0612

30 July 2026

Karen Beckman
Contracts & Hearings Advisor
Gisborne District Council
PO Box 747
GISBORNE 4040

By Email: NotifiedRC@gdc.govt.nz

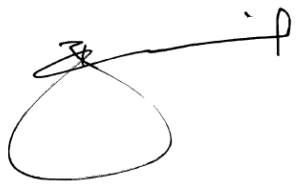
Dear Karen

SUBMISSION ON RESOURCE CONSENT APPLICATION (BUNDLED): UNDERTAKE FLOOD RESILIENCE WORKS & UPGRADES TO THE STOPBANK ADJACENT TO AND WITHIN THE WAIPAOA RIVER, TE KARAKA; LR-2026-113441-00, LV-2026-113442-00, LL-2026-113443-00, WS-2026-113444-00, GISBORNE DISTRICT COUNCIL

Please find attached a submission on behalf of Murray & Wendy Burgess, Trustees of the M & W Burgess Family Trust in respect of the above notified resource consents application.

I would be grateful to receive acknowledgement that the submission has been received.

Yours faithfully



Ross Muir
Insight (2022) Limited

Form 13

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

Section 96 of the Resource Management Act

To: Resource Consents Section
GISBORNE DISTRICT COUNCIL
PO Box 747
GISBORNE

1.0 Persons making Submission

1.1 This submission is made by Wendy and Murray Burgess who are Trustees of the M and W Burgess Family Trust (**the Submitters**). The Trust has owned 2416 Matawai Road, Te Karaka since 2002 on which it has developed a large commercial citrus orchard. The lands (**the Property**) are described in the table below. The orchard is presently leased to Blue Willow Citrus Limited.

LEGAL DESCRIPTION	LAND AREA (ha)	RECORD OF TITLE	VALUATION REFERENCE
Lot 1 DP 3735	1.1963	GS96/5	08070-06200
Lot 2 DP 3735	10.7747	GS96/4	

1.2 Murray Burgess is the Deputy Chief Fire Officer of the Te Karaka Volunteer Fire Brigade. Together with their son Steve, who has been a volunteer with the Brigade for over 14 years, the Submitters have a detailed knowledge of the effects of cyclonic flood events, including the Gabrielle flood, not only in terms of the Property, but the Te Karaka Township (**Township**)and locale generally.

1.3 The location of the property relative to the Township is depicted in the Image below.

1.4 The Submitters are parties affected by works described in the resource consent application (**Application**)[1] because the Property will suffer an increased flood risk, thereby creating adverse environmental affects that are more than minor[2].

1.5 This position was informed by the proposal at the time of lodgement and on the basis that the Submitter's property is adjacent to the proposed eastern stopbank. For the reasons noted shortly, the alignment of the stopbank has changed and now includes part of the Submitter's property, and therefore the associated actual and potential adverse effects on them have increased.

1.6 Accordingly, whilst the Property is referenced in the Application and the s95 Notification Report (**Notification Report**) as lying beyond the consent site, it is now partly with in it.

2.0 Submission on

2.1 This is a submission on a resource consent application by the Gisborne District Council Rivers and Land Drainage Section (**GDC works**) for various regional level resource consents. The consent authority having jurisdiction over the properties is also the Gisborne District Council (**GDC Regulatory**) which has assigned the references LR-2026-113441-00, LV-2026-113442-00, LL-2026-113443-00, WS-2026-113444-00 to Application. It appears that no specific district level land use consent has been sought or assigned notwithstanding the requirement under the Tairawhiti Resource Management Plan (**TRMP**)[3].

2.2. The application is to undertake various works associated with the construction and operation of an upgraded stopbanks system intended to reduce the potential for the Township to flood. The proposed works include upgrading and constructing new sections of stopbank, removing sections of redundant stopbank, and undertaking associated earthworks. Associated "lay down" areas are proposed to provide temporary storage depots for associated construction activities. The works will be staged over a period of up to 2 years and 7 months.

2.3 The types of resource consent for the proposal are partly bundled for assessment as a Discretionary Activity, with one consent application for a non-complying activity severed to be granted separately, but assessed jointly. The application is advanced on the basis that there may be changes to the proposal and with an acknowledgement of an information deficit to be addressed as the consent determination process progresses.

---

1 TK 31 Table 22 Page 128 of resource consent application

2 Application section 9.3 bullet point (a)

3 For example, the application seeks a dispensation with regard to Temporary Activities and associated construction noise/vibration rules which are district level provisions under the TRMP (refer notations at DD4.6.1A (13 (15 (23) and C11 General Controls page 48 (the site being beyond the Coastal Environment)).

2.4 The RAPID address for the site is 2416 Matawai Road (State Highway 2 (north)).

2.5. The Submitters are not trade competitors for the purpose of section 308B of the Resource Management Act 1991 (**Act**).

2.6 The Submitters oppose the application as it relates to their Property, and have concerns regarding other aspects of a more general nature. The parts of the Application the Submitters specifically oppose or wish to have clarified or amended are described below, with reasons expanded under the following headings.

3.0 Background

3.1 The Submitters trade as Blue Willow Citrus Ltd, and have operated their commercial citrus orchard at 2416 Matawai Rd, Te Karaka since 2002. The land area comprises 11.971 hectares, planted with 7.5 hectares of mixed citrus varieties including Satsuma mandarins, lemons, navel oranges, grapefruit and limes. The varietal mix ensures a constant and regular harvest of fruit mostly over the months of April to December.

3.2 Since purchasing the Property, the Submitters have redeveloped 60% of the orchard area and most trees are mature (15 years+). Crop production levels have been well above industry average citrus yields and fruit grades have resulted in a high percentage of Class/Grade 1 fruit. The land and the crops it sustains, are a valuable economic resource.

3.3 The Property boarders the Waipaoa River on its northern boundary and is the first appellation beyond the protected area accommodating a residence south of the Township. Except for part of the main farm accessway, it remains outside the flood protection area under the proposed upgrade scheme. For the reasons discussed later, the Submitters are concerned that the proposed works will increase the damage to the Property, even for lower magnitude floods.

3.4 The Property was severely impacted by Cyclone Gabrielle on 14 February 2023 where floodwaters from the Waipaoa River caused extensive damage. Given the inability to access the land due to the ground conditions, the citrus production blocks were aerially sprayed to prevent fruit from rotting caused by ponded, silt-laden floodwaters. More detail is provided in the article[4] at Appendix 1. Since then, crop production (yields and grade recovery) have been significantly reduced[5] from the pre-Gabrielle levels.

3.5 Recovery work undertaken includes replacing boundary fences, levelling and regrading vehicle access ways and yards, reinstating headlands and removing dead trees and debris. Tree health has been a focus since then. An area of approximately 1.1 hectares or 16% of the planted area has not been redeveloped following the Cyclone due to a lack in confidence and uncertainty of future flood events,

[4] *The Orchardist* April 2023 edition

[5] Up to 40%

the capital expenditure required, and processes involved in the GDC (works) Te Karaka Flood resilience proposal.

