



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 CJ 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

**EVIDENCE OF TIMOTHY GEORGE CORRIE-JOHNSTON
ON BEHALF OF CJ INDUSTRIES LIMITED
(CORPORATE AND OPERATIONS)**

4 November 2022

1. INTRODUCTION

1.1 My full name is Timothy George Corrie-Johnston.

1.2 I am Site Manager for CJ Industries' operations base at Hau Road and for all of CJ Industries' quarries (two at Riwaka, one at Marahau, and Douglas Road, Motueka). If this application is consented I will be site manager for the Peach Island Quarry. I am authorised to provide this evidence on behalf of the applicant, CJ Industries Ltd. I set out my qualifications in my brief of evidence dated 15 July 2022.

1.3 I live onsite at 134 Peach Island Road with my family. I purchased the property in 2019. I have a drinking water bore on my property.

1.4 In this statement, I address:

- (a) The Addendum s 42A report in relation to RM200488 and RM200489 (land use consents).

- (b) Submissions on RM220578 (discharge permit)
- (c) The s 42A report in relation to RM220578 (discharge permit)

2. EVIDENCE

Addendum s 42A report on land use consents

- 2.1 At paragraph 5.4 the s 42A report says that the applicant has volunteered not to use heavy machinery on Monday – Friday, this is clearly an error and should say “before 7.30 am” – this has now been corrected.
- 2.2 Mr Hegley’s evidence said that he supported Condition 51(b) which provided for the use of broadband warning alarms plant but suggested that it only apply to plant owned or managed by the applicant on the basis that the applicant would have limited control on plant visiting the site, such as trucks from independent contractors. He said that in such instances, reversing could be negated by site layout. The s 42A report queries whether this is the case at paragraph 5.11. The site layout will provide for vehicles to deposit fill and then loop around to the point at which they load up, although the trucks will have to reverse into the clean fill stockpile to dump fill. However, these will all be owned by or contracted to CJ Industries. The intention is that any vehicle allowed onsite must have the broadband-type reversing alarm, so it is not necessary to exclude visiting vehicles from the condition.
- 2.3 At paragraph 5.12 the report refers to the Department of Conservation marginal strip, and says that use and sealing of this road is subject to DOC approval for which a concession application has been lodged. By way of update, this concession was granted on 4 October 2022. The conditions allow for the temporary access road over the marginal strip to be sealed. The easement width is up to 7 metres. On that basis, it is not necessary to exclude the marginal strip from condition 31 and CJ Industries does not object to sealing this part. Either the reference to the marginal strip should be deleted (so the requirement to seal applies to it), or the condition should be framed in a way that allows CJ Industries to seal the proposed access including the marginal strip if it chooses.
- 2.4 Paragraph 5.37-5.38 seek clarification as to whether there is public access during excavations. There is legal public access into Peach Island along the Peach Island paper road which connects to Motueka River West Bank Road at the northern end of Peach

Island, but once it reaches the houses on Peach Island, the paper road looks like part of the paddocks. There is no public access at the southern end of the site (via the bridge) so this paper road is a dead end road. The application proposed to exclude the public, but this is not considered necessary. Very few people are likely to enter the site on the paper road. Quarry vehicles must travel at 15 km/h under the proposed conditions. Mr Clark also comments on this.

- 2.5 Paragraph 6.11 refers to third parties accessing the site to deposit fill. This will not happen. Clean fill will be accepted from approved third parties, but that clean fill will be taken to a separate location (such as CJ Industries' Hau Road site) for inspection. Third parties will not be able to deposit clean fill directly at Peach Island. Only CJ Industries employees or contractors would cart clean fill to the site. This has always been the intention, but it may not have been clear from my first statement of evidence.
- 2.6 Paragraph 6.12 is uncertain regarding who has access via the right of way that crosses the bridge. The bridge is on private property owned by a related company, and there are no easements that apply to it.
- 2.7 The s 42A report disagrees that there is a functional need for the quarry activity and says that while the quarrying of in-situ rock (as opposed to river aggregate) may have a functional need because a specific rock or mineral resource may only exist in a particular environment, river aggregate can be sourced from current or former riverbeds, i.e. from different locations" (at 7.19). My first statement of evidence set out the limitations on availability of aggregate from different locations, and Mr Scott's evidence also addresses this. The quarry clearly has a functional need to locate in this environment.
- 2.8 At Paragraph 7.25 and elsewhere, the s 42A report writer raises concerns about successful implementation of the Soil Management Plan. There is nothing in the Soil Management Plan that appears to be difficult to implement from an operational perspective. The s 42A report raises some perceived inconsistencies between the SMP and other management plans – I will leave it to the management plan authors to comment on that.
- 2.9 Ms Langford's Memorandum refers to topsoil being carted from other sites, and refers to inquiries being made about topsoil from Appleby. I expect this relates to the discussions between CJ Industries about controls needed to manage Bathurst Bur when transporting

topsoil from Appleby to be disposed of as fill at Douglas Road (discussed further below). To my knowledge, CJ Industries has not made enquiries about transporting topsoil from Appleby to Peach Island. Topsoil is a valuable resource, and CJ Industries will try to only re-use topsoil from the Peach Island site rather than importing it. Mr Hill discusses the approach to transportation for soil quality purposes.

