

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:

Hayden Little Family Trust

Trustees  
Hayden Sinclair Little  
Malcolm James Little  
CP Trustees Ltd

Postal Address:

[Redacted]

Post Code:

[Redacted]

Phone number:

Business:

[Redacted]

Private:

[Redacted]

Mobile:

[Redacted]

Email address:

[Redacted]

I/we wish to ~~SUPPORT~~ **OPPOSE** / submit a ~~NEUTRAL~~ submission on (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 appendix and emails with photos etc

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).

Oppose the application

See attached appendix and emails with photos etc

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

Decline the application

See attached appendix and emails with photos etc

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 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)

23/05/2021  
(Date)

## **Appendix** : Submission on CCC Ltd from Hayden Little Family Trust to CODC / ORC

### **Introduction**

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

The Hayden Little Family Trust (HLFT) owns an 11.17ha cherry orchard/ irrigated grazing /contracting base property on the southern boundary of the CCCLs existing quarry and 9.87ha lifestyle/horticultural block CCCL purchased in 2018.

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

HLFT was formed in Aug 2017 to develop the property into a 4ha export cherry orchard (2yrs old), 5ha of irrigated pasture with the balance workers amenities, storage and plant/equipment (2x 2bay farm sheds recently built)

Other improvements include staff amenities (shower/toilet blk, two small kitchen huts connected to a Septic tank) and unattached huts and shipping containers (all under 30m2)

There is no houses on the property

Over 2019-2021 HLFT fully established 3,500 cherry trees with the first commercial harvest due in two years with peak production expected in 4yrs.

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

In Nov 2020 a building platform was approved by CODC for future housing however in the near future this site is going to be used for seasonal workers accommodation (SWA) with the current staff amenities to be transferred to this site. A commercial horticultural contractor's base is being established on the current staff amenities site to manage owned and outside orchards

Planning commenced prior to any knowledge of the quarry expansion.

Our surveyor is currently working on the approval of a <60 person seasonal workers accommodation to support the orchard/contracting business **(essential to harvest the crop as limited accommodation in Cromwell Dec/Jan)**

The HLFT title is subject to 'no complaining gag' and dwelling number covenants in respect to the existing CCCL quarry to the north.

Access and services to our property is via a 10m wide ROW/easement over the CCCLs new property they propose to quarry. 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 CCCL 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. HLFT 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 HLFT in June 2020 and presented an incomplete draft report on the proposed quarry expansion. At this time HLFT was already planning a seasonal workers accommodation (SWA) and well underway establishing a multi-million dollar cherry business. HLFT 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 HLFT's business plans and the effects on a modern cherry orchard operation.

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

### **Notification**

HLFT received the CODC 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 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.

HLFT 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).

HLFT 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 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 emailed 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.

HLFT 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 locations are not valid due to the extreme differences in mountainous regions (how could you compare an open landscape of Earnsclough 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**

HLFT 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 HLFT land and conducted unconsented activities
- 2) regularly discharge large quantities of dust over neighbours properties particularly noticed by HLFT 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 with HLFT as failed to locate the boundary
- 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 HLFT's business, consult and accept the world has moved on and CCCL are now surrounded by rural residential/hort/vit developments.

Accordingly we have no confidence in CCCL self monitoring their dust and wind.  
**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 HLFT property will be 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

**HLFT 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 the 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 200m where dust can travel down wind). See e mailed video evidence the distance dust travels is even greater and will cover all HLFTs property.

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

**There are no records of the RCS and P10 dust past emission levels from CCCL – are they being recorded now in light of this completely new RC and then multiplied up to reflect the 200% increase in activity**

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

CCCL proposes to quarry to the boundary and to the backyard of a proposed seasonal workers accommodation (with consent 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 HLFT s property**

**This is totally unacceptable and doubt there has been a recent consent to quarry within 200m of accommodation 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 e mailed photos/examples of rain covers).

HLFT will be building pole/cable/screw anchors base structures this year (poles on hand) which will support nearly 40,000 m2 of bird nets which will sit above 40,000m2 of retractable rain covers when production starts in 2 years time.

