

**Submission Form 16 to the Otago Regional Council on consent applications**

This is a Submission on (a) limited notified/publicly notified resource consent application/s pursuant to the Resource Management Act 1991.

**Submitter Details:**  
(please print clearly)

Full Name/s: The Stephen and Louise Family Trust

Postal Address: [REDACTED]

[REDACTED] Post Code: [REDACTED]

Phone number: Business: \_\_\_\_\_ Private: \_\_\_\_\_

Mobile: [REDACTED]

Email address: [REDACTED]z

I/ we wish to **SUPPORT** / **OPPOSE** / ~~XXXXXXNEUTRALXXXXXX~~ (circle one) the application of:

Applicant's Name: Cromwell Certified Concrete Limited

And/or Organisation: \_\_\_\_\_

Application Number: RM20.360.01 - 04

Location: Cromwell, approximately 400 metres south southeast of the intersection of Luggate-Cromwell Road (State Highway 6) and Mt Pisa Road

Purpose: Various consents relating to gravel washing

The specific parts of the application/s that my submission relates to are: (Give details)

See attached document

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

My/Our submission is (include: whether you support or oppose the application or specific parts of it, whether you are neutral regarding the application or specific parts of it and the reasons for your views).

We do not support the application in toto. See attached document.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

I/We seek the following decision from the consent authority (give precise details, including the general nature of any conditions sought)

We ask the consent authority to decline in toto this application.  
Should the application, or part, thereof be granted we ask the conditions set out in the attached document be imposed on the applicant.

I/we:

- Wish to be heard in support of our/my submission  
 ~~Wish to be heard in support of our/my submission~~

If others make a similar submission, I/we will consider presenting a joint case with them at a hearing.

- Yes  
 ~~No~~

I, ~~we~~/am not (choose one) a trade competitor\* of the applicant (for the purposes of Section 308B of the Resource Management Act 1991).

*\*If trade competitor chosen, please complete the next statement, otherwise leave blank.*

I, ~~we~~/am not (choose one) directly affected by an effect as a result of the proposed activity in the application that:

- a) adversely affects the environment; and  
b) does not relate to trade competition or the effects of trade competition.

I, ~~do not~~ (choose one) wish to be involved in any pre-hearing meeting that may be held for this application.

<sup>do not</sup>  
I, ~~do not~~ request\* that the local authority delegates its functions, powers, and duties to hear and decide the application to 1 or more hearings commissioners who are not members of the local authority.

I, ~~we~~/have not served a copy of my submission on the applicant.



Signature/s of submitter/s  
(or person authorised to sign on behalf of submitter/s)

11 June 2021

(Date)

**SUBMISSION ON RESOURCE CONSENT APPLICATION BY CROMWELL CERTIFIED CONCRETE LIMITED – APPLICATION NUMBER RM20.360.01-04**

**SUBMITTER: THE STEPHEN AND LOUISE LISK FAMILY TRUST**

The Stephen and Louise Lisk Family Trust oppose the Consent Application.

**BACKGROUND**

The Stephen and Louise Family Trust (“the Trust”) owns Lot 2 Deposited Plan 354236 and Lot 3 Deposited Plan 26700, being 4.0002 hectares at 124 Smiths Way, Mt Pisa, Cromwell 9383. This property is in the throes being developed as a lifestyle block with:

- a new dwelling to be built for the beneficial owners;
- the planting of a fruit, nut and berry orchard;
- the establishment of a potager garden;
- sowing of grass for the grazing of stock and or bailage; and
- installation of irrigation for orchard, garden and grazing/bailage operations.

The Amisfield Estate Society Incorporated water scheme will supply the potable water for the Trust’s dwelling on its property. The Amisfield Estate Society’s bore, G41/0005, is located on property notified of Cromwell Certified Concrete Limited’s (“CCCL”) consent application (albeit wrongly identified by ORC). It is registered as a drinking (potable) water supply with the Ministry of Health.

The Trust has a direct connection to Amisfield Estate Society through the proposed supply of potable water to the Trust and the Society has a direct connection to its bore on a property notified of the consent applications. Therefore, although not notified by ORC of Cromwell CCCL’s consent application, the Trust considers that is a directly affected party of the applicant’s proposed operations through discharge to water and to discharge to land affecting the aquifer from which our potable water is drawn. The Trust also considers it is affected by discharge to air and noise of the applicant’s proposal.

**AREAS OF CONCERN**

The Trust’s areas of concern with CCL’s application are:

**Water**

- Contamination of the aquifer from which our potable water is drawn and potential subsequent effect on human health (see Appendix A);
- Contamination of the aquifer from which irrigation and stock water is drawn and potential subsequent effect on plant and animal health;

- Depletion of the aquifer capacity reducing water take capacity for potable and irrigation/pastoral needs (see Appendix A).

The removal of the protective mantle above the aquifer, lack of bunding and treatment for vehicle wash water and vehicle fuelling, exposure of salt pans and subsequent discharge of these salts, and leachate from contaminated and uncontaminated solid fill entering the aquifer in both the current and proposed CCCL operations are set out in more detail in the submissions at Appendices B and C

### **Dust/Particulates**

- The affect 'glacial quartz flour' dust on human health arising from increased quarry operations;
- The affect 'glacial quartz flour' dust on pollination of our trees, grasses and vegetables;
- The impact on quality of life within our residence, and the quiet enjoyment of our property, due increased wind-blown dust from the proposed expansion of quarry operations.

The submissions at Appendix B and C discuss in more detail the affects of the high winds in the area and of glacial quartz particles on health, pollination and water quality.

### **Noise**

In section 2.2.1 of the consent application CCCL proposes to increase its hours of operation to be 0600 through to 2000 each day except Sunday and statutory holidays, i.e., 302 out of 365 days per annum (standard year). Mobilisation – 'arrival of staff and loading of trucks' and 'loading of trucks and leaving of staff' - will occur between 0600 and 0700 and between 1900 and 2000 respectively. Full operation – 'Site excavation, processing, dump truck, loader and purchasing truck movements' – will occur between 0700 and 1900, i.e., 12-hours per day/six days per week.

The World Health Organisation recommendations say exposure to ongoing noise louder than 45 decibels is associated with adverse health effects. As evinced by recent hearings concerning airport and other high noise operations, such hearings have agreed that high levels of ongoing noise have significant adverse effects on human health and wellbeing. The result of these hearings has seen such noisy businesses having to mitigate noise through a variety of means – reduced operational hours, noise insulation in buildings on site and on affected party sites, cessation of particular types of operation, etc. Courts or local territorial authorities ("LTA") have imposed noise limits at the boundary of affected sites and or at affected residences.

LTAs need to set very clear noise guidelines (db levels at affected residences and the site boundary by time period), monitor noise independently from both the noise makers and potential complainants, and have the ability to order and impose immediate cessation of

operation orders so residents can have quiet enjoyment of their properties and not be subject to injurious health effects of sustained excessive noise. Not to do so invites ongoing litigation and adverse publicity for both CCCL and ORC as the health effects of excessive noise are very adverse.

Our property is a lifestyle block and extended periods of high-level noise would be an adverse effect on our health and the quiet enjoyment of our property.

### **Land of Significance**

The land CCCL propose to expand their operations into is identified in their application as being Molyneux soils in the top layer. These soils are known for their ability to grow high quality fruit and grapes. The proposed consent application will see this aspect of the land destroyed and unable to be remediated. While this concern is not a direct effect on the Trust, CCCL's proposal for the land is at odds with the spiritual and cultural beliefs espoused both by CCCL, in its consent application, and by ORC, namely:

- Kaitiakitanga - means guardianship, protection, preservation or sheltering. It is a way of managing the environment, based on the traditional Māori world view. Kaitiakitanga today expresses traditional ideas in a time of cultural and environmental renewal. Traditionally, there was an intimate relationship between people and their environment. The health of a community was reflected in its environment and vice versa. For example, if waterways were unclear or polluted, something was amiss with the local people. Kaitiakitanga was based on this relationship.
- Waahi taoka – treasured resources such as the land, the bush, waterways, estuaries, wetlands, etc.
- Mahika kai - literally meaning 'to work the food' and relating to the traditional value of food resources and practice involving the production, procurement and protection of these resources.

