

Before a Commissioner appointed by the Otago Regional Council and the Central Otago Regional Council

Under the Resource Management Act 1991

In the matter of applications by Cromwell Certified Concrete for resource consents to expand Amisfield Quarry

Memorandum of Counsel on behalf of the Hayden Little Family Trust, Nicola and Bryson Clark, and Amisfield Orchard Limited

08 March 2022

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**anderson
lloyd.**

May it please the Commissioner

- 1 This memorandum of counsel is filed on behalf of the Hayden Little Family Trust, Nicola and Bryson Clark, and Amisfield Orchard Limited (collectively, the **Submitters**) in response to the Applicant's right of reply, dated 28 February 2022.
- 2 While it is important to observe hearing process, and acknowledging the Submitters do not have a right of reply, the following matters correct factual inaccuracies made in the Applicant's reply, which may be material to the Commissioner's decision. The Submitters feel it is important to correct the record on these matters.
- 3 The following sections are clarifications on the legal right of reply.
- 4 **Para 21**
 - (a) Counsel questions why a second dwelling would be needed on 'that property' (referring to the R9 platform / HLFT Land), given the consented dwelling at R6.
 - (b) As stated in the hearing by Mr Little, R6 is on AOL title, and R9 is on HLFT Title. These are two separate, legally defined, parcels of land. Nothing in Mr Little's evidence suggests that R9 development for its consented purpose would be unlikely.
- 5 **Para 25**
 - (a) Ms Clark's statements as to future water availability for her planned (permitted) orchard operations, was a comment made in the context that she was concerned the quarry proposal's demand on water would have an adverse effect on current water availability.
- 6 **Para 47**
 - (a) At 47, it is stated that no evidence has been presented as to actual effects of dust from the existing quarry. Mr Little's evidence and his oral account at the hearing presented numerous actual examples, including effects of dust on stock, forcing contractors offsite, and dust settling on sprinklers and infrastructure (Appendix F), and that the source for these was the quarry site, not the Amisfield Burn.
- 7 **Para 49 and footnote 66**
 - (a) Mr Little and Mr Weaver have significant experience in assessing economic effects, as detailed in their respective briefs, they each hold

decades of agribusiness and economic advisory professional roles,
plus supporting respected qualifications.

A handwritten signature in black ink, appearing to read 'Rosie Hill', is centered on the page. The signature is fluid and cursive.

Rosie Hill
Counsel for the Submitters