

# Form 13

## Submission on a Notified Application for Resource Consent

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To: **Gore District Council and Southland Regional Council**

Name of Submitter: **Waimea Plains Landscape Preservation Society Incorporated (50043481)**

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### Introduction:

1. This is a submission made on behalf of the Waimea Plains Landscape Preservation Society Incorporated (“**Submitter**” or “**Society**”) on an application for resource consent made by Gore District Council (“**GDC**”) that has been jointly notified by the GDC (as territorial authority) and the Southland Regional Council (“**ES**”) (as regional authority). The applications are referenced LU 2020/012 and APP-20202268, respectively.
2. The application seeks approval for the construction of a bridge across the Mataura River for the purposes of cycle and pedestrian transport and conveyance of municipal water supply, with associated earthworks and landscaping. The location of the development is at the junction of Church Street and River Terrace to the east and at the junction of Richmond and Avon Streets to the west.
3. The Waimea Plains Landscape Preservation Society Incorporated consist of a number of members who are residents, landowners and persons with interest in the application. The purposes of the Society are to:
  - (a) Pursue and protect the landscape values generally and in particular within the vicinity of the Waimea Plains/Mataura River and the River Terraces and address matters arising as a consequence of the Resource Management Act 1991 and all matters incidental hereto; and
  - (b) Do anything necessary or helpful to the above purposes.
4. The Submitter is not a trade competitor for the purposes of section 308B of the Resource Management Act.
5. The Submitter is directly affected by an effect of the subject matter of the submission that adversely affects the environment.
6. The Submitter **opposes** the application of the GDC in its entirety.
7. The reasons for making this submission are:

## Overview

- The Society has a number of members who are residents, landowners and persons with interests in the application.
- The opposition of the application aligns with the Society's purpose to pursue and protect the landscape values generally and in particular within the vicinity of the Waimea Plains/Mataura River and the River Terraces and address matters arising as a consequence of the Resource Management Act 1991 and all matters incidental hereto. It is the Society's position that the application will have significant effects on the said landscape values.
- The Society considers the effects of the proposal are significant and cannot be avoided, remedied or mitigated. There is no inherent need for the structure itself and particularly in the location proposed. There is nothing unique or exceptional about the proposal that would justify the significant extent of adverse effect and impact on an ONL and ONF.

## Outstanding Natural Landscapes and Features

- The application site is located within an Outstanding Natural Landscape (**ONL**) and the Mataura River is an Outstanding Natural Feature (**ONF**). Views of the proposed bridge structure and its appendices will adversely impact views to the wider ONL of the Waimea Plains and Hokonui Hills from a wide range of vantage points.
- There has been no effort made in the design of the proposal to avoid, remedy or mitigate effects on the landscape. To the contrary, the proposal represents an intentionally dominant statement-structure, being described in the application as:

*"The proposed bridge is a cable-stay design and will be the longest and tallest structure of this type in New Zealand at 39m high and 90m long."*

- The structure will breach the skyline from most places in the surrounding area due to its height. It will be the dominant feature in this outstanding landscape and irreversibly remove the naturalness of the Mataura River at this location. This location is sensitive to change through the past modification of the banks of the river to a point where cumulative adverse effects will arise.
- The inability for these significant effects to be avoided, remedied or mitigated is acknowledged at 4.1 of the landscape assessment that accompanies the application:

*"The landscape effects associated with the proposed bridge and associated peripheral structures in their current form are significant and will be difficult to avoid, remedy or mitigate."*

- The application represents and inappropriate use and development and will not protect the ONL and ONF, being at direct odds with Section 6 of the RMA (Matters of National Importance), specifically:

*(a) the preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development; and*

*(b) the protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development.*

### **Amenity Values**

- The proposal will have significant adverse effects on the amenity values, including on residents, visitors and river users. These effects extend to the construction, use and presence of the bridge structure, including the effects on the enjoyment of this stretch of the river for anglers and other recreation users. These adverse effects include those on visual amenity, privacy, dominance, lighting, noise, traffic, and safety.
- The proposal is at direct odds with Section 7 of the RMA (Other Matters), specifically:

*(b) the efficient use and development of natural and physical resources:*

*(c) the maintenance and enhancement of amenity values:*

*(d) intrinsic values of ecosystems:*

*(f) maintenance and enhancement of the quality of the environment:*

*(g) any finite characteristics of natural and physical resources:*

*(h) the protection of the habitat of trout and salmon:*

### **Water Quality**

- The Mataura River is protected by the Water Conservation (Mataura River) Order (1997) (**WCO**). The WCO contains numerous provisions in relation to water quality, temperature and the protection of ecological values including fisheries. An assessment of effects of sufficient detail has not been provided in the application in relation to the values and environmental standards to be achieved as outlined in the Order.

### **Hazards & Safety**

- The establishment of a structure in this location will significant exacerbate hazard risk, including flood hazard, erosion and safety. The Mataura River is prone to flooding and placing a structure in this location, of this size and scale, is reckless and could lead to a significant damage to property.

- Given the high likelihood of risk, the merits of the proposal needs to be questioned and the consideration of alternatives revisited.
- Section 6 (h) of the RMA requires the management of significant risks from natural hazards as a matter of national importance. This has not been recognised and provided for in the application.

## **Cultural & Heritage Values**

- The application is deficient in terms of the assessment of cultural values and the statutory acknowledgement status of the Mataura River has been overlooked in practice.
- Members of the Society include descendants of Kāti Māmoe and Waitaha and whose ancestors were seasonal travellers in the Murihiku region. A sense of identity and belonging is gained to the area and a connection to the environment through the natural views to the Hokonui Hills, Mataura River and the Waimea Plains.
- There has been no cultural impact assessment undertaken and no proper evaluation of those pertinent matters under sections 6, 7 and 8 of the RMA.
- Section 6 of the RMA requires that the following matters of national importance are recognised and provided for, inclusive of:
  - (e) *the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga;*
  - (f) *the protection of historic heritage from inappropriate subdivision, use, and development;*
  - (g) *the protection of protected customary rights.*
- The proposal has not given appropriate regard to those matters outlined under Section 7 of the RMA which are as follows:
  - (a) *kaitiakitanga*
  - (aa) *the ethic of stewardship*
  - (b) *the efficient use and development of natural and physical resources*
  - (c) *the maintenance and enhancement of amenity values*
  - (f) *maintenance and enhancement of the quality of the environment*
  - (g) *any finite characteristics of natural and physical resources*
- The principles of the Treaty of Waitangi/Te Tiriti ō Waitangi have not been taken into account as directed under section 8 of the RMA. The Mataura River is a Statutory Acknowledgment Area and both the Regional and District Council must uphold their obligations under Section 8 and consequently Te Tiriti ō Waitangi/The Treaty of Waitangi.

## Statutory Considerations

- The purpose of the administration of district plans is to assist territorial authorities to carry out their functions in order to achieve the purpose of the RMA (section 72 of the RMA). Conversely, the purpose of the administration of regional plans is to assist a regional council to carry out any of its functions in order to achieve the purpose of the RMA [section 63 (1)]. Granting of consent would not achieve the purpose of the RMA and is at odds with the functions of the respective consenting authorities.
  - The purpose of the Act is set out under section 5 (1) “to promote the sustainable management of natural and physical resources”.
  - Section 5 (2) sets out that **sustainable management** means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while:
    - (a) *sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
    - (b) *safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and*
    - (c) *avoiding, remedying, or mitigating any adverse effects of activities on the environment.*
  - The application is at odds with and repugnant to the relevant objectives and policies of the Southland Regional Policy Statement, and the district and regional plans.
  - The application cannot meet the purpose of the RMA and does not result in sustainable management.
8. The Submitter seeks that consent is **refused**.
9. The Submitter wishes to be heard in support of this submission.
10. The Submitter wishes to be included in any pre hearing meeting that may be held for this application.



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*(Signature of person making submission or person authorised to sign on behalf of person making submission)*

16 September 2020

*(date of submission)*

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