### **Remediation of land after operations cease**

The Trust has two concerns in respect of remediation of the land when CCL's operation ceases. Firstly, the Trust would wish to see the land remediated after operations cease rather it remain a modern-day version of the sluicings at Bannockburn, land unable to be used for productive or residential use.

Remediating the land will require a considerable amount of solid fill. Large holes in the ground are attractive to business and LTAs alike as they represent an opportunity to dispose of unwanted fill. It would seem there is a match between this and the remediation of the land. But there is no commitment to remediate the land in the consent.

Secondly, as commented upon in the submission at Appendix B, there is concern that leachate from current contaminated and uncontaminated solid fill operations is entering the aquifer.

The consent application is silent on both solid fill and land remediation and the Trust is concerned that such silence and lack of consent will see unconstrained leachate enter the exposed aquifer.

## **OUTCOME SOUGHT**

The outcome the Trust seeks is for CCCL's consent application be denied in toto.

Should the consent application be granted in whole or part the Trust considers the application as it stands lacking in suitable safeguards in respect of water quality and contamination, excessive water take, the health effects of windborne glacial quartz flour, lack of independent monitoring of effects, noise and adequate remediation of the site on the cessation of operations. To mitigate such lack of safeguards the Trust seeks the following robust conditions of consent be imposed.

### **Water**

Outcomes sought include the consent conditions set out in paragraph 13 of the submission at Appendix A, and those set out below:

- Not permitting the removal of the protective mantle of the Pisa Aquifer, and then discharging water contaminated with insoluble matter directly into the Pisa Aquifer.
- Not permitting the removal of the protective mantle of the Pisa Aquifer and then discharging contaminated water with accumulated soluble salts directly into the Pisa Aquifer.
- Not permitting the removal of the protective mantle of the Pisa Aquifer and discharge of leachate from contaminated and uncontaminated solid fill into the Pisa Aquifer.
- Not permitting the removal of the protective mantle of the Pisa Aquifer and mine the Aquifer for gravels using heavy machinery to a depth of 3 metres below the top of the aquifer.
- Not permitting the formation an eight-hectare pond resulting from mining and thus change the natural course of the Aquifer.
- Not permitting the formation an eight-hectare pond and thus change the level of the aquifer in both dynamic and static conditions.

### **Dust/Particulates**

Outcomes sought include the consent conditions set out below:

- An independent consultant be appointed (mutually approved by both the applicant and the affected submitters and parties) at the applicant's expense to research the carry of 'glacial quartz flour' particulate in varying wind speeds and conditions.
- From this research the consultant is to develop a protocol to determine wind direction, strength and sustainability thresholds that would see amounts of 'glacial quartz flour'

particulate harmful to health and pollination (seasonal) carry to affected parties properties;

- If wind direction, strength and sustainability thresholds are reached work is to immediately cease. Work may recommence when the wind direction and strength thresholds are at a level that is able to be sustained below the stop work level for a suitable time as determined by the protocol.
- The protocol is to be informed by a suitable network of anemometers on both the applicant's and affected parties' sites in real time, such data to be available on a public website. The cost of development installation and maintenance is to the applicant's cost.
- The protocol is to provide the ORC with guidelines as to when the issuance of a stop work order is appropriate in the event of a breach(es) of the protocol.

### **Noise**

Outcomes sought include the following consent conditions:

- A survey be undertaken independent consultant be appointed (mutually approved by both the applicant and the affected submitters and parties) at the applicant's expense to establish a noise baseline of current operations both at the applicant's site boundary and at affected party residences and other locations as informed by the WHO and other health authority recommendations on noise and its effect on health.
- The consultant is to develop a protocol for the permitted level of noise by time-period at the applicant's site boundary and affected parties' residences and other key locations as informed by the WHO and other health authority recommendations on noise and its effect on health.
- The applicant is to be given four weeks to remediate any noise levels outside of the protocol before the ORC may consider noise abatement process and stop work orders.
- The applicant is to provide at its expense two noise level measuring instruments to the ORC at its expense to allow the ORC to monitor compliance with the protocol and respond to noise complaints.

### **Remediation of the Land**

Outcomes sought include the following consent conditions:

- The applicant agrees to remediate the land to the same contours, after settlement, as existed before mining commenced. Such remediation to include soils of sufficient quality and composition to standard suitable to support an agreed national or international standard.
- Such remediation shall not permit the removal of the protective mantle of the Pisa Aquifer and discharge of leachate from contaminated and uncontaminated solid fill into the Pisa Aquifer.
- An independent consultant shall determine the cost of remediation at the end of the consent period. The applicant shall pay a bond equivalent to a two-year portion of the

remediation cost at the start of the consent period. At end of each financial year the applicant shall pay a further bond equivalent to one-year portion plus the inflation index of that portion associated with the Civil Engineering industry for both the previous year and coming year. The bonds are to be placed in a fund specifically for the remediation of the land and not merged with ORC general funds.

- The applicant is not to be permitted to treat the bonds as an asset or to borrow against the bonds. Such bonds are to be treated in the same manner as depreciation.
- The provision for bonds is to apply to any purchaser of CCCL.
- If the applicant does not in a suitable time frame or is unable to remediate the land because of bankruptcy ORC is to be permitted draw on the funds for the express and only purpose of remediating the land.

### **SUPPORT OF OTHER SUBMISSIONS**

The Trust supports the following submissions:

- Submission of Amisfield Estate Society Incorporated
- Submission of Irrigation & Maintenance Limited
- Submission of Amisfield Orchard Limited

### **APPENDICES**

This submission should be read in conjunction with the Appendices.

Appendix A: Submission of Amisfield Estate Society Incorporated

Appendix B: Submission of Irrigation & Maintenance Limited

Appendix C: Submission of Amisfield Orchard Limited



**TO:** **Otago Regional Council**

SUBMITTER Amisfield Estate Society Incorporated  
DETAILS:  
C/- Bridget Irving  
Gallaway Cook Allan  
PO Box 143, DUNEDIN

Email: Bridget.irving@gallawaycookallan.co.nz

Phone (03) 477 7312

**SUBMISSION ON RESOURCE CONSENT APPLICATION BY CROMWELL CERTIFIED  
CONCRETE LIMITED RM20.360**

**SUBMITTER: AMISFIELD ESTATE SOCIETY INC**

**Amisfield estate Society Inc oppose the application.**

**BACKGROUND**

1. The Amisfield Estate Society Inc is an incorporated society established for the following objectives *inter alia*:
  - (a) Obtain an adequate supply of water for domestic scheme within the scheme area.
  - (b) Allocate, distribute, and supply water on a reliable, economic and equitable basis.
  - (c) Manage all aspects of the society's operation and maintenance
  - (d) Do all such other lawful things as are incidental or conducive to the attainment of the above objectives.
2. The society was formed in 1995.
3. The Society's bore (G41/0005) is located on the property currently owned by Lindsay Allan Moore and Rosemary Kate Sidey (being 1180 Cromwell Luggate Highway, legally described as Lot 3 DP 26218 held in RT OT18B/214). The Landowner was notified by the Otago Regional Council of the applications as an affected party. Mr Moore also owns the property at 7 Mt Pisa Road, on the opposite side of the State Highway to the application site. Affected party approval was given with respect to that property but has subsequently been withdrawn.
4. Mr Moore is a current member of the Society. The Society also holds the benefit of easements over Mr Moore and Ms Sidey's property for the purpose of maintaining the water infrastructure and conveying water to the Society's members. The Society understands that the Otago Regional Council wrongly understood the Society's bore to be abandoned. The bore is located within 200m of the water take that is the subject of the applications (it is located closer to the application site than the bore identified as G41/0111 in the map included in the renotification report). Further the discharge consent sought has

the potential to affect the quality of the water taken from the Society's bore. As such the applications have the potential to cause adverse effects on the Society's members drinking water.

