Section 42A of the Resource Management Act 1991

Officer's Report to
Commissioners Cam Twigley, David Hill &
Josh Wharehinga

Date:	7 September 2026	**Application Numbers:**	LR-2026-113441-00, LV-2026-113442-00, LL-2026-113443-00, WS-2026-113444-00 DW-2026-113686-00 DL-2026-113687-00
Reporting Planner:	Jo Michalakis Consultant Planner		

Applicant:	Gisborne District Council (Rivers and Land Drainage)
Property Addresses:	23, 25, 27 Cliff Road, Te Karaka; 90 Kanakanaia Road, Te Karaka; 1, 7, 59 Kipling Road, Te Karaka; 2 Library Road, Te Karaka; 2424, 2431 Matawai Road, Te Karaka; 29 Morris Road, Te Karaka; 35 Paulson Road, Te Karaka; 9, 11 Rangatira Road, Te Karaka; 'Unnamed' Sites – refer legal descriptions
Legal Descriptions:	Lot 2 DP 570263, Lot 3 DP 3062, Part Lot 2 DP 3062, Lot 4 DP 4355, Lot 3 DP 4355, Lot 2 DP 4355, Lot 1 DP 4355, Lot 1 DP 3062, Lot 1 DP 3109, Part Lot 25 DP 1287, Lot 1 DP 3768, Section 3 SO 494650, Section 9 Block IV Waikohu SD, Section 1 SO 494650, Lot 15 DP 1145, Part Lot 16 DP 1145, Lot 21 DP 1145, Lot 1 DP 2909, Karaka 16B Block, Karaka 16C Block, Te Karaka 16F Block, Te Karaka 16D Block, Te Karaka 16E Block, Part Karaka 17 Block, Part Karaka 15 Block, Karaka Roadway Block, Karaka 11A2 Block, Te Karaka 11B2 Block, Lot 9 DP 1326, Lot 8 DP 1326, Part Lot 7 DP 1326, Part Karaka 7 Block, Karaka 8 Block, Section 3 Block IV Waikohu SD, Lot 5 DP 3085, Lot 3 DP 2332, Lot 1 DP 2332, Lot 7 DP 2332, Lot 4 DP 2332, Lot 8 DP 2332, Lot 5 DP 2332, Lot 2 DP 2332, Lot 6 DP 2332 contained in Records of Title 1029993, GS2A/820, GS2A/508, GS112/44, GS2A/507, GS2A/506, GS2A/505, GS2C/758, GS2C/799, 738243, GS5D/883, GS99/113, GS3C/723, 738242, GS3B/1033, GS5B/493, GS3B/1026, GS2D/162, GS2B/954, GS3C/1413, 486858, 488582, 489025, GS2B/1216, GS2B/1225,

	502562, GS131/4, 486631, GS110/195, GS4C/398, GS3B/1054, GS3C/526, GS2C/491, GS3A/504.
Description of Activity:	The construction and operation of stopbanks and various ancillary activities The construction and operation of a culvert with flap gate Disturbance of a piece of land (HAIL) The construction of specified infrastructure within 100m of a potential wetland
Relevant Plan / Legislation and Rules:	Te Papa Tipu Taunaki o Te Tairāwhiti – Tairāwhiti Resource Management Plan: • C6.1.2(6) • C6.2.3(13) • C6.2.12(7) • C6.3.2(18) • C6.3.2(19) • C6.3.2(20) • C6.3.13(4) • C6.4.5(16) • C6.4.5(20) • C7.1.6(9) • C8.2.3(2) • C8.2.3(4) • C8.2.3(5) • C8.2.3(7) • C8.2.3(16) • C8.2.3(19) • C8.2.3(20) • C8.2.3(27) • DD4.6.1A(13) • DD4.6.1A(15)

	• DD1.6.1(23) National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health Regulation 9 National Environmental Standards for Freshwater • Clause 45(3) • Clause 45(4) • Clause 71(1) • Clause 74(1)
Zoning:	Road Rural General Zone Rural Residential Zone General Residential Zone
Overlays/ Restrictions:	Land Overlay 1 - full extent of works area Heritage Alert Overlay - majority of works area Scheduled Rivers and Stream G15B - full extent of works area Flood Hazard Overlays: River and Floodway (F1) - Surrounding three sides of the project extent High Hazard Areas (F2) - Area between existing stopbanks and the river Flood Ponding Areas (F3) - Southeastern corner of the project extent, between the State Highway and the river Areas Liable to Flooding (F4) - the remainder of the Te Karaka township between the State Highway and the stopbanks
RMA Consent Type	Land use (s9) Water (s14) Lake and River beds (s13) Discharge (Dewatering) (s15)
Activity Status:	Discretionary, with a separate concurrent Non-Complying activity. The stopbank works and associated activities are assessed together as a Discretionary Activity. The passive flap gate is assessed separately as a Non-Complying Activity under Regulation 74 of the National

	Environmental Standards for Freshwater.
Proposal:	To undertake flood resilience works within the Te Karaka stretch of the Waipaoa River to reduce the potential for flooding affecting the community.

Abbreviations

GDCRLD or the applicant	Gisborne District Council Rivers and Land Drainage (as applicant)
GDC or the Council	Gisborne District Council (as regulator)
RMA	Resource Management Act 1991 and all amendments
TRMP	Te Papa Tipu Taunaki o Te Tairāwhiti – Tairāwhiti Resource Management Plan
NPS-FM	National Policy Statement for Freshwater Management
AEE	Assessment of Effects on the Environment
CFRA	Consequential Flood Risk Assessment
SMP	Site Management Plan
WRFCS	Waipaoa River Flood Control Scheme
EMP	Environmental Management Plan
CNVMP	Construction Noise and Vibration Management Plan

Appendices

Appendix 1	Recommended Conditions of Consent
Appendix 2	Application Material: AEE and Proffered Conditions
Appendix 3	Summary of Submissions
Appendix 4	Notification Report
Appendix 5	Technical Advice – Landscape and Visual Assessment (Isthmus Group)
Appendix 6	Technical Advice – River Hydrology (Stantec)
Appendix 7	Technical Advice – Development Engineer
Appendix 8	Technical Advice – Integrated Catchment Management (GDC)

Appendix 9	Technical Advice – Water Take (GDC)
Appendix 10	Technical Advice – Geotechnical (GDC)
Appendix 11	Technical Advice – Freshwater Ecology (Stantec)
Appendix 12	Technical Advice – Contamination, Noise and Vibration, Environmental Risk (GDC)
Appendix 13	Plans to Approve
Appendix 14	Pre-Notification Section 92 Request and response
Appendix 15	Post-Notification Section 92 Request and response

Report to Hearings Commissioners

Application

Gisborne District Council Rivers and Land Drainage (the applicant) has made an application to undertake flood resilience works within the Te Karaka stretch of the Waipaoa River to reduce the potential for flooding affecting the community. The scheme is Crown funded and is being carried out in partnership with Te Aitanga ā Māhaki. The proposal involves the construction of a new stopbank alignment together with upgrades to sections of the existing stopbank and associated flood protection infrastructure, to reduce flooding during extreme weather events and achieve the 1% AEP (Annual Exceedance Probability) design level of flood protection.

The applicant proposes:

- The construction and operation of stopbanks and various ancillary activities;
- Disturbance of a piece of land (HAIL);
- The construction and operation of a culvert with flap gate; and
- The construction of specified infrastructure within 100m of a potential wetland.

The application is supported by an assessment of effects on the environment (AEE, attached in Appendix 2 of this report) prepared by Mr Sven Exeter of Stradegy (the agent).

The proposal triggers the following rules of the Tairāwhiti Resource Management Plan (TRMP), the National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health; and the National Environmental Standards for Freshwater:

Te Papa Tipu Taunaki o Te Tairāwhiti – Tairāwhiti Resource Management Plan:

- C6.1.2(6)
- C6.2.3(13)
- C6.2.12(7)
- C6.3.2(18)
- C6.3.2(19)
- C6.3.2(20)
- C6.3.13(4)
- C6.4.5(16)

- C6.4.5(20)
- C7.1.6(9)
- C8.2.3(2)
- C8.2.3(4)
- C8.2.3(5)
- C8.2.3(7)
- C8.2.3(16)
- C8.2.3(19)
- C8.2.3(20)
- C8.2.3(27)
- DD4.6.1A(13)
- DD4.6.1A(15)
- DD1.6.1(23)

National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health:

- Regulation 9

National Environmental Standards for Freshwater:

- Clause 45(3)
- Clause 45(4)
- Clause 71(1)
- Clause 74(1)

- The construction and operation of stopbanks and various ancillary activities as a bundled **Discretionary Activity** under various rules of the Tairāwhiti Resource Management Plan;
- A **Controlled Activity** under Regulation (9) of the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health;
- The take and use of surface water from the Waipaoa River for construction purposes as a **Restricted Discretionary Activity** under Rule C6.1.2(6) of the Tairāwhiti Resource Management Plan;
- Dewatering for construction purposes as a **Restricted Discretionary Activity** under Rule C6.1.2(6) of the Tairāwhiti Resource Management Plan;

- The discharge of construction dewatering water to land and/or water as a **Discretionary Activity** under Rule C6.2.3(13) of the Tairāwhiti Resource Management Plan;
- The construction and operation of a culvert as a **Discretionary Activity** under Regulation 71 of the National Environmental Standards for Freshwater; and
- The construction of specified infrastructure within 100m of a potential wetland under Regulation 45(3) & 45(4) of the National Environmental Standard for Freshwater as a **Discretionary Activity.**

These consents are to be bundled together.

- The construction and operation of a flap gate as a **Non-Complying activity** under Regulation 74 of the National Environmental Standards for Freshwater is to be processed as a separate but concurrent activity.

Notification

On 9 July 2026, the application was publicly notified under 95A. The applicant has requested public notification due to the scale of the proposal, the potential for consequential flood effects, the number of properties potentially affected, and the anticipated level of public interest in the proposal.

Submissions

Submissions were received as follows:

- 87 submissions were received in total;
- 72 submissions are in support of the proposal;
- 2 submissions are neutral toward the proposal;
- 13 submissions oppose the proposal;
- 3 submissions were received late; and
- 12 submitters wish to be heard at the hearing.

A detailed summary of submissions is included in Appendix 3 and a high-level summary in Section 4.0.

Summary of Submission Themes

- Support for improved flood protection and community resilience;
- Property-specific flooding and increased risk outside the protected area;
- The accuracy of flood modelling, aggradation and technical information;
- Long-term effectiveness and sustainability of the flood protection scheme;

- Effects on bridges, access and lifeline infrastructure;
- Landscape, Visual Amenity and Rural Character Effects;
- Effects on farming, horticultural and rural business activities;
- Effects to cultural values and on Māori Land;
- Property acquisition, compensation and fairness of the scheme;
- Consultation, process and decision-making.

The following report outlines the proposal, details the submissions, and provides an assessment of actual and potential effects on the environment. The report also addresses the relevant planning instruments and provides an assessment against Part 2 of the Resource Management Act 1991. I consider that the key issues relate to:

a) hydrology effects;

b) consequential flooding effects;

c) effects on tangata whenua values;

d) effects on landscape values; and

e) effects to freshwater ecology values.

I recommend that resource consent be **granted (preliminary position)** subject to appropriate conditions.

This recommendation is preliminary and subject to the matters outlined in Sections 5 and 6 of this report. In particular, I reserve my final position in relation to river hydrology, consequential flooding freshwater ecology, landscape and tangata whenua values pending further technical evidence received through the hearing process.

I have prepared recommended conditions which may be refined in response to evidence presented at the hearing. The recommended conditions are contained in Appendix 1 of this report.

RECOMMENDATION

That Commissioners Cam Twigley, David Hill and Josh Wharehinga

Grant (Preliminary) resource consent to Gisborne District Council for the construction and operation of stopbanks and various ancillary activities; the construction and operation of a culvert with flap gate and disturbance of a piece of land (HAIL) and the construction of specified infrastructure pursuant to sections 34A(1), 104, 104B, 104D, 105, 107 and 108 of the Resource Management Act 1991, subject to the conditions listed in Appendix 1.

The Approved Activity

- Consent is granted to construct and operate stopbanks and various ancillary activities as a bundled **Discretionary Activity** under various rules of the Tairāwhiti Resource Management Plan;
- A **Controlled Activity** under Regulation 5(9) of the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health;
- The take and use of surface water from the Waipaoa River for construction purposes as a **Restricted Discretionary Activity** under Rule C6.1.2(6) of the Tairāwhiti Resource Management Plan;
- Dewatering for construction purposes as a **Restricted Discretionary Activity** under Rule C6.1.2(6) of the Tairāwhiti Resource Management Plan;
- The discharge of construction dewatering water to land and/or water as a **Discretionary Activity** under Rule C6.2.3(13) of the Tairāwhiti Resource Management Plan;
- The construction and operation of a culvert as a **Discretionary Activity** under Regulation 71 of the National Environmental Standards for Freshwater; and
- The construction of specified infrastructure within 100m of a potential wetland under Regulation 45(3) & 45(4) of the National Environmental Standard for Freshwater as a **Discretionary Activity.**

These consents are to be bundled together.

The construction and operation of a flap gate as a Non Complying activity under Regulation 74 of the National Environmental Standards for Freshwater is to be processed as a separate but concurrent activity.

Consent is granted to carry out works in the bed of a river (Council reference LR-2026-113441-00).

Consent is granted for vegetation clearance (Council reference LV-2026-113442-00).

Consent is granted to carry out land disturbance (Council reference LL-2026-113443-00).

Consent is granted to take and use surface water (Council reference WS-2026-113444-00).

Consent is granted to discharge construction dewatering to water (Council reference DW-2026-113686-00).

Consent is granted to discharge construction dewatering water to land (Council reference DL-2026-113687-00).

Approved Plans

Consent is granted to construct and operate the stopbank, carry out vegetation clearance and land disturbance and take and use surface water as indicated on the Approved Plan sets:

Report Name	Author	Reference	Date	Rev
Stopbank drawings, cross-sections, construction details and cut and fill volume sheets	GDC/CPS		Feb-April 2026	1
Road Raising Concept Design Report & Drawings	WSP	2-S5743.00	16 October 2025	First Issue
Stopbank Alignment Options Assessment Appendices	Tonkin & Taylor	1092556.0020	September 2025	v2
Stopbank Alignment Options Assessment - New Appendices Figures 12.1-12.5, 13.1-13.5, 14.1-14.5, 15.1-15.5, 16.1-16.5, 17.1-17.5, 18.1-18.5, 19.1-19.5, 20.1-20.5, 21.1-21.5 and 22.1-22.5	Tonkin & Taylor		05 June 2026	First Version
SH2 Culvert Concept Design	WSP	5-S5743.00	18 February 2026	A
Section 92 Response Appendix 7 Drawings and Volume Reports	CPS	-	-	-

Technical Memo – Landscape and Visual Assessment - Drawings	WSP	2-S5743.00	1 September 2026	-
Technical Memo - Response to Pine Hollow Family Trust submission matters relevant to road raising, access and drainage design	WSP	-	28 August 2026	-

Peer Reviewed by:

Dalia Evanson

Principal Consents Planner

Gisborne District Council

Date: 7 September 2026

Authorised for Distribution:

Awhina White

Resource Consents Manager

Gisborne District Council

Date: 5 September 2026

1.0 INTRODUCTION

1.1. Report Status

This report is a s42A Report prepared under the Resource Management Act 1991 (RMA). It provides an independent assessment and recommendation on the application by Gisborne District Council to undertake flood resilience works within the Te Karaka stretch of the Waipaoa River to reduce the potential for flooding affecting the community. This report does not represent any decision on the application and only provides the professional assessment and opinion of the report's author.

This report will be considered by the Independent Commissioners in conjunction with all other technical evidence and submissions that have been received on the application. It does not have greater weight than any other material or submissions that may be presented and considered by the Commissioners.

1.2. Reporting Officer

This report has been prepared by Jo Michalakis, Consultant Planner from Align Limited. I have a Master of Planning Practice from the University of Auckland. I have over 20 years of professional experience in the resource management field. The opinions and assessments within this report are within my area of expertise, except where I have stated my reliance on other identified advice.

In preparing this report I have referred to and considered advice from the following technical experts:

- A peer review of the applicant's stopbank drawings and cut-fill volumes (Appendix 4 AEE), Consequential Flood Risk Assessment (Appendix 8 AEE) and Section 6.10 AEE: Effects on Hydrology and River Dynamics from Consultant Hydrologist Mr Cristian Hadad, Stantec.
- A peer review of the applicant's Ecological Report from Consultant Freshwater Ecologist Mr Dylan Smith, Stantec.
- A Landscape and Visual Assessment peer review by Consultant Landscape Architect Ms Sophie Fisher, Isthmus, of the Applicant's LVA by WSP.
- An assessment of the available water allocation from Ms Sarah Thompson, Freshwater Strategy and Integration Lead, Gisborne District Council.
- An assessment of the geotechnical aspects of the application from Mr Mohammad Eskandarighadi,Geotechnical Development Engineer, Gisborne District Council.

- An assessment of the development engineering aspects of the application, namely road raising and access from Mr Robin Beale, Development Engineer, Gisborne District Council.
- An assessment of the terrestrial ecology/biodiversity aspects of the application, namely vegetation removal and replacement and impacts to bats from Ms Melanie Cheetham, Senior Regional Biodiversity Advisor, Gisborne District Council.
- An assessment of the contamination, noise and vibration and environmental management aspects of the application from Ms Kate Sykes, Team Leader, Monitoring and Compliance, Gisborne District Council.

1.3. Proposal

1.3.1. Summary

Gisborne District Council (Rivers and Land Drainage) (hereafter referred to as the 'applicant') proposes to undertake flood resilience works within the Te Karaka part of the Waipaoa River to reduce the potential for flooding affecting the community. The scheme is Crown funded and is being carried out in partnership with Te Aitanga ā Māhaki. The proposal involves the construction of a new stopbank alignment together with upgrades to sections of the existing stopbank and associated flood protection infrastructure, to reduce flooding during extreme weather events and achieve the 1% AEP (Annual Exceedance Probability) design level of flood protection.

The applicant has requested that the application be publicly notified pursuant to section 95A(3)(a) of the Resource Management Act (RMA) 1991. The applicant has requested public notification due to the scale of the proposal, the potential for consequential flood effects, the number of properties potentially affected, and the anticipated level of public interest in the proposal.

A detailed description of the proposal is provided in Section 4 of the AEE of the application and is summarised in the sections below.

The proposed works increase the size of the floodplain and involve building a new stopbank south of the existing stopbank. The purpose is to increase the carrying capacity of the flood scheme to protect the community of Te Karaka from future flooding of the Waipaoa River.

Two high points in the topography will be incorporated into the new stopbank. The western terminus of the new stopbank will connect to the Rangatira Road bridge. Refer to Figure 17 of the AEE for the proposed flood scheme. The proposed works will improve the mitigation of flood effects and reduce the potential flood damage in the future.

The proposed works will include:

- Earthworks associated with the use of the current stopbanks as fill for new stopbanks, borrow pit excavation, road raising activities and ancillary activities;

Exotic vegetation removal including mature exotic trees (poplar and willow)

- Deposition of solid material for the construction of stopbanks and road raising;
- Construction of an extension to an existing culvert at State Highway 2 (requiring consent) and new ones along stopbanks (not requiring consent);
- Excavation of overland flow paths and construction of new stormwater swale drains including a new stormwater swale drain that flows into the Waipaoa River;
- Road raising of existing roads and highways;
- Relocation of services including power poles and lines;
- Construction of new temporary construction and haulage access tracks to and from the stopbanks and borrow sites and Waipaoa River for water take (and use of existing tracks where possible);
- Temporary vehicle crossing at Kanakanaia Road for construction vehicles;
- Stormwater discharges during and post construction;
- Water take from the Waipaoa River for construction purposes (mainly dust suppression);
- Dewatering and discharge for construction purposes;
- Works in or near rivers and adjacent to potential wetlands;
- Traffic management and temporary traffic control for lane closures;
- Road layout change to Morris Road;
- Ongoing use of existing farming activities within the scheme (where applicable) including sheep grazing and horticulture;
- Reinstatement of stopbank, including grass seeding.

Some earthworks will occur within a piece of land determined to be a HAIL site.

1.3.2. Technical drawings and reports

The technical drawings and reports provided include:

Report Name	Author	Reference	Date	Rev
Resource Consent Application for Te Karaka Flood Scheme Upgrade	Stradegy	25255 AP1	21 April 2026	-
Stopbank drawings, cross-sections, construction details and cut and fill volume sheets	GDC/CPS		Feb-April 2026	1
Road Raising Concept Design Report & Drawings	WSP	2-S5743.00	16 October 2025	First Issue
Stopbank Alignment Options Assessment	Tonkin & Taylor	1092556.0020	September 2025	v2
Stopbank Alignment Options Assessment - New Appendices Figures 12.1-12.5, 13.1-13.5, 14.1-14.5, 15.1-15.5, 16.1-16.5, 17.1-17.5, 18.1-18.5, 19.1-19.5, 20.1-20.5, 21.1-21.5 and 22.1-22.5	Tonkin & Taylor		05 June 2026	First Version
Ecological Impact Assessment	SLR	880.01677 4.00001	14 April 2026	1.5
Consequential Flood Risk Assessment	Tonkin & Taylor	1092556.0200	2 April 2026	v1
Archaeological Advice	In Situ	-	16 March 2026	

Stopbank Construction Methodology	Alta	-	15 April 2026	2
Acoustics & Vibration Assessment Report	Styles Group	-	16 April 2026	1

Contaminated Land Reports - PSI	LDE	30019	17 March 2026	
Contaminated Land Reports - DSI	LDE	30019	17 March 2026	
Contaminated Land Reports - SMP	LDE	30019	May 29 2026	C
Landscape and Visual Assessment Report	WSP	2-S5743.00	30 March 2026	B
Te Karaka Stopbank Upgrade Geotechnical Interpretive Report	GHD	12685374	31 March 2026	Rev 1
Te Karaka Flood Mitigation Economic Appraisal	Christensen Consulting Ltd	-	24 February 2026	-
SH2 Culvert Concept Design	WSP	5-S5743.00	18 February 2026	A
Geotechnical Factual Report	GHD Limited		4 February 2026	R0
Geomorphic Assessment	Tonkin & Taylor	1092556.0	3 June	v2

		020	2026	
Letter Report - Berm Assessment	Tonkin & Taylor	-	16 Dec r 2025	-
Te Karaka Flood Resilience Hydraulic Modelling	DHI	44802081	13 April 2026	Final
Hydrographs	DHI	-	-	-
Section 92 Response Appendix 7 Drawings and Volume Reports	CPS	-	-	-
Technical Memo – Landscape and Visual Assessment	WSP	2-S5743.00	1 September 2026	-
Technical Memo - Response to Pine Hollow Family Trust submission matters relevant to road raising, access and drainage design	WSP		3 September 2026	R1

Pre-notification Section 92 response letter and clarification emails:

Report Name	**Author**	**Date**
Section 92 Response 1	Stradegy (Sven Exeter)	10 June 2026
Section 92 Response 2 email chain re River Hydrology effects	Stradegy	30 June 2026 3.44pm

Section 92 Response 3 email chain re RC Science and Landscape and Visual effects	Stradegy	1 July 2026 11.14am

Post-notification Section 92 second response letter and clarification emails:

Report Name	Author	Date
Section 92 Response 4 email (WSP Memo traffic matters)	Stradegy (Catherine Raeburn)	28 August 2026 4:49pm
Section 92 Response 5 email chain (landscape matters)	Stradegy	1 September 2026 4.32pm
Section 92 Response 6 letter chain	Stradegy	2 September 2026 3:21pm

A more detailed description of the key activities is as follows:

1.3.3. Proposed Stopbank Alignment Options - Location and Key Design Details

Preferred option

The proposed stopbank preferred alignment (see Figure 17 and Appendix 4 engineering drawings in the AEE for details) will be approximately 4.2 km long. The stopbank varies between 1.0m and 4.8 m in height, with a crest level of between 46.35 m RL and 40.39 m RL in New Zealand Vertical Datum 2016 (NZVD 2016). The proposed stopbank is to be constructed with a 2:1 side slope and a crest width of 4 m. The design profile increases from the original '6ft (1.8m) top width', to a '4 metre top width' over the stopbank crest. The reasons for the choice of design are outlined fully in Section 4.1 of the AEE.

Design Event, Freeboard and Climate Change

The design has been based on the same level of service used to upgrade the Waipaoa River Flood Control Scheme (WRFCS) which is nearing completion in 2026. This was based on a 1%

AEP (100-year ARI) analysis undertaken in 2017 including climate change assumptions. The design event was the equivalent of Cyclone Bola + 25% which is 5,625 cumecs. The same design flow was used as for the WRFCS both for equity, and so that the Te Karaka scheme did not adversely impact the WRFCS.

For the upgraded design, a freeboard amount of 600mm has been applied consistently across the Scheme. Again, this gives consistency with the WRFCS which protects Gisborne City. The application of freeboard is not meant or designed to convey the design flow.

Freeboard is to account for factors such as; modelling inaccuracies, survey errors, aggradation / gravel movement, super-elevation uncertainties, velocity head, channel roughness variation, localised debris build-up, future differential settlement of the constructed stopbank and/or of the underlying ground, and future poor land management practices which could damage or erode the stopbank. The design flow was chosen based on the 100-year return period design event plus an increase of 25% to account for an increase in rainfall intensity due to the effects of climate change. (i.e. 4500 x 1.25 = 5625). This is based on the 2017 analysis undertaken for the WRFCS upgrade. A warmer atmosphere can hold more moisture (about 8% more for every 1°C increase in temperature). Increased rainfall intensity has obvious implications for increased flooding. A temperature increase of 2.1 degrees has been assumed (i.e. 2.1 x 8% = 16.8% increase in rainfall) based on the Ministry for Environment Guidelines (2008).

Over Design Event

The proposed Scheme upgrade provides a theoretical equal level of protection up to the 2090 1% AEP event. Should an event larger than this event occur, overtopping of the stopbanks or stopbank failure is likely to occur.

Road layout changes

The proposed stopbank will traverse Morris Road. The land on the ‘river side’ of this road will be purchased and the road will end where the stopbank crosses at this point. The proposed Morris Road partial ‘road stopping’ is governed under the Local Government Act and would be aligned with the Public Works Act processes to occur concurrently. At the end of Kipling Road, the stopbank would traverse the paper road and would also require a road layout amendment. The applicant will work with the GDC roading team to confirm the new road layout and requirements during detailed design. Any road changes would be subsequently confirmed with Land Information New Zealand (LINZ). The changes to the road layouts will run in parallel to the resource consent process or both processes could potentially be heard together.

Further details on this parallel process or combined process will be worked through in due course.

Alternative option

An alternative stop bank alignment is also proposed to be consented for flexibility should the Wi Pere Trust property need to be avoided as shown in Figure 19 of the AEE. The alternative stopbank alignment would be designed to the same design parameters and cross section as outlined above for the preferred alignment. Proposed consent conditions have been provided with the application which require the confirmation of the preferred alignment to be provided to Council prior to construction.

1.3.4. Localised stormwater

At some stopbank locations (see Figure 20 of the AEE) new and upgraded stormwater drainage channels / swales will be excavated and constructed, set back 2m from the toe of the stopbank. The swales will be up to 4m in width and 1.5 m in depth. At the northern extent of the project an existing stormwater drain that flows into the Waipaoa River will be deepened and widened. The new drains will rely on gravity.

1.3.5. Consequential Flood Risk, Mitigation Options and Compensation Approach

Potential mitigation options for properties with an increased flood hazard risk profile as a result of the stopbank form part of the scope of the proposal. Options include:

- Raising floor levels;
- Relocation and compensation; and
- No mitigation (if preferred by landowners and residents) and compensation.

Mitigation of increased flood risk to local roads and bridges has been developed in the form to updates to the local Te Karaka flood evacuation plan as proposed consent conditions.

1.3.6. Proposed Road Raising

Existing roads are required to be raised by up to 3m to provide adequate grade and sight lines in accordance with GDC and NZTA standards. Roads are proposed to be raised at up to four locations (see Figure 21) depending on whether the alternative stopbank alignment is required:

- SH2 (2424 Matawai Road);
- SH2 just south of Cliff Road;

- Rangatira Road – adjacent to the bridge; and

- Kanakanaia Road – alternative stopbank alignment location.

Roading pavement type will be reinstated on a like for like basis and to GDC and NZTA standards.

1.3.7. Earthworks, Borrow Pits, Land Disturbance & Laydown Areas

Earthworks/land disturbance will be required to excavate suitable material ("borrow site"), shape the embankment, and compact the fill to create the stopbank structure. The proposal will involve approximately 350,000m^3 of earthworks over an area of approximately 80 hectares. Cut/fill plans are included in the application.

The proposal includes the excavation of an approximately 7 ha borrow area adjacent to the Waipaoa River to obtain fill material for construction of the upgraded stopbank. The borrow area will be excavated to a depth of up to 2.5 m below existing ground level, remaining above groundwater levels. Topsoil will be stripped and stockpiled for reinstatement, and material from sections of the existing stopbank will also be excavated and reused as fill. Following construction, the borrow area will be reformed with battered side slopes (maximum 1V:3H), reinstated with stockpiled topsoil, and returned to pasture. Construction activities will involve the temporary deposition and storage of excavated material, including stockpiling adjacent to the river, within the floodplain, and on land outside the floodplain.

The proposal also includes several temporary construction laydown and site office areas located at Morris Road, SH2 Western Section, Rangatira Road, Paulson Road, and SH2 Eastern Section. These areas (up to approximately 0.5 ha each) will be used for the storage of construction materials, plant, machinery, site offices and contractor facilities. Where required, bulk fuel and hazardous substances will be stored in accordance with appropriate containment and security measures.

All temporary construction, laydown and site office areas will be reinstated on a like-for-like basis following completion of the works, with landowner approvals obtained prior to their use.

1.3.8. Vegetation Removal and Reinstatement

The proposed works described above will result in removal of vegetation along the project extent area in the location of the proposed stopbank. Vegetation clearance will involve the removal of low growing vegetation such as grass, weeds and shrubs as well as the occasional tree or group of trees (willows and macrocarpa). Any removal of mature trees will be

undertaken outside of the native bat roosting season (April to October) unless native bat surveys and investigative work is undertaken in accordance with Department of Conservation and Wildlife Act 1953 requirements.

Replanting of vegetation and trees removed will be subject to detailed design, landowner agreements and requirements from GDC Roading team. The majority of exotic trees removed are not proposed to be replaced but some will be replaced where practicable on a like for like basis and as agreed with landowners through a parallel civil agreement and PWA process.

A mitigation planting plan will be prepared for the new roading embankment at Rangatira Road to soften and screen past earthworks and operational bulk form. All plant species shall be natives / indigenous and be selected in accordance with Gisborne District Council roading guidelines and code of practices.

1.3.9. Waipaoa River Water Take & Dewatering

The proposal includes the temporary abstraction of water from the Waipaoa River for construction purposes, using mobile intake pumps fitted with 1.5 mm mesh screens. Up to1,000 m^3 of water per day may be taken at a maximum rate of 30 litres per second for activities such as dust suppression, concrete production, wheel washing, and vegetation reinstatement. Water use will be monitored through a metered and logged system, with records provided to Gisborne District Council.

Although groundwater conditions indicate that dewatering is unlikely to be required, consent is also sought to allow dewatering if necessary during construction. Any dewatering would be undertaken using mobile pumps to remove shallow groundwater or surface water from excavations, typically at a rate of 20L/s. Discharge water would be directed through appropriate treatment measures, such as sediment control devices or vegetated areas, to ensure compliance with relevant water quality standards before discharge. A management plan approach is proposed to address any dewatering activities should they be required during construction.

