Gore District Council Decisions

NOTIFICATION UNDER s95A AND s95B AND DETERMINATION UNDER s104

Resource Management Act 1991

Application reference	LU 23072
Applicant	Alliance Group Limited
Proposal	Application under Section 88 of the Resource Management Act 1991 (RMA) to install two new high temperature heat pumps within a new plant room building at the Mataura Meat Processing Plant
Location	McQueen Avenue, Mataura
Legal Description	Lot 1 DP 588607
Activity Status	Discretionary
Decision Date	3 November 2023

SUMMARY OF DECISIONS

1. Pursuant to sections 95A-95F of the Resource Management Act 1991 (**RMA**) the application will be processed on a **non-notified** basis given the findings of Section 5 of the Section 95A and 95B report. This decision is made by Werner Murray, on 3 November 2023 under delegated authority pursuant to Section 34A of the RMA.

2. Pursuant to Section 104 and Section 104B of the RMA, consent is **GRANTED SUBJECT TO CONDITIONS** outlined in this report of the Section 104 decision imposed pursuant to Section 108 of the RMA. This consent can only be implemented if the conditions in this report are complied with by the consent holder. The decision to grant consent was considered by Werner Murray, under delegated authority pursuant to Section 34A of the RMA.

1. THE PROPOSAL

The applicant, Alliance Group Ltd, seeks land use resource consent to install two new high temperature heat pumps (HTHP's) within a new plant room building (HTHP Plant room) at the Mataura Meat Processing Plant located at Lot 1 DP 588607.

The proposal aims to assist with decarbonisation efforts for the business, comply with air discharge consent requirements, and improve local air quality. The existing coal boiler at the Mataura Meat Processing Plant is a significant source of emissions due to its ageing condition and use of lignite. The proposal is intended to assist in Alliance's company-wide decarbonisation strategy, which aims to decommission its coal fired boilers across its New Zealand operations by 2029.

The proposed HTHP's is anticipated to provide heating for the majority of water used at the Mataura Plant for equipment cleaning and sterilisation, and will enable installation of a smaller, more efficient new boiler to service the balance heat requirements.

The proposal consists of constructing the new HTHP Plant room, which is intended to house the HTHP's. The HTHP plant room is located on an existing concrete structure raised above the ground and will be 165m^2 in area. The existing floor level is 4.04m above natural ground level, with the overall structure height being 10.80m above natural ground level. The proposed building is located within 6m of the Mataura River, which has a bed width exceeding 2m.

The proposed HTHP's will require 1,200 kg of additional ammonia (hazardous substance) for use as the refrigerant gas for heat transfer, which may in time increase by a further 800 kg (a total increase of 2,000 kg above what is already used on site). The existing activities at the Mataura Plant has associated hazardous substances which include the existing ammonia refrigeration systems, storage and use of cleaning products and sanitisers for safe preparation of food products at the site, and chemicals associated with wastewater treatment.

The applicant has provided a detailed description of the proposal in Section 3 of the Assessment of Effects report entitled *"Alliance Group Limited - Mataura Plant, High Temperature Heat Pump Project – Application for Resource Consent and Assessment of Environmental Effects"* prepared by Mitchell Daysh.

The applicant has further submitted a hazardous substance assessment (assessment of the actual and potential hazardous substances effects resulting from the proposal) undertaken by Tonkin & Taylor Limited.

The Mataura River is a Statutory Acknowledgement area, which shares a common boundary with the subject site. The proposed location of the HTHP Plant room building is within 6m of the river, additionally, the use and storage of ammonia and transformer oil, are activities that impact this Statutory Acknowledgement area.

The proposed industrial activity is situated on land that is zoned Rural, whereby resource consent is required under chapter six of Gore District Councils (GDC's) Operative District Plan specifically for the proposed quantities, use, and storage of ammonia and transformer oil associated with the operation of the HTHP's. Additionally, the construction of the HTHP Plant room poses non-compliances under chapter two (Matters of National Importance) and chapter four (Land Use Activities – Rules) of the Operative District Plan.

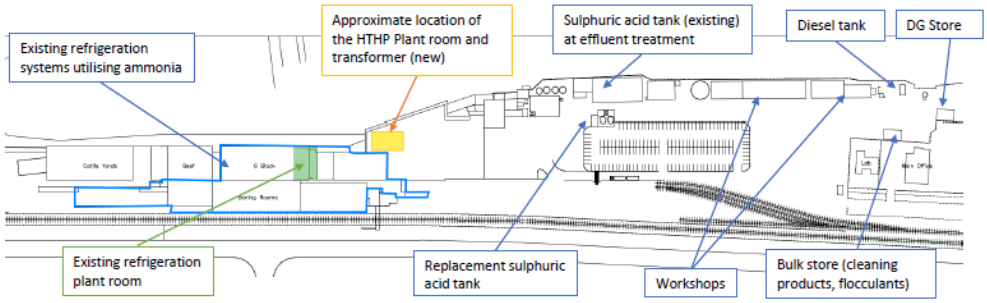


Figure 3.1: Proposed site plan showing indicative hazardous substances locations (source: Alliance)

Figure 1. Proposed site plan showing approximate location of proposed HTHP Plant room and hazardous substances locations

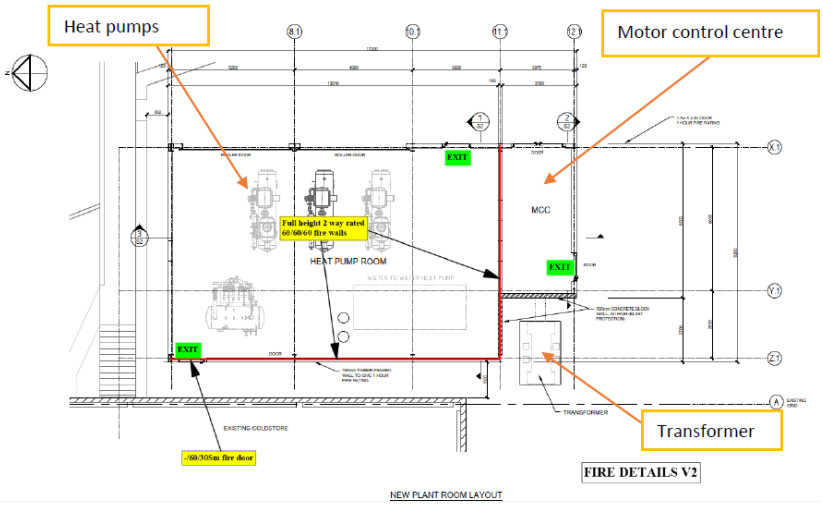


Figure 3.3: Proposed layout fo the HTHP Plant building
Source: Clements Consultants Ltd, Fire Safety Report V 1.1

Figure 2. Proposed floor plan of HTHP Plant room including HTHP's and Transformer

There is a Consent Notice – 12798390.4 that applies to Lot 1 DP 588607 where the following conditions listed under SC 2022/183/2 (Stage 1) are to be complied with on an ongoing basis. There are three matters listed in the Consent Notice that are applicable to this application. The conditions have been assessed in the table below.

12798390.4 Consent Notice	
a. The landowner is informed that this site has been used for activity associated with hazardous activities and industries. Prior to earthworks,	• No earthworks or soil removal is proposed. The proposed building platform will be situated on the

development or subdivision, further investigation may be required by a Suitably Qualified and Experience Practitioner (SQEP) in contaminated land assessment to assess the risks of human health under the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health 2011 (NES-CS) b. *Any new building accommodating people (including for work) must have a minimum floor level of 600mm above ground level.* c. *Any hazardous substance classified under the Hazardous Substances and New Organisms Act must be stored at minimum of 600mm above ground level.*	existing concrete structure, rendering the NES-CS inapplicable. • The existing floor level at 4.04m above natural ground level will accommodate the construction of the HTHP Plant room. • The HTHP Plant room, intended to house ammonia and transformer containing paraffinic oil, will be established on the existing concrete structure, with the floor level also at 4.04m above natural ground level.

2. SITE DESCRIPTION

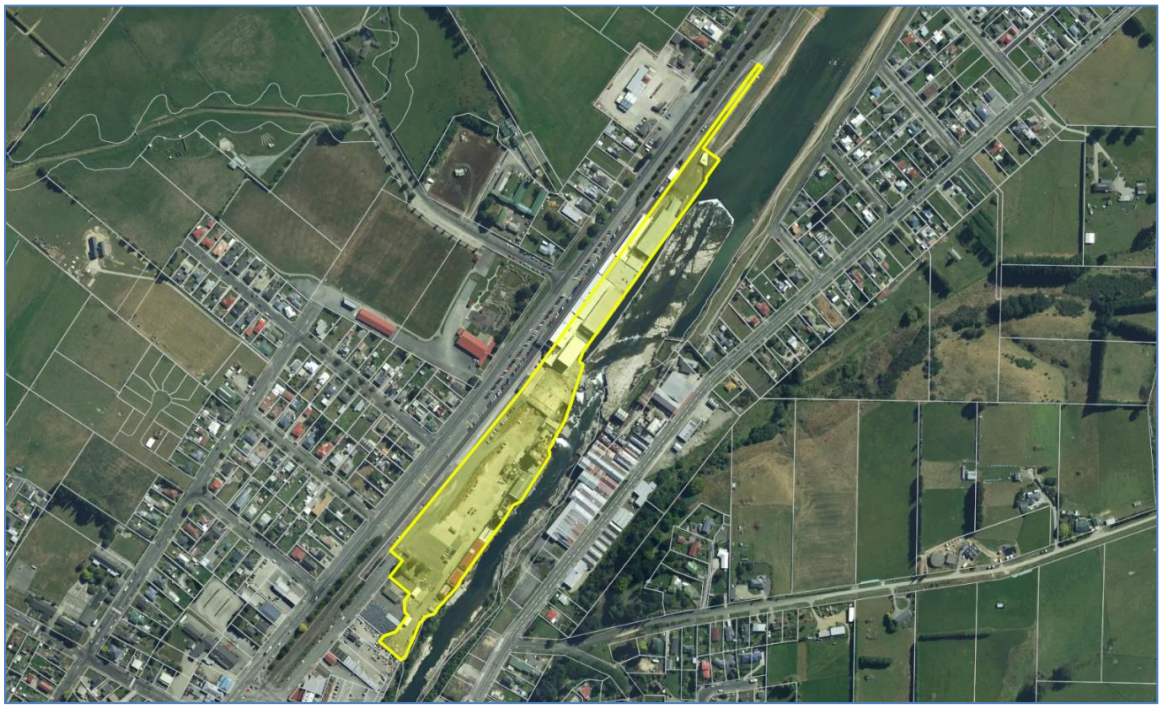


Figure 3. Aerial Image of Site (Source: GRIP Map)

Figure 4. Approximate site of HTHP plant room within the Mataura Plant (Source: GRIP Map)

The site is located at McQueen Avenue, Mataura, legally described as Lot 1 DP 588607 held in Record of Title 1119710, shown in Figure 3 above. The majority of the site as well as the immediate surrounding environment and properties are zoned industrial, which is outlined in pink as per Figures 4 and 6. The area in which the proposed new building housing the HTHP's is within the Rural Zone as per GDC's IntraMaps and ArcGIS zoning maps (Refer to Figure 6).

The site consists of approximately 4.49 hectares (ha) and is comprised of the existing meat processing facilities including cattle yards, an abattoir, cold storage for animal products, an effluent treatment system (discharging to the Mataura River under the conditions of consent from Environment Southland) and an existing boiler for generation of hot water and steam.

The site is characterized by its flat terrain and features an existing raised concrete structure with a floor level situated 4.04 meters above the natural ground level. The immediate surroundings are predominantly industrial in nature. The nearest residential properties, namely 153 and 173 Main Street, are located approximately 130 meters to the west and north, while 123 Kana Street is situated about 160 meters to the east across the Mataura River. The site is in proximity to key community facilities, with Kia Ngawari Te Kohanga Reo (a childcare facility) located roughly 350 meters to the south, and Mataura School positioned approximately 570 meters to the south-west. Tulloch Park, a community sports area, is situated about 90 meters to the north-west of the site. To the south-west, the area features the Mataura Masjid Mosque, a community centre, library, elderly citizens' welfare centre, medical centre, fire station, police station, and a Caltex fuel station, all positioned over 400 meters away from the subject site.

The Mataura River, which is a Ngāi Tahu Statutory Acknowledgement area, is located adjacent to the subject site, along the eastern boundary. GDC's ArcGIS and IntraMaps, and Environmental Southland's mapping system identifies Lot 1 DP 588607 as an area subject to actual or potential flooding, being "potentially floodprone from the Mataura River in floods larger than that of 1978, or a stopbank breach in smaller floods Flooded in 1978" (Refer to Figure 7, green overlay that also covers the site).

The subject sites liquefaction risk is classified as 'Negligible'. The site is identified in the Selected Land Use Sites Register ('SLUS') as an actual or potentially contaminated site. The subject site is located on the Environmental Southland Hazardous Activities and Industries List ("HAIL"). The HAIL activity is classified as *A2. "Chemical manufacture, formulation or bulk storage. 1. Other land subjected to the release of a hazardous substance".*

The subject site has been identified as containing 3ha of Highly Productive Land, being 1ha of LUC Class 1 type soil and 2ha of LUC Class 3 type soil.

Figure 5. Proposed building location during 2020 Floods (Source: Environment Southland Te Taiao Tonga)

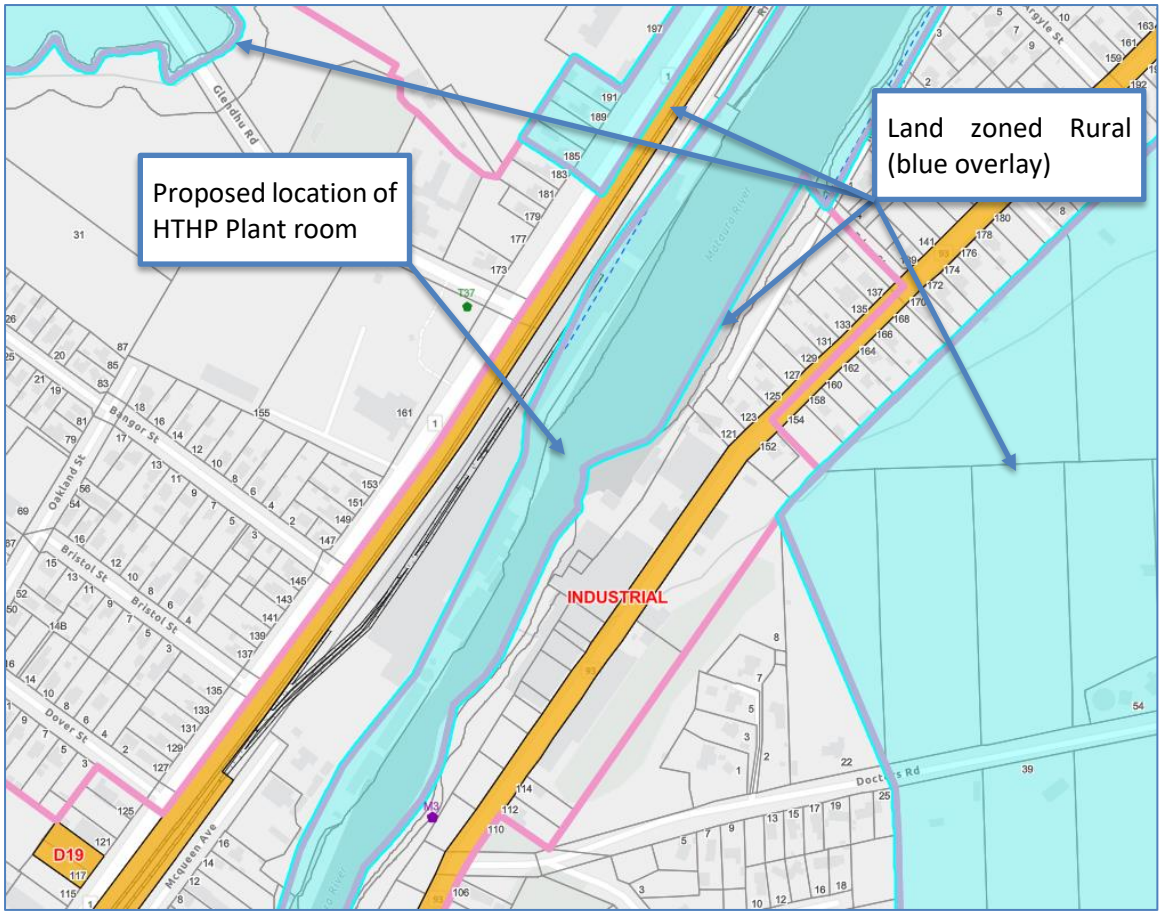


Figure 6. Aerial Image showing Zoning Overlay (Source: GDC ArcGIS Map)

