

Before the Independent Hearing Panel
Appointed by Environment Southland and
Gore District Council

Under the Resource Management Act 1991

In the matter of an application by Gore District Council for resource consent to
establish the Longford Bridge across the Mataura River

Legal submissions in reply on behalf of Gore District Council as Applicant

29 January 2020

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**anderson
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Introduction

- 1 These submissions in reply are made on behalf of Gore District Council (**Council**), and address the following matters arising in the course of the hearing:
 - (a) Consideration of alternatives
 - (b) The primary purpose of the proposal (water supply or pedestrian and cycle connection) and consequent application of the Utilities chapter provisions
 - (c) Whether the proposed Southland Water and Land Plan triggers the need for a RMA Part 2 assessment
 - (d) Management of effects on avifauna
 - (e) Proposed planting
 - (f) Projected demand for bridge usage
 - (g) Timeframes for water supply upgrades
 - (h) Conditions of consent

Alternatives

- 2 Potential alternatives to the proposed bridge location and design have received significant attention through the hearing. In my submission, the evidence has clearly established that:
 - (a) A bridge is preferred over laying of pipelines within the bed of the river¹ or drilling of pipelines under the bed;²
 - (b) A single span design should be preferred, for a range of flood management, ecological, water navigation and cultural reasons;³

¹ In response to questions of the Commissioners on 17 December 2020, Environment Southland reporting officer Ms MacRae advised that trenching within the bed of the river would directly contravene a number of NPS-FM and Regional Plan objectives and policies.

² Evidence in chief of Matthew Bayliss, paragraphs 20 – 34; Evidence of Eli Maynard, paragraph 35; Evidence in reply of Matthew Bayliss, paragraphs 13 - 14

³ Evidence of Eli Maynard, paragraph 34; Evidence in chief of Dan Crocker, paragraphs 14 -15; Environment Southland section 42A report by Jade MacRae, pages 14, 18, 33

- (c) There are a limited number of design alternatives for a single span bridge,⁴ with the proposed cable stay bridge being the most visually permeable and, in most locations, readily absorbed into the existing landscape;⁵ and
- (d) A bridge which supported water pipelines only would be a similar structure to that required for the dual purpose of pipelines and pedestrian/cycle connection,⁶ but would not provide the corresponding benefits of the dual purpose structure.

3 As a result, in my submission the only issue regarding alternatives that remains for consideration is the location of the bridge. This issues is further addressed through the evidence in reply provided by Mr Crocker in relation to bridge design, and Mr Standring and Mr Bayliss in relation to Council objectives for the project.

4 Having received a range of evidence regarding alternative locations, the next question is how this evidence should be considered when determining the application. The High Court has provided helpful direction as to the relevance and consideration of evidence as to alternatives in *Meridian Energy Limited v Central Otago District Council*.⁷ The Court stated:

...(c) Meridian is not obliged to go beyond a description of any possible alternative locations for undertaking the proposed wind farm (in terms of cl 1(b) of sch 4). As indicated at [93] these locations will need to be within the CODC district. Given the size of the Meridian proposal and its potential impact on the environment, we anticipate that a reasonably detailed description of alternative sites would be provided by Meridian.

(d) Any further evidence concerning alternative locations will form part of the Court's s 104 analysis of the Meridian proposal (not part of the s 7(b) assessment). The inquiry will be whether, if the same or a similar wind farm could be placed on any identified alternative site/s, it would generate less adverse effects on the environment. That

⁴ Evidence in chief of Dan Crocker, paragraphs 14 – 22

⁵ Evidence of Michael Pentecost, paragraphs 16 – 18, Appendix 1: Peer review by Yvonne Pfluger, paragraph 6.6; Section 42A Peer review report by Mike Moore, pages 6 - 9

⁶ Mr Dan Crocker in response to Commissioner questions, 16 December 2020; Evidence of Claire Perkins, paragraph 37

⁷ In this case Meridian Energy applied for resource consent to establish a windfarm in Central Otago. The application was declined by the Environment Court. One of the factors was significant adverse effects on the landscape. Meridian appealed, one of the points of appeal being whether the Environment Court incorrectly required the consideration of alternative sites, and required a comprehensive cost-benefit analysis of the alternatives as part of the section 7(b) assessment of the efficient use and development of natural and physical resources.

consideration will, however, need to be weighed against any diminution in the benefits of the project (for example, poorer quality of mean wind velocity, distance from the grid etc), and any other relevant considerations such as the availability of the alternative site/s to Meridian.

(e) As the Environment Court acknowledged, and our analysis of the other wind farm cases demonstrates, consideration of alternative sites is relatively unusual. While it will be for the Environment Court to undertake any further analysis of the evidence before it, we emphasise that consideration of alternative sites should not be pushed too far. We have rejected the proposition that Meridian must demonstrate that the Hayes site is "the best". Rather than being a search for "the best" site, consideration of alternative sites is only part of the evaluation of the merits of the application in the context of s 104 and the focus needs to be on the merits of Meridian's proposal.

- 5 The evidence before you is that the alternative locations considered will likely result in lesser adverse visual effects on immediate residents than the current proposal. However, these alternatives result in a diminution in a range of benefits of the proposal. Depending on which option is being considered, issues include: an increase in the scale of the bridge required; challenges in connecting to the existing stopbanks; requirements for additional embankments within the floodplain; reduced levels of service during flood events, for both pedestrians/cyclists and for pipeline maintenance; poorer connectivity between East Gore and Gore; increased landscape effects (at Option C); and uncertainty regarding the ability to obtain NZTA funding.
- 6 The evidence in relation to alternatives is now relatively comprehensive. In my submission, the Commission should be mindful of the High Court's direction that consideration of alternative sites should not be "pushed too far". The Commission can only make a determination on the application before it. While the Council has made efforts to respond to matters raised regarding alternatives, the assessments undertaken are an initial desktop assessment only, and further challenges could be identified through detailed assessment and public submission.
- 7 A bridge will have some adverse visual and/or landscape effects at any location. In response to questions from the Commissioners, submitter Mr Gray advised that he considered Option B was also too close to his property and would have similar adverse effects to the preferred location. The application location remains the Council's preferred location having regard to potential effects and achievement of objectives in relation to:
 - (a) Upgrade of the water supply system in a way which is resilient and readily maintained;
 - (b) Pedestrian and cycle connectivity between East Gore and Gore;

(c) Enhancement of amenity within Gore; and

(d) Cost, in relation to both construction and maintenance.

- 8 The bridge will provide a critical utility function for water supply, as well as a satisfying a number of national and local policy and strategic directives for pedestrian and cycle connection. This range of objectives cannot be achieved to the same extent in any of the alternative locations.

NZTA funding of alternatives

- 9 During his presentation at the hearing, submitter Mr Weir advised that Mr Chad Barker, investment advisor for NZTA, had confirmed that only the preferred option had been presented to NZTA for funding consideration. That is because the Council had undertaken a detailed process to identify a single preferred option to be presented to NZTA for investment. Various participants from the ES, NZTA, GDC, and the Gore biking community contributed to the long list of options. The preferred option was identified through an investment logic mapping workshop and business case development, which the NZTA funding group endorsed. The Business Case report confirms that:⁸

A long list of 20 options were identified at an NZ Transport Agency/Council staff meeting where participants were encouraged to think broadly about solutions. A multi-criteria analysis was completed which assessed each option against the Investment Objectives and other agreed criteria. This allowed three options to be short listed for the primary cycle route. These options made the greatest contribution to the Investment Objectives and scored highest against the assessment criteria. These three options were presented to stakeholders, include the Mayor, Council Chief Executive Officer, and the NZ Transport Agency team, at a second workshop. These stakeholders supported the two options for the primary route which would involve construction of a new pedestrian and cycle bridge, and discounted the option which would provide clip-on facilities on the existing bridge...

⁸ At pages ii - iii

- 10 Consideration of the NZTA investment assessment framework and input from NZTA staff were key features of the process undertaken to identify the preferred option, for which NZTA investment was sought.
- 11 Mr Standring's evidence in reply addresses the likelihood that other alternatives raised through the hearing process would be favourably considered for NZTA funding. Having regard to the investment criteria and having been heavily involved in development of the business case, Mr Standring considers that Options B (Denton Street) and C (Maitland Street) would be unlikely to qualify for NZTA funding, but it is likely that Option A (Rock Street) would be favourably considered for funding.

Primary purpose of the proposal and application of the Utilities chapter

- 12 Chapter 7 of the Gore District Plan provides specific objectives, policies and rules for utilities. These provisions recognise the benefits and necessity of utilities, and that it is not always practical or feasible to avoid adverse effects associated with utilities.

- 13 Utilities are defined in the Gore District Plan as follows:

Utilities means the systems, services, structures and networks associated with:

- the supply and distribution of electricity;
- water supply;
- drainage;
- street lighting and lighting of public land;
- the receiving and sending of communications;
- navigation aids;
- data recording and monitoring systems, including but not restricted to meteorological facilities;
- roading and street furniture within legal roads;
- sewage collection, treatment and disposal.