- 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 in vast quantities. Photosynthesis will be reduced by deposits on leafs 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 HLFT
- 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) HLFT grazing livestock are also affected – see photos of Angus calves grazing on the the quarry with dust excreted from eyes. **Staff eyes are similarly affected but lungs cant excrete RCS dust**

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

HLFT 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 HLFT.

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

CCCL proposes no bunding on the expansion title along our ROW

Visual pollution will occur along the ROW.

**HLFT north boundary to the existing quarry has been encroached and is now part of the pit looking straight at the crushing plant – no set back or screening is proposed along this boundary despite the irrigated pasture and cherry orchard being from 0m to 50m away. This is a new consent and needs to be mitigated – we seek 100m setback from the quarries south boundary**

## Noise

HLFT 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 – where is the data?**

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

Truck and digger noise, rocks hitting the truck decks, engine noise, alarms etc only 50m away from a building platform / SWA.

This is a new consent for the existing quarry and needs to be mitigated along the entire quarry boundary now it’s applying to increase production by 200%

## 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

In contrast a lifetime of horticultural production adds considerable more value to the region and NZ. This title is in a prime location close to other orchards and support industries / infrastructure required for a successful horticultural operation

With 8ha in cherries this title could gross \$200,000 per ha in export earnings 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?

**Encroachment (see aerial photo/ emailed photos from HLFT property into the quarry crushing plant)**

CCCL did not locate its south boundary with HLFT which it should have done years ago as a consent condition was to rabbit fence and establish a double row of trees – accordingly this condition was never met even after it was raised by the CODC in later consents

The fence was half buried in places by quarry material and not rabbit or stock proof but was jointly fixed two years ago but is not a boundary fence.

CCCL has encroached and quarried approx. 2ac of HLFTs property accordingly they are in multiple breach of their consent and CODC land disturbance regulations.

Restoration and compensation has been sort for over a year. CCCL recently accused us of encroaching on land they hadn't fenced off and offered to realign the fence and 'return it to our control' however HLFT requires full restoration and compensation. There is no resolution and they continue to operate on Trust property.

HLFT encroached land has no setback or screening and is marked as part of the 'active quarry site' on their site plan and is close to the crushing plant. This new consent requires conditions to rectify because CCCL has not mitigated this in the application.

**HLFT requests a set back of at least 100m from the south boundary to protect the cherry operation and staff from dust and noise if this consent is approved in any form**

**Water (see emailed photo of stream beside stock pile)**

A **tributary** of the Amisfield Creek that provides HLFT with stock water flows within 50 meters of the quarry's active area

There is no hydrologist report on the effect on this stream of mining 10m below ground water level. Are Landpro qualified hydrologists and has a proper assessment been done? Would appear not

HLFT is concerned about losing this water supply should it find its way through the already disturbed gravel into the quarry.

HLFT owns a bore for irrigation and drinking which also supplies the neighbouring Amisfield Orchards Ltd being 200m from the quarry.

The discharge to water and contamination of the Pisa Aquifer is very likely but has not been considered – please refer to the I&M Ltd submission which outlines the concerns we also have on this issue.

We don't believe there is any testing of material brought into the quarry at present or proposed so it is very possible it could be contaminated already and/or in the future.

## **Rehabilitation Plan**

Totally underwhelming, minimalistic and noncommittal

### **The mining 10m below the ground water level has a major effect on restoration**

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 sloping horse riding public space (as they portray)

CCCL propose no ongoing rehabilitation 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?

There is no indication that materials brought onto the site will be tested for contamination

Ongoing restoration should be a condition

### **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

HLFT 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**

HLFT 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

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

- Air quality/dust pollution
- Effects on the cherry orchard – in support of HLFTs 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

**HLFTs orchard, workers accommodation site and contactors site is exposed to the northerly quarter prevailing wind – more so than any other property**

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 nearly 2 fold from 70,000m<sup>3</sup> to 200,000m<sup>3</sup> 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 current standards that are imposed on recent quarry consents via conditions – **for example no set back or screening is proposed on the existing quarry area especially on the HLFT north boundary.**

The Hayden Little Family Trust does not support the CCCL RC application to quarry this narrow title on our northeast boundary as the adverse effects from dust, noise, visual pollution etc cannot be mitigated without acceptable setbacks from the SWA's and horticultural activities. Considerably better plans and actions are required than proposed if this is approved in any form.

