

Before the Independent Hearing Commissioners appointed by
Gisborne District Council — Te Kaunihera o Te Tairāwhiti

Under the Resource Management Act 1991 (the **RMA** / the **Act**)

In the matter of applications LR-2026-113441-00, LV-2026-113442-00, LL-2026-113443-00 and WS-2026-113444-00 by Gisborne District Council (Rivers and Land Drainage) under section 88 of the Act for land use, vegetation clearance, works in a river bed, earthworks and water take activities for the Te Karaka Flood Scheme Upgrade, Te Karaka, Tairāwhiti

Statement of evidence of Sven Paul Exeter on behalf of Gisborne District Council (Rivers and Land Drainage)

Planning and resource management

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MC.

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1 Executive summary

- 1.1 Gisborne District Council (Rivers and Land Drainage) (“the Applicant”) propose to upgrade the existing Te Karaka Stopbank Flood Protection Scheme. In my opinion the proposed Te Karaka Flood Scheme Upgrade is an appropriate response to the substantial existing flood risk faced by the Te Karaka township community. The Project will not remove all flood risk, nor will its benefits and adverse effects be distributed evenly. Flood protection schemes necessarily alter how floodwaters move across a floodplain. They commonly create a protected area while affecting the depth, velocity, timing or extent of flooding elsewhere.
- 1.2 That reality does not mean that flood protection works are inappropriate. It means that the decision-maker must understand the distribution of benefits and adverse effects, consider whether practicable alternatives would achieve a better overall outcome, and be satisfied that consequential and residual risks have been avoided or mitigated to the extent reasonably practicable.
- 1.3 The proposed works are designed to provide Te Karaka with a one percent (1%) annual exceedance probability (“AEP”) level of service. In the design event, the modelling identifies flooding benefits for 284 parcels and 215 buildings, including 179 dwellings, 21 commercial parcels, Te Karaka Area School, two early childhood centres and other community facilities. The school is expected to change from an H5 to an H1 hazard classification, and the wastewater treatment plant from H6 to H1.
- 1.4 These benefits are substantial. They concern the protection of life and personal safety, homes and businesses, education and community facilities, and essential wastewater infrastructure. They also support the ability of most of the Te Karaka community to remain in place, rather than requiring community-wide retreat or continued exposure to the level of risk demonstrated during Cyclone Gabrielle. The need for the Project is highlighted by the 72 submissions in support.
- 1.5 I acknowledge that the Project will result in increased flood depth, velocity or hazard for land, buildings, roads and bridges outside the protected area. The Application identifies 23 buildings, including six dwellings, with adverse flooding effects in the design event. The modelling also identifies increased hydraulic loading and scour risk at the Rangatira Road and Kanakanaia Road bridges.
- 1.6 Those effects should not be understated. However, the RMA does not require a proposal to produce no adverse effects. The relevant question is whether, having regard to the positive and adverse effects, the applicable policy direction, the alternatives considered and the mitigation available, the proposal represents sustainable management and whether the residual effects are acceptable.
- 1.7 Twelve submissions in opposition were received with one submission that is neutral but outlined adverse effects on their property. Several submitters who oppose the Application nonetheless support the purpose of the Project and the protection of the township. The principal matters raised are the adequacy of the consequential flood modelling, the increased risk to the Rangatira Road and Kanakanaia Road bridges, effects on highly productive land and established farming, horticultural and equestrian operations, construction effects, cultural effects at Takipū, activity status and bundling, and the workability of the proposed conditions. I address each of these themes in my evidence.

- 1.8 For the reasons set out in this evidence, I consider the Project achieves a substantial net reduction in natural hazard risk. The adverse effects have been identified with sufficient certainty to enable a decision, and further refinement through detailed design, conditions and emergency management does not amount to deferring the fundamental assessment of effects.
- 1.9 It is considered that the Project is not contrary to the relevant objectives and policies of the TRMP, and achieves the purpose of the RMA. Subject to the revised conditions discussed later in my evidence, and having regard to the planning context, I consider the consents can be granted.

2 Introduction

- 2.1 My full name is Sven Paul Exeter. I am a Senior Associate Planner at Strategy Planning Limited ("Strategy").
- 2.2 I hold a Bachelor of Science in Environmental Studies and Geography (First Class Honours) from Victoria University of Wellington (2005). I am a Full Member of the New Zealand Planning Institute ("MNZPI"). I also hold an Intermediate Certificate in Sustainable Nutrient Management in New Zealand Agriculture (the "Overseer Course") from Massey University, Palmerston North (2013), and the International Association for Public Participation (IAP2) Certificate, (2021).
- 2.3 This evidence is presented in respect of the Applicant, Gisborne District Council (Rivers and Land Drainage) ("the Applicant") for the resource consent applications for the Te Karaka Flood Scheme Upgrade ("the Project").

