



Recommendation and decision on notification of resource consent application(s) under sections 95-95G of the Resource Management Act 1991 (RMA)

Summary

I recommend the application is processed on a publically notified basis due to special circumstances.

The application

Particulars

Applicant:	Gore District Council
Application reference:	APP-20202268
Site address or location:	Mataura River
New consent(s) for new activity(ies) (s88)	<input checked="" type="checkbox"/>
New consent(s) for existing activity(ies) (s88)	<input type="checkbox"/>
Change to conditions of existing consent(s) (s127)	<input type="checkbox"/>

The proposal

Gore District Council has applied for resource consents associated with the construction of a new cable stayed bridge with back anchors over the Mataura River.

The works will involve:

- Construction, and later removal, of a causeway on the western side of the riverbed
- Disturbance of the riverbed by vehicles
- Disturbance of the riverbed to drill holes for temporary piles (to be removed later)
- Construction of a new bridge structure over the riverbed
- Placement of rock riprap to protect the abutments of the new bridge
- Sediment release into the water column associated with the bed disturbance activities

The construction period will occur over up to 10 months potentially starting in September 2020 if all consents are granted by then.

Land use consent	
Relevant rule(s)	<p><i>Regional Water Plan (RWP) rules:</i></p> <p>Rule 26 – bridge construction (<i>restricted discretionary</i>)</p> <p>Rule 30 – erosion control structures (<i>discretionary</i>)</p> <p>Rule 45 – vehicles on riverbed (<i>restricted discretionary</i>)</p> <p>Rule 48 – standard conditions</p> <p><i>Proposed Water and Land Plan (pSWLP) rules:</i></p> <p>Rule 55A - general conditions</p> <p>Rule 57 - bridge construction and associated disturbance (<i>restricted discretionary</i>)</p> <p>Rule 61 - erosion control structures and associated disturbance (<i>discretionary</i>)</p> <p>Rule 77 - vehicles on riverbed (<i>restricted discretionary</i>)</p>

Overall, the application is a **discretionary** activity.



Figure 1: An artist impression of the proposed bridge design, taken from the application, looking south.

Public notification consideration

1. Is notification mandatory?

1.1	Has the applicant requested that the application be publicly notified? (s95(3)(a))	<input type="checkbox"/> Yes	Application must be publicly notified. Go to 10.2
		<input checked="" type="checkbox"/> No	Go to 1.2
1.2	Was further information, or commissioning of a report, requested under s92?	<input checked="" type="checkbox"/> Yes	Go to 1.3
		<input type="checkbox"/> No	Go to step 2.1
1.3	If yes, was the request refused, or did the applicant fail to respond or fail to provide the information by the deadline?	<input type="checkbox"/> Yes	Public notification is required by s95C. Go to 10.2
		<input checked="" type="checkbox"/> No	Go to step 2.1

2. Is notification precluded?

2.1	Is each activity subject to a rule or NES that precludes public notification?	<input type="checkbox"/> Yes	Go to 4.1
		<input checked="" type="checkbox"/> No	Go to step 2.2
2.2	Is each activity a controlled activity?	<input type="checkbox"/> Yes	Application must not be publically notified unless there are special circumstances. Go to 4.1
		<input checked="" type="checkbox"/> No	Go to 2.3
2.3	Is each activity a residential activity <u>and</u> a discretionary activity or a restricted discretionary activity?	<input type="checkbox"/> Yes	Application must not be publically notified unless there are special circumstances. Go to

	<input checked="" type="checkbox"/> No	4.1 Got to 3.1
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3. Is notification required?

3.1 Are any of the activities subject to a rule or NES that requires notification?	<input type="checkbox"/> Yes	Application must be publicly notified. Go to 10.2
	<input checked="" type="checkbox"/> No	Go to 3.2
3.2 Will the activity have, or is it likely to have, adverse effects on the environment that are more than minor?	<input type="checkbox"/> Yes	Application must be publicly notified. Complete 3.3 and go to 10.2
	<input checked="" type="checkbox"/> No	Complete 3.3 and go to 4.1.

3.3 Reasons adverse effects on the environment are less than minor / minor / more than minor

The existing environment

The proposed Longford Bridge will be located over the Mataura River within the Gore township approximately 650m north of the existing State Highway 1 Bridge. The Mataura catchment extends from the Eyre and Hector Mountain ranges in the north and discharges into Toetoes Bay, south-east of Invercargill. The Mataura river is about 55 metres wide at the bridge site.

The design is known as a cable-stay bridge with back anchors and prevents the need for piles in the river bed. As referred to in more detail below, this design is relevant to my recommendation as a piled bridge in the same location could have potential to accentuate the flood hazard in high flow events such as occurred in the February 2020 floods. The proposed bridge will be 39m high, 90m long and 3m wide. New water pipelines will be attached to the bridge to connect the East Gore treatment plant and Jacobstown wells as the current drinking water supply in Gore does not meet New Zealand Drinking Water Standards (NZDWS). New Zealand Transport Agency (NZTA) is funding 55% of the construction costs due to the bridge providing a safe shared link between East Gore and the centre of town for pedestrians and cyclists.

