SUBMISSION ON APPLICATION CONCERNING RESOURCE CONSENT THAT IS SUBJECT TO PUBLIC NOTIFICATION BY CONSENT AUTHORITY

Sections 95A, Resource Management Act 1991

To:	Gisborne District Council
Email:	NotifiedRC@gdc.govt.nz
Submitter:	Kenneth and Karen McLanachan
Property Address:	[redacted]
Address for Service:	
Attention:	
Email:	

Figure 1: *View from 2nd floor of house at 29 Morris Road, with existing stopbank in the distance*

INTRODUCTION

1 This is a submission on a publicly notified application by Gisborne District Council seeking land use and surface water resource consents for the Te Karaka Stopbank Upgrade Project (**Proposed Activities**) at Te Karaka township[1] (the **Application**).

2 Kenneth and Karen McLanachan (the **Submitter**) are not a trade competitor for the purposes of section 308B of the Resource Management Act 1991 (**RMA**).

3 This submission relates to the Western Alignment of the Application. The Property is identified in the Application as TK12.

4 The Submitter's reasons for its submission are provided below.

SUBMISSION

Background

5 The Submitter owns approximately 29 hectares held in three records of title[2] located at 29 Morrisons Road (the **Property**). The Property lies within the Gisborne District Plan's (**District Plan**) Rural General and Rural Residential Zones.

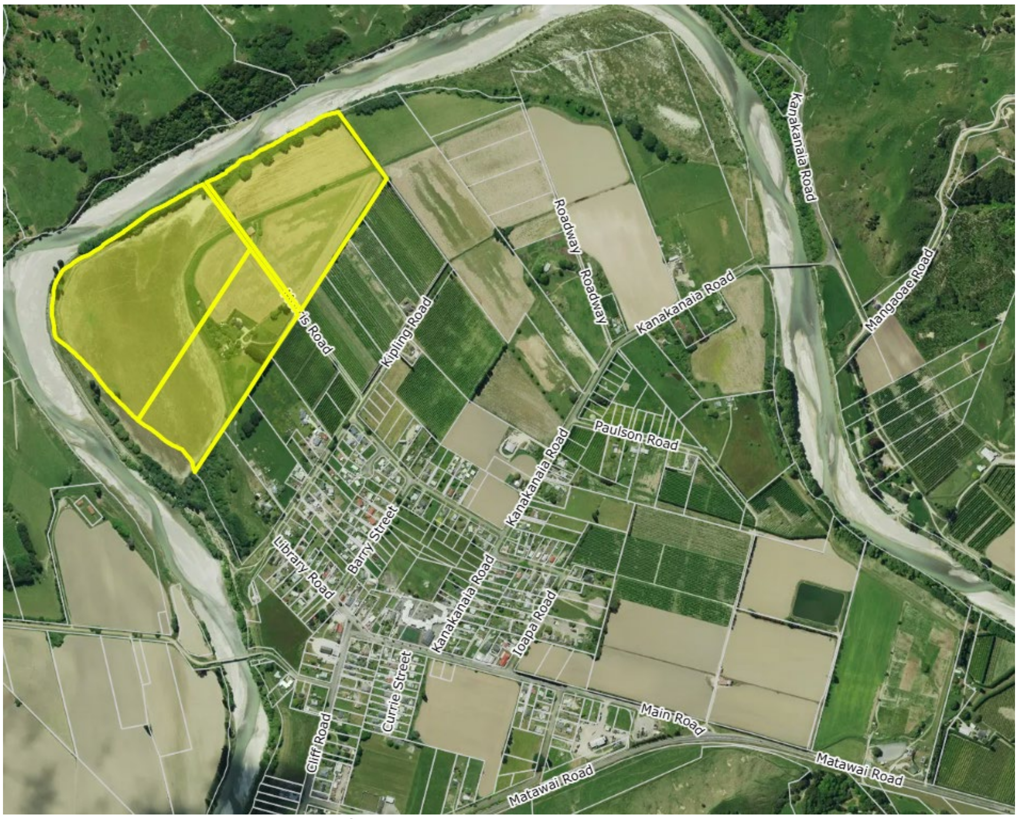

***Figure 2:** Submitter's Property at 29 Morris Road, Te Karaka*

6 The Submitter has owned and farmed the Property since 2005, operating a well-established winter lamb grazing production that forms a core part of the Submitter's farming operations in the district. Over the years, the Submitter has invested significantly in the Property, improving pasture quality and stock management practices to support its enterprise.