3.6 To date, insurance claims to undertake repairs exceed $612,000. The dwelling was yellow stickered and assessed under the FOSAL framework as a Category 2P work. It was subsequently raised earlier this year to achieve a freeboard height of 1200mm above ground level.

3.7 Notwithstanding the above, an MPI Grower Recovery Grant , and a GDC Silt and Debris Grant, the Submitters have had to borrow additional capital, thereby increasing their debt, in order to further fund the recovery work on the property and to account for lost income.

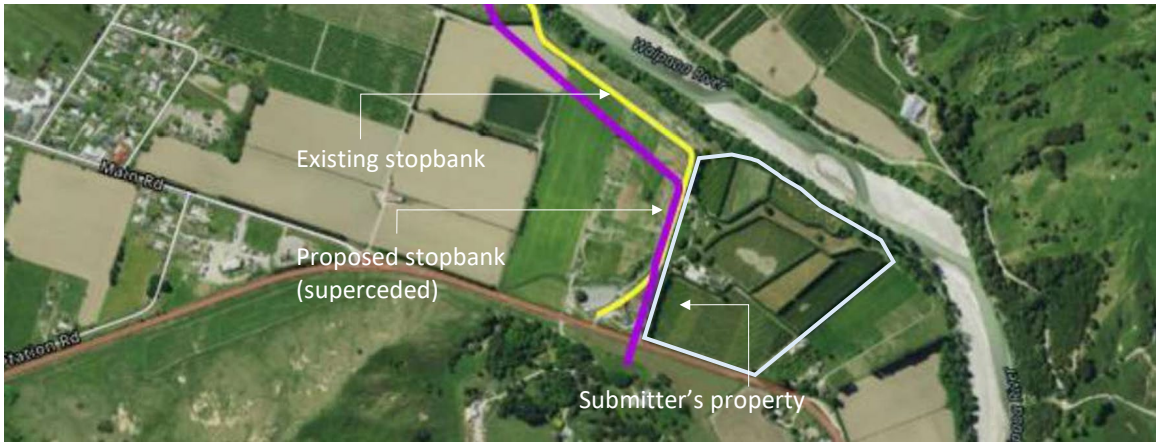
3.8 The proposal is to make significant changes to the flood protection scheme including reducing existing ponding areas by increasing the height of stopbanks, and the retreat of sections of the existing works, including the section of the existing bank on the neighbouring property.

3.9 The concern, as confirmed by the Application, is that these works will increase the velocity of flood flows traversing the property thereby increasing the risk of adverse flood effects, exacerbating negative social and economic effects and therefore the wellbeing of the Submitters.

4.0 Amendment to the proposal

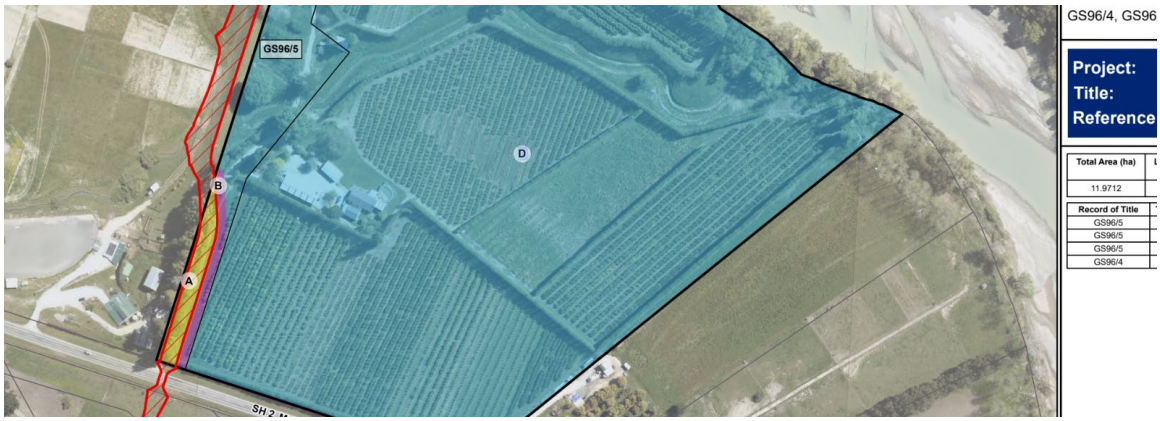
4.1 The resource consent application was lodged on or around 21 April 2026 and does not accurately reflect the works as now proposed, and particularly, the changed environmental effects on the Submitter's property.

4.2 The original proposal was for the eastern stopbank to terminate more or less at the boundary of a neighbouring property at 2421 Matawai Road. The existing and proposed stopbanks (as described in the Application) are depicted in the Image below.

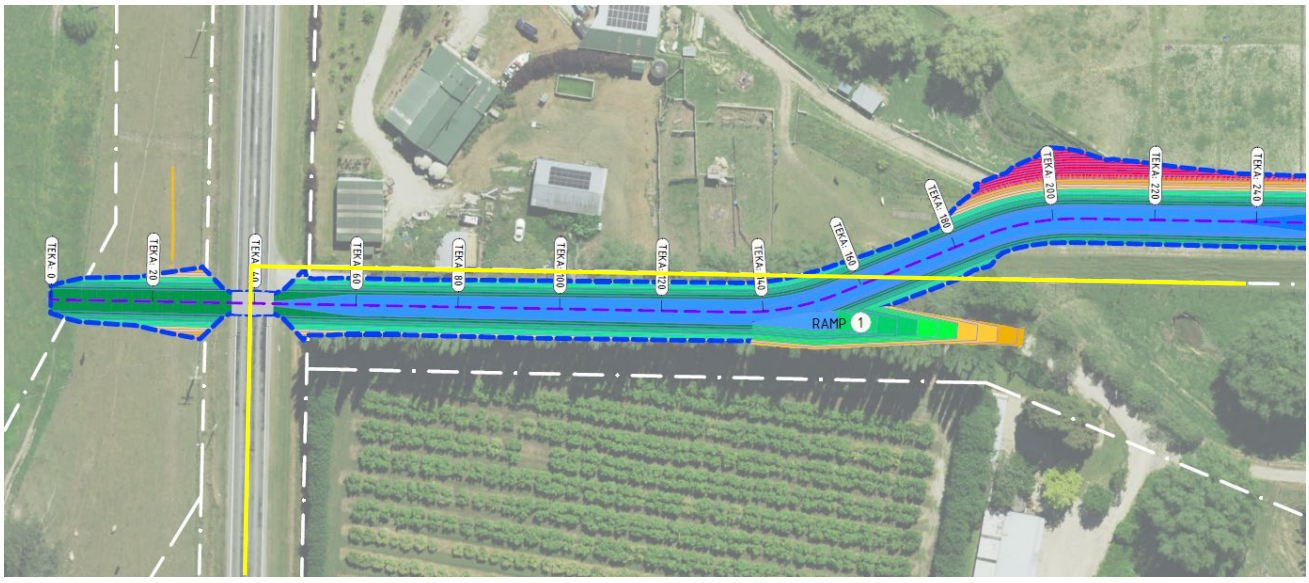


4.3 In May 2026, the Applicant informed the Submitters that the alignment of the stopbank has altered to follow part of the Submitter's main driveway. The reason given for the change was that "*the altered alignment avoids buildings on the neighbouring property that were directly affected by the prior version of the alignment"*.