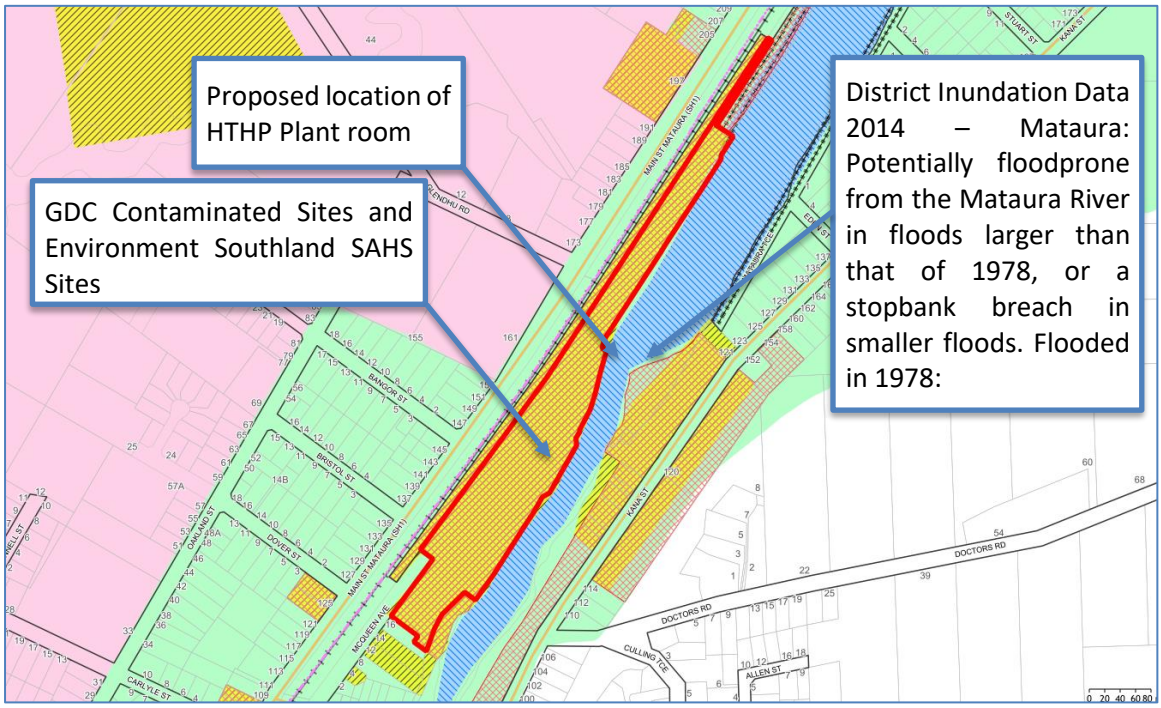


Figure 7. Aerial Image showing Hazard Overlay (Source: GDC IntraMaps)

3. RELEVANT PLANNING PROVISIONS

The site is zoned Rural in the Gore District Plan, where the following Rules and Standards that apply to this application are included in Chapters 2, 4, and 6.

Chapter 2. Matters of National Importance

2.4 Margins of rivers and streams

- ***2.4.9 Rule***

  Within the area 20 metres each side of the bed of the Mataura River where land is zoned Rural, the following is a discretionary activity:

  (2) The erection of any structure greater than 3 metres in height or 6 square metres in area.

- ***2.6 Mana Whenua***

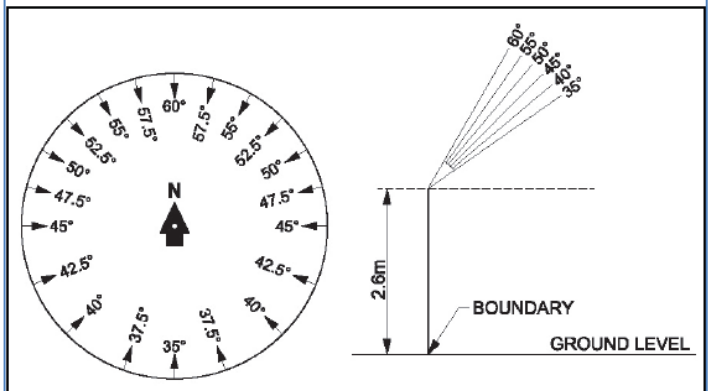
  The Mataura River is subject to a statutory acknowledgement, as outlined in Part 12 and Schedule 42 of Ngai Tahu Claims Settlement Act 1998.

The proposed HTHP Plant room is 10.8m in height and greater than 6m in area (165m^2) and will be located within 20m of the bed of the Mataura River within the Rural Zone. The Mataura River is a statutory acknowledgment area and is located adjacent to the HTHP Plant room. The applicant has provided written approval with Mana Whenua - Hokonui Rūnanga, Ngāi Tahu, and Te Ao Marama Inc. The proposed activity is a Discretionary Acitvity under Chapter 2 of the Operative District Plan.

Chapter 4. Land Use Activities – Rules

4.7 Daylight Admission

Diagram 4.2 – Recession plane



Note 1:
In Commercial and Industrial Zones where they also adjoin Rural and Residential Zones, measurements shall be taken 3 metres from the common boundary.

In Rural and Residential Zones, measurements shall be taken from the boundary of the site.

The recession plane angle shall be calculated by orienting both site plan and relevant diagram to true north, placing the recession diagram over the site plan with the circle tangential to the inside of the site boundary under consideration. The recession plane angle shall be that indicated by the diagram at the point where it touches the site boundary. Where recession lines fall between those indicated on the diagram, interpolations shall be made. The planes shall commence at points 2.6 metres above the existing ground level at the boundary.

- ***4.7.1 Rule***

  Any structure, or production forestry where the contiguous land is not held in the same Certificate of Title, or heaps of material, shall comply with the following standards:

  (a) Rural Zones

  (i) Except as provided for by (ii) below, no building or other structure shall extend beyond the recession plane calculated from Diagram 4.2, measured from the boundary of the site.

  (ii) No recession plane is required along the boundary of any site that is contiguous with the boundary of any Commercial, Industrial or Mixed Use Zone.

The HTHP Plant room is located approximately 3m from the property boundary to the east of the subject site, where the recession plane is approximately 5.6m high at the eastern edge of the building. Resource Consent is required as a Restricted Discretionary Activity.

4.7A Yards

- ***4.7A.1 Rule***

  (2) Rural Zones

  (e) Buildings shall be set back 6 metres from any waterway more than 2 metres in width.

The proposed HTHP Plant room is located within 6m of the Mataura River, which is more than 2m in width. Resource Consent is required as a Restricted Discretionary Activity.

4.9 Site Coverage

- ***4.9.1 Rule***

  (1) All activities shall comply with the following standards:

  (a) Rural Zones

  (ii) On any property with an area of more than 2 ha, structures used for the sheltering of animals, or for purposes other than agriculture, shall not exceed 1,500 square metres in area.

The subject site has an area of 4.49ha, which include structures utilised for the purposes of the Mataura Plant (Meat Processing Plant – Industrial activity) that exceed the permitted 1,500m^2 in area. Resource Consent is required as a Restricted Discretionary Activity.

<u>Chapter 6. Hazardous Substances</u>

- ***6.9 Rules***

  (1) It is a permitted activity to store or use hazardous substances provided that the quantities in storage or use do not exceed the amounts specified in Table 6.2.

  (2) Any storage or use of hazardous substances that exceeds the quantities specified in Table 6.2 is a restricted discretionary activity The matter over which the Council shall exercise its discretion shall be the environmental effects of storing or using hazardous substances in quantities in excess of those specified in Table 6.2.

The proposed HTHP system will include the use and storage of anhydrous ammonia. There is potential for a total increase of 2,000 kg above what is already used on site. The proposed transformer will contain 1,000L of paraffinic oil as an insulant (The District Plan does not specify a permitted quantity for substances with classification as Aspiration Hazard Category 1, as applies to the transformer oil). Table 6.2 permitted quantities will be exceeded by this proposal for GDC categories 6 (1.0 kg) and 8 (10 kg) in the Rural zone. There are no permitted quantities provided for Class 2.1.1B flammable gas or Class 9.1A acute aquatic ecotoxicity, as applies to anhydrous ammonia. Resource Consent is required as a Restricted Discretionary Activity.

3.1 ACTIVITY STATUS
3.2 Gore District Plan

The site is zoned Rural in the Gore District Plan and the proposed activity requires resource consent under the District Plan for the following reason/s:

- A **discretionary** activity resource consent pursuant to Rule 2.4.9(2) 4.2.4(1)(h), 4.2.4(2), and 6.9(2). The proposal is for the installation of HTHP's that will result in an increase in the quantity of hazardous substances used and stored (as per 6.9(2)) and quantities specified in Table (6.2) at the Mataura Meat Processing Plant. The proposal includes the construction of an HTHP Plant room building that exceeds bulk and location standards, which is located in the Rural Zone, within 20m of the Mataura River. The proposal is not otherwise explicitly provided for as a permitted, controlled, restricted discretionary, prohibited, or non-complying Activity by any other rule in this Plan is a discretionary activity.

3.3 National Environmental Standard for Assessing Contaminants in Soil to Protect Human Health 2011 ("NES-CS")

The proposal takes place on a site classified as a Hazardous Activities and Industries List (HAIL) site. The construction of the HTHP Plant building will occur on an existing concrete platform situated within the established Mataura Meat Processing Plant. This proposal does not involve any ground disturbance or earthworks, meaning no soil removal is planned. The entire site is highly developed and capped, ensuring that there will be no disruption to the soil, and the intended land use remains unchanged. Consequently, the NES-CS regulations do not apply to this specific case.

4. NOTIFICATION ASSESSMENT

Sections 95A – 95F (inclusive) of the Resource Management Act 1991 ('RMA') set out the steps the Council is required to take in determining whether or not to publicly notify an application or notify on a limited basis.

4.1 Public notification – Section 95A

In accordance with section 95A, the following steps have been followed to determine whether to publicly notify the resource consent application:

Step 1 – Mandatory public notification

Mandatory public notification, is not required because:

- The applicant has not requested public notification.
- Public notification is not required as a result of a refusal by the applicant to provide further information or refusal of the commissioning of a report under section 92(2)(b) of the RMA .
- The application does not involve exchange to recreational reserve land under section 15AA of the Reserves Act 1977.

Step 2 – Public notification is precluded

Public notification is not precluded as follows:

- There are no rules in a plan or National Environmental Standard that preclude notification.
- The application is not:
  - a controlled activity; or
  - a boundary activity as defined by section 87AAB that is restricted discretionary, discretionary or non-complying.

Step 3 – Public notification is required in certain circumstances

- There are no rules in a plan or National Environmental Standard that require notification.
- A consent authority must publicly notify an application if notification is not precluded by Step 2 and the consent authority decides, in accordance with s95D, that the proposed activity will have or is likely to have adverse effects on the environment that are more than minor. An assessment in this respect is undertaken as follows:

The following effects must be disregarded:

- Effects on the owners or occupiers of land on which the activity will occur and on adjacent land.
- Trade competition and the effects of trade competition.
- Any persons that have provided their written approval and as such adverse effects on these parties have been disregarded.

Written Approval/s

The following written approvals have been provided:

Person (owner/occupier)	**Address (location in respect of subject site)**
Hokonui Rūnanga Te Ao Marama Inc and Te Rūnanga o Ngāi Tahu support the decision made by Hokonui Runanga	Mataura River – Statutory Acknowledgement

The following effects may be disregarded:

- An adverse effect of the activity if a rule or national environmental standard permits an activity with that effect – referred to as the "permitted baseline". The relevance of a permitted baseline to this application is as follows:

Permitted Baseline

The consent authority **may** disregard an adverse effect of the activity if a rule or national environmental standard permits an activity with that effect. The proposal is an industrial activity situated on land zoned as Rural. It involves the installation of high-temperature heat pumps, which exceed the permitted quantities for the storage or use of hazardous substances within a building located within 6 meters of the Mataura River. Notably, the Mataura River carries a statutory acknowledgment. The Mataura River is subject to a statutory acknowledgement. There is no permitted baseline in this case.

Built Form and Visual Effects

GDC's GIS map identifies part of the subject is split zoned, both Rural and Industrial. The subject site and surrounding environment are primarily made up of industrial activities.

The proposed HTHP Plant room is located within an area made up of industrial buildings, therefore the proposal will be consistent with the existing environment. The proposal forms part of the Meat Processing Plant, that offers low amenity values. The proposed building is located along the east portion of the site nestled behind existing buildings. As such, the visual distinction between the proposed building and the current situation will be minimal. Further, there would be minimal change to the current visual character, streetscape or local amenity considerations. The design and layout of the proposal is consistent with the density of the surrounding industrial area. Although breaching bulk and location standards of the rural zone, any potential adverse effects on visual amenity, landscape or natural character outside of the property boundary is considered to be less than minor.

Natural Hazard Effects

The Gore District Council's mapping system identifies the site as subject to actual or potential flooding hazard. The Mataura Valley in particular is prone to flooding on a regular basis, with major floods having been experienced in 1896, 1913, 1957, 1978, 1987, 1999 and 2020. The 2020 flood was the largest, considered to have a return period in the order of 70 years, while the 1978 flood had a return period of 50-60 years.

The applicant has consulted with Environmental Southland, noting the proposed location in which the HTHP Plant room will be established, as being unaffected by inundation during the 2020 flood (Refer to Figure 5). The proposed HTHP Plant room will be located on an elevated part of the site combined with the finished floor level being 4.04m above natural ground level. The proposed activity will not alter the land use or increase the potential density of the site. Environmental Southland noted that the proposal is within "an appropriate location" with reference to photographs taken during the February 2020 flood (Refer to Figure 5). Environment Southland has included recommendations such as developing a flood contingency plan and familiarity with the Catchment flood warning system. The applicant has volunteered consent conditions in this regard. The consultation (email correspondence) by Environment Southland – Gavin Gilder, is held on file and should be read in conjunction with this report, with recommended conditions that

have been accepted by the applicant, to ensure adequate management of the potentially flood prone site.

The Gore District Council's GIS mapping system identifies the liquefaction risk for the site as 'Negligible'. The proposal will not alter the land use and is anticipated to retain its industrial use, supporting the existing Meat Processing Plant activity, and will therefore not exacerbate the risk of inundation upon the wider environment.

The subject site is located on the Environment Southland Hazardous Activities and Industries List identified as a HAIL site, classified as *A2. "Chemical manufacture, formulation or bulk storage. I. Other land subjected to the release of a hazardous substance".* The applicant has submitted an assessment undertaken by Tokin & Taylor, of the actual and potential hazardous substances effects resulting from the proposal, as well as providing a Health and Safety Programme Manual, and Spill Response Plan. The applicant has provided sufficient mitigating measures in place (assessed below), therefore any potential risk regarding the spread of contamination to the wider environment is considered no more than minor.

Any adverse effects, with respect to natural hazards and other hazards, on the wider environment is considered to be less than minor.

Cultural Effects

The statutory area encompassing the proposed HTHP Plant room and associated HTHP's falls under a statutory acknowledgment, specifically the Mataura River. The Mataura River shares a common boundary with the subject site, where the proposed HTHP Plant room is situated within 20m of the bed of the Mataura River.

Statutory acknowledgments are a formal recognition of Ngāi Tahu's authority over various sites and areas in the South Island and provide for this to be reflected in the management of those areas.