7 In 2007, the Submitter began building a bespoke family home (shown in **Figure 3** below), which was largely completed in 2018 following years of careful planning and construction. The home was purpose-designed to reflect the family's long-term commitment to living on and

[1] Application No. LR-2026-113441-00, LV-2026-113442-00, LL-2026-113443-00, WS-2026-113444-00.
[2] RT GS3B/1026, GS3A/1414, and GS3A/641.

working the land, and represents a significant personal and financial investment in the Property. The dwelling is frequently used as the 'home base' or 'family office' where all family members involved in the farming operations can coordinate and host meetings with contractors and suppliers as some examples.

Figure 3: *Bespoke home and current outlook of the Property, with existing stopbank to the left*

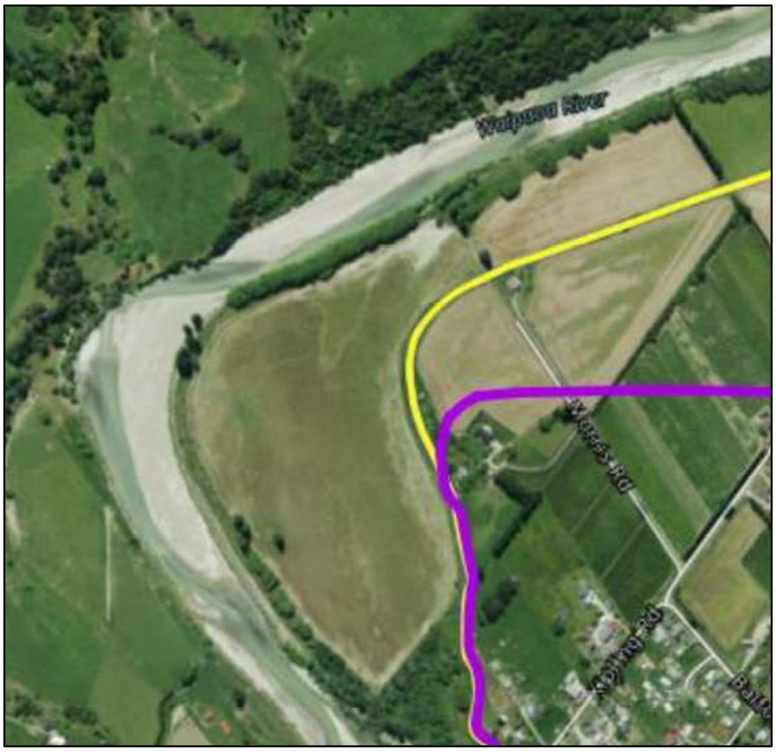

Figure 4: *Existing stopbank (yellow); proposed new alignment of stopbank (purple)*

8 As shown in **Figure 4** above, the existing stopbank is situated a significant distance from the house, preserving an open and uninterrupted view across the paddocks directly in front of the home. This outlook forms an integral part of the amenity currently enjoyed by the Submitter and their family. The Submitter also deliberately built their new house to be two-storey, to maximise passive surveillance of their stock, including over top of the existing stopbank into the further paddocks.

9 Although the Submitter appreciates the wider flood protection benefits provided to Te Karaka associated with improving the existing stopbanks, the effects specifically on the Property would be severe and disproportionate.

10 Realigning the stopbank as proposed would:

10.1 sever the Submitter's house from their farm physically and reduce almost the entirety of their grazing land to flood prone land;

10.2 remove much of the higher ground they currently use for safekeeping of stock during high rainfall events; and

10.3 cut directly across their existing views, fundamentally altering the visual character and amenity of their farm and the dwelling.

11 In addition, rather than the existing rural outlook that the Submitter's bespoke home was specifically designed to capture, the new outlook would be dominated by a higher and much closer stopbank. This would be a significant adverse impact to both the visual amenity and the value of the Property.

12 For these reasons, the Proposed Activities will cause significant and detrimental effects on both the visual amenity and the ongoing viability of the farming business currently enjoyed by the Submitter. These effects are considered to be more than minor, and warrant serious consideration by the decision-maker upon assessing the Application.

