



ALLIANCE

FARMERS' PRODUCE

SINCE 1948

ALLIANCE GROUP LIMITED

USE OF MATAURA RIVER WEIR TO DAM AND DIVERT WATER

Resource Consent Applications and
Assessment of Environmental Effects

5 July 2019

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A

PART A

Resource Consent Applications

**APPLICATION FOR RESOURCE CONSENT OR FAST-TRACK
RESOURCE CONSENT**

Sections 87AAC, 88, and 145, Resource Management Act 1991

To **Environment Southland**

1. Alliance Group Limited (Alliance) apply for the following resource consents:

Land use consent – To use an existing weir and hydro race structure to dam and divert water.

Water Permit – To dam and divert water using an existing weir and hydro race structure.

2. The activity to which the application relates (the proposed activity) is as follows:

Alliance owns and operates the Mataura Meat Processing Plant (the Plant) on the true right bank of the Mataura River in the Mataura township.

The Plant currently operates under 10 resource consents issued by Southland Regional Council (Environment Southland). Three of these consents expire on 6 December 2019.

They authorise:

- *The take and use of water for cooling and processing purposes;*
- *The discharge of cooling water; and*
- *The discharge of wastewater.*

*Alliance lodged applications on 31 May 2019 to ‘re-consent’ these activities and a 35 year term has been sought. A detailed assessment of environmental effects of the activity was lodged in support of those consent applications titled: “ALLIANCE GROUP LIMITED MATAURA PROCESSING PLANT: Resource Consent Applications and Assessment of Environmental Effects 31 May 2019”. Hereafter that document is referred to as “**the Main AEE**”.*

*Immediately upstream of the Mataura Plant is an existing concrete U-shaped weir. This weir is believed to have been constructed in the 1920s or 1930s, and it dams and diverts water along the true right bank of the river into a diversion channel adjacent to the Plant known as the ‘**hydro race**’.*

The applications lodged on 31 May 2019 (including the Main AEE) were advanced and discussed with interested parties on the assumption that this existing weir would continue

to be used to dam and divert water into the diversion channel for the life of the 35 year term sought for the new resource consents. But no new consent was sought for its continued use, as that use is already authorised by existing resource consents which do not expire until 7 November 2026.¹ However, to provide certainty that the weir will be able to be used for the life of the 35 year consents sought in the 31 May 2019 applications, Alliance has now made additional applications for consents to use the weir and for the associated damming and diversion of water over that full 35 year period.

For the avoidance of doubt, consent is not being sought as part of these applications to operate the hydro-electricity generation scheme (and its associated turbine) which is also authorised by the existing consent which applies to the weir. This application is only for the damming and diversion of water by the weir into the diversion channel.

3. The site at which the proposed activity is to occur is as follows:

The Mataura Plant and infrastructure are located on the true right bank of the Mataura River, within the Mataura township.

Map reference: NZMS 260 F46: 911 384

Legal description: Lots 1-2 DP12431 Lot 1 DP 12500 Blk XIII Mataura TN

4. The full name and address of each owner or occupier (other than the applicant) of the site to which the application relates are as follows:

The Alliance Group Limited is the owner and occupier of the land associated with the Mataura Plant.

The bed of the Mataura River is Crown Land.

5. The other activities that are part of the proposal to which the application relates are as follows:

The other activities that are part of the proposal to which the application relates are:

- *The take and use of water for cooling and processing purposes at the Plant;*
- *The discharge of cooling water at the Plant; and*
- *The discharge of wastewater at the Plant.*

¹ AUTH.20171566-01,

6. **The following additional resource consents are needed for the proposal to which this application relates and have been applied for:**

Water Permit - To take water from the hydro race which is fed by the Mataura River for cooling water purposes.

Water Permit - To take water from the hydro race which is fed by the Mataura River for meat processing and truck wash activities.

Discharge Permit - To discharge condenser cooling water from the meat works to the Mataura River.