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

We do not agree and therefore would like to challenge a number of expert report findings with our own expert reports/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

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.

**Increasing the output and activity on the existing site multiplies the adverse effects requiring appropriate conditions imposed over all the site.**

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

**HLFT requests the application be declined as it can't mitigate the adverse effects**

**Malcolm Little. Hayden Little**

**From:** [Malcolm](#)  
**To:** [info@codc.govt.nz](mailto:info@codc.govt.nz); [Resource.Consents@codc.govt.nz](mailto:Resource.Consents@codc.govt.nz); [Matt Curran](#); [Submissions](#)  
**Subject:** Appendix for submission on RC 200343 RM20.360.01-04  
**Date:** Tuesday, 25 May 2021 11:10:00 a.m.

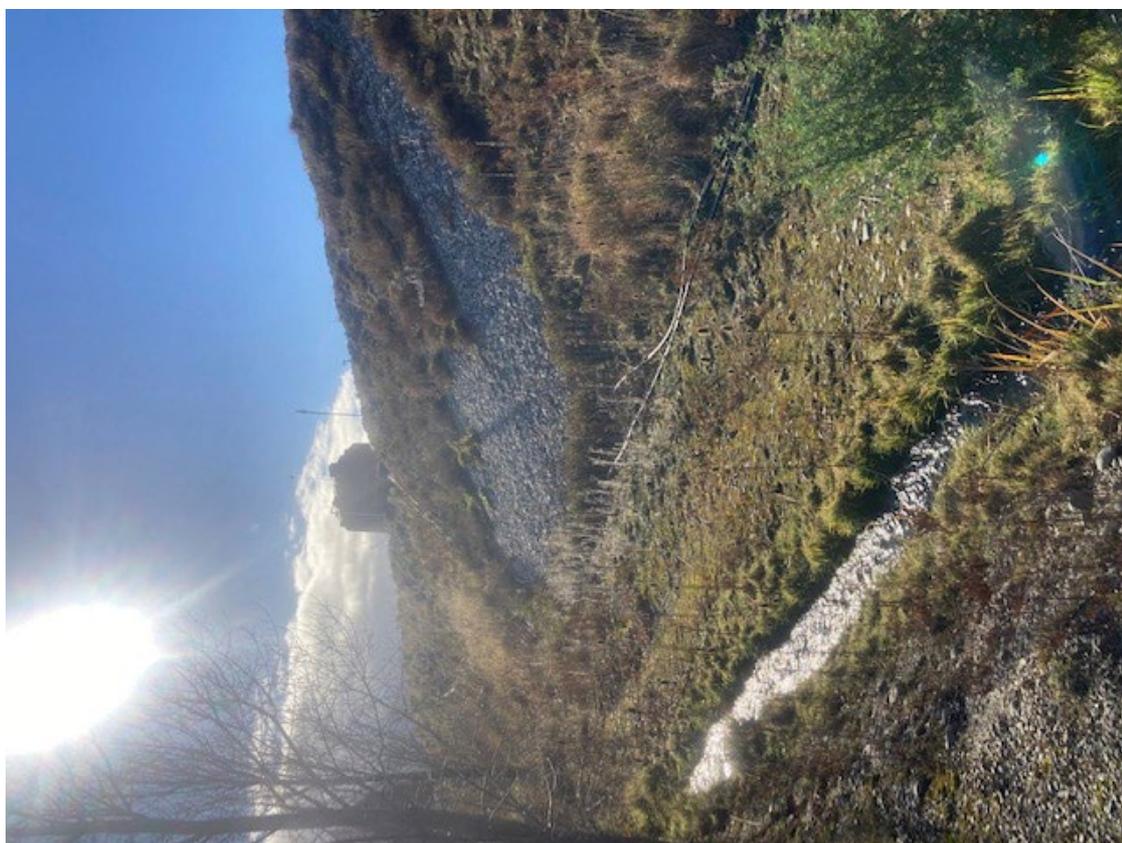
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Photos of dust from CCCL and Amisfield tributary beside quarry

