engage a representative of submitters and mana whenua iwi, Te Rūnanga o Ngāti Rārua and Te Ātiawa o Te Waka a Māui Trust, ~~Ngāti Toa Rangatira, Te Rūnanga o Ngāti Kuia and Ngāti Tama ki Te Waipounamu Trust~~ to be present during any stripping of topsoil and subsoil on site disturbance of the cultural layers. The purpose of the monitor is to identify any archaeological-cultural material artefacts and or taonga (e.g., midden, hangi or ovens, garden soils, pit depressions, occupation evidence, burials, taonga, etc) uncovered during the disturbance of cultural layers, and to monitor the observance of tikanga. The Consent Holder shall notify the above iwi at least 10 working days prior to commencing initial stripping of topsoil and subsoil land disturbance works and advise them of the planned commencement date and likely duration of the works. ~~Where the above notification is given, and an Iwi Monitor is unable to be present for any reason, the Consent Holder may commence works regardless. For the avoidance of doubt, this condition requires only a single monitor to be engaged by the Consent Holder to be on site at any given time. The Consent Holder may consider engaging an iwi monitor representative of ngā iwi with Statutory Acknowledgements over Motueka River, Ngāti Toa Rangatira, Te Rūnanga o Ngāti Kuia and Ngāti Tama ki Te Waipounamu.~~

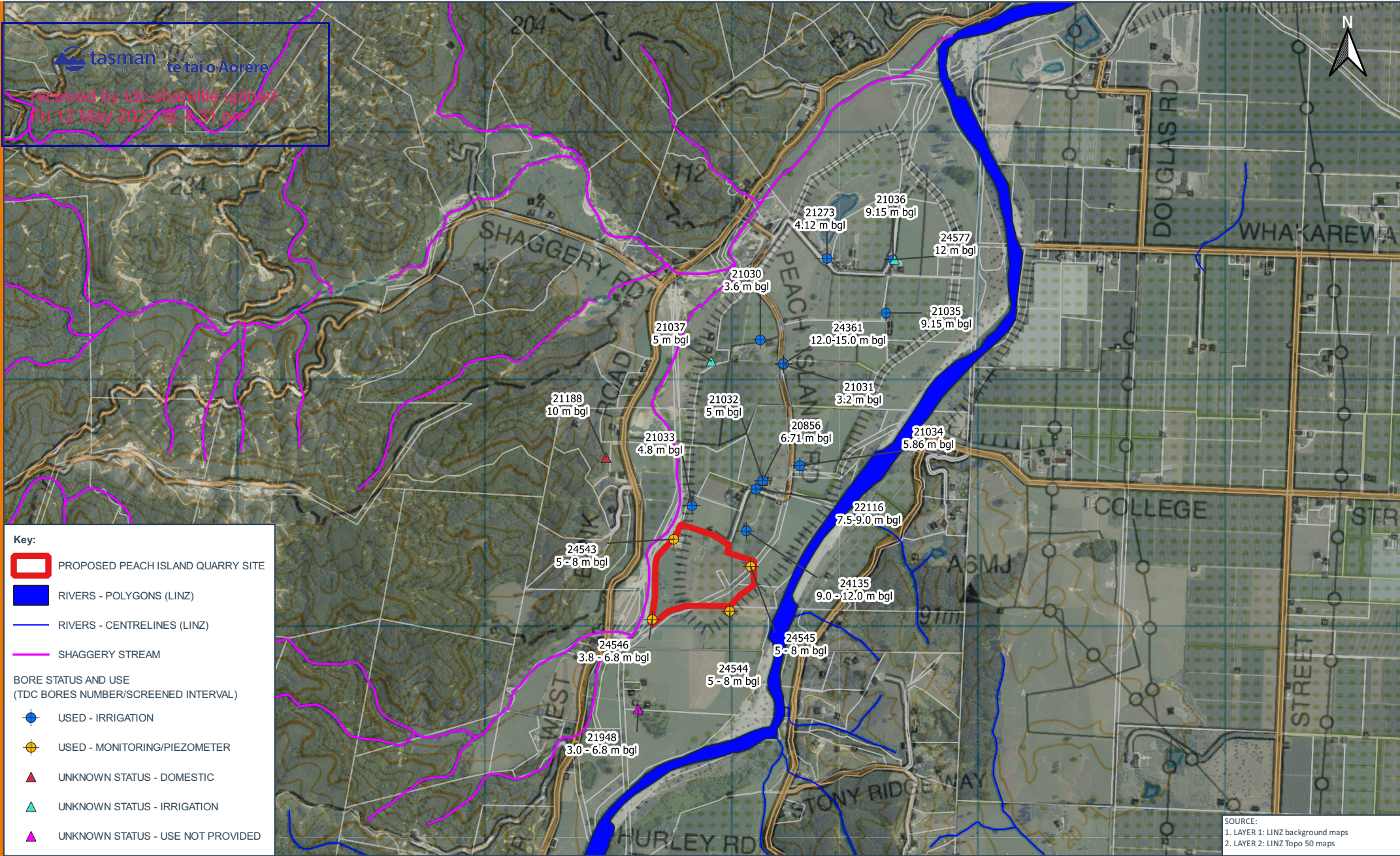
Advice Note: cultural layers can be within the topsoil, subsoil and may be deeper.

Advice Note:

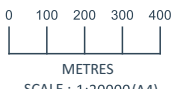
At the time this consent was granted the contact details for Te Rūnanga o Ngāti Rārua: 187 Bridge Street, Nelson 7010, Phone (03) 553-1198, Email taiao@ngatirarua.iwi.nz

And, for Te Ātiawa o Te Waka a Māui Trust:

Beach Road, Waikawa Marina, Waikawa, Picton 7220, Phone (03) 573 5170, Email taiao@teatiawatrust.co.nz



SOURCE:
 1. LAYER 1: LINZ background maps
 2. LAYER 2: LINZ Topo 50 maps



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NO.	REVISION	DATE	BY
A	FINAL	JUN 22	RN

CLIENT
CJ INDUSTRIES LIMITED

FIGURE
FIGURE 7: STATUS AND USES OF BORES AT PEACH ISLAND BASED ON INFORMATION FROM TDC

PROJECT
 PEACH ISLAND PROPOSED QUARRY - HYDROGEOLOGY

Filename as received: "D:\PROJECTS\07D-U RM200488 RM220578 - Hearing - Applicant - Closing memo of Counsel with attachments - GEPP - 12 May 23 - page 35 of 35"

S:\04627\Projects\04627\003\Ae\ch_L\Island_GW_Users.sxd