4.4 The effect of the changed alignment is depicted on the GDC works plan[6] attached as Appendix 2 and partly reprinted in the Image below. The area of the Submitter's driveway affected amounts to 1600m^2 and is labelled "A" on the Plan. A temporary occupation area involving several citrus rows and associated headland is also depicted on the Plan (highlighted purple and labelled "B"). Even before the amendment, the proposal requires the removal of a significant section of crop shelter trees.[7]

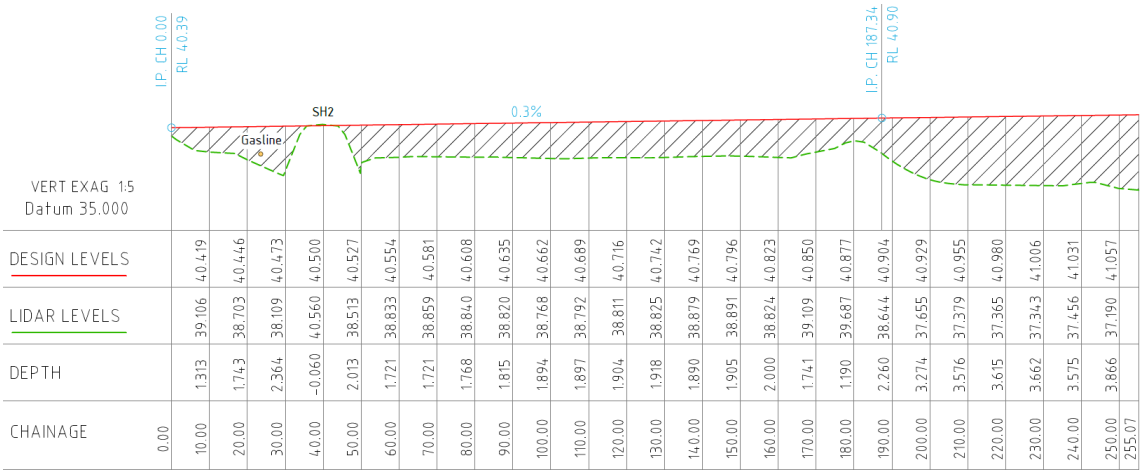


4.5 The detail is more particularly shown on GDC/CPS plan VFG- Eastern Alignment Sheet 1 dated 2 June 2026 an extract of which is depicted in Image below.



6

7 Application Figure 16 EcIA Overview Map (Page 30)



EASTERN SIDE - LONG SECTION - PROPOSED DESIGN

4.6 The extent of the works traversing the Property is shown between Chainages ≈TEKA:50 and ≈TEKA:180. The proposed stopbank has a positive grade of 3% extending from the State Highway, generally replicating the gradient of the existing ground level. The Submitter's driveway will be elevated by upwards of 2 metres, with an average height increase of 1.8 metres.

4.7 The Submitter's dwelling is generally adjacent to Chainage TEKA 210 and has a raised finished floor level (**FFL**) of 1200mm in accordance with recently issued Building Consent BC25171. It now sits approximately at RL 38.58[8]. The section of the proposed stopbank adjacent to the dwelling (only 90 metres distant) will be RL40.959, meaning that the crest will sit 2.38 metres above the FFL of the dwelling. The proposed stopbank will sit ≈3.5 metres higher than the ground level of the dwelling curtilage.

4.8 The stopbank has been designed to enable the crest height to be possibly elevated by a further half metre[9] as depicted in the Image[10] below. The relative FFL of the Submitter's raised dwelling is overlaid on a pictorial cross section of the proposed stopbank in the Image below.

4.9 Figure 24 of the Application indicates a proposed 10m wide off-road haul route utilising the Submitter's main driveway to access a substantial 29,000m^3 soil borrow pit adjacent to the Property[11]. The application has no meaningful detail regarding how these routes will be operated, particularly for sensitive locations such as the Submitter's dwelling and main farm access. It appears that this matter has been left to be addressed post decision through a management plan process. The Submitters have concerns with this approach which they discuss shortly. Moreover, the revised plans are silent on the detail of the haulage route given that the amended alignment of the stopbank is now proposed to occupy the main driveway.

---

8 NZVD2016 RL37.379 +1200 =RL38.58

9 Section 4.2.1 Page 33

10 Figure 6.1 [September 2025] T*onkin & Taylor Te Karaka Flood Management Optioneering – Final Recommendation* Job No. 1092556.0020v2

11 Refer also page 28 Alta [15 April 2026] Gisborne District Council Te Karaka – Flood Resilience Project Stop Bank Construction methodology

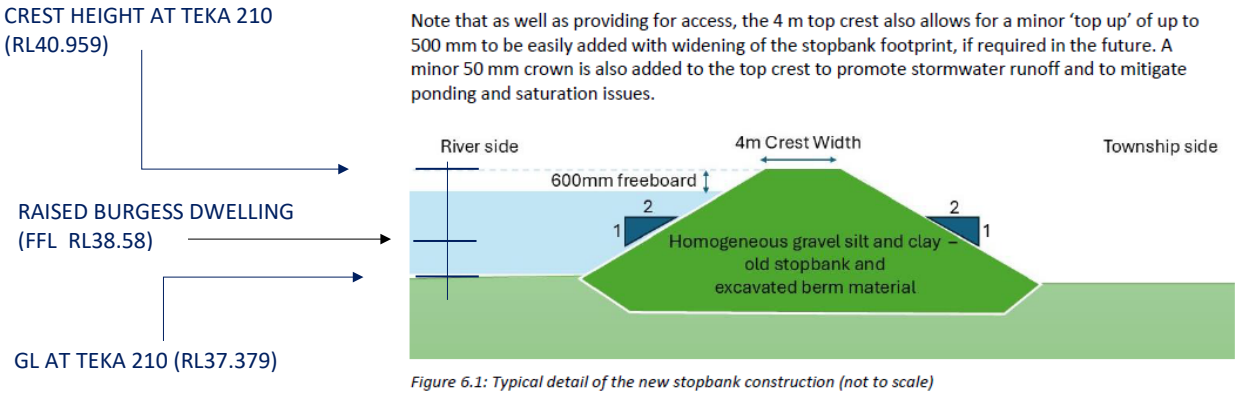


Figure 6.1: Typical detail of the new stopbank construction (not to scale)

4.10 None of this updated information has been assessed in the application and therefore the effects of the amendment on the Submitters has not been quantified in a manner that enable the effects on them to be properly understood.

5.0 Increased flood effects

5.1 The Submitters note that the Gabrielle flood caused the Waipaoa River to overtop the existing stopbank system, commencing at the eastern corner of the Te Karaka Township and continuing westward until the entire stopbank system was overtopped, inundating the Township, causing extensive flooding and property damage and endangering lives.

