

**BEFORE A COMMISSIONER APPOINTED BY THE OTAGO REGIONAL
COUNCIL AND CENTRAL OTAGO REGIONAL COUNCIL**

IN THE MATTER OF

the Resource Management Act 1991

AND

IN THE MATTER OF

applications by Cromwell Certified
Concrete Limited for resource
consents to expand Amisfield Quarry

**MEMORANDUM OF COUNSEL FOR
CROMWELL CERTIFIED CONCRETE LIMITED –
FOURTH MINUTE OF THE COMMISSIONER**

Dated: 28 March 2022

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MAY IT PLEASE THE COMMISSIONER:**Introduction**

- 1 In a memorandum dated 8 March 2022, Ms Hill (acting for some submitters) lodged a memorandum seeking to correct what her clients considered to be factual inaccuracies in the applicant's reply.
- 2 That memorandum was lodged outside of the hearing process set by the Commissioner in his Third Minute. In paragraph 25 of his Fourth Minute, the Commissioner allowed the applicant to respond to any of the matters raised if necessary.
- 3 Briefly, the applicant responds to those matters as follows (paragraph references relate to those in the applicant's reply and used as headings in Ms Hill's memorandum):
 - (a) Para 21 - HLFT did not call any evidence to show that building on the R9 platform is 'practically certain', which is the relevant legal test.
 - (b) Para 25 - In terms of Ms Clark's statements as to future water availability for potential orchard operations, the record does not show that her comment was made in the context suggested by Ms Hill.
 - (c) Para 47 - It is maintained that AOL/HLFT have not presented evidence as to effects of this proposal, nor its current operations. In terms of dust settling on sprinklers, as set out in paragraph 47 of the applicant's reply, Ms Underwood's evidence considers that to be unlikely. The Trust's submission refers to ORC officers having inspected the sprinklers following a complaint by Mr Little and there is no evidence that they found any issues.
 - (d) Para 49 and footnote 66 – This paragraph of the applicant's reply states: *Mr Weaver did not read the evidence of Mr Allison or Mr Cudmore. Mr Little also did not consider the evidence of Mr Allison or Mr Cudmore in preparing his evidence. These are*

very significant omissions, and it is difficult to see how they could have formed a view on the effects of the proposal without reading the evidence of Mr Cudmore and Mr Allison. Ms Hill's paragraph 7 appears to seek to qualify Mr Little and Mr Weaver as having expertise in assessing economic effects. This is not relevant to paragraph 49 of the applicant's reply.

- (e) Neither Mr Little nor Mr Weaver are economists nor have economic qualifications. However as set out in the applicant's reply, the potential economic benefits arising from alternative use of the expansion land are not relevant.



Monique Thomas

Counsel for Cromwell Certified Concrete Limited