Reasons for Submission

13 Overall, the Submitter opposes the Application for the following reasons.

Statutory framework

13.1 Section 104(1)(a) of the RMA requires the Council, when considering the Application, to have regard to any actual and potential effects on the environment of allowing the Proposed Activities. The matters raised in this submission are actual and potential adverse effects on the environment for the purposes of that section, including adverse effects on amenity values, visual amenity, rural character, and the Submitter's farming business.

13.2 Section 5 of the RMA provides that the purpose of the RMA is to promote the sustainable management of natural and physical resources. Sustainable management includes enabling people and communities to provide for their social, economic, and cultural wellbeing, while sustaining the potential of natural and physical resources to meet the reasonably foreseeable needs of future generations, safeguarding the life-supporting capacity of the environment, and avoiding, remedying, or mitigating any adverse effects of activities on the environment. The Proposed Activities, as currently designed and located, do not achieve this purpose in respect of the Property, as they compromise the Submitter's ongoing ability to use their land productively and safely.

Visual amenity

13.3 The Property will be affected by the proposed new stopbank, haul roads, and borrow pits as show in **Figure 5**[3] below.

[3] Figure 40 – Example of Off-road haul road layout with Kanakanaia Road crossing, Appendix 11 Constructability Report

Figure 5: *Property (yellow dashed line); borrow pit (blue area); new stopbank (dark blue line); haul roads (orange)*

13.4 The proposed new stopbank alignment cuts in very close distance to the Submitter's house, as shown in **Figures 6A and 6B**[4] below. The proposed stopbank is substantial – 4 metres wide at the top, with a base width of 12 metres and a height of 4 metres, and a slope of approximately 45 degrees. Given its scale and proximity to the house, the stopbank will have significant and adverse visual amenity impacts, effectively dominating the outlook from the home.