Sent from my iPhone

Begin forwarded message:

**From:** hayden little <[hayden.little@hotmail.com](mailto:hayden.little@hotmail.com)>  
**Date:** 25 May 2021 at 10:03:51 AM NZST  
**To:** Malcolm Little <[malcolm.little@xtra.co.nz](mailto:malcolm.little@xtra.co.nz)>  
**Subject:** Creek and couple more dust photos







Sent from my iPhone

**From:** [Malcolm](#)  
**To:** [info@codc.govt.nz](mailto:info@codc.govt.nz); [Resource.Consents@codc.govt.nz](mailto:Resource.Consents@codc.govt.nz); [Submissions](#); [Matt Curran](#)  
**Subject:** Appendix - submission on RC 200343 RM20.360.03  
**Date:** Tuesday, 25 May 2021 11:22:00 a.m.

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Amisfield Orchard Ltd Hayden Little Family Trust  
Nov 2020 Complaint including dust photos

Sent from my iPhone

Begin forwarded message:

**From:** Malcolm <malcolm.little@xtra.co.nz>  
**Date:** 6 November 2020 at 2:07:04 PM NZDT  
**To:** oli mcintosh@codc.govt.nz  
**Cc:** hayden little <hayden.little@hotmail.com>, Murray L <murray.little@cplaw.co.nz>  
**Subject:** Fwd: Dust

Coming off existing quarry and travelling to Cooks neighbouring orchard as well as Mt Pisa blocks on other side of highway

They don't seem to appreciate they are not surrounded in unoccupied undeveloped farmland anymore

They do nothing to effectively mitigate dust at the moment - some of which comes off our own land!

Please also note the Quarry is in breach of consents (setbacks, bunds, trees etc) as they have been quarrying our land and haven't followed legal boundaries- legal action is about to be commenced requesting full restoration

Please consider this to be a formal complaint on these issues

Regards

Beneficiaries Hayden Little Family Trust

Sent from my iPhone

Begin forwarded message:

**From:** Malcolm <malcolm.little@xtra.co.nz>  
**Date:** 17 September 2020 at 5:55:12 PM NZST  
**To:** info@amisfieldquarry.co.nz  
**Subject:** Dust

Please note the attached photos showing the extent of the dust falling on our orchard and further into our southern neighbours - expect the reading would be off the scale - this went on for hours while we were planting trees covering staff and vehicles with dust

When the rain covers go up the dust is going to be a major effect on production

Are your dust suppression methods Non existing, not working or not activated?

There are numerous other photos and videos of dust coming off the quarry from all around the compass on many occasions so assume there are actually no measures in place?

This was at a relatively regular 30km/hr wind speed

According to your consent you are required to prevent dust nuisance

Perhaps you could comment ?

Regards

Mal



Sent from my iPhone

**From:** [Malcolm](#)  
**To:** [Resource.Consents@codc.govt.nz](mailto:Resource.Consents@codc.govt.nz); [Submissions](#); [Matt Curran](#); [info@codc.govt.nz](mailto:info@codc.govt.nz)  
**Subject:** Appendix- submission on RC200343 RM 20.360.01/4  
**Date:** Tuesday, 25 May 2021 11:50:35 a.m.

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Amisfield Orchard Ltd and Hayden Little Family Trust submission  
Bunds- exposed surfaces / rabbit holes on new and old bunds  
Boundary rabbit holes  
Steep quarry faces  
View from Trusts property into pit









Sent from my iPhone

**From:** [Malcolm](#)  
**To:** [info@codc.govt.nz](mailto:info@codc.govt.nz); [Resource.Consents@codc.govt.nz](mailto:Resource.Consents@codc.govt.nz); [Submissions](#); [Matt Curran](#)  
**Subject:** Appendix Submissions RC200343 RM30.360.01/4  
**Date:** Tuesday, 25 May 2021 11:58:40 a.m.

