

26 May 2026



Gisborne District Council
C/o- Stradegy Planning Limited
PO Box 239
Napier 4140
Attention: Sven Exeter

Dear Sven

DRAFT Request for further information pursuant to Section 92 Resource Management Act 1991

Application	LR-2026-113441-00, LV-2026-113442-00, LL-2026-113442-00 &
Reference(s):	WS-2026-113444-00
Applicant:	Gisborne District Council – Rivers and Land Drainage
Site Address:	Te Karaka – Various Locations

The resource consent application you have submitted to undertake flood resilience works and upgrades to the stopbank adjacent to and within the Waipaoa River has been assessed by myself and relevant Council staff. Further information is required to help us better understand your proposed activity, its effect on the environment and the ways any adverse effects on the environment might be mitigated.

Please note I await external technical peer review by Landscape Architects; and Environmental Risk assessment.

As such, pursuant to Section 92(1) of the Resource Management Act 1991 (the Act), the Gisborne District Council requires the following further information in order to continue processing your resource consent application:

Planning

1. Please provide more conclusive evidence for whether the tests under s106A are met (Section 8 of the AEE).
2. Please confirm that the flood gate application is not intended to be bundled with the substantive application and if so, please provide further justification for why these applications should not be assessed together. I note that on P133 of the AEE, there is reference to the flood gate within conditions for this consent, in what I presume is a single set of conditions.
3. Based on the Rules Assessment, please provide further detail around the aspects of the rural and residential rules that won't be completed with (1.6.1(11)). Will yard infringements be related to temporary activities only (and not permanent structures)?
4. Please complete the title for Figure 30.
5. Please provide an updated list of conditions as referred to in an email from Sven Exeter to Jo Michalakakis dated 5.5.26.

Development Engineering & Roading

6. A drawing of the Rangatira Rd site is included in the report but it is silent on the design criteria used for the road raising. The design & drawing need to take account of the limited stopping sight distance due the crest height over the stop bank. The proposed lane width is for one lane of traffic, but road shoulders are very narrow, with no provision for pedestrians. The estimated traffic count of 100 vehicles per day includes 6% Heavy Vehicles. Vehicle entrances that require raising due to the earthworks for road raising will require detailed design to ensure safe sight distances and safe entry to the road as per the GDC Engineering Code of Practice. Road safety could be compromised by a lack of safe stopping distances. Please review the Road Raising Concept Design Report and reconfirm whether, in principle, the road raising can be carried out in a way that will not negatively impact on road safety.

Cultural Impact Assessment

7. Please confirm when the CIA will be available and provide this information. Please also provide any consequential updates to conditions resulting from the CIA.

Other consultation

8. Please provide an update on landowner consultation prior to notification. Have any written approvals been obtained to date? Were the land requirement plans available to assist with identifying specific effects on persons (notwithstanding the application will be publicly notified)?

Construction effects

9. Please indicate where sediment retention ponds would be located?

Groundwater/Geotechnical

10. Please provide further justification for acceptance of the ULS seismic cases where the target FoS is not achieved (Tables 6 and 7), including an assessment of anticipated deformation/displacement (e.g. empirical or analytical assessment) and confirmation that the stopbank would maintain its intended function following the design ULS event, or provide proposed mitigation/design refinement where required.
11. Please provide further justification for the conclusion that liquefaction risk can be accepted without mitigation, including assessment of potential seismic-induced settlement/deformation effects on stopbank performance and functionality.

Water Take/Allocation

12. Council's Science Advisor – Consents, has stated: *"Effects of breaching allocation limits (including low flow restrictions) are unlikely to be acceptable, given that significant effects of abstraction from the river are already thought to occur. Allocation from the A-block is*

already subject to a 'waitlist' and potential priority of those proposed takes." Please consider refinement of the water take proposal or any other options.

13. In addition, please provide an update on the allocation status of the Waipaoa River as it relates to the water take. I understand that there may be some more up to date data being published about the allocation status since lodgement.
14. Please provide reasoning for the 1,000 cubic meter per day limitation in proposed condition 58? The application states that 30,000-50,000 L per day would be required. 1,000 cubic metres is equivalent to 1,000,000L.

Science Advisor – Freshwater effects

15. Please provide confirmation of whether the southwest stream passing under SH2, for which the culvert extension and floodgate is proposed, supports fish (or could support fish with provision for fish passage).
16. Please provide culvert floodgate designs for the proposed culvert extension and a second culvert in a different stream passing through the eastern stopbank. (If the southwest stream passing under SH2 does not support fish it may not be necessary to provide for fish passage; see item 15).
17. Please provide an assessment of the effects of all levels of flooding (not the maximum design limit only) on land outside the flood protection scheme.
18. Please provide further consideration of the effects on the river for an increased extent of flooding, potential erosion and discharges from riverside land. For example, it appears part of the land to be flooded is currently in permanent horticulture, so as short rotation pasture it could produce more discharges, not less, or may be used for intensive grazing. And some of the land, including some which would be newly exposed to flooding, is to be excavated as borrow pits of 1m depth or more, which would further increase its susceptibility to flooding.
19. What is the contingency plan for maintaining flood protection during construction? In particular, what is the proposed timing for removal of any sections of the existing stopbank that are not being built over (if any)?