- 14 Mr Bryce⁹ and Ms Perkins¹⁰ agree that the bridge is a structure associated with water supply, and therefore falls within the definition of a utility and should be assessed as directed by the Chapter 7 rules.
- 15 The Commissioners had a number of questions as to whether the primary purpose of the bridge was as a utility structure, given the dual purpose of the bridge and relevance of the pedestrian and cycle connection to identification of the preferred bridge location.
- 16 The District Plan does not require that the utility function of the structure be its "primary purpose" in order for the structure to fall within the definition of a utility. Further, Mr Crocker¹¹ has confirmed that the proposed bridge structure is required for the purpose of supporting the water supply pipelines. The only aspects that would be modified if the pedestrian and cycle function of the bridge was removed would be a reduction in the width of the platform (however a platform would still be required for access to the pipeline) and potentially a slightly narrower mast and cables. The removal of the pedestrian and cycle connection would not otherwise affect the style or scale of the structure.
- 17 Given that the bridge falls within the definition of a utility, the rules prescribed in Chapter 7 apply. In my submission, the relevance of the additional function of the bridge goes to the section 104 assessment of the application, and the consideration of alternatives. A water supply bridge with no pedestrian or cycle linkage is another alternative the Commissioners may consider. However the dual function of the bridge does not alter the application of the Chapter 7 rules.
- 18 It should also be noted the assessment against objectives and policies undertaken by Ms Perkins has not been restricted to those contained in Chapter 7. She has considered all relevant objectives and policies, including those in Chapter 2 – Matters of National Importance and Chapter 3 – Land Use Activities. However, she has applied greater weight to provisions for Utilities and Matters of National Importance. This is the

⁹ Section 42A report, section 7

¹⁰ Evidence of Claire Perkins, paragraphs 35 - 40

¹¹ Mr Dan Crocker in response to Commissioner questions, 16 December 2020; and as referred to in Evidence of Claire Perkins, paragraph 37

correct approach, given the more relevant and specific nature of these provisions.¹²

Is a Part 2 assessment required

- 19 As set out in opening submissions,¹³ a Part 2 assessment is required whenever there is doubt as to whether the provisions of the applicable planning document have been competently prepared having regard to Part 2. As the proposed Southland Water and Land Plan, including provisions relevant to assessment of this application,¹⁴ remains subject to appeal, adherence to Part 2 is yet to be confirmed by the Court. Accordingly, a Part 2 assessment should be undertaken for completeness. In my submission the Part 2 assessment should be focussed on the applications to Environment Southland, as it is only the Southland Plan which has not been confirmed as giving effect to Part 2.
- 20 Ms Perkins has undertaken an assessment and concludes that the application achieves the purpose and principles of the RMA as set out in Part 2.¹⁵ Similarly, in assessing the applications to Environment Southland, Ms McRae also considers that the application meets the relevant provisions of Part 2.¹⁶

Management of effects on avifauna

- 21 The evidence of avifauna specialist Dr Della Bennet is that potential adverse effects on braided river birds have been appropriately researched and that effects could be appropriately mitigated so as to be less than minor.
- 22 The Commissioners had questions regarding the timing of surveys and practicality of avoiding particular sites if surveys identified the presence of nests. On discussing these matters further with Dr Bennet, it became apparent that drafting of prescriptive conditions is difficult when the date for commencement of construction is unknown. At some times of the year there will be no birds breeding and a nesting survey would not be required. At

¹² *New Zealand Rail Ltd v Marlborough District Council* C36/93 at p 146; more recently affirmed in *Saddle Views Estate Ltd v Dunedin City Council* [2015] NZRMA 1 at [16]

¹³ At paragraph 26

¹⁴ Section 42A report of Jade MacRae, pages 26 - 28

¹⁵ Evidence of Claire Perkins, paragraphs 142 – 149.

¹⁶ Section 42A report of Jade MacRae, sections 3.2 and 4.2

other times there may be one, or several different, bird species breeding, each with different nesting habits and risks of nesting on the construction site. The timing and number of surveys, and the implementation of measures to avoid identified sites, or potential use of short term measures to discourage nesting on the construction site (between surveys and construction commencing), is dependent on the timing of commencement of construction.

- 23 In these circumstances, we consider that a management plan approach would be more suitable than a prescriptive condition, as this will ensure that number and timing of surveys, and responses to identified nests and roosting or feeding areas, are appropriate to the timing of construction. A management plan condition is proposed as GDC condition 10 and ES condition 8.
- 24 Dr Bennet also proposed a range of adaptive management responses in the unlikely event that the bridge structure resulted in bird strike issues. In response to the Commissioners questions regarding the triggers for and selection of management responses, a revised condition is proposed as GDC condition 9 and ES condition 7.

Proposed planting

- 25 The conditions of consent require that a planting plan be prepared by a suitably qualified landscape architect, in consultation with a flooding expert and Environment Southland, and submitted to Gore District Council for approval at least 10 days prior to construction commencing. To assist the Commissioners understanding of the proposal, further discussion has been had with Mr Pentecost and Mr Maynard regarding the type of planting which is likely to be appropriate. Mr Pentecost has indicated:¹⁷

As part of integrating the proposed embankment into the existing landscape we would plant using endemic species, which are locally sourced and would not have a negative impact on the function of the floodplain. The selected species are tussocks of the same genus and would be representative of the red tussockland which would have existing on the northern and western uplands of the Hokonui ecological district¹⁸:

¹⁷ Pers. Comm. 28 January 2021

¹⁸ www.goredc.govt.nz/assets/documents/strategy/background-ecology-report-2012.pdf

Chionchloa rubra – Red Tussock

Chionochloa flavicans – Snow Tussock

These plants are low growing and would provide a subtle contrast to the existing exotic grassland, while maintaining the general features and function already existing in this location. The tussocks will also endure ephemeral inundation, so would be resistant to intermittent flood events without providing resistance to gather debris.

- 26 Final planting details will be confirmed on preparation of the detailed planting plan.

Projected demand

- 27 The Commissioners had questions as to whether any cycling surveys have been undertaken or projected demand / use of the bridge assessed. Relevant information is contained in the Business Case report, provided as Appendix F to the application document. I particularly refer the Commissioners to sections 18.1.1 (existing users) and 18.1.2 (future users). Sections 2.3.1 (cycle network strategy) and 2.3.2 (primary cycle route) also contain relevant information regarding use of the cycle connection.

Timeframes for water supply upgrades

- 28 The Commissioners queried whether there was a statutory timeframe for compliance with the drinking-water standards. The Health Act 1956 requires that every drinking water supplier complies with the drinking-water standards, and prepares a water safety plan in relation to the water supply which is approved by a drinking-water assessor.¹⁹ These obligations apply progressively from 1 July 2012 (for large supplies) to 1 July 2016 (for neighbourhood and rural agricultural supplies).²⁰
- 29 A drinking-water supplier complies with the requirement to comply with drinking-water standards if the supplier implements those provisions of the supplier's approved water safety plan relating to the drinking-water standards to the satisfaction of the drinking-water assessor.²¹ We are

¹⁹ Health Act 1956, section 69V

²⁰ Health Act 1956, section 69C; and Health (Deferral of General Application of Sections 69S to 69ZC) Order 2009, section 3

²¹ Health Act 1956, section 69V(2)

advised that the Gore Water Safety Plan approved by the drinking-water assessor in September 2018, listed an intended completion date of June 2020 for the Gore Water Treatment Plant upgrade. Upgrades to achieve compliance with the drinking-water standards are therefore required as soon as can practically be achieved.

- 30 It is also anticipated that reforms to legislation and standards for drinking-water supply, which are currently being prepared, may impose more stringent timeframes for compliance with the drinking-water standards.

Conditions of consent

- 31 A revised set of conditions are attached as **Appendix A – tracked change conditions** and **Appendix B – clean conditions**. The conditions incorporate a number of changes discussed during the course of the hearing, including:

- (a) Division of conditions into two separate sets for the Gore District Council consents and the Environment Southland consents;
- (b) Amendments to the avifauna conditions, as discussed above;
- (c) Inclusion of a condition requiring that detailed bridge design incorporate cultural narrative and interpretation to reflect mana whenua values of the Mataura River and surrounding river, developed in consultation with Hokonui Rūnanga (GDC condition 13);
- (d) A requirement for engagement with Hokonui Rūnanga to identify a suitable location for the construction yard and crane platforms, so as not to interfere with any identified site of cultural significance (ES condition 14); and
- (e) Inclusion of Te Ao Marama Inc in the list of parties to be notified of any event which may have a significant adverse effect on water quality or identification of a site of cultural importance (GDC conditions 14 and 17; ES conditions 13 and 16).

- 32 The revised conditions have been provided to the section 42A reporting officers, Mr Bryce and Ms MacRae, who have confirmed they have no further changes to the drafting.