The proposal acknowledges Ngāi Tahu's special relationship with the Mataura River, encompassing cultural, spiritual, historical, and traditional facets. The proposed construction of the HTHP Plant room building, along with the associated use and storage of ammonia and transformer oil, impacts the Statutory Acknowledgment area. As such, consultation with the Hokonui Rūnanga, Te Rūnanga o Ngāi Tahu, and Te Ao Marama Inc is recommended.

The applicant has provided details of the consultation with Hokonui Rūnanga. Te Ao Marama Inc and Te Rūnanga o Ngāi Tahu have confirmed they support the position of Hokonui Rūnanga. Hokonui Rūnanga support the application and understand that the consent authority may decide that Hokonui Rūnanga are no longer an affected person, and the consent authority must not have regard to any adverse effects on Hokonui Rūnanga.

As such, Council is not required to consider cultural effects on Te Ao Marama Inc, Hokonui Rūnanga or Te Rūnanga o Ngāi Tahu any further.

Hazardous Substances Effects

The applicant has supplied an assessment that was undertaken by Tonkin & Taylor Limited to provide a Hazardous Substances Assessment, which is held on file and should be read in conjunction with this report. The assessment evaluates the actual and potential impacts of the

proposed activities while also outlining steps to prevent, address, or mitigate any potential harm to the environment. The applicant has volunteered consent conditions in this regard. GDC concurs with the submitted Hazardous Substances Assessment. The assessment aligns with chapter 6 of the Operative District Plan and notes the following aspects:

- Location, containment, security, emergency response, and monitoring systems to prevent or mitigate adverse effects, including risks to people, property, the environment, and amenity values.
- Proximity of hazardous facilities to community areas like schools and medical facilities.
- Evaluation of the quantity of hazardous substances proposed, their suitability in the environmental context, and the availability of alternatives.
- Safe transport of hazardous substances during land use activities to minimize their impact on the environment and amenity values along transport routes.
- Measures to prevent hazardous substance disposal within the Gore District and ensure environmentally friendly disposal practices.

Location	Substance	Hazard classifications		State	Maximum quantity
Proposed increased inventory					
HTHP Plant	Ammonia (anhydrous)	2.1.1B 6.1C 8.2B 8.3A 9.1A	Flammable gas Category 2 Acute inhalation toxicity Category 3 Skin corrosion Category 1B Serious eye damage Category 1 Hazardous to the aquatic environment acute Category 1	Liquified gas	2,000 kg
HTHP Plant	Transformer oil	6.1E	Aspiration hazard Category 1	Liquid	1,000 L

Table 1. Proposed substances volumes and classification

The site is proposing to add a new HTHP Plant using liquefied ammonia gas as a refrigerant. This is in addition to existing refrigeration systems at the site containing ammonia. The HTHP Plant facility requires 1,200kg of additional ammonia for use as the refrigerant gas for heat transfer. It is anticipated to increase by a further 800kg, whereby this resource consent will assess the total increase and maximum quantity being 2,000kg of Ammonia(anhydrous). The transformer associated with the HTHP Plant will contain 1,000 L of transformer oil (low hazard paraffinic oil) as an insulant.

Anhydrous ammonia is a compressed liquefiable gas, which is a liquid while maintained under pressure but will evaporate once it is released. Ammonia gas is toxic via inhalation (Class 6.1C) and therefore it poses a risk to workers and, potentially, people offsite in the event of release. Ammonia has a pungent odour at low concentrations and therefore leaks are readily detectable by site staff. Ammonia is the preferred refrigeration media for an operation of this scale due to its heat transfer properties and low global warming impact when compared with other refrigerants (chlorofluorocarbons and hydrofluorocarbons) commonly used in heat exchange systems. The latter options are highly flammable and used in smaller domestic refrigeration and air conditioning applications. The proposed Ammonia gas is not flammable at concentrations in air less than 15% by volume. Ammonia burns more slowly and requires a stronger ignition source to initiate combustion. Notwithstanding ammonia being a hazardous and toxic substance, it is considered to offer environmental benefits over the alternatives.

The proposed transformer containing 1,000L of transformer oil with an Aspiration Hazard Category 1 classification is hazardous if inhaled. The oil will be contained within the transformer unit, situated on a concrete slab. Under normal operation of the transformer, the oil will be completely contained within the unit.

The applicant and Tonkin & Taylor report have submitted the following documents, which will be in place for the commission of the HTHP Plant, and effective implementation of control to limit ammonia release in a potential plant failure along with coordinated emergency response planning. The following documents relevant to the proposal in regard to Environmental, Health and Safety and Emergency Response:

- Health and safety program manual, November 2022
- Ammonia Detection and Alarming Standard, March 2020
- Ammonia first response procedures, April 2019
- Spill response plan, June 2022

As recommended by the Tonkin & Taylor report, the applicant has volunteered conditions to review and update the Emergency Response procedures prior to the commissioning of the HTHP system, to include:

- identification of offsite areas at risk from an ammonia release from the system in consultation with the Mataura Fire Service,
- the development of community notification and evacuation plans for the surrounding area,
- flood contingency plan, including the provision of at least 20 minutes' worth of fire-fighting water.

Transformer oil associated with the plant poses minimal risks to off-site locations, people, property, or the environment. The primary risk relates to ammonia releases.

The submitted hazardous substance report has assessed the potential risks involve:

- Fire/Explosion Effects: concerned with damage to property, the built environment and safety of people.
- Human Health Effects: concerned with the well-being, health and safety of people.
- Environmental Effects: concerned with damage to ecosystems and natural resources.

The submitted hazardous substance report has assessed the potential risks involved, and concluded they can be effectively managed through controls to limit ammonia release from the system in a potential leak, proposing updated emergency response procedures, and evacuation plans. As a result, the effects on human health are considered to be less than minor.

The risk of a fire is low and is further minimized through structural controls, careful equipment selection, and the separation of the plant room from the boundary. Updates to the emergency response procedures as part of commission of the HTHP Plant are proposed to be developed in consultation with the Mataura Fire Service to coordinate the most effective response procedures for use in the event of any major leaks or fires at the site. The Mataura Fire Station is located

approximately 470m southwest along SH1 from the proposed HTHP Plant. Consequently, potential adverse effects on the environment are assessed as less than minor.

The primary risk identified that could affect the Mataura River is the release of contaminated firewater. Containment of firewater is proposed, either through bunding at the plant room itself or diversion of firewater to the wastewater treatment plant on site to the south of the HTHP Plant. The suitable method of containment will be decided in detailed design but will have provision for at least 20 minutes of firewater in accordance with HSNOCOP 47.

Provided the controls and mitigations are in place as outlined above to prevent an ammonia release or fire at the site, along with provision for preventing uncontrolled discharge of firewater, the effect of a fire at the HTHP Plant on the wider environment is less than minor.

Ammonia transportation to the site is associated with low risks to people, property, and the environment. This is due to the availability of appropriate transport routes and compliance with relevant regulations.

To enhance safety, proposed conditions of consent include updating emergency response procedures, consulting with the Mataura Fire Service, and developing community notification and evacuation plans for off-site areas at risk from an ammonia release.

Given the design of the building, storage locations of the substances, and the volunteered consent conditions, the potential adverse effect on the wider environment is considered to be no more than minor.

Transport Effects

Transport effects are relevant only to the delivery of Ammonia at the commission of the proposed HTHP Plant. The hazardous substances (Ammonia and transformer oil) are delivered to the site via the accessway from the south off McQueen Ave. Trucks delivering substances to the site travel through Mataura via SH1 for transit on the national road freight network. The subject site will utilize its existing access for the proposed lot, and no new access or road construction is required.

The application has confirmed compliance with *"Land Transport Rule – Dangerous Goods 2005 including requirements for placarding, segregation of incompatible materials and driver training in emergency response"*. Coupled with the proposed location for the storage and use, which is not accessible to the public (being within boundaries of the privately owned Mataura Meat Processing Plant). Moreover, the application notes the delivery route avoids dense residential areas.

Overall, any adverse effects on the wider environment from the transport of ammonia and transformer oil to the site is considered less than minor.

Conclusion: Effects On The Environment

On the basis of the above assessment, in terms of s95D, it is assessed that the proposed activity will not have adverse effects on the environment that are more than minor.

Step 4 – Public Notification in Special Circumstances

- There are no special circumstances that warrant public notification.

4.2 Limited notification – Section 95B

In accordance with section 95B, the following steps have been followed to determine whether to give limited notification of the application:

Step 1 – Certain affected groups or persons must be notified

- There are no protected customary rights groups or customary marine title groups affected by the proposed.
- The proposal is adjacent to, and will not affect, land that is the subject of a statutory acknowledgment.

Step 2 – Limited notification precluded

- The activity is not subject to a rule or National Environmental Standard that precludes limited notification.
- The application is not for a controlled activity (other than for a subdivision of land) under a district plan.

Step 3 – Certain other affected persons must be notified

- Under Step 3, if the proposal is a boundary activity, only the owner/occupier of the infringed boundary can be considered. The activity is not a boundary activity.
- For any other activity, a consent authority must notify an application on any person, if notification is not precluded by Step 2, and the consent authority decides, in accordance with s95E, that the proposed activity will have or is likely to have adverse effects on that person that are minor or more than minor.

An assessment in this respect is therefore undertaken as follows:

Considerations in assessing adverse effects on persons under s95E

a) The consent authority **may** disregard an adverse effect of the activity on a person if a rule or national environmental standard permits an activity with that effect (a "permitted baseline"). The relevance of the permitted baseline to this application is outlined in the above s95D assessment of environment effects.

b) The consent authority **must** disregard an adverse effect of the activity on the person if the effect does not relate to a matter for which a rule or a national environmental standard reserves control or restricts discretion; and

c) The consent authority **must** have regard to every relevant statutory acknowledgement specified in Schedule 11.

d) The consent authority **must** disregard effects on those parties who have provided written approval.

Assessment: Effects on Persons

Taking into account the exclusions in sections 95E, the following outlines an assessment as to whether the activity will have or is likely to have adverse effects on persons that are minor or more than minor.

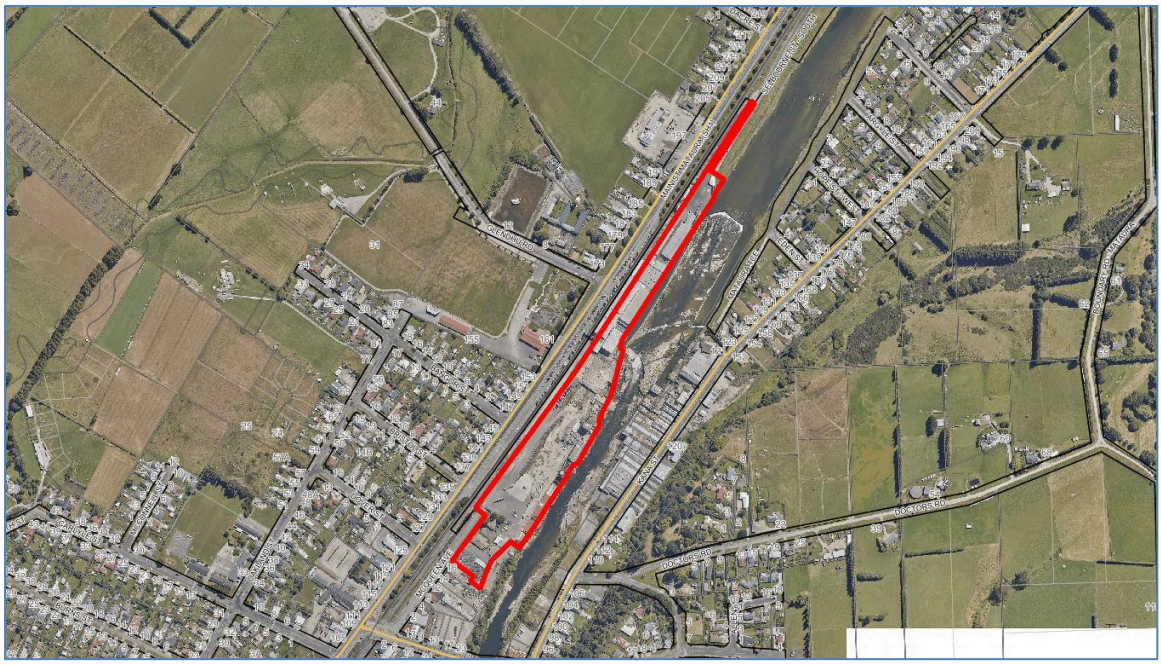


Figure 7. Aerial Image showing the surrounding area and subject site outlined in red (Source: GDC IntraMaps)

The proposed works visibility or prominence is minimized as the overall activity of the proposal integrates with the existing pattern of development on the subject site. The proposal relates to the existing Meat Processing Plant, mostly contained within the industrial zone. The surrounding industrial and residential development has an established character. The proposal is not considered to alter the existing character or impact persons residing or owning property in the vicinity. It is considered that any adverse visual effects, character and amenity of the proposal will be less than minor.

The subject site is surrounded by different land uses and receiving environments with varying levels of sensitivity to the effects associated with hazardous substances.

Overall, the sensitivity of the surrounding environment to human health hazards is high in the residential areas, schools and the local community facilities, and low to moderate in the industrial areas, as they have a lower population density and centralised points of contact for coordinating emergency response such as evacuation.

The transformer oil is hazardous to human health only when aerosolised and inhaled, which is not expected to occur under any foreseeable circumstances as a result of the installation of the transformer at the site. The risk to off-site areas is considered less than minor.

The HTHP Plant installation introduces ammonia-related risks to persons, including ammonia spills during delivery and filling, equipment leaks, and plant fires with ammonia release. These risks have been assessed as moderate for human health and low for fire impact on off-site property by

Tonkin and Taylor. In response, mitigation is proposed via an Emergency Response Plan. The Applicant has liaised with Fire Emergency New Zealand in relation to the likely evacuation extents in the community, if an ammonia spill or fire occurred. The Applicant has demonstrated they have the appropriate controls in place to manage the hazardous substance in accordance with the Health and Safety at Work (Hazardous Substances) 2017 Regulations. Any potential adverse health effects would be limited and less than minor.

Waka Kotahi NZTA - Main Street Mataura (SH1)

Whilst the site is adjacent to SH1, there is no change of land use in relation to the proposed HTHP Plant room and HTHP's. The subject site will utilize its existing access for the proposed lot, and as a result of the proposal no new access or road construction is required. No visible signage, from AH1, is proposed.

Waka Kotahi is therefore not considered an affected party as adverse effects on the roading authority will be less than minor.

Conclusions: Effects on Persons

In terms of section 95E of the RMA, and on the basis of the above assessment, adverse effects of the proposal on all the above-mentioned adjoining and adjacent properties are considered to be less than minor.

Step 4 – Special Circumstances for Limited Notification

- There are no special circumstances that warrant limited notification of the application.

5. DECISION PURSUANT TO S95A AND S95B OF THE RMA

For the reasons set out above, under s95A and s95B of the RMA, the application is to be processed on a non-notified basis.

6. SECTION 104 ASSESSMENT

6.1 Matters for Consideration

This application must be considered in terms of Section 104 of the RMA.

Subject to Part 2 of the RMA, Section 104 sets out those matters to be considered by the consent authority when considering a resource consent application. Considerations of relevance to this application are:

(a) any actual and potential effects on the environment of allowing the activity; and

(ab) any measure proposed or agreed to by the applicant for the purpose of ensuring positive effects on the environment to offset or compensate for any adverse effects on the environment that will or may result from allowing the activity; and

(b) any relevant provisions of:

(i) A national environmental standard;

(ii) other regulations;
(iii) a national policy statement;
(iv) a New Zealand coastal policy statement;
(v) a regional policy statement or proposed regional policy statement;
(vi) a plan or proposed plan; and

(c) any other matter the consent authority considers relevant and reasonably necessary to determine the application.

High Class Soils

The proposed HTHP Plant room is located on land zoned Rural, where it has been identified to contain High-Class Soils LUC Class 1 and 3. The National Policy Statement for Highly Productive Land (NPS-HPL) was released in September 2022. The NPS-HPL defines Highly Productive Land (HPL) as land that has been identified as either Land Use Capability (LUC) 1, 2 or 3. In this instance the subject site has been identified as LUC 1 and 3, and as such the NPS-HPL applies.

