

TO: Otago Regional Council

SUBMITTER Amisfield Estate Society Incorporated
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**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 Affected party approval was given with respect to that property but has subsequently been withdrawn.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 community¹.

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

¹ 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.

B Irving

Counsel on behalf of the Submitter

Date 11 June 2021