Conclusion

- 33 This application seeks approval for a single-span cable stayed bridge, to:

- (a) support critical drinking water supply pipelines, required to comply with drinking water standards and obligations under the Health Act 1956; and
 - (b) improve pedestrian and cycle connectivity between East Gore and Gore, consistent with national and local policy direction and strategy.
- 34 Comprehensive conditions of consent have been developed and tested through the hearing process, and will appropriately manage potential effects arising from the proposal.
- 35 A range of alternatives have been considered. While the alternatives would reduce adverse visual effects on residents in close proximity to the structure, each option presents a range of disadvantages in terms of the project objectives and all would be significantly more costly than the preferred option. In my submission the information regarding alternatives confirms that, although the preferred option will result in adverse visual effects on some immediate residents, it provides a range of benefits to the community which cannot be achieved to the same extent in any alternative location.
- 36 The application achieves the objectives and policies of the relevant District and Regional Plans and accords with Part 2. In particular, the proposal is consistent with the provisions of the Gore District Plan regarding utilities. These provisions recognise that it is not always possible to avoid all effects arising from utilities, and prioritises avoidance of significant adverse effects on (relevantly): the natural character of rivers; outstanding natural landscapes and features; the maintenance and enhancement of public access along rivers; and the relationship of Māori and their culture and traditions with their ancestral lands, water, waahi tapu and other tāonga. Other adverse effects are to be avoided where practical, or remedied or mitigated. The proposed design and location of the bridge gives effect to this policy direction and the hierarchy for management of effects.

Dated this 29th day of January 2021



Sarah Eveleigh
Counsel for Gore District Council

Appendix 1 – tracked change revised conditions of consent

Proposed District Consent Conditions

Location	- site locality	Near the intersection between Church and Huron Streets, on the east bank and Surrey Street on the west bank
	- map reference	NZTM2000 1287103E 4887653N
	- catchment	Mataura River

Legal description of land at the site: Section 80 Blk XVI, HYDRO and Road Reserve

1. This consent authorises the erection of a new cable-stay bridge, with attached water pipelines, over the bed of the Mataura River, at the location specified above, as described in the application for resource consents dated 8 July 2020 and further information dated 23 July 2020 and 6 November 2020. The works authorised by this resource consent include:
 - a) Construction, and later removal, of a causeway in the true right riverbed;
 - b) Disturbance of the riverbed by machinery and/or vehicles;
 - c) Disturbance of the riverbed to drill holes for temporary piles;
 - d) Construction of a new bridge structure over the riverbed; and
 - e) Placement of rock riprap to protect the abutments of the new bridge.
2. The total dimensions of the bridge shall not exceed:
 - a) 39 metre high mast;
 - b) 916mm diameter mast;
 - c) 90 metres long;
 - d) 3 metres wide;
- ~~3. Any temporary bridge support piles shall be removed from the riverbed, so as not to create a navigation safety hazard, upon completion of the works.~~
- ~~4.3.~~ Prior to preparation of the Construction Management Plan (Condition ~~1921~~), the Consent Holder and appointed Contractor shall engage with Hokonui Rūnanga, to identify a suitable location for the yard and

Commented [CP1]: Relevant to ES consents not GDC consents

crane platforms, so as not to interfere with any identified site of cultural significance.

~~5.4.~~ The consent holder shall notify the public through local papers one week prior to the commencement of any works and erect onsite signage in order to ensure safe navigation under and past the bridge during construction.

~~6.5.~~ The consent holder shall notify the Consent Authority in writing no less than three working days prior to the commencement of construction works.

~~7.6.~~ Construction shall be completed within the timeframe of 10 months from site establishment.

~~8.7.~~ Any areas temporarily disturbed during the construction phase shall be reinstated to their previous condition.

~~9.8.~~ The consent holder shall submit a final lighting plan to Gore District Council, General Manager Regulatory and Community Services for certification prior to works beginning on site. The final lighting plan shall be prepared by suitably qualified lighting design professional, in consultation with an avifauna specialist and shall provide for the following key design outcomes:

- a) To reduce the potential for bird strikes and bird attraction to the bridge structure, all lighting should be downward-facing with minimal horizontal spill.
- b) Other than required provided by (a) above, all external lighting shall be for functional purposes only and shall avoid the use of lights to accentuate or highlight the bridge structure when viewed from beyond the site.
- c) To respond to CPTED lighting response.
- d) There shall be no feature lighting of the bridge.
- e) All lighting shall comply with standards set out in Rule 4.6.1(1)(a) of the Gore District Plan and AS/NZS4282 (A3 Medium District Brightness).

~~10.9.~~ Prior to commencing works, the consent holder shall submit an Avifauna Management Plan to Gore District Council, General Manager Regulatory and Community Services for certification. The Plan shall be prepared by a suitably qualified ecologist and provide for the following matters:

- a) Process to be adopted to survey and record injury or mortality of any Threatened or At-Risk species associated with avifauna flying into the bridge and support cables within the first 12 months following construction;

Commented [CP2]: This will allow for a full cycle of seasons for birds in the area.

- b) Methods of mitigation of any potential avifauna injury or mortality recorded in (a) above, including establishment of low impact lighting on the spiral strand cables to ensure that the cables are made more visible to birds flying by the use of UV lights, luminous tape, or aerial markers;
- c) Timeframes for the implementation of survey and mitigation outcomes in (a) and (b) above; and
- d) Any proposed ongoing monitoring that may be required to ensure effects on avifauna are appropriately managed ~~over the lifetime of the bridge~~ within the first 3 years following construction. Upon completion of this period, an assessment should be made to establish any further ongoing requirements.

10. At least three months prior to commencing works, the consent holder shall submit a Construction Avifauna Management Plan to Gore District Council, General Manager Regulatory and Community Services for certification. The Plan shall be prepared by a suitably qualified ecologist and include the following matters:

- a) Details of proposed surveys of the area of works to be undertaken prior to commencing works. The surveys shall be to:
 - i. determine whether there are any ground-nesting bird nests within the construction footprint and advise on nest avoidance if required; and
 - ii. identify any roosting and feeding areas within the construction footprint for the avifauna species identified in Condition 11.
- b) The timing of surveys, based on confirmed construction dates and any avifauna breeding seasons which are in progress on those dates. Where a breeding season is in progress, a minimum requirement will be a survey no more than 5 days prior to works commencing.
- c) Methods of nest, roosting and feeding area avoidance that may be used if required, e.g. specified protection zones.
- d) Methods that can be used to dissuade birds from nesting in the area of works both prior to and during construction if required, e.g. the use of mylar tape, and identification of any approvals required under the Wildlife Act 1953.
- e) Survey results shall submitted to the Gore District Council, General Manager Regulatory and Community Services accompanied by photos (date and time stamped) prior to commencing works.

11. There shall be no disturbance of the roosting and nesting areas of the black-fronted tern, black-billed gull, and banded and black-fronted dotterel, or the feeding areas of the banded and black-fronted dotterel, as a result of the exercise of this consent.

44.12. The consent holder shall submit final details of the proposed colour treatment to Gore District Council, General Manager Regulatory and Community Services for certification prior to works beginning on site. The final colour treatment of the mast shall be off-white or light grey in colour and be a low reflective finish (matt or low sheen).

42.13. The detailed bridge design shall incorporate cultural narrative and interpretation to reflect mana whenua values of the Mataura River and surrounding area, developed in consultation with Hokonui Rūnanga. The consent holder shall submit the final detailed bridge design to Gore District Council, General Manager Regulatory and Community Services prior to works beginning on site. As part of this condition, the applicant shall submit evidence of consultation undertaken with Hokonui Rūnanga.

43.14. The consent holder shall submit a final planting plan prepared by a suitably qualified landscape architect, in consultation with a flooding expert and Environment Southland for the approval of the Gore District Council, General Manager Regulatory and Community Services at least 10 days prior to construction commencing. The objectives of this plan shall be to:

- a) maximise the visual integration of the new western embankment landform with its setting;
- b) to enhance the natural character of the bridge environs, to the extent compatible with flood protection requirements.
- c) the plan shall include detail regarding plant species, locations, spacing's and grades, and a timeframe for implementation; and shall include a management plan and specifications to ensure successful establishment and appropriate on-going management.
- d) All planting shall be designed to CPTED principles.

44.15. The consent holder shall ensure that:

- a) contaminants, other than sediment, but including cement and oil are prevented from entering the waterway during the construction works;
- b) all reasonable steps shall be taken to minimise the release of sediment to water;
- c) no discharge of sediment shall be visible beyond the zone of reasonable mixing (200m);
- d) fish passage is not impeded as a result of the construction works;

- e) all construction equipment, machinery, plant, and debris are removed from the site on completion of the works;
- f) silt disturbance and instream works are kept to a minimum;
- g) no washing of equipment occurs in the stream/river;
- h) any stream banks disturbed or eroded during the construction works are to be restored and re-sown with pasture and/or native species upon completion of the works.

Commented [CP3]: Mostly relevant to ES consent, but retained for consistency

~~15. Prior to commencement of works, a suitably qualified ecologist shall be engaged to undertake a survey of the area of works to determine whether there are any nests of ground nesting birds within the construction footprint and advise on next avoidance if required.~~

~~16. There shall be no disturbance of the roosting and nesting areas of the black-fronted tern, black-billed gull, and banded and black-fronted dotterel, or the feeding areas of the banded and black-fronted dotterel, as a result of the exercise of this consent.~~

Commented [CP4]: Moved to earlier – below Avifauna Management Plan

~~17.16.~~ In the event of any contamination of the watercourse the consent holder shall remove the contaminants immediately from the site and notify, without undue delay, the Gore District Council, General Manager Regulatory and Community Services Consent Authority.