5. The Society has corresponded with the Otago Regional Council and requested that it be notified. The ORC advised that it does not have access to records that would have enabled it to identify the society as an affected party. This is incorrect given that the Council issued consent for the bore utilized by the Society and has access to those records and the Society has registered the drinking water supply with the ministry of health which is publicly available information. Further, the Society corresponded with the Council as recently as 2014 regarding the ongoing operation of their supply. Given the location of the Society's bore the reasons for notifying Mr Lindsay and Ms Sidey set out in the Council's re-notification decision would equally apply to the Society.
6. Regardless, the Society consider that it was notified by virtue of the notification to Mr Moore and Ms Sidey given their membership of the society and participation on the committee. Therefore the Society is entitled to file this submission. If the society is incorrect about this it considers that the following submission will establish that there are potentially more than minor effects on it. As such it should have been directly notified by the Councils and as such the application must be declined pursuant to Section 104(3)(d).

#### **MATTERS OF CONCERN**

7. The Society is concerned to ensure that the activities proposed by Cromwell Certified Concrete (**CCC**) are appropriately controlled and monitored such that any risks to the water supply are avoided, remedied and mitigated. Of particular concern to the society are the following matters:
  - (a) Potential effects of increased take rates and volumes on its access to water.
  - (b) Potential contamination associated with seepage ponds, storage of hazardous substances, vehicle washdown activities etc.
  - (c) Potential contamination associated with discharge from materials stored or discharged to the gravel pit.
  - (d) Potential risks associated with dust and airborne contaminants.
  - (e) Site security and public safety matters.
  - (f) Robustness of proposed conditions to address the above issues.
8. The Society acknowledges that CCC holds existing resource consents, but by their own admission the gravel available for extraction within the terms of the existing consents would be exhausted within 5-6 years. Therefore, the effects of the proposed activity must be considered against that environment and context. The proposed activity will extend the period and extent of water that needs to be discharged to the aquifer via the seepage ponds significantly increasing the potential risk to the Society's supply. The direct interaction of the quarrying activity with groundwater also increases the potential risks associated with the expanded quarry. In accordance with the Objective of the National Policy Statement for Freshwater Management, the health needs of people (including through provision of drinking water) needs to be provided for in priority to other water uses such as that proposed. This objective is supported by the Regional Policy Statement

provisions that require adverse effects of mineral extraction activities to be minimized, including by avoiding adverse effects on the health and safety of the community<sup>1</sup>.

9. The Society is concerned that water levels within the aquifer are not reduced as a result of drawdown such that access to drinking water is compromised. Given the lack of site specific pump testing there is a degree of uncertainty regarding this. This necessitates a precautionary approach being taken and careful monitoring required.
10. The Society is also concerned about the potential for increased intensity of the activity to result in effects on water quality. Once again, more robust monitoring is required to ensure effects do not arise and/or identified quickly if they do. The Society understand that concrete trucks are washed down at the site, but it is not apparent from the application documentation how this water is managed within the site and therefore the risk that this poses to ground water quality. It does not appear to be an issue that has been assessed in the application.
11. The Society is also aware of reports that CCC are importing material for external locations that may contain contaminants and storing it or disposing of it in the gravel pit. If those reports are accurate this is of considerable concern to the Society. It is not discussed in the application and the current assessment of environmental effects does not consider this component of the activity and as such there may be potential effects that are not accounted for. The Society would appreciate clarification from the applicant regarding this issue and assuming that it is not intended to import materials for storage or disposal a condition be imposed to that effect. If they do intend to import materials further resource consents may be required and it would be necessary for an appropriate testing and monitoring regime to be put in place to ensure that none of the materials deposited within the quarry site had the potential to adversely affect groundwater quality.
12. In relation to air quality a number of the Society's members have experienced nuisance dust issues and are concerned about the potential adverse health effects associated with RSC. The Society considers it important that the applicant adopts and fully implements all the further recommended mitigation methods set out in the air quality report to ensure an outcome consistent with those assessments is achieved. To date dust mitigation methods have been deployed with mixed levels of success, due to poor machinery maintenance and lack of contingencies.

## **OUTCOME SOUGHT**

13. To address the concerns of the Society it is considered that more robust conditions of consent must be imposed to ensure that the activity is undertaken in accordance with best practice and to ensure risks to the Society's water supply are minimized. The Society considers the following is necessary:
  - (a) Groundwater quality monitoring should also include analysis in accordance with the New Zealand Drinking Water Standards.
  - (b) Monitoring frequency to be increased to monthly to ensure early detection of contaminants;
  - (c) Requirement for CCC to provide alternative source of drinking water for the Society or treatment facilities in the event that their activities cause contamination of the

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<sup>1</sup> For example pRPS Objective 5.3 and Policy 5.4.8(c)

Societies drinking water source that results in a failure to meet the New Zealand Drinking Water Standards.

- (d) Requirement for groundwater sampling to be carried out by a suitably qualified independent person.
- (e) Requirement for results of groundwater monitoring results to be provided to the Amisfield Estate Society immediately, but no later than a week following their receipt by the consent holder.
- (f) Monitoring of groundwater draw down level during bore operation at least weekly for the first 36 months following exercise of the new consents and quarterly thereafter to ensure actual draw down effects are consistent with modelled effects.
- (g) Requirement for Amisfield Estate Society to be notified immediately if a hazardous substance spill occurs at the site.
- (h) Prohibition on importation of soils or other materials for storage or disposal at the site. If importation is intended then testing of material to be deposited at the site to ensure it qualifies as clean fill and does not contain contaminants that may affect ground water quality and requirements to maintain records of the material received including the volume and the location of its deposit.
- (i) Machinery refuelling to take place on impermeable and bunded surface with stormwater to be captured and monitored for contaminants prior to discharge.
- (j) Truck washdown to occur on an impermeable surface and bunded surface with washdown/stormwater captured and appropriately treated prior to discharge.
- (k) A specific review condition be imposed in the event that groundwater quality monitoring indicates that the discharge consent is having an effect on groundwater quality.
- (l) That all existing seepage ponds to be lined and water discharged through a filter system so no contaminated water is leached back into the ground, any contaminated material is removed from site and disposed as per best practice.
- (m) Appropriate site perimeter fencing established for public safety purposes.
- (n) Consideration be given to granting a shorter-term consent in recognition of the need for the ORC to implement the NPSFM. It is anticipated that by the time this matter is heard the new proposed regional policy statement will be available which is likely provide further guidance on an appropriate term.

## CONCLUSION

14. In the absence of changes being made to the application and associated conditions to address the matters identified in this submission granting consent would be inconsistent with the National Policy Statement Freshwater Management, some of the relevant provisions of the partially operative regional policy statement and regional plans. A more comprehensive and robust suite of conditions are required to ensure potential effects of the activity are appropriately managed so that risks to human health are avoided, remedied and mitigated. In the absence of such conditions it is submitted that the application must be declined.

15. Amisfield Estate Society Incorporated wishes to be heard at any hearing.

Signed:

B Irving

Counsel on behalf of the Submitter

Date 10 June 2021

## **Submission by Irrigation & Maintenance Ltd**

I&M Ltd is a private company owned by 23 landholders from Mt Pisa Estate. The landholders rely on the company for the supply of drinking water and high quality processing water for an organically registered winery.

I & M Ltd hold the consents and own two bore structures to take Water from the Pisa Aquifer. The potable bore is 150metres from where the Quarry is at present discharging contaminated wash water into the Pisa Aquifer and, in the application, to increase discharge into the Pisa aquifer.

I & M Ltd have read the application and submissions for the consents. We believe on reasonable grounds that the application contains false statements which have corrupted due process of the application.

The false statement is that a discharge to water is not needed for the application \*1 . As a result of this false statement , discharge to water, although clearly described in the application has not been fully considered in the EER and has not been considered at all in the independent review of the EER. Discharge to water has not been considered in the Councils Recommending Report. The Council has thus been incorrectly advised regarding the application as described in the documents.

It is our opinion that any reasonable council would have come to the conclusion that these consents needed to be Publicly Notified had that council been correctly informed during the consent evaluation process . Their own recommending technical staff would have advised the Council very differently had the false statement not have been made by the applicant.