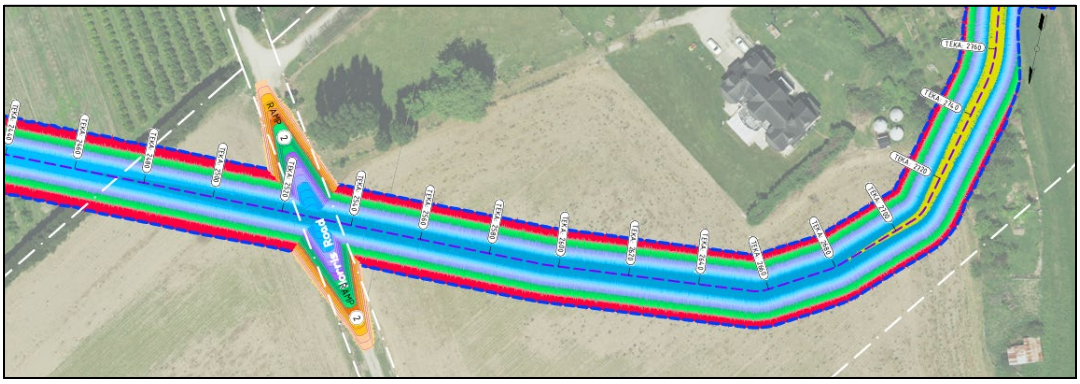

Figure 6A: *New alignment of stopbank in very close proximity to the house.*

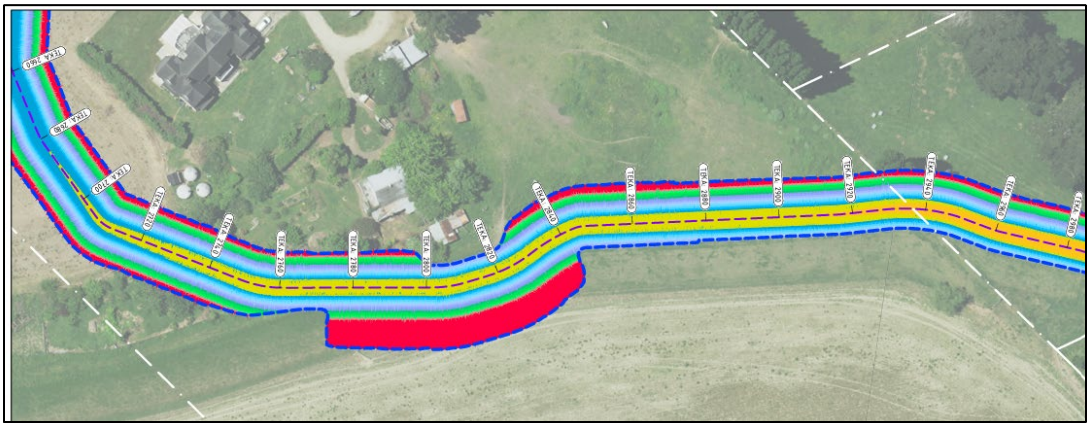

Figure 6B: *New alignment of stopbank in very close proximity to the house.*

13.5 The height and proximity of the proposed stopbank to the house will increase additional shading effect, particularly during the winter months. The Submitter already experiences adverse effects from a small section of hedge that grows to the eastern side of the dwelling, which when left to grow for a period of time causes long periods of shading in the winter. The effect of this 4-5 metre tall hedge is shown in **Figure 7** below:

[4] Appendix 7 Western Alignment.

Figure 7: *Existing 4-5 metre tall hedge located to the eastern side of the dwelling*

13.6 Currently, the Submitter can see over the existing stopbank, due to its height and its distance/location from the house across the paddocks, and can observe stock from the house. This is an important safeguard, given that there have been past incidents of stray dogs killing sheep on the Property. However, with the new stopbank in place, sightlines will be significantly limited, undermining the Submitter's ability to monitor and protect their stock.

13.7 These effects being visual/safety, shading, and the general degradation of the residential environment, will have a significant adverse impact on the Submitter's Property.

Farming business significantly affected

13.8 The Property is classed as Land Use Capability (**LUC**) Class 2 and LUC Class 3 land[5] as shown in **Figure 8** below. LUC 2 and 3 soils are the 2nd and 3rd most productive soils in the country.

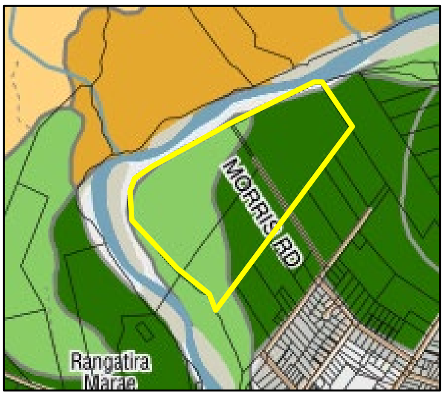

Figure 8: *Approximately 16ha LUC Class 2 (dark green); 14 ha LUC Class 3 (lighter green)*

13.9 Currently, the existing stopbank curve follows the LUC 3 soils and protects a large proportion of the LUC 2 soils behind it. The new alignment would render almost all of the Submitter's LUC 2 soils as flood prone pasture. The loss of productive and

[5] Land Use Capability » Maps » Our Environment

versatile land for pastoral farming use is a significant adverse effect on the Submitter's business, and on the district's farming environment. Losing LUC 2 soils to the river side of a stopbank undermines the Submitter's ability to provide for their economic wellbeing through the Property, and is contrary to the purpose of the RMA.

13.10 The northern most area of the farm's LUC 2 soils will also be affected by the Borrow Pits, as shown in Figure 5 above. This corner of the Property has not previously been affected by flood events, as it is on a naturally higher area of the farm. Removing material from those paddocks will lower their levels, and compromise the root zone and composition of the soils that the Submitters have worked hard to improve over the years. It would be preferable to locate the Borrow Pits on the land to the south-west of the Property (the LUC 3 soils) in order to preserve the higher quality soils on the north-east side, and their natural higher setting.

13.11 In addition, there are existing yards and a two-stand woolshed on the Property that would also be rendered flood prone, which is an unacceptable outcome for the Submitter.

13.12 The Property is also reliant on winter grazing of sheep and lambs as part of the farming business. As part of this operation, stock must periodically be moved off the floodable part of the Property and held elsewhere until floodwaters subside. While this does not occur every year, it remains a recurring and necessary aspect of managing the farm. The re-alignment of the stopbank would leave the Submitter with only 2-3 hectares of dryland on the town side of the stopbank, most of which is taken up with the orchard and lawn around the house. This means there is not enough pastoral land to make any permanent grazing viable, nor is there enough room to temporarily hold their usual stock numbers during an emergency event. Put simply, there will be a pressing animal welfare issue in any flood event that previously the Submitter could avoid by moving stock. The re-aligned stopbank would mean the Submitter would be forced to push their stock into their neighbours land, or attempt to book stock trucks at short notice which is neither feasible nor cost-effective.