The applicant applied to take water from the Waipaoa A Block. However, upon being advised of its overallocation status and the applicants on the waitlist via a s92(1) request, the applicant indicated in their response that they are agreeable to looking at alternatives.

The applicant may need to consider alternatives such as:

- Use of B Block allocation;
- Use of the Gisborne public water supply which utilises water captured by the Mangapoike River dams (Williams, Clapcott and Sang) and the Te Arai Bush Catchment;

- Temporary transfer of water from a nearby consented well or surface water take; and
- Use of nearby private farm dam water or similar.

The need for alternatives will be worked out via this consenting process.

1.3.10. Culverts

- Multiple small-scale culverts along the stopbank will be constructed in overland flow path areas which are not considered rivers or streams as defined by the RMA and do not require consent.
- An existing twin culvert along SH2 will be extended by approximately 20 metres on the downstream side which requires resource consent. The concept design key features are:
    - have either an automatic or passive flood gate or
    - be designed with a length, height and width to support flood flows based on the existing level of service and the SH2 road corridor requirements.
- The perched nature of the culvert and fish passage will be improved through the introduction of a ramp at the downstream end of the culvert. The ramp design will be developed through the next design phase and provided for review and certification.

1.3.11. Construction Management, Methodology & Timing

A detailed construction methodology will be provided to the GDC Monitoring and Compliance Team prior to the commencement of works via a Construction Environmental Management Plan (CEMP).

A Constructability Assessment report prepared by Alta confirms the feasibility of construction and sequence of works is provided for the stopbanks work; the SH2 road raising and the SH2 culvert extension.

As part of a request for further information, the applicant has confirmed that:

- The existing stopbank will stay in place until the new one is constructed; and
- A borrow pit will act as a primary sediment treatment device and the grass berm as a filtration margin.

1.3.12. Property & Compensation Approach

Agreements to acquire or access the relevant land are currently being worked through with the relevant landowners via the PWA process where landowners will be compensated fairly for

full or partial acquisition where relevant. The PWA provides a clear framework for land acquisition, either by agreement or compulsorily, with the objective of placing affected owners in a “no better and no worse” position as a result of the Project.

Land requirements plans (LRP) are currently in draft form. Amendments will be required, particularly in relation to temporary occupation areas. In most cases, a stopbank results in exclusive occupation of land and therefore fee simple acquisition is generally more appropriate than an easement. However, where the stopbank is traversable and can support ongoing access that is sufficient for the affected land use, an easement may be appropriate to address severance issues.

Where soil is excavated from private land for borrow sites, a PWA lease covering the duration of works and reinstatement may be used. The applicant has identified properties not directly affected by the Project footprint that may be injuriously affected by changes to flood hazard levels. If flood hazard changes result in a negative impact on market value, owners may be entitled to compensation.

1.3.13. Proposed Consent Duration

In accordance with the relevant provisions of the TRMP and section 123 of the Resource Management Act (RMA), a five-year consent term is sought for the construction phase of the proposed works, including the water take from the Waipaoa River. Construction is anticipated to take approximately two to three years; however, a five-year consent duration is requested to provide flexibility should unforeseen delays occur.

The land use consents associated with the permanent components of the proposal, including the stopbanks, roads, and culverts, are sought on an ongoing basis and will not be subject to an expiry date.

1.4. Activity Status of the Application

The application triggers various rules in the Tairāwhiti Resource Management Plan (TRMP).

- to construct and operate stopbanks and various ancillary activities as a bundled Discretionary Activity under various rules of the Tairāwhiti Resource Management Plan (set out in Section 2.6).
- A **Controlled Activity** under Regulation 5(9) of the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health.
- The construction and operation of a culvert as a **Discretionary Activity** under Regulation 71 of the National Environmental Standards for Freshwater.

- The construction of specified infrastructure within 100m of a potential wetland under Regulation 45(3) & 45(4) of the National Environmental Standard for Freshwater as a **Discretionary Activity.**

These consents are to be bundled together.

- The construction and operation of a flap gate as a **Non-Complying activity** under Regulation 74 of the National Environmental Standards for Freshwater is to be processed as a separate but concurrent activity.

Submitters have raised concerns that the application should be bundled and assessed according to the non-complying activity status of the proposed culvert flap gate. I do not agree. While the flap gate forms part of the broader flood protection proposal, it is a discrete structure with distinct ecological and hydrological effects relating to fish passage, habitat values and residual flows, as reflected in Policy C6.3.12(5). These effects can be separately identified and assessed from the principal flood hazard management effects associated with the stopbank upgrade. Accordingly, the activities are not considered to overlap to such an extent that they cannot realistically or properly be assessed separately, and bundling is not considered necessary in this instance.

1.5. Description of the Site

The applicant has provided a detailed description of the Site and Receiving Environment in Section 3 of the AEE. The following summarises that content.

1.5.1. Te Karaka Township

The Te Karaka township is located 31 kilometres north-west of Gisborne City Centre. The township had a population of 576 in the 2023 Census. The Te Karaka township plays an important role in the local area, providing support to surrounding farming, horticultural and forestry operations.

1.5.2. River Environment and water allocation

The proposed area of works is rural lowland bordered by the Waipaoa River to the north, a hard-bottomed watercourse that originates from the eastern slopes of the Raukūmara Range. The Waipaoa River travels 80 km before flowing out to sea at Poverty Bay just south of Gisborne. The subject section of the river is too far inland to be considered part of the coastal environment. Te Karaka and the surrounding area comprises primarily productive land, and is utilised for highly productive horticulture, cropping and sheep and cattle grazing land. The surrounding area exhibits a low-lying and primarily flat topography and is therefore highly susceptible to flooding during heavy rainfall when the Waipaoa River overtops its banks.

The Waipaoa Catchment Plan (now incorporated into the Tairāwhiti Resource Management Plan (TRMP)) contains both instantaneous allocation caps (L/s) and a target for total annual allocation (m^3/year) for the Waipaoa A Block. However, for the B block there is no annual allocation limit specified. Only an instantaneous allocation cap is specified.

The TRMP sets an instantaneous allocation cap of 2,000 L/s for the Waipaoa A Block and requires the total annual allocation to be reduced to 6,267,500 m^3/year by 2020. The annual allocation was due to be revised in 2025, however, this revision was interrupted by the Plan Stop legislation introduced by the Ministry for the Environment.

For the B Block, an instantaneous allocation cap of 2,000 L/s is set under the TRMP.

Currently, the Council considers the A Block to be overallocated, as shown in Table 1 below.

TRMP DF1.4.3.2 Water Quantity Limits for Poverty Bay Flats - Waipaoa River at Kanakanaia	Rate of take (L/S)	Annual Volume (M^3)
Total Allocated A Block	1,887.94	21,556,568.50
Allocation A Block	2,000	6,267,500
A Block Allocation Status	112.06 available	15,289,068.50 over-allocated

Table 1: Waipaoa River Allocation Status as at 15 April 2026 - Source GDC Freshwater Team

There are also 39 applicants on the waitlist waiting on allocation to become available from A Block. The Waipaoa B-Block Allocation has allocation available as of 1 July 2026. Under the TRMP, 757 litres per second were allocated, meaning 1,243 litres per second is available. There is currently one active application seeking to take a new take from the B block at a rate of 268.8 L/s. This application has not yet been decided. However, even if this sought rate of take is granted, there is still water available to be taken from the B block. The GDC public water supply takes (consents WG108877, WG108878 & WG109634) from the Waipaoa River are required to implement water conservation measures and restrictions such as notifying all users that the reticulated supply is only to be used for essential domestic use (excluding

garden watering) and sanitation purposes when flows are at or below 1,300 L/s at Kanakanaia Bridge gauging site.

1.5.3. Existing stopbanks

The township is currently defended by 4.2km of stopbanks setback approximately 100m – 300m from the edge of the Waipaoa River. This existing flood scheme includes approximately 39 ha of floodplain to the north of Te Karaka. However, during cyclone Gabrielle, the river breached the stopbank causing widespread inundation of the township.

1.5.4. Utilities

Key infrastructure and network utilities that are adjacent to, span the project area or are part of the consequential flood risk assessment include:

- GDC wastewater treatment plant (WWTP) – SH2, Te Karaka;
- GDC water treatment plant (WTP) - 2 Kipling Road, Te Karaka;
- First Gas mains pipeline – runs along SH2, Te Karaka;
- Firstlight Network electricity network – throughout Te Karaka township;
- Puha Substation – Corner Whatatutu Road and Bridge Road, Puha; and
- Chorus – broadband network throughout the township.

Stormwater drainage runs through most of the township road network. A potable water supply is reticulated throughout the township as well as the sewer network and associated pump stations.

1.5.5. Roading

The local road network is owned and managed by GDC and is subject to speed restrictions (30km to 60km) in part and the township is bordered to the south by the NZTA State Highway 2 (100km zone). Two bridges (Kanakanaia Road Bridge and Rangatira Road Bridge) provide access over the Waipaoa River to the east and west of the township. Local road network traffic volumes in the local network are very low. Along SH2 around the Te Karaka area (between NZTA monitoring sites 406 and 429, see Figure 13), vehicle movements per day range from approximately 1,300 to 3,000 annual average daily traffic (AADT).

1.5.6. Other Infrastructure

Other resilience efforts were noted during a visit to Te Karaka, including a new solar farm, upgraded telemetry infrastructure, a Civil Defence centre located on higher ground, and plans

to relocate two marae. For some residents, floor levels have already been raised to reduce future flood risk.

1.5.7. Ecological Context

The ecological assessment prepared by SLR provides the ecological context for the proposal:

- Most of the flood scheme expansion area has been maintained as grazed pasture or crops since at least the 1940s and is therefore largely comprised of exotic pasture grasses and horticultural crops. It does not provide important habitat for indigenous flora or fauna and has been assessed as having ‘negligible’ ecological value;
- The riparian vegetation is primarily grey willow (Salix cinerea) planted for bank stabilisation dotted with occasional poplar. There is likely crack willow (Salix fragilis) also present;
- A small area of standing water in the willow shrubland area can be seen on the Tairāwhiti Services map but was not detected during the field visit. It remains unclear if it is a wetland or an area that ponds during heavy rain as part of an overland flow path. Given the nature of the surrounding area, it is likely that any wetland species present would be exotic. Therefore, the potential wetland area (see Figure 16) has been assessed as having ‘low’ value;
- eDNA sampling confirmed the presence of several fish species classified as At Risk – Declining. On this basis, the ecological value of the freshwater habitat within the Waipaoa River at Te Karaka is assessed as ‘moderate’. The ecological value of fish was determined to be ‘high’;
- Two At-Risk bird species were recorded in the Te Karaka area over the past five years. Birds may be using the site of the proposed works for foraging, but the habitat is of low/negligible value. The ecological value assigned for bird species was therefore ‘low';and
- Bats are not known to be using the site of the proposed works but have been identified 12 km away. However, due to the unknown presence or absence of bats in the proposed works area, and that it is possible for bats to utilise the tree habitat on site, monitoring and management is proposed.

1.5.8. Landscape Context

The landscape and visual assessment prepared by WSP provides the landscape context for the proposal:

- Te Karaka is a well-defined rural valley landscape, characterised by flat alluvial landforms, productive farmland, horticulture, and a compact rural settlement pattern that creates a strong sense of place;

- An existing stopbank already forms part of the landscape character, providing a subtle linear feature along the Waipaoa River and reflecting the area's long-standing approach to flood management;

- The landscape is strongly influenced by agricultural land use, with paddocks, shelterbelts, hedges, and boundary planting creating an ordered and visually cohesive pattern across the valley floor;

- Engineered flood protection structures are an established and accepted landscape element, consistent with the modified character of the river corridor and surrounding productive land uses; and

- The Waipaoa River corridor and surrounding hill country are key defining features, reinforcing Te Karaka's identity as a rural, agriculturally focused township within a distinctive and contained valley setting.

1.5.9. HAIL sites

A portion of the proposed works area is located on land recorded on the Hazardous Activities and Industries List (HAIL). The HAIL-identified areas are associated with historic activities including pre-1949 residential and farm buildings at 59 Kipling Road and 11 Rangatira Road (with potential for asbestos-containing materials and lead-based paint residues), historic storage areas at 29 Morris Road, and former orchard land crossing parts of the proposed alignment along Morris Road, Kipling Road, Paulson Road and Matawai Road. The orchard areas are recorded as HAIL sites due to their potential association with historical agrichemical use. The sites are shown in Figures 5 and 10-13 of the DSI.

The applicant has undertaken contaminated land investigations, including a Preliminary Site Investigation (PSI), Detailed Site Investigation (DSI) and Site Management Plan (SMP). The investigations concluded that contamination risks can be appropriately managed through implementation of the SMP and associated unexpected discovery procedures during construction works. The proposal therefore includes soil disturbance on HAIL land and consent is sought under the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health. Based on the information provided, the HAIL areas are localised and do not represent a constraint to the overall flood resilience project, subject to appropriate management during construction.

1.5.10. Other

- There are no statutory acknowledgement areas within the consent application area.
- Archaeological assessment has confirmed that there are no known archaeological sites within the footprint of the proposal.
- The GDC hazard maps (GDC, 2026) indicate that the proposed stopbank alignment is located within an area mapped as having a moderate liquefaction risk.
- The project area comprises fertile river-deposited silt loam soils which are considered highly productive soils.
- Groundwater was not encountered within the investigations.
- The soil description presented on the logs were consistent with fine-grained alluvial soils typical of the Te Karaka area.

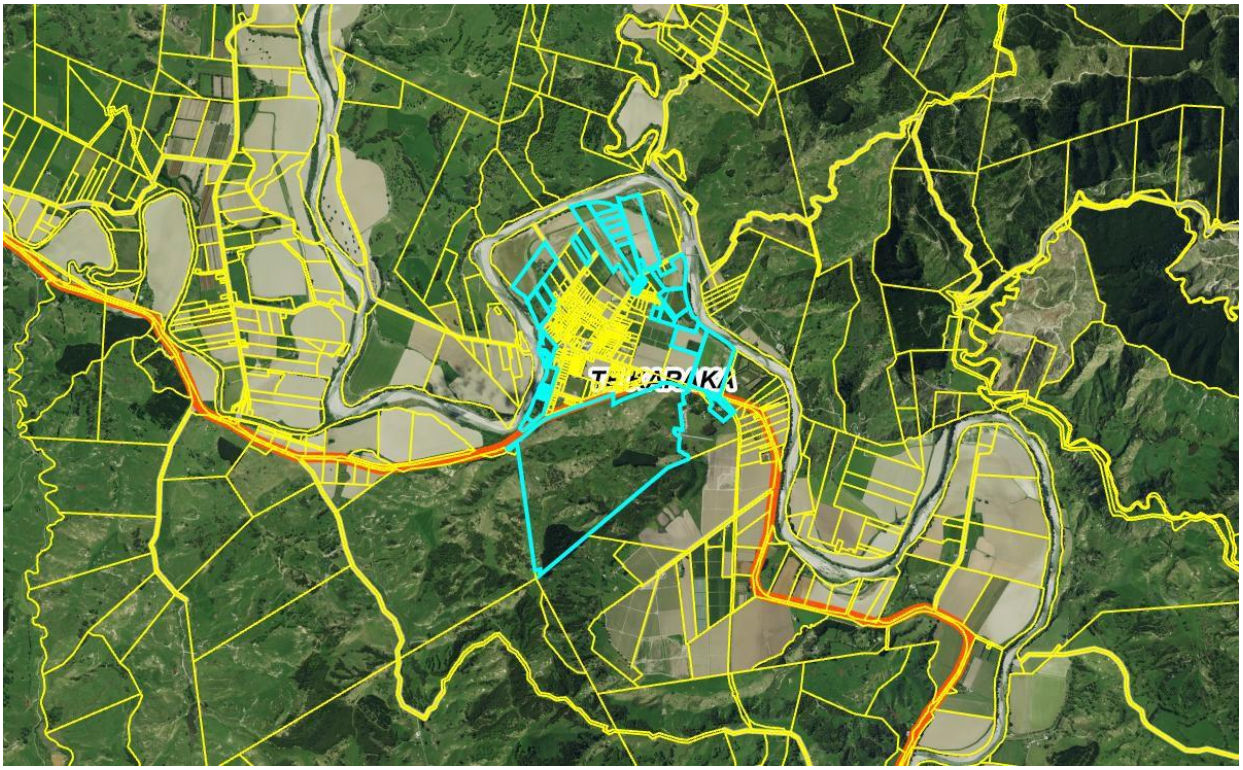


Figure 16 - Aerial photograph of site and surrounds. Source: Toitū Te Whenua (LINZ).

The subject site comprises the following private properties:

Applicant ID	Address	Legal Description

TK1	1 Matawai Road	Lot 2 Deposited Plan 570263
TK2	Cliff Road, Te Karaka	Lot 3 & PT Lot 2 DP 3062, Lots 1 - 4 DP 4355
TK3	25 Cliff Road, Te Karaka	Lot 1 DP 3062
TK4	27 Cliff Road, Te Karaka	Lot 1 DP 3109
TK5	Rangatira Road, Te Karaka	Part Lot 25 DP 1287 and Section 3 SO Plan 494650
TK6	9 Rangatira Road, Te Karaka	Part Lot 25 DP 1287
TK7	11 Rangatira Road, Te Karaka	Lot 1 DP 3768
TK8	Rangatira Road, Te Karaka	Section 9 Block IV Waikohu SD
TK9	Kipling Road, Te Karaka	Sec 1 2 SO 494650
TK10	1 Kipling Road, Te Karaka	Lot 15 DP 1145
TK11	7 Kipling Road, Te Karaka	Part Lot 16 DP 1145
TK12	29 Morris Road, Te Karaka	Lot 21 DP 1145
TK13	59 Kipling Road, Te Karaka	Lot 1-2 DP 2661, part Lot 18 DP 1145, Lot 1 & 2 DP 3322, Lot 1 DP 2909, Lot 1 DP 8784 & Part Section 44 Block IV Waikohu SD
TK14	Kanakanaia Road (16B & C Block)	Karaka 16B Block
TK15	Kanakanaia Road (16F Block)	Te Karaka 16F Block
TK16	Kanakanaia Road (16D Block)	Te Karaka 16D Block
TK17	Kanakanaia Road (16E Block)	Te Karaka 16E Block
TK18	End of Kipling Road	Part Karaka 15& 17 Block
TK19	Kanakanaia Road	Te Karaka 16 Road Line Block

TK20	90 Kanakanaia Road, Te Karaka	Karaka 11A2 Block

TK21	35 Paulson Road	Te Karaka 11B2 Block
TK22	Paulson Road	Lot 8-9 and Part Lot 7 Deposited Plan 1326,
TK23	Paulson Road	Part Karaka 7 Block
TK24	2424 Matawai Road, Te Karaka	Karaka 8 Block
TK25	Matawai Road	Section 3 Block IV Waikohu Survey District
TK26	2431 Matawai Road, Te Karaka	Lot 5 Deposited Plan 3085
TK34	82 Kanakanaia Road, Te Karaka	Lot 1-8 Deposited Plan 2332

Subject properties – roads and rivers (as these do not have records of title, they are depicted in Figure 2).

1	Matawai Road	N/A
2	Waipaoa River	N/A
3	Doc marginal strip	N/A
4	Rangatira Road	N/A
5	Kipling Road	New Zealand Gazette 2016 ln 2192 Balance Road Parcel
6	Kipling Road	N/A
7	Morris Road	N/A
8	Kipling Road	N/A

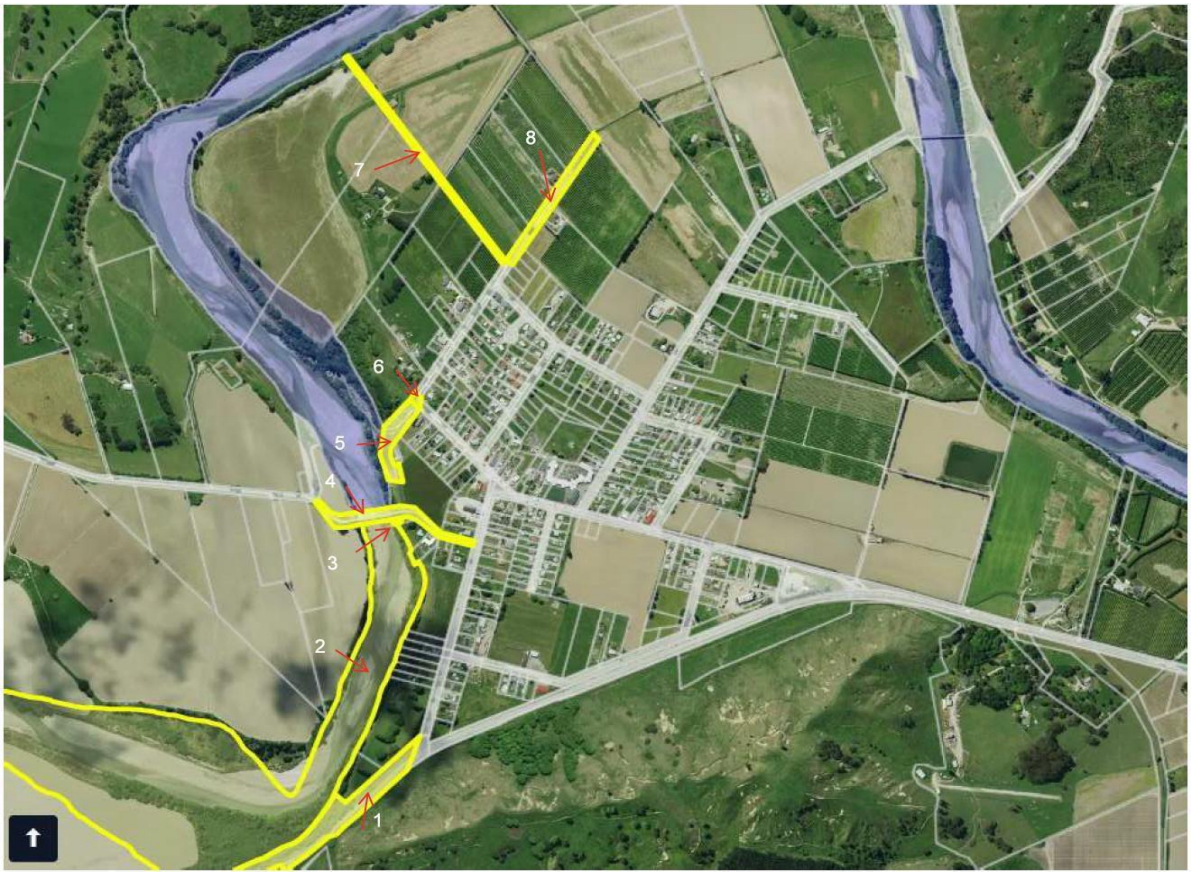


Figure 2 – Road and river parcels comprising subject site. Source: AEE.

1.5.11. Legal Interests in the Properties

The applicant has provided a full list of Legal Instruments in Table 3 of the AEE.

The following **relevant** interests are registered on the Records of Title:

Applicant's Reference	Address	Record of Title	Instrument/ Interests	Māori Land	Comment

TK13	59 Kipling Road, Te Karaka	GS2A/860/567/ 568/1364/1365 and GS2D/162	741 Order in Council imposing Building Line Restriction [BLR]; Consent Notice s221 RMA; Land Act / Coal Mines Act subject to Section 8.	No	Instruments / interests to be considered as part of landowner discussions.
TK14	Kanakanaia Road (16B & C Block)	GS2B/954, GS3C/1413	92936 Status Declaration 103188 Status Declaration Māori Land Court	No	Instruments / interests to be considered as part of landowner discussions.
TK15	Kanakanaia Road (16F Block)	486858	Section 124(1) Te Ture Whenua Māori Act 1993 & Status Declaration 8235252.4	Yes	Instruments / interests to be considered as part of landowner discussions.

			Māori Land Court		
TK16	Kanakanaia Road (16D Block)	488582	Section 124(1) Te Ture Whenua Māori Act 1993, Section 167(5) Land Transfer Act 1952, Māori Freehold Land.	No	Instruments / interests to be considered as part of landowner discussions.
TK17	Kanakanaia Road (16E Block)	489025	MFPO 8235260.1, Section 124(1) Te Ture Whenua	Yes	Instruments / interests to be considered as part of

			Māori Act 1993, Māori Freehold Land		landowner discussions.
TK18	End of Kipling Road	GS2B/1216 & GS2B/1225	Māori Freehold Land – s32(1) Māori Purposes (Wi Pere Trust) Act 1991	Yes	Instruments / interests to be considered as part of landowner discussions.
TK19	Kanakanaia Road, Te Karaka	502562	MFCO 8327057.1; Section 124(1) Te Ture Whenua Māori Act 1993, 8327057.2 Māori Freehold Land	Yes	Instruments / interests to be considered as part of landowner discussions.

TK20	90 Kanakanaia Road	GS131/4	88776 Status order pursuant to Part I of the Māori Affairs Amendment Act 1967 declaring that the status of the within land shall cease to be	No	Instruments / interests to be considered as part of landowner discussions.
			Māori Freehold Land		
TK21	35 Paulson Road	486631	MFPO 8238858.1; Certificate under Section 461 Māori Affairs Act 1953 See PR GS28/40 8238858.3 Māori Freehold	Yes	Instruments / interests to be considered as part of landowner discussions.

			Land		
TK22	Paulson Road	GS110/195	N/A	No	Instruments / interests to be considered as part of landowner discussions.
TK23	Paulson Road	GS4C/398	Transfer 154158.1; Land Covenant; Gazette Notice SH2; Transit NZ Notice	No	Instruments / interests to be considered as part of landowner discussions and noting NZTA.
TK24	2424 Matawai Road, Te Karaka	GS3B/1054	6184387.1 Gazette Notice (2004 p.1452) declaring	No	Instruments / interests to be considered as part of

			State Highway		

			No.2 to be a limited access road		landowner discussions and noting NZTA.
TK25	Matawai Road	GS3C/526	Subject to Section 59 Land Act 1948; Transfer 176364.1 pipeline and natural gas rights - 12.10.1989 at 9.10 am; 6184387.1 Gazette Notice (2004 p.1452) declaring State Highway No.2 to be a limited access road	No	Instruments / interests to be considered as part of landowner discussions, noting FirstGas and NZTA.

TK34	82 Kanakanaia Road, Te Karaka	GS3A/504	Set apart as a Māori Reservation for the purpose of a Marae. Māori Freehold Land.	Yes	Instruments / interests to be considered as part of landowner discussions.

The interests have been reviewed and there are none that are considered to preclude the installation of stopbanks in the intended location. In particular, the transport related restrictions (BLR, limited access roads) can be met.

1.6. History

1.6.1. Existing Stopbank

In the summer of 1987/88 construction began on a new stopbank designed to protect Te Karaka from a flood of 4,000 cubic metres per second (m3/s). When Cyclone Bola struck in March 1988 the work was almost complete except for one section near the end of Morris Road. Flood waters swept into Te Karaka through the uncompleted section and flooded part of the township. Following the flood, the uncompleted sections of stopbank were completed, and adjacent banks raised up to Cyclone Bola flood levels.

Due to rapid aggradation of the Waipaoa River post Bola, a review of the level of flood protection to Te Karaka was completed in 1997. By 2002, an upgrade of the scheme was completed which raised the stopbank between 300 mm and 1000 mm to a design capacity of 4,500m^3/s.

This existing stopbank will, in part, be raised. The proposal will involve replacement of the existing stopbank with a similar engineered structure, approximately 2m higher, and of comparable form, materials, and alignment.

1.6.2. Future of Severely Affected Land (FOSAL)

Following Cyclone Gabrielle, the Government introduced the Future of Severely Affected Land (FOSAL) framework to address future flood risk and support community recovery. The framework categorised properties based on the level of residual flood risk, with Category 1

applying where risk was considered tolerable, Category 2 where mitigation measures could reduce risk, and Category 3 where risk was considered intolerably high and relocation was required. Within Te Karaka, a number of properties were assessed through the FOSAL process, and Government funding of $13.2 million was allocated to Gisborne District Council to improve flood resilience through upgrades to the Te Karaka flood protection scheme. This forms part of a broader $71.1 million investment package aimed at enhancing flood resilience across the wider Tairāwhiti region.

1.6.3. Existing consents in the locality

The Waipaoa River Flood Scheme was granted resource consents LU-2017-107781-00 et al. These provided for similar stop banks in other locations but for the same river.

Existing resource consents in the area are shown in Figure 14 of the AEE and existing wells in Figure 15 of the AEE. No current resource consents appear to be affected by the project.

Bore GPO053 / GPO005 (GDC Te Karaka water supply bore) appears to be located where the existing and proposed stopbank is located. However, after liaising with the GDC Asset Management Team, the GDC online GIS records are incorrect. The GDC water supply well is located further to the east and not within the stopbank footprint.

2424 Matawai Road, Te Karaka, was granted resource consent LU-107252 to establish and operate an equestrian centre in the Rural General zone. Any matters regarding the equestrian operation at this property are being discussed as part of the parallel property consultation process.

A number of unrelated consents sit upon the various titles, such as bores (water takes) and other general consents in the town. There are no other consents considered relevant to assessing this proposal.

1.6.4. Statutory Acknowledgements and Areas of Interest

A statutory acknowledgement is formal recognition by the Crown of the mana of tangata whenua over a specified area. It recognises the particular cultural, spiritual, historical and traditional association of an iwi with a geographic feature, lake, river, wetland, or coastal marine areas.

The Waipaoa River is a statutory acknowledgement area for both Rongowhakaata, and Ngai Tāmanuhiri iwi[11]. In addition to statutory acknowledgement areas, iwi and hapū have ‘areas of interest’ (rohe) identified by the iwi themselves and mapped on the Council’s GIS. The Waipaoa River is included within the areas of interest for Te Aitanga a Mahaki and Te Whanau a Kai. These areas of interest are shown in the Figures below.

Figure 3: Te Aitanga ā Māhaki Area of Interest.

No Statutory Acknowledgements are held over the extent of works area, however an Area of Interest is mapped for Te Aitanga ā Māhaki iwi. The 'Area of Interest' is relevant to this decision for this application and is discussed in Section 5.0 of this report.

1.7. Process Matters

1.7.1. Site visit

I visited the site with the applicant (Rivers and Land Drainage team members) and representatives of Te Aitanga ā Māhaki on Monday 15 June 2026. I visited the culvert site, existing stopbank, Rangatira Road and Kanakanaia Road bridges, proposed stopbank location, Te Puha substation, Te Karaka Wastewater Treatment Plan, the township and surrounds; and properties with consequential flooding effects. All sites were viewed from public viewpoints.

1.7.2. Change of technical specialist

Following a change in role for Council's Resource Consents Science Advisor before the close of submissions, Stantec's freshwater ecologist has undertaken the freshwater ecology technical review and will provide freshwater ecology evidence for Council at the hearing.

1.7.3. Section 92 request

Council issued a comprehensive s92 RMA Request for Further Information (RFI) dated 26 May 2026 covering planning, flood risk, engineering, ecology, consultation, construction effects, water take, geotechnical matters, noise, contaminated land and environmental management. Interim requests were sent before the final formal request. The applicant provided additional technical information, updated assessments and amended draft consent conditions in a response dated 11 June 2026.

Key Matters Raised and Responses include:

Natural hazard risk / s106A RMA assessment

- Council sought stronger justification that the proposal met the s106A tests.
- The applicant provided a detailed supplementary assessment, concluding that while some properties outside the scheme may experience increased flood risk, the project delivers an overall reduction in flood hazard to Te Karaka and any residual effects can be managed through mitigation, consent conditions and the parallel Public Works Act (PWA) process.

Flood gate application

- Council queried whether the flood gate should be bundled with the main application.
- The applicant confirmed the flood gate is intended to be assessed separately because it has a different activity status under the NES-FW and is not integral to the wider stopbank project.