Section 3.11 of the NPS-HPL enables the continuation of existing activities. The following applies in this instance:

(1) Territorial authorities must include objectives, policies, and rules in their district plans to:

(a) enable the maintenance, operation, or upgrade of any existing activities on highly productive land; and

(b) ensure that any loss of highly productive land from those activities is minimised.

The subject site is identified as containing 1ha of LUC Class 1 and 2ha of LUC Class 2 type soil overlay. The entirety of the site is an existing highly developed area used for industrial activities, being the Mataura Meat Processing Plant that was established in 1893. As per 3.11(b), there will be no loss of highly productive land or soil, as the site is developed and there are no earthworks proposed nor soil being removed. The proposed activity can be undertaken as per clause 3.11(a) which directs that Council is to enable the maintenance, operation or upgrade of existing activities on highly productive land.

6.2 Effects on the Environment

Actual and potential effects on the environment have been outlined in the section 95 report. Conditions of consent can be imposed under s108 of the RMA as required to avoid, remedy or mitigate adverse effects.

6.3 Relevant Provisions

District Plan

The relevant operative objectives and policies are contained within Chapters 2, 3 and 4A, and 6 of the District Plan.

Chapter 2 – Matters of National Importance

2.4.3 Objectives

(1) To preserve the natural character of the margins of the Mataura River.

(2) To provide public access along the margins of the Mataura River where this is practical and can be safely undertaken without adversely affecting the use of adjoining land.

3.4 Policies

(5) Liaise with Environment Southland on all RMA processes to ensure that the natural values of the Mataura River are protected.

(6) Adopt non-regulatory methods to educate users of the Mataura River and adjoining land as to actions they can take to protect and enhance the values of the river.

2.6.3 Objectives

(1) Ensure that waahi tapu, waahi taonga and other taonga and mahinga kai sites are not adversely affected by land use activities.

(2) Protect urupa sites.

(3) Enable access to mahinga kai sites.

(4) Facilitate consultation with Ngai Tahu to ensure that resource management issues of significance to them are had regard to in carrying out functions under the RMA.

This proposal aligns with the objectives and policies detailed in Chapter 2: Matters of National Importance. The HTHP Plant room will be situated within an existing highly developed area (as is the entirety of the site), which is elevated on an existing concrete structure. As a result, the proposal will not introduce any new impacts on the natural character of the Mataura River margins. The proposed location of the building is not publicly accessible as it falls within the privately-owned Mataura Meat Processing Plant boundaries. The proposal aims to maintain the existing level of access, primarily for health, safety, and site security reasons. Notably, the application has been reviewed and approved by Hokonui Rūnanga and Te Ao Marama Inc.

Chapter 3 – Land Use Activities – A Framework

3.3 Objectives

(1) Maintain and enhance the amenity values of the various localities within the District whilst respecting the different values and characteristics that exist within each area.

(2) Ensure that the effects of land use activities do not adversely affect the quality of the environment and are compatible with the characteristics and amenity vales of each locality.

3.4 Policies

(1) Establish zones that reflect the characteristics and amenity values of the area.

(2) Control the adverse effects of land use activities on the environment.

(12)Require any adverse effects of land use activities upon infrastructure to be rectified.

As assessed in 4.1 and 4.2 above, the proposal will not have any adverse visual effects and therefore will not detract from the existing character and amenity values associated with the mixed industrial and partly zoned rural area of McQueen Road. This proposal is consistent with the objectives and policies outlined in Chapter 3: Land Use Activities - A Framework. Majority of the Meat Processing Plant's location falls within the Industrial Zone. The HTHP Plant room proposed location south-west of the periphery of existing plant buildings, within a narrow strip of the land zoned Rural with minimal rural zone characteristics at that specific site.

The construction of the HTHP Plant room will not introduce any new adverse environmental effects. The building is in line with the site's existing characteristics and amenity values. The site

contains existing hazardous substances, which are in use and stored at the Mataura Meat Processing Plant. The proposed increase in the quantity of ammonia and transformer oil along has been demonstrated by the applicant that it can be managed in full compliance with the established regulations and standards governing hazardous substances' use and storage. The applicant has demonstrated this can achieved through the implementation of both structural and operational controls.

Chapter 4A – Natural Hazards

4A.3 Objectives

(5) Minimise the risk to people and property from inundation.

4A.4 Policies

(6) On sites subject to actual or potential flooding, promote:

(a) identification and use of elevated ground for those activities that could be adversely affected by flooding; and

(b) elevated floor levels within any buildings.

(4) Within areas shown as "Subject to Actual or Potential Inundation" on the District Plan Maps the Gore District Council will:

(a) with the exception of the urban area of Gore shown as lime green on the District Plan maps, refer all resource, subdivision and building consents to Environment Southland for comment prior to determining whether to approve or issue those consents.

(d) in respect of areas of the District subject to actual or potential inundation as shown on the District Plan maps, other than those described in (b) and (c) above, require any buildings accommodating people to be built with their floor levels at least 600 mm above the level of past flooding or for sites for which there is no record of past flooding, 600 mm above ground level.

The building platform is an existing concrete structure, elevated 4.04 meters above the natural ground level. The construction of the HTHP Plant room will take place on the existing concrete structure and will not introduce any changes to the risk posed to people and property from inundation. The applicant has sought out consultation with Environment Southland (Refer to email correspondence with Gavin Gilder, Team Leader Policy and Planning), which have confirmed the appropriateness of the HTHP Plant room's location within the site's context. Environment Southland has noted the following recommendations being, Alliance develops a flood contingency plan and familiarizes itself with the Mataura Flood Catchment warning system. The applicant has provided pro-offered conditions to addresses this recommendation.

Chapter 6 – Hazardous Substances

6.3 Objectives

(7) Prevent or mitigate adverse environmental effects and risks associated with the use, storage, transportation and disposal of hazardous substances.

6.4 Policies

(1) Limit the quantities of hazardous substances stored at sites to a level that is appropriate to the activities undertaken on that site and appropriate to the environment of that locality.

(2) Encourage alternatives to the use of hazardous substances.

(3) Minimise the risks associated with the transportation of hazardous substances.

As assessed in sections 4.1 and 4.2 above, the adverse effects with respect to the proposed hazardous substances and the mitigation measures in place associated with the use, storage, transportation and disposal is acceptable. The proposal is consistent with the objectives and policies set in Chapter 6, which address the safe use and storage of hazardous substances. The plant currently utilizes and stores hazardous substances, and the proposed increased quantities of ammonia and transformer oil will be transported to the site, used and stored at the commission of the HTHP's in accordance with regulations and standards governing hazardous substance use and storage. There will be implementation of structural and operational controls to prevent and mitigate any potential adverse environmental effects and associated risks.

The applicant has provided an assessment regarding alternative substances to replace ammonia (Refer to the submitted Tonkin & Taylor Hazardous Substances report), noting they are unsuitable for purpose of the HTHP. The quantities of hazardous substances designated for incorporation into the HTHP system have been considered to meet the plant's operational requirements, ensuring that they can be securely and responsibly managed within the immediate surrounding environment.

National Policy Statement Highly Productive Land

The relevant operative objectives and policies are contained within Part 2 of the National Policy Statement Highly Productive Land.

2.1 Objective: Highly productive land is protected for use in land-based primary production, both now and for future generations

2.2 Policies

1. *Highly productive land is recognised as a resource with finite characteristics and long-term values for land-based primary production.*
4. *The use of highly productive land for land-based primary production is prioritised and supported.*
8. *Highly productive land is protected from inappropriate use and development.*
9. *Reverse sensitivity effects are managed so as not to constrain land-based primary production activities on highly productive land.*

The subject site is identified as containing LUC Class 1 and 3 soils. In this instance the characterisation of the property as "Highly Productive Land" gives recognition to the finite characteristics and long-term values of the soil resource, specifically for the use of land-based primary production and existing agricultural activity. The subject site is made up of the Mataura Meat Processing Plant, which has been in operation since 1893. The proposal does not involve earthworks or soil removal, as the site is entirely developed, there will be no loss of highly productive land or soil. Thus, the proposal aligns with the directive to facilitate the maintenance, operation, or enhancement of pre-existing activities on highly productive land, as stipulated in clause 3.11.

Southland Regional Policy Statement 2017

Chapter 5 of the RPS (Regional Policy Statement) relating to Rural Land/ Soils is particularly relevant to this proposal.

Objectives
Rural 1: Sustainable use of rural land resource
Rural 2 Life-supporting capacity of soils`

Policies
Rural 1: Social, economic, and cultural wellbeing

Rural 2: Land use change and land development activities

Rural 4: Loss of high value soils from productive use

Rural 5: Effects of rural land development

The proposed HTHP Plant room housing the HTHP's and associated transformer, is situated on a highly developed site, which consists of a concrete platform with existing industrial buildings. As such, there are no long-term loss in highly productive land. The activity provides for the development industry being the Mataura Meat Processing Plant with decarbonisation efforts, which in turn provides for an improved social and economic wellbeing, whilst supporting the life supporting capacity of soils. As outlined above, while the site contains the LUC Class 1 and 3 overlay, the proposal will not result in a loss of high value soils or produce adverse effects on future rural land development. Overall, the proposal is in accordance with the relevant objectives and policies of the Southland Regional Policy Statement.

7. PART 2 OF THE RMA

The purpose of the RMA is to promote the sustainable management of natural and physical resources.

Part 2 (sections 5, 6 and 7) of the RMA sets out the purpose and principles of the legislation, which as stated in section 5, is "Avoiding, remedying, or mitigating any adverse effects of activities on the environment", section 7(c) "The maintenance and enhancement of amenity values" and section 7(f) "The maintenance and enhancement of the quality of the environment".

In addition, Part 2 of the RMA requires the Council to recognise and provide for matters of national importance (section 6); have particular regard to other matters (section 7); and to take into account the principles of the Treaty of Waitangi (section 8).

For the reasons outlined in this report, it is considered that the proposal meets the relevant sections of Part 2 of the RMA.

Overall, the proposal is considered to meet the purpose and principles of the RMA.

8. DECISION ON RESOURCE CONSENT

Pursuant to Section 104B of the RMA, consent is **granted** Install two new High Temperature Heat Pumps within a New Plant Room Building subject to the following conditions imposed pursuant to Section 108 of the RMA:

Consent Conditions

1. The proposal shall be undertaken in general accordance with the application submitted and the further information received and the following plans:

    - *Alliance Group, Plant Layout – Levels 1 & 2, Site Plan, Sheet 1, Rev: A, Date Jan 2001, Date Submitted to Council: 15 September 2023.*
    - *Alliance Farmers Produce, Project Engineering, Existing Drainage Layout North (Mid Plant) Section Detail, Sheet 4, Rev: 1, Date: 20 February 2017, Date Submitted to Council: 15 September 2023.*

2. This consent permits 2000kg of ammonia to be stored and utilised on the site, associated with the High Temperature Heat Pump plant.

3. The High Temperature Heat Pump plant room shall be constructed at NZTM (NZGD2000) E 1280945, N 4875868

4. The consent holder shall review and update the Emergency Response Procedures prior to the commissioning of the High Temperature Heat Pump system to include the following:

    (a) Identification of off-site areas at risk from an ammonia release in consultation with the Mataura Fire Service;
    (b) A community notification and evacuation plan; and
    (c) A flood contingency plan.

5. A copy of the Emergency Response Procedures prepared and updated in accordance with Condition (3) must be provided to Gore District Council prior to the commissioning of the High Temperature Heat Pump System

6. The High Temperature Heat Pump plant room shall be designed and constructed to contain at least 20 minutes of firewater. This must be done either through bunding at the High Temperature Heat Pump plant room itself or by diversion of firewater to the wastewater treatment plant on site.

7. The High Temperature Heat Pump plant room transformer unit must be sited on a concrete slab and within a bunded area fitted with an oil-stop drain and able to contain at least 1,100 litres of liquid.

8. Pursuant to section 128(1) of the Resource Management Act 1991, the consent authority may, at or within 6 months of any anniversary of the date of consent, review the conditions for any of the following purposes:

a) To deal with any adverse effect on the environment which may arise from the exercise of the consent and which is appropriate to deal with at a later stage;

b) To deal with inaccuracies contained in the consent application that materially influenced the decision made on the application and is such that it is necessary to apply more appropriate conditions;

c) To assess the appropriateness of imposed compliance standards, monitoring parameters, monitoring regimes and monitoring frequencies and to alter these accordingly;

d) To take account of the rules, regulations and policies set out in any relevant District Plan.

Any such notice of the review of the conditions will be served in accordance with section 129 of the Resource Management Act 1991.

Advice Notes

1. At the time of building consent the council will consider if a financial contribution is applicable for this development for the establishment of an industrial activity.

Administrative Matters

The costs of processing the application are currently being assessed and you will be advised under separate cover whether further costs have been incurred.

The Council will contact you in due course to arrange the required monitoring. The Monitoring Officers time will be charged to the consent holder. It is suggested that you contact the Council if you intend to delay implementation of this consent or if all conditions have been met.

This resource consent is not a building consent granted under the Building Act 2004. A building consent must be obtained before construction can begin.

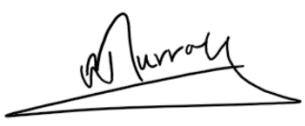
This resource consent must be exercised within five years from the date of this decision subject to the provisions of section 125 of the RMA.

If you have any enquiries please contact the duty planner on phone (03) 209 0330 or email planning@goredc.govt.nz.