The Council's Geographic Information System doesn't show any archaeological sites in the immediate vicinity of the bridge site.

The site is about 11 km upstream of a Gore District Council water take at Mataura, which is a registered potable water supply take.

Adverse effects of the proposed activities on the environment

Consideration of the following effects is required:

- Amenity Effects
- Water Quality
- Public Access
- Navigational Safety
- Flooding Potential
- Cultural Effects

Amenity Effects

The proposal will have a visual effect. The proposed bridge height is 39m at the peak of the mast which will be difficult to screen, particularly from those residents located along the eastern embankment. The applicant did submit a Landscape and Visual Impact Assessment report undertaken by a Landscape Architect from Align Limited. The report concluded that the mast, which is significantly taller than any

existing element in the surrounding landscape, gives the proposed bridge a visual presence that is likely to be far reaching and difficult to reduce through any landscape mitigation. The mast is a crucial component of the overall bridge design which requires no permanent supporting piles in the riverbed but is also the defining feature of the landscape and visual impacts. The lower portions of the structure will be more easily mitigated and provide considerably less visual impact than the mast. The applicant has proposed to plant vegetation and, in consultation with local Rūnanga, use appropriate lighting and paint colour to reduce the visual effects of the mast against the surrounding landscape.

In my opinion it is outside of scope for the Regional Council to impose consent conditions regarding bridge design, lighting, paint colour and other visual issues on a land use consent to disturb the river bed. Therefore, I recommend the territorial authority takes the lead on landscape and amenity issues and imposes appropriate consent conditions on this aspect of the application. The territorial authority is in agreement with this recommendation and it also aligns with section 102(4A) of the Resource Management Act (1991) which states *“Where 2 or more consent authorities separately decide applications, and all the consent authorities have agreed to grant a resource consent, they shall ensure any conditions to be imposed are not inconsistent with each other”*. As I consider that amenity values will be a key factor over the course of the GDC public hearing and may impact on any permissions given by Environment Southland for this proposal, this forms part of my recommendation that special circumstances apply. As such, I consider it appropriate to notify this application so that the proposal is able to be considered in its entirety.

Water Quality

The proposal involves instream works, which may disturb aquatic habitat and affect water quality due to the release of sediments. These effects will be localised, of short duration and will dissipate upon conclusion of the works. The dilution in the river flow will ensure that there is no more than minor effects on water quality beyond the zone of reasonable mixing (200m in this instance). The Mataura River has a Water Conservation Order (1997) which prohibits discharges into the protected waters if the effect of the discharge would breach the provisions of the order. However, it allows for discharges to be granted for the purpose of the construction of a bridge. This means the proposed activity will not contravene the provisions of the order. The applicant has also proposed silt fences will be set up within 1m of the edge of the river and will extend 20m either side of the construction area with secondary protection to be installed in areas of high earth works.

Public Access

The bridge construction activities will restrict access to the river for the public, but only in the immediate construction areas, and only during the construction period which is anticipated to be up to 10 months.

Navigational Safety

With regard to navigational safety, the application was referred to Maritime NZ, who had no comment. Council’s Harbour Master also had no navigational safety concerns with the proposed bridge design.

Flooding Potential

A structure such as a bridge can impede flow and catch debris, resulting in localised erosion and further diversion of water to adjoining land during flood periods. In this case the structure will have no permanent piles in the riverbed and during construction of the bridge the western causeway will have minimal restrictions on the river channel. The bridge has been designed to allow a 1 in 50 year (+ climate change) flood event to pass with 600mm to spare above the flow. The design will also allow a flow similar to the February 2020 flood (2,450m³/s), which is the largest flow on record, to pass with 1500mm to spare above the flow. The applicant has proposed that should significant flood events be forecast, within 20 hours of a predicted high water event, any temporary crane platform will be removed as staff will always be available during the working week (construction team living locally), and one man will be available on standby (within 2 hours of the site) during weekends when the construction team are not on

site. Council's Technical Engineer has reviewed the bridge designs and does not have any concerns regarding flooding. I also note that all works associated with the bridge in the floodway or stopbank requires authorisation under the Southland Flood Control and Drainage Management Bylaw 2020.

Cultural Effects

There are no known cultural or archaeological sites within 800m of the construction site, however Heritage New Zealand was contacted in June 2020 regarding an exposed burn feature in the true left bank of the Mataura River approximately 50m downstream of the proposed bridge site. A survey of the feature was undertaken by an Archaeologist and it was identified that more background research was needed for this feature to be classified as an archaeological site. Furthermore, the majority of the bridge construction will occur on the true right bank of the Mataura River and the applicant has proposed a consent condition that a suitably qualified Archaeologist is present on site during the excavation phase.

There is also a chance the construction works may uncover a previously unknown artefact. Rivers were traditionally transport routes in the past, so there is some risk that there may be an artefact in the area of works. The risk of discovering a previously unknown artefact has been addressed by the applicant proposing the consent condition that a suitably qualified Archaeologist is present on site during the excavation phase to ensure that any currently known, and potentially as yet uncovered, cultural sites are identified. The standard Accidental Discovery Protocol consent condition will also be included in the land use permit.