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Amisfield Orchard Ltd and Hayden Little Family Trust submission  
Further photos on Trust land and view of pit and crushing -encroachment goes down to the lower road  
Trusts irrigated pasture on CCCL boundary next door is the orchard





Sent from my iPhone

**From:** [Malcolm](#)  
**To:** [Submissions](#); [info@codc.govt.nz](mailto:info@codc.govt.nz); [Resource.Consents@codc.govt.nz](mailto:Resource.Consents@codc.govt.nz); [Matt Curran](#)  
**Subject:** Appendix Submission on RC200343 RM20.360.01/4  
**Date:** Tuesday, 25 May 2021 12:09:39 p.m.

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Amisfield Orchard Ltd and Hayden Little Family Trust submission  
Complaint email - outline and dust excreted from cattle eyes

Sent from my iPhone

Begin forwarded message:

**From:** hayden little <hayden.little@hotmail.com>  
**Date:** 18 May 2021 at 11:23:46 AM NZST  
**To:** Malcolm <malcolm.little@xtra.co.nz>  
**Subject: Fwd: I've shared a folder with you on OneDrive CCCL dust pollution**

Sent from my iPhone

Begin forwarded message:

**From:** Joseph Fraser <Joseph.Fraser@orc.govt.nz>  
**Date:** 17 May 2021 at 8:45:16 AM NZST  
**To:** hayden little <hayden.little@hotmail.com>, Pollution <Pollution@orc.govt.nz>  
**Cc:** Maggie Dodd <Maggie.Dodd@orc.govt.nz>, Legal <legal@orc.govt.nz>  
**Subject: RE: I've shared a folder with you on OneDrive CCCL dust pollution**

Hi Hayden,

Thanks for your email and detailing your concerns. As discussed, we will review your queries and respond in due course.

Regards,

Joseph.

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**From:** hayden little <hayden.little@hotmail.com>  
**Sent:** Sunday, 16 May 2021 10:00 p.m.  
**To:** Joseph Fraser <Joseph.Fraser@orc.govt.nz>; Pollution <Pollution@orc.govt.nz>  
**Subject:** I've shared a folder with you on OneDrive CCCL dust pollution

To who this may concern

Good afternoon,  
Background info.

Address: 1286 Luggate Cromwell road.

I own a cherry orchard on south and east boundary of CCCL (Cromwell Certified Concrete Limited) quarry.

Approx 3.8 ha, 3800 trees and 4ha of irrigated pastoral land within 30m of quarry activity on the south end. To the east there is 5 ha 4500 trees and workers accomodation, accomodating up to 60 workers on both titles.

Since established, there has been ongoing effects to my orchard in the form of fine dust settling into my sprinklers and minimised foliar fertiliser absorbing rate, decreased disease control and decreased photosynthesis.

Due to this there has been extra labour costs and tree deaths due to the above causes, not to mention the adverse health affect of RCS dust on stock, contractors, myself and my family.

Attached are some dust videos and pictures to help you understand the major problem occurring.

Can you please answer the following  
Under the OIA (official information act)

1. Can I please have the report from which Joseph came and took gps location and pictures of sprinklers not working pictures off dust on foliar from dust contamination that come from CCCL quarry?
2. On the third time ORC pollution control came out to the property they seen first hand the dust pollution onto my irrigated pastoral land, stock and cherry block. ORC took more photos for proof or evidence. How come the result was unsatisfactory of an infringement notice to CCCL?
3. The response I got when I asked ORC how they got on was..let me quote "when I stood in your orchard I could not feel or see any dust landing on me or your trees" how is this sufficient when RSC dust is less than 15 microns, my understanding of that would mean you would need a microscope to see the dust on the leaves or yourself and the dust particles are to light for the human nervous system to feel when these particle land on you. How was this an effective way to measure dust pollution on to productive land?
4. When the last email was sent(I have forward it in to email) why no reply?