District Plan rule interpretation

- Council sought clarification on yard infringement provisions.
- The applicant confirmed these relate only to temporary construction buildings (portacoms) and not permanent structures.

Conditions and documentation updates

- Council requested updated conditions, drawings and report corrections.
- Updated conditions, revised drawings, hydraulic information and supplementary technical reports were provided.

Road raising and transport safety

- Council raised concerns regarding stopping sight distances, traffic safety and road geometry.
- The applicant advised a Safe System Audit had been completed and committed to further audits and detailed design refinements to ensure compliance with GDC standards.

Cultural Impact Assessment (CIA)

- Council requested the CIA and any consequential condition changes.
- The applicant advised the CIA was still being prepared, noted support from Te Aitanga ā Māhaki representatives, and requested processing continue with the CIA to be submitted when available.

Landowner consultation

- Council sought an update on affected landowner engagement and approvals.
- The applicant confirmed consultation is ongoing, valuations are underway through the PWA process, and written approvals had not yet been obtained.

Construction effects and sediment control

- Council requested details of sediment retention measures.
- The applicant explained that borrow pits would function as temporary sediment basins, supplemented by grassed berms and site-specific erosion and sediment controls.

Geotechnical and seismic matters

- Council requested further justification regarding ULS seismic performance and liquefaction.
- The applicant maintained that the risk of a major earthquake coinciding with a design flood is extremely low and that post-event inspection and repairs are an appropriate mitigation response.

Water take and allocation

- Council questioned the temporary construction water demand and allocation issues.

- The applicant provided updated water demand calculations, discussed alternative supply options and confirmed no change in the Waipaoa River allocation status since application lodgement.

Ecology and fish passage

- Council requested additional information on fish passage and flood gate designs.
- The applicant committed to incorporating fish passage improvements through detailed culvert design and advised the approach had been discussed with Council's science advisor.

Flood risk and geomorphology

- Council sought more information on consequential flooding, erosion, scour, sediment transport, bridge effects, hydraulic modelling and residual risk.
- The applicant supplied additional geomorphic, hydraulic and flood risk information, including previously omitted technical reports and model outputs, concluding that effects are generally localised and acceptable when weighed against the flood protection benefits.

Construction flood protection

- Council requested contingency measures during construction.
- The applicant confirmed existing stopbanks would remain in place until replacement sections are constructed to equivalent or greater protection levels.

Noise

- Council sought justification for proposed construction noise provision breaches.
- The applicant sought to retain its proposed approach but agreed to clarify provisions and introduced a definition and limits for "low noise and vibration activities".

Contaminated land

- Council raised potential historic contamination issues not covered in the application documents.
- The applicant reviewed additional information, concluded no further investigation was required, but updated the Site Management Plan to provide additional vigilance and unexpected discovery procedures.

Environmental management and construction methodology

- Council sought clarification on hydroseeding, SQEP definitions, certification timeframes and construction seasons.
- The applicant provided further explanation and accepted some requested amendments.

Material Changes Arising from the s92 Process

The section 92 response primarily provided additional justification, technical assessments and condition changes. However, several notable amendments to the proposal and proposed conditions resulted:

Hydroseeding removed from the proposal.

- Hydroseeding is no longer proposed. The applicant amended the proposal to use a harrow-and-spread seeding method and removed references to hydroseeding from the proposed conditions. This is a substantive change to the construction methodology.

Indigenous planting commitment added.

- The applicant confirmed indigenous species will be used for the Rangatira Road planting and updated the planting conditions accordingly.

Noise condition amendments.

- Conditions were amended to define "low noise and vibration activities" and introduce associated noise limits for works outside standard construction hours.

Site Management Plan updated.

- The SMP was amended to specifically address potential HAIL site risks and require heightened vigilance and implementation of unexpected discovery procedures in identified locations.

Consent condition updates generally.

- A revised set of consent conditions was provided, including updates relating to planting, environmental management, certification processes and construction management. The applicant also indicated further condition amendments may follow completion of the PWA process and CIA.

Acceptance of longer certification periods.

- The applicant accepted Council's request to increase plan certification timeframes from 10 to 20 working days.

New consent triggers

The applicant confirmed that they wish to apply for consent for the culvert with flood gate in the south-east stream under the following rules:

- TRMP: C6.3.2(18), C6.3.2(19) C6.3.2(20); and
- NES-FW: regulation / clauses 71(1) and 74(1).

The section 92 process largely focused on obtaining greater technical certainty regarding natural hazard effects, consequential flood risks, hydraulic modelling assumptions, geotechnical performance, ecological outcomes and construction management. The response did not fundamentally alter the stopbank proposal or project footprint but resulted in additional supporting technical information, revised conditions, removal of hydroseeding, a commitment to indigenous planting, updates to management plans and clarification of several operational and environmental management matters.

Public Notification

A notification decision was made by Mr Cam Twigley, Independent Hearings Commissioner on 8 July 2026, to publicly notify the application under section 95A of the RMA. The application was notified on Thursday 9 July 2026. Submissions closed on Friday 7 August 2026.

Further Section 92 requests

Further information or clarification was sought on the following matters as a result of submissions. The letter is dated 1 September 2026 but the requests were sent through as they were received by specialists.

1. Planning

Flap Gate Activity Status

- Clarify whether the stopbank scheme would still function (albeit less effectively) without the proposed culvert flap gate.
- This is relevant to whether the flap gate should be treated as a discrete component or whether its non-complying activity status should influence the overall application.

2. Development Engineering and Roading

Design Documentation

Provide:

- Safety audits.
- Construction drawings.
- Design reports/memoranda for both:
    - State Highway works.
    - Local Road works.

Pine Hollow Access Safety

Further clarify:

- Potential visibility issues caused by the new road crest.
- Risks for vehicles turning into/out of Pine Hollow.
- Visibility concerns for children riding miniature horses crossing SH2.

3. Landowner Consultation

Provide:

- Updated status of consultation with affected landowners.
- Confirmation whether any landowner agreements have been secured.
- Advice on any material changes to the application since notification. [

4. River Hydrology

Aggradation

Clarify:

- Whether the final design incorporates the +1.0 m aggradation scenario used during optioneering.

- Whether the additional 600 mm freeboard is applied on top of that scenario.

Debris Blockage

Clarify:

- Whether debris blockage scenarios have been modelled.
- Implications for inundation levels.
- Whether the 600 mm freeboard adequately accounts for blockage risk.

5. Consequential Flooding Assessment

General Matters

Provide:

- Assessment of current flood frequency on productive land.
- Future flood risk changes across AEP events.
- Changes to flood depth, duration and velocity.
- Confirmation that all affected properties have been identified and assessed.

Submission 6 & 64 (Jenny and Daniel Moran, 88 Rangatira Road)

Respond to:

- Aggradation concerns.
- Claims of increased flood risk under design events.
- Explanation of Bola versus Gabrielle flood flows.
- Woody debris concerns and implications for flooding.

Submission 76 (Coates)

Respond to:

- Why the occupied dwelling at 76 Whatatutu Road was excluded from assessment.
- Accuracy of modelling for the property.

- Cumulative effects of the wider stopbank scheme.
- Whether aggradation and debris-blockage assessments alter conclusions for the property.

Submission 67 (Neta Worsley / Takipū Marae)

Confirm:

- Whether Takipū Marae experiences a slight flood-risk benefit under the proposal.
- Whether the hazard classification remains H5.
- Whether the property remains FOSAL Category 3.
- Effects on the wider Takipū area.

6. Noise

Provide:

- A statement of the proposed noise and vibration management approach.
- Preliminary setback recommendations and mitigation measures, particularly regarding Pine Hollow concerns.

7. Environmental Management

Clarify:

- Any changes from previously stated requirements.
    - Expected water demand for dust suppression.
    - Potential contingency measures for water supply during anticipated El Niño conditions.

8. Landscape and Visual

Address the matters raised in the Isthmus peer review, including:

- Tangata whenua landscape values.
- Natural character effects.

- Effects of borrow areas and rehabilitation.
- Vegetation removal impacts.
- Effects of electrical infrastructure adjustments.
- Shading effects from increased stopbank height.
- Visual amenity effects for:
    - 9 and 11 Rangatira Road
    - 29 Morris Road
    - 54 Kipling Road
    - 59 Kipling Road

Matters Not Required Before the s42A

The letter notes the following will be addressed later through evidence rather than requiring immediate response:

- Final proposed conditions by Applicant.
- Potential changes to haul road and site compound locations at the McLanachan property.
- Freshwater ecology review and any associated questions.

A partial response was provided on 2 September 2026 and updated on 3 September 2026. The Applicant confirmed:

i. The stopbank would still function, albeit less effectively, without the culvert flap gate.

ii. An updated memorandum from WSP was forwarded, confirming that sightlines can be achieved for a small family car at the new vehicle access for Pine Hollow Family Trust.

iii. One landowner agreement has been obtained with the owner of 9 Rangatira Road. No material changes to the application are expected. Any required minor design changes will be accommodated by the updated proffered resource conditions that will be outlined in Sven Exeter's evidence.

iv. River hydrology items (aggradation, debris blockage scenario, assessment of frequency of flooding for productive land, consequential flooding) will be addressed in evidence. It is expected that the response will not materially change the 'effects' envelope.

v. Noise and vibration mitigation approach to address Pine Hollow Submitter concerns.

vi. Confirmation that the intended volume of water sought remains as set out in the initial application and initial s92 response.

vii. Provides an updated LVA in response to the Isthmus Peer Review questions.

Pre-Hearing Meeting/Other

No pre-hearing meetings are scheduled.

Changes to the application

There are no material changes to the design arising from the submissions process or request for further information as at 7 September 2026. Some design changes are anticipated later in the process, prior to the hearing to address the location of a borrow pit to address submitter concerns. Accordingly, there are no material revisions to the application or AEE made since the notification decision.

Minor changes include information provided in the Section 92 Response letter dated 2 September 2026. These are outlined in the preceding section.

The changes are not considered significant in terms of their potential to generate new or additional affected parties. These amendments are primarily focused on resolving council or submitter concerns or due to evolution of the design. They do not materially alter the scale, nature, or location of the proposed activities in a way that would impact parties beyond those already identified.

2.0 REASON FOR THE APPLICATION

The application has been assessed under the TRMP which is considered to be fully operative in relation to this proposal. The following rules are relevant to the application:

2.1. Reasons for the Application

Table 2: Rule Assessment

National Environmental Standards for Freshwater (amended 2025)	
Part 3 Standards for other activities that relate to freshwater	
Subpart 1 - Natural inland wetlands	
Construction of specified infrastructure	
45 Discretionary activities	
(3) Earthworks or land disturbance outside a 10 m, but within a 100 m, setback from a natural inland wetland is a discretionary activity if it— (a) is for the purpose of constructing specified infrastructure; and (b) results, or is likely to result, in the complete or partial drainage of all or part of the natural inland wetland.	**Discretionary** The project involves vegetation clearance, earthworks and the diversion of water adjacent to natural inland wetlands for the purpose of specified infrastructure.
(4) The taking, use, damming, or diversion of water within, or within a 100 m setback from, a natural inland wetland is a discretionary activity if—	**Discretionary** The project involves vegetation clearance,
(a) the activity is for the purpose of constructing or upgrading specified infrastructure; and (b) there is a hydrological connection between the taking, use, damming, or diversion and the wetland; and (c) the taking, use, damming, or diversion will change, or is likely to change, the water level range or hydrological function of the	earthworks and the diversion of water adjacent to natural inland wetlands for the purpose of specified infrastructure.

wetland.	
Subpart 3 - Passage of fish affected by structures	
Culverts	
71 Discretionary activities	
(1) The placement, use, alteration, extension, or reconstruction of a culvert in, on, over, or under the bed of a river is a discretionary activity if it does not comply with any of the conditions in regulation 70(2).	**Discretionary** The project involves the damming and diversion of an unnamed tributary of the Waipaoa River through the installation of a new culvert.
Passive flap gates	
74 Non-complying activities	
(1) The placement, use, alteration, extension, or reconstruction of a passive flap gate in, on, over, or under the bed of any river or connected area is a non-complying activity.	**Non-complying** The project involves the installation of a flood flap gate on a culvert.
National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health 2011	
9 Controlled activities	
	Controlled
(1) Removing or replacing fuel storage system, sampling soil, or disturbing soil	It is proposed to sample and disturb soil on HAIL land.

C6 Freshwater	
C6.1 Water Quantity and Allocation	
C6.1.2 Rules for Water Quantity and Allocation	
Rule Table C6.1.2	
Restricted Discretionary Activities	
6.1.2(6) The take and use of surface water or groundwater not lawfully established before the date of notification of this Plan.	**Restricted Discretionary** Up to 1,000 m^3/day (minimum 250m^3/day) of water at a maximum rate of take of 30 litres per second is proposed to be taken for general construction purposes from the Waipaoa River Dewatering for construction purposes.
C6.2 Water Quality and Discharges to Land and Water	
C6.2.3 Rules for Point Source Discharges	
Rule Table C6.2.3	
Restricted Discretionary Activities	
6.2.3(13) The point source discharge of all liquids to land or waterbodies and their margins where the discharge is: a) Not provided for in another rule in this plan; b) Not to Outstanding Waterbodies and Regionally Significant Wetlands identified in Schedules G17 and G18; c) Not a direct discharge to a waterbody or to land in a way that directly enters water above a community drinking water supply intake point; d) Will not result in a water quality objective not being met or a	**Discretionary** Dewatering discharge to land or water New drainage swales (if considered not permitted under Rules C6.2.3(2) or C6.2.3(7)).

limit/target being exceeded; and	
e) The discharge is not to a degraded waterbody where the discharge is a new discharge of contaminants which contribute to the degradation.	
C6.2.12 Rules for Solid Discharges	
Rule Table C6.2.12	
Discretionary Activities	
6.2.12(7) Activities that do not comply with the permitted activity standards or any other solid or fertiliser discharges not provided for in another rule in this plan.	**Discretionary** Stopbanks, borrow pit excavation and road raising.
C6.3 Activities in the Beds of Rivers and Lakes	
C6.3.2 Rules for Structures in the Beds of Rivers and Lakes	
Rule Table C6.3.2	
Discretionary activities	
C6.3.2(18) Use, erection,	**Discretionary**

reconstruction, placement, alteration, removal or demolition of any structure or part of any structure in the bed of a lake, river or stream which is not already provided for by a rule in the Plan or the river crossing regulations in the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017 where the structure is a river crossing associated with a plantation forest. Those regulations prevail over this rule where there is conflict.	Erection of the SH2 culvert in the unnamed tributary of the Waipaoa River and the south-east stream culvert.
6.3.2(19) Excavation, drilling, tunneling or otherwise disturbance of the bed of a lake, river or stream which is not already provided for by another rule in the Plan.	**Discretionary** Erection of the SH2 culvert in the unnamed tributary of the Waipaoa River and the south-east stream culvert.
6.3.2(20) Deposition of any substance in, on or under the bed of a lake, river or stream which is not already provided for by a rule in the Plan.	**Discretionary** Erection of the SH2 culvert in the unnamed tributary of the Waipaoa River and the south-east stream culvert.
C6.3.13 Rules for Damming, Diversion and Drainage of Streams, Rivers and Lakes	
Rule Table C6.3.13	
Discretionary activities	
6.3.13(4) Damming, diversion and drainage of water in the bed of a river or stream which does not comply with permitted activity standards, except for Outstanding Waterbodies in Schedule G18 – Outstanding Waterbodies.	**Discretionary** Stopbanks, road raising and culvert with floodgate.
C6.4 Riparian Margins, Wetlands	
C6.4.5 Rules for Riparian Management Areas	

Rule Table C6.4.5	
Restricted Discretionary Activities	
6.4.5(16) Vegetation clearance not provided for in another Rule within the Riparian Management Area of an Aquatic Ecosystem Waterbody identified in Schedule G15.	**Restricted Discretionary** Stopbanks, borrow pit excavation and road raising.
6.4.5(20) Land disturbance that exposes or disturbs more than 10m2 of earth per contiguous 100m of Riparian Management Area and/or exposes or disturbs more than 10m2 of earth over any 24 month period. Provided that: a) It is not a result of cable haul logging across a surface water body	**Restricted Discretionary** Stopbanks, borrow pit excavation and road raising.
C7 Land Management	
C7.1.6 Rules for Land Disturbance and Vegetation Clearance	
Rule Table C7.1.6	
Land Overlay 1	
7.1.6(9) Land disturbance and vegetation clearance activities which do not comply with the General Standards and are not provided for as Controlled or Restricted Discretionary Activities	**Discretionary** Stopbanks, borrow pit excavation and road raising.
C8 Natural Hazards	
C8.2 Flood Hazard	
C8.2.3 Regional Rules for Flood Hazards	

Rule Table C8.2.3	
Flood Hazard Overlay F1 (River and Floodway)	
8.2.3(2) Any activity in the road reserve that may result in the diversion or ponding of floodwaters, including any new road, road alteration or shape correction	**Restricted Discretionary** Stopbanks, borrow pit excavation and road raising.
8.2.3(4) Construction of soil conservation and river control works	**Restricted Discretionary** Stopbanks and road raising.
8.2.3(5) Earthworks which alter the level of the land	**Restricted Discretionary** Stopbanks and road raising.
8.2.3(7) Construction or installation of new structures associated with network utility activities	**Restricted Discretionary** Powerline and services relocation for stopbanks and road raising.
Flood Hazard Overlay F2 (High Hazard Areas) and Flood Hazard Overlay F2A (Moderate / High Hazard Areas)	
	Restricted Discretionary
8.2.3(16) Earthworks which alter the existing ground level	Stopbanks, borrow pit excavation and road raising.
8.2.3(19) Any activity within the road reserve that may result in the diversion or ponding of floodwater, including any new road, road alteration or shape correction	**Restricted Discretionary** Stopbanks, borrow pit excavation and road raising.
8.2.3(20) Construction of soil conservation and river control works	**Restricted Discretionary** Stopbanks, borrow pit excavation and road raising.
Flood Hazard Overlay F3 (Flood Ponding Areas), Flood Hazard Overlay 4 (Liable to Flooding) and Flood Hazard Overlay F5 (Flood Fringe Areas)	
8.2.3(27) Any earthworks that alter	**Restricted Discretionary**

the ground level in the FH3 & FH4 areas, including filling of ponding areas	Stopbanks, borrow pit excavation and road raising.
DD1 Residential Zones	
DD1.1 Residential Zones	
DD1.6 Rules	
DD1.6.1 Rules for Residential zones	
Rule Table DD1.6.1	
Restricted Discretionary Activities	
1.6.1(23) Temporary activities which do not comply with the rules for Permitted activities in respect of: a) Noise b) Duration of the activity c) Frequency of the activity d) Hours of operation	**Restricted Discretionary** All site compounds and lay down areas that may not meet setback and yard standards and noise and vibration standards; and all construction works at all locations works that may infringe noise and vibration standards C11.2.15.2.A.1 and C11.2.15.4.A.1.

DD4 Rural Zones	
DD4.6 Rules	
DD4.6.1 Rules for Rural zones	
Rule Table DD4.6.1A – All Rural Zones	
Restricted Discretionary Activities	
4.6.1 A(13) Activities listed as Permitted and Controlled which do not comply with the General Standards with respect to: a) Noise and vibration b) Lighting and Glare c) Recession plane d) Yards e) Infrastructure, works and services f) Duration, frequency and hours of operation of the activity g) Floor area of buildings	**Restricted Discretionary** All site compounds and lay down areas that may not meet setback and yard standards and noise and vibration standards; and all construction works at all locations works that may infringe noise and vibration standards C11.2.15.2.A.1 and C11.2.15.4.A.1.
4.6.1 A(15) Temporary activities which do not comply with the General Standards for Permitted activities in respect of: a) Noise b) Duration of the activity c) Frequency of the activity d) Hours of operation	**Restricted Discretionary** All site compounds and lay down areas that may not meet setback and yard standards and noise and vibration standards; and all construction works at all locations works that may infringe noise and vibration standards C11.2.15.2.A.1 and C11.2.15.4.A.1.

2.2. Overall Status

The overall activity status of the proposal is Discretionary, with the passive flap gate assessed separately as a Non-Complying Activity.

a. Bundled Discretionary activities: The stopbank works and associated activities trigger a range of Controlled, Restricted Discretionary and Discretionary provisions under the TRMP, NES-CS and NES-F. These activities are assessed together as a Discretionary Activity.

b. Separate Non-Complying activity: The passive flap gate is a Non-Complying Activity under Regulation 74 of the NES-F and is assessed as a separate but concurrent activity.

3.0 SECTION 95-95E NOTIFICATION OF THE APPLICATION

A decision was made under sections 95A – 95E of the Resource Management Act 1991 to process the application on a **Publicly Notified** basis for the following reasons:

- Adverse consequential flood effects are likely to be more than minor at some locations.
- Public notification provides an opportunity for affected parties and members of the public to submit and participate in the resource consent process.
- Public notification provides an opportunity for the applicant to undertake further consultation and engagement and resolve any outstanding issues where possible.

4.0 SUBMISSIONS ON THE APPLICATION

4.1. Submissions

Submissions were received as follows:

- 87 submissions were received in total;
  - 72 submissions are in support of the proposal;
  - 2 submissions are neutral toward the proposal; and
  - 13 submissions oppose the proposal.

4.2. Late Submissions

3 submissions were received late. These are:

1. Johanna King on behalf of Kenneth and Karen McLanachan – Oppose. Received at 4:28pm on 7 August 2026;

2. Johanna King on behalf of Pine Hollow Family Trust – Oppose. Received at 4:28 pm on 7 August 2026. This submission was further amended from Oppose to Support in Part on 3 September 2026. This report takes into account that amendment; and

3. Lyn Brown – Support – received complete submission (confirmation of Support) Received at 9:00 am on 18 August 2026.

Three submissions were received after the statutory closing date for submissions. Pursuant to section 37 of the Resource Management Act 1991, the Council may waive compliance with procedural requirements where it considers it appropriate to do so. In this instance, I am satisfied that accepting the late submission(s) will not result in any material prejudice to any party and will assist in ensuring that all relevant views are considered. Accordingly, I recommend that the Hearing Panel exercise its discretion to accept the late submission(s) and treat them as valid submissions for the purposes of this hearing.

4.3. Submitters wishing to be heard

12 submitters wish to be heard at the hearing. These submitters are:

4. Tracy Wilson (#1) – Oppose;

5. Jenny Moran (#6) – Oppose;

6. Ross Muir on behalf of Murray & Wendy Burgess (#7) – Oppose;

7. Stephen & Valerie Newman (#22) – Neutral;

8. Daniel Moran (#64) - Oppose;

9. Jacqueline Hema (#73) – Oppose;

10. Michael Hewitt Haami (#74) - Support;

11. Wi Pere Trust / Tim Rhodes (#75) – Oppose in Part;

12. Chris Coates on behalf of JRD & PA Coates Family Trust (#76) – Oppose;

13. Te Aitanga a Māhaki Trust et al. (#77) (counted as one submission) – Support;

14. Kenneth & Karen McLanachan (#80) – Oppose; and

15. Pine Hollow Family Trust (#81) – Oppose.

4.4. Summary of Submission Themes

A total of 87 submissions were received on the application, comprising a substantial majority of submissions in support of the proposal, together with a smaller number of opposing submissions and a limited number of neutral submissions. The detailed summary

of all submissions is attached as Appendix 3. The key themes raised by submitters are summarised below.

4.4.1. Support for Improved Flood Protection and Community Resilience

The predominant theme amongst supporting submitters was strong support for the proposed stopbank upgrade as a means of improving flood protection for Te Karaka and increasing community resilience following the impacts of Cyclone Gabrielle and previous flooding events. Submitters considered the proposal necessary to protect homes, businesses, community facilities, infrastructure, and residents from future flooding.

Many submitters referred to their direct experiences during Cyclone Gabrielle and expressed a desire for greater security and certainty regarding future flood events. Several submitters, including Submission 5 (Nicky-Marie Kohere-Smiler), Submission 77 (Te Aitanga a Māhaki Trust and associated entities), and Submission 65 (Alex Walker), emphasised the importance of the upgrade in supporting community wellbeing and recovery.

A number of supporting submissions also highlighted the importance of pairing physical flood protection works with ongoing emergency management planning, community preparedness initiatives, and partnerships between Council, iwi and community organisations. Submissions 5 and 77 were particularly focused on this theme.

4.4.2. Property-Specific Flooding and Increased Risk Outside the Protected Area

The most common issue raised by opposing submitters related to concerns that the proposal would transfer flood risk to properties located outside the area benefiting from the upgraded stopbanks.

Submitters including Submission 6 (Jenny Moran), Submission 64 (Daniel Moran), Submission 66 (Ngawai Walmsley), Submission 67 (Neta Worsley and others), Submission 75 (Wi Pere Trust), and Submission 76 (JRD and PA Coates Family Trust) expressed concern that the proposal would increase flood depths, flood frequency, flood hazard classifications, or consequential flooding effects on upstream or adjacent properties. Several submitters considered that adverse effects on these properties had not been adequately assessed and sought design changes, additional protection measures, or further technical assessment.

A recurring concern was that flood protection benefits would accrue primarily to the township while neighbouring landowners would bear increased flooding effects without receiving equivalent protection.

4.4.3. Flood Modelling, Aggradation and Technical Information

Several opposing submitters questioned aspects of the flood modelling and technical assessments underpinning the application.

Submissions 6, 64, and 76 raised concerns regarding assumptions within the hydraulic modelling, the treatment of river bed aggradation over time, potential bridge blockage scenarios, future freeboard performance, and the adequacy of assessments for over-design flood events. Submitters generally sought additional modelling, peer review, or further assessment before a decision is made.

Some submitters also questioned whether alternative flood management options, including retaining and raising existing stopbanks, had been sufficiently considered during the optioneering process. This issue was raised in Submissions 22, 75 and 80.

4.4.4. Long-Term Effectiveness and Sustainability of the Flood Protection Scheme

A number of submitters questioned the long-term effectiveness of the proposed stopbank upgrade and whether it represents a sustainable solution to flood risk in the Waipaoa River catchment.

Several submitters, including Submission 6 (Jenny Moran), Submission 64 (Daniel Moran), and Submission 76 (JRD and PA Coates Family Trust), expressed concern that ongoing riverbed aggradation may progressively reduce the level of protection provided by the stopbanks over time. These submitters considered that the proposal may only provide a medium-term solution unless complementary measures are implemented to address future aggradation and changing flood behaviour.

Related concerns were raised about the proposal's performance during over-design flood events, the longevity of the proposed freeboard, and the potential for increasing residual flood risks over time. Several submitters sought further assessment of future scheme performance and how the stopbanks would function under changing river conditions and sediment accumulation scenarios.

Some submitters also questioned whether the preferred option appropriately addresses the root causes of flooding and considered that alternative approaches, including raising the existing stopbanks or broader catchment-scale flood management solutions, should have been given greater consideration. Submissions 6, 22, 75, and 80 raised concerns regarding the evaluation of alternatives and whether a more enduring solution may be available.

Submission 67 (Neta Worsley and others) advocated for longer-term flood management planning that combines engineering responses with restoration of natural river processes and consideration of future flood protection needs outside the immediate Te Karaka township area.

Overall, submitters raising this issue sought greater assurance that the proposal would remain effective over the long term, adequately account for future river changes and sedimentation, and form part of a broader strategic approach to flood risk management across the catchment.

4.4.5. Effects on Bridges, Access and Lifeline Infrastructure

A number of submitters expressed concern about potential effects on key infrastructure, particularly the Rangatira Road Bridge, Kanakanaia Road Bridge and Whatatutu Road Bridge.

Submissions 6, 64 and 66 raised concerns regarding increased hydraulic loading, scour, debris accumulation, access disruption and the potential loss of transport connections during future flood events. These submitters considered that bridge risks had not been fully assessed and sought additional investigation and mitigation measures.

Powerco (Submission 79) also identified potential effects on electricity infrastructure, noting that network alterations may be required and that increased flood risk to the Puha substation may warrant mitigation measures. They are neutral to the application overall.

Conversely, NZ Transport Agency Waka Kotahi (Submission 54) supported the proposal, noting resilience benefits for State Highway 2 and expressing satisfaction that safety audit recommendations had been incorporated into the design.

4.4.6. Landscape, Visual Amenity and Rural Character Effects

Several submitters raised concerns regarding the visual and amenity effects associated with the proposed stopbank alignment and associated works.

Submission 80 (Kenneth and Karen McLanachan) expressed concern that the proposed stopbank would be located substantially closer to their dwelling than the existing stopbank and would obstruct valued rural views across their property. The submitters considered the stopbank would alter the rural character and outlook from the dwelling, increase shading, and adversely affect visual amenity values and the enjoyment of the property.

Submission 22 (Stephen and Valerie Newman) similarly raised concerns about the physical presence of the stopbank adjacent to an existing dwelling at 54 Kipling Road, stating that it would affect views and the quality and amenity of the property. They also noted potential effects on the operation and layout of their orchard arising from the stopbank alignment.

Related amenity concerns were raised in Submission 81 (Pine Hollow Family Trust), including the removal of mature shelterbelt vegetation, increased wind exposure, dust generation, and changes to the visual and rural environment associated with stopbanks, borrow pits, haul roads and construction activities.

Overall, submitters raising landscape and visual concerns sought amendments to the stopbank alignment and associated construction areas to reduce effects on visual amenity, rural character, outlook, and the enjoyment and use of rural properties.

4.4.7. Effects on Farming, Horticultural and Rural Business Activities

A number of submissions raised concerns regarding effects on productive rural land and business operations.

Submission 7 (Burgess Family Trust), Submission 80 (McLanachan family) and Submission 75 (Wi Pere Trust) identified concerns relating to loss of productive land, increased flooding of orchards or farmland, effects on stock management, impacts on highly productive soils, and the long-term economic viability of existing rural operations.

Several submitters also raised concerns regarding the location of borrow pits, haul roads, laydown areas and construction activities on productive land.

Specific concerns were raised regarding impacts on equestrian activities and horse-trekking operations. Submission 73 (Jacqueline Hema) and Submission 81 (Pine Hollow Family Trust) considered that aspects of the proposed stopbank alignment, fencing, borrow pits and construction works would adversely affect established riding school located at 2424 Matawai Road (or TK24) and horse-trekking activities through restrictions on access, safety risks and operational disruption. These submitters sought design amendments, access provisions and additional mitigation measures.

4.4.8. Cultural Values and Māori Land

Several submissions emphasised the cultural significance of affected land and the importance of recognising tangata whenua values.

Submission 67 (Neta Worsley and associated whānau) highlighted the cultural importance of the Takipū/Ruangārehu area, concerns regarding increased flood risk to culturally significant whenua, and the need for equitable consideration of future flood protection options.

Submission 75 (Wi Pere Trust) raised concerns regarding effects on ancestral Māori land and considered that the application did not sufficiently address the relevant statutory considerations associated with Māori land ownership and management.

In contrast, a number of iwi-affiliated organisations and marae representatives, including Rangatira Marae and Te Aitanga a Māhaki Trust, expressed support for the proposal and its contribution to community wellbeing and resilience.

4.4.9. Consultation, Process and Decision-Making

Several opposing submitters expressed concerns regarding consultation undertaken during project development and sought greater transparency regarding the optioneering process, technical assessments and community engagement.

Submissions 6, 64 and 76 questioned aspects of the consultation process and considered that local knowledge and the concerns of potentially affected landowners had not been adequately reflected in the development of the preferred option. A number of submitters also requested that independent hearing commissioners be appointed to determine the application.

Several submitters questioned the separate consenting and assessment of the proposed flood flap structure as a non-complying activity and considered that all components of the flood protection scheme should be assessed together, including any implications for activity status and overall effects.

4.4.10. Property Acquisition, Compensation and Fairness

A significant theme amongst opposing submissions related to compensation and the perceived fairness of the proposal.