- 2.10 A condition specifying that “stockpiles in the Stage 2 area within 100m of the apple orchard boundary shall be removed over the drier months of January to May” is proposed. Instead, CJ Industries proposes not to stockpile soil within 100m of the apple orchard boundary. All other stockpiled materials are within the Stockpile and Storage Area which is well over 100 m from the orchard boundary.
- 2.11 One matter of clarification with regard to the Stockpile and Storage Area: in the site diagram it shows this Area being next to the stop bank, which would involve CJs excavating down 1 m close to the stop bank. That is not intended – the Stockpile and Storage Area will be set back 20 m from the stop bank and there will be no excavation within 20 m of the stop bank.
- 2.12 Council’s amended condition 59 proposes a speed limit of 30 kilometres/hour within the site on sealed surfaces (in addition to the applicant’s proposed condition which had a 15 km/h speed limit on unsealed surfaces). CJ Industries’ preference is for a blanket 15 km/h speed limit within the site and on the haul road whether on sealed or unsealed surfaces.

Discharge permit

- 2.13 I have looked at the additional information and revised draft Groundwater and Cleanfill Management Plan (“GMP”) provided as part of CJ Industries’ further information response. I am confident that all aspects of the proposed approach (e.g. test pit digging to assess groundwater depth) are able to be achieved from an operational perspective. I respond to specific question and comments from submitters and the s 42A report writer below.

Submissions on discharge permit application

- 2.14 I have seen the submissions from Wakatu Inc,¹ Te Ātiawa Manawhenua Ki Te Tau Ihu Trust² and Ngāti Rārua³. I acknowledge the points made in relation to cultural effects, and look forward to provision of a Cultural Impact Assessment so that these issues can be considered. CJ Industries supports provision of a CIA and has offered to assist with resourcing for this on several occasions.
- 2.15 Various submitters⁴ refer to the activity's carbon footprint. While there will be some carbon emissions associated with the use of diesel-powered machinery and vehicles, the overall emissions will be much less than they would be if aggregate were brought in from outside Motueka (if a supply could be found).
- 2.16 Some submitters⁵ query whether there is sufficient backfill and whether the duration of consent is based on getting access to backfill. My response is that:
- (a) CJ Industries now owns or has access to three rock quarries that have considerable amounts of granite/overburden available for use as backfill. I do not anticipate any issues sourcing backfill.
 - (b) At any given time, a burrow will not be bigger than 1,600 m², so if there is no backfill available for some reason, extraction would not occur (in order to meet the requirements around backfilling for groundwater protection).
 - (c) The reasons for the 15 year term are set out in my first statement of evidence at paragraphs 3.44 to 3.48. In summary, a 15 year term enables CJ Industries to make use of river gravels when sources are made available by Council, which results in more efficient use of resources. The term is not based on availability of backfill.
- 2.17 One submitter⁶ has raised concerns with fill material resulting in noxious weeds spreading. This may relate to the issue of Bathurst Bur, and the steps that CJ Industries and Council take to ensure that this pest weed does not become established. I **attach** an

¹ Submitter 47

² Submitter 49

³ Submitter 58

⁴ E.g. submitter 43 and submitter 56

⁵ E.g. submitter 34

⁶ Submitter 31

email from Lindsay Barber at TDC setting out the process by which Bathurst Bur was taken to Douglas Road and how it has been managed. In summary, Bathurst Bur was identified at a retirement home development site in Appleby in 2014. This led to discussions between CJ Industries and Council biosecurity staff about relocation of topsoil from the Appleby development to the Douglas Road site. Biosecurity staff gave their agreement to the relocation subject to conditions including that the material had to be placed in existing gravel excavation pits, and a mantle of material of at least 300 mm was to be spread over the surface of the filled pit. The relocation occurred between 2018 and is ongoing. Council checks for Bathurst bur propagules annually, and will continue to do so for the next five years. To date, there has been no sign of Bathurst Bur at Douglas Road, and Council says its Biosecurity staff are confident that a new incursion of Bathurst Bur is extremely unlikely due to the depth at which the soil is buried.