**Under these past events we see that both the Otago Regional Council and the Central Otago District Council have no option but to decline the applications immediately.**

We believe that the future Quarry operations as described needs the following additional consents.

1. To remove the protective mantle\*2 of the Pisa Aquifer \*3 , and then discharge water contaminated with insoluble matter directly\*4 into the Pisa Aquifer
2. To remove the protective mantle of the Pisa Aquifer and then discharge contaminated water with accumulated soluble salts\*5 directly into the Pisa Aquifer
3. To remove the protective mantle of the Pisa Aquifer and discharge leachate from contaminated and uncontaminated solid fill \*6 into the Pisa Aquifer. The fill originating from the O.R.C. and Q.L.D.C. areas.
4. To remove the protective mantle of the Pisa Aquifer and mine the Aquifer \*7 for gravels using heavy machinery to a depth of 3m (shown on \*4 to be much greater depth)
5. To form a 8Ha pond as a result of mining and thus change the natural course of the Aquifer.\*8

6. To form a 8Ha pond and thus change the level of the aquifer \*9 in both dynamic and static conditions.

Upon reasonable grounds\*8 we believe that the present operator of the quarry/consent holder does not have consents for their activities. In particular

1. To remove the protective mantle\*2 of the Pisa Aquifer \*3 , and then discharge water contaminated with insoluble matter directly\*4 into the Pisa Aquifer\*9
2. To remove the protective mantle of the Pisa Aquifer and then discharge contaminated water with accumulated soluble salts directly into the Pisa Aquifer
3. To remove the protective mantle of the Pisa Aquifer and discharge leachate from contaminated and uncontaminated solid fill \*6 into the Pisa Aquifer. The fill originating from the O.R.C. and Q.L.D.C. areas.

We wish to discuss the present quarry operations with both councils and ask for a meeting with the intention of resolving the problems in order that only consented mining operations take place with environmental monitoring and safeguards.

Should a hearing take place then we wish to attend and be heard. While not expanded in this present submission we will make a submission relating to failure of the EER and submission reports in recognising:-

- a. Actual windspeeds for the quarry site.
- b. The effect of cyclonic wind emulating from Mt Pisa
- c. The particular spectrum of particle sizes in local dust (glacial quartz flour)
- d. The health risks associated to wind borne quartz particulate.
- e. The Engineering requirement for excavations requirements as published by the QLDC
- f. The effects of quartz particulate on pollination.
- g. Future risks to Aquifer contamination from forming an open body of water.
- h. Light spillage from the quarry site (present and future)
- i. Human waste contamination risks to the Aquifer both present and future

We support the following submissions.

1. Amisfield Orchard Ltd – Effects submission

Signed by

Name..... Signature.....

Standing..... Director

Name..... Signature.....  
Standing..... Director

Name..... Signature.....  
Standing..... Delegated Authority

**Notations.**

\*1. An excerpt from the submission is below showing the applicant’s statement that discharge to water is not required.

3. *Consents required in relation to this proposal*

**Discharge onto or into:**

Land

Water

Air

**From the consent application a discharge to water is stated :-**

2.2.14 Discharge contaminants (sediment) to land

The applicant proposes to discharge contaminants to land in association with washing/ screening aggregate and dust suppression (currently authorised under Resource Consent RM16.108.01). Water that is not lost directly to ground or via evapotranspiration is collected in a soakage pond where fine sediments settle out prior to the water discharging back into the underlying aquifer



## From Form6 of the Application

Why did you choose the proposed method of disposal and location point?

Soakage ponds are an effective method of removing sediment from water prior to it discharging to groundwater. The soakage pond is located away from part of the quarry where gravel is extracted and close to plant where it is processed.

\*2. A protective mantle is recognised by the Regional water plan. Excerpt below. In the case of the Pisa Aquifer the mantle is the impermeable layers of glacial flour which is the silt and in the dry, dust formed in the outwash gravels. The mantle makes the Aquifer in the contained condition. A contamination spill at ground level is cut off from the Aquifer and will maybe contaminate surface streams and Lake Dunstan but not the Aquifer. Recharge of the Aquifer is not from rain on the terraces but from the slopes of Mt Pisa and enters the aquifer through the rock/gravel boundary and through seismic disruptions in the schist strata. The only risk to the aquifer is from mining through the mantle as has been the practice of the Amisfield and Parkburn Quarries.

### 9.2 Issues

9.2.3 Groundwater resources can become contaminated as a result of:

- (a) Point source discharge of effluent onto or into land;
- (b) Land use activities which result in non-point source discharge of effluent, nutrients or other contaminants;
- (c) The accidental spill of a hazardous substance, when they occur in groundwater recharge areas, and
- (d) Excavation of any protective soil mantle or impervious strata overlying an aquifer.

*Explanation*

\*3. The definition of a waterbody is stated in the Regional Water Plan and includes an Aquifer. Similarly, the existing stilling pond is a water body and subject to the water plan. The future pond formed by mining 3m into the aquifer is also a water body.

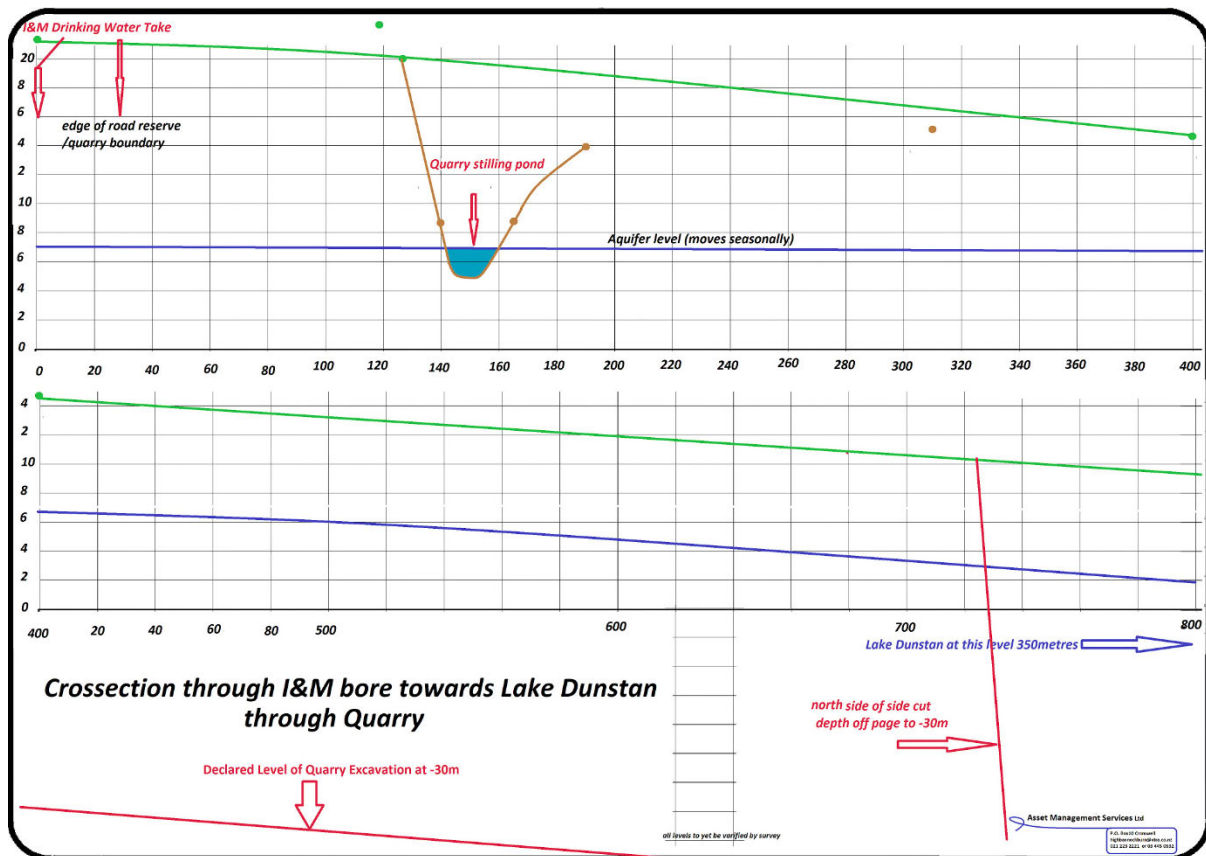
**Water body\*** Means fresh water or geothermal water in a river, lake, stream, pond, wetland, or aquifer, or any part thereof, that is not located within the coastal marine area.