Discharge Permit - To discharge treated meat works wastewater to the Mataura River

7. **I attach an assessment of the proposed activity's effect on the environment that—**
- (a) includes the information required by clause 6 of Schedule 4 of the Resource Management Act 1991; and**
 - (b) addresses the matters specified in clause 7 of Schedule 4 of the Resource Management Act 1991; and**
 - (c) includes such detail as corresponds with the scale and significance of the effects that the activity may have on the environment.**
8. **I attach an assessment of the proposed activity against the matters set out in Part 2 of the Resource Management Act 1991.**
9. **I attach an assessment of the proposed activity against any relevant provisions of a document referred to in section 104(1)(b) of the Resource Management Act 1991, including the information required by clause 2(2) of Schedule 4 of that Act.**

Signature:



Doyle Richardson

Group Environmental Manager

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B

PART B

Assessment of Environmental
Effects

1. INTRODUCTION

Alliance owns and operates the Mataura Meat Processing Plant (the Plant) on the true right bank of the Mataura River in the Mataura township.

The Plant currently operates under 10 resource consents issued by Southland Regional Council (Environment Southland). Three of these consents expire on 6 December 2019. They authorise:

- The take and use of water for cooling and processing purposes;
- The discharge of cooling water; and
- The discharge of wastewater.

Alliance lodged applications on 31 May 2019 to 're-consent' these activities and a 35 year term has been sought. A detailed assessment of environmental effects of the activity was lodged in support of those consent applications titled: "*ALLIANCE GROUP LIMITED MATAURA PROCESSING PLANT: Resource Consent Applications and Assessment of Environmental Effects 31 May 2019*". Hereafter that document is referred to as "**the Main AEE**".

This document should be read in conjunction with the Main AEE.

Immediately upstream of the Mataura Plant is an existing concrete U-shaped weir. This weir is believed to have been constructed in the 1920s or 1930s, and it dams and diverts water along the true right bank of the river into a diversion channel adjacent to the Plant known as the '**hydro race**'.

The applications lodged on 31 May 2019 (including the Main AEE) were advanced and discussed with interested parties on the assumption that this existing weir would continue to be used to dam and divert water into the diversion channel for the life of the 35 year term sought for the new resource consents. But no new consent was sought was made for its continued use, as that use is already authorised by existing resource consents which do not expire until 7 November 2026.² However, to provide certainty that the weir will be able to be used for the life of the 35 year consents sought in the 31 May 2019 applications, Alliance has now made additional applications for consents to use the weir and for the associated damming and diversion of water over that full 35 year period.

For the avoidance of doubt consent is not being sought as part of these applications to operate the hydro-electricity generation scheme (and its associated turbine) which is also authorised by the existing consent which applies to the weir. This application is only for the damming and diversion of water by the weir into the diversion channel.

² AUTH.20171566-01.

2. PROPOSED ACTIVITY

The existing concrete U-shaped weir in the Mataura River upstream of the Mataura Falls is shown in Figure 1 and 2, and as was outlined above it is believed to have been constructed in the 1920s or 1930s. Water is diverted by the weir along both the true right bank and true left bank of the river into diversion channels. The diversion channel on the true right bank is known as the 'hydro race' and it runs alongside the Alliance Plant.