~~18. The consent holder shall take all reasonable precautions to minimise the spread of pest plants and aquatic weeds. In particular, the consent holder shall:~~

- ~~a) remove any vegetation caught on the machinery;~~
- ~~b) where necessary, clear vegetation from the site before gravel is extracted;~~
- ~~c) avoid working in areas where aquatic weeds such as Lagarosiphon major are known to be present (for information, contact Environment Southland); and~~
- ~~d) to avoid the spread of the didymosphenia geminata or any other pest plant, do not use machinery in the berm or bed of the River that has been used in any area where the pest plant(s) are known to be present in the previous 20 working days, unless it has been thoroughly cleansed.~~

Commented [CP5]: Relevant to ES consents not GDC consents

~~19.17.~~ If an event (such as contamination to water from a fuel or sediment discharge incident) occurs that may have significant adverse effect on water quality, particularly at the abstraction point of a registered drinking-water supply, the consent holder shall notify, as soon as reasonably practicable, the following:

- a) Environment Southland (ph 03 211 5115 or 03 211 5225 after hours); and

b) Alliance Matura Plant (ph 03 203 6500); ~~and~~

c) Hokonui Runanga; and

e)d) Te Ao Marama Inc.

20.18. A suitably qualified archaeologist shall be present onsite during the earthworks phase and supervise earthworks to ensure no existing or newly discovered site of cultural importance is disturbed.

21.19. In the event of a discovery, or suspected discovery, of a site of cultural importance (Waahi Taonga/Tapu) during the construction, the consent holder shall immediately cease operations in that location and inform the local iwi authority (Hokonui Rūnanga, phone 03 208 7954 and Te Ao Marama Inc, phone 03 931 1242). Operations may recommence at a time as agreed upon in writing with the Consent Authority. The discovery of Koiwi (human skeletal remains) or Taonga or artefact material (e.g. pounamu/greenstone) would indicate a site of cultural importance. Appendix A to this consent outlines the process that is to be followed in the event of such a discovery.

22.20. The Consent Holder shall submit a Construction Management Plan to Gore District Council, General Manager Regulatory and Community Services ~~the Consent Authority (EScompliance@es.govt.nz and GDC email TBC)~~ for approval at least 10 working days prior to commencement of works. This shall include, but is not limited to:

- a) provide concise and clear direction to the Person in Charge and other staff on the construction plan;
- b) identify environmental risks of the bridge construction specific to the construction site including, but not limited to, erosion and sediment control, dust mitigation, noise and vibration control;
- c) identify how the above environmental risks are avoided;
- d) describe any safeguards that have been implemented and how these will be maintained;
- e) describe any protocols for flood warnings;
- f) identify communication with neighbouring residents prior to works and provision of contact details of site foreman;
- g) identify locations of site fencing, storage compounds, and public access restrictions;
- h) describe any signage that will be implemented;
- i) establish a complaints register; and
- j) describe any protocols for incident management responses.

23.21. The Consent Authority may, in accordance with Sections 128 and 129 of the Resource Management Act 1991, serve notice on the consent holder of its intention to review the conditions of this consent within three months of each anniversary of the commencement of this resource consent, or within two months of any enforcement action being taken by the Consent Authority in relation to the exercise of this consent, or on receiving monitoring results, for the purposes of:

- a) determining whether the conditions of this permit are adequate to deal with any adverse effect on the environment, including cumulative effects, which may arise from the exercise of the permit, and which it is appropriate to deal with at a later stage, or which become evident after the date of commencement of the permit;
- b) ensuring the conditions of this consent are consistent with any National Environmental Standards Regulations, relevant plans and/or Policy Statement;
- c) amending the monitoring programme to be undertaken; or
- d) adding or adjusting compliance limits.

Appendix A: Protocol in the event of a discovery, or suspected discovery, of a site of cultural importance (Waahi Taonga/Tapu)

1. *Kōiwi tangata accidental discovery*

If Kōiwi tangata (human skeletal remains) are discovered, then work shall stop immediately and the New Zealand Police, Heritage New Zealand (details below), Hokonui Runanga and Te Ao Marama Inc (Ngai Tahu (Murihiku) Resource Management Consultants) shall be advised. Contact details for Hokonui Runanga and Te Ao Marama Inc are as follows:

Hokonui Runanga
140 Charlton Road
PO Box 114, Gore 9740
Phone: (03) 208 7954
Hokonui.office@ngaitahu.iwi.nz

Te Ao Marama Inc
Murihiku Marae, 408 Tramway Road, Invercargill
P O Box 7078, South Invercargill 9844
Phone: (03) 931 1242

Hokonui Runanga and Te Ao Marama Inc will arrange a site inspection by the appropriate Tangata Whenua and their advisers, including statutory agencies, who will determine how the situation will need to be managed in accordance with tikanga māori.

2. *Archaeological Sites*

Archaeological sites are protected under the Heritage New Zealand Pouhere Taonga Act (2014), and approval is required from Heritage New Zealand before archaeological sites can be modified, damaged or destroyed.

Not all archaeological sites are known or recorded precisely. Where an archaeological site is inadvertently disturbed or discovered, further disturbance must cease until approval to continue is obtained from Heritage New Zealand. As stated above, the New Zealand Police, Hokonui Runanga and Te Ao Marama Inc also need to be advised if the discovery includes kōiwi tangata/human remains.

Heritage New Zealand
C/- Dr M Schmidt, Regional Archaeologist Otago/Southland
PO Box 5467, Dunedin 9058
Phone: (03) 470 2364 Mobile 027 240 8715 mschmidt@heritage.org.nz

3. *Taonga or artefact accidental discovery*

If taonga or artefact material (e.g. pounamu/greenstone artefacts) other than kōiwi tangata is discovered, disturbance of the site shall cease immediately and Southland Museum, Hokonui Runanga and Te Ao Marama Inc shall be notified of the discovery by the finder or site archaeologist in accordance with the Protected Objects Act 1975. All taonga tuturu are important for their cultural, historical and technical value and are the property of the Crown until ownership is resolved.

4. *In-situ (natural state) pounamu/greenstone accidental discovery*

Pursuant to the Ngai Tahu (Pounamu Vesting) Act 1997, all natural state pounamu/greenstone in the Ngai Tahu tribal area is owned by Te Runanga o Ngai Tahu. Ngai Tahu Pounamu Management Plans provide for the following measures:

- any *in-situ* (natural state) pounamu/greenstone accidentally discovered should be reported to Te Runanga o Ngai Tahu staff as soon as is reasonably practicable. Te Runanga o Ngai Tahu staff will in turn contact the appropriate Kaitiaki Papatipu Runanga;
- in the event that the finder considers the pounamu is at immediate risk of loss such as erosion, animal damage to the site or theft, the pounamu/greenstone should be carefully covered over and/or relocated to the nearest safe ground.

The find should then be notified immediately to the Programme Leader – Ohanga, at Te Rūnanga o Ngāi Tahu. Their details are as follows:

Te Rūnanga o Ngāi Tahu
C/- Programme Leader - Ohanga
Te Whare o Te Wai Pounamu
15 Show Place, P O Box 13-046, Otautahi/Christchurch 8021
Phone: (03) 366 4344 Web: www.ngaitahu.iwi.nz

Land Use Consent

Pursuant to Section 104B of the Resource Management Act 1991, a resource consent is hereby granted by the Southland Regional Council to Gore District Council of PO Box 8, Gore 9740 from **Date Granted 2020.**

Please read this Consent carefully, and ensure that any staff or contractors carrying out activities under this Consent on your behalf are aware of all the conditions of the Consent.

Details of Permit

Purpose for which permit is granted: To disturb the bed of a river, and erect a bridge structure over the bed of a river.

Location - site locality Near the intersection between Church and Huron Streets, on the east bank and Surrey Street on the west bank
- map reference NZTM2000 1287103E 4887653N
- catchment Mataura River

Legal description of land at the site: Section 80 Blk XVI, HYDRO and Road Reserve

Expiry date: **Date 2024**

Schedule of Conditions

1. This consent authorises the erection of a new cable-stay bridge, with attached water pipelines, over the bed of the Mataura River, at the location specified above, as described in the application for resource consents dated 8 July 2020 and further information dated 23 July 2020. The works authorised by this resource consent include:
 - a) Construction, and later removal, of a causeway in the true right riverbed;
 - b) Disturbance of the riverbed by machinery and/or vehicles;
 - c) Disturbance of the riverbed to drill holes for temporary piles;
 - d) Construction of a new bridge structure over the riverbed; and
 - e) Placement of rock riprap to protect the abutments of the new bridge.
2. The total dimensions of the bridge shall not exceed:

- a) 39 metres high mast;
 - b) 916mm diameter mast;
 - c) 90 metres long;
 - d) 3 metres ~~long~~wide;
3. The consent holder shall ensure that:
- a) contaminants, other than sediment, but including cement and oil are prevented from entering the waterway during the construction works;
 - b) all reasonable steps shall be taken to minimise the release of sediment to water;
 - c) no discharge of sediment shall be visible beyond the zone of reasonable mixing (200m);
 - d) fish passage is not impeded as a result of the construction works;
 - e) all construction equipment, machinery, plant, and debris are removed from the site on completion of the works;
 - f) silt disturbance and instream works are kept to a minimum;
 - g) no washing of equipment occurs in the river;
 - h) any river banks disturbed or eroded during the construction works are to be restored and resown with pasture and/or native species upon completion of the works.
4. Any temporary bridge support piles shall be removed entirely from the river bed, so as to not create a navigation safety hazard, upon completion of the works.
5. The consent holder shall notify the public through local papers one week prior to the commencement of any works and erect onsite signage in order to ensure safe navigation under and past the bridge during construction.
6. The consent holder shall notify the Consent Authority in writing no less than three working days prior to the commencement of construction works.
7. Prior to commencing works, the consent holder shall submit an Avifauna Management Plan to the Consent Authority for certification. The Plan shall be prepared by a suitably qualified ecologist and provide for the following matters:
- a) Process to be adopted to survey and record injury or mortality of any Threatened or At-Risk species associated with avifauna flying into the bridge and support cables within the first 12 months following construction;
 - b) Methods of mitigation of any potential avifauna injury or mortality recorded in (a) above, including establishment of low impact lighting on the spiral strand cables to ensure that the cables are made more visible to birds flying by the use of UV lights, luminous tape, or aerial markers;
 - c) Timeframes for the implementation of survey and mitigation outcomes in (a) and (b) above; and
 - d) Any proposed ongoing monitoring that may be required to ensure effects on avifauna are appropriately managed within the first 3 years following construction. Upon completion of this period, an assessment should be made to establish any further ongoing requirements.
8. At least three months prior to commencing works, the consent holder shall submit a Construction Avifauna Management Plan to the Consent Authority for certification. The Plan shall be prepared by a suitably qualified ecologist and include the following matters:

Commented [CP1]: Avifauna conditions consistent between GDC and ES consents

Commented [CP2]: This will allow for a full cycle of seasons for birds in the area.

a) Details of proposed surveys of the area of works to be undertaken prior to commencing works. The surveys shall be to:

i) determine whether there are any ground-nesting bird nests within the construction footprint and advise on nest avoidance if required; and

ii) identify any roosting and feeding areas within the construction footprint for the avifauna species identified in Condition 9.

b) The timing of surveys, based on confirmed construction dates and any avifauna breeding seasons which are in progress on those dates. Where a breeding season is in progress, a minimum requirement will be a survey no more than 5 days prior to works commencing.

c) Methods of nest, roosting and feeding area avoidance that may be used if required, e.g. specified protection zones.

d) Methods that can be used to dissuade birds from nesting in the area of works both prior to and during construction if required, e.g. the use of mylar tape, and identification of any approvals required under the Wildlife Act 1953.

e) Survey results shall be submitted to the Consent Authority accompanied by photos (date and time stamped) prior to commencing works.

9. There shall be no disturbance of the roosting and nesting areas of the black-fronted tern, black-billed gull, and banded and black-fronted dotterel, or the feeding areas of the banded and black-fronted dotterel, as a result of the exercise of this consent.

~~7. Prior to commencement of works, a suitably qualified ecologist shall be engaged to undertake a survey of the area of works to determine whether there are any nests of ground-nesting birds within the construction footprint and advise on nest avoidance if required.~~

~~8. The survey required by Condition 7 shall be submitted to the Consent Authority accompanied by photos (date and time stamped) within one week of receiving the survey results and advise.~~

~~9.10. There shall be no disturbance of the roosting and nesting areas of the black-fronted tern, black-billed gull, and banded and black-fronted dotterel, or the feeding areas of the banded and black-fronted dotterel, as a result of the exercise of this consent.~~

~~10.11.~~ The consent holder shall take all reasonable precautions to minimise the spread of pest plants and aquatic weeds. In particular, the consent holder shall:

- a) remove any vegetation caught on the machinery;
- b) avoid working in areas where aquatic weeds such as *Lagarosiphon major* are known to be present (for information, contact Environment Southland); and
- c) to avoid the spread of the *didymosphenia geminata* or any other pest plant, do not use machinery in the berm or bed of the river that has been used in any area where the pest plant(s) are known to be present in the previous 20 working days, unless it has been thoroughly cleansed.

~~11.12.~~ The Consent Holder shall submit a Construction Management Plan to the Consent Authority (EScompliance@es.govt.nz) for approval at least 10 working days prior to the first exercise of this consent. The Construction Management Plan shall include, but is not limited to:

- a) provide concise and clear direction to the Person in Charge and other staff on the construction plan;

- b) identify environmental risks of the bridge construction specific to the construction site including, but not limited to, erosion and sediment control;
- c) identify how the above environmental risks are avoided;
- d) describe any safeguards that have been implemented and how these will be maintained;
- e) describe any protocols for flood warnings;
- f) identify public access restrictions;
- g) describe any signage that will be erected and implemented; and
- h) describe any protocols for incident management responses.

~~12-13.~~ If an event, such as contamination to water from the incidental discharge of fuel or sediment, occurs that may have significant adverse effect on water quality, particularly at the abstraction point of a registered drinking-water supply, the consent holder shall remove the contaminants immediately from the site and notify the following:

- a) Environment Southland (ph 03 211 5115 or 03 211 5225 after hours);
- b) Alliance Matura Plant (ph 03 203 6500); ~~and~~
- c) Hokonui Runanga (03 208 7954); and
- ~~e)d)~~ Te Ao Marama Inc.

14. Prior to preparation of the Construction Management Plan (Condition 12), the Consent Holder and appointed Contractor shall engage with Hokonui Rūnanga, to identify a suitable location for the yard and crane platforms, so as not to interfere with any identified site of cultural significance.

~~13-15.~~ A suitably qualified archaeologist shall be present onsite during the earthworks phase and supervise earthworks to ensure no existing or newly discovered site of cultural importance is disturbed.

~~14-16.~~ In the event of a discovery, or suspected discovery, of a site of cultural importance (Waahi Taonga/Tapu) during the construction, the consent holder shall immediately cease operations in that location and inform the local iwi authority (Hokonui Runanga, phone 03 208 7954 and Te Ao Marama Inc, phone 03 931 1242). Operations may recommence at a time as agreed upon in writing with the Consent Authority. The discovery of Koiwi (human skeletal remains) or Taonga or artefact material (e.g. pounamu/greenstone) would indicate a site of cultural importance. Appendix A to this consent outlines the process that is to be followed in the event of such a discovery.

~~15-17.~~ The Consent Authority may, in accordance with Sections 128 and 129 of the Resource Management Act 1991, serve notice on the consent holder of its intention to review the conditions of this consent during the period 1 February to 30 September each year, or within two months of any enforcement action being taken by the Consent Authority in relation to the exercise of this consent, or on receiving monitoring results, for the purposes of:

- a) determining whether the conditions of this permit are adequate to deal with any adverse effect on the environment, including cumulative effects, which may arise from the exercise of the permit, and which it is appropriate to deal with at a later stage, or which become evident after the date of commencement of the permit;
- b) ensuring the conditions of this consent are consistent with any National Environmental Standards Regulations, relevant plans and/or Policy Statement;
- c) amending the monitoring programme to be undertaken; or
- d) adding or adjusting compliance limits.

Notes:

1. *Avoid spreading Didymo – Environment Southland strongly recommends that the consent holder, and any person or contractor engaged by the consent holder to carry out the works authorised by this consent, use the “check, clean, dry” management approach as set out in the Biosecurity Management Guidelines (available at www.biosecurity.govt.nz or from Environment Southland) when entering and leaving the river environs.*

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Appendix A: Protocol in the event of a discovery, or suspected discovery, of a site of cultural importance (Waahi Taonga/Tapu)

1. Kōiwi tangata accidental discovery

If Kōiwi tangata (human skeletal remains) are discovered, then work shall stop immediately and the New Zealand Police, Heritage New Zealand (details below), [Hokonui Runanga](#) and Te Ao Marama Inc (Ngai Tahu (Murihiku) Resource Management Consultants) shall be advised. Contact details for [Hokonui Runanga](#) and Te Ao Marama Inc are as follows:

[Hokonui Runanga](#)
[140 Charlton Road](#)
[PO Box 114, Gore 9740](#)
[Phone: \(03\) 208 7954](#)
Hokonui.office@ngaitahu.iwi.nz

Te Ao Marama Inc
 Murihiku Marae, 408 Tramway Road, Invercargill
 P O Box 7078, South Invercargill 9844
 Phone: (03) 931 1242

[Hokonui Runanga](#) and Te Ao Marama Inc will arrange a site inspection by the appropriate Tangata Whenua and their advisers, including statutory agencies, who will determine how the situation will need to be managed in accordance with tikanga māori.

2. Archaeological Sites

Archaeological sites are protected under the Heritage New Zealand Pouhere Taonga Act (2014), and approval is required from Heritage New Zealand before archaeological sites can be modified, damaged or destroyed.

Not all archaeological sites are known or recorded precisely. Where an archaeological site is inadvertently disturbed or discovered, further disturbance must cease until approval to continue is obtained from Heritage New Zealand. As stated above, the New Zealand Police, [Hokonui Runanga](#) and Te Ao Marama Inc also need to be advised if the discovery includes kōiwi tangata/human remains.