**Water\*** (a) Means water in all its physical forms whether flowing or not and whether over or under the ground:

- (b) Includes fresh water, coastal water, and geothermal water:
- (c) Does not include water in any form while in any pipe, tank, or cistern.

\*4 In order to demonstrate that the discharge is either directly into the Aquifer which is a waterbody (or if argued, into a pond which is a waterbody and now part of the aquifer or alternately a pond which discharges directly into a aquifer) a drawing is attached. The drawing is a crosssection through our bore and the quarry. The information is taken from the consent application documents, ORC bore data and Google Earth. It is to be remembered that the static top level of the aquifer varies to the seasonal level as more water is taken in the irrigation season. The dynamic condition also includes the cone of influence caused by the quarry discharging water from one location, the bore and discharging into another.

The position of the stilling pond and the aquifer levels are to be noted.



Also to be noted at chainage 720m is the cut depth in red which has been stated at ground level -30m.

So as there no doubt below is an extract from the IEE

The applicant proposes to discharge contaminants to land in association with washing/ screening aggregate and dust suppression (currently authorised under Resource Consent RM16.108.01). Water that is not lost directly to ground or via evapotranspiration is collected in a soakage pond where fine sediments settle out prior

to the water discharging back into the underlying aquifer. Given the increased volume of water to be abstracted, the applicant proposes to discharge the same volume of water (detailed above in Section 2.3.13)

\*5 Since the deposition of the Upper Clutha outwash gravels, the gravels have been decomposing with salts naturally discharged. Because of the unique low rainfall/ high evaporation in the basin, these salts are not washed through the gravels. They accumulate in partially or fully formed salt pans(layers) over many thousands of years. These pans lie dormant until excavated. During the washing process of the gravels, all salts will go back into solution and thus into the aquifer. The aquifer may thus be charged with many thousands of years of salt accumulation over a very sort period of time. Twenty years is a short period of time. A recent (may 21 photo of a salt layer is shown below.



\*6 The Quarry receives contaminated solid fill and solid fill as part of its commercial operations. The material is dumped into the quarry site. We have reasonable evidence to believe that there is no Resource Consent in place for

discharging contaminants/leaching to water and as a result there has been no assessment of the Environmental Impact.

\*7The depth of the quarry below ground level is stated in the IEE as:-

*The gravel is extracted by traditional truck and shovel techniques (see Figure 3-1). Trucks transport the unprocessed gravel from the active face to the mobile crushing plant, which is located close to the working area of the quarry on the pit floor and well away from the quarry boundaries. The crushed gravel is transported to the fixed screening and washing plant by truck, which is located towards the northwestern end of the quarry as shown in Figure 2-3. At present, the quarry is consented to quarry to a maximum depth of 15 m below ground level. CCC is applying to quarry to the maximum depth of the gravel resource, which is estimated to extend 30 m below ground level. No blasting occurs on site*

\*8 Effects of making the top level of the aquifer an open 8Ha pond.

- a. The open surface offers no barrier for present contamination from fuel or hydraulic oil spills from the machinery used. Burst hoses are not uncommon on machinery. Oil leaks also have direct contamination.
- b. Because the open surface of the aquifer is below adjacent ground , the lowered water table attracts cross boundary contamination and shortcuts human waste septic tank discharge directly into the aquifer.
- c. The open surface area of the 18Ha aquifer is in itself a very large loss of water through evaporation, depleting the aquifer.
- d. The open area of the aquifer interferes with the gradient of the aquifer , reducing the top level and reducing the availability to bores and the effective available water depths at the bores.
- e. On completion of mining a disused quarry will attract further fly dumping or contamination from future owners.

\*9 The resource consent obtained in 1998 is in part copied below. The applicant stated that wash water was to be discharged into the Amisfield Creek. We can find no variation to this which allows discharge into the Pisa Aquifer.

## 023237 Decision

Mr Phillips noted that a 2,000 cubic metre sedimentation seepage pond (which will be used to filter any water from the washing process) will be constructed in the creek bed. The water will seep back into the river bed and no discoloured water will be allowed to escape. All plant is to be repainted in bronze green and any container on site will be painted in brown, dark green or grey, and power and telephone lines will be laid underground

The 2016 consent (ORC) to take water is reprinted in part below. Highlighted below are conditions that are not being adhered to. The practices used in the quarry do not adhere to the application statement and conditions of consent .

Our Reference: A919731

Consent No. RM16.108.01

### WATER PERMIT

Pursuant to Section 104C of the Resource Management Act 1991, the Otago Regional Council grants consent to:

Name: Cromwell Certified Concrete Limited

Address: Wright Stephenson House, 585 Great South Road, Penrose, Auckland

To take and use ground water

for the purpose of gravel washing and dust suppression General

7. The consent holder shall take all practicable steps to ensure that:

- (a) there is no leakage from pipes and structures;
- (b) there is no run off of irrigation water either on site or off site.
- (c) a back flow preventer device is fitted to prevent any contaminants from being drawn into the source of the water.

The discharge to water is seen in the soakage ponds. The photo is taken from the Council recommending Report. The main pond is the Aquifer or close to the Aquifer and the photo demonstrates the contamination. The recommending report fails to identify that the settling ponds are a waterbody sitting at the Aquifer level and that the detection limit of 3kg/m<sup>3</sup> has not been reached when the photograph shows silt banks.

*The applicant wishes to replace RM16.108.02 due to an increase in the discharge of water. The contaminants in the discharge will be naturally occurring silts and sands from the washing of the gravel, and the majority of the sediment will be removed from the water column by settling in the pond and then by the filtering process as the water moves through the gravels*

*limits have been imposed for total suspended solids on the previous consent, however the latest monitoring results dated November 2020 shows the detection limits of less than 3 g/m<sup>3</sup> have not been exceeded. Likewise, previous monitoring results have also not exceeded the detection limit. This indicates that the soakage ponds are performing as expected. The increased discharge is not expected to affect the capacity and performance of the soakage ponds. Contamination of groundwater from the discharge is expected to be no more than minor, provided that the applicant continues to maintain the soakage ponds and prevent overland flow to any surface water body.*





\*10 This practice is part of the present application with part of the submission reprinted below

#### 2.2.14 Discharge contaminants (sediment) to land

The applicant proposes to discharge contaminants to land in association with washing/ screening aggregate and dust suppression (currently authorised under Resource Consent RM16.108.01). Water that is not lost directly to ground or via evapotranspiration is collected in a soakage pond where fine sediments settle out prior to the water discharging back into the underlying aquifer





1 Dunorling Street  
PO Box 122, Alexandra 9340  
New Zealand

03 440 0056

Info@codc.govt.nz  
www.codc.govt.nz



## Submission on Notified Application Concerning Resource Consent

(Form 13)

### Section 95B Resource Management Act 1991

To: The Chief Executive  
Central Otago District Council  
PO Box 122  
Alexandra 9340

#### DETAILS OF SUBMITTER

Full name: Amisfield Orchard Ltd (AOL)

Contact person (if applicable):

Malcolm Little

Electronic address for service of submitter: Malcolm.little@xta.co.nz

Telephone: 0274454424

Postal address (or alternative method of service under section 352 of the Act):

84 Felton Road  
RD2  
Cromwell 9384

This is a submission on the following resource consent application: RC No: **200343**

Applicant: **Cromwell Certified Concrete Limited** Valuation No: **2842113707**

Location of Site: **Luggate-Cromwell Road (SH 6), Cromwell**

Brief Description of Application: **Land use consent to operate a gravel quarry including the operation of machinery to extract, transport and process gravel**

The specific parts of the application that my submission relates to are:

(give details, attach on separate page if necessary)

See attached appendix and emails with photos etc.