13.13 Taken together, these effects on farming operations, stock management, and rural amenity constitute significant adverse effects on the environment that have not, in the Submitter's view, been adequately avoided, remedied, or mitigated by the Application as currently designed.

Stopbank must be re-aligned

13.14 For the above reasons, the Submitter considers raising the existing stopbank (as was proposed in Option 1 proposed to the community, shown in **Figure 9** below[6]) to be the preferable and more appropriate option.

13.15 Option 1 would achieve the necessary flood protection outcomes while avoiding the significant adverse effects associated with the proposed realignment and would be more cost-effective than building replacement stopbanks following new footprints.

[6] 4.2 Shortlist recommendations, Appendix 6 Stopbank Alignment Options Assessment

***Figure 9:** Shortlist stopbank alignment for shortlist option 1 (longlist option 1)*

13.16 Alternatively, Option 3A as shown in **Figure 10**[7] below would be the next preferred option by the Submitter. This would have the stopbank running to the south of the house and therefore retaining the existing outlook and farming operations on the Property.

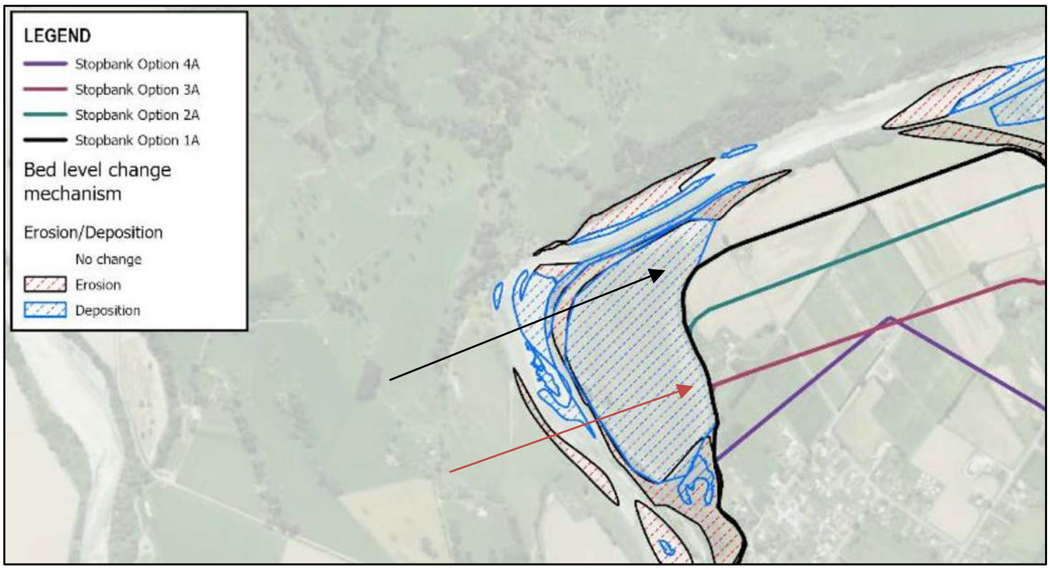

***Figure 10:** Stopbank options – Option 1A (black line/arrow) most preferred option by Submitter followed by Option 3A (maroon line/arrow)*

13.17 Separately, the indicative haul road, as currently proposed, runs in very close proximity to the house. Existing landscaping around the house and some sheds may need to be removed/relocated. Given the anticipated volume and frequency of truck movements associated with this route, the resulting noise and vibration effects are expected to be significant and sustained, and are likely to have a material and ongoing adverse effect on the amenity and living conditions of the occupants of the dwelling.

13.18 The haul roads must incorporate additional mitigation measures, such as adequate setback from all residential dwellings. The Submitter considers that the current alignment fails to achieve this and should be reconsidered so the haul road runs on the other side of the stopbank away from the house. The stopbank, as it is formed, would provide some acoustic shielding.