Prepared by

Jo Skuse
Consultant Planner

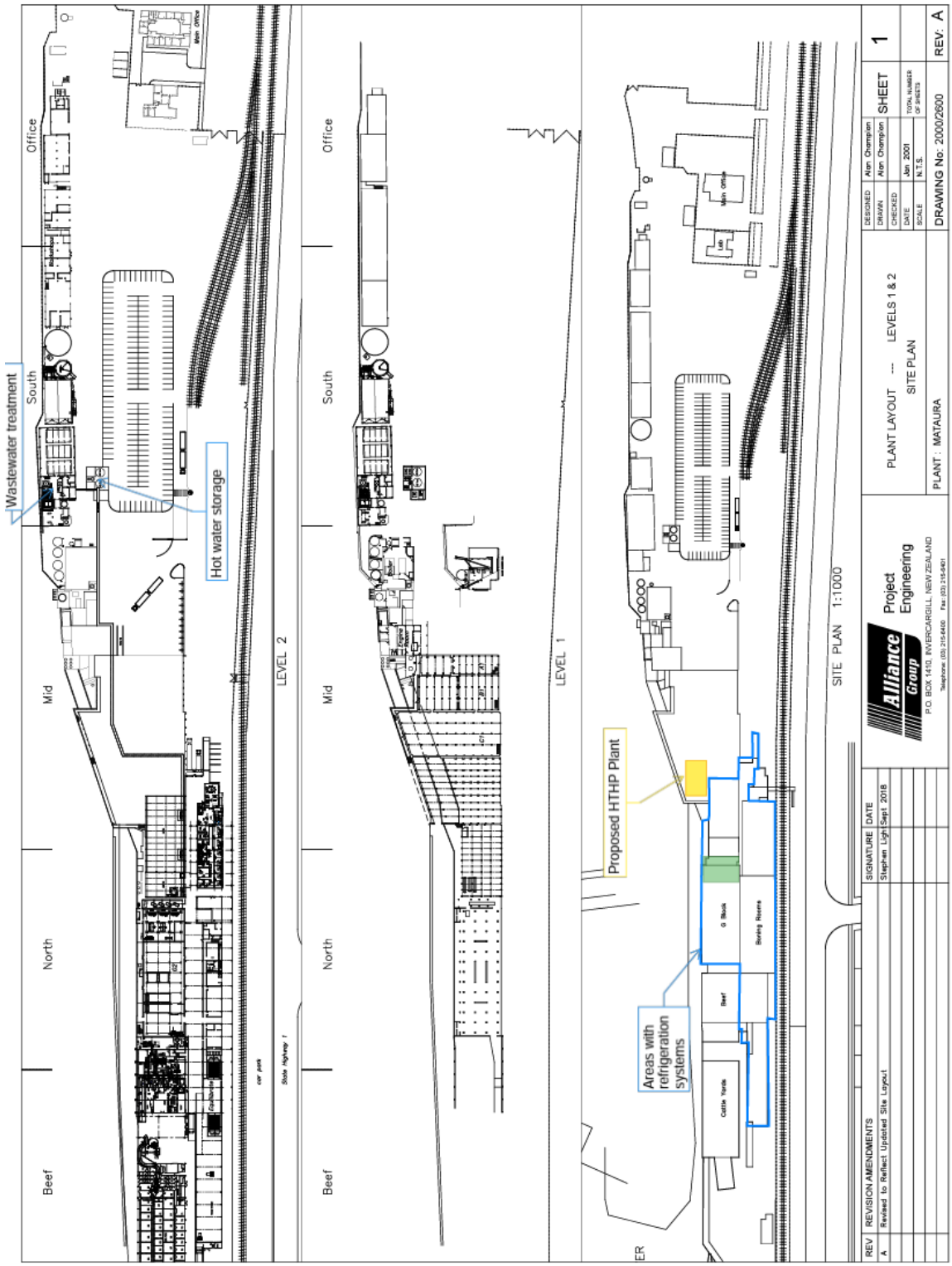
Decision made by

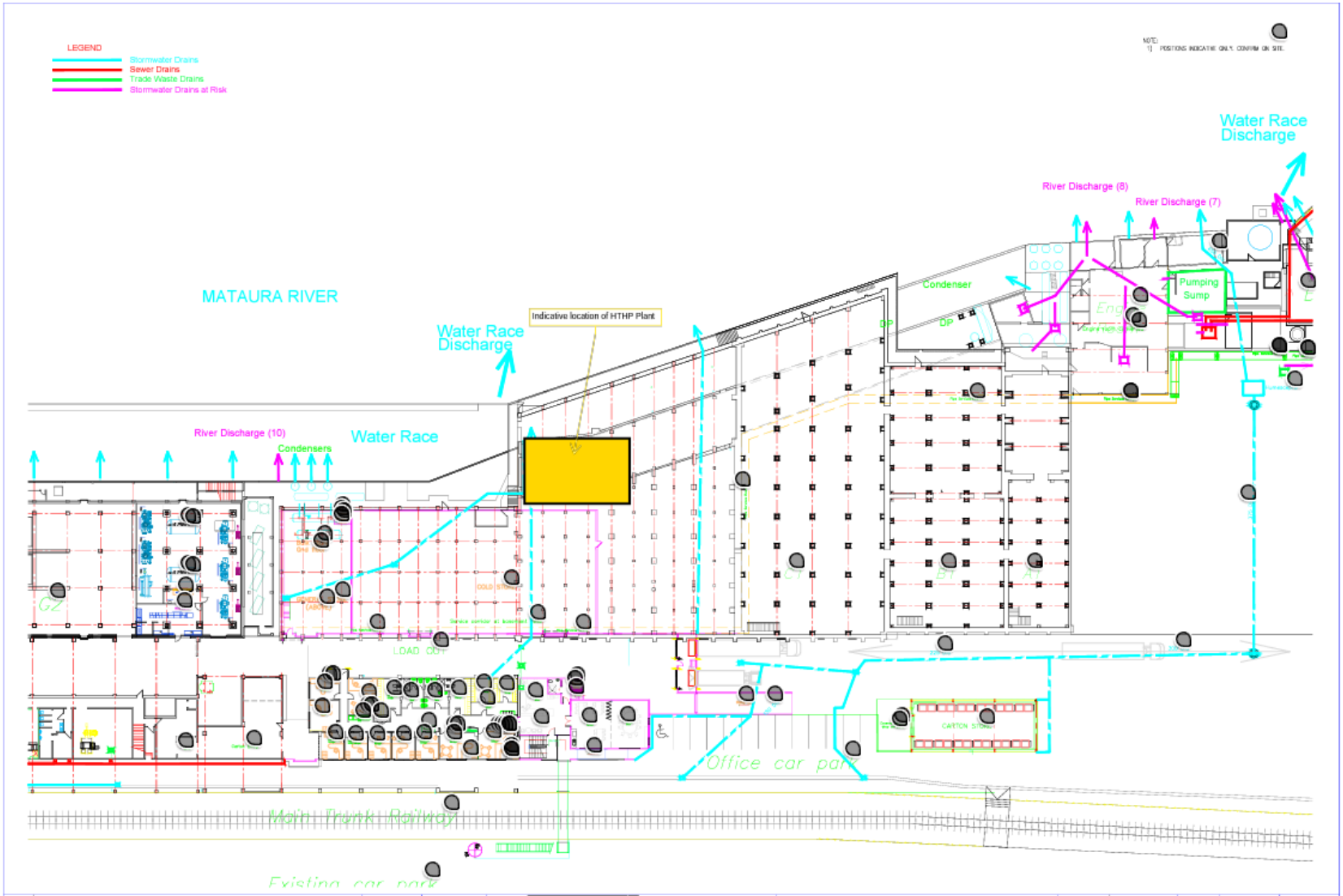


Werner Murray
Delegate

Appendix A: Approved Plans
Appendix B: Applicant's AEE

APPENDIX A – APPROVED PLANS





REV	REVISION AMENDMENTS	SIGNATURE	DATE
1	Updated, drawing number added, multiple sheets created	J Turnbull	
2	Sheet 2 updated	J Turnbull	03-04-2017

ALLIANCE FARMERS' PRODUCE SINCE 1948

P.O. BOX 1410, INVERCARGILL, NEW ZEALAND

Telephone: (03) 215-6400 Fax: (03) 215-6401

Project Engineering

Existing Drainage Layout
North (Mid Plant) Section
Detail Sheet 4

Mataura

DESIGNED	
DRAWN	AGL Engineering
CHECKED	Doyle Richardson
DATE	20-02-2017
SCALE	1:250

A1 SHEET

SHEET 4

TOTAL NUMBER OF SHEETS 9

DRAWING No: MAT05003161

REV: 1

B

PART B

Assessment of Environmental Effects

1. INTRODUCTION

1.1 OVERVIEW OF THE ACTIVITY

Alliance Mataura is installing new high temperature heat pumps ("**HTHP's**") within a new plant room building ("**HTHP plant room**") at the Mataura Plant ("**the Plant**") to assist with decarbonisation efforts for the business, comply with air discharge consent requirements and improve local air quality ("**the Project**").

A building consent application was lodged with Gore District Council ("**GDC**") in late 2022 for the new HTHP plant room. GDC subsequently advised that resource consent is required for the HTHP plant room because:

- It will be located within land zoned Rural; and
- It will be located within 20 m of the Mataura River; and
- The HTHP plant room may be located within 6 m of the property boundary, infringing the yard boundary rules in the Rural zone.

The installation of the new HTHP's will result in an increase in the quantity of hazardous substances used and stored at the Plant, which also triggers the need for a resource consent.

Accordingly, this Assessment of Environmental Effects ("**AEE**") has been prepared to support the application for resource consents for the construction of the HTHP plant room building and the use of hazardous substances associated with the new HTHPs.

1.2 REPORT STRUCTURE

This Assessment of Environmental Effects addresses all matters that Alliance must address in this resource consent application by Schedule 4 of the RMA. It is set out in eight sections as follows:

Section 1: Is this introduction.

Section 2: Describes the site and surrounding environment within which the proposed activities are to occur.

Section 3: Provides a description of the activities for which resource consent is sought.

Section 4: Sets out the activity status of the resource consent sought under the Gore District Plan ("**District Plan**").

Section 5: Assesses the actual and potential effects of the activities on the environment and describes the measures proposed by Alliance to avoid, remedy, or mitigate these effects.

Section 6: Sets out the RMA statutory framework which applies to resource consent applications and assesses the proposal against those provisions.

Section 7: Describes the consultation undertaken.

Section 8: Is a concluding comment.

2. THE EXISTING ENVIRONMENT

2.1 LOCATION

The Plant is located at 10-30 McQueen Avenue, Mataura, on land legally described as Lot 1, DP 12431, which is 4.49 Ha in area and adjacent to the Mataura River to the south-east (refer to **Figure 1**). A copy of the record of title is provided in **Appendix A**.

The site contains an existing operating meat processing plant. The first meat processing plant was established on this site in 1893, and since that time the Plant has been a vital component of Southland's agricultural sector, processing stock from the region. The Mataura township has a population of 1,629 (2018 census) and is a small rural service centre whose residents have a high reliance on the Mataura Plant for employment opportunities.

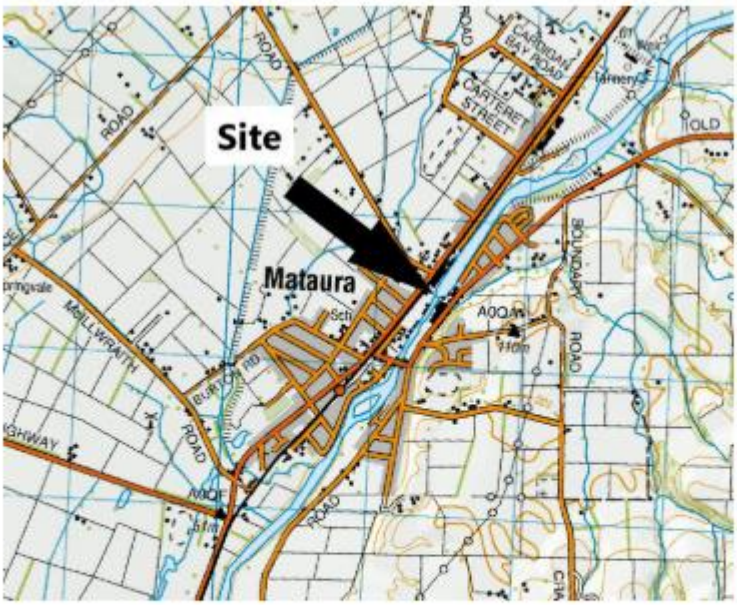


Figure 1: Location of Mataura Processing Plant

2.2 SITE

The proposed site for the HTHP plant room is at NZTM (NZGD2000) E 1280945, N 4875868. The District Plan identifies the site as:

- On land zoned Rural;
- Located within 20 m of the Mataura River;
- Located on land zoned as being *"potentially floodprone from the Mataura River in floods larger than that of 1978, or a stopbank breach in smaller floods. Flooded in 1978, Area subject to actual or potential flooding"*;
- Located on the Environment Southland Hazardous Activities and Industries List ("**HAIL**)". The HAIL activity is classified as *A2. "Chemical manufacture, formulation or bulk storage. I. Other land subjected to the release of a hazardous substance"*;
- Located on a land parcel that contains land identified as High-Class Soils Land Use Class 1 and 3; and
- Adjacent the Mataura River which is a Ngai Tahu Statutory Acknowledgement area.

No other District Plan overlays or annotations apply to the site.

2.3 NEARBY LANDHOLDERS AND COMMUNITY ACTIVITIES

Nearby landholders and sites for community activities are listed here and shown in **Figure 2** below:

- Closest residences are about 130 m to the west (153 Main Street) and north (173 Main Street) and about 160 m east over the Mataura River (123 Kana Street);
- Kia Ngawari Te Kohanga Reo is located approximately 350 m south;
- Mataura School is approximately 570 m southwest;
- Tulloch Park is approximately 90 m northwest;
- Mosque Mataura Masjid is approximately 400 m southwest;
- Community centre, library, elderly citizens welfare centre and Mataura medical centre are approximately 490 m southwest;
- The Mataura Fire Station is located about 450 m southwest; and
- Caltex fuel station about 450 m southwest, located next to the Fire Station.

Figure 2: Surrounding sensitive land users (Source: T+T Limited Hazardous Substances Assessment, 2023)

2.4 ZONING

Regarding zoning, a discrepancy has been found in relation to identifying the correct Zone in the Gore District Plan. Using the *IntroMaps* online software on the Gore District Council website, the land is both shown as Rural inside the pink lined polygon (indicated by pink arrows), and inside the Industrial Zone as indicated by the Lot boundary (red arrows) and the Lot description at the right-hand side of the screen shot (**Figure 3**).

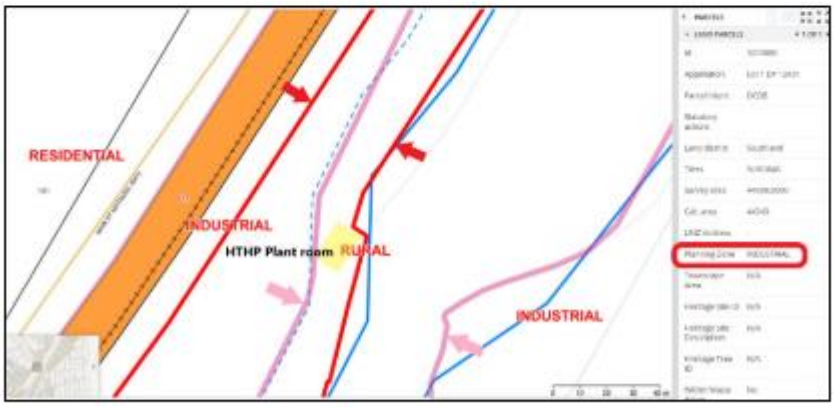


Figure 3: Screenshot from IntraMaps Operative District Plan layer

This appliction takes the conservative approach and assesses the environmental effects as if the land is zoned Rural.

2.5 PROCESSING PLANT

Alliance Group Ltd ("**Alliance**" or "**the Applicant**") is a farmer owned cooperative and the Plant (**Figure 4**) is a vital component of Southland's agricultural sector processing stock from the region. It is also a vital component of the local and regional economy, employing approximately 580 people in the peak of the season, and contributing approximately $280 million per year to the economy (mostly in livestock payments) and approximately $41 million in wages and salaries[1].

Figure 4: The Alliance Mataura Meat Processing Plant (foreground)

The Plant currently uses a coal boiler (nominally 11 MW) for providing steam to the site. The coal boiler is a significant source of emissions, not only due to the use of lignite, but also due to the highly inefficient operation of the aged boiler.

There are a variety of existing hazardous substances at the site: principally ammonia in the existing refrigeration system; cleaning products (disinfectants, degreasers); wastewater treatment chemicals (sulphuric acid, calcium hydroxide); and fuel (a small diesel tank).

Alliance has engaged Tonkin & Taylor Limited ("**T+T**") to provide a Hazardous Substances Assessment to support this application for resource consent. A detailed inventory of existing hazardous substances at the Plant is provided in the T+T report at **Appendix B** and summarised here:

[1] Figures provided here are from the 2021 – 2022 processing season.

- The main refrigeration system at the Plant holds 18,000 kg of ammonia circulated throughout the refrigerated areas within a closed loop system;
- A number of different cleaning products, disinfectants and descalers are stored and used around the site with a combined maximum inventory of approximately 15,300 L total;
- A small diesel tank containing 1,800 L for refuelling equipment;
- A dangerous goods ("**DG**") store holding up to 729 L flammable liquids such as kerosene and combustible oils is located south of the workshops on the south-eastern side of the site;
- Small quantities of substances such as cutting gases (argon, oxygen, and acetylene) associated with maintenance activities are stored at the site workshops; and
- The site has a 16,000 L sulphuric acid tank at the effluent treatment area.

Hazardous substances are currently delivered to site via the accessway from the south off McQueen Ave. Trucks delivering substances to the site travel through Mataura via SH1 for transit on the national road freight network. Transport of hazardous substances is in accordance with the *Land Transport Rule – Dangerous Goods 2005*.

Alliance Mataura manage hazardous substances in accordance with the following documents, which can be found in the appendices of the T+T report:

- Health and Safety Programme Manual, November 2022;
- Ammonia Detection and Alarming Standard, March 2020; and
- Spill Response Plan, June 2022.