This submission is: (attach on separate page if necessary)

Include:

- whether you support or oppose the specific parts of the application or wish to have them amended; and
- the reasons for your views.

Do Not Support  
See attached appendix and emails

I/We seek the following decision from the consent authority:

(give precise details, including the general nature of any conditions sought)

Application be declined  
See attached appendix and emails

~~I support/oppose~~ the application OR neither support or oppose (select one)

I wish / ~~do not wish~~ to be heard in support of this submission (select one)

I am/am not\* a trade competitor for the purposes of section 308B of the Resource Management Act 1991 (select one)

~~I/We am/are not~~ (select one) directly affected by an effect of the subject matter of the submission that—

- (a) adversely affects the environment; and
- (b) does not relate to trade competition or the effects of trade competition.

\*Delete this paragraph if you are not a trade competitor.

~~I/We will consider presenting a joint case if others make a similar submission~~

\*Delete this paragraph if not applicable.

1. *do not request* (select one), pursuant to section 100A of the Act, that you delegate your functions, powers, and duties to hear and decide the application to 1 or more hearings commissioners who are not members of the local authority. "See note 4 below as you may incur costs relating to this request."



Signature

(to be signed by submitter or person authorised to sign on behalf of submitter)

23/5/21

Date

### Notes to submitter

1. If you are making a submission to the Environmental Protection Authority, you should use form 16B.

The closing date for serving submissions on the consent authority is the 20th working day after the date on which public or limited notification is given. If the application is subject to limited notification, the consent authority may adopt an earlier closing date for submissions once the consent authority receives responses from all affected persons.

2. You must serve a copy of your submission on the applicant as soon as is reasonably practicable after you have served your submission on the consent authority.
3. If you are a trade competitor, your right to make a submission may be limited by the trade competition provisions in Part 11A of the Resource Management Act 1991.
4. If you make a request under section 100A of the Resource Management Act 1991, you must do so in writing no later than 5 working days after the close of submissions and you will be liable to meet the additional costs of the hearings commissioner or commissioners, compared to our hearing panel. Typically these costs range from \$3,000 - \$10,000.
5. Please note that your submission (or part of your submission) may be struck out if the authority is satisfied that at least 1 of the following applies to the submission (or part of the submission):
  - it is frivolous or vexatious:
  - it discloses no reasonable or relevant case:
  - it would be an abuse of the hearing process to allow the submission (or the part) to be taken further:
  - it contains offensive language:
  - it is supported only by material that purports to be independent expert evidence, but has been prepared by a person who is not independent or who does not have sufficient specialised knowledge or skill to give expert advice on the matter.

## **Appendix : Submission on CCC Ltd from Amisfield Orchards Ltd to CODC / ORC**

### **Introduction**

Amisfield Orchard Ltd (AOL) is owned by Malmuzza Holdings Ltd (Murray Little – solicitor/partner Cruickshank Pryde) and trustees of the Hayden Little Family Trust (Malcolm Little/Hayden Little, CP Trustees Ltd)

Author/ Trustee – Malcolm Little BAgSc NZIP Rural Valuer 35 yrs experience as rural banking executive and personal business in farming, orchards, viticulture, forestry, export packhouse, consultancy to the second largest cherry operation etc and business management. Developed 8 orchard properties to date

AOL owns a 6.78ha 4 yr old cherry orchard on the eastern boundary of the 9.87ha lifestyle/horticultural block the CCCL purchased in 2018.

### **Background/Location (see updated site plans)**

AOL was formed in Aug 2017 to develop 5ha of the property into an export cherry orchard with the balance of the land 1.78ha to be utilised for a dwelling, parking and seasonal workers accommodation being the balance of the land elevated and outside the orchard environment/structures apart from a small harvest and tree nursery area. This support land bounds with the CCCL acquisition.

The AOL property has no buildings or other improvements except a frost fan

Over 2017-2021 AOL fully established 3,300 cherry trees with the first commercial harvest due this season with peak production expected in the 2023/24 season.

At this time the CCCL quarry to the south west was coming to the end of its economic life under its existing consent and would have little long term impact

Orchard development included intensive pole, cable and screw anchor structures to support bird nets and retractable rain covers. Bird nets have been applied to the structure and rain covers to be added prior to peak production.

The support area was cultivated and fill applied over the past couple of year in preparation for a dwelling and seasonal workers accommodation (essential to harvest the crop). In Nov 2020 a building platform was approved by CODC and a house plan (see attached) completed July 2020 - commenced prior to any knowledge of the quarry expansion.

Our surveyor is currently working on the building consent and approval of the seasonal workers accommodation (in time for the first harvest).

The numbers of people residing on the boundary of the applicant's property is likely to exceed 50 pickers for 1.5 months, 10 people pruning for 2-3 months and 2-3 permanent staff all year round.

The AOL title is subject to 'no complaining gag' and dwelling number covenants in respect to the existing CCCL quarry to the south. Amisfield Orchards can build a house as long as the Hayden Little Family Trust (HLFT) doesn't – the trust has no intention of doing so in the short term but also has an approved building site.

When the existing quarry is no longer commercially viable the covenants end – under the current consent this was likely to be in a few years

Access and services to our property is via a 10m wide ROW/easement over the CCCLs new property they propose to expand into. This will create a narrow causeway with 50ft drop offs either side onto gravel or eventually a small 35ft deep lake.

CCCL have requested the ROW/Easements be redirected around the recently acquired land adding considerable distance on a gravel road around a pit to get to our property – this was declined.

### **The ROW/Easement has scant consideration in the CCCL RC application**

In 2001 the CODC approved the subdivision of the dryland farmland around the existing quarry to facilitate lifestyle horticulture/viticulture titles with two vineyards, two cherry orchards and a dwelling/commercial storage developed since.

In April 2015 the CODC granted a new consent with basic poorly defined conditions comprising 2-3 pages - scant compared to recent quarry consents in built up areas (see Fulton Hogan's Royden quarry RC decision in March 2020 which is now subject to Environment Court appeal)

**CCCL is applying for a completely new replacement consent to increase output by 200% thus increase the adverse effects. AOL thinks all reference to what the past consent conditions allowed is not a justification for continuation of current practices that don't take account of changes to its surrounding environment and new best practices.**

CCCL purchased this relatively narrow small title (by commercial quarrying standards) between and further up wind of two established/establishing businesses and dwelling/build platforms - time has moved on and CCCL is no longer surrounded by open unoccupied farmland.

The existing CCCL operations is now surrounded by horticulture, viticulture and lifestyle blocks with dwellings as are the areas north and south between Lake Dunstan and SH6

CCCL requested a meeting with AOL in June 2020 and presented an incomplete draft report on the proposed quarry expansion. At this time AOL was already planning a dwelling and seasonal workers accommodation and well underway establishing a multi-million dollar cherry business. AOL expressed concerns on the adverse effects.

There have been no further formal meetings with CCCL or their contractors/experts on the proposal or to discuss AOLs business plans and the effects on a modern cherry orchard operation.

We understand other neighbours experienced a similar lack of any meaningful consultation.

### **Notification**

AOL received the RC application on 27/28 April 2021 however ORC surprisingly didn't know who owns the effected properties and ORC re notified on the 11 May 21 with a further 2 weeks to submit. Given this is a joint hearing and effected persons could submit to CODC and ORC in one report, we expected CODC to follow suit given the ORC information was received by some effected until two weeks later.

This didn't occur and effected persons were informed that the acceptance of a submission to the CODC could be refused if not received by 25 May. Accordingly effected persons are forced to do two submissions or keep to the 25 May CODC deadline after only having the ORC info for 2 weeks.

AOL requested the justification of only notifying properties within 100m when video evidence had been supplied showing dust movements in excess of 200m and recent Canterbury resource consent conditions have imposed setbacks of up to 500m from crushing/ 200m from quarrying. Canterbury District Health Board (CDHB) recommends 250m separation due to dust effects.

There appears to be no sound logic or reason to assume no effects are experienced beyond 100m (dust, noise, visual, trucks etc).