5.2 This breach, however, allowed the release of flood waters over a significantly larger but unintended area of land. In all likelihood this provided a level of mitigation to the potential damage that could otherwise have resulted to the Submitter's property should these flood waters have remained beyond the existing stock-bank protection system.

5.3 Furthermore, the proposal to raise the section of State Highway 2 adjacent to the Submitter's vehicle crossing point is to completely "ring-fence" the Township, increasing the exposure of the Submitter's Property to flooding effects.

5.4 The Application freely concedes that the proposal will have more than minor adverse effects on some properties beyond the lands benefitting from the proposed flood protection scheme.

5.5 For example at Pages 4, 5, 49 and 62:

"The consequential flood risk assessment results indicate that while the stopbank protects approximately 161 hectares during the design event, it reduces effective floodplain storage and forces flows into a narrower corridor. Consequently, 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". As noted shortly, the Submitter's Property is affected so.

"The preferred stopbank setback alignment delivers significant overall benefits but creates consequential flood risk changes for a small number of properties outside the protected area that require property-specific mitigation and/or acquisition outcomes."

"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."

"Outside of this, some dwellings and other community sites would have worsened flooding effects in the design event."

5.6 This constrained evaluation is continued at section 6.9.4 where a discussion of potential disbenefits references an Australian Guide[12] to assist the effects assessment process. While this approach may have use in informing an assessment on vehicles, people and buildings, it is silent on the effects on rural production operations generally.

5.7 Section 6.9.4 similarly focuses on the flood effects to 23 buildings[13]. The application then proceeds to identify 6 dwellings with "worsened flooding and RMA effects[14] however the Submitter's property is not included. The inexplicable focus on dwellings only, rather than the properties generally, has resulted in an incomplete assessment of the actual or potential adverse effects of the proposal. The Submitter's view is that the consequential effects assessment is incomplete and that it does not adequately inform an RMA assessment process.

5.8 Of further concern is that the assessed mitigation response[15] is to primarily identify evacuation routes with the possibility of a compensation package under the Public Works Act (**PWA**). While the former approach may be appropriate for the purposes of a Civil Defence emergency operational response, neither suggestion provides a robust approach to address the environmental effects.

5.9 The Application acknowledges this matter where it concedes[16]:

Compensation is the primary approach to manage the above effects ***noting that this is not mitigation per se under the RMA****. Written approvals will also be sought. Mitigation measures for the above properties that forms part of the scope of the proposal includes floor raising only not any new evacuation routes that require any physical works, only evacuation plan updates regarding additional warning procedures and the like.* [emphasis added].

---

12 *Australian Disaster Resilience Handbook 7 Managing the Floodplain: A Guide to Best Practice in Flood Risk Management in Australia*
13 Flood depth increase of at least 50mm
14 Table 9 Page 65
15 Table 10
16 Page 68

5.10 The possible approach described above explicitly limits the RMA mitigation response to floor raising of dwellinghouses only, evacuation plan updates[17] and "*the like*". The approach is inconsistent with the National Policy Statement for Natural Hazards (**NPS-NH**) where the consideration is much broader, referencing terms such as "development" "life" and "property."

5.11 The best "final" mitigation response advanced on behalf of the proposal is the following statement:

"The final mitigation approach will be determined in consultation with property owners and will be confirmed (as required by the offered resource consent condition) prior to construction works commencing on the new stopbank."

5.12 It is unclear how this response may meaningfully assist the Submitter's position given that the outcome is likely to be clear only after the opportunity for the Submitters to have input into the resource consent decision/appeal process has long passed.

5.13 Based on information more recently provided to the Submitters, the flood risk to the Property will increase. The modelling appears to be based on mediums (means) rather than maximums or percentiles but in any event, shows an increase in flood water velocity of 0.43m/s (66%) in a similar event to Cyclone Gabrielle post upgrade works. For a flood having a magnitude comparable to Cyclone Gabrielle, the assessed flood hazard risk under the NPS-HPL is:

- The likelihood of a natural hazard event occurring in accordance with Table 1 increases from Class H3 to H4[18] (changes from Medium to High);
- The consequence of a natural hazard event for life and property increases from Class H3 to H4 (changes from Moderate to Major).

5.14 The situation for a 1:100 year design event shows a larger increase in floodwater velocity (+0.58m/s).

5.15 The application has been prepared and notified on the basis that the Submitters are considered to be "*affected Persons/Properties outside of the Subject Properties due to flood risk*[19]." Following the revision of the project, and legal intervention, the Applicant has commenced preliminary negotiations with the Submitters in terms of a PWA process".

5.16 Since then, the Submitters have consistently advised they will not provide written affected party approvals for the proposal in the absence of further information. Furthermore, the negotiations in terms of a PWA compensation process are at a very early stage and do not usefully inform this resource consent process. The Submitters have more to say in this regard shortly.

---

17 Specifically excluding physical works to form new evacuation routes
18 Hazard Classes adopted from Application Table 7 (Smith, et al, Water NZ Stormwater Modelling Guide 2014)
19 TK-31

6.0 Effects on productive soils

6.1 The Application AEE addresses the effects of the proposal on production land solely on the basis of soil loss through mobilisation by floodwaters. For example, section 6.9.10 observes:

"The consequential flood risk assessment did not explicitly cover the potential effects on productive soils however the following observations have been made:

- *Given the relative infrequency of the design event, the impact on productive capacity of land is expected to be minimal.*
- *It is noted that the stretch of Waipaoa River at the Te Karaka Township is accreting.*
- *The current stopbanks were breached during Cyclone Gabrielle and the area already experienced some productive soil loss during that flood event.*

On balance the difference in soil loss comparing the existing environment and proposal is considered negligible and the actual and potential effects on productive soils from future post-upgrades is considered less than minor."

6.2 The Submitters query the very narrow assessment focus and note the adverse effect of the proposal on their large scale citrus orchard is significant. Their position has been informed by an assessment report prepared by a local horticultural consultant and commercial grower[20]. The Report identifies the likely impacts of the proposal on the Submitter's property and orchard business which are summarised shortly.

6.3 The Submitter's prefer this detailed comprehensive and site specific economic analysis compared to the broadly focussed high-level economic effects assessment in the supplementary report submitted with the application[21].

6.4 The Submitter's view is that this independently commissioned advice assists in a more transparent process[22].

6.5 The advice is that the proposal will increase the risk of flood damage to the property for a flood event similar in magnitude to Cyclone Gabrielle, and greater for the Design Flood, to the extent that "*the property will become no longer suitable or viable for permanent horticulture (orcharding)*".

7.0 The PWA process

7.1 As noted, the Application relies on the PWA as "the primary approach" to manage the adverse environmental effects of the proposal on properties beyond the flood protection scheme. The Submitter's view is that this approach is not appropriate.