Submitters including Submissions 6, 64, 75 and 76 argued that properties experiencing increased flood risk may not be adequately compensated under the proposed approach. Several submitters considered that reliance on future Public Works Act processes created uncertainty and sought compensation, mitigation measures, or equivalent flood protection to be secured prior to consent being granted.

Some submitters also questioned whether the adverse effects experienced by properties outside the protected area had been appropriately weighed against the benefits delivered to the township.

The Hearing Panel notes in Direction #1 that a number of the submissions raise issues of land acquisition and compensation. The Panel notes that issues concerning land acquisition and compensation are addressed through separate statutory mechanisms, including the Public Works Act 1981. The Panel's role is confined to determining the resource consent applications before it under the Resource Management Act 1991 (RMA). Accordingly, the Panel is unable to determine compensation claims or Public Works Act matters and therefore parties should neither assume that any findings made in this proceeding will determine those issues nor seek to address those specific matters in this hearing. The Panel will, however, consider evidence relating to flooding and other environmental effects to the extent that such matters are relevant under the RMA. The Panel requests that evidence and information presented at the hearing is focussed on RMA matters.

4.4.11. Summary

Overall, submissions in support focused on the substantial social, safety and resilience benefits expected from improved flood protection for Te Karaka, while submissions in opposition primarily focused on potential increases in flood risk outside the protected area, effects on property and infrastructure, adequacy of modelling and assessment,

compensation matters, and impacts on residential amenity, productive land and existing rural activities.

5.0 SECTION 104 CONSIDERATION OF THE APPLICATION

When considering applications for resource consent and any submissions received, the Council must have regard to any actual and potential effect on the environment.

5.1. Effects Disregarded

Pursuant to Section 104(2) of the RMA, when forming an opinion for the purposes of Section 104(1)(a), a Council may disregard an adverse effect of the activity on the environment if a plan or national environmental standard permits an activity with that effect. This is commonly referred to as the permitted baseline. It is only the adverse effects over and above those forming a part of the baseline that are relevant when considering an application.

The purpose of the permitted baseline test is to isolate, and make irrelevant, the effects of activities on the environment that are permitted by the plan. When applying the baseline, such effects cannot then be taken into account when assessing the effects of a particular resource consent application. The baseline has been defined by case law as comprising the "existing environment" and non-fanciful (i.e., credible) activities that would be permitted as of right by the plan and/or national environmental standard in question. In this case, the activities permitted by the plan include solid discharge to land up to 500m^2, vegetation clearance up to 100m^2, and clearance and maintenance of drains. While the proposal will exceed these standards, only the exceedances of these standards would be considered under the permitted baseline.

It is noted that Regulation 51 of the NES-F allows for natural hazard works as a permitted activity for the purpose of: removing material, such as trees, debris, and sediment, that —

a. is deposited as the result of a natural hazard; and
b. is causing, or is likely to cause, an immediate hazard to people or property.

A portion of the material being removed has been deposited as a result of previous flood events; however, it is acknowledged that some of the material will have also been deposited as a result of natural processes.

Notwithstanding this it is considered that parts of the proposal could generally fall under the permitted activity regulations, noting that the activity is inherently being proposed to reduce the immediate risk to people and property during extreme weather events. Some weight can be given to the permitted activities (baseline) under the NES-F.

Overall, the permitted baseline has some relevance to the proposal.

Pursuant to Section 104(3)(a) of the RMA, when forming an opinion for the purposes of Section 104(1)(a), a Council must not have regard to any effect on a person who has given written approval to the proposal, nor any trade competition or effects of trade competition. No written approvals have been obtained, and trade competition is not a relevant consideration.

5.2. Actual and Potential Effects Relevant to This Proposal

As the proposal comprises a bundled discretionary activity; and a non-complying activity, there are no statutory restrictions on the scope of matters that may be considered when assessing actual and potential effects on the environment.

The assessment of actual and potential effects on the environment is organised under 15 headings below. Of these, I consider 10 matters to be relatively straightforward and appropriately addressed through the application of the Council's standard conditions. The remaining 5 matters are more complex and require detailed consideration. These are:

1. Effects on Hydrology and River Dynamics
2. Consequential Flood Effects
3. Effects to freshwater ecology
4. Landscape and visual effects
5. Effects on Tangata Whenua Values

5.3. Effects on Hydrology and River Dynamics

With regard to the effects of the proposal on river hydrology and dynamics, the applicant has provided several key reports with the Application. The first is an Options Report prepared by Tonkin and Taylor (more); the second, a High Level Geomorphic Assessment (carried out during the optioneering phase of the project which considered multiple options but focused on two main options, being a full retreat or an upgrade on the existing alignment.

The options report concludes that the chosen option of relocating the stopbank to the south will affect the current hydrology of the river, by increasing the flood capacity of the river. However, there is evidence that previous heavy rain events, such as Cyclone Gabrielle, have resulted in siltation of the riverbed and berm areas and a subsequent reduction in the capacity and conveyance of the Waipaoa River in this location. This exacerbates flooding in severe weather events. Aggradation is expected to continue, and as such, the applicant considers that the retreated stopbank is likely to be a medium-term (likely in the order of

decades), rather than long-term solution to flood defence for the township. Further works will then be required but it is not known when. The applicant considers that aggradation would occur with or without the scheme in place. Their overall conclusion is that when compared with the 'do nothing' scenario, the proposed stopbank upgrade is expected to contribute to a reduction in the rate of aggradation within the project reach and to improve flood conveyance and capacity. The proposed works will not adversely affect minimum flows or base water levels within the Waipaoa River.

With regard to the geomorphic assessment, the applicant has concluded:

- "*that the proposal is likely to result in localised changes to erosion and deposition patterns, primarily in areas of increased velocity such as channel margins, meander bends and adjacent floodplain pockets.*
- *These changes are consistent with the existing behaviour of the Waipaoa River, which is characterised by episodic and spatially variable sediment transport and reworking during large flood events.*
- *Aggradation within the river and on the floodplain is expected to continue in this reach regardless of the proposed stopbank works, because of the high sediment load in the Waipaoa River. A berm assessment by Tonkin and Taylor also supports these assertions.*
- *The proposal does not fundamentally alter the highly dynamic sediment regime of the Waipaoa River, and the magnitude and spatial extent of predicted changes are considered to fall within the expected range of geomorphic variability for this system."*

With regard to risk, the applicant notes the following:

"the proposed stopbank will substantially reduce flood risk to people and property within the protected area. For locations beyond the protected area and other third-party assets (aside from the bridges), the localised nature of the geomorphic changes means that any additional risk is considered minor. Because these changes fall within the river's existing baseline of dynamic variability, they are not expected to generate significant new or unacceptable risks to surrounding properties".

Council's Consultant hydrologist has reviewed the material provided with the application. They requested further justification for the acceptability of effects and risks, which has been provided, discussed above and accepted.

They specifically requested further information regarding the impact of scour directly on the stopbank. The applicant has stated that there would be a reduction in shear stress along the critical outer bend after the upgrade; and that in other locations there would be a low susceptibility to scour-related effects due to the stopbank setback from the river edge.

They requested further information about potential changes to sediment transport and scour resulting from the proposed works, especially on river stability and nearby assets

(bridges). The applicant has reiterated that although the works may change the location of erosion/deposition locally, including greater deposition due to a widened river corridor, it is unlikely to materially change the broader aggradation of this reach of the river. Bridge scour assessments do indicate potential for an increase in scour depth of approximately 0.7m at Rangatira Road Bridge; and 0.8m at Kanakanaia Road Bridge.

Submissions 6, 64, and 76 raised concerns regarding assumptions within the hydraulic modelling, the treatment of river bed aggradation over time, potential bridge blockage scenarios, future freeboard performance, and the adequacy of assessments for over-design flood events. Submitters generally sought additional modelling, peer review, or further assessment before a decision is made.

As a result, the applicant was asked to clarify whether a +1.0 m aggradation scenario was included in the hydraulic modelling during the optioneering and final design phases and whether the +600 mm freeboard allowance has been applied in addition to this aggradation scenario. The applicant has confirmed that this matter will be addressed in evidence. It is expected that their response to this matter will not materially change the 'envelope' of effects already assessed. The consultant hydrologist has also requested development of monitoring and adaptive management measures to address long term aggradation and scheme performance uncertainty, informed by the sensitivity of the scheme performance to aggradation.

Acknowledging that bridge assessment forms part of the detailed design, it is unclear whether a debris blockage scenario has been considered within the hydraulic modelling and assessment of inundation depths, and how such a scenario would affect the 600 mm freeboard. Council's consultant hydrologist considered this to be critical to the stopbank design and may not be appropriate to be accommodated within the freeboard allowance unless adequately assessed and justified. The applicant has confirmed that this matter will be addressed in evidence. The applicant expects that their response to this matter will not materially change the 'envelope' of effects already assessed.

The applicant was asked to provide an assessment of how frequently productive land currently floods and how flood risk is expected to change in the future, including consideration of AEP, flood duration, and flow velocities to assist in determining whether the resulting level of risk is acceptable and support a balanced assessment of effects. The applicant has confirmed that this matter will be addressed in evidence. The applicant expects that their response to this matter will not materially change the 'envelope' of effects already assessed.

Overall, the applicant deems the effects acceptable in the context of existing river behaviour. There is a good level of agreement between the applicant and the technical experts; and I accept and rely upon these expert opinions. Assuming that the effects envelope does not change; and subject to the construction being carried out in accordance with the approved design drawings and specifications, I consider that the actual and

potential effects to river hydrology are likely to be acceptable. However, there remains a degree of uncertainty regarding the nature and scale of the potential river hydrology effects. While I have undertaken a preliminary assessment based on the information currently available, I am not in a position to form a final view at this stage. My recommendation may require reconsideration should further evidence presented through the hearing materially alter the understanding of these effects.

Culverts

It is proposed that detailed design of the culverts is prepared a later stage (20 working days prior to construction). The culvert shall not cause a significant increase on upstream water levels or flooding on neighbouring properties.

The McLanachans (Submission #80) considered that they are concerned that the actual flood effects on their property cannot be fully assessed until detailed culvert designs are completed and reviewed. Pine Hollow Family Trust (Submitter #81) consider existing stopbank culverts do not adequately drain floodwaters and believes the detailed design of new culverts and floodgates remains uncertain. Concerns are raised that the effects on flooding cannot yet be fully assessed, and larger culverts are sought to avoid drainage bottlenecks and ponding.

Council's consultant hydrologist has reviewed the proposal and are comfortable that culverts can be designed at a later stage. Scour potential at bridges should be calculated and mitigated. I am satisfied that the hydrological effects of the culverts will be minor or less.

Residual flood effects

Residual flood risk is the flood risk that remains after all reasonable flood protection and mitigation measures have been implemented. Residual flood risk (beyond the design event) remained a key issue raised through submissions. Council's consultant hydrologist, in their review of the application, recommended improved assessment and communication of residual risk, including overtopping and breach scenarios.

They identified that the information currently available provides insufficient detail regarding stopbank overtopping pathways, potential breach initiation locations, breach progression and emergency response implications. They recommended that the applicant provide longitudinal stopbank profiles, crest elevations, modelled flood levels including debris loading on bridges, assessment of possible overtopping locations and assessment of sensitivity to aggradation and freeboard.

The existing plan should be updated to address increased flood hazard risk to Kanakanaia Road bridge and Mangaone Road with updates undertaken by a suitably experienced and/or qualified person(s). The updates to the plan shall include but not be limited to

updated flood hazard maps and evacuation maps; updates to the warning system and trigger points and a process for advance warnings to local residents of alternative routes, evacuations and bridge and road closures where required; and an outline of all mitigation measures required to reduce flood risk and impacts on the community to an acceptable level with regard to health and safety before and during flood events.

The applicant has proposed a condition of consent to ensure Flood Evacuation Contingency Plan Updates & Mitigation Measures. I consider it is appropriate to work out the details of Flood Evacuation Contingency plan at a later date.

5.3.1. Consequential Flood effects

The applicant has provided a Consequential Flood Risk Assessment with the application, prepared by Tonkin and Taylor. The stated purpose of the assessment is to evaluate the consequential adverse flood effects of the proposal for locations outside of the immediate benefit area. The key impacts are:

- Within the protected benefit area, 215 buildings experience a flooding benefit during the design event.
    - Within this area of reduced flood risk, there are 179 residential dwellings, 21 commercial parcels and an estimated population of 531. There is also a school, which also acts as an emergency management centre, two early childhood centres and other community facilities (churches, store, petrol station).
- Due to a reduction of effective flood plain storage and subsequent narrowing of the flood corridor, land immediately upstream and adjacent to the stopbank experiences increases in flood depth, velocity and hazard, with 10 hectares of newly flooded land and 157 hectares experiencing a hazard category increase during the design event.
    - Outside the protected area, 23 buildings (including 6 residential dwellings) are predicted to experience adverse flooding effects. Flood impacts on road infrastructure follow a similar pattern, with roads within the township being protected, while adjacent rural roads experiencing increased flood depths and hazard classifications.

In preparing the assessment, the model was used to evaluate ‘pre-upgrade’ and ‘post-upgrade’ cases across three event scenarios: a Cyclone Gabrielle-sized event, a 5,625 m^3/s design event (approximately a 100-year annual recurrence interval event, in the present day), and an over-design event (approximately a 500-year annual recurrence interval event, with climate change). The Hazard classification was expressed in terms of the National Policy Statement for Natural Hazards (NPS-NH) risk matrix criteria for likelihood and consequence. A positive flooding effect (or "benefit") is defined as a decrease in the flood hazard classification or a localised flood depth reduction of at least 50mm when comparing

the post-upgrade case to the pre-upgrade case. Similarly, an adverse flooding effect (or "disbenefit") is defined as an increase in the flood hazard classification or a localised flood depth increase of at least 50mm when comparing the post-upgrade case to the pre-upgrade case.

PRIVATE LANDOWNERS

I rely on Table 9 of the AEE titled '*Design event flood levels and hazard for dwellings with worsened flooding & RMA effects*'. This outlines the maximum flood hazard category before and after the upgrade and confirms that there is an adverse flood hazard effect to 96, 103 and 108 Kanakanaia Road, 23 Mangaoae Road, 45 and 46 Bridge Road. I also rely on Table 10 of the AEE titled '*Adverse consequential flood effects on residential properties and potential mitigation options*', and the proposed mitigation and/or compensation measures for 96, 103 and 108 Kanakanaia Road, 23 Mangaoae Road, 45 and 46 Bridge Road contained therein. These comprise partial or full property acquisition, improvements to evacuation routes, compensation for increased flood damage, raising floor levels, other flood protection measures or a combination of the above. Notably, most of the buildings experiencing a higher modelled flood level in the design event are already inundated prior to the stopbank project; and the effects will be mitigated in the manner described above.

Council's consultant hydrologist, in their review, asked the applicant for clarification of how a 0.1 m depth change threshold has been applied in urban areas and how smaller depth changes are interpreted, particularly where mapping combines changes between 0m and 0.1m and makes it difficult to distinguish minor but potentially relevant effects. The applicant has responded that most of the township is predicted to experience reduced flood levels in the over-design event. A small area on the eastern side of the township is predicted to experience a flood level increase of up to approximately 0.1m. This was considered a very minor change in the context of the over-design event.

Tracy Wilson (#1) of 103 Kanakanaia Road submitted in opposition to moving the stopbank, due to the volume of water proposed to flow over her land, the effect on her land value and insurance impacts. She requests clear advice on the compensation for the affected properties. No further comments are provided regarding the flooding effects.

Denise Collier (#71) of 108 Kanakanaia Road submitted in opposition, stating that the stopbanks won't benefit or protect her property. This is accepted.

No other persons who own properties currently deemed to be subject to consequential flooding have submitted.

With regard to consequential flood effects on private landowners, concurrent Public Works Act processes are underway. However, no agreements with the affected landowners have been finalised at this time.

Given the acceptability of these effects is contingent upon appropriate mitigation and/or compensation being secured, it is recommended that a consent condition require the consent holder to secure the necessary agreements, land interests, or compensation arrangements prior to exercising the aspects of the consent that give rise to consequential flooding on 96, 103 and 108 Kanakanaia Road, 23 Mangaoae Road, and 45 and 46 Bridge Road. Subject to that requirement, the consequential flooding effects are considered acceptable.

Other submitters have submitted that their properties should have been deemed subject to consequential flooding.

Neta Worsley (*Submitter #67) opposes the exclusion of Takipū from equivalent flood protection due to funding constraints; the lack of benefits for Takipū despite it bearing flood impacts from the stopbank realignment; the increased flood flow and risk being redirected onto Takipū; the failure to recognise and protect the cultural significance of Takipū whenua; and the adverse impacts on the wellbeing, safety, whakapapa connections, and kaitiaki responsibilities of local whānau. My understanding from the Tonkin and Taylor CRFA is that there is a slight positive benefit to the Takipū Marae (but that the hazard category will remain H5; and that the property is already categorised “3” under FOSAL). It is assumed that the level of flooding effects has been correctly modelled and assessed for the purpose of this report and the applicant will confirm this in evidence. On this basis the flood risk post-upgrade is considered acceptable.

Chris Coates (Submitter #76) considers that the CFRA is incomplete and that the occupied dwelling at 76 Whatatutu Road was omitted from the consequential flood risk assessment, despite being the only occupied residence on the farm. They also state that other farm buildings, infrastructure, yards, water systems and business assets have not been adequately assessed. The modelling provided with the application shows an increase of flooding of between 0.25 and 0.5m in the over design event only. The applicant will confirm the rationale for not including the dwelling at 76 Whatatutu Road in the assessment. I have accepted that the model is correct in the absence of evidence to the contrary and on this basis the flood risk post-upgrade is considered acceptable.

Daniel Moran (Submitter #64) states the proposal would increase flood hazard and natural hazard zoning affecting their property. They are concerned that the property would become newly flooded under both design and over-design flood events and that associated development and insurance costs would increase. The application demonstrates that the property would become ‘newly flooded’ under the overdesign event only. The Applicant has confirmed that their flood model demonstrates that the property would become newly flooded under the overdesign event only. I understand that for flood protection/stopbank upgrade projects, the key principle is generally that the scheme is designed to a defined level of service (i.e. design event) and not overdesign events. The property is therefore correctly excluded from the CFRA. On this basis the flood risk post-upgrade is considered acceptable.

FLOOD FREQUENCY AND LOWER MAGNITUDE EVENT CONSIDERATIONS

With regard to whether the proposal changes the frequency of inundation for land outside the stopbanks during smaller and more frequently occurring flood events, the applicant has stated:

- The hydraulic modelling assessed six scenarios across three event magnitudes (Gabrielle, design event and over-design event)
- The design event was adopted as the principal effects assessment scenario because it represents the event for which the scheme is designed.
- During lower magnitude events the stopbank upgrade has minimal influence on flood hazard and nearby dwellings (as stated in the Tonkin & Taylor CFRA).
- Flood frequency outside the stopbanks is inherently difficult to quantify because it depends on future rainfall patterns, catchment conditions and climate change assumptions.
- The proposal was assessed against the accepted industry approach for flood protection schemes, which focuses on changes in depth, velocity and hazard between pre- and post-upgrade scenarios.
- The applicant does not consider any residual uncertainty regarding flood frequency would materially alter the conclusions of the consequential flood risk assessment.

I am satisfied that the information provided is sufficient for the purposes of assessing the application's flood-related effects, and no further analysis of flood frequency for lower magnitude events is considered necessary.

EXISTING STOPBANK CONTINUITY

The applicant has confirmed that the existing stopbank will stay in place until the new one is constructed and that this can be placed as a condition of consent. If any part of the existing stopbank is taken away prior to the completion of the new stopbank there would be an increase in the potential for adverse flooding effects to a level that is likely to be more than minor.

ROAD NETWORKS

The consequential flooding risk assessment provides an assessment of the effects on the road network. The applicant has stated that roads within the scheme ‘benefit area’ significantly reduce in the hazard risk, whilst roads outside of the stopbank protection scheme generally increase in flood risk and has assessed the following impacts to roads:

- Mangaoae Road is already at risk ‘pre-upgrade’ being at H5 hazard risk class which will increase to the H6 hazard class post upgrade. The road is therefore already not passable

during a design event; therefore, the actual impacts in terms of access and resilience will be minimal.

    - Emergency response procedures updates will be developed to address the increase in flood risk to that part of Managaoe Road

- Flood depths and velocities on the Whatatutu Rd - Waikohu River, Matawai Rd – Mangamāhaki Stream and Matawai Rd - Kurunui Stream bridges appear to be negligible and any actual and potential adverse effect on these bridges is considered less than minor.

I agree with the applicant's assessment here. Council's development engineer has reviewed the application and has not raised any concerns in this regard. No correspondence was received from Council's Journeys Team. NZTA submitted, stating that the raised stopbank will provide some resilience to the state highway network and help keep State Highway 2 open

The actual and potential consequential flooding effects to roads are considered to be acceptable and able to be managed by conditions.

BRIDGES

An assessment of effects on the Rangatira Road and Kanakanaia Road bridges indicates that the proposed stopbank upgrade will result in increased hydraulic loads and scour depths under the design flood event, with predicted increases in scour depth of approximately 0.7–0.8 metres. The Consequential Flood Risk Assessment found that the proposed stopbank upgrade would increase hydraulic and structural loading on both the Rangatira Road and Kanakanaia Road bridges during the design flood event, including higher bending moments, uplift forces, lateral loads, and scour depths. However, the assessments identified materially different risk profiles for the two structures. At Rangatira Road Bridge, piles founded in bedrock provide strong resistance to scour, and preliminary structural checks indicate the bridge can accommodate the increased loading, meaning the upgrade is unlikely to materially increase bridge failure risk. In contrast, Kanakanaia Road Bridge, which is founded in alluvial materials rather than bedrock, is already considered at risk of structural failure during the design flood event under existing conditions, with preliminary analysis indicating the bridge piers may exceed their flexural capacity regardless of whether the upgrade proceeds. Consequently, while the stopbank upgrade results in incremental increases in loading at both bridges, these changes are considered by the applicant as unlikely to result in more than minor adverse effects on bridge failure risk or associated community impacts. No specific bridge mitigation is considered necessary as part of the stopbank project from an RMA effects perspective, although operational risk management measures and ongoing community engagement regarding future resilience improvements are proposed.

A number of submitters expressed concern about potential effects on key infrastructure, particularly the Rangatira Road Bridge, Kanakanaia Road Bridge and Whatatutu Road Bridge. Submissions 6, 64 and 66 raised concerns regarding increased hydraulic loading, scour, debris accumulation, access disruption and the potential loss of transport connections during future flood events. These submitters considered that bridge risks had not been fully assessed and sought additional investigation and mitigation measures.

Council's consultant hydrologist has confirmed that no more information is needed at this juncture. It is understood that a detailed structural assessment of bridge performance under flood conditions can be undertaken during the detailed design phase and mitigation proposed for scour potential. The proposed works are not expected to result in substantially greater impacts or introduce more significant effects relative to the existing conditions. As such, a detailed assessment is not considered critical at the concept design stage.

It is therefore reasonable to accept that bridge performance under flooding can be assessed and confirmed during detailed design. During discussions with Tonkin + Taylor, it was noted that one bridge pier is founded on rock, while another has a foundation depth of approximately 20 m. These foundation depths should be considered in the context of the bridge assessment findings and further support the conclusion that a detailed evaluation is not required at the concept design stage.

I consider the actual and potential consequential flooding effects to these bridges to be acceptable, because while the upgrade results in measurable increases in hydraulic loading and scour at key infrastructure assets, the change in overall flood risk and failure consequence is limited and does not materially alter the existing risk environment. These changes represent a discernible adverse effect and therefore cannot reasonably be characterised as less than minor. However, the assessment also concluded that the increased loading does not result in a significant increase in the likelihood or consequences of bridge failure.

Electricity Substation

With regard to PowerCo Puha Substation, the site is subject to a peak hazard class of H1 in both the pre-upgrade and post-upgrade case, however in the post-upgrade case in the overdesign event, the substation experiences shallow, low velocity inundation. This is considered a less than minor adverse effect by the applicant. Electricity is a lifeline utility, and it is prudent for the electricity distributor to confirm the level of effect on their asset. PowerCo has submitted on the application and has stated that applicant will be responsible for any necessary hazard mitigation measures associated with any increased flooding risk of the Puha substation if deemed necessary. They are neutral to the application. Consent conditions are recommended to ensure adequate mitigation is provided. With regard to the adverse consequential flooding impacts to PowerCo's Puha substation, the level of effect is considered acceptable.

Marae

With regard to Rangatira Marae, the hazard classification raises from H5 to H6 and the applicant suggests an upper range of effects that is more than minor. Rangatira Marae was significantly impacted during the Cyclone Gabrielle event and is currently being relocated to another site and will be compensated through the FOSAL framework. As such the applicant contends that adverse effects can be disregarded.

A submission was received from parties associated with Rangatira Marae (Whitiaua Ropitini on behalf of Rangatira Mare Trust (#51); and Dave Pikia on behalf of Rangatira Marae (#23)). Both were in full support of the proposal for the protection and wellbeing of the community. Mr Ropitini's submission also sought support for the old pa site of Rangatira Marae at 66 Rangatira Road. This consideration is outside this current application. With regard to the actual and potential consequential flooding effects to Rangatira Marae, I consider these to be acceptable given the current relocation and compensation processes underway (to within the protection area) and their strong support for the stopbank.

With regard to Takipū Marae the Hazard Classification remains at H5 before and after the scheme, but with a slight positive benefit. Neta Worley on behalf of Te Whānau Worsley, Te Whānau Milner Worsley, Te Whānau Worsley Waitoa, Te Whānau Mohi Worsley, Ngā Whānau Ruru of Matawai Road / Takipū & Trustees of Ruangarehu N, L2, V, M2B Ahu Whenua Trust (#67) submitted on the application. They seek that a flood protection management plan that includes the Takipū and Ruangārehuarea is developed. They state that there is increased flood risk to Takipū area. As stated above the applicant will confirm the level of effect stated in the CFRA (stated as positive in respect of the marae). No other known properties experience consequential flooding from this scheme. With regard to the actual and potential consequential flooding effects to Takipū Marae, I consider these to be acceptable given the current and proposed Hazard Classification; and the proposed relocation.

OTHER COMMUNITY FACILITIES

With regard to the Te Karaka Wastewater Treatment Plant, and Te Karaka Area School, the Hazard Classification is reduced from H6 to H1; and H5 to H1, respectively. Te Karaka Area School submitted in support of the application. No submission was received from Council's Wastewater Team. As these are positive effects, no further discussion is provided here and the actual and potential effects are considered acceptable.

REVIEW

In general terms, Council's consultant hydrologist asked for further commentary on the potential consequences of over-design events. The applicant responded that overdesign event resulted in a modelled flow almost three times greater than the design event. The outcomes were contained within the Consequential Flood Assessment, but not reported in

detail because the design event was the focus of the effects assessment. This does not change my conclusions for the preceding paragraphs.

CONCLUSION

The inherent purpose of the proposal is to substantially reduce flood risk for the Te Karaka township during extreme weather events and the level of effect for different types of property and assets is assessed in the preceding paragraphs. Ongoing engagement with landowners, the community and asset owners will help refine compensation, operational and mitigation measures, with updates provided as the project progresses. The aim is to minimise adverse effects where practicable and provide compensation for any residual effects that cannot be mitigated. The overall positive benefits are assessed in section 5.2.3.

5.3.2. Water quantity effects

The applicant has applied to take water for construction purposes from the A Block allocation of the Waipaoa River Catchment. The water would be used for compaction moisture conditioning, dust suppression (for haul roads and earthworks/borrow pits), concrete works, wheel wash, landscaping and plant irrigation and for site ablutions. Water is proposed to be taken near to where earthworks will be occurring via existing river access. A water meter with a logger will record the volume and rate of water taken with records provided to GDC regulatory team.

The quantity of water needed was revised through the s92 process as there were discrepancies between the amount requested and the proposed conditions (30-50,000L versus 1,000,000L per day). Additional calculations have now been undertaken and rationalised against recent water take data for the downstream Waipaoa River stopbank scheme, which suggest that less water is likely to be needed for construction. The proposed amount is an average of 148m^3 per day and a peak usage of 214m^3 per day. The applicant has requested 1,000m^3 per day. The Applicant also requests that consent conditions not restrict the water take at or below the minimum flow. They state that minimum flow cut off resource consent conditions under the A or B Block allocation would be accepted by the applicant provided that the catchment is over-allocated and it is demonstrated that such conditions are required to manage unacceptable adverse effects.

The allocation context was described in Section 1.2. There is a finite allocation. Allocation from the A-block is already subject to a ‘waitlist’ and priority for those proposed takes. Ms Thompson has confirmed that the A Block of the Waipaoa Surface Water Quantity Zone is currently fully allocated (pending the outcome of a consent hearing). The applicant has through their S92 indicated the use of B Block water would be an acceptable option. The Waipaoa Surface Water Quantity Zone B Block has a total possible allocation of 2000 litres per second. Of the available 2000 litres per second, 757 litres per second has been allocated, resulting in 1,243 litres per second being available for allocation. There are no

reduction targets set for the B Block. The total daily volume is not capped, however the volume allocated must be reasonable for the proposed use.

The applicant contests there would not be a significant effect from the proposed water abstraction, namely because not all the resource consent in the catchment would be exercised at the same time (i.e. as different 'crops' have different temporal irrigation requirements).

Council's Freshwater Strategy and Integration Lead, Ms Thompson, has reviewed the proposal. Ms Thompson considers that the applicant has provided a thorough assessment of effects that demonstrates that there is a reasonable need for the water applied for. She is supportive of the application subject to conditions that limit the amount and rate of take; that the taking of water cease when the Waipaoa River (B-Block) flow at the Kanakanaia Bridge site drops below 4,000 litres per second; and that water meters be operated and maintained to measure the volume of water taken. No submissions were received regarding this matter.

The effects of breaching allocation limits (including low flow restrictions) will not be acceptable, given that significant effects of abstraction from the Waipaoa River are already thought to occur. This is because under the Gisborne District Council's Regional Freshwater Plan and the Waipaoa Catchment Plan, the Waipaoa River cannot be further overallocated because the planning framework requires water takes to remain within specified environmental flow and allocation limits that protect the river's ecological, cultural and community values. The catchment plan establishes allocation caps and minimum flow requirements for the Waipaoa River, with water abstraction restricted when river flows approach critical thresholds, ensuring sufficient water remains to sustain freshwater ecosystems and other in-stream values. The planning framework is also being reviewed to give effect to the National Policy Statement for Freshwater Management, which requires councils to avoid and progressively address over-allocation while managing freshwater within sustainable limits. Accordingly, any additional water allocation beyond the established limits would be inconsistent with the objectives and policies of the Regional Freshwater Plan, the Waipaoa Catchment Plan, and the broader requirement to maintain the health and functioning of the Waipaoa River system.

If needed, the applicant has provided some other water source options, including:

- Use of the Gisborne public water supply which utilises water captured the Mangapoike River dams (Williams, Clapcott and Sang) and the Te Arai Bush Catchment.
    - This would require truck trips with a distance of 25km each way. It would be expensive and generate additional carbon emissions.
- Temporary transfer of water from a nearby consented well or surface water take.

- The net effect would be the same or similar as granting a temporary water take to this proposal.

- Use of nearby private farm dam water or similar.

  - Truck trips would be required, investigation would be required and water may not be available.

They consider these options to be less sustainable but they are available if the water take under the B Block must cease.

Ms Sykes, Team Leader, Monitoring and Compliande, has stated that for the *upcoming earthworks season, predicted El Nino conditions may affect the water take. In other works which have water takes for dust suppression, Council are asking that contingency plans for water sources are outlined in a management plan which requires certification. A condition is recommended accordingly.* The volume water sought by the Applicant remains as set out in the consent application and initial S92 response (June 2026).

