

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: Towyn Trust and Lake Terrace Cherries Limited

Postal Address: 90 Smiths Way,

RD3, Cromwell Post Code: 9383

Phone number: Business: _____ Private: _____

Mobile: 021 631 319

Email address: _____

I/ we wish to ~~SUPPORT~~ / **SUPPORT / OPPOSE** / ~~submit a NEUTRAL submission~~ (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. 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 request that the consent authority decline all parts of the application.

Please refer to the attached document to see the conditons we ask the consent authority to impose on the applicant, if the application in its entirety, or part thereof, be granted.

I/we:

- Wish to be heard in support of our/my submission
- Not 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, ~~am~~ **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, ~~am~~ **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~~ **do not** (choose one) wish to be involved in any pre-hearing meeting that may be held for this application.

I, ~~do~~ **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, ~~have~~ **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)

Notes to the submitter

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.

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.

Privacy: Please note that submissions are public. Your name and submission will be included in papers that are available to the media and the public, including publication on the Council website. Your submission will only be used for the purpose of the notified resource consent process

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.

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 may be liable to meet or contribute to the costs of the hearings commissioner or commissioners.

You may not make a request under section 100A of the Resource Management Act 1991 in relation to an application for a coastal permit to carry out an activity that a regional coastal plan describes as a restricted coastal activity.

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.

The address for service for the Consent Authority is:

Otago Regional Council, Private Bag 1954, Dunedin, 9054
or by email to submissions@orc.govt.nz

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

JOINT SUBMITTERS: Towyn Trust and Lake Terrace Cherries Ltd

The Towyn Trust and Lake Terrace Cherries Limited oppose the Consent Application.

BACKGROUND

The Towyn Trust (“the Trust”) owns PT Lot 4 DP 24590, being 2.2952 hectares at 90 Smiths Way, Mt Pisa, Cromwell 9383. The Trust is also a shareholder in a family owned cherry orchard, Lake Terrace Cherries Ltd (LTC), which owns Lot 2 DP 510188 being 8.3956 hectares at 90 Smiths Way, Mt Pisa, Cromwell, 9383.

The Trust property has been developed since approx. 1999 and in addition to a residence and curtilage area, used by beneficial owners, there are various ancillary buildings. Also located on the property are:

- approx. 1400 grape vines – fruit taken by commercial wine maker
- approx. 200 cherry trees
- approx. 100 olive trees
- approx. 30 other various fruit and nut trees

The LTC property is a commercial cherry orchard.

Both properties has potable water supplied by Amisfield Estate Society Inc (AES). It has been registered since 29th January 2015 with the Ministry of Health as a drinking (potable) water supply. 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).

The submitters have a direct connection to Amisfield Estate Society through the supply of potable water to them, 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 submitters consider that they are 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

Water

- Contamination of the aquifer from which our potable water is drawn and potential subsequent effect on human health
- Contamination of the aquifer from which export crop horticulture irrigation is drawn and potential subsequent effect on plant health and subsequent impacts on production and markets for export fruit;

- Depletion of the aquifer capacity reducing water take capacity for potable and horticultural irrigation needs.

Dust/Particulates

- The affect respirable crystalline silica (RCS) dust on human health arising from increased quarry operations;
- The affect RCS dust on pollination of our trees, grasses and domestically consumed 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. In the ORC Notification Report our property, 90 Smiths Way, is noted as a receptor of dust, with the third highest frequency of winds >5m/s%, and one of only seven of the seventeen locations to be rated as High for Receptor Sensitivity. We were advised by ORC we were not notified because we were outside the 100m limit set by ORC for notification. No mention is made in the ORC report of the health hazard to surrounding communities, due to dust containing RCS. The wind zone for the area is rated as Very High, yet the wind data used was taken 2km south of the quarry location.

Noise

The Trust property is predominately a lifestyle property. There will be increased noise levels resulting from the increased activity. Increased noise levels affects have the potential to affect health and well being, and will affect quiet enjoyment of our property.

Productive land

In recent years there has been significant plantings of horticulture/viticulture in the existing and proposed quarry surrounding area. This has resulted in an increase of people choosing to live and in some cases, raise their families, in the area. While the quarry has been in existence for some time, many bought with the expectation that it would cease operations in the near to mid term of them buying their properties. Many were also unaware that it was consented only in 2016. It makes one wonder if it was a non notified consent back then. The wide scope of productive land has only being valued in more recent times by Central government, and therefore there is an obligation to consider this application in this context. The proposed expansion area is an area of productive horticulture/viticulture land. If the proposal as a quarry is granted as it stands, the land will never be remediated to the productive standard it is now. Cromwell area has limited productive hort/viticulture land, with access to good water supply, and what does remain needs to be protected.

Remediation

There is nothing in the application that states only certified clean fill will be used in remediation works. Anything less e.g. landfill type material, has the potential in the longer term, to leach potentially toxic leachates in to the soil/aquifers, with potentially

catastrophic results for the surrounding community. A substantial bond should be required of CCCL, that takes this in to account, if this application is granted, or partially granted.

OUTCOME SOUGHT

We seek that the application by CCCL be denied in its entirety.

Should the consent application be granted in whole or part, the submitters consider the application as it stands lacking mitigation rigour and future proofing. The submitters seek the following robust conditions of consent be imposed.

Water

Any water extracted that is used for the quarry operation is to be either recycled and/or where it is to be ultimately returned to the aquifer, it is stored in a rubber lined, or fit for purpose synthetically lined pond and treated to potable standards before it is returned to the aquifer. It is to have leak detection system installed including inspection trap, which is required to be monitored regularly but no less than weekly. Clay lining of pond is unacceptable. Any resultant sediment is removed and disposed off site.

Any water returned to the aquifer to be of potable standard.

All water take to be measured and reported via telemetry to ORC.

Dust/particulate matter

Monitoring and research to be undertaken on various sites up to 400m away, by an independent consultant, mutually agreed upon by applicant and receptors, to determine the threat to health of RCS dust on the wider community i.e. those more than 100m away. The wider community is made up of more permanent residents now than previously some of whom are children. *Silicosis is a progressive and deadly disease that causes fibrosis of the lungs from the inhalation of respirable crystalline silica (RCS) dust.*

<https://www.worksafe.govt.nz/topic-and-industry/dust/silica-dust-in-the-workplace/>

The consenting authority would be remiss if it did not consider the implications of this on community human health, especially those of our tamariki.

Noise

Regular short interval monitoring of noise to take place especially in the first 36 months of the extended quarry area being operated, with the authority having the power to shut down the quarry for repeated breaches, of exceedance and no mitigations taking place.

SUPPORT OF OTHER SUBMISSIONS

The submitters support the following submissions:

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