3 Relevant experience

- 3.1 I have practised in resource management and planning roles for about 20 years since 2005, when I joined Hawke's Bay Regional Council ("HBRC") as a hydrological data analyst. In 2006 I moved within HBRC into a resource consent processing planning role and processed a large volume of resource consents for a wide range of activities. During my time at HBRC I presented planning evidence at numerous council hearings. I also worked on the applicant side for the investment arm of HBRC on a Board of Inquiry Nationally Significant Project.
- 3.2 From 2014 to 2025, I worked at Mott MacDonald (multi-national multi-disciplinary engineering consultancy) as a planner and sustainability consultant. I was involved in the management of a wide range of planning projects throughout New Zealand, which included the preparation and review of resource consent applications, notice of requirements and assessments of environmental effects ("AEE"), particularly in the water and transport sectors.
- 3.3 I joined Strategy in October 2025 as a Senior Associate Planner. In this role I lead the consenting of a wide range of activities including infrastructure and natural hazard mitigation projects for other local authorities.

4 Code of conduct

- 4.1 I confirm that I have read the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2023 and that I agree to comply with it. I confirm that I have considered all the material facts that I am aware of that

might alter or detract from the opinions that I express, and that this evidence is within my area of expertise, except where I state that I am relying on the evidence of another person.

5 My role in the Project

- 5.1 I have been the lead planner on the Project since October 2025 i.e. after the preferred option was confirmed. I am the author of the resource consent application and AEE for the Project, which were lodged with the Gisborne District Council Consents Team (“GDC” or “the Council”) on 21 April 2026 (“the Application”). I also authored the Applicant’s S92 RMA Response (10 June 2026) and Post Notification S92 RMA response letter (2 September 2026).
- 5.2 I have visited the site and the surrounding area on one occasion, on 10 November 2025. During that visit I walked and drove the extent of the project area. From the visit I gained an understanding of the existing stopbank alignment, the topography between the township and the Waipaoa River, the location of the proposed and alternative alignments, the proposed borrow pit and laydown areas, the Rangatira Road raising site, the State Highway 2 culvert location, and the distance and topography between the works and the properties of submitters and potentially affected landowners.

6 Material I have read and relied upon

- 6.1 I rely on the Applicant’s consent application and associated technical and AEEs, s92 RMA responses, and associated expert witnesses technical assessment memos and evidence. Where I express an opinion on a matter outside my planning expertise, I rely on the evidence of the witness.
- 6.2 In addition to the applicant expert evidence, I have read and considered:
- (a) all submissions received on the Application;
 - (b) the section 42A report and the Council witness evidence circulated;
 - (c) the Council’s technical review comments, including the Stantec review of consequential flood risk and the landscape and visual peer review memorandum dated 19 August 2026; and
 - (d) the s92 requests in May 2026 and September 2026.

7 Scope of evidence

- 7.1 The primary focus of my evidence is the key statutory planning requirements and planning related matters, including the objectives and policies of the relevant planning documents. I draw conclusions in relation to the relevant statutory provisions, including Part 2 of the Act. For conciseness, I do not repeat all of the RMA planning matters set out in the Application, the s92 Response and the section 42A report, and instead focus on the key matters and the issues which I consider require consideration, clarification and resolution.
- 7.2 Specific matters addressed in this evidence are:

- (a) my approach to the assessment of the effects of the proposal, including the existing environment and the permitted baseline;
- (b) a summary of the key dates and relevant RMA matters, and activities since lodgement;
- (c) a high-level summary of where I agree with the section 42A report and a summary of my response to residual matters;
- (d) the relevant rules, the activity status of the bundled applications and plan weightings, including bundling and the section 104D gateway;
- (e) the positive effects and benefits of the Project;
- (f) assessment and review of the actual and potential adverse effects on the environment, including consequential flooding effects on land outside the benefit area, effects on the Rangatira Road and Kanakanaia Road bridges, effects on highly productive land, landscape and visual effects, construction effects and ecological effects;
- (g) assessment against the objectives and policies of the Tairāwhiti Resource Management Plan and the relevant national direction instruments;
- (h) the National Environmental Standards for Freshwater and for Assessing and Managing Contaminants in Soil to Protect Human Health;
- (i) my response to submissions, organised by theme;
- (j) a detailed response to the matters raised in the section 42A report;
- (k) the sensitivity of the receiving environment and the availability of alternatives;
- (l) my overall assessment of effects under section 104 and, in relation to the non-complying component, section 104D;
- (m) the suitability of the proposed conditions of consent, the proposed duration and the lapse period; and
- (n) a summary of my conclusions.

8 Summary of the key matters in issue

8.1 Based on the submissions received, the Council's technical review and the section 42A report, I consider the key matters in issue to be those set out in Table 1 below. I address each in the sections indicated.