The Mataura River is a statutory acknowledgement area; however, the applicant has made initial consultation with Hokonui Rūnanga to address any cultural or spiritual effects they may be concerned about.

Assessment of alternatives

Alternative options have been discussed in the Assessment of Environmental Effects. These included:

1. Attaching the new pipelines to the existing traffic bridge. This option was disregarded due to the cost (\$4.5 million), it would not qualify for NZTA funding, the age of the bridge and the bridge is not a Council-owned structure.
2. Building a standalone arch network pipe bridge on the shortest route between the East Gore water plant and Jacobstown wells. This option was disregarded due to the cost (\$4 million), a standalone bridge would not qualify for NZTA funding, the bridges location would be the widest part of the Mataura River which would result in a significant amount of earthwork to raise the bridge level for flood protection.
3. Build an arch network pipe footbridge at the proposed location. This option was disregarded due to the costs (\$3.4 million), provides little additional value to the project, increased costs due to hydraulic and geotechnical inputs and the solid structure on an arch bridge is more visually intrusive than the open style of the cable-stay bridge.
4. Placing the pipelines under the Mataura Riverbed. The option was disregarded due to geological challenges of drilling under the river and the unknown costs associated as contractors could not provide the applicant with a fixed cost to drill under the river.

Adverse effects that have been disregarded

A consent authority that is deciding, for the purpose of [section 95A\(8\)\(b\)](#), whether an activity will have or is likely to have adverse effects on the environment that are more than minor—

- (a) must disregard any effects on persons who own or occupy—
 - i. the land in, on, or over which the activity will occur; or
 - ii. any land adjacent to that land; and

- (b) may disregard an adverse effect of the activity if a rule or national environmental standard permits an activity with that effect; and
- (c) must disregard trade competition and the effects of trade competition; and
- (d) must disregard any effect on a person who has given written approval to the relevant application.

The above effects have been disregarded.

Planning provisions (policies and objectives) relevant to adverse effects

The activity is primarily associated with the construction of a bridge structure. The following are the most relevant provisions:

- Regional Water Plan (RWP)
 - *Objective 10 seeks to maintain or enhance the diversity and integrity of aquatic and riverine habitats and ecosystems.*
 - *Policy 32 seeks to manage structures and bed disturbance activities in the beds of rivers and lakes, to avoid, remedy or mitigate adverse effects.*
- Southland Water and Land Plan (pSWLP)
 - *Objective 9B seeks to enable the effective development, operation, maintenance and upgrading of Southland’s regionally significant, nationally significant and critical infrastructure.*
 - *Objective 14 seeks to maintain or enhance the range and diversity of indigenous ecosystems types and habitats within rivers and their life-supporting capacity.*
 - *Policy 28 seeks to 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.*

Conclusion: significance of adverse effects on the environment

The applicant has proposed mitigations such as erecting silt fences to prevent sediment entering the river, having an archaeologist onsite during construction to reduce cultural concerns, a proposed bridge design that allows a 1 in 50 year flood to pass and has no permanent piles in the river to reduce river bed disturbance and enhance navigational safety for boat users. Therefore, I consider the adverse effects on the environment, for the activities for which consents from Environment Southland are required, will be less than minor.

4. Special circumstances and public notification

4.1 Do special circumstances exist in relation to the application that warrant the application being publicly notified?	<input checked="" type="checkbox"/> Yes	Application must be publicly notified. Explain reasons in 4.2 and go to 10.2
	<input type="checkbox"/> No	Explain reasons in 4.2. If each activity is a controlled activity go to 10.1. Otherwise go to 5.1

4.2 Reasons why special circumstances do or do not exist: I consider that special circumstances do exist in relation to the application due to:

- The immense amount of public interest;
- A coherent assessment of effects by both councils is needed to assist public understanding; and
- The location of the bridges results in difficulty determining who is a potentially affected party as it will be able to be viewed from a vast array of locations around Gore.

Recommendation and decision

10. Officer's recommendation

10.1	The application be processed non-notified	<input type="checkbox"/>
10.2	Public notification is required/recommended	<input checked="" type="checkbox"/>
10.3	The application be placed on hold while the applicant tries to obtain written approvals from the affected persons	<input type="checkbox"/>
10.4	Limited notification is required. Persons to be served notice are those listed in 8.2	<input type="checkbox"/>



Jade McRae
Consents Officer

Date: 10 August 2020

Decision under Delegated Authority

11.1	I agree with the recommendation	<input checked="" type="checkbox"/>
11.2	The application will be processed non-notified	<input type="checkbox"/>
11.3	The application will be publicly notified	<input checked="" type="checkbox"/>
11.4	The application shall be placed on hold while the applicant tries to obtain written approvals from the affected persons	<input type="checkbox"/>
11.5	The application will be limited notified. The parties to be served notice are those listed in section 8.2	<input type="checkbox"/>

This decision is made under delegated authority by:



Aurora Grant
Consents Manager

Date: 12 August 2020