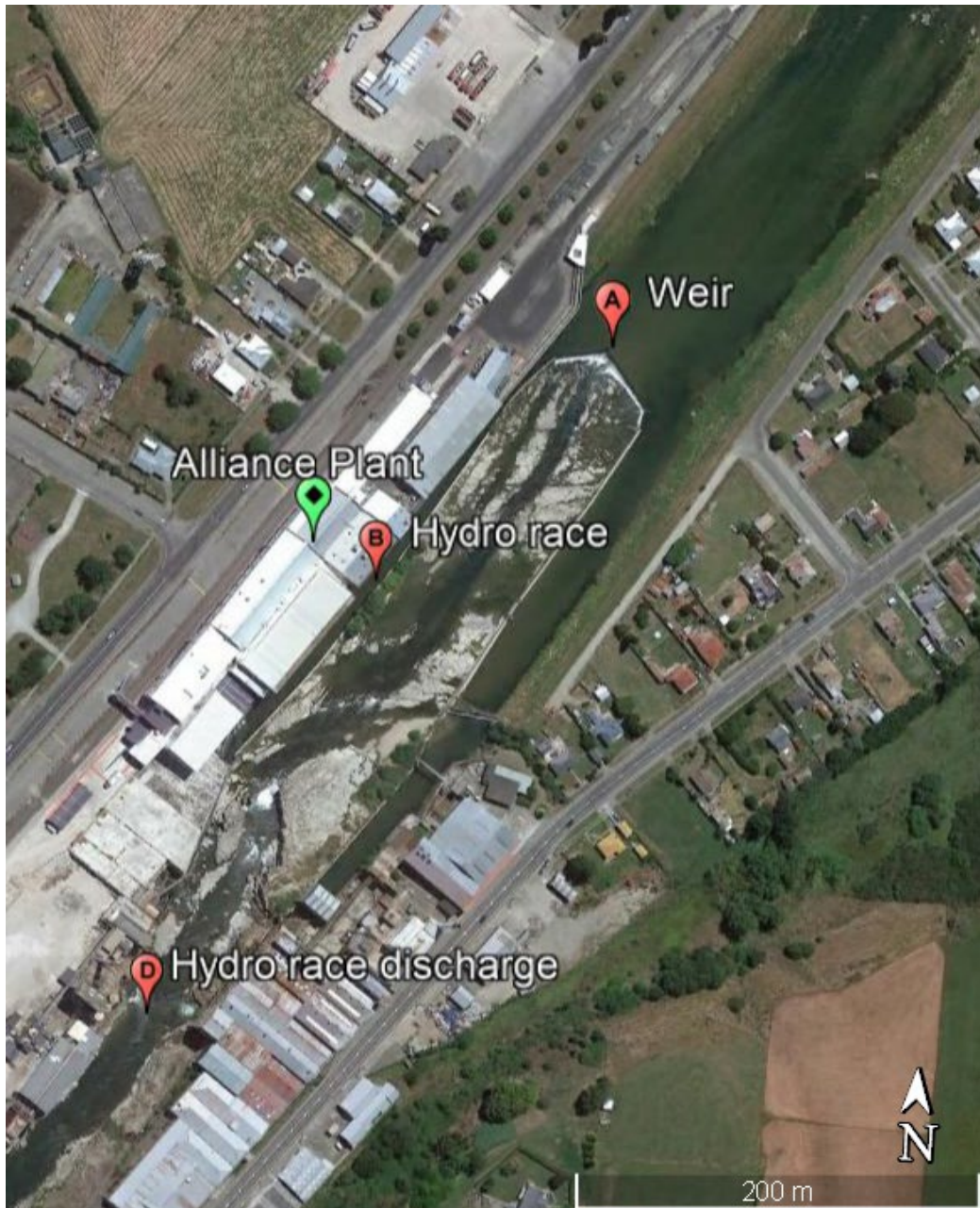


Figure 1: Weir and hydro race.



Figure 2: Weir and riverine environment immediately downstream.

Alliance abstracts water from the hydro race for cooling and processing purposes. The cooling water is also returned to the hydro race.

This application is to continue using the U-shaped weir to dam and divert water into the hydro race to facilitate the abstraction of water for use in the Plant, and for the discharge of cooling water.

Currently water is also diverted through a hydroelectricity turbine at the end of the hydro race and discharged back to the Mataura River downstream of the Mataura Falls (see Figure 1). For the avoidance of doubt **consent is not being sought in these applications to divert water through this hydroelectricity turbine.** That activity will continue to be undertaken under the existing consents which authorise that activity (AUTH.20171566-01 and AUTH.20171566-02) and if it is proposed to continue using the hydroelectricity generation turbine after the expiry date for those existing consents (6 November 2026) separate resource consent applications will be made at that time.