Based on the advice from Ms Thompson, and Ms Sykes, I consider the effects of the water take from A Block allocation are likely to be more than minor and not supportable. I am supportive of a take from the B Block Allocation (or any of the alternative water sources above).

5.3.3. Ecology and water quality effects

The applicant has provided an ecological assessment prepared by SLR. The report concluded the following:

STOPBANK AND ROAD RAISING EFFECTS

- Earthworks/land disturbance on the banks of rivers can cause an increase in sediment, nutrients and other pollutants entering waterways during the works. The implementation of a robust ESCP (in accordance with the Erosion and Sediment Control Guide for Land Disturbing Activities in the Auckland Region (GD05, 2023)) should result in potential effects on water quality being largely avoided, or minimised so that adverse effects are acceptable. Unmitigated, the effects would be moderate.

- Tree felling is to occur outside of the bat roosting season (April to October) or alternatively, procedures will be developed for managing bats before felling trees that have potential bat roosting features.

- It is proposed to keep sound levels from the mechanical workings of machinery on-site as close to background levels as practical. Therefore, the effects of unmitigated ambient noise on native fauna would therefore be considered low.

- Stock will be prevented from accessing the river from the expanded flood plain, to prevent bank degradation and allow vegetation to establish.

CULVERT EFFECTS

The culvert extension along SH2 in an unnamed tributary (permanent stream) of the Waipaoa River requires resource consent. There are two existing circular concrete culverts (twin) that are proposed to be extended. The existing twin culvert is perched and only provides limited fish passage. The concept design for the culvert will provide a similar flood carrying capacity as the existing culvert and will have either an automatic or passive flood gate and ramps will be added to provide for fish passage upstream. The actual and potential adverse effects on fish passage and in-stream aquatic ecology is expected to be less than minor.

WATER ABSTRACTION EFFECTS

The water take with a maximum extraction of 30 l/s has the potential to reduce flow and alter in-stream habitat and disrupt the natural flow variability of the river. Water take infrastructure has the potential to suck in fish, cause them to become impinged, injured, or and kill them. The unmitigated effect on freshwater habitat (moderate ecological value) from the water abstraction would be 'moderate' and the unmitigated effect on fish (high ecological value) would be 'high'.

The ecological assessment recommends a fish screen size on the water take intake to minimise potential fish kills. A resource consent condition has been proposed to mitigate adverse effects on fish from physical pumping.

The TRMP has rules and limits on water abstraction and rates which consider ecological value and the effects on the river. If these abstraction limits and rates are adhered to in relation to the plan, the mitigated level of effect of the water abstraction in regard to freshwater habitat is considered 'low'. Given the temporary nature of the take and minimal rate and volume to be taken, despite the catchment being over-allocated, it is considered that the effects on the environment will be less than minor and a minimum flow cessation condition is not considered warranted.

INCREASED FLOODING AND DISCHARGES FROM RIVERSIDE LAND

Council's Resource Consents Science Advisor raised a concern that while the High-Level Geomorphic Assessment considered sediment transport, erosion and deposition processes, it did not specifically assess potential water quality effects arising from increased inundation of riverside land outside the proposed stopbanks. He noted that contaminants of concern may include fine suspended sediment and, where land is actively farmed, nutrients and pathogens. It was also noted that the Waipaoa River is already recognised as a degraded freshwater system in some respects and that it is difficult to conclude that additional contaminant inputs would be insignificant without a specific assessment.

In response, the applicant stated that any difference in water quality runoff resulting from changes in floodplain inundation would be insignificant during flood events when compared with contaminant contributions from the wider Waipaoa catchment. The

applicant also noted that the areas potentially subject to increased flooding are already located within the active floodplain and would continue to be inundated during large flood events irrespective of whether the proposal proceeds. The applicant further stated that the scale of newly exposed land is small relative to the wider catchment area, and that any additional sediment contribution would be minor in the context of existing sediment loads present within the Waipaoa River system. The applicant also considered it relevant that the proposal will reduce flood risk to Te Karaka township, including a reduced risk of floodwaters affecting urban infrastructure such as the wastewater treatment system, thereby reducing the potential for contaminant releases from developed areas.

TECHNICAL REVIEW

Council's consultant freshwater ecologist and council's biodiversity advisor for terrestrial ecology reviewed the application documents.

Council's Science Advisor - Consents requested 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). The applicant considers that only native eels would be present upstream of the culvert although this has not been further verified by an ecologist. However, the applicant confirmed that the approach to the culvert design is to provide a net benefit to ecology through providing fish passage in the form of a ramp or other suitable design measures. A passive open hanging gate is proposed to provide passage through the downstream end of the culvert.

With regard to the south-east stream at the existing eastern stopbank the applicant considers it is likely that this stream would support fish and wishes to provide a net benefit to fish passage. There is already a culvert with a floodgate. Conditions of consent will be applied to ensure sufficient fish passage is enabled through detailed design.

Council’s consultant freshwater ecologist considers that the proposed flood protection enhancement works can likely be undertaken in a manner that avoids (or at least mitigates) impacts on freshwater ecosystems. In particular, the increased setback of the flood banks should provide more room for the Waipaoa River to function more naturally as a braided river system, and well-considered management plans should ensure that construction effects are avoided or minimised. In regard to water abstraction effects associated with dust management, they consider the Ecological Impact Assessment has provided an adequate assessment of the potential aquatic ecology effects.

However, there remains uncertainty around what values are present in smaller stream systems in the vicinity of the proposed flood banks, and what management methods will actually be employed as part of proposed management plans. They consider that an assessment outlining the locations of any culverts and/or floodgate structures is required, as well as a robust assessment of freshwater values and an adequate assessment of effects is needed to address the information gap.

They also recommend that the following conditions be added to the consent:

- *A suitably qualified freshwater ecologist shall be required to review the culvert design to ensure that it is fit for purpose (i.e. to maintain and facilitate fish passage).*
- *A Culvert Monitoring and Maintenance Plan (or similar) be prepared and submitted to the Resource Management Compliance Managerat Gisborne District Council.*
- *The detailed design shall follow the design advice outlined in Section 70(2) of the NES-F.*

Council's biodiversity advisor supports the application. She has requested that 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). The applicant has confirmed that they will do this and have proffered a condition of consent to this effect.

The biodiversity advisor has suggested the bat surveys should use Automatic Bat Monitors (ABMs) and the monitors should be deployed for two weeks, within the monitoring guidelines from DOC (2024). If bats are detected, tree removal must follow the appropriate bat management protocols outlined by DOC.

Submissions on ecological effects

Jenny Moran (Submitter #6) has requested further information about bats, fish, bird species and vegetation. No formal fish surveys were undertaken, eDNA showed two at risk species are present in the awa. She states that two at-risk bird species were identified in the area and could be using this for foraging and that this has not been fully assessed.

It is considered that condition 9 will adequately manage bats. Specific measures to manage the effects of construction of activities within ecologically sensitive areas including native bat surveys during October to April prior to tree felling must be included in the CEMP. This is considered sufficient to mitigate any effects to the bat population. The proposed conditions suggested by Council's consultant freshwater ecologist will ensure that fish passage is maintained.

NZTA are supportive that the applicant has volunteered resource consent conditions regarding the Engineering Design of the proposed culvert and associated fish passage ladder. As stated above, several submitters commented on the lack of final detailed design for the culverts but this was not related to the ecological effects associated with the culverts.

Summary

Overall, adverse effects to terrestrial ecology for the stopbank proposal are considered to be acceptable, subject to conditions offered by the applicant and/or recommended by council officers.

There remains a degree of uncertainty regarding the nature and scale of the potential freshwater ecology effects relating to culvert design and fish passage for the smaller stream systems. The proposed works involve extending existing culverts rather than establishing new crossings, and the concept design is intended to maintain existing hydraulic capacity while delivering a net ecological benefit through the provision of fish passage improvements, including ramps and a passive or automatic floodgate. Based on the information currently available, adverse effects on fish passage and aquatic ecology are expected to be no more than minor. On balance, and given the presence of an existing culvert in this location, it is considered that a freshwater values assessment can be undertaken following consent, together with freshwater ecologist review of the detailed culvert design, preparation of a Culvert Monitoring and Maintenance Plan, and compliance with the fish passage requirements of the NES-F. This will enable any remaining information gaps to be addressed before construction. Accordingly, the outstanding uncertainty is not considered material to determining the application, provided appropriate conditions are imposed to ensure freshwater values are identified, protected, and enhanced through the final design process.

5.3.4. Land stability and geotechnical effects

The applicant has provided a geotechnical factual report and a geotechnical interpretative report with the application. The geotechnical investigative report concludes that the proposed stopbank is generally stable and suitable for the intended purpose, subject to refinement during detailed design and contains the following key findings:

STOPBANK STABILITY

The riverside slopes achieve the required factors of safety under static, flood, and Serviceability Limit State (SLS) loading conditions. The landside slopes also satisfy static and SLS seismic requirements but do not meet the target factor of safety under Ultimate Limit State (ULS) seismic loading due to the high peak ground acceleration assumed. Despite this, the stopbank is expected to remain stable and operational during flood events, with any major seismic event likely resulting in manageable deformation and the need for post-earthquake repairs or maintenance rather than catastrophic failure. The assessment recommends confirming these findings through a seepage analysis at the detailed design stage.

SETTLEMENT RISK

Static settlement is not considered a significant risk given the site ground conditions. However, some deeper soft silt layers (approximately 7 m below ground level) may result in localised settlement. If necessary, settlement effects can be managed through monitoring,

relocation of services, or minor refinements to the stopbank alignment or floodwall design during detailed design.

LIQUEFACTION RISK

The stopbank alignment is located within an area mapped as having a moderate liquefaction susceptibility. However, the predominantly fine-grained silts and clayey silts near the surface, together with the relatively deep groundwater table, suggest a lower likelihood of significant liquefaction impacts. While large seismic events could still cause some settlement or lateral spreading that may affect the stopbank, the presence of a likely non-liquefiable crust is expected to reduce potential damage. As is common for linear infrastructure of this nature, liquefaction mitigation is considered impractical and uneconomic, with the residual risk generally accepted on the basis that repairs can be undertaken if required following a major earthquake.

COMMENT

Council's geotechnical engineer has reviewed the documents, He has accepted that detailed seismic/Slide modelling will be progressed as part of detailed design and that if granted, the consent conditions should require that prior to construction, final geotechnical design documentation to address Ultimate Limit State seismic deformation/displacement, residual stopbank functionality, and any required design refinement, mitigation, monitoring, or post-event inspection/repair procedures.

In the response to a request for further information, the applicant has clarified that liquefaction risk is proposed to be accepted on a risk-management basis rather than mitigated through ground improvement or other specific liquefaction mitigation. Council's geotechnical engineer considers that this position is generally consistent with the geotechnical report, which identifies liquefaction as a residual risk but acknowledges that settlement and lateral spreading could occur in a large seismic event. He considers that, given the scale and linear nature of the stopbank, and the likely disproportionate cost of full liquefaction mitigation, this risk-based approach is considered reasonable, provided the residual risk is recognised and managed through post-event inspection and repair/reinstatement procedures. No further liquefaction mitigation is requested at resource consent stage, but the officer recommends that if granted, the consent should include a requirement for the detailed design or management documentation to confirm the post-seismic inspection, repair, and reinstatement approach for liquefaction-related deformation or damage to the stopbank.

No submissions were received that cited geotechnical concerns. I adopt the opinion of the experts and find that the geotechnical effects associated with liquefaction and stability are considered to be minor or less, and acceptable, subject to conditions.

5.3.5. Contaminated land effects

A Detailed Site Investigation was prepared by LDE, which confirmed:

- Soil sampling results meet the relevant human health guidelines
- Provided that the SMP for contamination is adhered to, the risk to construction workers during construction is low.

An SMP for contamination has been developed to manage any potential contaminated soil on site. Council's Environmental Risk Advisor reviewed the application and noted the possibility that a further HAIL site that has not been explored at 1 Kipling Road (possible dumping of rubbish circa 1971) and at 7 Kipling Road (a piggery or chicken farm from observation, rather than glasshouses as referred to in the DSI). The proposed stopbank alignment follows the existing alignment in these locations. As such, LDE do not consider there would be significant further disturbance. For the avoidance of doubt, the SMP has been updated to clarify that extra vigilance should be employed when working at these locations. Should any buried material or unexpected discoveries occur, the unexpected discovery protocol outlined in the SMP shall be followed. Council's Environmental Health officer is supportive of the proposal and recommends a condition to ensure works take place in accordance with the SMP.

No submissions were received that cited contaminated land concerns. I adopt the assessment of the experts and consider that the actual and potential adverse effects of contaminated land on human health are expected to be less than minor, and acceptable.

5.3.6. Other construction effects

The applicant has supplied a constructability report prepared by Alta.

- Earthworks will be undertaken outside of the typical wet season. Works will be undertaken with careful planning and only to the extent necessary to improve flood capacity of the river.
- Consideration will be given to minimising the duration of works and this will be planned for periods of low river flow.
- Any areas of the river bed that are required to be disturbed will be stabilised after works are completed. Erosion and sediment controls will be employed as discussed in the assessment of ecological effects.
- This extends to the management of dust. It is proposed that stockpiles be damped down if dry and windy conditions lead to excessive dust generation.
- Vegetation clearance will be limited to areas of active works, retaining existing ground cover as much as possible. In areas where vegetation was cleared this will be replanted as soon as practicable.

The applicant has confirmed that the existing stopbank will stay in place until the new one is constructed and that this can be placed as a condition of consent. The consent should

ensure that any material borrowed from the existing stopbanks to construct the new one is staged in a manner that maintains the current level of protection.

It was requested by Council's Environmental Health Officer that the applicant restrict the earthworks period back to 30 May April (rather than May). The applicant has stated that there are no relevant provisions in the Tairāwhiti Resource Management Plan that restrict earthworks to the period between 1 October and 30 April. Such seasonal restrictions are generally applied to large-scale earthworks to manage sediment runoff and soil compaction risks during wetter conditions. In this case, potential adverse effects can be appropriately managed through robust erosion and sediment control measures, staged construction, and limiting excavation to the minimum required. The existing Waipaoa River Flood Protection Scheme consents permit earthworks from 1 October to 30 June, and associated stopbank works are continuing through May and June 2026. Aligning the proposed construction season with these existing consents will enable the works to be completed efficiently while supporting infrastructure of significant community importance. Erosion and sediment control plans will be designed to accommodate weather events, with works only proceeding when soil and weather conditions are sufficiently dry. The ecological assessment found that, with the proposed controls in place, effects on freshwater habitat, fish, and other ecological values from stormwater and sediment runoff would remain low regardless of season. Furthermore, a substantial portion of the road-raising works will utilise imported granular fill that can be worked in moderately wet conditions without generating significant runoff. The proposed consent conditions have been updated accordingly. Council’s Environmental Health Officer is supportive of the proposal subject to the proffered conditions.

I accept this rationale and consider that the work will be 'self-limiting' by its nature and accept the consistency with the WRFCS. A condition of consent is proposed to this effect but with the requirement to advise council if earthworks are to occur outside of 1 September and 30 April. The applicant has confirmed that hydroseeding is no longer proposed.

The McLanachans (Submitter #80) have also submitted with regard to construction effects from haul roads and laydown areas: Concerns are raised regarding haul roads passing close to the dwelling, creating noise, vibration, dust, and amenity effects. The submitters also oppose the proposed Morris Road laydown area, which would occupy approximately 3,000m² of farmland and introduce increased traffic, equipment storage, staff facilities, material stockpiles, and potentially fuel storage close to their residence. At the McLanachan property. The applicant has stated that the that haul road and site compound locations can be adjusted to reduce impacts. This will be addressed in the evidence, as it is still being worked through.

I consider that the residual construction effects will be acceptable, subject to the proffered conditions.

5.3.7. Transport effects

ROAD RAISING

The applicant needs to raise the road to tie in with the ends of the stopbanks. The applicant has provided a Road Raising Concept Design Report prepared by WSP and a supplementary memorandum.

Council's Development Engineer has assessed the proposal. He noted that the road raising will introduce a hump over the raised stop bank which may obscure the line of sight from a vehicle climbing the incline to either a car coming off the bridge, or a car waiting to cross the one lane bridge. The proposed road Is a 3.3m wide sealed lane with 1.0m unsealed shoulders each side then the embankment sides at 2H:1V. He raised concerns with the applicant that road safety may be compromised by the lack of safe stopping distances. Council's Development Engineer has assessed the response, which advises that a Safe Systems Audit was carried out and ongoing reviews will ensure compliance with Engineering Code of Practice. He has recommended conditions of consent to ensure that road raising works and associated vehicle crossing upgrades meet GDC's Engineering Code of Practice and can be certified.

The Pine Hollow Family Trust (Submitter#81) raised concerns about the proposed raising of State Highway 2 (Matawai Road), which the submitter believes will affect access to the property, reduce sight distances, and create difficulties for horse floats, disability transport vehicles, staff, visitors, and contractors. The submitter seeks additional traffic safety measures, including double yellow lines, reduced speed limits, and a flush median. The applicant has supplied a memorandum in response, prepared by WSP which states that Road marking and signage have been updated where relevant, including no-overtaking controls where the Safety System Audit identified constrained visibility. Swept-path tracking has been undertaken for the site driveway using both a large rigid truck design vehicle and a smaller vehicle towing a horse float. These vehicles were selected as representative of typical horse transport movements likely to use the access. Access geometry and sight distance have been considered through the design and Safety System Audit process. Council's Development Engineer has sought one further clarification about a smaller vehicle. Further investigation was carried out to ensure that a small vehicle waiting to turn into the site, a small vehicle exiting the site or a low-profile rider/object could be obscured by the proposed road crest. It has been demonstrated that 160m stopping distance is required and is achieve.

I CONSIDER ANY ADVERSE TRANSPORT EFFECTS TO BE MINOR AND ACCEPTABLE.

CONSTRUCTION TRAFFIC

The project will generate on-road traffic due to truck movements of fill and spoil and other ancillary construction vehicle movements. Estimated construction vehicle movements are shown in the AEE and are generally between 30-40 traffic movements in any location per

day, for a duration of up to four months. The applicant concludes increased traffic volumes are minimal and are a small percentage increase above existing traffic movements. Haul routes have been designed to avoid Te Karaka Area School as much as possible and adverse traffic effects on this sensitive receptor will be largely avoided.

No submitters have raised safety concerns about construction traffic. Council's development engineer has not raised any concerns about construction traffic.

SUMMARY

Overall, the adverse transport effects associated with road raising are considered to be minor, subject to the implementation of conditions. Overall, the adverse transport effects associated with construction traffic are considered to be less than minor, subject to the implementation of conditions.

5.3.8. Noise and vibration effects

The major noise and vibration generating activities associated with the project are:

- Site establishing works including relocation of powerlines and a power pole on Rangatira Road, gas main refurbishment work, fencing, and potential waterpipe diversion.
- Construction and use of five laydown areas across the site for storage of equipment and materials.
- Relocation of materials from the borrow pits to the stopbanks involving approximately 80 truck and trailer movements per day on local roads over approximately two-four months.
- Stabilisation and landscaping of borrow pits at the completion of earthworks activities.
- Earthworks for drainage, silt control, haul roads, and stopbank construction.
- Extension of the existing culvert under SH2 including tree and vegetation removal.
- Road construction works for road raising on Rangatira Road and at the east and west sections of SH2 that intersect the proposed stopbank.
- Truck and trailer movements on local roads for aggregate delivery involving approximately 60 movements per day over approximately two-three months.
- Approximately 80-120 Six-wheeler truck movements per day on haul roads to transport aggregate to the road raising sites.
- Watercart movements on haul roads for dust suppression.

Notably, construction vehicle on-road haulage routes are proposed to avoid the Te Karaka Area School (a key sensitive noise and vibration receptor in the township).

The applicant has provided a noise and vibration assessment prepared by Styles Group. The properties nearest to the proposed works that are not part of the subject site were assessed. The technical report also notes that the TRMP rules are not consistent with current industry standards. The report stated the following:

- The construction site is considered to be relatively isolated and located where construction noise is not unusual or unexpected.
- The generation of noise during construction will be undertaken in accordance with NZS 6803:1999 Acoustics – Construction noise, which allows for the production of noise between the hours of 7.30am to 6pm during weekdays.
- Additionally, operations are not undertaken at all times of year. As such, the effects of noise are intermittent.
- Based on the indicative construction methodology, vibration effects are likely to be limited, and proposed consent conditions in the form of limits, have been developed to mitigate vibration amenity effects.

Construction associated with the proposed works has the potential to create adverse noise effects. Under the RMA, the applicant is required to adopt the best practicable option to ensure that noise e/missions from the land in which operations are undertaken do not exceed a reasonable level. Construction noise levels are expected to exceed 70 dB LAeq and 85 dB LAmax at times, but only outside the dwellings nearest to the road raising works on Rangatira Road, Kanakanaia Road, and SH2 at the eastern extent of the project. This is because acoustic screening may not be practicable to use in these areas. The residents at these properties will know when, and for how long, to expect this noise through the proposed communication that is required by the proposed consent conditions. The highest noise levels will be intermittent during the day and over a short duration for each receiver.

The applicant's agent has stated that when construction noise levels cannot comply, the best practicable options to mitigate the effects include consultation with the neighbours and potential restrictions on the timing, frequency, and duration of the noisiest activities. However, appropriate restrictions cannot be adopted without understanding the specific needs of the receivers who are most exposed to the highest noise levels. This will be investigated through the provisions of the project Construction Noise and Vibration Management Plan (CNVMP) which requires communication with the community before work begins.

The applicant has updated the proposed condition at the request of Council's Environmental Health Officer, to include a noise limit outside of standard construction hours to enable low noise and vibration activities to be monitored and set community

expectations. I accept this is standard industry practice and that the adverse noise and vibration levels are considered to be minor if mitigation measures are employed, namely, the CNVMP. Council's Environmental Health officer is supportive of the proposal subject to the above conditions.

The Pine Hollow Family Trust (Submitter #81) are primarily concerned about construction noise and vibration effects on their horses. They request that the following mitigation is included in the CNVMP:

"20 metres:

Machinery or activity should not resume until horses are at least twenty metres past. If it is not possible for activity to be halted, staff should be at the location to warn approaching equestrians as appropriate. Such 'sentries' should be obvious on approach, not hidden behind a tree or equipment as suddenly appearing could be an additional stress factor causing a horse to react.

50 metres:

If a horse appears distressed—freezes, jerks sideways, prances about, takes flight, spins round or shies away or acts in any way other than a calm forward motion—or an equestrian appears to be struggling for control, or shouts, all movement and noise should cease immediately to avoid escalating the

situation. Activity should not resume unless the equestrian indicates that it is safe to do so or is out of sight or more than fifty metres away."

The applicant has provided a general approach to these submission points, as follows:

1. Additional noise assessment will be undertaken to determine appropriate construction noise mitigation to minimise potential adverse effects on the Pine Hollow Trust operation. The assessment will be informed by site specific monitoring of the existing ambient noise environment. Landowner approval has been obtained to access the property for noise monitoring prior to the hearing.

2. The results of the assessment may result in additional proffered resource consent conditions that include minimum setbacks distances (based on the existing environment and LAmax noise limits) and construction management and methodology measures e.g. use of noise barriers (to be confirmed) or use of smaller construction plant while defined areas of the equestrian centre are in use. The objective of the conditions will be to ensure that horses are not exposed to LAmax noise events that are inconsistent with the existing environment.

3. Consultation with the submitters may be required to understand the typical use of the areas nearest to the proposed works so that construction activities can be scheduled accordingly and methodology updated or mitigation adopted as required.

4. These matters will be addressed in the applicant's noise expert's evidence in collaboration with our constructability team.

Council's environmental heath officer recommends adoption of the recommendations of the submitter. I am satisfied that a management solution is likely and that the effects will be minor and acceptable for this submitter.

5.3.9. Landscape and visual effects

The applicant has provided a landscape and visual assessment (LVIA) prepared by WSP. The LVIA assessed the potential effects of the proposed stopbanks and road raising for construction and operation, as well as suggested mitigation measures. The assessment concludes as follows (replication of Table 16 of the AEE):

Table 3 – LVA Summary of Adverse Effects

Activity	Location	Existing	Proposed Construction	Proposed Operation	Proposed
Stopbanks	Residential Properties in Proximity (Cliff Road, Library Road and Kipling Road)	Very Low Adverse i.e. less than minor adverse effects.	Moderate-Low Adverse, reducing to Negligible once construction is complete i.e. less than minor adverse effects.	Very Low Adverse i.e. less than minor adverse effects.	None
Stopbanks	Rural Properties (Farm Dwellings and Lifestyle Blocks)	Low adverse i.e. less than minor adverse effects.	Moderate-Low Adverse, reducing to Negligible once construction is complete i.e. less	Moderate-Low Adverse i.e. minor adverse effects.	None

			than minor adverse effects.		
Roads	SH2 adjacent properties	Low adverse i.e. less than minor adverse effects.	Low Adverse i.e. less than minor adverse effects.	Low Adverse i.e. less than minor adverse effects.	None
Roads	Rangatira Road / bridge end residential properties	Low adverse i.e. less than minor adverse effects.	Moderate-Low Adverse, reducing to Negligible once construction is complete i.e. less than minor adverse effects.	Moderate Adverse effect reducing to low adverse effect if mitigation planting is provided i.e. less than minor residual adverse effects	Planting of the fill embankments with appropriate low maintenance vegetation to soften and partially screen the earthworks and elevated vehicles are recommended
Removal of existing stopbanks	All properties	N/A	Less than minor adverse effects.	Very Low to Low Positive effects	General reinstatement to pasture or as otherwise agreed with landowners.

These values still stand except where superseded in the assessment of specific properties below or where additional assessment has been carried out e.g. for borrow sites. Based on the LVA, the applicant considers that the actual and potential adverse effects can be

adequately mitigated so that residual adverse effects are less than minor. Proposed resource consent conditions require a planting plan to mitigate effects on the Rangatira Road residents where road raising will have potential moderate adverse landscape and visual effects.

The LVA was reviewed by Isthmus Group who were requested to carry out a technical review and verify the extent of any adverse effects, taking into account submissions. They requested further information about the following:

- *The consideration of any specific values to tangata whenua, as relevant to landscape matters;*
- *An assessment of any natural character effects;*
- *Confirm any effects of the borrow sites location, scale and proposed rehabilitation on landscape character, natural character and visual amenity;*
- *Confirmation of extents of vegetation removal and effects;*
- *Clarify effects as a result of adjustments to existing electrical infrastructure, particularly with regard to neighbouring properties;*
- *Clarify any effects of shading to properties as a result of the height increase of the existing stop bank or proposed stop bank;*
- *A review of any adverse visual amenity effects for the following properties:*
    - *9 and 11 Rangatira Road;*
    - *29 Morris Road;*
    - *59 Kipling Road.*
    - 54 Kipling Road

An addendum to the LVA titled '*Technical Memo – Landscape and Visual Effects Assessment*' dated 1 September was prepared by WSP and addressed the above. The landscape and visual effects of the following additional activities were assessed.

Table 4 – LVA Addendum Summary of Adverse Effects

Activity	Location	Existing	Proposed Construction	Proposed Operation	Proposed Mitigation
Borrow pits	Various	Nil	Low Adverse i.e. less than minor adverse effects.	Very Low Adverse once construction is complete i.e. less than minor adverse effects.	Rehabilitation/planting
Vegetation Removal	Various	Nil	Low Adverse	Low Adverse	reinstatement of shelterbelt planting, orchard trees, and other vegetation
Electrical Infrastructure	Various	Very Low Adverse	Very Low Adverse – No noticeable change	Very Low Adverse - No noticeable change	
Natural Character				Low Adverse	

These general responses are deemed to be acceptable Isthmus and well as the written response regarding tangata whenua values. With regard to vegetation removal, they state:

"The technical memo has responded and identifies two main areas where more substantial vegetation removal will occur. While the overall conclusion of low adverse effects on the landscape character effects as a result of localised tree removal is considered reasonable, it is important to recognize the potential for more pronounced localised effects on the adjacent private properties outlined in the memo."

To reinforce the recommendation made in the original peer review, should the consent be granted, it is recommended that an appropriate condition be included to ensure the preparation of a landscape mitigation plan is to be certified with input from a landscape architect including planting plans, species numbers and grades, and a specification for implementation and maintenance to successful establishment.

The property-specific items are addressed as follows:

29 Morris Road, Te Karaka

The McLanachans (Submitter #80) of 29 Morris Road have raised the following concerns relating to landscape and visual impact:

- *Potential degradation of the visual outlook from the dwelling;*
- *Additional shading effects during winter months; and*
- *Reduced ability to observe stock from the dwelling.*

The submitters raised concerns regarding the effects of the proposed stopbank on their visual outlook, visual amenity, shading, and ability to observe stock from the dwelling. These matters were specifically reassessed through the supplementary Landscape and Visual Effects Assessment (LVA) technical memorandum, including a site visit and detailed property-specific assessment.

The landscape evidence acknowledges that the proposed stopbank will introduce a noticeable change to the existing outlook from the dwelling. The assessment concludes that the stopbank will partially screen views of farmland, the river corridor, and lower slopes of the surrounding hills, reducing the depth of the current outlook. However, the proposal will not remove the rural outlook entirely, with views of adjacent paddocks, parts of the wider farm property, and upper hill slopes remaining available. The stopbank will also ultimately present as a grassed landform, which is considered more capable of integrating into the productive rural landscape than more visually dominant built structures. The resulting visual effects are assessed as **Moderate Adverse**.

Importantly, the landscape assessment identifies opportunities for mitigation through landscape planting undertaken in consultation with the landowners. The proposed planting could be designed to reflect surrounding shelterbelts and hedgerows, reducing the visual prominence of the stopbank and assisting its integration into the wider rural landscape. The evidence concludes that such mitigation has the potential to reduce visual effects from **Moderate Adverse** to **Moderate-Low Adverse**. This corresponds to a minor level of effect in RMA terms.

In relation to shading, the detailed sun-shadow analysis demonstrates that any additional shading from the stopbank would occur only during late afternoon periods in mid-winter. The analysis found that the existing shelterbelt already shades the dwelling and outdoor living area before the stopbank shadow reaches these areas. As a result, the additional shading attributable to the stopbank is assessed as **Very Low to Low Adverse**, with no material effect anticipated on the use and enjoyment of the property. This corresponds to a less than minor to minor level of effect in RMA terms.

The assessment also considered concerns regarding the ability to observe stock from the dwelling. While visibility of some paddocks from ground-floor locations will be reduced, the evidence notes that alternative viewing opportunities will remain available from upper-floor areas and from the stopbank crest itself. Potential mitigation measures, including strategically located monitoring cameras, could further reduce any effects. Overall effects are assessed as reducing from **Moderate-Low Adverse** to **Low Adverse** with mitigation. This corresponds to a less than minor to minor level of effect in RMA terms.

The submitters' landscape and visual concerns have been directly addressed through a detailed reassessment of the proposal. The landscape evidence acknowledges that adverse visual effects will occur but concludes that these effects are localised, can be appropriately mitigated through proposed planting, and do not alter the overall rural landscape character of the area. Subject to implementation of landscape mitigation measures, the concerns raised are considered to be substantially addressed from a landscape and visual effects perspective. A condition is recommended to provide for mitigation planting.

<u>54 Kipling Road</u>

The Newmans (Submitter #22), although stating they were neutral to the application, raised concerns about the visual impact from the stopbanks to the dwelling at 54 Kipling Road. 54 Kipling Road is located approximately 80 metres south of 59 Kipling Road and is therefore further separated from the proposed stopbank. As a result, the stopbank will appear more distant and will be viewed through a greater number of intervening landscape elements. These include orchard blocks, shelterbelts, and the buildings and vegetation associated with 59 Kipling Road, all of which provide additional visual filtering and screening between the dwelling and the proposed stopbank.

