

File: RM200488
 Contact: amy.bennetts@tasman.govt.nz

3 July 2020

CJ Industries Limited
 C/- Planscapes (NZ) Limited
 Attn: Hayden Taylor
 PO Box 99
 Nelson 7040

Dear C J Industries Limited

**Further Information Request for Resource Consent Applications –
 RM200488 – To disturb land and rehabilitate for the purpose of gravel extraction.
 RM200489 – To erect signage and use an unformed legal road for traffic purposes.**

I refer to your applications for resource consent described above. An initial assessment of the application has been made and, pursuant to Section 92(1) of the Resource Management Act 1991 (“the Act”), further information is now being requested in relation to the application as follows:

- 1 It is unclear whether the proposed activity will cause changes to flow patterns, water levels or potential land erosion when the river is in flood across the proposed working area. Please provide hydraulic modelling to demonstrate the effects of excavation on river flow in the event the Motueka River floods, and an assessment of scour on the berm or flood plain surrounding the pits, any potential localised change in water levels in flood conditions, and any effect of this on the stopbank.
- 2 It states in your application that the noise levels will comply with the limits of the TRMP with at least a 5dB factor of safety. While this may be the case, the activity itself is not permitted and is not an activity that fits within the character of permitted activities in a rural 1 zone. There is also a duty on occupiers in section 16 of the Resource Management Act 1991 to adopt the best practicable option for controlling noise. It is unclear from your application how noise will be managed on site. Please provide a Noise Management Plan detailing what best practicable options will be utilised to manage noise on site.
- 3 An assessment of groundwater levels is key in assessing the potential effects of the proposed excavation below current land surface level given you will “not extract material from below the water table and will maintain an appropriate freeboard”. Groundwater levels vary from east to west over the proposed area and are also affected by river stage and the Peach Island bypass channel (when there is overflow during floods).

The groundwater assessment from Envirolink provided with the application does not account for the likely variability of groundwater levels over the site and does not adequately show groundwater flow direction and head (contour). Our water scientist, has queried the use of the river stage levels and the datum reference at Woodman’s

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bend to inform groundwater levels on site considering the recharge area (to groundwater) for the site is upstream and the river is the principal source of groundwater recharge to Peach Island.

Please provide the following information:

- a. A ground survey which shows contours across the site referenced to a common datum.
 - b. A piezometric survey which shows groundwater contours across the site referenced to a common datum and its variation between seasons (high and low).
 - c. Defined water table levels across site referenced to a common datum. The water table can vary up to around two metres so please explain how you have determined this level.
 - d. The maximum depth of excavation across the site and how this will be monitored and complied with.
- 4 You state backfill material may include up to 10% organic matter. Please provide the following information regarding backfill material:
- a. What material will you use?
 - b. What effects will backfill have on groundwater quality, other groundwater users, and the water quality of the Motueka River? We note that the hydrographs attached with your assessment show pumping effects on your two bores monitored.
 - c. Is any groundwater level and quality monitoring being considered e.g. upstream and downstream of the site – to monitor effects before /during and post excavation?
- 5 Your application states you intend to carry out amenity planting, please provide a planting plan which includes species, timing and management etc.

Section 92A(1) of the Act requires you to respond to the Council by 24 July 2020 (being 15 working days from the date of this request), in one of three ways. You must either:

- 1 provide the information requested to the Council; or
- 2 advise the Council in writing that you agree to provide the information (you may wish to choose this option if you are unable to provide all the information by the date specified above); or
- 3 advise the Council in writing that you refuse to provide the information.

Should you choose Option 2, then the Act requires the Council to set a reasonable time within which the information must be provided. Therefore, in the event that you choose Option 2, I propose that the information be provided by **14 August 2020**. If you are unable to provide the information by this date, please contact me as soon as possible so that we can discuss the reasons and set an appropriate alternative date.

Please note that the Council may decline your application pursuant to Section 104(6) of the Act if it considers that insufficient information is available to enable a decision to be made on your application. This may occur if you either:

- (a) choose Option 3 above (i.e., refuse to provide the information);

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- (b) do not provide the requested information within the period specified in the paragraph above (or the agreed alternative date); or
- (c) do not respond at all to this information request.

In accordance with Section 88B and 88C of the Act the processing of your application will be placed "on hold" from the date of this letter to the date of receipt of the information requested or, if you refuse to provide the information, the date the advice of refusal is received by the Council.

Once the Council has received the requested information, it will be assessed to determine its adequacy and the Council will then make a decision on whether your application requires public notification, limited notification, or, whether it is able to be processed on a non-notified basis. Council reserves the right to notify your application should the further information requested above indicate that the effects on the environment are more than minor.

Also, you need to be aware that Section 95C of the Act requires your application has to be publicly notified if you do not provide the further information by the deadline stated above or an agreed alternative date, or if you refuse to supply the further information. If either of these situations applies, Council will require you to pay the notified application deposit fee before taking any further action.

Please note that the requirements of the Act outlined above are binding on you being the applicant, as well as on Council. Your opportunity to clarify or question the reasonableness of this request occurs now (within the next 15 days), not at some later date.

Please feel free to contact me if you have any questions regarding this request or any other part of this letter. My contact details are listed at the top of this letter.

Yours sincerely



Amy Bennetts
Consent Planner – Natural Resources