[20] Wilson, Scott [20 July 2026] *Review of Potential Flooding Impacts & Future Risks Te Karaka Flood Resilience Improvement Project, Including Proposed State Highway 2 Raising Works*"

[21] Christen Consulting Limited [24 February 2026] *Te Karaka Flood Mitigation Economic Appraisal*

[22] Property Group Ltd offer dated 18 June 2026 for GDC to appoint an independent Register Valuer

7.2 Policy 7 of the National Policy Statement for Infrastructure 2025 includes the following requirements:

> *(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;*
> *(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;*
> *(e) Ensure that the mitigation measures and consent conditions are proportionate to the scale of adverse effects generated by the activity.*

7.3 Section 104(1)(b)(iii) of the RMA directs the Independent Commissioner to have regard to this National Policy Statement. Based on the application mitigation response to rely solely on the PWA (see below) the Submitters have difficulty reconciling the statements in the Application that:

"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 the effects identified".

7.4 The Submitters are presently engaging with the Applicant through a parallel Public Works Act process relating to a compensation package to address the negative impacts of the proposal. The position so far communicated is that such compensation will be limited to:

a) Payment for the extent of land required to construct the stopbank (1601m^2);
b) Reinstatement of the section of the main accessway affected by the proposal;
c) Registration of a right of way to preserve vehicle access;
d) Provision of temporary vehicle access during the construction phase;
e) Replacement of a live shelter belt with an artificial shelter;
f) Reinstatement of orchard headland;
g) Possible independent advice to assess possible impact of floodwaters on orchard operations and productivity.

7.5 The Application acknowledges that:

"Any compensation through PWA or civil agreements ideally would be resolved prior to consent application lodgement however it is not uncommon for such processes to run parallel……Further updates will be provided by the Applicant in due course on where compensation and mitigation packages have been resolved."

7.6 The Submitters acknowledge that the hearing process may alter the alignment, footprint, mitigation measures or conditions, and therefore it is reasonable for PWA and RMA processes to be run in tandem.

7.7 However, the PWA process is at the formative stages and none of the above mitigations have been quantified to the extent that can be reasonably relied on to support a resource consent assessment process. In this regard, the Submitters reject the Applicant's proposed mitigation response that any adverse effects on affected landowners will be dealt with under the Public Works Act through acquisition and compensation, so they need not be assessed under the Resource Management Act.

7.8 The PWA is concerned with processes for acquiring land and compensating for its loss whether by agreement or compulsory acquisition. Unlike the RMA, it is not an environmental statute. Therefore, the Applicant's compensation proposal under the PWA does not reduce the environmental or land-use effect of constructing the proposal. Rather, it compensates the owner for the legal consequences of the land being taken. In effect, the Applicant's approach is to bypass the RMA environmental assessment processes.

7.9 Curiously, the Applicant's position is that any resultant change in land use precipitated by the proposal (i.e. the need to downscale a horticultural operation to a pastoral farming regime) *"is a third-party matter and is being managed primarily through PWA agreements and proposed consent conditions"*. The Submitter's position is that a PWA process cannot substitute for a complete assessment of the adverse effects of the proposal under the RMA and the statutory requirement to identify, assess, avoid, remedy or mitigate adverse effects where appropriate. PWA and RMA processes address distinct functions; one regime does not relieve the Applicant of obligations under the other.

7.10 Further in this regard, the Submitters strongly disagree with the following RMA weighting assertion in the application[23] when the outcome of a parallel process is not known:

On balance, the proposed stopbank upgrade delivers a clear net benefit by materially reducing flood risk to the Te Karaka township, which outweighs the identified increases in consequential flood risk to a limited number of properties and infrastructure assets.

…..These social effects must be recognised and assessed under the RMA. However, where properties are proposed to be acquired under the PWA, the availability of statutory compensation is relevant to the nature and weighting of those effects. Although compensation does not remove the need to consider social impacts, it materially alters their character and severity, as affected landowners are entitled to full and fair compensation intended to place them, as far as money can, in the same position as before the acquisition.

In this context, while social effects associated with relocation may be significant for affected individuals, they are addressed primarily through the PWA process rather than through RMA consent mechanisms. Accordingly, once acquisition and compensation are taken into account, the residual social effects associated with property relocation are not considered more than minor in an RMA weighting sense, notwithstanding that they are understandably significant for those directly affected.

7.11 The application concedes that some adverse effects associated with the proposal are unlikely to be practically achievable and cost effective[24] and therefore leaves the means to address these matters via the PWA. The effectiveness or otherwise of this approach cannot be tested before the resource consent decision process is finalised, unless the decision is deferred, an appeal against the application to the Environment Court is lodged or a change of consent condition process is followed separately (potentially requiring the submitters to participate in an additional hearing process).

7.12 The Applicant's RFI response appears to leave the door open to a change in consent conditions process where it notes *"the PWA process is ongoing and any outcomes from this process that need to be reflected in new*

[23] Sections 6.9.12 & 6.11.2
[24] Executive Summary

or updated consent conditions will be provided in due course". The Submitters consider this is an unsatisfactory approach and is contrary to the spirit of integrated resource consents assessment and decision making.

8.0 MANAGEMENT PLAN APPROACH

8.1 Schedule 4 of the Resource Management Act sets out a number of obligations pertaining to resource consent applications, relative to the scale and significance of the effects the activity may have on the environment. The scope is prescriptive, with emphasis on the adequacy of the information and the intent is to ensure that interested parties have a reasonable understanding of the proposal and the consequential environmental effects on them.

8.2 The consenting approach as outlined in the AEE, is to leave management plans to address the effects as more precise detail emerges through the implementation stages. While the approach is appropriate where conditions of consent prescribe clear objectives and outcomes of each management plan to ensure that effects on the environment will be appropriately managed, this confidence is not reflected in the conditions as suggested.

8.3 The proposal appears to rely on an adaptive management plan approach as the detail of the proposal is confirmed post consent phase. In some situations the application proposes to elevate the use of management plans from a process to certify that the conditions of a consent have been met, to a de facto method to assess the environmental effects of the activity as those details are confirmed through the more detailed investigation post consent phase.

8.4 The approach makes it difficult for the Submitters to gain a reasonable understanding of some of the effects of the proposal. Leaving more detailed assessments to a process stage where submitters have no further input is considered to be inappropriate and not in keeping with the public participation objectives of the Act.

9.0 RESOURCE CONSENTS BUNDLING

9.1 Established resource management practice, informed by case law and the provisions of the Act, is to consider multiple resource applications together:

- Where they relate to the same proposal and where there is an overlap or interrelationship of the effects of activities; and,
- Which have consequential or flow-on effects for one another.

The reason is to enable a proper assessment of cumulative environmental effects and to avoid the artificial "hybridisation" of activities. The practice is colloquially referred to as resource consent bundling.

9.2 The Environment Court[25] has explained that consents bundling can be applied in two ways:

a) Procedurally (where related applications are heard together, as required by s 103 RMA); and,

b) Substantively (assessing the status of the overall proposal based on the most stringent class of activity present).

9.3 The substantive approach provides that if one component of a proposal is non-complying, then the entire application may be treated as non-complying.