Consequently, the stopbank will be less visually prominent than it is from 59 Kipling Road and will occupy a smaller proportion of the available outlook. While some views toward the stopbank may be available through gaps in vegetation, the existing horticultural landscape will continue to dominate the visual environment and remain the primary source of visual amenity.

Furthermore, the proposed mitigation identified for 59 Kipling Road would provide additional screening benefits when viewed from 54 Kipling Road. Taking these factors into account, the visual effects associated with the proposed stopbank on the outlook from 54 Kipling Road are assessed as **Low Adverse,** with opportunities for mitigation planting to further reduce effects to **Very Low Adverse.** This corresponds with a level of effect that is less than minor or minor under the RMA.

<u>9 & 11 Rangatira Road and 35 Paulson Road</u>

The LVA memorandum by WSP does not address the landowner effects of the stopbanks on owners/occupiers of 9 and 11 Rangatira Road (TK6 and TK7) as requested, nor 35 Paulson Road. The dwellings on these sites are in close proximity to the stopbank. The stopbank will increase the ground level by 4.0m in this location. The stopbanks are located west of the dwellings on Rangatira Road so some shadow during the afternoon/evening is anticipated. These landowners have not made submissions to the proposal. It is expected that they will be in discussions with the project team as part of the Public Works Act process. On this basis it is likely that the effects will end up being accepted. It is still considered appropriate for the Applicant or their Landscape Architect to provide comment on the level of visual change for these landowners.

59 Kipling Road

No submission was received that referenced 59 Kipling Road. However it is noted that the Newman's own this property. However in their review, Isthmus identified the owner/occupier as being potentially affected.

The LVA addendum by WSP concludes that taking into account the magnitude of visual change, the limited visibility of the stopbank from the principal outdoor living area, and the Medium sensitivity of the viewing audience, the visual effects associated with the proposal are assessed as **Moderate to Low Adverse**. With mitigation in place, such as screen planting, the visual effects could potentially be reduced **to Low Adverse** (less than minor to minor in RMA terms).

The shading effects on the dwelling and associated outdoor living areas are assessed as **Low Adverse** (refer to shading diagrams).

Summary

Overall, the applicant deems the effects acceptable. There is a good level of agreement between the applicant and the technical experts; and I accept and rely upon these expert opinions. Subject to the construction being carried out in accordance with the approved design drawings and specifications, and the mitigation proposed, I consider that the actual and potential effects on landscape values are likely to be acceptable.

However, I require confirmation from landscape architecture experts regarding the level of visual change for the owners/occupiers of 9 and 11 Rangatira Road. While I have undertaken a preliminary assessment based on the information currently available, I am not in a position to form a final view at this stage. My recommendation may require reconsideration should further evidence presented through the hearing materially alter the understanding of these effects.

5.3.10. Heritage effects

The project areas overlaid by the TMRP Heritage Alert Overlay. Listed Post European Contact Schedule Historic Sites (P50, P51, P52 and P53) are located adjacent to the project area. A summary of the schedules sites is provided below:

• P50 - HPT3476, Church of St John the Evangelist, Category B.

• P51 - HPT3475, Waikohu War Memorial - WWI field gun, WWII, war memorial gateway, enclosing wall, Category A.

• P52 – no longer listed in the TRMP schedules however still appears in online TRMP planning maps. The scheduled building no longer exists, and the site is a gravelled and clear of any new buildings and structures.

• P53 - Waikohu Hall, Category C.

On road truck movements will be adjacent Post European Contact Scheduled Sites P50, P51 and P53. No other works are proposed within close proximity of the scheduled sites therefore any potential effects would be limited to those arising from truck movements (i.e. noise and vibration). Given that no works (other than on road truck movements) will occur near any Post European Contact Schedule Historic Sites,

No submissions were received about archaeological effects. I agree with the applicant's assessment that any adverse effects on Listed Post European Contact Schedule Historic Sites and heritage values will be less than minor and acceptable.

5.3.11. Archaeological effects

The applicant has provided an archaeological assessment which was undertaken by In Situ Archaeological Heritage. I have taken this assessment at face value and have not sent it for technical review. The archaeological assessment concluded and recommended:

1. No recorded archaeological sites will be affected by the proposed works. The likelihood of encountering intact unrecorded archaeological features during the proposed works is assessed to be very low, due to unfavourable soils and flooding risk.

2. Given this very low probability, having an Archaeological Site Discovery Protocol in place during all earthworks will provide sufficient safeguard to ensure that if archaeological deposits are encountered, they are appropriately managed and recorded.

Proffered resource consent conditions have been developed which detail the Archaeological / Accidental Site Discovery Protocol. These aim to avoid and mitigate any actual and potential adverse effects on archaeological values.

No submissions were received about archaeological effects. I agree with the applicant's assessment that any actual or potential adverse effects on archaeological values are expected to be less than minor and acceptable.

5.3.12. Effects on tangata whenua values

No Statutory Acknowledgements are held over the extent of works area, however an Area of Interest is mapped for Te Aitanga ā Māhaki iwi. The applicant has engaged at length with Te Aitanga ā Māhaki. A cultural impact assessment was anticipated prior to notification but has not been provided to date however, an email of support has been provided by iwi representative Willie Te Aho to GDC, stating:

"*[...] we want the GDC Consenting Team to know that we support this consent and we will refine the attached conditions as well as ensure that we/Te Aitanga a Mahaki are a part of all decisions through to the completion of this flood resilience next year. Please proceed with this application with our support*."

Assessment of effects on cultural values is more appropriate to be undertaken by the relevant Mana Whenua entity, however an indication of the expected effects on cultural values has been provided as follows by the applicant. They note its limitations and scope.

- It is recognised that most natural waterways and the whenua will have cultural values associated with them as they contribute to the overall health and well-being of the wider environment. Many native flora and fauna species living within the region's waterways are valued by tangata whenua for their medicinal, food and weaving values and intrinsic values.

- It is common for archaeological sites to be located near waterways, and this is reflected in the spatial distribution of the Heritage Alert Overlay and recorded sites. Historic settlement patterns were usually connected to waterways as they provided important food sources and transport routes.

- No known site of cultural significance (noting that the Waipaoa River and its tributaries and the local whenua hold cultural significance) archaeological and heritage sites are known within the proposed works areas as indicated by the GDC GIS and as outlined by the archaeological report mentioned above.

The proposed construction works are temporary. As such, it is likely there will be limited continuing or noticeable effects on the downstream environment and whenua post construction. The proposed CEMP and ESCP and inclusive spill management plan, will also provide mitigation for adverse cultural effects on the health of the stream and the freshwater habitat within the waterbody. Resource consent conditions have been developed with Te Aitanga ā Māhaki to manage any relevant cultural and mana whenua matters.

Engagement with the local community, Te Aitanga ā Māhaki iwi and local marae about flood mitigation options began subsequently after Cyclone Gabrielle in 2023 and engagement is ongoing. A full engagement timeline summary is included in Section 9 of the AEE. This includes formation of a steering group, multiple hui, and options selection.

Notice of the application was directly served to Te Aitanga ā Māhaki iwi. Subsequent engagement with Wi Pere Trust (landowner where the proposed stopbank traverses) also identified the potential need for an alternative stopbank alignment (see details below) to avoid the Wi Pere Trust property.

A joint submission was received from the following persons:

1. Te Aitanga ā Māhaki Trust (TAMT) - Chief Executive/Lead Negotiator
2. Māhaki Tiaki Tangata – A civil defence facility under TAMP on Wi Pere Trust land on Kanakanaia Road
3. Turanga Leasing Limited – Managing Director – Leaseholder for Crown
4. Toitu Tairāwhiti Builtsmart Limited – Director

It has been confirmed that a Cultural Impact Assessment will not be supplied. Although the submission does not specifically discuss cultural matters, it states that the submitters strongly support the application. They consider that improved flood protection is necessary for community wellbeing and recovery and that the project will improve flood resilience and safety for residents, businesses, community facilities and infrastructure in Te Karaka. They seek that the resource consent be approved, and that continued partnership be maintained between GDC, iwi and community organisations during implementation and future emergency planning. Finally, they seek that the importance of both physical flood protection infrastructure and long-term community resilience initiative be recognised. I am satisfied that appropriate engagement has occurred to date with Te Aitanga ā Māhaki iwi and that the proposal will have an acceptable level of cultural effects on this iwi group as no adverse cultural effects have been raised.

However, mana whenua groups do not necessarily hold the same views (notwithstanding wider community consultation). Tim Rhodes has submitted on behalf of Alan Haronga, Chair of the Wi Pere Trust who own land identified by the applicant as TK18. They seek that the effects on ancestral Māori land be properly recognised and assessed. The applicant has proposed an alternative alignment that avoids this land parcel. Proposed consent conditions are proposed which require the confirmation which alignment is confirmed for construction. I consider that these effects are best assessed through the hearing process rather than after the grant of consent because the change of alignment may expose the subject properties to greater flooding than if they benefited from the scheme. I consider that further discussion between the applicant and submitter about how both alignment options affect TK18 is required as part of the hearing process. Further mitigation, design changes or conditions may be needed. Adverse

cultural effects to the Wi Pere Trust beneficiaries are yet to be determined and the applicant may need to make further consideration of tangata whenua effects including an assessment under s6(e) of the RMA.

No submissions have been received regarding cultural effects as they relate to the proposed water take. It is considered that the comprehensive process for establishing the water abstraction framework was subject to rigorous consultation with iwi.

Overall, I cannot conclude the level of effect to tangata whenua values at this time. I recommend this is subject to further discussion at the hearing.

5.3.13. Economic and social impacts

The applicant has provided a high-level economic assessment carried out by Christensen Consulting. The assessment provides methodology for the assessment.

It is stated that the project will have positive economic impacts that include:

▪ *Reduced Economic Disruption and Protection of Livelihoods: By safeguarding businesses, and commercial areas, the project will reduce the economic toll of flood events on the community.*

▪ *Beneficial cost – benefit ratio: It is likely that the proposed investment in flood mitigation for Te Karaka will provide direct, indirect and intangible benefits to the community that are greater than the capital cost of the scheme with a cost benefit ratio of approximately 1.5 to 3.9.*

I have taken this expert assessment at face value and agree with the applicant that the economic effects on the Te Karaka community are positive.

The economic assessment also outlined intangible losses which are considered to be social impacts (as defined in the assessment). The applicant considers there to be both positive and negative. The positive social impacts include:

- Increased public safety and reduced flood risk for approximately 200 properties;
- Ability for most of the community to stay 'in place' and avoid disruption associated with displacement or retreat;
- Continuity of social infrastructure and services, such as the school, community services and transport links during and after flood events;
- Protection of critical infrastructure such as roads, electricity and education to enable their continued operation during and after flood events; and
- Increased climate change resilience.

The proposal is also likely to result in adverse social effects for a small number of property owners who could be required to relocate due to increased flood risk outside the protected stopbank area. Potential impacts include stress, uncertainty, disruption to established living arrangements, and loss of attachment to place and community. While these effects may be significant for the individuals directly affected, they are proposed to be addressed through the Public Works Act (PWA) acquisition process, including statutory compensation intended to ensure affected landowners are fairly compensated. As a result, the applicant considers that residual social effects associated with property acquisition and relocation are considered no more than minor from an RMA perspective.

Potential adverse social effects have also been identified for bridge users and surrounding communities, particularly relating to the reliability of access during and following major flood events. This includes concerns regarding community connectivity, emergency response and evacuation, risks of isolation, and livestock welfare. However, these risks are proposed to be managed through emergency response planning, flood forecasting and warning systems, bridge closure protocols, and investigation of temporary alternative access arrangements where practicable.

Mr Coates (Submitter #76) argues that the economic assessment focuses on benefits to protected areas while failing to assess the economic costs and losses imposed on properties outside the protected area that experience increased flood hazard.

Four submitters have cited impacts to rural businesses, arising from the stopbank being located on their land and severing operations and consequential economic effects:

- Ms Hema (Submitter #73) and Pine Hollow Family Trust (Submitter – oppose the application, citing effects on an established equestrian business: The property at 2424 Matawai Road contains the consented Pine Hollow Riding School and Riverview Treks, operating since 2016 and providing riding lessons, treks, holiday programmes, and activities for children, including neurodiverse children and people with disabilities. The submitter considers the proposal threatens the continued and safe operation of these established activities. The neighbouring property owned by Ms Hema (2431 Matawai) also provides access for the horse treks. The submitter considers the proposal would impede access and safe passage for the horse treks, thereby affecting viability of the business and her part in it.

- Mr and Ms Newman (Submitter #21) state that drainage in this area of existing orchards already requires improvement. The presence of a flood bank often makes drainage more difficult, and the proposed flood bank running diagonally through our orchard would have a significant impact on their business. The altered shape of the block would make it commercially inefficient for orchard operations, with rows of varying lengths and irregular headland areas reducing productivity and increasing operational costs. This would result in a substantial financial loss to their business. The impacts would also extend to downstream businesses, including the packhouse,

which would receive less fruit and consequently experience reduced income. In addition, increased traffic around our orchard and residential properties would disrupt the day-to-day operation of the orchard and negatively affect their ability to manage the business efficiently.

- Mr and Mrs Burgess (Submitter #7) state that the eastern stopbank alignment encroaches onto the Burgess property, including part of the main driveway and orchard land, increasing direct impacts on their commercial citrus orchard.

I agree with the applicant and submitters that the project results in significant severance to TK5, TK10, TK12, TK13, TK18, TK21, TK22 and TK24. Any severance may result in some of the social losses outlined above and will depend on individual circumstances. For these properties, the landowner may require the applicant to acquire the severed areas, or grant a right of way over the stopbank to enable the areas to still be used. There are additional properties where relatively minor severance will occur. In these cases, it is anticipated that the applicant will acquire the severed areas. Areas of severance acquired for the project may be used as exchange for other land to be acquired. As noted above this process is still a work in progress. As for those affected by consequential flooding effects, a condition of consent is recommended to ensure that all necessary land interests, easements, covenants, or other legal arrangements required to authorise occupation of the affected properties ('subject' properties) are obtained prior to commissioning the works. It is expected that these mechanisms will contain the mitigation or compensation required to achieve an acceptable level of effect.

Overall, while the proposal gives rise to some adverse social effects for affected landowners and infrastructure users, these effects are localised, affect a limited number of people, and are proposed to be managed through compensation, property acquisition processes, and operational risk management measures.

5.3.14. Cumulative effects

Under the RMA, cumulative effects are specifically included within the definition of effect. Section 3 of the RMA defines an effect as including:

"Any cumulative effect which arises over time or in combination with other effects — regardless of the scale, intensity, duration, or frequency of the effect, and also includes any potential effect of high probability and any potential effect of low probability which has a high potential impact."

The applicant has not provided a specific assessment of cumulative effects in the AEE. Taking into account the preceding effects, I consider the following cumulative effects may arise:

Adverse cumulative effects arise primarily from the combination of consequential flooding effects, property impacts and associated social effects experienced by a relatively small

number of landowners located outside the protected area. While each individual effect may be manageable in isolation, the combined effects of increased flood hazard, potential property acquisition or severance, uncertainty associated with mitigation measures, and disruption to existing land use and occupation have the potential to create a greater overall impact on affected parties. These cumulative effects are most relevant to a limited number of properties including those at Kanakanaia Road, Mangaoae Road and Bridge Road. Mitigation, compensation and property acquisition processes are being progressed through the Public Works Act framework. For those within the benefit area, the proposal sets a new benchmark for design flows.

The proposed temporary water take warrants separate consideration in the cumulative context. The Waipaoa River catchment is already subject to significant allocation pressure, with the A Block over-allocated and the B Block approaching its allocation limit. The addition of a further take, even if temporary, has the potential to contribute cumulatively to existing water allocation pressures within the catchment. This effect is heightened because it occurs in the context of an already constrained resource. It is demonstrated that there is available water in the B Block allocation, with requirements. As such the cumulative water allocation effects are considered to be minor or less, and acceptable.

There is also potential for cumulative environmental effects associated with disturbance of freshwater and riparian environments. These include vegetation clearance, works within and adjacent to waterways, sediment generation, culvert installation. While these activities collectively have the potential to affect water quality, aquatic habitat and ecological values, technical assessments conclude that, subject to the proposed mitigation measures, residual effects on freshwater habitat, fish passage, ecological values and water quality will generally be low. Accordingly, adverse cumulative ecological effects are expected to remain minor.

Construction-related effects also have the potential to combine cumulatively over the duration of the works. Earthworks, truck movements, vegetation clearance, noise, vibration, dust generation and temporary disturbance of land and waterways will occur concurrently in various locations throughout the project area. However, these effects are temporary in duration and will be managed through a comprehensive suite of conditions, including erosion and sediment control plans, construction management plans, noise and vibration management measures, ecological management requirements and reinstatement obligations. Given the temporary nature of these activities and the proposed mitigation measures, the cumulative construction effects are considered to be acceptable.

There are also significant positive cumulative effects.

5.3.15. Adverse effects summary

Overall, the actual and potential adverse effects are generally considered to be acceptable subject to the implementation of proffered and recommended conditions; and subject to clarification of the following matters during the hearing process:

1. **Hydrology and river dynamics effects**, including confirmation of the assumptions adopted for river aggradation, the treatment of debris blockage scenarios, implications for stopbank performance and freeboard adequacy, and the proposed approach to long-term monitoring and adaptive management of river behaviour.

2. **Consequential flooding effects**, including confirmation of the extent and magnitude of increased flood hazard effects outside the protected area, effects on specific properties and infrastructure, and the adequacy of proposed mitigation and residual flood risk management measures.

3. **Effects on tangata whenua values**, including the cultural implications of the preferred and alternative stopbank alignments, effects on ancestral Māori land and associated values, and whether additional mitigation, design amendments, or conditions are required to appropriately recognise and provide for those values.

4. **Landscape and visual effects**, particularly the extent of visual amenity, outlook and shading effects on neighbouring properties, including 9 and 11 Rangatira Road and 35 Paulson Road , and the appropriateness of proposed landscape mitigation measures.

5. **Freshwater ecology effects**, including confirmation of freshwater values associated with the smaller stream systems, the effectiveness of proposed culvert and floodgate designs for fish passage, and the adequacy of proposed monitoring, management and ecological mitigation measures.

5.3.16. Effects of Consent Duration

In accordance with relevant provisions contained within the TRMP and S123 of the RMA, the applicant seeks a five year consent duration for the construction of the proposed activities (including the water take from the Waipaoa River) which is expected to take approximately two to three years. A five-year construction consent duration will provide flexibility for any potential delays.

The land use consents associated with the permanent structures of the proposal (stopbanks, roads and culverts) will have no expiry.

A five year duration is considered appropriate to allow for the construction to take place.

5.3.17. Positive Effects

In Section 6.5 of the AEE, Mr Exeter identifies a range of positive effects associated with the proposal:

- Significant reduction in flood risk to people, properties and assets within the ‘benefit’ area of the scheme resulting in significant positive social, environmental, cultural and economic effects
    - Protection of approximately 161 hectares during the design event

    - 215 buildings experience a flooding benefit during the design event, including 179 residential dwellings, 21 commercial parcels and a population of 531. There is also a school which also acts as an emergency management centre, two early childhood centres and other community facilities (petrol station, store, churches).

- Less intensive farming within the new flood plain area with reduced nutrient and pesticide leaching which will be a 'net gain' for the freshwater habitat and fish ecological features
- Upgraded culvert with ramp has the potential to improve fish passage.

Other benefits are identified elsewhere in the application, including:

- Replanting with native planting.

I agree with Mr Exeter that there are a range of significant positive effects generated by the proposal. In my view the most significant of these is the reduction in flood risk to people, properties and assets.

The economic assessment also discusses 'secondary' benefits of the scheme immediately after adverse flood events, including:

- Ability for most of the community to stay 'in place' and avoid disruption associated with displacement or retreat;
- Continuity of social infrastructure and services, such as the school, community services and transport links during and after flood events; and
- Protection of critical infrastructure such as roads, electricity and education to enable their continued operation during and after flood events.

The Economic Appraisal prepared by Christensen Consulting calculates the Benefit to Cost Ration ratio of the scheme to be 3.9 (with a 2% sensitivity discount rate) or 1.5 (with an 8% sensitivity discount rate). The discount rates are based upon the NZ Treasury public sector discount rates for cost-benefit analysis.

72 submissions were received in support of the proposal. The predominant theme amongst supporting submitters was strong support for the proposed stopbank upgrade as a means of improving flood protection for Te Karaka and increasing community resilience following the impacts of Cyclone Gabrielle and previous flooding events. Submitters considered the proposal necessary to protect homes, businesses, community facilities, infrastructure, and residents from future flooding.

Many submitters referred to their direct experiences during Cyclone Gabrielle and expressed a desire for greater security and certainty regarding future flood events. Several submitters, including Nicky-Marie Kohere-Smiler (Submitter #5), Te Aitanga a Māhaki Trust and associated entities (Submitter #77), and Alex Walker (Submitter #65),

emphasised the importance of the upgrade in supporting community wellbeing and recovery.

A number of supporting submissions also highlighted the importance of pairing physical flood protection works with ongoing emergency management planning, community preparedness initiatives, and partnerships between Council, iwi and community organisations. Submissions 5 and 77 were particularly focused on this theme.

In summary, the positive effects of the proposal are both tangible and wide-reaching. They span social, economic and environmental effects, from protecting life and livelihoods, improving the resilience against flooding in Te Karaka, reducing nutrient load to the river and improving fish passage. Subject to the implementation of the recommended robust consent conditions, these outcomes represent a meaningful contribution to more effective and resilient flood management in the region. This aligns with the principles of Section 7(h) of the RMA as the scheme seeks to manage significant risks from natural hazards.

5.4. Conclusion on Effects and Statement on Gateway Test

The environmental effects of the proposal to install the flap gate on the culvert have been assessed, including potential impacts on fish passage. The positive effects of the flap gate have also been considered and fish passage is provided for.

Section 104D: Non-Complying Activity Gateway Test

As the application relates to a non-complying activity, the gateway test under section 104D of the Resource Management Act 1991 applies. Under section 104D(1), a consent authority may grant a resource consent for a non-complying activity only if it is satisfied that either:

(a) The adverse effects of the activity on the environment will be minor; or

(b) The activity will not be contrary to the objectives and policies of the relevant plan and/or proposed plan.

Based on my consideration of all relevant matters under Section 104D(1)(a), including the assessment in Section 5.2, I am satisfied that the application for the construction and operation of a flap gate meets the threshold of the first limb of the gateway test.

6.0 SECTION 104(1)(b) – RELEVANT PROVISIONS

6.1. Relevant provisions

Section 104(1)(b) of the RMA requires the decision maker to have regard to the relevant provisions of the following documents:

- A national environmental standard;
- Other regulations;

- A national policy statement;
- A New Zealand coastal policy statement;
- A regional policy statement or proposed regional policy statement; and
- A plan or proposed plan.

Of relevance to this application are the following documents:

- National Environmental Standard for Freshwater;
- National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health;
- Resource Management (Freshwater and Other Matters) Amendment Act 2024;
- Resource Management (Consenting and Other System Changes) Amendment Act 2025;
- Resource Management (Duration of Consents) Amendment Act 2025;
- National Policy Statement for Freshwater Management 2020;
- National Policy Statement for Natural Hazards 2025;
- National Policy Statement for Infrastructure 2025;
- National policy statement for Highly Productive Land 2022;
- Resource Management (Measurement and Reporting of Water Takes) Regulations 2020; and
- Tairāwhiti Resource Management Plan.

6.2. National Environmental Standard for Freshwater

The NES-FW has been considered in this proposal. It is considered that all relevant requirements of the NES-FW can be met and managed via the proposed consent conditions.

Despite the proposed flap gate on the culvert being a non-complying activity, the proposal is to provide a net benefit to fish passage and ecology therefore the proposal is not contrary to the NES-FW.

6.3. National Environmental Standard for Assessing and Managing Contaminants in Soil to *Protect Human Health*

The NES-CS has been considered in this proposal. It is considered that all relevant requirements of the NES-CS have been met through the PSI, DSI and Site Management Plan (contamination) i.e. human health from contaminated land will be protected.

6.4. Resource Management (Freshwater and Other Matters) Amendment Act 2024

The Resource Management (Freshwater and Other Matters) Amendment Act 2024 came into force in October 2024. Among a suite of changes to freshwater management, the Amendment Act specifically excludes the requirement to apply the *"hierarchy of obligations"* set out in the NPS-FM when considering applications for resource consent. This exclusion will remain in effect while the NPS-FM is under review and a replacement policy document is developed.

These changes apply to applications lodged both prior to, and after, the commencement of the Amendment Act and are therefore relevant to this application. Their implications are discussed further in the section below on the NPS-FM.

6.5. Resource Management (Consenting and Other System Changes) Amendment Act 2025

The Resource Management (Consenting and Other System Changes) Amendment Act 2025 came into force in August 2025, introducing a range of changes to consenting and compliance provisions under the RMA.

One key change enables consent authorities to take into account an applicant's compliance history when making decisions on new resource consent applications. This provision applies only to applications lodged after the commencement of the Amendment Act and is therefore applicable to this application.

GDC Compliance, Monitoring and Enforcement Team has confirmed that enforcement action has previously been taken in relation to activities undertaken by the Community Lifelines team. Of relevance to this application, abatement notice 2025-A395 was issued on 15 July 2025 in relation to a non-consented discharge to air associated with aerial spraying of riparian margins of the Waipaoa River, and abatement notice 2025-A396 was issued on 11 July 2025 for a breach of resource consent involving a discharge of sediment to Whakaahu Stream during culvert construction. Infringement notices 2025-I40 and 2025-I34 were also issued in relation to those respective matters.

I have given regard to this compliance history. The enforcement action relates to two incidents in 2025, including a discharge associated with works in a watercourse and aerial spraying adjacent to the Waipaoa River. These matters have some relevance to the current proposal given the nature and location of the works. I note, however, that the compliance history identified above does not include an enforcement order or conviction under the RMA. In my view, the compliance history does not warrant a change to my preliminary recommendation to grant consent.

The Amendment Act also introduced new provisions under section 128 of the RMA, allowing for consents to be revoked or suspended in cases of ongoing or repeated serious breaches. These provisions apply to all resource consents, whether granted before, on, or after the commencement of the Amendment Act. However, they apply only in relation to contraventions of consent conditions that occur after commencement; there is no retrospective reach.

This means that RLD's consent, if granted, would be subject to these new compliance provisions. Should any serious or repeated breaches of consent conditions occur, the Council would have the ability to consider suspension or revocation under the amended section 128. This emphasises the importance of ongoing compliance with consent conditions under the updated regulatory framework.

6.6. National Policy Statement for Freshwater Management 2020

The NPS-FM is a national level policy document that sets direction to local authorities on managing the activities that affect the health of freshwater. The NPS-FM came into effect in September 2020. The freshwater provisions of the TRMP predate the NPS-FM, and therefore it is my opinion that the NPS-FM should be assessed and taken into account as a relevant higher order planning instrument.

The concept of Te Mana o te Wai is central to the NPS-FM. This concept recognises the fundamental importance of freshwater and that protecting the health of freshwater protects the health and wellbeing of the wider environment and people. Te Mana o te Wai includes a hierarchy of obligations, as outlined in clause 1.3(5) of the NPS-FM, setting out in priority order the need to protect:

> *First, the health and wellbeing of water bodies and freshwater ecosystems*
> *Second, the health needs of people (such as drinking water)*
> *Third, the ability of people and communities to provide for their social, economic and cultural wellbeing, now and in the future.*

The policies relevant to the proposal are included below:

> ***Policy 1:*** *Freshwater is managed in a way that gives effect to Te Mana o te Wai.*
> ***Policy 2:*** *Tangata whenua are actively involved in freshwater management (including decision making processes), and Māori freshwater values are identified and provided for.*
> ***Policy 3:*** *Freshwater is managed in an integrated way that considers the effects of the use and development of land on a whole-of-catchment basis, including the effects on receiving environments.*
> ***Policy 4:*** *Freshwater is managed as part of New Zealand's integrated response to climate change.*
> ***Policy 6:*** *There is no further loss of extent of natural inland wetlands, their values are protected, and their restoration is promoted*
> ***Policy 7:*** *The loss of river extent and values is avoided to the extent practicable.*
> ***Policy 8:*** *The significant values of outstanding water bodies are protected*
> ***Policy 9:*** *The habitats of indigenous freshwater species are protected.*
> ***Policy 15:*** *Communities are enabled to provide for their social, economic, and cultural wellbeing in a way that is consistent with this National Policy*

The proposal is not expected to result in significant adverse effects on the health and wellbeing of freshwater ecosystems. Construction activities will be carefully managed to avoid adverse effects on the water quality and ecological values of the Waipaoa River.

Mana Whenua have been engaged throughout the development of the project, and Gisborne District Council will continue this partnership to ensure ongoing participation in project delivery. The proposal reflects the principles of Te Mana o Te Wai and has received in-principle support from local iwi and marae.

The works will reduce flood risk and enhance community resilience by increasing flood conveyance capacity during extreme weather events, including those anticipated under future climate change scenarios. By providing additional space for the river during high-flow events, the project will support the natural function of the Waipaoa River and help protect and enhance its values.

Water quality will be safeguarded through the implementation of appropriate erosion and sediment control measures during construction, together with the re-vegetation of disturbed areas following completion of the works.

A small, unconfirmed wetland is located near the proposed works area. While some activities will occur within 100 metres of the site, a minimum setback of 10 metres will be maintained. As noted in the Ecological Impact Assessment, the area is likely to comprise predominantly exotic wetland species and has been assessed as having low ecological value. Accordingly, no adverse effects on the wetland are anticipated.

Overall, the proposal is consistent with, and not contrary to, the relevant policies and objectives of the National Policy Statement for Freshwater Management (NPS-FM).

6.7. National Policy Statement for Natural Hazards 2025

The National Policy Statement for Natural Hazards 2025 (NPS-NH) came into effect on 15 January 2026. The NPS-NH directs decision-makers to manage natural hazard risk to people and property from subdivision, use and development using a risk-based, proportionate approach. In particular, it requires the level of risk to be assessed using the NPS-NH risk matrix and then managed in a way that matches that level of risk—avoiding “very high” natural hazard risk and avoiding or proportionately mitigating other levels of risk as appropriate. It also requires that subdivision, use or development (including any mitigation) must not create or increase “significant” natural hazard risk on other sites unless that risk is avoided or proportionately mitigated. Assessments and decisions must be based on the best available information, even where that information is uncertain or incomplete, and must consider the potential impacts of climate change out to at least 100 years when evaluating and managing hazard risk.

Stopbanks are not included in the RMA definition of infrastructure, therefore, stopbanks are subject to the NPS-NH. It is considered stopbanks are defined under the ‘interpretation’ section of the National Policy Statement for Infrastructure 2025 (NPS-I)

as ‘additional infrastructure’ under the wider banner of ‘flood control and protection works carried out by, or on behalf, of a local authority’ (refer to NPS-I section below).

The overarching objective of the NPS-NH is: “Natural hazard risk to people and property associated with subdivision use and development is managed using a risk-based proportionate approach.”
Relevant policies of the NPS-NH state:
Policy 1: When considering natural hazard risk associated with subdivision, use or development, the risk level must be assessed using the risk matrix.
Policy 2: Natural hazard risk associated with subdivision, use and development must be managed using an approach that is proportionate to the level of natural hazard risk.
Policy 3: Where subdivision, use or development is assessed as having very high natural hazard risk, that risk must be avoided.
Policy 4: Where subdivision, use or development, including any associated mitigation measures, will create or increase significant natural hazard risk on other sites, that risk must be avoided or mitigated using an approach that is proportionate to the level of natural hazard risk.
Policy 5: Natural hazard risk assessment and decisions must be based on the best available
information and must be made even when that information is uncertain or incomplete.
Policy 6: The potential impacts of climate change to at least 100 years into the future must be considered.
Under clause 3.2, natural hazard risk must be assessed by determining:
• the likelihood level and
• the consequence level
and then applying a risk matrix to determine whether risk is low, medium, high or very high, taking account of mitigation measures and residual risk (i.e., what happens when mitigation design thresholds are exceeded).