Morris Road laydown area

13.19 The Property is also affected by the Morris Road laydown area. According to the Application, this site will likely be used as the main storage facility for earthmoving

[7] Figure 5.1: Indicative areas with trends of either erosion (red) or deposition (blue) in the Waipaoa River surrounding Te Karaka, following analysis of GCD results between 2018-2023., [Appendix 6 Stopbank Alignment Options Assessment]

plant and equipment, due to its proximity to the borrow pit. The site may also serve as the main site office compound, incorporating facilities such as offices, a lunchroom, and toilets. In addition, plant and materials are proposed to be stored here, along with tool storage and dangerous goods storage.

13.20 Bulk fuel storage may also be required, depending on the requirements of the contractor engaged to undertake the works.

13.21 The area required for this compound is approximately 3,000m^2 and accessed via Morris Road as shown in **Figure 11**[8] below.[9]

Figure 11: *Approximately 3,000m^2 of the Property to be used as laydown area, with the Submitters driveway shown at the centre-bottom.*

13.22 This area will be entirely unavailable for farming activities for the duration of the works. The use of the area by staff and constrictors will cause increased traffic movements, including heavy traffic movements, and increased noise and dust. All three adverse effects are of particular concern to the Submitters, as their driveway adjoins the Laydown area and the prevailing winds will carry dust directly into their home.

13.23 Although the effects of the use of the laydown area are temporary, their duration and intensity of the course of construction should not be minimised. The Submitters consider a location further away from their dwelling must be chosen, in order to mitigate the adverse effects.

Culverts

13.24 As part of the Application and construction of the new stopbank, installation of new stormwater culverts under the stopbanks will be required[10] as well as full renewal of any existing culverts through the stopbank.[11] Multiple small-scale culverts along the stopbank will be constructed and will be designed by the engineering design team or construction contractor in due course.[12] Given that detailed design of the culvert is yet to be finalised and certified, the actual and potential effects of the Application on flood risk to the Property cannot presently be fully assessed. The Submitter considers that any grant of consent should be conditional on that detailed design being reviewed and approved prior to construction, to ensure that adverse flooding effects on the Property are avoided, remedied, or mitigated.

13.25 This is particularly relevant to the Submitter, given the close proximity of the proposed new stopbank to the house. Any deficiency in culvert design, location or performance

[8] Figure 3 – Indicative Morris Road compound layout, Appendix 11 Constructability Report
[9] Paragraph 4.1.1, Appendix 11: Constructability Report
[10] 2.0 The proposed stopbank realignment, Appendix 12 Noise and Vibration Assessment Report
[11] 2 The Proposal, Appendix 14 Landscape and Visual Assessment Report.
[12] 4.8 Culverts, Application Te Karaka Stopbank Upgrade

would cause additional adverse effects on the Property, being direct implications for the safety and habitability of the dwelling.

Summary

13.26 The Submitter considers that the proposed alignment of the replacement stopbank would:

(a) have adverse effects, including on the Submitter, that are more than minor and that cannot be adequately avoided, mitigated or remedied;

(b) be inconsistent with the relevant objectives and policies in the relevant planning provisions, including, but not limited to, the Tairāwhiti Resource Management Plan, National Environmental Standard for Freshwater, National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health, National Policy Statement for Natural Hazards, National Policy Statement for Infrastructure 2025, which apply to the Proposed Activity; and

(c) would be contrary to the purposes and principles of the RMA, as set out in Part 2 of the RMA.

13.27 It is the Submitter's view that these matters are directly relevant to the Council's consideration of the Application and this Submission.

Decision Sought

14 The Submitter seeks that the Application be declined.

15 In the event that the Application is not declined, the Submitter seeks that the stopbank be realigned in order to avoid, remedy, or mitigate all matters of concern raised in this submission.

Wish to be Heard

16 The Submitter wishes to be heard in support of this submission.

17 If others are making a similar submission the Submitter would consider presenting a joint case with them at the hearing.

18 The Submitter would welcome the Commissioner to undertake a site visit to their Property should they consider it would assist in determining the Application.

19 The Submitter requests, pursuant to section 100A of the RMA, that the Council delegate its functions, powers, and duties to hear and decide the Application to one or more hearings commissioners who are not members of the Council.

Kenneth and Karen McLanachan
By their solicitors and authorised agents
Tavendale and Partners Limited: J King

Date: 07 August 2026