- 2.18 Soil with Bathurst Bur will not be used as fill for the Peach Island operation.
- 2.19 Other weeds are managed in the normal way for a farm. Gorse spraying typically occurs in November, and it would be possible for other weeds to be sprayed at the same time. CJ Industries' Environmental and Consents Officer will be responsible for monitoring weeds. A condition requiring that weeds are monitored as part of an annual cycle and destroyed if found could be included if this was considered necessary.

S 42A report on discharge permit

- 2.20 Paragraph 7.15 refers to staging. Mr Nicol has clarified that his recommendation to commence excavation at locations at the greatest upgradient distance from any water supply bores, as far as can practically be achieved, was meant to apply within a stage, not to which stage happens first. I confirm it is practicable to start excavations within a stage at the end of the stage that is furthest from water supply bores.
- 2.21 Dr Rutter queries whether there will be sufficient cleanfill to fill to 1 m above groundwater in a day (s 42A report at 7.18 and Aqualinc Memorandum dated 10/8/2022). As the burrows will be 20 x 80 m, even if a whole burrow needed to be filled by 1 m this would only amount to 1600 m³ of cleanfill. In practice, a burrow will not be fully open as each burrow will be progressively opened and reinstated, so the volume will be less. There will be ample back fill stored onsite to allow for backfilling

when required. For clarity, CJ Industries will not be excavating if there is not sufficient clean fill on site to fill the burrow.

- 2.22 Dr Rutter discusses the depth above groundwater level that excavation may occur to. In terms of effectively using the aggregate resource at Peach Island, the 0.7 m depth of aggregate (between 1 m and 300 mm) equates to 120,000 tonnes of aggregate over the 7 ha site. As CJ Industries consumes around 80,000 tonnes of aggregate per year to meet the region's demand for concrete and chip seal, this equates to well over a year's supply.

Tim Corrie-Johnston

4 November 2022

From: Lindsay Barber <Lindsay.Barber@tasman.govt.nz>
Sent: Wednesday, 19 October 2022 9:04 AM
To: Richard | CJ Industries
Subject: Bathurst Bur

Hi Richard

Under the Tasman-Nelson Regional Pest Management Plan, Bathurst bur is classified as an eradication species and the Management Agency (Tasman District Council) is required to take the lead role in its control. Ongoing site checks for Bathurst bur are therefore the responsibility of the Council, however we encourage contractors to be vigilant and ask that they "keep an eye out" for any Bathurst bur propagules at the relocation sites we approve.

As requested, below is a summary of the key interactions Tasman District Council Biosecurity staff have had with CJ Industries regarding the relocation of soil potentially contaminated with Bathurst bur seed. The scope of the information I can provide you with is limited to what has been discussed and agreed upon with CJ Industries and is solely from a Biosecurity perspective.

Bathurst Bur was identified at Lower Queen Street in the Avida development site in Appleby in 2014 by TDC Biosecurity Officers. The landowners and relevant contractors were informed of their obligations under the Biosecurity Act 1993; that they could not knowingly communicate the pest and therefore could not move the material off site without a Plan approved by Officers warranted under the Biosecurity Act 1993.

May 2018 – Biosecurity staff engage in discussions regarding the relocation of topsoil material from the Avida development site in Appleby to the CJ Industries quarry site in Douglas Road, Motueka. Other adjacent Bathurst bur site material in the surrounding area of Appleby is also approved for relocation.

Agreement is reached that use of the Douglas Road site for the purpose of depositing this relocated material is approved but is conditional on the following:

1. The soil is not classified as Hazardous Activities and Industries List (HAIL) material.
2. The material is used to fill existing gravel excavation pits.
3. A mantle of material no thinner than 300 mm is spread over the entire surface of the filled excavation pit to cap it off.
4. All other resource consent conditions are complied with by CJ Industries.

Additionally, CJ Industries staff are made familiar with Bathurst bur and can identify this pest weed should it be sighted.

June 2018 – TDC Biosecurity Officers were advised that Bathurst bur material would be relocated to Douglas Road and the work is started. The relocation of material has been ongoing since this time.

In 2020 CJ Industries were the contractors working on the next stage of ApplebyField and soil sourced from this location was relocated to two gravel pits in Douglas Road.

Annual checks for any Bathurst bur propagules in the area are carried out by Council Biosecurity staff. These annual checks are scheduled to continue for five years.

To date, no sign of any Bathurst bur has been found at Douglas Road.

Council Biosecurity staff are confident that soil managed in this way is extremely unlikely to cause a new incursion of Bathurst bur, owing to the depth the soil is buried at, which prohibits germination. Annual checks will nevertheless, continue to be undertaken.

Regards

Lindsay Barber

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