3. EXISTING ENVIRONMENT

The existing environment for these activities is set out in Section 3 of the Main AEE, including a description of the Mataura River environment in Section 3.2 and the Cultural Landscape in Section 3.4. The existing environment includes the Mataura Falls immediately downstream of the weir (see Figure 1 and Figure 3).

The existing environment also includes the continued use of the weir to dam and divert water, and the operation of the associated hydroelectricity generation scheme through until the expiry of the existing consents authorising those activities on 6 November 2026.



Figure 3: Mataura Falls and the immediately downstream environment.

4. RESOURCE CONSENTS REQUIRED

The activity status of the consents sought are set out in Table 1 below. Because operation of the hydroelectricity turbine is not part of these applications there is no discharge associated with the activity and no discharge permit is required or sought.

Table 1: Resource consents required and activity status.

Consent	Activity Status	Relevant Rules
Land use consent – To use an existing weir and diversion structure to dam and divert water.	Discretionary Activity	Discretionary Activity Rule 29(e) of the Regional Water Plan for Southland. Permitted Activity Rule 60(ab) of the Proposed Water and Land Plan.
Water Permit – To dam and divert water using an existing weir and diversion structure.	Discretionary Activity	Discretionary Activity Rule 19(b) and Restricted Discretionary Activity Rule 18(d)(iii) of the Regional Water Plan for Southland. Discretionary Activity Rule 4 and Rule 49(c) of the Proposed Water and Land Plan.

5. EFFECTS ON THE ENVIRONMENT

5.1 POSITIVE EFFECTS

The Main AEE outlined the positive social and economic effects generated by the Mataura Plant, and why those effects are contingent on the Plant continuing to be able to take water from, and discharge cooling and wastewater to the Mataura River. The continued use of the Mataura Weir to dam and divert water in the hydro race adjacent to the Plant plays an important role in enabling those take and discharge activities to occur.

5.2 EFFECTS ON FISH

5.2.1 Upstream Migration

The Mataura Falls which are located immediately downstream of the weir present a natural barrier to upstream fish passage, and the weir's location further upstream means it only has the potential to present fish passage difficulties for fish species that have already negotiated the Falls.

The fish species which need to be considered in that context are eels, lamprey, koaro, and brown trout.

Of these, longfin eel passage is likely to be most difficult. The population of longfin eels upstream of the waterfall and diversion weir does indicate that both the Falls and the diversion weir are being climbed by elvers at times. But the diversion weir does present a physical obstacle to the upstream movement of longfin elvers during some flow conditions (and any shortfin elvers present).

To mitigate effects of the weir and associated damming and diversion of water on the upstream migration of these fish, existing resource consent AUTH.20171566-01 requires Alliance to implement an Elver Trap and Transfer Plan (see conditions 7 – 13 of that consent).

AUTH.20171566-01 also requires Alliance to maintain a fish ladder to assist in upstream migration of fish (see condition 6 of that consent).

As part of these applications Alliance propose to continue both those mitigation measures after AUTH.20171566-01 expires on 7 November 2026 (or earlier in the event AUTH.20171566-01 is surrendered).

With these measures in place the effects of the activity on upstream migration will be adequately mitigated. It should be noted that the Trap and Transfer Plan is considered to enhance upstream migration of fish.³

5.2.2 Downstream Fish Passage

These applications do not include use of the hydroelectricity generation turbine, therefore the effects of the damming and diversion on downstream fish passage will be minor. As outlined in the Main AEE provision of appropriate fish screens on the intake pumps is the important management measure for mitigating potential entrainment effects associated with the abstraction for cooling water and process use, and the proposed conditions require all intakes be fitted with 2 – 3 mm screens or better.

5.3 EFFECTS ON NATURAL CHARACTER

The natural character of the area has been significantly reduced with the existing industrial activities, weir and other modifications that have occurred to this part of the river over the past 100 years. The proposal will not result in additional modification of the river environs and will not contribute to any further or additional adverse effects on natural character values, landscape and visual amenity.