9.4 The Application adopts the procedural approach but proposes a hybrid approach to the effects assessment of the proposal. The approach raises concerns because one of the activities for which resource consent is sought relates to the installation of a flood control flap on a culvert affected by the stopbank construction. The culvert enables the discharge of a tributary to the Waipaoa River. This aspect is for a non-complying activity which requires more stringent assessment processes.

9.5 The Council's regulatory arm appropriately queried this approach in the associated RFI process. In response, the Applicant advises[26]

"Bundling the flood gate with the wider proposal would elevate the activity status of the entire application to non-complying, despite the flood gate representing a minor and discrete element that is not integral to the overall stopbank function."

"The approach aligns the level of scrutiny with the scale and effects of each component, recognising that the culvert itself can operate independently of the flood gate and does not rely on it to achieve the primary flood protection outcomes of the project."

9.6 The statements are not consistent with the policy analysis in the Application, where at page 116 it more correctly observes the reality:

"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 provided [sic] *'freshes' up until a certain flood event.*

9.7 The Submitter's agree with the Application statement that the decoupling of the non-complying consent is deliberate, but they do not accept the reasons why. The Submitters are entitled to expect that the Council, in its capacity also as the consent authority, appropriately upholds established RMA practice in this regard.

[25] Protect Aotea v Auckland Council [2021] NZEnvC 140

[26] RFI response dated 10 June 2026

10.0 DRAFT CONDITIONS

10.1 The draft conditions are considered to be generally sufficient in scope and content to adequately regulate the activity but are heavily weighted to rely on a management process to identify and regulate actual or potential adverse effects, (for which the Submitters will have no input). Furthermore, the conditions include phrases that are not adequately defined and which may make provision for changes where there is no ability for the Submitters to have input.

10.2 The Submitters reserve the right to comment further on the draft conditions, and to proposed amended or new conditions, through the hearing process.

10.3 As noted in paragraph 5.11 of this submission, the Application refers to "*offered resource conditions prior to construction works commencing on the new stopbank*" to address proposed property mitigation arrangements under the PWA. The Submitters are unable to identify any such conditions in the set of draft conditions provided in the application as updated through the RFI process.

11.0 DECISION SOUGHT & PROCEDURAL MATTERS

11.1 The Submitters support the Te Karaka Flood Resilience Scheme in principal and acknowledge the wider community benefits. Furthermore, they accept that during the construction phase, there will be temporary environmental effects that may reduce the amenity values of their Property. These effects will be most apparent in the construction of part of the works within the Property and the operation of a lay down area and borrow pit immediately adjacent.

11.2 The Submitters seek to ensure that any reduction in the recognised environmental amenity thresholds governing activities in the Rural zone are clearly prescribed and the activities are appropriately operated and monitored to ensure any reductions in those values are maintained at reasonable levels. They reserve the right to comment on the draft conditions as set out in the application as they may be varied through the consent Hearing process.

11.3 One aspect in this regard will be to tighten the proposed conditions as necessary to more clearly prescribe and inform the associated management plan response.

11.4 Other matters relating to the construction works phase will be to better quantify the presently unknown impacts on the Submitter's orchard operations. It is critical that the following matters are appropriately addressed:

a) The orchard maintains appropriate uninterrupted access, noting the routine requirement for trucks to enter the property to deliver empty and truck out full bins of fruit produced on the Property. It is noted that orchard vehicle movements increase over the harvest period which occurs over the wetter winter months and results in frequent trips by heavy vehicles laden with full crop bins.

b) Management of dust particulate discharges below levels that could lead to fruit marking, fruit rejection or food safety issues. In addition, dust emissions will need to be managed to avoid tree foliage contamination that may lead to a loss of productivity;

c) A better understanding of how access from the raised road and stop-bank for the property will be managed in addition to the updated detail recently provided;

d) A better understanding of the management of drainage, including consideration of point source and diffuse discharges of stormwater shed from the surface of the stopbank;

e) Protection of shelter belts, drains, tracks, and orchard infrastructure.

11.5 The Submitters understand and agree with the wider rationale of the project and the consequential changes that will arise generally. However, they are concerned that the hydrological effects precipitated by the proposal on their Property will have severe adverse effects.

11.6 Furthermore, notwithstanding a PWA process may result in an outcome that appropriate serves the needs of the Submitters while securing long term benefits to the Te Karaka community, the outcome of the process is less than certain. The Submitters do not agree with the approach taken in the application which effectively attempts to transfer the consideration of important environmental matters to a separate, non-environmental legislative process.

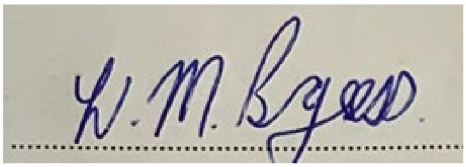
11.7 In the event that the Applicant is unable to address these concerns, then the Submitters seek that the design of the proposal be amended to reduce the direct and consequential hydrological effects on their property.

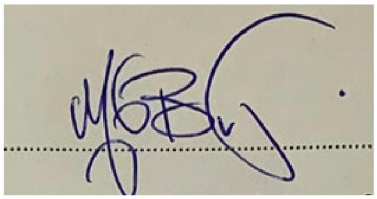
11.8 The application detail confirms that resource consents for the proposal should be bundled according to the most stringent resource consent category which is for a non-complying activity. The Submitters consider given the acknowledgement made in the application, the scale and significance of the proposal and the significant increase on flooding effects on their property, it is appropriate that due process is followed.

11.9. The Submitters wish to be heard in support of this submission.

11.10. The Submitters may be prepared present a joint case with others who have made a similar submission.

11.11. The Submitters consider it appropriate, pursuant to section 100A of the Act that GDC delegates its functions, powers, and duties to hear and decide the application to 1 or more hearings commissioners who are not members of the local authority.





Signed by Wendy & Murray Burgess
Trustees of M & W Burgess Family Trust and sole Directors and Shareholders of Blue Willow Citrus Limited
30 July 2026

[redacted]

A copy of this submission has been forwarded to the applicant.

APPENDIX 1

ARTICLE FROM THE ORCHARDIST MAGAZINE

FEATURE ARTICLE

Citrus grower Murray Burgess at his Te Karaka orchard after the cyclone

Flood through Te Karaka orchard 'like a washing machine'

Rest, recover, reboot ... caught up in the snarl of Cyclone Gabrielle, a Gisborne citrus grower has a long road ahead, but he's determined to keep on keeping on. Report by KRISTINE WALSH

Murray Burgess was flooded in at his citrus orchard, and in hindsight, that was just as well. If he had managed to wade to nearby Te Karaka the two-metre deep floodwaters would have been over his head, and he would have been on his own. Everybody – nearly 600 people – had been swept up in the fastest evacuation locals had ever seen.

As deputy chief fire officer of the Te Karaka Volunteer Fire Brigade, Murray was frustrated not to be able to get to the township – just half an hour north of Gisborne city – to help, but soon found out what was going on.

