

To the Hearing Panel

14 December 2020

Addendum to Staff S42A Report

The recommendation in the addendum to the staff report represents the opinions of the writer and it is not binding on the Hearing Panel. The report is evidence and has no greater weight than any other evidence that the Panel will hear and consider.

This addendum should be read in conjunction with the original Section 42A report.

Hearing of Application – APP-20202268

Gore District Council

Compiled by Jade McRae, Senior Consents Officer

- Hearing: The hearing is scheduled to commence at 9.00 am on Wednesday 16 December 2020 in the Council Chambers, Gore District Council, 29 Bowler Avenue, Gore.
- Application: Gore District Council has applied to build a bridge over the Mataura River and associated riverbed disturbance.
- Notification: The application was publicly notified on 19 August 2020 and fourteen submissions were received.
- Executive Summary: This is an application for a land use consent relating to the construction of a pedestrian/cycle bridge. As outlined in this report the key issues and areas of agreement are:
1. the application is to construct a new bridge. Consent is required for the construction only, not the ongoing use of a bridge over a river. After the bridge is established the consent can be surrendered;
 2. the receiving environment is sensitive. This is not in dispute by any of the parties. However, sediment is the only contaminant of concern associated with the proposal;
 3. the key issue is the visual effects of the proposed bridge structure;

4. Iwi have concerns about the proposal which include cultural/heritage effects, effects on taonga species and effects on an Outstanding Natural Feature (ONF);
5. the temporary loss of angling amenity value will only occur during the construction period;
6. the natural character of the area will be changed by the structure, however a structure of this type is not uncommon in this already modified environment.

Purpose of this report

The purpose of this addendum is to address two submissions that were not received due to technical issues and to outline whether or not the conclusions reached in the original Section 42A report still stand.

Background

Gore District Council has applied for a Land use consent to disturb the bed of the Mataura River to construct a pedestrian and cycle bridge across the Mataura River, disturb the river bed with vehicles and machinery and use erosion control structures.

Upon receipt of correspondence from members of the public it was discovered that two submissions had not been received by Council within the submission period due to technical issues. A 52 day timeframe extension under section 37A(5) was approved on 2 December 2020 by the Consent Manager to extend the statutory time period for s97(2) submission time limit by more than twice the time limit. This addendum addresses the additional submissions and whether or not the conclusions reached in the original Section 42A report still stand.

1. Summary of Additional Submissions

Submitter	Oppose/Support	Issues/comments	Decision/Changes sought	To be Heard?
Kathleen Wendy Matheson	Oppose	Visual effects, light pollution.	A smaller bridge built further upstream near Walnut Grove.	Not detailed
John Roy McIntyre	Oppose	Erosion, weakening and compaction of the east flood bank, flooding.	Trench installed below current river bed level.	Yes

Other issues were raised in the 2 additional submissions. These included public safety associated with vehicles, compromised privacy, construction noise, waste of time and materials.

2. Discussion

Issues raised by the Submissions

The recommendation reached in the S42A report is that consent for activities required from Environment Southland are granted. This is because the adverse effects on the environment from the proposed activity are likely to be minor or less than minor. Any short term temporary effects that may be more than minor will be adequately avoided, remedied or mitigated by erecting silt fences to prevent sediment entering the river, having an archaeologist onsite during the construction phase, having an appropriate bridge design that allows a 1 in 50-year flood to pass and has no permanent piles in the river which reduces river bed disturbance and enhances navigational safety for boat users. There will be no ongoing effects of the proposed

activities as once the bridge construction is complete then the consent (land use consent) can be surrendered.

In my opinion the issues raised in the two additional submissions are the same or similar in nature to the other 14 submissions received.

With regard to the visual and lighting effects, it is still my opinion that the District Council should take the lead on these issues. This is because they have engaged an expert in this field and as a result the Regional Council would be duplicating costs for the applicant which would contradict section 36(5) of the RMA as charges must be "**actual and reasonable**".

With regard to erosion, flood bank integrity/stability and flooding risk, the structure has been designed to allow a 1 in 50 year (+ climate change) flood event to pass with 600 mm to spare above the flow. The piles that will be placed in the riverbed during construction are only temporary and will have no long term effects on river morphology or erosion and deposition rates. Rip rap has been proposed to protect the bridge abutments and back-stay anchors and will mitigate any erosion effects. Additionally, Council's Technical Engineer has reviewed the bridge designs and he is confident that the bridge will have no adverse effects on flows during future high flow events. It is still my opinion that that the effects of the proposal on flood risk and river morphology will be less than minor.

Changes Sought

As part of the two additional submissions, the submitters provided alternative options which they believe are appropriate for the proposal. These alternatives have been discussed in the original application and the applicants evidence and were disregarded due to:

- a) lack of NZTA funding;
- b) width of the river;
- c) increased flood protection requirements;
- d) unknown complications; and
- e) unexpected costs.

Conclusion

Based on the issues raised in the two additional submissions, I do not change the recommendation of my original S42A report.



Jade McRae
Senior Consents Officer