Heritage New Zealand
 C/- Dr M Schmidt, Regional Archaeologist Otago/Southland
 PO Box 5467, Dunedin 9058
 Phone: (03) 470 2364 Mobile 027 240 8715 mschmidt@heritage.org.nz

3. Taonga or artefact accidental discovery

If taonga or artefact material (e.g. pounamu/greenstone artefacts) other than kōiwi tangata is discovered, disturbance of the site shall cease immediately and Southland Museum, [Hokonui Runanga](#) and Te Ao Marama Inc shall be notified of the discovery by the finder or site archaeologist in accordance with the Protected Objects Act 1975. All taonga tuturu are important for their cultural, historical and technical value and are the property of the Crown until ownership is resolved.

4. In-situ (natural state) pounamu/greenstone accidental discovery

Pursuant to the Ngai Tahu (Pounamu Vesting) Act 1997, all natural state pounamu/greenstone in the Ngai Tahu tribal area is owned by Te Runanga o Ngai Tahu. Ngai Tahu Pounamu Management Plans provide for the following measures:

- any *in-situ* (natural state) pounamu/greenstone accidentally discovered should be reported to Te Runanga o Ngai Tahu staff as soon as is reasonably practicable. Te Runanga o Ngai Tahu staff will in turn contact the appropriate Kaitiaki Papatipu Runanga;
- in the event that the finder considers the pounamu is at immediate risk of loss such as erosion, animal damage to the site or theft, the pounamu/greenstone should be carefully covered over and/or relocated to the nearest safe ground.

The find should then be notified immediately to the Programme Leader – Ohanga, at Te Rūnanga o Ngāi Tahu. Their details are as follows:

Te Rūnanga o Ngāi Tahu
C/- Programme Leader - Ohanga
Te Whare o Te Wai Pounamu
15 Show Place, P O Box 13-046, Otautahi/Christchurch 8021
Phone: (03) 366 4344 Web: www.ngaitahu.iwi.nz

Appendix 2 – clean revised conditions of consent

Proposed District Consent Conditions

Location	- site locality	Near the intersection between Church and Huron Streets, on the east bank and Surrey Street on the west bank
	- map reference	NZTM2000 1287103E 4887653N
	- catchment	Mataura River

Legal description of land at the site: Section 80 Blk XVI, HYDRO and Road Reserve

1. This consent authorises the erection of a new cable-stay bridge, with attached water pipelines, over the bed of the Mataura River, at the location specified above, as described in the application for resource consents dated 8 July 2020 and further information dated 23 July 2020 and 6 November 2020. The works authorised by this resource consent include:
 - a) Construction, and later removal, of a causeway in the true right riverbed;
 - b) Disturbance of the riverbed by machinery and/or vehicles;
 - c) Disturbance of the riverbed to drill holes for temporary piles;
 - d) Construction of a new bridge structure over the riverbed; and
 - e) Placement of rock riprap to protect the abutments of the new bridge.
2. The total dimensions of the bridge shall not exceed:
 - a) 39 metre high mast;
 - b) 916mm diameter mast;
 - c) 90 metres long;
 - d) 3 metres wide;
3. Prior to preparation of the Construction Management Plan (Condition 21), the Consent Holder and appointed Contractor shall engage with Hokonui Rūnanga, to identify a suitable location for the yard and crane platforms, so as not to interfere with any identified site of cultural significance.
4. The consent holder shall notify the public through local papers one week prior to the commencement of any works and erect onsite

signage in order to ensure safe navigation under and past the bridge during construction.

5. The consent holder shall notify the Consent Authority in writing no less than three working days prior to the commencement of construction works.
6. Construction shall be completed within the timeframe of 10 months from site establishment.
7. Any areas temporarily disturbed during the construction phase shall be reinstated to their previous condition.
8. The consent holder shall submit a final lighting plan to Gore District Council, General Manager Regulatory and Community Services for certification prior to works beginning on site. The final lighting plan shall be prepared by suitably qualified lighting design professional, in consultation with an avifauna specialist and shall provide for the following key design outcomes:
 - a) To reduce the potential for bird strikes and bird attraction to the bridge structure, all lighting should be downward-facing with minimal horizontal spill.
 - b) Other than required provided by (a) above, all external lighting shall be for functional purposes only and shall avoid the use of lights to accentuate or highlight the bridge structure when viewed from beyond the site.
 - c) To respond to CPTED lighting response.
 - d) There shall be no feature lighting of the bridge.
 - e) All lighting shall comply with standards set out in Rule 4.6.1(1)(a) of the Gore District Plan and AS/NZS4282 (A3 Medium District Brightness).
9. Prior to commencing works, the consent holder shall submit an Avifauna Management Plan to Gore District Council, General Manager Regulatory and Community Services for certification. The Plan shall be prepared by a suitably qualified ecologist and provide for the following matters:
 - a) Process to be adopted to survey and record injury or mortality of any Threatened or At-Risk species associated with avifauna flying into the bridge and support cables within the first 12 months following construction;
 - b) Methods of mitigation of any potential avifauna injury or mortality recorded in (a) above, including establishment of low impact lighting on the spiral strand cables to ensure that the cables are made more visible to birds flying by the use of UV lights, luminous tape, or aerial markers;

- c) Timeframes for the implementation of survey and mitigation outcomes in (a) and (b) above; and
 - d) Any proposed ongoing monitoring that may be required to ensure effects on avifauna are appropriately managed within the first 3 years following construction. Upon completion of this period, an assessment should be made to establish any further ongoing requirements.
10. At least three months prior to commencing works, the consent holder shall submit a Construction Avifauna Management Plan to Gore District Council, General Manager Regulatory and Community Services for certification. The Plan shall be prepared by a suitably qualified ecologist and include the following matters:
- a) Details of proposed surveys of the area of works to be undertaken prior to commencing works. The surveys shall be to:
 - i. determine whether there are any ground-nesting bird nests within the construction footprint and advise on nest avoidance if required; and
 - ii. identify any roosting and feeding areas within the construction footprint for the avifauna species identified in Condition 11.
 - b) The timing of surveys, based on confirmed construction dates and any avifauna breeding seasons which are in progress on those dates. Where a breeding season is in progress, a minimum requirement will be a survey no more than 5 days prior to works commencing.
 - c) Methods of nest, roosting and feeding area avoidance that may be used if required, e.g. specified protection zones.
 - d) Methods that can be used to dissuade birds from nesting in the area of works both prior to and during construction if required, e.g. the use of mylar tape, and identification of any approvals required under the Wildlife Act 1953.
 - e) Survey results shall be submitted to the Gore District Council, General Manager Regulatory and Community Services accompanied by photos (date and time stamped) prior to commencing works.
11. There shall be no disturbance of the roosting and nesting areas of the black-fronted tern, black-billed gull, and banded and black-fronted dotterel, or the feeding areas of the banded and black-fronted dotterel, as a result of the exercise of this consent.
12. The consent holder shall submit final details of the proposed colour treatment to Gore District Council, General Manager Regulatory and

Community Services for certification prior to works beginning on site. The final colour treatment of the mast shall be off-white or light grey in colour and be a low reflective finish (matt or low sheen).

13. The detailed bridge design shall incorporate cultural narrative and interpretation to reflect mana whenua values of the Maitara River and surrounding area, developed in consultation with Hokonui Rūnanga. The consent holder shall submit the final detailed bridge design to Gore District Council, General Manager Regulatory and Community Services prior to works beginning on site. As part of this condition, the applicant shall submit evidence of consultation undertaken with Hokonui Rūnanga.
14. The consent holder shall submit a final planting plan prepared by a suitably qualified landscape architect, in consultation with a flooding expert and Environment Southland for the approval of the Gore District Council, General Manager Regulatory and Community Services at least 10 days prior to construction commencing. The objectives of this plan shall be to:
 - a) maximise the visual integration of the new western embankment landform with its setting;
 - b) to enhance the natural character of the bridge environs, to the extent compatible with flood protection requirements.
 - c) the plan shall include detail regarding plant species, locations, spacing's and grades, and a timeframe for implementation; and shall include a management plan and specifications to ensure successful establishment and appropriate on-going management.
 - d) All planting shall be designed to CPTED principles.
15. The consent holder shall ensure that:
 - a) contaminants, other than sediment, but including cement and oil are prevented from entering the waterway during the construction works;
 - b) all reasonable steps shall be taken to minimise the release of sediment to water;
 - c) no discharge of sediment shall be visible beyond the zone of reasonable mixing (200m);
 - d) fish passage is not impeded as a result of the construction works;
 - e) all construction equipment, machinery, plant, and debris are removed from the site on completion of the works;
 - f) silt disturbance and instream works are kept to a minimum;
 - g) no washing of equipment occurs in the stream/river;