Assessment

Based on the available information, the primary natural hazard relevant to this proposal is river flooding associated with the Waipaoa River. The proposed stopbank upgrade constitutes flood-risk mitigation infrastructure, rather than new development or subdivision that would increase exposure of people, property or infrastructure to natural hazards.

The purpose of the proposal is to increase the level of service and resilience of the existing flood protection scheme for the Te Karaka township by constructing a stopbank designed to contain a “likely to possible” (i.e. ‘Cyclone Gabrielle’ to ‘design’) flood event, thereby materially reducing flood risk to the existing community during extreme

weather events. The proposal will not, of itself, create or enable additional development potential, nor will it intensify land use in areas subject to natural hazard risk.

In this context, the NPS-NH is relevant primarily in directing consideration of whether the proposal appropriately manages natural hazard risk, including residual risk associated with events exceeding the design standard, and whether it avoids any unintended increase in hazard risk elsewhere through consequential flooding effects. Accordingly, the assessment below focuses on the management of residual flood risk, including consequential flood effects on properties and infrastructure outside the protected area, rather than on the suitability of new development in hazard-prone areas.

The risk matrix outcome is stated as follows for those properties in the non-benefit area:

Address	Cyclone Gabrielle event (likely)	Design event (possible)	Overdesign event (unlikely)
103 Kanakanaia Road	N/A	High	High
108 Kanakanaia Road	High	High	High
23 Mangaoae Road	Medium	High	High
45 Bridge Road	Low	Medium	High
46 Bridge Road	Medium	Medium	High
96 Kanakanaia Road	N/A	Medium	High

Table 5 – Risk matrix outcome for properties in non-benefit area

The proposed stopbank upgrade strongly aligns with the intent and outcomes of the NPS-NH by significantly reducing flood risk for the Te Karaka community without enabling new or intensified development in hazard-prone areas.

The flood risk assessment indicates substantial benefits for residential properties, with more than 200 homes experiencing meaningful reductions in flood risk, improving community safety, resilience, and wellbeing. While some increased flood hazard effects are identified for a small number of properties outside the protected area, these are localised, occur against an existing hazard baseline, and can be managed through targeted mitigation measures.

The proposal does not result in any residential properties being classified as facing a "very high" natural hazard risk, and therefore does not trigger NPS-NH Policy 3. Climate change impacts have been incorporated into the assessment, and residual risks have been identified and managed transparently.

Overall, the proposal delivers a clear net reduction in flood risk, appropriately manages residual effects, and is consistent with the NPS-NH objective of reducing natural hazard risk while avoiding new or intensified hazard exposure.

River flooding – roading and bridges

The applicant has assessed roads and bridges against the risk matrix as follows:

Table 6 – Risk Matrix outcome for roading and bridges

Road / Bridge	Cyclone Gabrielle event (likely)	Design event (possible)	Overdesign event (unlikely)
Mangaoae Road	High	High	N/A
Rangatira Road bridge	High	High	N/A
Kanakanaia Road bridge	High	High	N/A

The proposed stopbank upgrade is consistent with the National Policy Statement for Natural Hazards (NPS-NH). The assessment found that the upgrade does not introduce new transport infrastructure, increase hazard exposure, or materially worsen flood risk.

While some localised changes in flood consequences were identified, overall flood risk ratings for affected roads and bridges remain unchanged and stay within existing risk categories. No roads or bridges move into a new or higher risk category as a result of the project.

Any residual flood-related effects are understood, transparent, and can be managed through existing operational measures such as flood forecasting, warning systems, and bridge closure protocols. Overall, the proposal appropriately manages natural hazard risks and aligns with the NPS-NH risk-reduction approach.

Flooding Summary

Overall, the proposed stopbank upgrade is not contrary with the intent and direction of the NPS-NH. The proposal is a natural hazard risk-mitigation project designed to substantially reduce existing flood risk to the Te Karaka township and does not enable or intensify development in hazard-prone areas.

The assessment demonstrates a clear net reduction in natural hazard risk, with more than 200 residential properties experiencing a significant improvement in flood risk classification as a result of the proposal. While consequential flood effects on a limited number of properties, roads and bridges have been identified, these occur against an existing hazard baseline and do not result in a material escalation of overall risk. Residual risks, including those associated with over-design flood events, have been transparently assessed and will be managed through proportionate mitigation, operational responses and longer-term asset management.

When considered in the context of the existing environment and future climate change, the proposal gives effect to the NPS-NH by reducing natural hazard risk where practicable, managing residual and consequential effects in a proportionate manner, and avoiding the creation of new or intensified exposure to natural hazards

Geotechnical

The applicant has not provided a risk matrix assessment for geotechnical hazards (e.g. liquefaction) although they have provided an assessment of effects for geotechnical matters which are found to be minor and acceptable. This has been requested to be provided in evidence. The applicant has proposed that liquefaction risk be accepted on a risk-management basis rather than mitigated through ground improvement or other specific liquefaction mitigation. Council's geotechnical engineer considers that this position is generally consistent with the geotechnical report, which identifies liquefaction as a residual risk but acknowledges that settlement and lateral spreading could occur in a large seismic event. He considers that, given the scale and linear nature of the stopbank, and the likely disproportionate cost of full liquefaction mitigation, this risk-based approach is considered reasonable, provided the residual risk is recognised and managed through post-event inspection and repair/reinstatement procedures. No further liquefaction mitigation is requested at resource consent stage, but the officer recommends that if granted, the consent should include a requirement for the detailed design or management documentation to confirm the post-seismic inspection, repair, and reinstatement approach for liquefaction-related deformation or damage to the stopbank.

6.8. **National Policy Statement for Infrastructure** 2025

The National Policy Statement for Infrastructure (NPS-I) applies to a broader range of infrastructure than defined in the RMA, and includes flood protection assets like stopbanks (i.e. additional infrastructure) and associated earthworks, land disturbance, vegetation clearance, and culverts (i.e. ancillary infrastructure activities).

The objectives of the NPS-I are to:
(a) ensure the national, regional and local benefits of infrastructure are provided for;
(b) enable infrastructure to support the social, economic and cultural wellbeing of people and communities and their health and safety;
(c) enable infrastructure to support the development and change of urban and rural environments to meet the diverse and changing needs of present and future generations;
(d) ensure infrastructure is well-functioning, resilient and compatible, as far as practicable, with other activities; and
(e) ensure infrastructure is delivered in a timely and efficient manner while managing adverse effects from or on infrastructure
As discussed throughout the proposal and in this report, the purpose of this application is aligned with the NPS-I objectives.

Policy 1 of the NPS-I states that decision-makers 'must recognise that the benefits of infrastructure include … reducing the risks from, and improving resilience to, natural hazards and climate change'.

This is the primary outcome of the project.

Policy 2 states 'decision-makers must recognise that the operational need or functional need of infrastructure includes…the need to…manage risks from natural hazards'.

The proposal clearly demonstrates an operational and functional need to manage the natural hazards.

Policy 6 states 'decision makers must recognise and provide for Māori interests in relation to infrastructure activities and infrastructure supporting activities, including by … taking into account the outcome of any engagement with tangata whenua on any relevant resource consent'.

Te Aitanga ā Māhaki iwi have endorsed the project through the engagement process and their submission to the application.

Policy 7 states:
(1) When assessing and managing the effects of infrastructure activities, decision-makers must:
(a) have regard to the extent to which adverse effects have been avoided, remedied or mitigated through the selection of the route, site or method of undertaking the work;
(b) consider the technical and operational requirements and constraints of infrastructure activities;
(c) take into account the extent to which the effects of the infrastructure activities are different in scale, intensity, duration and frequency from the effects of existing infrastructure;
(d) take into account relevant international standards (that are recognised or used in New Zealand), national standards and recognised best practice standards and methodologies to assess and manage adverse effects; and
(e) ensure that the mitigation measures and consent conditions are proportionate to the scale of adverse effects generated by the activity.

As discussed above, Policy 7 is considered to be met, with adverse effects managed through appropriate design refinement, proportional mitigation measures, and consent conditions that are commensurate with the scale and nature of effects identified.

Overall, the proposal is consistent with and gives effect to the objectives and policies of the NPS-I by providing resilient flood protection infrastructure that delivers significant local and regional benefits while appropriately managing adverse effects.

6.9. National Policy Statement for Freshwater Management

The National Policy Statement for Freshwater Management 2020 (NPS-FM) applies to all freshwater (including groundwater) and, to the extent they are affected by freshwater, to receiving environments (which may include estuaries and the wider coastal marine area).

The NPS-FM came into force on 3 September 2020 and every local authority must give effect to this National Policy Statement as soon as reasonably practicable.

Part 2 of the NPS-FM contains a single overarching objective:

The objective of this National Policy Statement is to ensure that natural and physical resources are managed in a way that prioritises:
first, the health and well-being of water bodies and freshwater ecosystems
second, the health needs of people (such as drinking water)
third, the ability of people and communities to provide for their social, economic, and cultural well-being, now and in the future
The policies relevant to the proposal are included below:

- ***Policy 1:*** *Freshwater is managed in a way that gives effect to Te Mana o te Wai.*
- ***Policy 2:*** *Tangata whenua are actively involved in freshwater management (including decision making processes), and Māori freshwater values are identified and provided for.*
- ***Policy 3:*** *Freshwater is managed in an integrated way that considers the effects of the use and development of land on a whole-of-catchment basis, including the effects on receiving environments.*
- ***Policy 4:*** *Freshwater is managed as part of New Zealand's integrated response to climate change.*
- ***Policy 6:*** *There is no further loss of extent of natural inland wetlands, their values are protected, and their restoration is promoted*
- ***Policy 7:*** *The loss of river extent and values is avoided to the extent practicable.*
- ***Policy 8:*** *The significant values of outstanding water bodies are protected*
- ***Policy 9:*** *The habitats of indigenous freshwater species are protected.*
- ***Policy 15:*** *Communities are enabled to provide for their social, economic, and cultural wellbeing in a way that is consistent with this National Policy Statement*

<u>Assessment</u>

The proposal will not have any significant adverse effects on the health and wellbeing of freshwater ecosystems. The proposed works will be carefully managed to ensure that adverse effects on the quality and values of Waipaoa River are avoided.

Mana Whenua have been consulted with throughout the process and GDC will continue to engage with them to ensure that they are actively involved in the process. The project has embraced Te Mana o Te Wai and has been endorsed in principle by local iwi and marae.

The works will reduce flooding effects and is inherently designed to account for the effects of climate change by increasing the flood capacity area during extreme weather events.

Giving more room back to the river will increase the extent of the Waipaoa River and improve and protect river values.

The quality of the water will be maintained through the implementation of appropriate erosion and sediment controls during the earthworks and re-vegetation of any disturbed areas upon completion of the works.

A small, 'unconfirmed' wetland is located close to the proposed area of works, which will occur within 100m of the potential wetland area but at least 10m set back. It is noted in the EcIA attached as Appendix 7 that given the nature of the surrounding area, it is likely that any wetland species present would be exotic and the potential wetland area has been assessed as having 'low' value. In this respect, the wetland will not be adversely affected.

Overall, the proposal is not contrary with the relevant policies of the NPS-FM.

6.10. National Policy Statement for Highly Productive Land 2022

The National Policy Statement for Highly Productive Land (2022, amended December 2025, "NPS:HPL") has an interim definition of highly productive land (section 3.5(7)), which means the objectives and policies of the NPS:HPL apply to rural zoned land identified as land use classification (LUC) 1, 2 or 3. However, Clause 3.5(7)(b)(iii) of the amended NPS-HPL excludes from the interim definition of highly productive land LUC 3 land that is subject to a resource consent application for subdivision, use or development (other than rural lifestyle activities) lodged after the commencement date. To the extent the proposal involves development on LUC 3 land, those areas may therefore fall outside the interim definition of highly productive land. Notwithstanding this, portions of the proposal traverse LUC 2 land and, in any event, the proposal has been assessed against the relevant objectives and policies of the NPS-HPL.

The overarching objective of the NPS:HPL is:
Highly productive land is protected for use in landbased primary production, both now and for future generations.
The relevant policies are:
Policy 1: Highly productive land is recognised as a resource with finite characteristics and long-term values for land-based primary production.
Policy 2: The identification and management of highly productive land is undertaken in an integrated way that considers the interactions with freshwater management and urban development.
Policy 4: The use of highly productive land for land-based primary production is prioritised and supported.
Policy 8: Highly productive land is protected from inappropriate use and development.

The NPS:HPL seeks to protect highly productive land for productive purposes, and from inappropriate use and development. However, the NPS:HPL provides an exemption for the development of specified infrastructure where there is a functional or operational need for the use or development to be on highly productive land (Clause 3.9.2 (j)). It is considered that an exemption would be applicable in this case provided that Section 3.9 (3) is generally met:

> *(3) Territorial authorities must take measures to ensure that any use or development on highly productive land:*
> *(a) minimises or mitigates any actual loss or potential cumulative loss of the availability and productive capacity of highly productive land in their district; and*
> *(b) avoids if possible, or otherwise mitigates, any actual or potential reverse sensitivity effects on land-based primary production activities from the use or development.*

The proposal aims to minimise the loss of productive capacity as much as practicable by reinstating the borrow area north of the stopbank alignment into retired grassland or pasture for passive grazing. The current stopbank material will be used in the new upgraded stopbank, reducing the amount of potential productive soil loss through construction.

Moreover, the land 'freed up' by the removal of the decommissioned stopbanks can be utilised again for agriculture. It is acknowledged that the shift of the stopbank would potentially expose more of the productive soils to flooding and erosion. However, given that the current stopbanks were breached during Cyclone Gabrielle, and the area experienced soil loss, on balance the difference in soil loss comparing the existing environment and proposal is considered negligible.

Unlike residential or other development, the nature of the stopbank means that reverse sensitivity effects are not anticipated.

Overall, it is considered that the proposal not contrary to the NPS:HPL overarching objective and relevant policies.

6.11. Resource Management (Measurement and Reporting of Water Takes) Regulations 2020

The Resource Management (Measurement and Reporting of Water Takes) Regulations 2010 came into effect in November 2010. Amendments to these regulations came into force in September 2020 and apply to holders of water permits (resource consents for water take and use) that allow water to be taken at a rate of 5.0 litres per second or more.

I recommended conditions requiring the installation and maintenance of water meters with specified accuracy and periodic calibration. Records of water use must be kept and reported to the Council, ensuring compliance with the Regulations to measure and record water takes from all sources. This data will be used to confirm that water abstracted for irrigation is being used efficiently and within the maximum volumes

consented. The data will also inform the Council's consideration of whether allocated volumes remain appropriate. Telemetry will not be required (to enable the transmission of water meter data directly to the Council). If the recommended water metering conditions are adopted, the proposal will be consistent with the Regulations for Measurement and Reporting of Water Takes.

6.12. Tairāwhiti Resource Management Plan

6.12.1. **Objectives** and Policies

The following objectives and policies of the TRMP are relevant to the proposal:

Part B - Regional Policy Statement

B1: Tangata Whenua

B1.2.1 Objective

1. To take into account the principles of the Treaty of Waitangi in the exercise of functions and powers under the Act.

B1.2.2 Policies

1. The Kawanatanga Principle To recognise that the Gisborne District Council's (delegated) right to manage natural and physical resources (kawanatanga) is exercised subject to the protection of rangatiratanga.

2. The Rangatiratanga Principle To endeavour to uphold, within the limits of the RMA, the rangatiratanga rights of iwi o Tairāwhiti. Policies and plans shall, as far as possible, be consistent with Māori values and preferences for management of their resources.

3. The Partnership Principle To actively promote and develop greater partnership between Council and iwi o Tairāwhiti in the management of the district's natural and physical resources by exercising the utmost good faith, co-operation, reasonable compromise, flexibility and responsiveness.

4. The Active Protection Principle To actively protect the manataiao and taonga of iwi o Tairāwhiti by identifying and protecting, in a manner appropriate to the values of iwi, those natural and physical resources of significance to iwi.

5. To take account of the guarantee of rangitiratanga and its relationship with kawanatanga in resource management planning.

B1.3.1 Objective

1. To have particular regard to the concept of kaitiakitanga when managing the use, development and protection of natural and physical resources, in a way which accommodates the views of individual iwi and hapu.

B1.3.2 Policies

1. To consult with iwi and hapu on an individual basis to determine how kaitiakitanga can be recognised and integrated in the management of the use, development and protection of natural and physical resources in the Gisborne district.

2. To recognise and provide for the role and mana of kaitiaki as resource managers or guardians of local resources.

3. To encourage Applicants for resource consents to consult with tangata whenua.

4. To take account any relevant planning document/s recognised by the appropriate iwi, hapu or marae.

Part B6: Freshwater (Regional Policy Statement)

B6.2.1 Objectives

1. Land and freshwater is sustainably managed in a way that safeguards the life-supporting capacity of freshwater, including ecosystem processes and indigenous species, and the health of people and communities.

2. The quality of freshwater is maintained and is improved where it is degraded or does not meet the relevant objectives for the freshwater unit.

3. Lakes, rivers, wetlands and their margins are managed in a way that:

a) Preserves their natural character and protects them from inappropriate subdivision, use and development; and

b) Maintains or enhances their amenity values.

4. Scheduled waterbodies and their margins, and the significant values of both outstanding waterbodies and wetlands, are protected or enhanced to provide for their values.

5. Freshwater is available, within limits, to meet the present and future needs of communities to support the social, cultural and economic wellbeing of the region.

6. To manage the allocation and use of freshwater so as to:

a) Avoid over-allocation and phase out any existing overallocation;

and

(b) Improve and maximise the efficient allocation and use of freshwater, and ensure it is reasonable for its intended use.

7. The interactions between land, land use and development, freshwater, and the coastal environment and associated ecosystems are recognised and provided for through the integrated management of freshwater and coastal water resources to maintain or improve their values.

8. Freshwater accounting systems are established, and research and monitoring is undertaken that improves the understanding and sustainable management of freshwater resources, including the potential impact of climate change.

9. The planning and management of the region's freshwater resources is undertaken in a way that recognises and provides for their kaitiaki role of iwi and hapū and ensures that their values and interests are reflected in the decision-making process.

10. The mauri of waterbodies is recognised and provided for and action is taken to sustain and restore the mauri of degraded waters. Actions taken to sustain and restore the mauri of degraded waters will:

a) Recognise and provide for the kaitiaki role of iwi and hapū;

(b) Recognise and provide for mauritanga.

11. Mana whenua values, matauranga and tikanga are reflected in resource management processes and decision making, in a manner consistent with the priorities and preferences of mana whenua within the limits of the Act.

12. The stewardship role of landowners, water users communities and mana whenua is recognised and provided for through a collaborative approach to freshwater planning, management and monitoring.

B9.1.1 and B9.2.1 Regional Policy Statement Objectives – Natural Resources

B9.1.1

2. The protection and rehabilitation, where appropriate, of areas of significant indigenous vegetation and significant habitats of indigenous fauna, including their genetic and biological diversity.

3. The sustainable management of natural and physical resources.

B9.2.1

1. Maintenance or enhancement of public access to and along rivers, lakes and the coastal marine area.

Assessment

The proposal safeguards the capacity of freshwater, ecosystem processes and people's health. Public access to the river will be maintained. The values of scheduled waterbodies will be protected.

The water take associated with the proposal will be temporary in duration and minor in scale and will be taken from the Waipaoa River B Block Allocation which is not overallocated. As such, it is not expected to compromise the current or future social, cultural, or economic wellbeing of communities that rely on the river resource.

A partnership approach with tangata whenua has been integral to the development of the project. Te Aitanga a Māhaki and two local marae have been actively engaged throughout the project and have helped inform the preferred stopbank alignment. It is also noted that the Te Aitanga a Māhaki Environmental Inventory is recognised by and lodged with Gisborne District Council.

As the Waipaoa River is identified in Schedule G15B as an Additional Key Habitat for Longfin Eel, the proposed works must be undertaken in a manner that appropriately protects indigenous species and their habitats. The Ecological Impact Assessment (EcIA), together with the proposed consent conditions, includes management and mitigation measures to avoid, remedy, or mitigate potential adverse effects and ensure that the river's ecological values are maintained.

Overall, the proposal is considered to be consistent with, and not contrary to, the relevant objectives and policies of the Regional Policy Statement

B7 Cultural and Historic Heritage

B7.1.1 Objective

To recognise and protect heritage values including those of Māori whenever these are affected by the use or development of natural and physical resources.

B7.1.2 Policies

1. To ensure the effects of development proposals on significant heritage values in the region are avoided, remedied or mitigated…

Assessment

The assessment above concludes that the proposal is unlikely to affect cultural or historic heritage values. Appropriate conditions have been recommended to manage any potential effects. Therefore, the proposal is considered to align with, and give effect to, the objectives and policies of Chapter C7.

B8 Land Management

B8.3.1 Objective

1.To protect soils which are highly fertile and versatile from the effects of subdivision and land use which are likely to result in their permanent or long-term loss.

B8.3.2 Policies

1. To recognise the importance of highly productive soils to the economic and social wellbeing of the community.

3. Recognise the need for all activities on highly productive soils to avoid adverse environmental effects and unsustainable practices.

Assessment

The proposal involves realigning the existing stopbanks to increase available floodplain capacity and improve flood management outcomes. While some productive soils may be subject to more frequent inundation, these areas are already affected by flood events under existing conditions. The proposal makes efficient use of resources by reusing existing stopbank materials, and the completed stopbanks will be reinstated and available for passive grazing.

In light of these factors, the proposal represents a sustainable and practical approach to floodplain management. Accordingly, it is considered to be consistent with, and to give effect to, the intent of the relevant objectives and policies.

Part C6: Freshwater (Region Wide Provisions)

C6.1.1 Policies Water Quantity and Allocation
Policy C6.1.1(1) *When considering any application the consent authority must have regard to the following matters:*
the extent to which the change would adversely affect safeguarding the life-supporting capacity of fresh water and of any associated ecosystem; and

the extent to which it is feasible and dependable that any adverse effect on the life-supporting capacity of fresh water and of any associated ecosystem resulting from the change would be avoided.

Policy C6.1.1(9) *Where an allocation cap has been reached or exceeded:*

Renewals of existing water permits shall have priority over new applications provided that there is no increase in allocation;

Where a waterbody is over-allocated, reductions of allocation will be undertaken at each consent renewal until the water source is no longer over-allocated;

Renewals and transfers will be assessed against water meter records of actual past use, and any paper allocation will be removed;

A waiting list shall be established for new applications;

New applications shall be considered when existing permits are renewed at common expiry dates;

New applications will be prioritised by date of application;

No new water shall be allocated unless there is water available within the Allocation Cap.

Policy C6.1.1(11) *The timing and procedures for the partial restriction of water permits will be implemented through the conditions of water permits on the following basis:*

a) Restrictions may be applied to surface water takes when flows move within an allocation block identified in a catchment plan…

Policy C6.1.1(15) *In addition to the policies above, when considering applications to take and use water, the following assessment criteria shall be used: a) to q).*

a) Whether the amount of water to be taken and used is reasonable for the proposed use;

b) The rate, volume and timing of the take including daily, weekly, monthly and annual limits;

The location of the take and use of the water;

d) Water meter requirements;

e) Permit duration including common expiry dates, and permit lapse dates;

f) For permit renewals in fully or over-allocated water quantity zones, any necessary reductions in the rate of take and allocated volumes to achieve catchment plan targets;

g) Partial restriction requirements;

h) Access to survival water within survival water blocks and above minimum flows, including rostering or application rates;

i) The effects the take or use has on any other authorised takes and uses;

j) Whether and how fish are prevented from entering the water intake;

k) The effects of the proposal on the quantity and quality of all water resources that may be affected by the proposed activity;

l) Any actual or potential effects on significant indigenous biodiversity or aquatic ecosystem values identified in Schedule G15;

m) The availability and practicability of using alternative supplies of water, including water storage;

n) The extent of existing water infrastructure investment;
o) Any actual or potential for increasing the landward extent of saline intrusion;
p) Any actual or potential adverse effects on tangata whenua values; and
q) The requirement for an Irrigation Management Plan in accordance with Appendix H22.

Assessment

There is B Block Allocation available for the proposed water take. The above AEE has confirmed that the adverse effects on other water users and ecology are likely to be temporary and low.

In the event that B Block allocation is unavailable, the main alternative would be to source water from the Te Karaka public water supply, which draws water from the Waipaoa River and is treated to potable drinking water standards. However, the primary purpose of the proposed water take is dust suppression during construction activities, for which treated drinking water is not required. Utilising the public water supply for this purpose would involve the unnecessary treatment of water and the associated use of materials and chemicals. Accordingly, the proposed water take is considered to be a more efficient and sustainable use of the water resource.

Given the significant benefits of the project to the Te Karaka community, together with the limited scale of the proposed water take and the minimal adverse environmental effects anticipated, it is considered that the proposal is consistent with the intent of the relevant objectives and policies. On balance, the proposal is not contrary to those objectives and policies, and the application for water take consent is therefore considered appropriate for granting.

C6.3.4 Policies for Vegetation Clearance and Disturbance
3. Encourage and promote the removal of inappropriate species of plants, or plants inappropriately located, including wilding willows and any plant identified in the Regional Pest Management Plan,
the National Pest Plant Accord or any unwanted organism under the Biosecurity Act 1993, from the beds of streams, rivers and lakes where these are causing adverse effects on water flows, water quality, or the stability of the beds and banks of the waterbody.
4. Provide for vegetation clearance and planting in streams, rivers and lakes where:
a) Adverse effects on the significant habitats and migratory and breeding activities of native aquatic and terrestrial species and trout are minimised;
b) There is no reduction in flood carrying capacity, increased flood levels, adversely altered floating debris carrying ability of the stream or river, or adverse alteration to rates of aggradation or bank erosion;
c) There is no damage to heritage items, waahi tapu, taonga and areas of cultural significance;

d) There is no reduction in value of the waterbody for activities such as kohinga kai harvesting or recreational use, including the protection of public access and impacts on natural character and amenity values.

Assessment

The proposal will involve minor vegetation removal to allow for the establishment of the stopbank. It is noted that this is required to provide for the reduction in flood hazard by improving the flood carrying capacity of Waipaoa River. There will be no material reduction in ecological values or natural values of the stream as a result of the works. This will not result in a loss of ecological habitats or heritage values.

Any adverse effects as a result of vegetation clearance have been discussed in the assessment of effects above. In this respect, the proposal is consistent with the relevant policies.

C6.3.12 Policies for Damming, Diversion and Drainage of Streams, Rivers and Lakes

1. Recognise that the damming and diversion of water can have a range of beneficial purposes, including:
f) Flooding/stormwater control;
h) Sediment control measures;
i) Property access to land; and
j) The provision of significant infrastructure.
2. Provide for the damming, diversion and drainage of streams, rivers and lakes only where:
a) It is reasonably necessary to provide for the benefits outlined in Policy C6.3.12.1;
b) There is a functional need to do so;
c) There is no practical alternative; and
d) Significant effects are avoided or other adverse effects are avoided, remedied or mitigated.
3. Modification such as straightening and piping of natural water channels should be avoided where possible. Where channels are already modified these should be managed to improve in stream habitat values.
5. Any new damming and diversion activities, or changes to existing (at plan notification) damming and diversion activities should ensure that fish passage is maintained or enhanced, and a residual flow, and appropriate flow variations for freshes and floods are retained within the waterway which:
a) maintains instream habitat values including the ability of native fish to migrate;
b) provides for existing surface water takes; and
c) allows for existing assimilative requirements associated with existing discharges of contaminants to water in downstream areas.

Assessment

The key modifications to the stream will be the setting back of a pre-existing man-made stopbank to improve flood-carrying capacity and to reduce the flood hazard risk to the Te Karaka township.

Erosion and sediment control measures will be implemented to ensure that there no unacceptable effects on the watercourse or ecological habitats during the duration of the works.

The proposed culvert with flap gate is considered necessary for flood control. It will be designed in accordance with the expectations set out in Policy C6.3.12 (5). It will continue to provide 'freshes' up until a certain flood event. Fish passage will be improved compared to the current existing perched culvert. Water takes are unlikely be significantly impacted given that the culvert will be open during low flows and any high flow water takes (if any exist, given the small catchment of 92ha) are unlikely to be affected. The assimilative capacity of the river system will not be impacted.

In this respect, the proposal is not contrary to the above relevant C.6.3.12 policies.

C7.1.3 Land Management Objectives

1. Land uses and management practices that avoid, remedy or mitigate adverse effects on the environment including adverse effects on aquatic and wetland ecosystems, biodiversity and physical resources.
2. Reduction of land and asset degradation caused by poor land management systems.
3. Maintenance of the life supporting capacity of the soil.

C7.1.4 Land Management Policies

2. To ensure that, when land disturbance or vegetation clearance operations take place in environments susceptible to erosion, measures to achieve soil conservation and the avoidance, remediation or mitigation of adverse effects will be taken into account.
3. Regard to the following will be had when preparing plans or considering applications for plan changes or consents:
a) the sustainable management of the land resource;
b) the effects of the activity on erosion and soil conservation;
c) the effects of the activity on the establishment or maintenance of ETC on LO3A land;
d) the effects of the activity on the receiving environment and waterbodies;
e) the effects of the activity on the aquatic environment;
f) the potential of the activity to erode physical resources.
6. To recognise that it is not possible to completely stop soil loss, and movement of sediment and gravel offsite, and to allow land disturbance and vegetation clearance activities with adverse effects that can be remedied or mitigated or have no more than minor adverse effects on erosion, soil structure and water quality.

Assessment

The policies recognise it is not possible to completely stop soil loss and the movement of sediment. This is also reflected in many of the rules of the TRMP. The Applicant is proposing best practice methods to manage the sediment loss during the proposed activity. During the works, erosion and sediment control measures will be implemented to mitigate the effects of this on Waipaoa River, and as vegetation re-establishes, sediment generation will reduce to background levels. In this respect, the proposal is not contrary to the above relevant objectives and policies.

C8.1 Natural Hazards
C8.1.3 General Objectives
1. A pattern of human settlement that:
a) provides a high level of personal safety from natural hazards for its inhabitants;
b) avoids or mitigates the risk to property and infrastructure from natural hazards; and
c) does not accelerate or worsen the adverse effects of natural hazards upon the natural and physical environment.
3. The protection of natural features that could lessen the impact of natural hazards.

Assessment

Based on the consequential flood risk assessment, the proposal will improve personal safety from natural hazards for its inhabitants (i.e. the Te Karaka township) whilst recognising that some personal safety risks will be exacerbated to some properties outside of the benefit area unless appropriately mitigated. The proposal aims to avoid or mitigate the risk to property and infrastructure from natural hazards within the benefit area. The proposal is unlikely to accelerate or worsen the adverse effects of natural hazards upon the natural environment however will impact some physical environments as discussed in the sections above. The proposal does however overall result in net benefit to the physical environment through significant reduction in flood depths to the Te Karaka township.

Overall, the proposal is considered not contrary to Objectives C8.1.3 1 and 3.

C8.1.4 General Policy

2. In all hazard prone areas, any new subdivision, use and development should avoid or minimise any risk of loss of life or injury or other environmental damage due to natural hazard.

3. Any assessment of a resource consent application within a hazard prone area shall consider, but is not limited to, the following matters:

a) whether minimum floor levels for residential buildings should be set to reduce the susceptibility to danger and damage from flooding;

b) the desirability of residential buildings being relocatable so they may be moved if the risk of damage becomes imminent.