5.4 EFFECTS ON RECREATION

Given the presence of the weir, the existing industrial activities and the Falls which create a natural obstacle, the immediate area is not popular for a variety of recreational pursuits (including boating, fishing or swimming). However, kayakers are understood to pass through this reach on occasion. Upstream and downstream the Mataura River is however recognised as being a significant trout fishery and also used for white baiting. There is no evidence that the existing weir structure, nor the damming and diversion of water by that weir is having any notable adverse effects on these resources or activities

5.5 EFFECTS ON CULTURAL VALUES

The effects of the activities on cultural values were considered during the resource consent process for AUTH.20171566-01.

Of particular cultural concern with respect to the weir, and its associated damming and diversion of water are effects on fish passage, in particular of tuna and kanakana (eels and lamprey), both of which are a taonga species.

The assessment set out in section 5.1 is relevant when considering this concern, and retaining the Elver Trap and Transfer Plan conditions will ensure effects on elver migration

³ See paragraphs 54 and 55 of *The Report and Decision of Independent Hearings Commissioner for Application No. APP-20171566: Hearing held in the Council Chambers, Environment Southland, Invercargill on 3 December 2018.*

are suitably mitigated. Those conditions include a requirement for Alliance to invite Hokonui Rūnanga to work in partnership with it to observe the trap and transfer programme and, if requested, to assist with the implementation of the Plan.

During the consent process for AUTH.20171566-01 Hokonui Rūnanga also expressed concern at the cultural effects of continuing to operate the hydroelectricity generation turbine due to its effects on taonga species, however the operation of that turbine is not covered by these applications.

6. MITIGATION

As outlined in Section 5.2.1 to mitigate effects of the weir and associated damming and diversion of water on the upstream migration of these fish, existing resource consent AUTH.20171566-01 requires Alliance to implement an Elver Trap and Transfer Plan (see conditions 7 – 13 of that consent).

AUTH.20171566-01 also requires Alliance to maintain a fish ladder to assist in upstream migration of fish (see condition 6 of that consent).

As part of these applications Alliance propose to continue both those mitigation measures after AUTH.20171566-01 expires on 7 November 2026 (or earlier in the event AUTH.20171566-01 is surrendered).

7. THE RELEVANT PLANNING DOCUMENTS

Statutory matters, including the provisions of the relevant planning documents are addressed in detail in Sections 12 and 13 of the Main AEE. It addresses provisions relating to water quality, water quantity, damming and diversion, and tangata whenua values and this AEE should be read in conjunction with that document.

In addition to the provisions set out in the Main AEE, when considering the ongoing use of the weir the following policies relating to structures and the use of structures in river beds are also relevant.

SOUTHLAND REGIONAL POLICY STATEMENT

Policy BRL.2 – Existing uses of lake and river beds

Lawfully established structures and activities in the beds of lakes and rivers will be recognised, including the need for maintenance, enhancement and upgrading, while avoiding wherever practicable, mitigating or remedying, any adverse effects. Where the use, maintenance, enhancement and upgrading of such structures will have no more than minor adverse effects on the environment, these activities will be specifically provided for.

Policy BRL.5 – Social, economic and cultural benefits

Recognise the social, economic and cultural benefits that may be derived from the use, development or protection of river and lake beds.

REGIONAL WATER PLAN FOR SOUTHLAND

Policy 32 – Manage structures and bed disturbance activities in the beds of rivers (including streams and modified watercourses) and lakes

Manage structures and bed disturbance activities in the beds of rivers and lakes, to avoid, remedy or mitigate adverse effects on:

- (a) water quality and quantity;*
- (b) habitats, ecosystems and fish passage where this is normally expected to occur;*
- (c) indigenous biological diversity;*
- (d) historic heritage, and the spiritual and cultural values and beliefs of the tangata whenua;*
- (e) public access (except in circumstances where public health and safety are at risk) and amenity values;*
- (f) natural character and outstanding natural features;*
- (g) river morphology and dynamics, including erosion and sedimentation;*
- (h) flood risk;*
- (i) infrastructural assets;*
- (j) navigational safety.*