AOL believes it should have been public notification or at least properties within 500m should be notified. The notification by the CODC and ORC should be reviewed

## **Adverse Effects**

The Mt Pisa / Amisfield flats is the most, if not one of the driest, windy built up mountainous regions in NZ with very high summer temperatures.

Our rain fall is generally below 400mm/annum being classified as semi-desert with slightly less rainfall in winter (NIWA). The Amisfield location has less rain than most areas in in Central Otago based on Harvest.com weather sites and often has over 20% less rain than Bannockburn some 15km to the south based on our orchard weather station records.

A high percentage of the rain falls occur in single events normally in spring/summer and there are long dry spells which requires irrigation for most non-tap root vegetation to survive.

Amisfield is classified by CODC as a very high wind zone in regard to building and we have sustained significant damage to orchard infrastructure especially in recent years from extreme winds coming over the Pisa range from the westerly quarter.

Further, mini tornados along the flats have caused damage to our orchard and residential property (NZAIR report comments on the effects of topography on wind)

## **Dust (refer attached photos and videos of the dust issues)**

The existing CCCL quarry has no ongoing rehabilitation so is nearly all exposed surfaces (NZAIR) and CCCL proposes to strip the topsoil off the expanded area for bunds with no progressive rehabilitation proposed accordingly the quarry will be largely all dust bearing surfaces except ponds and rock stock piles.

Existing and proposed bunds have no sprinkler vegetative cover, get filled with rabbit holes and dust bearing. This is unacceptable and not best practice - other quarries are required to establish and maintain cover and trees on all bunds between neighbours, public roads and ROWs.

Accordingly with an over 200% increase in output and hundreds of truck movements internally and externally per day with extreme winds, little rain and high temperatures, it highly probable that without the complete area being watered immediately night and day, dust will leave the boundary.

AOL does not agree with or have any confidence in the findings/conclusions of the Becca reports

Did the author actually visit the site on a windy day?

We understand the peer review reports were desk top.

The reasons we don't accept the reports are as follows:

- The data is from a site 2 km away in a mountain/valley environment and as NZAIR stated the wind is affected by the terrain. The site used is further down the narrowing valley where wind backs up due to the constriction created by the Sugar Loaf terrace then increasing as the valley opens up closer to Cromwell. Wind is volatile - coming and going very quickly.
- We have experienced audible effects of large particles off the quarry hitting vehicles (see video) during very high winds (will sand blast windows over time)
- The air quality reports have a disclaimer that they have relied on information from Landpro the paid consultant of CCCL – we are concerned about the accuracy and content of the information supplied to the experts (selective / lack of)
- The data is for a selective 8-9 month period with the 'experts' stating this is acceptable as there is more rain in winter – perhaps the experts should check NIWA data that shows it is less as do the Harvest. Com weather stations  
The raw data that Beca has used to come to its conclusions is not supplied and needs to be. It appears to be over a selected short time frame (9 mths in 2019) and may not be representative of the wind load (wind intensity varies year to year)  
The winter months have frequent windy SW fronts so has this data been excluded due to the proximity/vulnerability of dust receptors from this wind direction?
- Comparison's with other area are not valid due to the extreme differences in mountainous regions (how could you compare an open landscape of Earnscleugh with a low hills to this high mountain valley location?).
- There has probably been no other situation in NZ where a quarry is being sort on the boundary of a modern export cherry orchard - there has been no attempt to understand, report or mitigate the adverse effects on our cherry structures, consented building platforms, seasonal workers accommodation, people (staff/owners/contractors), livestock and plants

#### **Dust Mitigation**

AOL has no confidence that the DRAFT Dust Management plan will prevent significant dust being deposited on houses, workers, cherry structures etc.

CCCL has consistently been non-compliant with its RC conditions namely:

- 1) encroached on neighbouring land and conducted unconsented activities
- 2) regularly discharge large quantities of dust over neighbours properties particularly noticed by AOL recently during development work and on our

developed land (historical complaints being low because of the 2001 gagging covenants and up to recently surroundings were largely undeveloped). CCCL failed to mitigate any of the dust pollution events we reported.

3) failed to establish/maintain 2 rows of trees on its south boundary as failed to locate it

4) failed and continues to fail to control rabbits which are a source of dust surfaces (see their ecological report/photos)

5) in the past 12 months there has been a significant effort into getting their operation in order for this consent

5) during this process there has been a lack of effort to understand AOL's business, consult and accept the world has moved on and they are now surrounded by rural residential/hort/vit developments.

Accordingly we have no confidence in CCCL self monitoring their dust and wind – just like water take consents this should be electronic, on-line and available to see by councils and effected parties 24/7

Not - quote .... 'trigger values can be applied for reviewing and where necessary temporarily ceasing work' (Table 11 Page 46 of application)

#### **Draft Air Quality Management Plan**

4.2 . Complaint Action '**As soon as possible** after receipt of a complaint, the Quarry Manager will:

- Undertake a site inspection and note all dust generation activities taking place and mitigation methods being used
- Visit the area from where the complaint originated to ascertain if dust is still a problem (**as soon as possible ie within 2 hours, where practicable**)

#### **7. Reporting**

'...CCC will notify the Consents Compliance Manager ORC of any non-compliance **as soon as practicable**' Page 13

Clearly the neighbours will be subject to hours of dust before mitigation has to be implemented or councils take non-compliance action  
CODC and ORC are under resourced and have not taken any action against CCCL to date despite complaints including unconsented quarrying (a farmer digging a whole gets in trouble but nothing happened to CCCL) and no action on recent dust complaints (by the time they arrive winds dropped or reasons why no action taken being ridiculous such as can't see the dust on surfaces). Canterbury quarry affected parties have emailed saying they experience the same from councils  
In very strong winds and active surfaces everywhere on the CCCL site, dust will escape the boundaries unless all active sites have overhead sprinklers (not proposed).

At any time before any action can be taken AOL property will covered in dust as per the videos and photos.



In the middle of a hot windy night when we are all asleep there won't be any complaints and unless CCCL is connected to online sensor alarms no mitigation actions will take place and even if connected it will be too late to stop dust even if it were possible

AOL does not agree that the term of the RC is open ended given the nature of the activities in a fully developed lifestyle/horticultural location.

A term of <10yr should be adopted to review conditions, compliance and reset this RC

### **Specific dust issues**

#### **1) Health and Safety (see photos )**

According to the experts the rock in our region has a higher Respirable Crystalline Silica (RCS) content than other regions like Canterbury (NZAIR) so the concern for owners, staff and contractors is even greater than those expressed by effected persons in recent quarry RCs in Canterbury. CDHB recommends 250m separation No health report has been provided by the applicant or requested by the CODC / ORC despite a possibly unique situation where you have an extreme climate, high RCS dust and a large number of staff working on the property at times in very close proximity to a quarry (certainly within 100m where it is acknowledged dust can travel). See video evidence the distance dust travels is even greater and will cover all AOLs property.

Hundreds of internal truck movements without covers to prevent dust adds to the dust load.

The application does not stipulate where on the existing quarry the crushing plant will definitely be located – AOL is opposed to crushing within 500m of its boundary AOL intends to get signed statements from contractors that had to stop work due to the dust.

CCCL proposes to quarry to the boundary of AOL and the backyard of the consented building sites and seasonal workers accommodation (building plans completed last year with consents currently underway).

**The dust effects from quarrying with less than a 200m set back and no effective screening will seriously degrade people's health and quality of life on AOLs property**

**This is totally unacceptable and doubt there has been a recent consent to quarry within 200m of a dwelling or crush within 500m (see Fulton Hogan Royden Quarry March 2020 RC conditions).**

**It should be even greater given the Amisfield environment is more extreme**

#### **2) Cherry structures (see photos/examples of rain covers).**

AOL has completed the pole/cable/screw anchors base structures which supports nearly 50,000 m2 of bird nets which will sit above 50,000m2 of retractable rain covers to be attached in 2022 /23.