4. Patterns of human settlement, development and activities should not induce or accelerate the risk of natural hazards. When assessing an application for a resource consent the effects of that application on any hazard risk shall be considered. This includes but is not limited to the following:

a) the likelihood and effect of unrestrained material escaping and increasing potential hazard damage;

b) any diversion of overland flows of floodwaters or stormwater;

c) the safety of any occupants of buildings and evacuation procedures;

d) potential flood conditions, including silt deposition, at the site;

e) site topography and location of the building;

f) likelihood of increased erosion elsewhere;

g) stormwater collection and disposal systems should be designed to mitigate any adverse effects on the stormwater system or avoid an increase in the risk or severity of flooding or land instability;

h) other measures in place to reduce the potential effects of the proposed buildings or site development on the movement of floodwater;

i) extent to which natural buffers exist and are adversely affected.

5. To recognise the limits of attempts to control natural processes by physical work and restrict such attempts to appropriate situations where they are:

a) needed to protect existing development, or waahi tapu or new public infrastructure such as ports, roads and bridges; and

b) have a favourable benefit to cost ratio; and

c) will have no more than a minor adverse effect on the natural character of the coastal environment, lakes and rivers and their margins, or areas / features of natural or cultural significance, or other adverse environmental effects; and

d) will not cause or worsen hazards to other lands or waters; and

e) are the best practical alternative.

6. Mitigation works shall be designed and constructed in sympathy with the environment recognising:

a) the dynamic, complex and interdependent nature of biological and physical processes;

b) effect on amenity values;

c) effects on the landscape and natural features of the locality;

d) any effect on public access.

8. In carrying out hazard assessments or considering resource consent applications the possibility and implications of climate change are to be recognised. In particular the likelihood of the following matters should be considered:

d) higher local temperatures;

e) changes in rainfall patterns;

f) increase in cyclonic storms.

Assessment

The objectives in this section of the TRMP essentially emulate the objectives and policies in the Regional Policy Statement (B5.1.2 and B5.1.3). With regard to Policy C8.1.4(2), the proposal, on balance will minimise any risk of loss of life or injury or other environmental damage. Floor levels have been considered as noted in Policy C8.1.4 (3) and have informed mitigation options that are being considered.

With regard to Policies C8.1.4(4), C8.1.4(5) and C8.1.4(8), all relevant matters have been broadly considered in the consequential flood risk assessment and other above assessments.

The proposal is expected to have a favourable benefit to cost ratio, noting that some land parcels will have worse flood hazards. However, the proposal, which provides more room for the river, is considered the best practical alternative to the 'do nothing' option. With regard to Policy C8.1.4(6), mitigation options are still being explored and will be cognisant of this policy.

Overall, on balance the proposal is considered not contrary to the Natural Hazard policies of Chapter C8.1.4 and the Regional Policy Statement objectives and policies (B5.1.2 and B5.1.3).

C8.2 Flood Hazard

C8.2.2 Policies for Flood Hazards
1.In developing plan provisions, and in assessing resource and building consent applications, the Council will adopt 'design flood standards' for flood hazard assessments as follows:
a) (Waipaoa River within the) Poverty Bay Flats Peak flood flow of 5830 cumecs in the Waipaoa River at Kanakanaia over a period of 30 hours. (Cyclone Bola hydrograph plus 10%) plus a flood equal to the magnitude of the July 1985 event from all other rivers and streams on the floodplain.

c)Te Karaka Peak flow of 5300 cumecs in the Waipaoa River at Kanakanaia.
Assessment

The design flood standards have been considered with the proposed design flood event equivalent to a Cyclone Gabrielle-sized event, a 5,625 m3/s design event (approximately a 100-year annual recurrence interval event). The proposed upgraded stopbank crest levels have been designed on the basis of a specific hydrological event representing Cyclone Bola flows + 25%, with the 25% representing an increase of flows for climate change.

Part D: Area Based Provisions

Part DF1: Freshwater Management Units: Waipaoa Catchment Plan
DF1.4.2.1 Water Quality Objectives
Tabulated objectives for Periphyton, Macroinvertebrate Community Index, Dissolved oxygen, Nitrate toxicity, Ammonia toxicity, E.coli, Physical habitat, Clarity, and Fish

Assessment

The proposal through the potential reduction in grazed land may reduce nitrate contribution to the awa, although the reduction would only be modest. The proposal may slightly impact visual clarity in the short-term during construction, but once the scheme is established and earthworks areas are fully reinstated, long-term impacts would be negligible.

DF1.4.2.2 Water Quantity Objectives
1. Summer low flows in the Waipaoa River provide for a moderate level of ecological health, based on the flow requirements of adult long finned eels.
2. The B block allocation during higher flows provides for water storage and irrigation needs without affecting freshes and flushing flows within the Waipaoa River.
3. The Waipaoa River continues to be both a key source of water for the Gisborne municipal water supply and a major source of water for irrigation uses.
4. Allocations of water made through resource consents in the Poverty Bay Flats reflect the reasonable use test.

Assessment

A Block (and B Block) water is sought but Bl Block water take is supported in this recommendation report. As assessed in the EcIA, it is considered that the proposal is consistent with Objective DF1.4.2.2.1. As assessed above, in Section 6.13.6, the proposal is unlikely to impact B Block water users. Municipal supplies and irrigation will not be significantly impacted and water will only be taken based on the reasonable use test.

Section DF1.4.3.2 of the TRMP sets the water quantity limits and targets for the Poverty Bay Flats Waipaoa surface water zone (at Kanakanaia monitoring location) and as summarised in the AEE. Allocation based on an instantaneous rate of take is available

therefore it is considered that the proposal will meet the limits based on a litres per second take basis.

Although the catchment is over-allocated based on an annual volume basis and reduction is water take is ongoing, it is considered that the proposed water take is essential to the Te Karaka community to enable the flood upgrade. The proposed water take significantly different to the other water takes that make up the water allocated which are taken on a regular and long term basis

Whereas the proposed water take is only needed for 2 to 3 construction seasons and consent conditions have been proffered to manage any long-term allocation issues (e.g. consent cannot be transferred or "renewed") i.e. at the end of construction, this allocated water would be "given back" to the river and allocation.

As stated above, the supported water take can meet the objective of providing for water storage and irrigation needs without affecting freshes and flushing flows within the Waipaoa River and can meet a reasonable use test.

DD1.4.2 Amenity Values Policies

1. Manage the adverse effects of activities in residential areas by ensuring that:

a) buildings and structures are located so as to avoid, remedy or mitigate any adverse effect on the adjoining properties;

b) the scale of the development is appropriate for the site and the location of the site in the street, and will not cause a loss of residential amenity values for surrounding residents;

c) the safety and amenity values of the neighbourhood are protected;

d) the character and amenity of the residential environment shall be maintained or enhanced and conflicts with adjoining land users avoided, remedied or mitigated.

2. Manage the effects of traffic generated by activities in residential areas by:

a) ensuring that adequate on-site vehicle parking and manoeuvring areas are provided for all developments;

b) ensuring that the level of traffic potentially generated by the proposal can be accommodated without compromising the safety of traffic and residents on the district's roads;

d) giving consideration to the nature of adjacent roads, to ensure that entry, exit and manoeuvring of vehicles onto a public road can be conducted safely from all sites in a residential zone.

3. Limit activities in residential areas to those which will not significantly alter the existing background noise level of the surrounding residential area.

4. Manage the adverse effects of fumes, smell, dust, glare or light in residential areas.

5. Preserve access to daylight and privacy for existing dwelling-units on adjoining properties, and

for future occupants of any new dwelling-unit by ensuring that:

a) each dwelling-unit has a private outdoor area orientated to the sun;

b) new buildings or structures are designed and located so as not to cause significant loss of daylight or privacy to adjoining sites.

6. Manage the effects of non-residential activities by:

a) restricting the location of non-residential activities to the Inner Residential zone and only those sites fronting a principal or arterial road;

b) ensuring that all reasonable steps have been taken to avoid nuisance and that the amenity of the residential environment is protected;

d) the provision of fencing and landscaping, which safeguards the privacy and visual amenity of the surrounding area;

e) ensuring that any outdoor storage associated with a non-residential activity does not adversely affect the surrounding residential environment;

f) ensuring that the hours of operation of any activity will not adversely affect the amenity of the surrounding residents particularly about noise and traffic generation;

DD1.4.3 Protection of Values Policies

1. Manage activities on sites of architectural, historical, or particular amenity value, to ensure that any activities – particularly construction, additions or alterations to buildings on sites in the Residential Protection zone – will maintain or enhance the significant features or values.

Assessment

It is considered that all of the amenity values and protection of values policies detailed abovewill be met by the proposal as discussed in Section 6 above and as managed by way of the design and proposed consent conditions.

Construction traffic is able to be accommodated without compromising the safety of traffic and residents on the district's roads, and this includes Te Karaka Area School. Similarly, construction noise can be appropriately managed as per the CNVMP.

The LVA and peer review confirm that the stopbank itself is appropriate in its specific location within the residential zone.

DD4.4.1 All Rural Zones Policies

1. When preparing plans or considering applications for plan changes, resource consents or designations in all rural zones regard shall be given to the following general policy as well as any specific policy relating to the zone:

a) effect of the activity on the natural landform characteristics;

b) effect on significant indigenous vegetation and significant habitats of indigenous fauna with particular references to C9 – Natural Heritage;

c) effect on biodiversity, water quality, land stability and erosion with reference to C9 – Natural Heritage and C7 – Land Management;

d) the location, scale and nature of the proposed activity and its effect on the balance of the land and on adjoining properties;

e) alternative methods and locations available to carry out the works or activities;

f) physical constraints to the site such as separation by rivers or roads, site configuration and layout;

g) any adverse effect that the activity may have on existing rural activities;

h) the shape, size and location of lots to be subdivided and any adverse effects they may have on amenity values;

i) whether covenants, buffer zones or separation distances between activities would assist in mitigating adverse environmental effects.

2. To manage the effects of land use in rural zones which may not be of a rural nature by ensuring that the amenity values of the rural environment and surrounding properties are maintained with particular regard to:

a) traffic generation whereby:

i. the level of traffic generated by the activity must be able to be accommodated without compromising the safety of traffic and residents on the district's roads;

ii. given the nature of adjacent roads that all entry, exit and manoeuvring of vehicles onto a public road can be conducted safety;

iii. adequate on-site manoeuvring areas are provided for all developments

b) noise;

c) visual impact ensuring that:

i. to manage the effects of land use in rural zones which may not be of a rural nature the scale of the structure is appropriate for the use and the environment in which it is located;

ii. activities are of an appropriate scale and intensity for the area in which they are located;

iii. structures, areas and activities visible from public places are screened;

iv. the type of construction materials are not inappropriate to the environment in which they are located

3. Tall vegetation and structures should retain, where possible, the adverse environmental effects they generate within the property boundaries.

5. Siting of new facilities for handling, processing, treating, storing or disposing of contaminated materials (including landfills, transfer stations, treatment or bulk storage facilities) should be avoided in or close to the areas set out below, if they would create adverse effects:

a) Areas vulnerable to natural hazards;

b) Areas which support ecosystems including:

i. wetlands

ii. intertidal areas, estuaries and coastal dunes and their margins

iii. protected management areas or other values identified in C9 – Natural Heritage

iv. ecological corridors

v. margins of lakes and rivers

c) Areas used for other purposes which are incompatible with the land use including:

i. reserves

ii. waahi tapu

iii. coastal environment

iv. outstanding natural features or landscapes

v. adjacent to existing residential and commercial land

vi. areas in proximity to airfield or flight paths

vii. water supply catchments

viii. areas of historic, scenic or cultural significance of construction materials are not inappropriate to the environment in which they are located.

e

ix. areas with watercourses which cannot be diverted in an environmentally acceptable manner

Assessment

It is considered that all of the rural zones policies detailed above will be met by the proposal as discussed in Section 6 above and as managed by way of the design and proposed consent conditions.

In particular, the LVA has shown that shading and visual amenity effects, particularly for occupiers of 54, 59 Kipling Road and 29 Morris Road, are acceptable. The LVA and peer review confirm that the stopbank itself is appropriate in the rural context.

Construction traffic is able to be accommodated without compromising the safety of traffic and residents on the district's roads. Similarly, construction noise can be appropriately managed as per the CNVMP.

By its nature, the stopbank must locate near the watercourse and the culverts/flood flap in the watercourse.

6.12.2. **TRMP Conclusion**

Overall, it is considered that the proposed activities are not contrary to the relevant objectives and policies of the TMRP.

6.13. Conclusion on Objectives and Policies and Statement on Gateway Test – Flap Gate

The gateway test is applicable to the construction and operation of a flap gate only.

Overall, I consider that aspect of the proposal not contrary to the relevant objectives and policies of the TRMP (inclusive of the Waipaoa Catchment Plan).

The NES-FW has been considered in this proposal. It is considered that all relevant requirements of the NES-FW can be met and managed via the proposed consent conditions.

Despite the proposed flap gate on the culvert being a non-complying activity, the proposal is to provide a net benefit to fish passage and ecological conditions, therefore the proposal is not contrary to the NES-FW and the relevant TRMP policies in C.6.3.12 .

Accordingly, I consider the proposal meets the second limb of section 104D(1)(b).

6.14. **Section 105 and 107 Assessment** – Dewatering Discharge

Sections 105 and 107 of the Resource Management Act 1991 are relevant to the proposed dewatering discharge associated with the construction works. While groundwater was not encountered during the geotechnical investigations and dewatering is considered unlikely to

be required, consent is sought to enable dewatering if necessary during construction. Any dewatering discharge would be temporary in nature and undertaken at relatively low rates, with water directed through appropriate treatment measures such as sediment control devices or vegetated areas prior to discharge. A management plan approach is proposed to ensure any discharge is appropriately managed.

In considering section 105, I have had regard to the nature of the discharge and the sensitivity of the receiving environment. The discharge is expected to comprise groundwater or stormwater from excavations, with any sediment managed through treatment and control measures. Given the temporary duration of the activity, the low expected discharge volumes, and the proposed management controls, I consider the risk of adverse effects on water quality to be low.

With regard to section 107, I am satisfied that the proposed dewatering discharge is unlikely to give rise to any conspicuous change in colour or visual clarity, objectionable odour, significant adverse effects on aquatic life, or any other adverse effects prohibited by section 107(1). This conclusion is dependent on implementation of the proposed erosion, sediment and water quality management measures through the Construction Environmental Management Plan and any dewatering management procedures. Accordingly, I consider the actual and potential effects of the dewatering discharge to be less than minor and acceptable subject to appropriate consent conditions.

6.15. Section 106A Assessment

Section 106A allows Councils to decline or place conditions on land use consents, regardless of activity status, where an activity either creates, increases or exacerbates a significant risk from natural hazards.

(1) *A consent authority may refuse to grant a land use consent, or may grant the consent subject to conditions, if it considers that there is a significant risk from natural hazards.*

(2) *For the purposes of subsection (1), an assessment of the risk from natural hazards requires a combined assessment of all of the following taken together:*

(a) the likelihood of natural hazards occurring (whether individually or in combination):

(b) the material damage to land in respect of which the consent is sought, other land, or structures that would result from natural hazards:

(c) whether the proposed use of the land would accelerate, worsen, or result in material damage of the kind referred to in paragraph (b):

(d) whether the proposed use of the land would result in adverse effects on the health or safety of people.

(3) Conditions imposed under subsection (1) must be—

(a) for the purposes of avoiding or mitigating the effects referred to in subsection (1); and

(b) of a type that could be imposed under section 108.

(4) This section does not apply to land use consents if the use of the land for which the consent is sought is—

(a) construction, upgrade, maintenance, or operation of infrastructure; or

(b) primary production activities, as described in the national planning standards.

<u>Assessment</u>

The proposal constitutes “specified infrastructure” for the purposes of the NPS-FM and NES-F. However, the exclusion in section 106A(4)(a) applies to “infrastructure”, which is separately defined in section 2 of the RMA. While components of the proposal may fall within that definition, including road and drainage infrastructure, it is not clear that the stopbank works themselves fall within the section 2 definition. I have therefore taken a precautionary approach and considered the proposal against section 106A.

The applicant has provided an assessment under s106 RMA addressing natural hazard risk associated with the Te Karaka Stopbank Upgrade Project. The assessment concludes that, while a limited number of properties may be exposed to an increased level of flood hazard under current modelling, the overall effect of the proposal is a substantial reduction in flood risk to the Te Karaka community. The applicant considers that the benefits of the project significantly outweigh any residual increase in risk and that adverse effects can be appropriately managed through consent conditions, the Public Works Act (PWA) process, and associated mitigation measures.

In relation to the matters set out in s106(2):

- **Likelihood of natural hazards (s106(2)(a))**: The principal hazard is flooding from the Waipaoa River, with assessment based on a 1% AEP flood event incorporating climate change allowances. Seismic and liquefaction hazards have also been assessed against Serviceability Limit State (SLS) and Ultimate Limit State (ULS) events. The applicant considers that the likelihood and nature of relevant hazards have been adequately characterised.
- **Potential material damage (s106(2)(b))**: The upgraded stopbanks, borrow pits and associated SH2 raising works have been designed to withstand design flood and seismic loads. The assessment concludes that the proposal will reduce overall flood

damage within the protected area. While some localised increases in flood levels outside the scheme footprint have been identified, these effects are subject to further assessment and proposed mitigation. Residual impacts on third-party land are proposed to be managed through consultation, consent conditions and, where necessary, the PWA process.

- **Whether the proposal would accelerate, worsen, or result in material damage (s106(2)(c))**: The applicant states that the proposal involves the upgrade and ongoing operation of flood protection infrastructure and will not intensify land use or expose new development to natural hazards. Borrow pit areas will be reinstated to low-intensity pastoral use. Accordingly, the proposal is not considered to accelerate, worsen, or result in material natural hazard damage.
- **Effects on the health and safety of people (s106(2)(d))**: The proposal is intended to improve community safety by reducing flood risk to people and property within Te Karaka and surrounding areas. The assessment identifies a substantial net benefit through reduced residual flood risk, avoidance of life-safety risks associated with deep or fast-flowing floodwaters, and enhanced flood protection. Construction-phase risks are proposed to be managed through a Construction Environmental Management Plan (CEMP), construction traffic management measures, and a construction-phase flood contingency plan. Although some localised increases in flood depth and velocity outside the scheme have been identified, the applicant considers these matters can be appropriately addressed through consent conditions, updates to Civil Defence and Emergency Management planning, and the PWA process.

The applicant considers that the proposed consent conditions are sufficient to avoid, remedy or mitigate adverse effects associated with natural hazard risks and therefore satisfy the requirements of s108 RMA.

Overall, the applicant's assessment concludes that there are no grounds for refusal under s106 RMA and that the proposal will provide a significant net reduction in flood risk and associated benefits to the health and safety of the Te Karaka community. I accept the applicant’s assessment and consider the requirements of s106A are met.

6.16. Other matters

6.16.1. S108 Conditions

The applicant has proffered a set of conditions in order to avoid, remedy or mitigate adverse effects on the environment in respect of the proposal, with the latest update being from the Pre-Notification Section 92 Response. I have recommended amendments to this condition set, including new conditions that have arisen from technical reviews and which have been recommended throughout this report. The applicant intends to further update the condition set and submit it in evidence.

6.16.2. **Consideration of Alternatives**

A consideration of alternatives is not required under the RMA. Where an activity is likely to have significant adverse effects on the environment, the Assessment of Environmental Effects (AEE) must include a description of any alternatives that have been considered and an assessment of their effects.

It is concluded that this application is unlikely to have significant adverse effects on the environment. However, the applicant has outlined a number of alternatives considered in the Te Karaka Flood Management Optioneering Assessment prepared by Tonkin and Taylor dated September 2025.

The applicant undertook a structured optioneering process to identify a preferred flood mitigation option for Te Karaka. The process followed a longlist, shortlist, and preferred option approach, incorporating hydraulic modelling, technical assessments, multi-criteria analysis, and consultation with affected landowners, stakeholders, and the wider community. Through successive stages of evaluation, options were refined and assessed against agreed criteria to identify the recommended option. I am satisfied that a robust alternatives assessment has been undertaken and that adequate consideration has been given to alternative approaches, alignments, and methods before arriving at the preferred option presented in this application.

6.16.3. Other Regulations

Other relevant regulations and legislation for this project are:

Local Government Act 2002 (LGA)

GDC have responsibilities regarding flood management and infrastructure under the LGA (e.g. Sections 10, 11A, 101A and 101B). GDC are mandated to promote the social, economic, environmental, and cultural well-being of communities in the present and for the future. GDC financial strategy must include the expected capital expenditure on network infrastructure, flood protection, and flood control works that is required to maintain existing levels of service currently provided by the local authority. Road layout changes for Morris Road and Kipling Road would be managed under the LGA processes.

Public Works Act 1981 (PWA)

The Project meets the definition of a Public Work in the PWA. Therefore, the Applicant can use the powers of the PWA to acquire the land required for the Project. Acquisition by negotiation under the PWA is generally the preferred method for local councils to acquire land for public works. It provides a clear framework for negotiations and valuations and ensures a fair process for the landowners.

Whether the land or an interest in land is acquired, the compensatory entitlement under the PWA is the same. Compensation under the PWA is based around a fair and reasonable regime where an affected property owner is to be placed in a ‘no better or no worse’ situation than

enjoyed prior to the public work. PWA compensation negotiations and engagement with affected persons is ongoing.

Road layout changes for Morris Road and Kipling Road would be managed under the PWA process which would be aligned with LGA requirements.

Soil Conservation and Rivers Control Act 1941

The SCRA provides the Council, as a unitary authority, with broad powers to construct and maintain flood protection works on private land. It may offer a faster and more efficient mechanism for securing land access and delivering flood management infrastructure than relying solely on resource consent processes.

Key provisions include:

- Section 133 – allows Council to undertake works necessary to improve flood defences and prevent flood damage, including constructing new flood protection structures.
- Section 137 - establishes the process for entering private land to undertake flood protection works (such as stopbanks and floodways).

Compensation is available under Section 145 for land or interests that are taken, damaged, or injuriously affected. Where compensation cannot be agreed, the determination process under Section 147 applies.

Overall, the proposal is considered consistent with the intent of the SCRA. The Act could be used, where necessary, to facilitate access and land requirements for flood protection works, with SCRA processes running alongside resource consent processes where practical.

Te Ture Whenua Māori Act 1993

All alignment options for the Project affect whenua Māori, which is administered under Te Ture Whenua Māori Act 1991 (TTWMA). The Applicant will not be seeking to acquire whenua Māori as part of the Project, unless requested to do so by the owners/trustees of that Block. Where whenua Māori is impacted by a change in flood risk or construction of the new stopbank alignment then the Applicant will seek to manage this impact through a compensation process.

Flood risk increases to Māori land includes the following sites:

· TK 16 - Kanakanaia Road (16D Block)

· TK 17 - Kanakanaia Road (16E Block)

· TK 18 - End of Kipling Road

· TK 19 - Kanakanaia Road

· TK 21 - 35 Paulson Road

· TK 34 -82 Kanakanaia Road, Te Karaka

· TK32 81A Kanakanaia Road, Te Karaka i.e. if the alternate alignment is to proceed.

Wildlife Act 1953

The Wildlife Act is applicable should trees be felled where there is the potential for native bats to be present. The EcIA assessment and proffered consent conditions reflect Wildlife Act requirements. It is considered that if tree felling occurs outside of the bat roosting season (April to October), or alternatively procedures are developed to manage bats prior to felling trees that have potential bat roosting features to avoid the risk of killing protected wildlife, no Wildlife Act permits will be required for the project. Procedures are not required to be developed for managing native bird and lizard species prior to vegetation removal (refer to the EcIA).

Civil Defence Emergency Management Act 2002

The Civil Defence Emergency Management Act 2002 creates a framework within which New Zealand can prepare for, deal with, and recover from local, regional and national emergencies.

> *Section 12 states "every regional council and every territorial authority within that region must unite to establish a Civil Defence Emergency Management Group".*
> *Section 17 outlines "the functions of a Civil Defence Emergency Management Group, and of each member, are to*
> *(a) in relation to relevant hazards and risks,—*
> *(i) identify, assess, and manage those hazards and risks:*
> *(ii) consult and communicate about risks:*
> *(iii) identify and implement cost-effective risk reduction:*
> *(b) take all steps necessary on an ongoing basis to maintain and provide, or to arrange the provision of, or to otherwise make available suitably trained and competent personnel, including volunteers, and an appropriate organisational structure for those personnel, for effective civil defence emergency management in its area:*
> *(c) take all steps necessary on an ongoing basis to maintain and provide, or to arrange the provision of, or otherwise to make available material, services, information, and any other resources for effective civil defence emergency management in its area:*
> *(d) respond to and manage the adverse effects of emergencies in its area:*
> *(e) plan and carry out recovery activities…"*

GDC have a Te Karaka Flood Evacuation Contingency Plan (2019) which is currently being updated. Kanakanaia Road Bridge and Mangaone Road mitigation measures and procedures will be woven into this plan.

Note: In early 2026, the Government has introduced an Emergency Management Bill to replace the Civil Defence Emergency Management Act 2002, therefore there should be a watching brief on the progress of the "Bill".

Building Act 2004

The Building Act is relevant to the project should any landowners wish for their floors levels to be raised i.e. a building consent is likely to be required. Building consents would be sought if required in due course.

7.0 PART 2 MATTERS

Section 5 of the RMA describes the purpose of the Act, to promote the sustainable management of natural and physical resources:

Section 6 describes matters of national importance to be recognised and provided for. The matters of national importance relevant to this proposal are:

6(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:
6(e) the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga:
6(f) the protection of historic heritage from inappropriate subdivision, use, and development:
6(h) the management of significant risks from natural hazards.

Section 7 of the RMA describes other matters that are relevant. In this case, these are:

(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:
(i) the effects of climate change:

Section 8 of the RMA requires that the principles of Te Tiriti o Waitangi be taken into account.

<u>Sustainable Management (Section 5)</u>

The proposal promotes the sustainable management of natural and physical resources while enabling people and communities to provide for their social, economic, and cultural well-being and for their health and safety.

The proposal will protect people and property in the township of Te Karaka while minimising any disbenefits as far as practicable. Where there are disbenefits, these will be mitigated or compensated for. The proposal remains within allocation caps and

demonstrates reasonable and efficient water use, contributing to sustainable resource use. Fish passage will be maintained through the construction and operation of the flood flap.

On balance, and subject to the adoption of the recommended conditions, I consider that the proposal is generally consistent with the purpose of the RMA and represents a form of sustainable management of natural and physical resources under section 5.

Matters of National Importance (Section 6)

The landscape assessment has demonstrated that natural character of the river will be maintained (Section 6(a)). Otherwise, there are no outstanding natural features and landscapes or significant indigenous vegetation or fauna and Section 6(b) and (c) are therefore not applicable to the proposal. Likewise, access along rivers as provided for in section 6(d) is not a relevant matter in this particular case. Heritage values have been considered in terms of section 6(f), while the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, and waahi tapu. Subject to the recommended conditions, including the use of best-practice fish screens, I consider that any adverse effects on significant habitats are likely to be minor and can be appropriately managed.

The relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taonga is a matter that has been raised in submission from Wi Pere Trust, that has expressed concern about whether 6(e) matters are met by the proposal. While the applicant has engaged with mana whenua and proffered conditions intended to support ongoing collaboration, I acknowledge that formal opposition from this submitter remains. At this stage, I am unable to conclude that this matter of national importance has been fully provided for. This is a matter that, in my opinion, warrants further consideration at the hearing. (Section 6(e)).

The application directly manages the significant risks arising from natural hazards i.e. flooding (Section 6(h)).

On balance, and subject to the adoption of the recommended conditions, I consider that the proposal is generally consistent with section 6 matters.

Other Relevant Matters (Section 7)

Sections 7(c) and 7(f) relate to the maintenance and enhancement of amenity values and the quality of the environment. These matters have been considered throughout the body of this report and it has been demonstrated that the activity is not inappropriate for the site and will not compromise reasonable amenity expectations in the context of the receiving environment.

Intrinsic values of eco-systems are expected to be maintained (7(c)) subject to further confirmation.

Section 7(g) relates to the finite characteristics of natural and physical resources. Water allocation caps will not be breached by the proposed surface water take.

Section 7(i) relates to the effects of climate change. This proposal responds directly to this matter and seeks to reduce the impacts of climate change.

On balance, and subject to the adoption of the recommended conditions, I consider that the proposal is generally consistent with section 7 matters.

Te Tiriti o Waitangi (Section 8)

Section 8 requires all persons exercising functions and powers under the RMA to take into account the principles of the Treaty of Waitangi. The Applicant has considered the relevant principles in preparing this application, including partnership, active protection, and informed decision-making. As stated above, further discussion is warranted regarding the tangata whenua effects as they relate to the Wi Pere Trust land.

8.0 DETERMINATION OF THE APPLICATION

Having had regard to those matters specified in Section 104(1), it is then necessary to consider those matters relevant to determining the application, as determined by its status.

8.1. Determination of Applications for Non-Complying Activities (Section 104D) – construction of flood flap

When considering an application for a resource consent (under Section 104D), a consent authority may grant for a non-complying activity only if it is satisfied that either:

a. *the adverse effects of the activity on the environment (other than any effect to which section 104(3)(a)(ii) applies) will be minor; or*

b. *the application is for an activity that will not be contrary to the objectives and policies of—*

(ii) the relevant plan, if there is a plan but no proposed plan in respect of the activity; or

(iii) the relevant proposed plan, if there is a proposed plan but no relevant plan in respect of the activity; or

(iv) both the relevant plan and the relevant proposed plan, if there is both a plan and a proposed plan in respect of the activity.

In Section 5 of this report, I conclude that the adverse effects of the construction and operation of a flap gate are minor. In Section 6, I found that the activity would not be contrary to the objectives and policies of the TRMP. On this basis both limbs of s104D have been met and the gateway test is achieved. Accordingly, I recommend the granting of resource consent for the construction and operation of the flap gate, subject to conditions.

9.0 CONCLUSION AND RECOMMENDATIONS

This report has considered an application from GDC RLD to construct and operate stopbanks with ancillary activities, construction and operation of a culvert and flood gate, and a surface water take, all with a term of 5 years. The application has been assessed under the relevant provisions of the Resource Management Act 1991, including sections 104, 104B, 104D, and Part 2. Particular regard has been given to the actual and potential effects on the environment of the proposal, the relevant objectives and policies of the Tairāwhiti Resource Management Plan and matters raised in submissions.

The application for the flood gate passes both limbs of the section 104D gateway test.

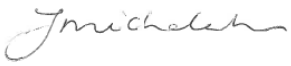
The proposal involved extensive engagement with iwi and reflects principles of Te Tiriti o Waitangi. Conditions will also ensure ongoing engagement post-consent issue regarding construction works and flood evacuation management.

The proposal will generally result in some adverse effects that are currently assessed as more than minor. There are some matters yet to be addressed in evidence. In my opinion, these matters warrant further consideration at the hearing. I reserve my final position in relation to river hydrology, consequential flooding, freshwater ecology, landscape and tangata whenua values, pending further technical evidence received through the hearing process.

Subject to satisfactory evidence being provided, these effects are not considered unacceptable in the context of the receiving environment and can likely be appropriately managed through robust recommended conditions of consent. On balance, taking into account the nature and extent of the effects, the objectives and policies of the relevant planning documents, and the overall benefits of the proposal, I consider that the application is suitable for approval.

Overall, and subject to the adoption of robust recommended consent conditions, the proposal represents a form of sustainable management consistent with the purpose and principles of the Resource Management Act 1991.

Reporting Planner:



Jo Michalakis

Consultant Planner

Align Limited

Date: 4 September 2026

Peer Reviewer and Approval:

Dalia Evanson

Principal Planner

Gisborne District Council

Date: 7 September 2026

Awhina White

Consents Manager

Gisborne District Council

Date: 7 September 2026