Given the duration of the works, there is a possibility that a flood event affecting the town could occur during construction if the stopbanks are not fully functional. Council's Science Advisor considers that contingency measures will be required to ensure Te Karaka remains protected from flooding throughout the construction period.

Please confirm whether it is proposed to retain the existing stopbank during construction. If not, has the option of retaining it been considered? If the existing stopbank were retained, what would be the anticipated impact on flow velocities in the area between the existing and proposed stopbanks?

Biodiversity

20. Would the Applicant consider the use of appropriate indigenous species for the planting at the new roading embankment at Rangatira Road? Indigenous species are preferred by Council from a biodiversity standpoint (unless willows are required for bank stabilisation, in which case they should be a non-invasive species).

Rivers and Land Drainage

21. Please refer to the attached pdf in Appendix A with s92 questions from Stantec.

Noise

22. Condition 33 allows a higher level of noise exposure without limits on duration. Please provide further justification for higher limits and consider alternative mitigation methods e.g. for the community to have an extended rest period or a limited duration of the working day during which the higher noise is necessary, e.g. max time of 5 hours. Further, the proposed wording of subsection (c) is confusing and appears to indicate that there is no L_{max} limit at 1 m from the facade when higher levels of noise are required.
23. Low noise and vibration activity' should be defined to ensure it can be adequately monitored and so that the community can have a clear understanding of what this is.

Contaminated Land

24. Section 9 and 10 of the application refers to SH2 and Rangatira Road raising. Will the pavement and sub-surface of the road be disturbed? If so, reference to the MfE Guidelines for Assessing and Managing Coal Tar Contamination in Roadway projects needs to be discussed and the options confirmed.
25. The PSI and DSI have generally been undertaken in accordance with the CLM guideline No.1 and 5. Although exceedances of predicted background SGV have been identified, none are above the HH guidelines. Soil does need to be managed appropriately and it would be preferable that soil is retained on site if possible. There is a possible further HAIL site that has not been explored at 1 Kipling Rd – the officer has attached the 1971 GDC aerial in which it looks as if rubbish has been dumped at that site. No.7 Kipling Rd is also clearly identifiable and may be a piggery or chicken farm looking at the structures, rather than glasshouses as referred to in the DSI. The resolution of where the stopbank will be realigned to is not sufficient for me to determine if No.1 Kipling Rd would be covered, but the officer would like the SQEP to consider this new information and confirm if further investigation is warranted or if the SMP included in the application is sufficient to cover this. Please see also the 1992 aerial of the same area; and 1992 aerial for the deer shed area which has been identified as HAIL in the application.

Environmental Management/Risk

26. Please confirm what product/chemical is to be used for binding of the grass seed if hydroseeding – this may trigger a consent if likely to end up in the river
27. What defines a Suitably Qualified and Experienced person for the preparation of a CEMP? This requires further definition
28. Certification of plans: For a consent of this complexity, the certification response would not be possible within 10 working days – Council suggests that 20 working days is more appropriate.
29. Construction season: the construction season closes on 30 April not May (also referred to in condition 55). There is no compelling reason to extend it for another month in the application.

Landscape and Visual Assessment

30. Can be dealt with outside of s92 process.

For information only:

- *I have provided a draft programme for the consent, notification and hearing process this week*
- *I am finding out about the process for the hearing, including hearing of any road stopping and composition of any panel*
- *I also intend to notify First Light Network as a courtesy (as part of FirstGas/Clarus)*

I advise that pursuant to Section 88C of the Act, any time taken by you to provide all of the required information and for our assessment that the information is complete is excluded from any time limits for processing your application under the Act.

Your consent is on working day 18 on the date of this letter.

Pursuant to Section 92A(1) of the Act, within **15 working days** of the date of this letter, you are required to either:-

- a) provide the information; or
- b) Advise in writing that the applicant agrees to provide the information (including, if required, a request for more time to enable you to obtain this information); or
- c) Advise in writing that the applicant refuses to provide the information

Please note that Section 95C(2) of the Act states that Council must publicly notify your application for resource consent if you either fail to provide the information within the allowed timeframe or if you advise Council that you refuse to provide the requested information. If your application is publicly notified a deposit of \$5000.00 will be required.

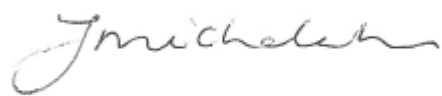
Please also note that Section 104(6) of the Act allows Council to decline the application if it considers that it has insufficient information to enable it to determine the application.

In addition to the above Section 92AA of the Act now allows Council to return applications if the section 92 is not responded to within three months of the date of this letter.

I look forward to an early response to this further information request.

Upon receipt and assessment of the required further information, an assessment will be made as to whether any of the effects of the development are considered to be more than minor and/or if there are any affected parties who should be notified of this application.

Nga mihi,

A handwritten signature in cursive script, reading "Jo Michalakakis".

Jo Michalakakis
Planning Consultant
Align Limited

Appendix A – S92 Questions from Stantec