By 4am on Tuesday 14 February, he and his wife Wendy had made it off their orchard to the top of nearby Cranswick Hill, where they were soon joined by hundreds of panicked locals.

"They had just been woken by the siren and bolted, the fire crews stuffing them in the back of engines to race them to higher ground while the water was running like a river down the main street.

"So by 6.30am, when the sun came up and we could see, there were hundreds of people all peering over the fence at the giant mass of water below. It was so quiet, so eerie. Then in the silence someone said 'Te Karaka is drowning'."

It was amazing, he says, that more people didn't perish. Residents later learned that up the road, at Whatatutu, local farmer and grower John Coates had died when floodwaters engulfed his property.

Drown Te Karaka did, but for Murray Burgess Monday 13 February had started like any other, despite on-and-off rain and warnings of the approaching Cyclone Gabrielle.

Out working on the 12-hectare orchard he has built from scratch over the last 21 years, he decided to delay the lime harvest until the rain let up a bit.

Then came a phone alert from Tairāwhiti Civil Defence warning that the Waipaoa River – which snakes past Murray's place and alongside the township – could peak at 8.4 metres high (0.2 metres above warning level).

Cyclone Bola river levels: 10.6 metres

Cyclone Gabrielle river levels: >12.5 metres

"The river breached during Cyclone Bola (1988) when it was 10.6 metres high so while 8.4 was not a dawdle, we didn't think it would breach its banks."

Still, the persistent rain was a worry, so at 2am Murray was awake when called to help with an evacuation just outside the township.

"By that time we were flooded in so I phoned my son Steve, who is also in the Fire Brigade, to let him know the water was too high for me to get to the station.

> "They'd hit their straps and were producing beautiful fruit. I guess I'll just have to start again

"And it kept on raining, it just didn't stop. I was standing on the deck looking out with a spotlight and thought 'shit, this is going to be bad'."

By 3am the river was at 10 metres high and rising, and by 4am his son Steve Burgess and Jamie Simpson, Te Karaka Volunteer Fire Brigade's chief fire officer, had bust through a shelter belt to get to Murray and Wendy and tell them "the stop banks won't hold, get out now!"

"The chief has lived here all his life and he knew it was all going wrong … he had never seen the river rise like that," Murray says. "It was his call to evacuate the town and it turned out to be a good one."

In fact, they will likely never know how high the river actually rose: the Kanakanaia Bridge gauge only measures to 12.5 metres and, says Murray, "we ran out of gauge".

But even that was unknown in the early hours of 14 February when, as light dawned, Murray and Wendy made their way home.

Murray made the early call to keep well away from the around nine hectares of blocks planted in grapefruit, mandarins, limes, lemons and navel oranges that are his pride and joy because, he says, "I knew it was going to be a heartbreaker."

"The first thing was to have somewhere dry to live, and that was something we certainly did not have."

Murray is quick to say he's not feeling sorry for himself – "there are people who have lost absolutely everything" – but the sight of his home came as a shock.

"We first tried to come down around 6.30am but the water was up to our waists and we were getting swept away, so we gave it another hour.

"At that point we were still hoping for the best, but as it turned out, we'd had over half a metre of water through the house, leaving a silt layer about 25 centimetres deep as it drained away.

"It's not so much the house that is the worry … that will get fixed. It's going through all your treasures and dumping a lifetime of memories that makes us tear up a bit."

After days of shovelling silt with the help of friends, whānau and

> It's getting rid of all the rubbish that is taking the time

Murray Burgess was picking limes by mid-March and looking forward to mandarins in May, with fruit tested so far having been free of contamination

volunteers, Murray and Wendy called themselves lucky to have one dry room, where they installed a borrowed bed, and a new pump so they had water.

Once that was done, however, it was time to get into the orchard where Murray found a mix of bad news and good.

The bad news was that up to three metres of floodwater had taken out infrastructure like metre boxes and pumps, and ripped through sheds "like a washing machine," destroying everything from machinery and fruit bins to Murray's prized collection of five early-2000 Holden V8s and Monaros.

"I was numb for a week after I saw that," he says. "I'd always thought they were cool and believed that one day, if I worked hard enough, I could have one for myself. Now there is nothing left."

The good news was that, under the layer of silt and behind shelter belts packed with dead sheep and debris, most of the orchard appeared salvageable, barring Murray's hectare of five-year-old Yen Ben lemons of which, he says, he was very proud.

"I've had a couple of amazing women working with me – one who was hit really badly herself – getting rid of any silt in the trees so we can get some sunlight in there and help the fruit colour up like it should.

"But what really kicked off our recovery was a phone call from Ian Albers – boss of our marketers, First Fresh – who didn't just say 'we hope you are okay', he genuinely and sincerely said 'what can we do to help?' Thanks to him, within a couple of days there was a helicopter out here spraying to stop any rot.

"Ian and his team are not just about business … they're good fullas, the lot of them. It's times like these, when the shit hits the fan, that we are reminded of that."

After allowing time for the ground conditions to permit harvesting, undamaged fruit from the least-impacted blocks was picked after a month in the sunshine, and time will tell if other, yet-to-mature crops will be suitable to harvest, Ian Albers says.

"Murray and Wendy are fantastic growers and definitely bore the brunt, so we're going to be behind them all the way," Ian added.

"In general, however, citrus is particularly robust and we were early in the growing season so most of our around 100 growers have come through the cyclone well.

"And though there are some challenges in the export space, domestic prices for citrus over the summer have been the highest we've seen for 15 years and those returns have brought renewed optimism in our sector of the industry."

Cyclone Gabrielle was not the first time the Burgess's orchard, Blue Willow Citrus, has flooded.