2.6 CULTURAL VALUES

Tangata whenua have a strong and long-standing relationship with the Mataura River catchment. The entire Mataura River is recorded in the Ngāi Tahu Claims Settlement Act 1998 (NTCSA) as a Statutory Acknowledgement Area (Schedule 42), establishing the cultural, spiritual, historic, and traditional associations of Ngāi Tahu with this river, from the mountains to the sea, ki uta ki tai.

In the immediate vicinity of Mataura itself, where the Plant is located, is Te Au-Nui-Pihapiha-Kanakana / Mataura Falls. Ngāi Tahu history of the site at Te Au-Nui-Pihapiha-Kanakana / Mataura Falls tells of Ngāti Māmoe rangatira Parapara Te Whenua establishing association between the falls and kanakana harvest. It is both a recorded archaeological site, and a site of consistent mahinga kai practice from the time of Parapara Te Whenua to the present day.

This stretch of the Mataura River is also within the Mataura River Mātaitai Reserve, which has Te Au-Nui-Pīhapiha-Kanakana at its core and ends north of Tuturau. This was the first freshwater mātaitai established in New Zealand in 2006, through the leadership of kaumātua Rewi Anglem, which is an indication of how greatly this area is valued within Hokonui Rūnanga and tribally. Regulation making powers established in the wake of the Treaty Fisheries Settlement (Fisheries Act 1996) have enabled this reserve to be established for the primary purpose of supporting customary fisheries management.

There is a *Scheduled Archaeological Site of Significance to Mana Whenua* described as a traditional lamprey collecting area (site M3, F46/12[2]) located on the Mataura riverbank opposite the proposed HTHP plant room and approximately 200 m downstream.

Correspondence with Hokonui Rūnanga Kaupapa Taiao confirms that *"Hokonui Rūnanga represent the Ngāi Tahu whānui who hold mana whenua within this region and are kaitiaki of all natural resources within it. There are many other areas of cultural significance within the takiwā of Hokonui Rūnanga. It is the role of Hokonui Rūnanga Kaupapa Taiao to protect and enhance these taonga for us and those coming after us."*.

Accordingly, the applicant has consulted with Hokonui Rūnanga on this proposal.

3. DESCRIPTION OF THE PROPOSAL

Alliance has committed to decommission its coal fired boilers across its New Zealand operations by 2029 as part of a company-wide decarbonisation strategy.

As part of this strategy, Alliance is installing new HTHP's at the Plant to assist with decarbonisation efforts for the business, comply with air discharge consent requirements and improve local air quality. The Plant currently uses a coal boiler (nominally 11 MW) for providing steam to the site. The coal boiler is a significant source of emissions, not only due to the use of lignite, but also due to the highly inefficient operation of the aged boiler. The proposed HTHPs will provide the heating for the majority of hot water used at the Plant for equipment cleaning and sterilisation, and will enable installation of a smaller, more efficient boiler to service the balance of heat requirements.

This new system requires housing in a dedicated new building, described as the HTHP plant room, and an increase in the quantity of hazardous substances stored and used on site (namely ammonia and transformer oil).

3.1 HTHP PLANT ROOM

The proposed HTHP plant room will be situated on Lot 1, DP 12431 as shown in **Figure 5.**

[2] As listed in Table 2.6.1 of Chapter 2 - Matters of National Importance, Gore District Plan.

The HTHP plant room will be located on an existing concrete structure raised above the ground and will be approximately 165 m^2 in area. The floor level will be 4.04 m above natural ground level and the overall structure height will be 10.8 m above natural ground level. Housed within the HTHP plant room will be the HTHP's to provide hot water to the Plant utilising a two-stage ammonia system and a water-to-water heat pump. An additional 1,200 kg of ammonia is required for the Project, and this could potentially increase by a further 800 kg over time, for a total increase of 2,000 kg above what is already used on site. A transformer will be located immediately adjacent the HTHP plant room and will contain up to 1,000 litres of cooling oil.

Figure 5: Approximate site of HTHP plant room (yellow) on Lot 1, DP 12431

The HTHP plant room will be designed to ensure the noise limits in the Rural Zone will be complied with. It is adjacent to the lot boundary which is approximately 3 ms away at the closest point.

The approximate location of the HTHP plant room is shown in **Figure 6** in relation to:

- The Rural zone boundary (indicated by pink lines);
- The Mataura River (indicated by solid blue line); and
- The 20 m buffer zone of the Mataura River (indicated by the dashed blue line).

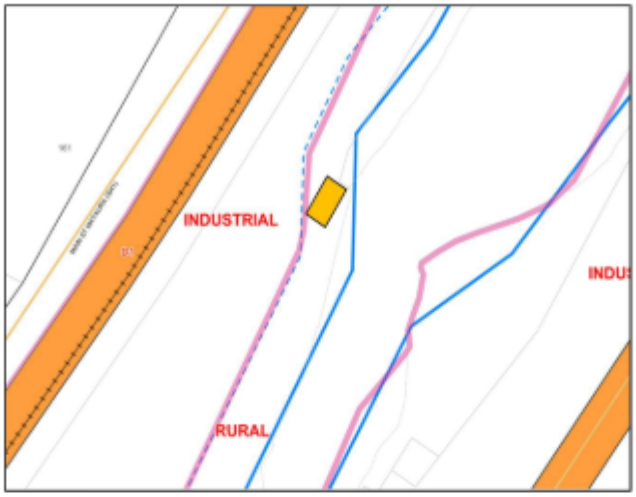


Figure 6: **Approximate location of HTHP plant room overlayed Zoning and Mataura River boundary**

The HTHP plant is proposed to be located on land zoned as being "*potentially floodprone from the Mataura River in floods larger than that of 1978, or a stopbank breach in smaller floods. Flooded in 1978, Area subject to actual or potential flooding*" as shown in the green overlay in **Figure 7**. Notably, this is outside the Mataura River floodway (blue hatch).

The GDC inundation maps are based on the largest flood on record at the time of publication in 2006, which was the 1978 flood. Since then, this record was broken in February 2020 by a flood with a flow rate of 2,400 cumecs and a return period of 70 years. Information provided by Environment Southland Natural Hazards expert Gavin Gilder has been used to inform this application and can be found at **Appendix C**. During the 2020 flood, the proposed site for the HTHP plant room was not inundated **Figure 8**.

Figure 7: Approximate location of HTHP plant room overlayed flood mapping

Figure 8: Photo of 2020 flood (Source: G Gilder, Environment Southland)

The HTHP plant room is also located on the Environment Southland HAIL register as indicated by the yellow and black hatching on **Figure 8**. The HAIL activity is "*A2. Chemical manufacture, formulation or bulk storage. I. Other land subjected to the release of a hazardous substance*".

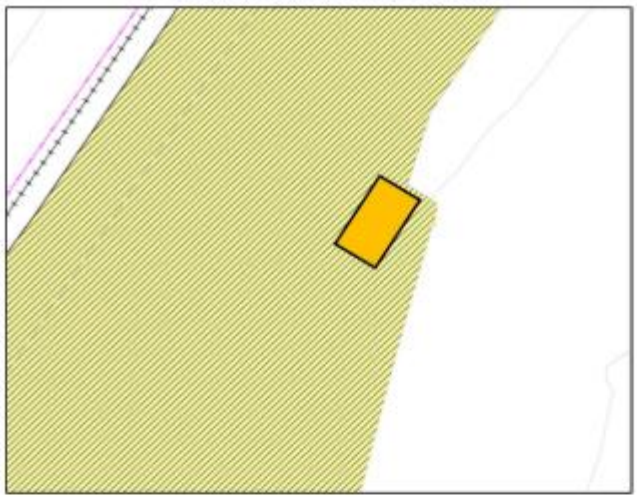


Figure 9: Approximate location of HTHP overlayed Southland HAIL mapping

The Clements Consultants Fire Safety Report prepared for the HTHP plant room states that: *"the building will have a single floor, and will consist of two fire cells – MCC, and heat pump room. The fire safety design is proposed to be in compliance with NZBC C/AS2 (2019) for WB risk group. Compliance with S.17 of the Building Act".*

3.2 HAZARDOUS SUBSTANCES AND MANAGEMENT

The new HTHP's will use liquefied ammonia gas as a refrigerant. This will result in an additional quantity of anhydrous ammonia of up to 2,000 kg stored and used on site. A transformer associated with the HTHP's will contain up to 1,000 L of low hazard paraffinic oil as an insulant.

A summary of hazard classification and proposed maximum quantity of these two substances is provided here in **Table 1**:

Table 1: Summary of proposed hazardous substances associated with HTHP.

Location	Substance	Hazard Classification		State	Max Qty
HTHP Plant	Ammonia (anhydrous)	2.1.1B 6.1C 8.2B 8.3A 9.1A	Flammable gas Category 2 Acute inhalation toxicity Category 3 Skin corrosion Category 1B Serious eye damage Category 1 Hazardous to the aquatic environment acute Category 1	Liquified gas	2,000 kg
HTHP Plant	Transformer oil	6.1E	Aspiration hazard Category 1	Liquid	1,000 L

Anhydrous ammonia is a compressed liquifiable gas. It is in a liquid form while under pressure and will evaporate when released from a pressurised container. Ammonia is toxic via inhalation so it poses a risk to workers and could pose a risk to people beyond the immediate site in the event of an unplanned release. Ammonia can adversely affect aquatic life at low concentrations. In an emergency situation involving a fire on site, fire-fighting water that has come into contact with ammonia and then enters the Mataura River could pose a risk to aquatic ecosystems. In normal circumstances, the ammonia will be completely contained within the HTHP system.

Preventative measures to avoid uncontrolled release of ammonia from the systems on site and or ignition of ammonia, and to contain firewater is proposed. This will be done either through bunding at the HTHP plant room itself or diversion of firewater to the wastewater treatment plant on site to the south of the HTHP plant. A detailed design will provide for the need to contain at least 20 minutes of firewater.

It is proposed to charge (or fill) the HTHP system with ammonia at the commissioning phase of the Project, outside normal working hours with the delivery tanker being on site for less than 24 hours. Any required top-up deliveries of ammonia would occur in the same circumstances.

The proposed transformer will contain up to 1,000 litres of oil. This oil can be hazardous if inhaled. It will be located within the transformer unit, sited on a concrete slab and in a bunded area able to contain up to 3,000 litres of liquid. Any rainwater that enters the bunded area will be able to leave via an oil-stop drain valve. In normal circumstances, the oil will be completely contained inside the transformer.

Alliance will update their existing operation and maintenance procedures, environmental, health and safety management system and emergency response plans to accommodate the proposed additional hazardous substances associated with the HTHP's.

Alliance will undertake physical works (e.g., segregation of incompatible substances, secondary containment) as well as external certification of containment tanks, emergency response planning, and staff training, as recommended by T+T in section 6 of their report (**Appendix B**).

The regulations to be complied with are as follows:

- Health and Safety at Work (Hazardous Substances) 2017 regulations ("**HSW-HS**"); and
- Health and Safety in Employment (Pressure Equipment, Cranes, and Passenger Ropeways) ("**PECPR**") regulations;

The design standards that will be used for the HTHP system will be in accordance with the PECPR regulations. The current standards are:

- AS1210:2010 Pressure vessels;
- American Society of Mechanical Engineers (ASME) Boiler and Pressure Vessel Codes - B31.3 (process) and B31.5 (refrigeration); and
- ASNZS 5149 Refrigerating systems and heat pumps - Safety and environmental requirements.

In addition, existing Alliance documents to be updated are:

- Health and Safety Programme Manual, November 2022;
- Ammonia Detection and Alarming Standard, March 2020;
- Ammonia First Response Procedures, April 2019; and
- Spill Response Plan, June 2022.

It is also proposed to update emergency response procedures in consultation with the Mataura Fire Service.

The transport of ammonia is anticipated to be an event carried out for the commissioning of the HTHP, and not a regular occurrence. The transport of hazardous substances will be undertaken in accordance with the *Land Transport Rule – Dangerous Goods 2005* including requirements for placarding, segregation of incompatible materials and driver training in emergency response.

3.3 CONSIDERATION OF ALTERNATIVES

Alternatives to ammonia in the refrigeration system have been assessed. Alternatives include chlorofluorocarbons (CFC's) and hydrochlorofluorocarbons (HCFCs), both of which are no longer available in the NZ market. Some ingredients of these two options are highly flammable and therefore also not suitable for use on an industrial scale.

Compared with the above options, ammonia is less flammable, burns much more slowly, and requires a stronger ignition source. Although ammonia is toxic, its environmental benefits in terms of reduced flammability compared to alternatives, its excellent heat transfer properties and low global warming impact make it the preferable substance to use for the Project.

4. RESOURCE CONSENT REQUIREMENTS

A building consent application was lodged with Gore District Council ("**GDC**") in late 2022 for the HTHP plant room. GDC subsequently advised that resource consent is required for the HTHP plant room because:

- It will be located within land zoned Rural;
- It will be located within 20 metres of the Mataura River; and
- The HTHP plant room may be located within 6 m of the property boundary, infringing the yard boundary rules in the Rural zone.

The installation of the HTHP's will result in an increase in the quantity of hazardous substances used and stored at the Plant, which also triggers the need for a resource consent.

An assessment of the proposal against the activity rules is provided in **Table 2**.

Because the HTHP plant room will be built on an existing structure, no ground disturbance or earthworks are required. Therefore, no assessment against the GDC rules relating to this has been undertaken. Because no soil will be disturbed as part of the Project, and the use of the land will not change, the National Environmental Standard for Assessment and Managing Contaminants in Soil to Protect Human Health also do not apply.

By way of summary, a resource consent is required as a **discretionary** activity for the Project.

Table 2: HTHP plant room Gore District Plan rule assessment (green represents compliance, orange represents non-compliance or consultation required)

Standard	Consent requirement and activity status
Chapter 2. Matters of National Importance	
2.4 Margins of river and streams **2.4.9 Rule**	The HTHP plant room is greater than 3 metres in height and 6 square metres in area and will be located within 20 metres of the bed of the Mataura River on land zoned Rural.

Standard	Consent requirement and activity status
Within the area 20 metres each side of the bed of the Mataura River where land is zoned Rural, the following is a discretionary activity: (2) The erection of any structure greater than 3 metres in height or 6 square metres in area.	Consent required as a **Discretionary** Activity.
2.6 Mana Whenua A statutory acknowledgement is an acknowledgement by the Crown of Ngāi Tahu's special relationship with identifiable areas, namely Ngāi Tahu's particular cultural, spiritual, historical, and traditional association with those areas, known as statutory areas. The purposes of statutory acknowledgements are: (1) To ensure that Ngāi Tahu's particular association with certain significant areas in the South Island are identified and that Te Runanga o Ngāi Tahu is informed when a proposed activity may affect one of those areas. (2) To improve the implementation of RMA processes, in particular by requiring the Council to have regard to statutory acknowledgements when making decisions on the identification of affected parties. An application for a resource consent can be affected by a statutory acknowledgement when an activity is within, adjacent to, or impacting directly upon a statutory area.	The Mataura River is a statutory acknowledgement area and is immediately adjacent the HTHP plant room. Consultation with Mana Whenua is required.
Chapter 4. Land Use Activities	
4.5 Noise **4.5.1 Rule** Unless otherwise stated, all activities shall comply with the following standards:	The HTHP plant room will be designed to comply with the noise limits for the rural zone. No consent required.

<table>
<tr><th>Standard</th><th>Consent requirement and activity status</th></tr>
<tr><td>

(1) Noise limits in rural and residential zones

<table>
<tr><td rowspan="3">On any day:</td><td>7:00am to 10:00pm</td><td>55 dBA Leq</td></tr>
<tr><td>10:00pm to 7:00am</td><td>40 dBA Leq</td></tr>
<tr><td>10:00pm to 7:00am</td><td>75 dBA max</td></tr>
</table>

Measured:

Rural zones: at any point in the notional boundary[3] of any noise sensitive activity.

</td><td></td></tr>
<tr><td>

4.6 Light spill

4.6.1 Rule

(1) All activities shall comply with the following standards:

(a) The emission of light spill and/or glare measured at the boundary of the site of the emission, does not exceed:

7.00 p.m. - 7.00 a.m. 5 Lux

</td><td>Outside lighting of the HTHP plant room will be designed to ensure it does not exceed 5 lux at the boundary of the site.