- h) any stream banks disturbed or eroded during the construction works are to be restored and re-sown with pasture and/or native species upon completion of the works.
- 16. In the event of any contamination of the watercourse the consent holder shall remove the contaminants immediately from the site and notify, without undue delay, the Gore District Council, General Manager Regulatory and Community Services.
- 17. If an event (such as contamination to water from a fuel or sediment discharge incident) occurs that may have significant adverse effect on water quality, particularly at the abstraction point of a registered drinking-water supply, the consent holder shall notify, as soon as reasonably practicable, the following:
 - a) Environment Southland (ph 03 211 5115 or 03 211 5225 after hours); and
 - b) Alliance Mataura Plant (ph 03 203 6500);
 - c) Hokonui Runanga; and
 - d) Te Ao Marama Inc.
- 18. A suitably qualified archaeologist shall be present onsite during the earthworks phase and supervise earthworks to ensure no existing or newly discovered site of cultural importance is disturbed.
- 19. In the event of a discovery, or suspected discovery, of a site of cultural importance (Waahi Taonga/Tapu) during the construction, the consent holder shall immediately cease operations in that location and inform the local iwi authority (Hokonui Rūnanga, phone 03 208 7954 and Te Ao Marama Inc, phone 03 931 1242). Operations may recommence at a time as agreed upon in writing with the Consent Authority. The discovery of Koiwi (human skeletal remains) or Taonga or artefact material (e.g. pounamu/greenstone) would indicate a site of cultural importance. Appendix A to this consent outlines the process that is to be followed in the event of such a discovery.
- 20. The Consent Holder shall submit a Construction Management Plan to Gore District Council, General Manager Regulatory and Community Services for approval at least 10 working days prior to commencement of works. This shall include, but is not limited to:
 - a) provide concise and clear direction to the Person in Charge and other staff on the construction plan;
 - b) identify environmental risks of the bridge construction specific to the construction site including, but not limited to, erosion and sediment control, dust mitigation, noise and vibration control;
 - c) identify how the above environmental risks are avoided;

- d) describe any safeguards that have been implemented and how these will be maintained;
 - e) describe any protocols for flood warnings;
 - f) identify communication with neighbouring residents prior to works and provision of contact details of site foreman;
 - g) identify locations of site fencing, storage compounds, and public access restrictions;
 - h) describe any signage that will be implemented;
 - i) establish a complaints register; and
 - j) describe any protocols for incident management responses.
21. The Consent Authority may, in accordance with Sections 128 and 129 of the Resource Management Act 1991, serve notice on the consent holder of its intention to review the conditions of this consent within three months of each anniversary of the commencement of this resource consent, or within two months of any enforcement action being taken by the Consent Authority in relation to the exercise of this consent, or on receiving monitoring results, for the purposes of:
- a) determining whether the conditions of this permit are adequate to deal with any adverse effect on the environment, including cumulative effects, which may arise from the exercise of the permit, and which it is appropriate to deal with at a later stage, or which become evident after the date of commencement of the permit;
 - b) ensuring the conditions of this consent are consistent with any National Environmental Standards Regulations, relevant plans and/or Policy Statement;
 - c) amending the monitoring programme to be undertaken; or
 - d) adding or adjusting compliance limits.

Appendix A: Protocol in the event of a discovery, or suspected discovery, of a site of cultural importance (Waahi Taonga/Tapu)

1. Kōiwi tangata accidental discovery

If Kōiwi tangata (human skeletal remains) are discovered, then work shall stop immediately and the New Zealand Police, Heritage New Zealand (details below), Hokonui Runanga and Te Ao Marama Inc (Ngai Tahu (Murihiku) Resource Management Consultants) shall be advised. Contact details for Hokonui Runanga and Te Ao Marama Inc are as follows:

Hokonui Runanga
140 Charlton Road
PO Box 114, Gore 9740
Phone: (03) 208 7954
Hokonui.office@ngaitahu.iwi.nz

Te Ao Marama Inc
Murihiku Marae, 408 Tramway Road, Invercargill
P O Box 7078, South Invercargill 9844
Phone: (03) 931 1242

Hokonui Runanga and Te Ao Marama Inc will arrange a site inspection by the appropriate Tangata Whenua and their advisers, including statutory agencies, who will determine how the situation will need to be managed in accordance with tikanga māori.

2. Archaeological Sites

Archaeological sites are protected under the Heritage New Zealand Pouhere Taonga Act (2014), and approval is required from Heritage New Zealand before archaeological sites can be modified, damaged or destroyed.

Not all archaeological sites are known or recorded precisely. Where an archaeological site is inadvertently disturbed or discovered, further disturbance must cease until approval to continue is obtained from Heritage New Zealand. As stated above, the New Zealand Police, Hokonui Runanga and Te Ao Marama Inc also need to be advised if the discovery includes kōiwi tangata/human remains.

Heritage New Zealand
C/- Dr M Schmidt, Regional Archaeologist Otago/Southland
PO Box 5467, Dunedin 9058
Phone: (03) 470 2364 Mobile 027 240 8715 mschmidt@heritage.org.nz

3. *Taonga or artefact accidental discovery*

If taonga or artefact material (e.g. pounamu/greenstone artefacts) other than kōiwi tangata is discovered, disturbance of the site shall cease immediately and Southland Museum, Hokonui Runanga and Te Ao Marama Inc shall be notified of the discovery by the finder or site archaeologist in accordance with the Protected Objects Act 1975. All taonga tuturu are important for their cultural, historical and technical value and are the property of the Crown until ownership is resolved.

4. *In-situ (natural state) pounamu/greenstone accidental discovery*

Pursuant to the Ngai Tahu (Pounamu Vesting) Act 1997, all natural state pounamu/greenstone in the Ngai Tahu tribal area is owned by Te Runanga o Ngai Tahu. Ngai Tahu Pounamu Management Plans provide for the following measures:

- any *in-situ* (natural state) pounamu/greenstone accidentally discovered should be reported to Te Runanga o Ngai Tahu staff as soon as is reasonably practicable. Te Runanga o Ngai Tahu staff will in turn contact the appropriate Kaitiaki Papatipu Runanga;
- in the event that the finder considers the pounamu is at immediate risk of loss such as erosion, animal damage to the site or theft, the pounamu/greenstone should be carefully covered over and/or relocated to the nearest safe ground.

The find should then be notified immediately to the Programme Leader – Ohanga, at Te Rūnanga o Ngāi Tahu. Their details are as follows:

Te Rūnanga o Ngāi Tahu
C/- Programme Leader - Ohanga
Te Whare o Te Wai Pounamu
15 Show Place, P O Box 13-046, Otautahi/Christchurch 8021
Phone: (03) 366 4344 Web: www.ngaitahu.iwi.nz

Land Use Consent

Pursuant to Section 104B of the Resource Management Act 1991, a resource consent is hereby granted by the Southland Regional Council to Gore District Council of PO Box 8, Gore 9740 from **Date Granted 2020.**

Please read this Consent carefully, and ensure that any staff or contractors carrying out activities under this Consent on your behalf are aware of all the conditions of the Consent.

Details of Permit

Purpose for which permit is granted:	To disturb the bed of a river, and erect a bridge structure over the bed of a river.
Location	Near the intersection between Church and Huron Streets, on the east bank and Surrey Street on the west bank
- site locality	
- map reference	NZTM2000 1287103E 4887653N
- catchment	Mataura River
Legal description of land at the site:	Section 80 Blk XVI, HYDRO and Road Reserve
Expiry date:	Date 2024

Schedule of Conditions

- This consent authorises the erection of a new cable-stay bridge, with attached water pipelines, over the bed of the Mataura River, at the location specified above, as described in the application for resource consents dated 8 July 2020 and further information dated 23 July 2020. The works authorised by this resource consent include:
 - Construction, and later removal, of a causeway in the true right riverbed;
 - Disturbance of the riverbed by machinery and/or vehicles;
 - Disturbance of the riverbed to drill holes for temporary piles;
 - Construction of a new bridge structure over the riverbed; and
 - Placement of rock riprap to protect the abutments of the new bridge.
- The total dimensions of the bridge shall not exceed:

- a) 39 metres high mast;
 - b) 916mm diameter mast;
 - c) 90 metres long;
 - d) 3 metres wide;
3. The consent holder shall ensure that:
- a) contaminants, other than sediment, but including cement and oil are prevented from entering the waterway during the construction works;
 - b) all reasonable steps shall be taken to minimise the release of sediment to water;
 - c) no discharge of sediment shall be visible beyond the zone of reasonable mixing (200m);
 - d) fish passage is not impeded as a result of the construction works;
 - e) all construction equipment, machinery, plant, and debris are removed from the site on completion of the works;
 - f) silt disturbance and instream works are kept to a minimum;
 - g) no washing of equipment occurs in the river;
 - h) any river banks disturbed or eroded during the construction works are to be restored and resown with pasture and/or native species upon completion of the works.
4. Any temporary bridge support piles shall be removed entirely from the river bed, so as to not create a navigation safety hazard, upon completion of the works.
5. The consent holder shall notify the public through local papers one week prior to the commencement of any works and erect onsite signage in order to ensure safe navigation under and past the bridge during construction.
6. The consent holder shall notify the Consent Authority in writing no less than three working days prior to the commencement of construction works.
7. Prior to commencing works, the consent holder shall submit an Avifauna Management Plan to the Consent Authority for certification. The Plan shall be prepared by a suitably qualified ecologist and provide for the following matters:
- a) Process to be adopted to survey and record injury or mortality of any Threatened or At-Risk species associated with avifauna flying into the bridge and support cables within the first 12 months following construction;
 - b) Methods of mitigation of any potential avifauna injury or mortality recorded in (a) above, including establishment of low impact lighting on the spiral strand cables to ensure that the cables are made more visible to birds flying by the use of UV lights, luminous tape, or aerial markers;
 - c) Timeframes for the implementation of survey and mitigation outcomes in (a) and (b) above; and
 - d) Any proposed ongoing monitoring that may be required to ensure effects on avifauna are appropriately managed within the first 3 years following construction. Upon completion of this period, an assessment should be made to establish any further ongoing requirements.
8. At least three months prior to commencing works, the consent holder shall submit a Construction Avifauna Management Plan to the Consent Authority for certification. The Plan shall be prepared by a suitably qualified ecologist and include the following matters:

- a) Details of proposed surveys of the area of works to be undertaken prior to commencing works. The surveys shall be to:
 - i) determine whether there are any ground-nesting bird nests within the construction footprint and advise on nest avoidance if required; and
 - ii) identify any roosting and feeding areas within the construction footprint for the avifauna species identified in Condition 9.
 - b) The timing of surveys, based on confirmed construction dates and any avifauna breeding seasons which are in progress on those dates. Where a breeding season is in progress, a minimum requirement will be a survey no more than 5 days prior to works commencing.
 - c) Methods of nest, roosting and feeding area avoidance that may be used if required, e.g. specified protection zones.
 - d) Methods that can be used to dissuade birds from nesting in the area of works both prior to and during construction if required, e.g. the use of mylar tape, and identification of any approvals required under the Wildlife Act 1953.
 - e) Survey results shall be submitted to the Consent Authority accompanied by photos (date and time stamped) prior to commencing works.
9. There shall be no disturbance of the roosting and nesting areas of the black-fronted tern, black-billed gull, and banded and black-fronted dotterel, or the feeding areas of the banded and black-fronted dotterel, as a result of the exercise of this consent.
- 10.
11. The consent holder shall take all reasonable precautions to minimise the spread of pest plants and aquatic weeds. In particular, the consent holder shall:
- a) remove any vegetation caught on the machinery;
 - b) avoid working in areas where aquatic weeds such as *Lagarosiphon major* are known to be present (for information, contact Environment Southland); and
 - c) to avoid the spread of the *didymosphenia geminata* or any other pest plant, do not use machinery in the berm or bed of the river that has been used in any area where the pest plant(s) are known to be present in the previous 20 working days, unless it has been thoroughly cleansed.
12. The Consent Holder shall submit a Construction Management Plan to the Consent Authority (EScompliance@es.govt.nz) for approval at least 10 working days prior to the first exercise of this consent. The Construction Management Plan shall include, but is not limited to:
- a) provide concise and clear direction to the Person in Charge and other staff on the construction plan;
 - b) identify environmental risks of the bridge construction specific to the construction site including, but not limited to, erosion and sediment control;
 - c) identify how the above environmental risks are avoided;
 - d) describe any safeguards that have been implemented and how these will be maintained;
 - e) describe any protocols for flood warnings;
 - f) identify public access restrictions;
 - g) describe any signage that will be erected and implemented; and
 - h) describe any protocols for incident management responses.

13. If an event, such as contamination to water from the incidental discharge of fuel or sediment, occurs that may have significant adverse effect on water quality, particularly at the abstraction point of a registered drinking-water supply, the consent holder shall remove the contaminants immediately from the site and notify the following:
 - a) Environment Southland (ph 03 211 5115 or 03 211 5225 after hours);
 - b) Alliance Maitai Plant (ph 03 203 6500);
 - c) Hokonui Runanga (03 208 7954); and
 - d) Te Ao Marama Inc.
14. Prior to preparation of the Construction Management Plan (Condition 12), the Consent Holder and appointed Contractor shall engage with Hokonui Rūnanga, to identify a suitable location for the yard and crane platforms, so as not to interfere with any identified site of cultural significance.
15. A suitably qualified archaeologist shall be present onsite during the earthworks phase and supervise earthworks to ensure no existing or newly discovered site of cultural importance is disturbed.
16. In the event of a discovery, or suspected discovery, of a site of cultural importance (Waahi Taonga/Tapu) during the construction, the consent holder shall immediately cease operations in that location and inform the local iwi authority (Hokonui Runanga, phone 03 208 7954 and Te Ao Marama Inc, phone 03 931 1242). Operations may recommence at a time as agreed upon in writing with the Consent Authority. The discovery of Koiwi (human skeletal remains) or Taonga or artefact material (e.g. pounamu/greenstone) would indicate a site of cultural importance. Appendix A to this consent outlines the process that is to be followed in the event of such a discovery.
17. The Consent Authority may, in accordance with Sections 128 and 129 of the Resource Management Act 1991, serve notice on the consent holder of its intention to review the conditions of this consent during the period 1 February to 30 September each year, or within two months of any enforcement action being taken by the Consent Authority in relation to the exercise of this consent, or on receiving monitoring results, for the purposes of:
 - a) determining whether the conditions of this permit are adequate to deal with any adverse effect on the environment, including cumulative effects, which may arise from the exercise of the permit, and which it is appropriate to deal with at a later stage, or which become evident after the date of commencement of the permit;
 - b) ensuring the conditions of this consent are consistent with any National Environmental Standards Regulations, relevant plans and/or Policy Statement;
 - c) amending the monitoring programme to be undertaken; or
 - d) adding or adjusting compliance limits.

Notes:

1. *Avoid spreading Didymo – Environment Southland strongly recommends that the consent holder, and any person or contractor engaged by the consent holder to carry out the works authorised by this consent, use the “check, clean, dry” management approach as set out in the Biosecurity Management Guidelines (available at www.biosecurity.govt.nz or from Environment Southland) when entering and leaving the river environs.*

Appendix A: Protocol in the event of a discovery, or suspected discovery, of a site of cultural importance (Waahi Taonga/Tapu)

1. Kōiwi tangata accidental discovery

If Kōiwi tangata (human skeletal remains) are discovered, then work shall stop immediately and the New Zealand Police, Heritage New Zealand (details below), Hokonui Runanga and Te Ao Marama Inc (Ngai Tahu (Murihiku) Resource Management Consultants) shall be advised. Contact details for Hokonui Runanga and Te Ao Marama Inc are as follows:

Hokonui Runanga
140 Charlton Road
PO Box 114, Gore 9740
Phone: (03) 208 7954
Hokonui.office@ngaitahu.iwi.nz

Te Ao Marama Inc
Murihiku Marae, 408 Tramway Road, Invercargill
P O Box 7078, South Invercargill 9844
Phone: (03) 931 1242

Hokonui Runanga and Te Ao Marama Inc will arrange a site inspection by the appropriate Tangata Whenua and their advisers, including statutory agencies, who will determine how the situation will need to be managed in accordance with tikanga māori.

2. Archaeological Sites

Archaeological sites are protected under the Heritage New Zealand Pouhere Taonga Act (2014), and approval is required from Heritage New Zealand before archaeological sites can be modified, damaged or destroyed.

Not all archaeological sites are known or recorded precisely. Where an archaeological site is inadvertently disturbed or discovered, further disturbance must cease until approval to continue is obtained from Heritage New Zealand. As stated above, the New Zealand Police, Hokonui Runanga and Te Ao Marama Inc also need to be advised if the discovery includes kōiwi tangata/human remains.

Heritage New Zealand
C/- Dr M Schmidt, Regional Archaeologist Otago/Southland
PO Box 5467, Dunedin 9058
Phone: (03) 470 2364 Mobile 027 240 8715 mschmidt@heritage.org.nz

3. Taonga or artefact accidental discovery

If taonga or artefact material (e.g. pounamu/greenstone artefacts) other than kōiwi tangata is discovered, disturbance of the site shall cease immediately and Southland Museum, Hokonui Runanga and Te Ao Marama Inc shall be notified of the discovery by the finder or site archaeologist in accordance with the Protected Objects Act 1975. All taonga tuturu are important for their cultural, historical and technical value and are the property of the Crown until ownership is resolved.

4. In-situ (natural state) pounamu/greenstone accidental discovery

Pursuant to the Ngai Tahu (Pounamu Vesting) Act 1997, all natural state pounamu/greenstone in the Ngai Tahu tribal area is owned by Te Runanga o Ngai Tahu. Ngai Tahu Pounamu Management Plans provide for the following measures:

- any *in-situ* (natural state) pounamu/greenstone accidentally discovered should be reported to Te Runanga o Ngai Tahu staff as soon as is reasonably practicable. Te Runanga o Ngai Tahu staff will in turn contact the appropriate Kaitiaki Papatipu Runanga;
- in the event that the finder considers the pounamu is at immediate risk of loss such as erosion, animal damage to the site or theft, the pounamu/greenstone should be carefully covered over and/or relocated to the nearest safe ground.

The find should then be notified immediately to the Programme Leader – Ohanga, at Te Rūnanga o Ngāi Tahu. Their details are as follows:

Te Rūnanga o Ngāi Tahu
C/- Programme Leader - Ohanga
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