

IN THE MATTER

of the Resource Management Act 1991

AND

IN THE MATTER

of the Gore District Plan

AND

IN THE MATTER

of a Land Use Consent (LU 2014/95) by Taha Fertilizer Industries Limited seeking approval to store Class 6 and Class 9 hazardous substance in excess of the requirements in the district plan on the site at 109 and 116-130 Kana Street, Mataura.

COMMISSIONERS

Colin Weatherall (Chair)
David Pullar

SECOND MINUTE FROM THE COMMISSIONERS

Introduction

The hearing to consider the above land use application was heard between 12 May 2015 and 14 May 2015 and adjourned on 14 May 2015 at the conclusion of the evidence and submissions from all parties to allow the Commissioners to consider all the information presented. This was followed by a formal request for further information.

Set out below are details of the information provided in response to the requests from the Commissioners. At this stage, the parties to this hearing are again reminded that they should not assume that in asking for information on a particular issue the Commissioners have made a decision on the application. That is far from the case. The Commissioners remain of an open mind on the determination of the application.

The Commissioners again also wish to affirm their intention to act fairly and to provide all submitters with a copy of the additional information received in response to the previous minute, together with a reasonable time for them to consider that information. This opportunity is now being provided via this "minute" for submitters to provide written comment on the additional information and/or to appear at the reconvened hearing to present their comments or evidence in person.

The Commissioners wish to formally notify you that two days have been set down for the reconvened hearing. These will be Wednesday, **26 August 2015** and Thursday **27 August 2015** at the Mataura Community Centre between the hours of 9am and 5pm on both days. Friday **28 August 2015** has also been set aside if needed for the hearing continuance at the Gore District Council Chambers.

The Commissioners remain mindful that this timeframe further lengthens the time taken to resolve this application, creating uncertainty for both submitters and the applicant alike. However, any decision on the resource consent needs to be robust and carefully considered on the basis of all relevant information and at this time the Commissioners are not satisfied that they have all the information needed to make a decision.

Additional Information now supplied

Taha Fertilizer Industries Limited has supplied additional information on the following matters:

General

- Details of the management structure and relationships between the various for Taha Companies and personnel, together with contact details and the circumstances when particular people should be contacted, including complaints.
- An update on progress in establishing a site at Awarua, together with a project management breakdown outlining the timing of the development of the new site and movement of the material stored at Matura.

The Ouvea Premix and Aluminium Dross

- Correct MSDS and the details of the chemical composition of the Ouvea premix and Aluminium Dross.
- A copy of the decision of the Environmental Protection Agency regarding the status of Ouvea premix.

Traffic Issues

- A draft of a Traffic Management Plan
- An update on the status of discussions with the New Zealand Transport Agency.

Building Use

- A detailed site plan, showing the building layout and the location of all product stored on the site, together with an assessment as to the feasibility of removing some or all of the product from the site.
- A breakdown of the amounts of chemical stored in each area of all the buildings by the number of bags stored in each area.
- A description of the power generation undertaken on the site, with plans showing water flows and the location of machinery and associated machinery and infrastructure.
- A report on the stability of the chimney on the site, and assessment of any risk it possess to the building and the material stored on the site.
- A report from the structural engineer on the strength of the floor of the buildings, together with an assessment of any assumptions and uncertainties that arise given that material is already stored on the site, and the full inspection of the floors cannot be undertaken of empty buildings.
- Further information that indicates the volume/depth of water that could enter the buildings as a result of seepage during a 2% Annual Exceedance Probability flood that does not breach the river stop banks or the flood protection barriers that are included as part of a Flood Response Plan.

Issues Associated with Risks

- An assessment on the need, or otherwise, to revisit the gravel build up in the river above the site.
- Provision of information on how the sprinkler system would operate.
- A qualitative assessment of fire risk, with particular regard to:
 - The potential release of ammonia gas in a fire if sprinklers are used
- A draft of a Flood Response Plan that would include:
 - The existing and proposed flood protection measures
 - Details of triggers for action, including details of how warnings from the Meteorological Service would be used
 - Who would do what, and any risks that would prevent actions being undertaken
 - Details of any measures the applicant would consider putting in place on a permanent basis
- A draft of a Storm water Management Plan that would include:
 - A plan showing the location of the existing operational and redundant storm water infrastructure on the site, including associated pumps and the means by which storm water is disposed.
 - Details as to the nature and timing of changes proposed to the storm water management systems.

Possible Conditions if the Application is Approved

The applicant has provided a set of conditions proposed to be imposed if the application is approved.

Regional Council Consents

Information has been provided that indicates that Environment Southland does not require any consents with regard to discharges to air has been received from the applicant.

Gore District Council

The applicants planning witness offered the Commissioners an opinion on the taking of a bond. This opinion was circulated to the Gore District Council's legal representative for comment and this opinion is also attached to the information being sent to you.

In the event that the Commissioners were to decline the application, an opinion has been provided relating to the issues associated with removal of the material to another site.

The Commissioners requested that Gore District Council obtain a peer review on the methodology and likely accuracy of the testing conducted by the applicant as presented at the first hearing. The peer review is attached to the further information being sent to you.

Timetable for receiving information and proceeding to the reconvened hearing

The Commissioners have allowed three working days for the posted material to arrive, being Tuesday 28 July 2015. Submissions and evidence can only be made on the information being circulated with this minute and must be received by the Gore District Council no later than 5pm on **14 August 2015**.

The Commissioners reserve the right to issue a further “minute” should the need arise at any stage in order to keep all parties informed on progress and in the event that any unforeseen issues or circumstances arise that may impact on timeframes. The Commissioners are seeking to formally notify you of the dates when the hearing will be held as being the 26 – 28 August 2015 as outlined above.

Further Information or Queries

If you require any clarification of the matters set out in this minute, or wish to raise an issue you consider should be considered by the Community Liaison Group you should contact Howard Alchin at the Gore District Council. He can be contacted through the Council by phone on (03) 209 0330 or by email at halchin@goredc.govt.nz.

Dated this 24th day of July 2015

A handwritten signature in black ink, appearing to read 'Colin Weatherall', written over a faint rectangular stamp.

Colin Weatherall
Commissioner (Chair)