No consent required.</td></tr>
<tr><td>

4.7 Daylight Admission

4.7.1 Rule

(1) Any structure where the contiguous land is not held in the same Certificate of Title shall comply with the following standards:

(a) Rural zones

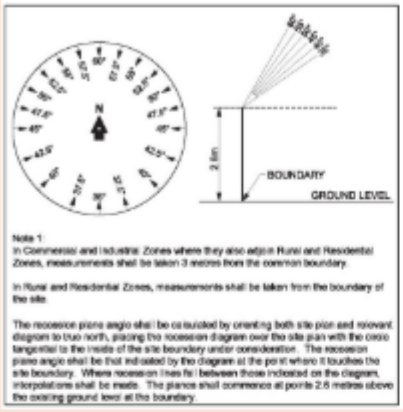
(i) no building or other structure shall extend beyond the recession plane calculated from Diagram 4.2, measured from the boundary of the site.

</td><td>Because the HTHP plant room will be located approximately 3 metres from the property boundary to the east of the site, the recession plane is approximately 5.6 metres high at the eastern edge of the building. Because the HTHP plant room will be approximately 10.8 metres high, it will extend beyond the recession plane by approximately 5.2 metres.

Consent required as a **Restricted Discretionary** Activity.[4]</td></tr>
</table>

[3] Notional boundary means a line 20 metres from the façade of a building containing a noise sensitive activity, or the legal boundary where this is closer to the building.

[4] In all cases the matters over which Council shall exercise its discretion are the adverse environmental effects of the matters with which there is non-compliance.

Standard	Consent requirement and activity status
Diagram 4.2 – Recession plane  Note 1 In Commercial and Industrial Zones where they also adjoin Rural and Residential Zones, measurements shall be taken 3 metres from the common boundary. In Rural and Residential Zones, measurements shall be taken from the boundary of the site. The recession plane angle shall be calculated by orienting both site plan and relevant diagram to true north, placing the recession diagram over the site plan with the cross tangential to the inside of the site boundary under consideration. The recession plane angle shall be that indicated by the diagram at the point where it touches the site boundary. Where recession lines fall between those indicated on the diagram, interpolations shall be made. The planes shall commence at points 2.5 metres above the existing ground level at the boundary.	
4.7A Yards **4.7A.1 Rule** **(2) Rural Zones** (e) Buildings shall be set back 6 metres from any waterway more than 2 metres in width.	The HTHP plant room is located within 6 m of the Mataura River which is more than 2 metres in width. Consent required as a **Restricted Discretionary** Activity.
4.8 Height **4.8.1 Rule (General)** (1) No structure shall exceed the following heights: (b) In Rural and Commercial Zones – 12metres	The HTHP plant room structure will be 10.8 metres in height from the natural ground level. No consent required.
4.9 Site Coverage **4.9.1 Rule** (1) All activities shall comply with the following standards: **(a) Rural zones** (ii) On any property with an area of more than 2 ha, structures used for the sheltering of animals, or for purposes other than	The property that the HTHP plant room will be located on is more than 2 ha in size and structures exceed more than 1,500 square metres in area. The structures are used for an industrial activity. Consent required as a **Restricted Discretionary** Activity.

Standard	Consent requirement and activity status
agriculture, shall not exceed 1,500 square metres in area.	
4.10 Signs **4.10.1 Rule** **(b) In Rural zones** (i) No more than two signs shall be erected on any site. (ii) Signs on any site do not exceed a cumulative area of $2m^2$. (iii) The sign is not flashing. (iv) Where the sign is intended to be viewed from a public road, the sign must not contain more than six words or symbols and no more than 40 characters. (v) No part of any freestanding sign shall be greater than 3 metres above ground level. (vi) Signs on buildings and other structures may be placed on the vertical faces of the building or structure but shall not extend above the height of that portion of the building or structure on which it is located. (vii) The signage is related to an activity occurring on the site.	The HTHP plant room will not have more than two signs, the signs will not exceed a cumulative area of 2 m^2 and they will not be flashing. No consent required.
Chapter 6. Hazardous Substances	
6.9 Rules (1) It is a permitted activity to store or use hazardous substances provided that the	The HTHP system will include the use and storage of anhydrous ammonia. There is potential for an additional 2,000 kg of anhydrous ammonia to be introduced to the site which will be additional to what is already stored and used onsite. A transformer

Standard		Consent requirement and activity status
	quantities in storage or use do not exceed the amounts specified in Table 6.2.[5]	associated with the HTHP Plant will contain 1,000 L of paraffinic oil as an insulant.
(2)	Any storage or use of hazardous substances that exceeds the quantities specified in Table 6.2 is a restricted discretionary activity.	Table 6.2 permitted quantities will be exceeded by this proposal for GDC categories 6 (1.0 kg) and 8 (10 kg) in the Rural zone. There are no permitted quantities provided for Class 2.1.1B flammable gas or Class 9.1A acute aquatic ecotoxicity, as applies to anhydrous ammonia. The District Plan does not specify a permitted quantity for substances with classification as Aspiration Hazard Category 1, as applies to the transformer oil. Consent is required as a **Restricted Discretionary** Activity.

5. ASSESSMENT OF EFFECTS

5.1 INTRODUCTION

This section of the AEE assesses the actual and potential land use effects of the Project.

5.2 POSITIVE EFFECTS

The Project is a key part of Alliances wider goal of reducing its carbon footprint. Alliance will replace the existing main coal-fired boiler at the Plant with a HTHP system and small diesel boiler used only when there is high process heat demand, saving 6,401 tonnes of carbon per annum, and significantly improving the air quality for local residents. The Project will result in the equivalent of taking 2,370 average sized passenger cars off the road[6].

An economic assessment of the Plant was carried out in 2019 by Brown, Copeland & Co Ltd. The assessment found that the Plant is a large employer in the district and counting both direct and indirect economic impacts, was responsible for 595 full time equivalent

[5] The classification of hazardous substances (Table 6.1) and the permitted quantities of hazardous substances (Table 6.2) from the Gore District Plan are included as **Appendix D**.

[6] Source: Alliance Group welcomes decarbonisation investment in processing plants | Alliance Group

(FTE) jobs for Southland residents, and $38.5 million per annum in wages and salaries for local Southland residents.

The continued operation of the Plant relies upon the generation of hot water at the Plant and Alliance implementing its decarbonisation strategy to provide that hot water in a more sustainable way. The continued operation of the Plant removes the need for Southland farmers to truck cattle out of the region for processing, it keeps farmers' comparative transports costs lower, and maintains their disposable incomes and spending in the Gore District and elsewhere within the region.

5.3 VISUAL AMENITY, LANDSCAPE AND NATURAL CHARACTER

The proposal is non-compliant with rule 4.7.1(1)(a)(i) regarding Daylight Admission. The District Plan requires *an assessment of environmental effects of the scale of structures on the quality of the environment and amenity values; a record of consultation, if any, with affected landholders, and; a description of the measures proposed to be taken to avoid, remedy or mitigate adverse effects.*

The proposed building is located within an industrial complex of buildings, in keeping with the surrounding existing environment of industrial buildings that form part of the processing plant that has arguably very low amenity values. No consultation with landowners has been undertaken as it is considered that there are no affected landholders who may be directly affected by the construction of the HTHP plant room. It should be noted that consultation has been undertaken with Hokonui Rūnanga who has provided written approval for the Project.

There are no adverse effects on visual amenity, landscape, or natural character outside of the property boundary.

5.4 NATURAL HAZARD EFFECTS

Inundation (or flooding) is the natural hazard that poses the greatest risk within the Gore District Plan area. The Mataura Valley in particular is prone to flooding on a regular basis, with major floods having been experienced in 1896, 1913, 1957, 1978, 1987, 1999 and 2020. The 2020 flood was the largest, considered to have a return period in the order of 70 years, while the 1978 flood had a return period of 50-60 years[7].

The proposed location of the HTHP plant room was not inundated during the 2020 flood.

The proposed HTHP plant room will be located on a relatively high part of the site in the area shaded lime green in **Figure 7**. As evident in the photograph at **Figure 8**, the location was not inundated during the 2020 flood, and this combined with the proposed finished

[7] Information provided in email from Gavin Gilder, Team Leader Policy and Planning at Environment Southland, on 03 February 2022

floor level being 4.04 m above natural ground level, it is considered to be suitably located on the site to be protected from inundation during a flood event.

Overall, the effect of the proposal will not be more than minor.

5.5 CULTURAL EFFECTS

Te Rūnanga o Ngāi Tahu deferred to Hokonui Rūnanga with respect to managing the cultural effects of this proposal on their interests, in correspondence included in **Appendix E**.

Correspondence with Hokonui Rūnanga Kaupapa Taiao states that "*Hokonui Rūnanga represent the Ngāi Tahu whānui who hold mana whenua within this region and are kaitiaki of all natural resources within it. There are many other areas of cultural significance within the takiwā of Hokonui Rūnanga. It is the role of Hokonui Rūnanga Kaupapa Taiao to protect and enhance these taonga for us and those coming after us.*".

Hokonui Rūnanga have given their written approval to the application in the form of a letter appended to this AEE at **Appendix E**.

As detailed in the written approval provided by Hokonui Rūnanga, Council is not required to consider cultural effects on Hokonui Rūnanga or Te Rūnanga o Ngāi Tahu any further.

5.6 HAZARDOUS SUBSTANCES EFFECTS

In accordance with the information requirements of Section 6 of the Gore District Plan, an assessment of the actual and potential hazardous substances effects resulting from the proposed new HTHP and plant room building was undertaken by T+T. The report is attached in full as **Appendix B** and the findings are summarised here. As the proposed increase in ammonia at the site in association with the HTHP Plant is linked to the existing refrigeration systems, the hazard and risk analysis has considered the total volume of ammonia used and stored on the site.

The risk assessment has identified that the key risks associated with the proposed HTHP Plant installation at the site is an ammonia release from plant failure, during delivery to site, during recharging of the system or a fire in the HTHP plant room.

5.6.1 Effects on people and property

The transformer oil is not classified as flammable and is hazardous to human health only when aerosolised and inhaled, which is not expected to occur under any foreseeable circumstances as a result of the installation of the transformer at the site. The risk to off-site areas is negligible.

There is a risk of ammonia being released off-site by way of a spill during delivery and filling of the heat exchanging systems, a leak or rupture of plant equipment during normal

operation or during maintenance, or a fire at the plant. T+T have assessed that these risks can be managed by way of structural and operational controls as well as updated emergency response planning and training. The recommended controls are explained further in chapter 6 of the T+T report.

The risks to off-site people from an ammonia release has been assessed as moderate. Taking into consideration the sensitivity of the surrounding environment and subject to the effective implementation of the controls to limit ammonia release in a plant failure discussed above along with coordinated emergency response planning, the effect on human health from use of ammonia in the HTHPs systems at the Mataura Plant is **no more than minor**.

The risk of a fire at the HTHP plant room impacting off site property has been assessed as low and is minimised through structural controls and equipment selection as well as separation of the plant room to the boundary and emergency response planning. The effect of the proposed HTHP's on off-site property is considered **less than minor**.

5.6.2 Effects on the environment

The proposed HTHP's and plant room will be located within 20 m of the Mataura River. The key risk to the environment is via the unintentional discharge of contaminated fire-fighting water to the Mataura River. The risk of this occurring has been assessed as low.

The proposed controls as outlined in section 3.2 to prevent an ammonia release or fire at the site, along with provision for preventing uncontrolled discharge of firewater, will result in the effects on the adjacent environment being **less than minor**.

5.6.3 Cumulative effects

Nearby facilities that also use and store hazardous substances include the water treatment plant within the Plant, and the Caltex fuel station southwest of the site on state highway 1. Both of these sites are subject to the requirements of the Health and Safety at Work (Hazardous Substances) 2017 regulations. In the event of a spill or fire at these locations, T+T consider that Alliance's site controls and containment of ammonia in the HTHP plant are not expected to be affected. There is negligible risk of cumulative effects from events at other facilities impacting the site.

5.6.4 Transport

Transport of ammonia to the site for use in the refrigeration systems is an infrequent occurrence. The same is expected to be true for delivery of ammonia for charging (or filling) the HTHP's at commissioning stage. The transport of hazardous substance will continue to occur in accordance with the *Land Transport Rules of the Dangerous Goods Act 2005 (amended 2010)*.

T+T conclude that the potential effects associated with transporting ammonia to the site will be minimised by the availability of appropriate transport routes and compliance with the Land Transport Rules and have been assessed as low with effects on people, property and the environment that are less than minor.

5.6.5 Summary of Hazardous Substances effects

The risk assessment has identified that the key risks associated with the Project is an ammonia release from plant failure, during delivery to site, during recharging (or filling) of the system or a fire in the HTHP plant room. The risks to off-site people from an ammonia release has been assessed as moderate. Taking into consideration the sensitivity of the surrounding environment, the proposed controls to limit the release of ammonia from the systems in a leak, and the proposed updates to emergency response and evacuation procedures, the effects on human health from an ammonia release associated with installation of the HTHP Plant at the Mataura Plant can be managed and are no more than minor.

5.7 PROPOSED CONDITIONS OF CONSENT

Proposed conditions of consent at **Appendix F** include:

- Reviewing and updating key management plans;
- A requirement to update emergency response procedures to identify the extent of off-site areas at risk from an ammonia release from the system in consultation with the Mataura Fire Service;
- Development of community notification and evacuation plans for the surrounding area;
- A Flood Contingency Plan; and
- Provision to be able to contain at least 20 minutes' worth of fire-fighting water that may be contaminated by ammonia on site.

The proposed conditions will also require the safe use of transformer oil.

5.8 SUMMARY OF EFFECTS ASSESSMENT

The Project is a key component of Alliance's goal of reducing its carbon footprint by eliminating coal from its operations by 2029 in line with the company-wide decarbonisation strategy. The continued operation of the Plant assists in keeping processing of Southland livestock in close proximity to where it is produced and maintains employment opportunities for local residents, which provides income and subsequent spending in the Gore District and elsewhere within the region.

There are no adverse effects on visual amenity, landscape, or natural character outside of the property boundary. The location of the proposed HTHP plant room is on a relatively high part of the site, so in the context of the site is considered to be in an appropriate

location for protection from inundation during flood events. The use and storage of hazardous substances will be undertaken in accordance with the recommendations of T+T and in accordance with current best practice, resulting in adverse effects on the environment being no more than minor.

Cultural effects on Hokonui Rūnanga and Te Rūnanga o Ngāi Tahu have been addressed via direct consultation with both parties. Te Rūnanga o Ngāi Tahu have deferred to Hokonui Rūnanga for the application and Hokonui Rūnanga has provided written approval for the application.

6. STATUTORY ASSESSMENT

6.1 REQUIREMENTS OF A CONSENT APPLICATION

Section 88(2) of the RMA requires an application to be made in the prescribed form and manner and include the information as required by Schedule 4. Form 9 of the Resource Management (Forms, Fees, and Procedure) Regulations 2003 prescribes the form and manner in which an application for resource consent should be made in accordance with section 88, and that form is followed here. Form 9 requires an application for resource consent to include an assessment against the matters set out in Part 2 of the RMA, and any relevant provisions of a document referred to in section 104(1)(b) of the RMA. These assessments are provided below.

6.2 SECTION 104

6.2.1 Introduction

Section 104 of the RMA identifies the matters that a consent authority must have regard to, subject to Part 2, when considering an application for resource consent. It states:

> *(1) When considering an application for a resource consent and any submissions received, the consent authority must, subject to Part 2, have regard to–*
>
> *(a) any actual and potential effects on the environment of allowing the activity; and*
>
> *(ab) any measure proposed or agreed to by the applicant for the purpose of ensuring positive effects on the environment to offset or compensate for any adverse effects on the environment that will or may result from allowing the activity; and*
>
> *(b) any relevant provisions of—*
>
> *(i) a national environmental standard:*
>
> *(ii) other regulations:*
>
> *(iii) a national policy statement:*
>
> *(iv) a New Zealand coastal policy statement:*

(v) *a regional policy statement or proposed regional policy statement:*

(vi) *a plan or proposed plan; and*

(c) *any other matter the consent authority considers relevant and reasonably necessary to determine the application.*

Section 104 of the RMA does not give primacy to any of the matters to which a consent authority is required to have regard. All relevant matters are to be given such weight as the consent authority deems appropriate in the circumstances, and all matters listed in section 104(1) are subject to Part 2 of the RMA.