- The dust will be trapped and concentrated by the nets and deposited on the trees and rain covers when extended or in the folds when retracted accumulating vast quantities. Photosynthesis will be reduced by deposits on leaves and soiled fabric (crop production reduced). How are they to be cleaned and who pays?
  - Retraction fittings clogged with dust and spinning micro sprinklers (2,000) are already being clogged reducing water applications with serious implications on tree health and crop yields (unless manually cleaned and who pays?)
  - Dust will settle on flowers effecting critical pollination and effectiveness of pest and disease sprays diminished due to dust absorption at considerable cost to AOL
- 3) The seasonal workers accommodation (SWA) to a maximum of 60 people is a discretionary restricted activity with Council restricted to exercising discretion on visual effects, managing noise, incidental activities, effects on roading and parking, management regime and provision for water, wastewater, electricity and telecommunications.
- Having set SWA's up in the past, the requirements are expected to be readily meet and consented in the next couple of month and established before the harvest season commences. While staff are working most of the day, a quarry operation will effect quality of life in the early evening without an adequate set back/screening from the adverse effects as per above. CCCL was informed of SWAs prior to the their consent being notified
- 4) If livestock are used for weed control they are also affected – see photos of Angus calves grazing to the south of the quarry with dust excreted from eyes. Staff eyes are similarly affected but lungs cant excrete RCS dust

#### **Health and Safety /ROW**

AOL accesses and receives power and telecommunications to its property via a 10 m wide 250m long ROW on the CCCL expansion title

The proposal will see 50ft cliffs dropping into mini lakes either side of what will be a narrow causeway and on the western boundary just meters from family/children and workers accommodation

Overseas workers are prone to wandering behaviour that is permitted in their home countries and children play in the outdoors.

There are no security fences proposed and steep cliffs/scree sidings into water is very dangerous

Vehicle mishaps on the ROW and boundary could be fatal

There is no set back or visual screening (bunds and vegetation) proposed along the ROW yet hundreds of people will be using what will be an ugly and dangerous access. Vehicles will be covered in dust from all directions except the east

No geologist assessments or reports have been supplied or requested by councils on the stability of this narrow causeway especially in the event of an earthquake or wave erosion once the lakes are formed. There is no detail how the underpass is going to be constructed and if access/services will be cut off.

## **Visual Effects**

CCCL propose no set back or sprinkler irrigated trees/vegetative cover on narrow 3m high bunds that will become rabbit infested dust producing eye sore for AOL .

It is critical that any grass, shrub, cover plants have sprinkler irrigation or they will fail to establish or survive – as an example see **photo** of current quarry bund along AOL ROW.

CCCL proposes no bunding on the expansion title along our ROW

Visual pollution will occur along the ROW and along the western boundary comprising the dwelling site and seasonal workers accommodation.

The mountain views to the west are more important than to the lake as evening is social time, the west side of the building is sheltered from prevailing wind and is not shaded. Similar for the seasonal workers accommodation

AOL dwelling plan is for two stories so the view will be down into the quarry unless there is adequate set back and screening (established trees).

Without adequate setback from ground level any screening will block out the mountain views (Mt Pisa)

Lights from vehicles, trucks, equipment, security etc is a major concern in the hours of darkness have a significant adverse effect. Reference to lights on SH 6 appears to have no relevance as its probably 900m away

## **Noise**

AOL is very concerned about the loss of reasonable quality of life due to the noise pollution from quarrying on our boundary. What is the level of noise from hundreds of trucks being filled on your back yard – once again no set back.

Once again with no set back we ask the question ‘.. would anyone considering this application like to have this happening for their entire lifetime 25m from their back or front yard?

Truck and digger noise, rocks hitting the truck decks, alarms etc etc only a cricket pitch away.

## **Loss of prime horticultural soils**

CODC district plan states this has to be considered but it hasn't – sadly Councils give little weight to this issue despite local and nationwide concerns

This lifestyle / hort title purchased by CCCL to quarry has a limited life and will be of limited productive use once mined 15ft below the water table

or \$1.6 m per annum and employ 50 people for 6 weeks, 10 for 2 mths and 2-3 full time staff while supporting packhouses, trade and domestic businesses etc  
I know little about quarry income but suspect no contest for a lifetime of food production vs <20yrs it would take to mine this.

There are plenty of open rural poor river soils in the region that should be quarried before this property.

It makes no sense to mine this prime property

Where is the report / analysis on this issue?

### **Rehabilitation Plan**

Totally underwhelming, minimalistic and noncommittal

CCCL have provided a **draft** plan with nothing confirmed on what this site will look like. It states 'times may change' and it could be a landfill or subject to available material, could be anything from cliffs/steep sidings into deep pit lakes to an unlikely gentle slopping horse riding public space (as they portray)

CCCL propose no ongoing reahabilitation or commitment to give effected parties any confidence in what this site will look in the future or what activities will occur

The applicants required OIC approval to purchase this title – what is stopping them from walking away from this and/or putting CCCL into receivership. You would expect the bond would need to be at least be set at the inflation adjusted cost of rehabilitation – probably millions?

**Another reason this RC should have a short terms to review and reset conditions in line with the rapidly changing environment**

### **Working Hours**

The application mentions the existing consented hours but does not mention public holidays going forward

AOL opposes any working hours outside 7am to 6pm or work on Saturday afternoon, Sundays and public holidays

People sleep to 7am and in the evening don't want dinner served up with a helping of quarry noise

### **Time to assemble response**

AOL has not had time to fully research this complicated and technical RC application or fully understand the process (from notification to the Environment Court) or co-ordinate a detailed informed response with other effected parties.

We do not accept the findings from the Landpro compiled application

AOL requires expert advice, research and reports on the following:

- Air quality/dust pollution
- AOL on the effects on the cherry orchard – in support of AOLs expertise
- Noise pollution
- Rehabilitation of quarries
- Visual pollution

- Quarry consent application, best practices and Environment Court decisions
- Legal representation

CCCL/Landpro has had over a year to put their case together and took 3 months to respond to requests for more information from CODC and ORC.

Affected persons know very little about this process and are in full time employment accordingly request the same opportunity to prepare a case

The applicant and the Councils have reduced the pool of available experts (especially air pollution) and with a Covid environment we don't know the time frames to acquire the necessary reports and information for a response to the hearing and possibly the Environment Court

**We request a minimum period of three months for a hearing date but request a review of this in two wks time when we will know the availability of experts etc**

## Summary

The current CCCL operation under its current consent is about to run out and they would be soon looking at rehabilitation. This consent application should be considered as a 'start-up' given they seek to mine another title, increase 2 fold from 70,000 to 200,000 m3 and mine into the ground water all of which triggers a significant increase in effects on the surrounding environment.

The current RC and its conditions are redundant yet there is reference to it and the application does not bring the existing area up to the current standards that are imposed on recent quarry consents via conditions – for example no set back is proposed on the existing quarry area

Amisfield Orchards Ltd does not support the CCCL RC application to quarry the narrow title on our western boundary as the adverse effects from dust, noise, visual pollution etc cannot be mitigated without acceptable setbacks from the AOLs residential and horticultural activities and considerably better plans and actions are required than proposed .

There are numerous other issues with this application that adversely affects many aspects of AOL's operation as outlined above that we oppose (some not covered in the application such as safety, ROW etc).

We do not agree and therefore would like to challenge a number of expert reports findings with our own expert reports or peer reviews

The largest number of quarry consents in recent years have been in Canterbury. We refer to the Fulton Hogan, Royden Quarry decision in March 2020 and believe the conditions imposed there (and in other quarry consents/Environment Court rulings) should be a minimum given the Amisfield location has a more extreme climate.

AOL believes these should be applied to the entire operation

In 2001 the CODC approved a lifestyle/Hort/Vit subdivision to accommodate the demand for these enterprises and facilitate a higher and better use of dry pastoral land

Accordingly we believe CCCL was in error in purchasing this narrow property to quarry in a developed environment as it was never going to be able to provide the required setbacks to mitigate the adverse effects on neighbours houses, orchard staff, orchard plants/structures, seasonal workers accommodation and buildings.

CCCL should look elsewhere to generate profit to overseas investors as this location has been 'built out' and is no longer suitable for quarrying

**AOLs requests the application be declined**

**Malcolm Little. Murray Little. Hayden Little**