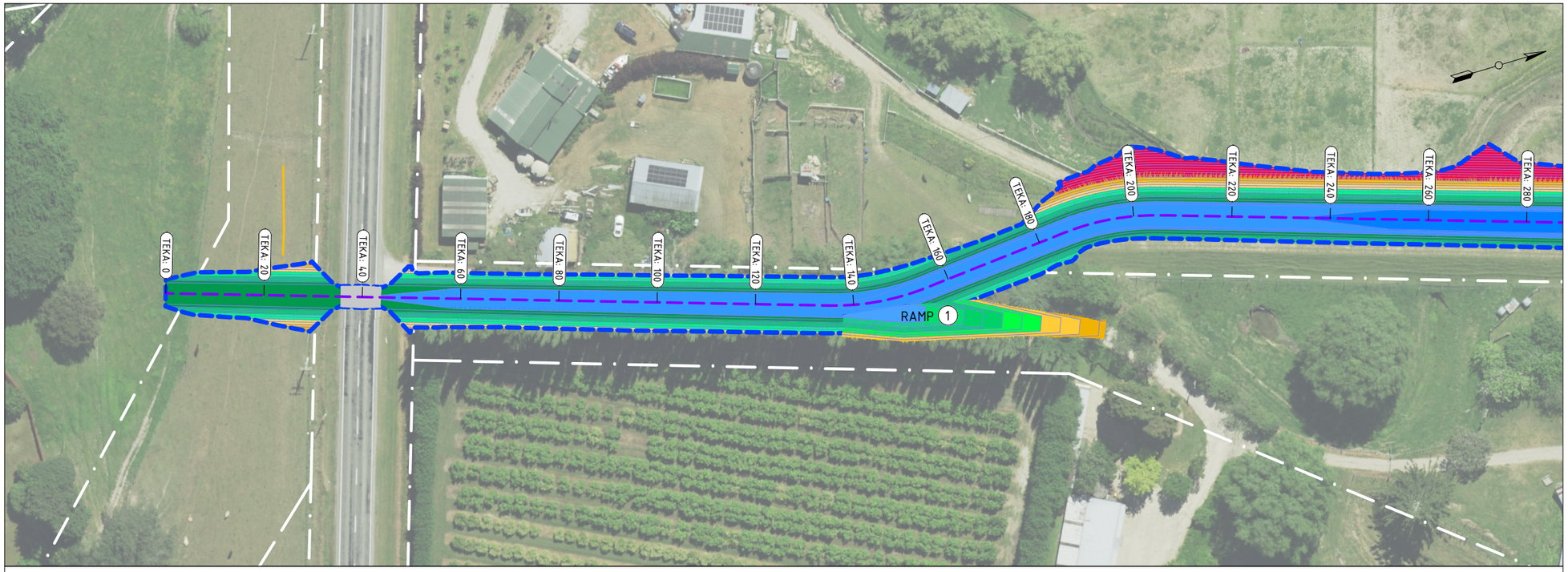
"We've had a couple of small ones, which is all part of farming, but this one … she was a bitch," Murray Burgess says.

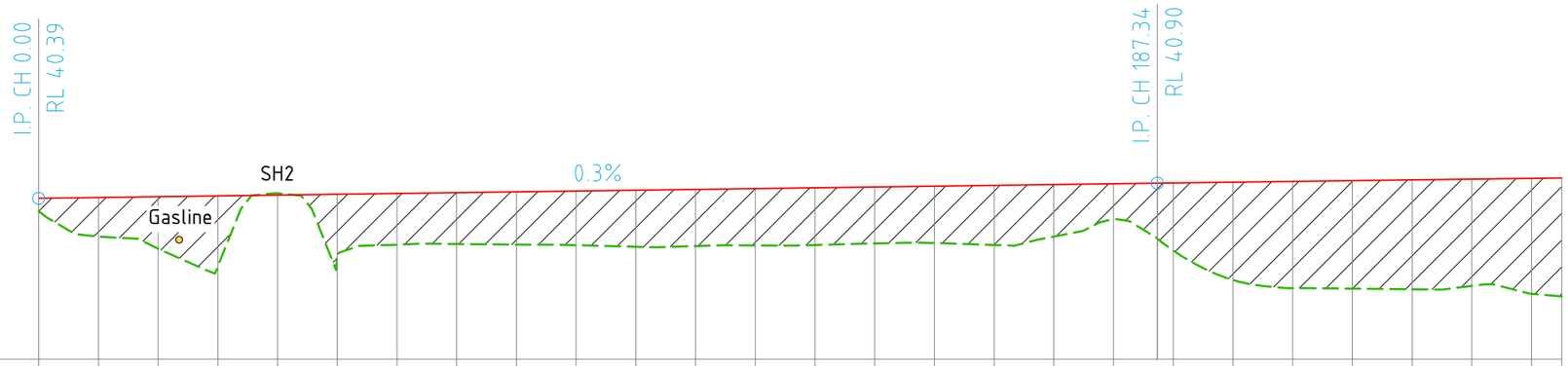
"At my age (56) I am too young to retire and too old to take orders from anyone else, so we'll keep banging away as best we can.

"But we have this new phrase in Te Karaka, "rain anxiety," so no doubt that will give us a few sleepless nights in times to come." ●

APPENDIX 2

AMENDED STOP BANK PLANS





VERT EXAG 1:5
Datum 35.000

DESIGN LEVELS		40.419	40.446	40.473	40.500	40.527	40.554	40.581	40.608	40.635	40.662	40.689	40.716	40.742	40.769	40.796	40.823	40.850	40.877	40.904	40.929	40.955	40.980	41.006	41.031	41.057	
LIDAR LEVELS		39.106	38.703	38.109	40.560	38.513	38.833	38.859	38.840	38.820	38.768	38.792	38.811	38.825	38.879	38.891	38.824	39.109	39.687	38.644	37.655	37.379	37.365	37.343	37.456	37.190	
DEPTH		1.313	1.743	2.364	-0.060	2.013	1.721	1.721	1.768	1.815	1.894	1.897	1.904	1.918	1.890	1.905	2.000	1.741	1.190	2.260	3.274	3.576	3.615	3.662	3.575	3.866	
CHAINAGE	0.00	10.00	20.00	30.00	40.00	50.00	60.00	70.00	80.00	90.00	100.00	110.00	120.00	130.00	140.00	150.00	160.00	170.00	180.00	190.00	200.00	210.00	220.00	230.00	240.00	250.00	255.07

EASTERN SIDE - LONG SECTION - PROPOSED DESIGN

General Notes

Keys

- Boundary lines
- Gasline Surveyed (GDC)
- Proposed design
- Existing ground
- Design footprint
- TEKA 1000 — Alignment / Chainage
  Waipaoa river - Te Karaka

Coordinate System in term of : NZTM 2000
Vertical Datum in term of : NZVD 2016

EASTERN STOPBANK VOLUME

CHAINAGE	2D AREA (sq.m)	FILL (Cu.M)
CH0 - CH1304	22 056	47 850

ADDITIONAL MATERIAL FOR CROSSING RAMPS

RAMP#	CHAINAGE (approx)	SIDE	VOLUME (Cu.M)
1	150	EAST	203.10
2	360	EAST	334.59
3	550	EAST	610.48
4	720	EAST	547.49
5	1070	EAST	488.90

CIVIL PROJECT SOLUTIONS

Surveyed by :	CPS CREW	10/2025
Drawn by :	P.FLAUGERE	06/2026
Checked by :	D.FOOTE (GDC)	06/2026

ELEVATION BANDING LEGEND

Minimum Elevation	Maximum Elevation	Color Scheme
34.189m	37.695m	
37.000m	37.500m	
37.500m	38.000m	
38.000m	38.500m	
38.500m	39.000m	
39.000m	39.500m	
39.500m	40.000m	
40.000m	40.500m	
40.500m	41.000m	
41.000m	41.500m	
41.500m	42.000m	
42.000m	42.500m	
42.500m	43.000m	
43.000m	43.208m	

Firm Name and Address
GISBORNE DISTRICT COUNCIL
Te Kaunihera o Te Tairāwhiti
CPS Civil Project Solutions

Project Name and Address
WAIPAOA RIVER
TE KARAKA - TOWNSHIP
EASTERN SIDE STOPBANK
LONG SECTION

Project	WAIPAOA RIVER
Date	02.06.2026
Scale	1:1000 @ A3
Sheet	1

VFG - Eastern Alignment - V06.dwg