PROPOSED SOUTHLAND WATER AND LAND PLAN (DECISIONS Version, 4 April 2018)

Policy 28 – Structures and bed disturbance activities of rivers (including modified watercourses) and lakes

Manage structures, bed disturbance activities and associated discharges in the beds and margins of lakes, rivers and modified watercourses, to avoid, remedy or mitigate adverse effects on:

- 1. water quality and quantity;*
- 2. habitats, ecosystems and fish passage;*
- 3. indigenous biological diversity;*
- 5. the spiritual and cultural values and beliefs of the tangata whenua;*
- 6. mātaihai and taiāpure;*
- 7. public access (except in circumstances where public health and safety are at risk) and amenity values;*
- 8. natural character values and outstanding natural features;*
- 9. river morphology and dynamics, including erosion and sedimentation;*
- 10. flood risk;*
- 11. infrastructural assets;*
- 12. navigational safety; and*

13. *landscape values.*

The continued use of the weir structure sits comfortably with these provisions, noting that:

- The weir is a lawfully established structure;
- The use of the weir does not impact on water quality or quantity;
- The weir has formed part of the local habitat and ecosystem since it was established in 1920 / 1930;
- Conditions are proposed to avoid, remedy or mitigate effects on upstream fish passage, with elvers - a taonga species, being the main focus;
- The existing level of public access and navigational safety will be unaltered – the presence of the weir (and nearby Mataura Falls) is well documented and understood, and it is understood some kayakers currently passage the weir;
- The natural character of this part of the river has been heavily modified due to the existing industrial activities and infrastructure within and adjacent to the river, and the continued use of the weir is not considered inappropriate use or development in this area;
- Flood flows are common in the Mataura River and as has occurred since it was installed those flows will continue to overtop and submerge the weir.

8. THE MATAURA WATER CONSERVATION ORDER

The Mataura River WCO provides a long term management framework aimed at preserving the existing water flows and water quality in the Mataura River and its tributaries, thereby preserving its fisheries and amenity values. The objective of the WCO is to maintain the existing "outstanding fisheries and angling amenity features". The WCO outlines provisions which must be accommodated within RMA 1991 documents and resource consents.

The Mataura River WCO prohibits the damming or diversion of waters, except in respect of this weir if the water permits are granted or renewed subject to similar terms and conditions to which the former permits were subject. With respect to these applications, maintenance of an adequate fish ladder is the key existing condition, and as was outlined in Section 3 this will be done.

The existing consents also required the hydroelectricity scheme to be managed to maintain a flow of 0.05m over the centre of the weir. However, as these applications do not seek to operate the hydroelectricity generation scheme that requirement is not relevant.

It is considered that the proposal will achieve consistency with the requirements of the WCO.

9. PART 2

The provisions of Part 2 are addressed in detail Section 13 of the Main AEE. That analysis is equally applicable to these applications and this AEE should be read in conjunction with the Main AEE.

10. CONSULTATION

Section 11 of the Main AEE outlined the consultation undertaken in recent months leading up to lodgement of the 31 May 2019 applications. That consultation was completed on the assumption that the weir would continue to dam and divert water over the 35 year term of the take and discharge consents sought by the 31 May 2019 applications. However, no mention was made in that consultation of re-consenting the use of the weir.

A large amount of engagement with stakeholders was also undertaken in association with the consent process for AUTH.20171566-01. With respect to the weir structure, the main feedback related to its impact on upstream fish passage, and this led to the imposition of conditions on AUTH.20171566-01 requiring the implementation of the trap and transfer programme, and maintenance of the fish ladder. As is outlined in Section 5.1.1 Alliance propose the conditions on this consent require the trap and transfer programme, and fish ladder to both be maintained after AUTH.20171566-01 expires in November 2026.