5. What measures are you taking to date?
6. Does the current on site manager of CCCL hold the correct quarry mangers certificate?
7. How come ORC have not given an infringement notice to CCCL?
8. I Have recorded at-least 4 complaints against CCCL majority have been made through the ORC hotline and might be under other names like MCnualty quarry, Amisfield quarry can I please have all the recorded complaints from ORC against CCCL.  
The covenants are void due to CCCL mining and working on our land.

To view my folder, click this link:

<https://1drv.ms/f/s!AhkZbAqF74VVjzWJ0Rgd4JcdMnFN>

Looking forward to hearing back from ORC  
Cheers Hayden

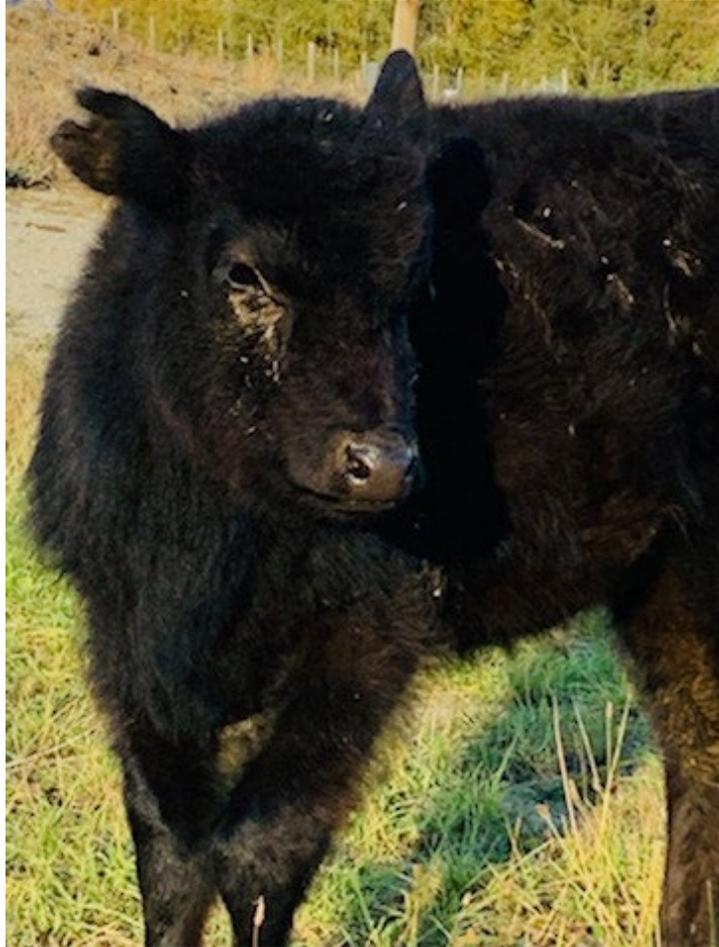
Sent from my iPhone

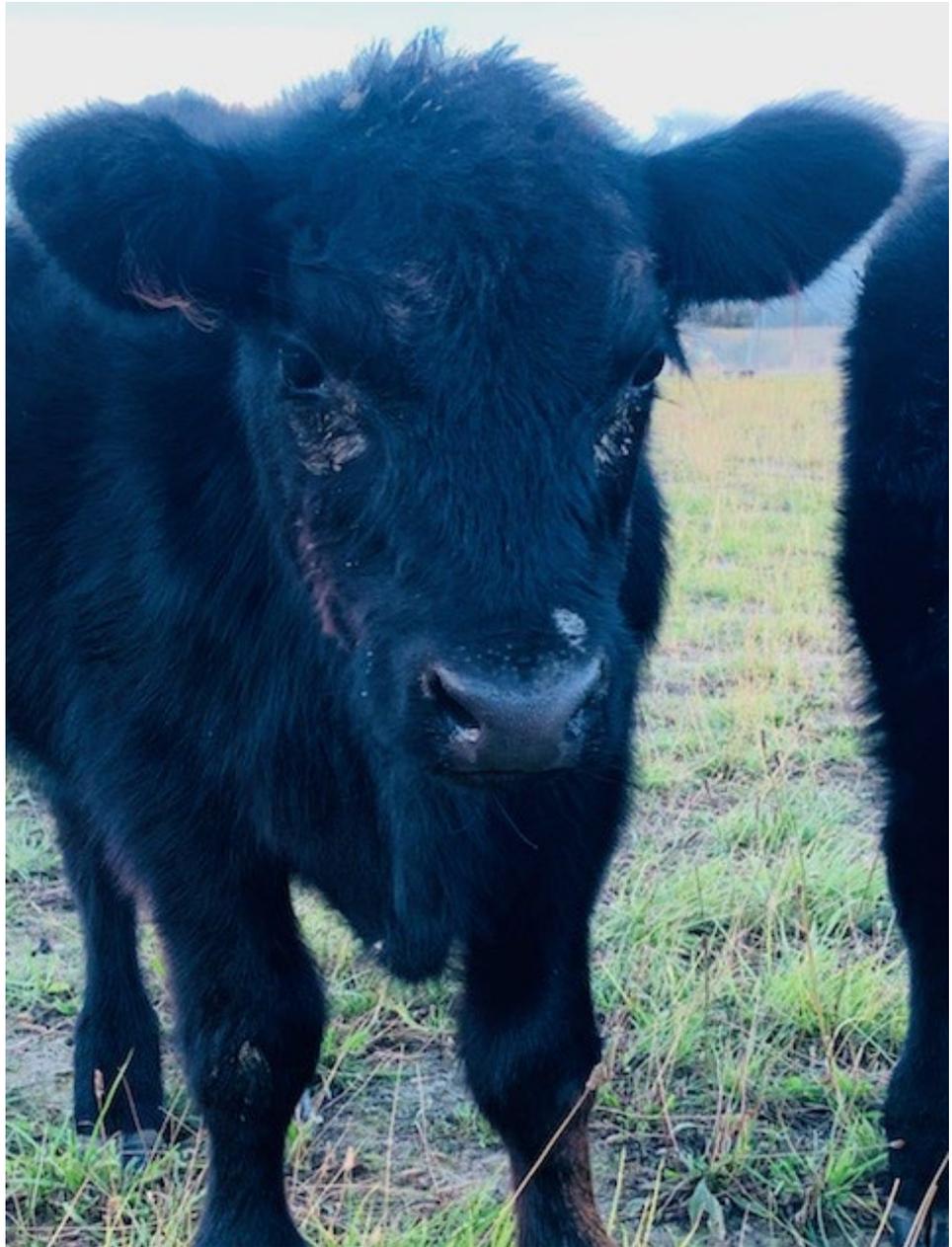
Begin forwarded message:

**From:** hayden little <[hayden.little@hotmail.com](mailto:hayden.little@hotmail.com)>  
**Date:** 22 April 2021 at 12:27:27 PM NZST  
**To:** [joseph.fraser@orc.govt.nz](mailto:joseph.fraser@orc.govt.nz)  
**Subject: Quarry infringement**

Hey.

Getting in contact on how you are going with your investigation with quarry and orc infringement notice too the quarry. spoken to you 2 weeks ago at my 1286 Luggate cromwell highway property, Where you gatherd evidence to proceed with infringement. Also too your and orc disposal for evidence are all the neighbours photos and videos dating back at-least 6 months. The best ones have been already sent too orc with complaint dating back 6 months  
Have attached my animal photos from last dust event.





Sent from my iPhone

To view my folder, click this link:

<https://1drv.ms/f/s!AhkZbAqF74VVjzWJORgd4JcdMnFN>

Sent from my iPhone

**FTM**

**Fruit Tree Media**











**From:** [Malcolm](#)  
**To:** [Submissions](#); [Matt Curran](#)  
**Subject:** RM20.360.01/04 submission  
**Date:** Friday, 28 May 2021 12:38:20 p.m.

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In support of submission from Amisfield Orchard Ltd and Hayden Little FT  
This day contractors had to stop working due to the dust - will get signed statement  
Note easily reaching the Cook property - so much for 100m re notification to effected property







Sent from my iPhone