An assessment of the Project against the relevant matters set out in section 104 of the RMA is provided in the sections below.

6.2.2 Actual and Potential Effects

The actual and potential effects of the proposed activity are set out in Section 5 of this AEE.

6.2.3 National Policy Statement for Highly Productive Land ("NPS-HPL")

The qualifying matters for highly productive land under clause 3.4(1) of the NPS-HPL are:

(a) *is in a general rural zone or rural production zone; and*

(b) *is predominantly LUC 1, 2, or 3 land; and*

(c) *forms a large and geographically cohesive area.*

The proposal is located on a land parcel that is zoned Rural in parts and Industrial in parts, and contains land identified in the Gore District Plan as High-Class Soils Land Use Class 1 and 3. The entirety of the site is highly developed and used for industrial activities including a meat processing plant. While the specific location of HTHP plant room is not LUC 1, 2 or 3 land, the land surrounding the site could be considered predominantly LUC 1, 2 or 3 land.

If it is considered that the site is highly productive land, the Project is enabled by clause 3.11 of the NPS-HPL which directs that Council is to enable the maintenance, operation or upgrade of existing activities on highly productive land. The Project will not result in the loss of any highly productive land as it is to be located on a part of the site that is already developed.

In summary, the NPS-HPL does not pose an impediment to the development of the Project as proposed.

6.2.4 Gore District Plan

The relevant provisions of the District Plan to this Project are:

- *Matters of National Importance:*
  - *Margins of rivers and stream; and*
  - *Mana Whenua;*
- *Activities in the Rural zone;*
- *Natural Hazards;*
- *Hazardous Substances;*

Each is addressed below.

6.2.4.1 Chapter 2: Matters of National Importance

Margins of Rivers and Streams

The District Plan identifies that the rivers and streams of the District are a significant recreational resource, but only the Mataura River is of such value as to warrant its margins being protected. The District Plan chapter 2.4 describes the Objectives as follows:

> **2.4.3 Objectives**
>
> *(1) To preserve the natural character of the margins of the Mataura River.*
>
> *(2) To provide public access along the margins of the Mataura River where this is practical and can be safely undertaken without adversely affecting the use of adjoining land.*

The associated policies aim to control the adverse effects of land use activities on the margins of the Mataura River, and maintain and enhance public access to and along the Mataura River except where this will affect public health or safety, or where site security would be compromised.[8]

This Project is consistent with the above objectives and policies as follows:

- The HTHP plant room building will be established within the already disturbed area of the Plant and will be located on an existing concrete structure raised above the ground. The Project will result in no new effects on the natural character of the margins of the Mataura River.

[8] Policies 2.4.4(1) and 2.4.4(2) respectively of the Gore District Plan.

- The location is not currently accessible to the public, being within the boundaries of the privately owned Plant. Accordingly, for health and safety and site security reasons the Project will not change public access to and along the Mataura River.

Mana Whenua

The significant resource management issues[9] of the District relating to Mana Whenua are:

(1) The protection of waahi tapu, waahi taonga and other taonga.

(2) The protection of urupa sites.

(3) The Mataura River is subject to a statutory acknowledgement, as outlined in Part 12 and Schedule 42 of Ngāi Tahu Claims Settlement Act 1998.

(4) Access to mahinga kai sites

This Project is consistent with the above objectives and policies as follows:

- The proposed HTHP plant room building will be established within the already disturbed area of the Plant and will be located on an existing concrete structure raised above the ground.
- Support for this application has been received from Hokonui Rūnanga.

6.2.4.2 Chapter 3: Land Use Activities – A Framework

The District Plan acknowledges that the Mataura urban environment is predominantly industrial in nature. The relevant objectives of this chapter are:

Objective 3.3

(1) Maintain and enhance the amenity values of the various localities within the District whilst respecting the different values and characteristics that exist within each area.

(2) Ensure that the effects of land use activities do not adversely affect the quality of the environment and are compatible with the characteristics and amenity values of each locality.

Policy 3.4

(1) Establish zones that reflect the characteristics and amenity values of the area.

(2) Control the adverse effects of land use activities on the environment.

[9] 2.6.2 Issues, Gore District Plan.

This Project is consistent with the above objectives and policies as follows:

- The Plant is located mostly within the Industrial zone. The HTHP plant room will be sited at the edge of existing Plant buildings, in a narrow strip of Rural zone with effectively no Rural zone qualities at that site.
- The construction of the HTHP plant room building will not create any new adverse effects on the environment. The building is compatible with the characteristics and amenity values present at the site.
- Hazardous substances are currently used and stored at the Mataura Plant. The proposed increase in quantity of ammonia and transformer oil will be safely managed in accordance with the established regulations and standards relevant to the use and storage of hazardous substances, and through both structural and operational controls.

6.2.4.3 Chapter 4A: Natural Hazards

The provisions of Chapter 4A are relevant when considering the proposal to install HTHPs and associated plant room.

> ***Objective 4A.3***
>
> *(2) Minimise the risk to people and property from inundation.*
>
> ***Policies 4A.4***
>
> *(2) On sites subject to actual or potential flooding, promote:*
>
> *(a) identification and use of elevated ground for those activities that could be adversely affected by flooding; and*
>
> *(b) elevated floor levels within any buildings*
>
> *(4) Within areas shown as "Subject to Actual or Potential Inundation" on the District Plan Maps the Gore District Council will:*
>
> (a) *with the exception of the urban area of Gore shown as lime green on the District Plan maps, refer all resource, subdivision and building consents to Environment Southland for comment prior to determining whether to approve or issue those consents.*

This Project is consistent with the above objectives and policies as follows:

- The HTHP plant room will be located on an existing concrete structure raised above the ground. The floor level will be 4.04 m above natural ground level. The construction of the building will be upon the existing concrete structure and will not result in a change to the risk to people and property from inundation; and
- Consultation has been undertaken with Environment Southland (refer **Appendix C**) finding that within the context of the site, the HTHP plant room is appropriately

located. Environment Southland has recommended that Alliance develops a flood contingency plan and makes themselves familiar with the Mataura Flood Catchment warning system. A condition has been proposed that addresses this recommendation.

6.2.4.4 Chapter 6: Hazardous Substances

The Mataura Plant uses and stores hazardous substances as part of its normal operations. The District Plan acknowledges that the use, storage, transportation and disposal of hazardous substances are associated with primary production, manufacturing and processing activities, and that there are risks associated with hazardous substances that could adversely affect the environment and human health. The District Plan's objective and associated policies in this regard are:

Objective 6.3

(1) Prevent or mitigate adverse environmental effects and risks associated with the use, storage, transportation and disposal of hazardous substances.

Policy 6.4

(1) Limit the quantities of hazardous substances stored at sites to a level that is appropriate to the activities undertaken on that site and appropriate to the environment of that locality.

This Project is consistent with the above objectives and policies as follows:

- Hazardous substances are currently used and stored at the Plant. The proposed increase in quantity of ammonia and transformer oil will be safely managed in accordance with the established regulations and standards relevant to the use and storage of hazardous substances, and through both structural and operational controls to prevent and mitigate adverse environmental effects and risk; and
- Alternatives substances to ammonia have been considered and found not suitable for this Project. The quantities of hazardous substances proposed as part of the HTHP system are appropriate for the needs of the Plant and can be managed safely and appropriately for the environment in the immediate area.

6.2.5 Te Tangi a Tauria – The Cry of the People

In 2008, Te Tangi a Tauira: Ngāi Tahu ki Murihiku Natural Resource and Environmental Iwi Management Plan ("**Te Tangi a Tauira**") was published. This Iwi Management Plan consolidates Ngāi Tahu ki Murihiku values, knowledge and perspectives on natural resource and environmental management issues.

Alliance acknowledges that Te Tangi a Tauira is an important planning document designed to assist tangata whenua in carrying out kaitiaki roles and responsibilities, and that tangata whenua are best placed to assess the application against its provisions.

Alliance expects that the following Ngā Kaupapa policy in Te Tangi a Tauira, which address Industry and Rivers are likely to be important when considering effects on cultural values.

> ***3.5.4 Industry*** *– Ngāi Tahu ki Murihiku have an expectation that Southland industry will achieve high levels of innovation and overall excellence with respect to the environment and protection of cultural and community values. When industry is managed in a good way it gives both iwi and the wider community confidence.*
>
> ***Issue*** *– Potential for direct and indirect impacts of industrial operations on flora and fauna, air, water, soil, mahinga kai species and places.*
>
> ***Policy 3****. Address adverse effects on cultural values as a result of industrial activity via the following order of priority:*
>
> *a. avoiding adverse effects;*
>
> *b. on site mitigation;*
>
> *c. off site mitigation (e.g. Kākāpō recovery programmes);*
>
> *d. compensation.*

Support for this application has been received from Hokonui Rūnanga. Hokonui Rūnanga, in correspondence at **Appendix E**, state that:

> *"Hokonui Rūnanga represent the Ngāi Tahu whānui who hold mana whenua within this region and are kaitiaki of all natural resources within it.*
>
> *There are many other areas of cultural significance within the takiwā of Hokonui Rūnanga. It is the role of Hokonui Rūnanga Kaupapa Taiao to protect and enhance these taonga for us and those coming after us".*

This application is consistent with the requirements of Te Tangi a Tauria – the Cry of the People, as evidenced by the support received via consultation with Hokonui Rūnanga.

6.3 PART 2

Under section 104, the consideration of any application is subject to Part 2 of the RMA which sets out the purpose and principles of the RMA.

In terms of section 5 of the RMA, enabling Alliance to construct a HTHP plant room building for the purposes of housing new HTHP's to generate hot water for the Plant, will enable people and communities to provide for their social, economic, and cultural wellbeing by:

- Enabling Alliance to fulfill its commitment to decommission the Mataura coal fired boiler as part of a company-wide decarbonisation strategy; and
- Enabling Alliance to comply with air discharge consent requirements and improve local air quality.

The proposed activity will not give rise to adverse effects.

In terms of the relevant matters in sections 6, 7 and 8:

- The Project makes efficient use of existing land resource within the site by way of decarbonising an established activity which will enable Alliance to continue to provide for the social, economic, and cultural wellbeing of people and communities through creation / retention of jobs, and the revenue generated in the community;
- The quality of the environment will be improved due to the move away from a coal-burning boiler to a HTHP system, as the need to burn fossil fuels is reduced and the local air quality will improve as a result.
- The Project takes into account the effects of climate change in that the proposal is driven by Alliance's commitment to its decarbonisation programme aimed at reducing the organisations contribution to the effects of climate change.
- The proposal will not result in any changes to:
- Public access to the river;
- The preservation of the rivers' natural character;
- The relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga;
- Amenity values;
- Intrinsic values of ecosystems; and
- The management of significant risks from natural hazards, namely flooding.

Overall, it is considered that the proposal is consistent with the relevant matters in section 5, 6, 7 and 8 of the RMA.

7. NOTIFICATION ASSESSMENT

7.1 PUBLIC NOTIFICATION

7.1.1 Section 95A Public Notification

Section 95A requires a council to follow specific steps to determine whether to publicly notify an application. The following is an assessment of the application against these steps:

Step 1 – Mandatory Public Notification:

An application must be publicly notified if, under section 95A(3), it meets any of the following criteria:

(a) the applicant has requested that the application be publicly notified:

(b) public notification is required under section 95C:

(c) the application is made jointly with an application to exchange recreation reserve land under section 15AA of the Reserves Act 1977.

It is not requested that the application be publicly notified, and the application is not made jointly with an application to exchange reserve land. Therefore, Step 1 does not apply, and Step 2 must be considered.

Step 2 – Public Notification Precluded:

An application must not be publicly notified if, under section 95A(5):

(a) the application is for a resource consent for 1 or more activities, and each activity is subject to a rule or national environmental standard that precludes public notification:

(b) the application is for a resource consent for 1 or more of the following, but no other, activities:

(i) a controlled activity:

(ii) [Repealed]

(ii) a restricted discretionary, discretionary, or non-complying activity, but only if the activity is a boundary activity:

(iv) [Repealed]

In this case, none of these circumstances apply, and Step 3 must be considered.

Step 3 – Public Notification Required in Certain Circumstances:

An application is required to be publicly notified if one of the following circumstances are met, under section 95A(8):

(a) the application is for a resource consent for 1 or more activities, and any of those activities is subject to a rule or national environmental standard that requires public notification;

(b) the consent authority decides, in accordance with section 95D, that the activity will have or is likely to have adverse effects on the environment that are more than minor.

In this case, the relevant rules do not require public notification. All effects have been assessed to be no more than minor for the reasons set out in Section 5 of this AEE. Therefore, Step 3 does not apply, and Step 4 must be considered.

Step 4 – Public Notification in Special Circumstances:

Section 95A(9) states that a council must publicly notify an application for resource consent if it considers that 'special circumstances' exist, notwithstanding that Steps 1 to 3 above do not require or preclude public notification.

Special circumstances are not defined in the RMA. Case law though has identified special circumstances as something outside the common run of things which is exceptional, abnormal, or unusual, but less than extraordinary or unique. A special circumstance would be one which makes notification desirable despite the general provisions excluding the need for notification. The council should be satisfied that public notification may elicit additional information on the aspects of the proposal requiring resource consent.

There are no special circumstances which apply to this application, noting in particular:

- The effects of the proposal will be no more than minor; and
- The proposal is consistent with the objectives and policies of the relevant planning documents.

Public Notification Summary

It is considered that the proposal does not need to be publicly notified under section 95A of the Act.

7.2 LIMITED NOTIFICATION

If the application is not publicly notified, a consent authority must consider the steps in section 95B to determine whether to give limited notification of an application.

Step 1 – Certain affected groups and affected persons must be notified:

The application must be limited notified to the relevant persons if the following are determined, as specified by section 95B(2) and (3):

Section 95B(2)

(a) affected protected customary rights groups; or

(b) affected customary marine title groups (in the case of an application for a resource consent for an accommodated activity).

Section 95B(3)

(a) whether the proposed activity is on or adjacent to, or may affect, land that is the subject of a statutory acknowledgement made in accordance with an Act specified in Schedule 11; and

(b) whether the person to whom the statutory acknowledgement is made is an affected person under section 95E.

There are no protected customary rights groups, nor affected customary marine title groups, nor is the application for an 'accommodated activity' therefore section 95B(2)(a) and (b) are not applicable here.

With respect to section 95B(3), the site is adjacent to the Mataura River which is subject to a Statutory Acknowledgement area being the Mataura River in favour of Te Rūnanga o Ngāi Tahu. Alliance provided a copy of this application to Te Rūnanga o Ngāi Tahu and Hokonui Rūnanga for consultation purposes to determine whether they consider tangata whenua to be an affected party to this application.

Te Rūnanga o Ngāi Tahu deferred to Hokonui Rūnanga to represent their interests and Hokonui Rūnanga has provided affected party approval to this application. Because Hokonui Rūnanga has provided written approval, they are not an affected party in accordance with section 95E(3)(a) and notification to them is not required.

The correspondence received from Te Rūnanga o Ngāi Tahu and Hokonui Rūnanga is included in **Appendix E**.

Limited Notification Summary

It is considered that the proposal does not need to be limited notified to any other person under section 95B of the Act. Alliance therefore requests that the application be assessed on a non-notified basis.

8. CONCLUDING COMMENT

Alliance Mataura is proposing to install a new HTHP system within a new plant room building at the Plant to assist with decarbonisation efforts for the business, comply with air discharge consent requirements and improve local air quality.

The Project requires resource consent for the plant room building and for the increase in the use and storage of hazardous substances at the site.

The effects of the proposal will be no more than minor and sit comfortably within the District Plan provisions that apply to this project.

Overall, it is considered that the proposal is consistent with the purpose and principles of the RMA and that there are no impediments to the granting of this resource consent sought.