Table 1: Key matters in issue and where addressed

Ref	Matter in issue	Where addressed in my evidence
1	Activity status and the scope of the bundled consents, including whether the permanent stopbank footprint and the raised Rangatira Road embankment trigger TRMP yard setback standards additional to those assessed in the Application	Activity status and reasons for consent; Response to submissions, Theme 10

Ref	Matter in issue	Where addressed in my evidence
2	Whether the applications should be bundled substantively and assessed as non-complying, and the application of the section 104D gateway	Activity status and reasons for consent; Section 104D — the gateway test; Response to submissions, Theme 10
3	Consequential flooding effects on land and buildings outside the protected benefit area, including increases in depth, velocity and hazard category	Consequential flooding effects; Response to submissions, Theme 2
4	The adequacy of the flood modelling, in particular the treatment of aggradation, debris blockage, cumulative effects, the assessment baseline and the coverage of affected buildings	Approach to the assessment of effects; Response to submissions, Theme 2; Section 104(6)
5	Whether reliance on the Public Works Act 1981 compensation process, rather than mitigation or remediation under the Act, is an appropriate response to the consequential flood effects	Clarifications to the consent application; Section 104(1)(ab); Response to submissions, Theme 5
6	Increased hydraulic loading and scour risk at the Rangatira Road and Kanakanaia Road bridges, and the consequences for access and isolation	Effects on the Rangatira Road and Kanakanaia Road bridges; Response to submissions, Theme 3
7	The section 106A natural hazards assessment, in particular sections 106A(2)(d) and 106A(3)	Section 106A — natural hazards
8	Effects on highly productive land and on established horticultural, farming and equestrian operations, and the application of the NPS-HPL	Highly productive land and productive soils; Response to submissions, Theme 6
9	Cultural effects, the status and findings of the Cultural Impact Assessment, the position of Takipū and Ruangārehu, ancestral Māori land under section 6(e), and Te Mana o te Wai	Cultural effects and mana whenua values; Response to submissions, Theme 7; Part 2
10	Construction effects, including noise and vibration at equestrian receptors, dust, haul road and laydown locations, and continuity of access and services	Construction effects; Response to submissions, Theme 8
11	Landscape and visual effects, in particular at 29 Morris Road and the Kipling Road and Rangatira Road properties	Landscape and visual effects; Response to submissions, Theme 9
12	The construction water take, allocation availability and low flow restrictions in the Waipaoa catchment	Construction water take and low flow management
13	The workability of the proposed conditions of consent, including construction noise and vibration limits, planting establishment obligations and certification hold points, and whether management plans are being used to assess rather than implement	Proposed conditions of consent; Response to submissions, Theme 11
14	The relationship between the preferred and alternative stopbank alignments and how the final alignment is to be confirmed	Stopbank alignment options; Response to submissions, Theme 1
15	Emergency management, residual risk, the levee effect and the timing of the update to the Te Karaka Flood Evacuation Contingency Plan	Response to submissions, Theme 12; Proposed conditions of consent

9 Summary of the proposal

The existing Te Karaka flood scheme and need for intervention

- 9.1 Te Karaka is a township of approximately 600 people located approximately 30 kilometres inland to the north of Gisborne, situated inside an S-bend on the true right bank of the Waipaoa River. The surrounding land is low-lying, primarily flat,

and highly productive, being used for horticulture, cropping and sheep and cattle grazing.

- 9.2 The township is currently defended by approximately 4.2 kilometres of stopbanks, set back approximately 100 metres to 300 metres from the edge of the Waipaoa River, which were raised following Cyclone Bola in 1988. During Cyclone Gabrielle in February 2023 the river overtopped those stopbanks, beginning at the eastern corner and continuing westward until the entire stopbank system was overtopped, inundating the township.
- 9.3 Historical and ongoing sediment inputs have reduced channel capacity and altered natural flow regimes in the Waipaoa River, contributing to increased flood risk during high rainfall events.
- 9.4 Te Karaka is already exposed to significant river flooding. Cyclone Gabrielle exceeded the capacity of the existing scheme, overtopped the stopbanks and inundated the township. The project is therefore a response to a demonstrated existing risk to an established community.
- 9.5 The project should not be characterised as providing absolute protection. The proposed stopbanks have a defined design standard, and events beyond that standard could result in overtopping or failure. Residual risk will remain and this will continue to be recognised in future land-use planning, asset management and emergency management, as set out in the evidence from Mr Ruifrok.

The Project and its key components

- 9.6 The Project is a partly Crown-funded flood resilience upgrade led by GDC Rivers and Land Drainage in partnership with local Mana Whenua iwi Te Aitanga a Māhaki.
- 9.7 The key components of the Project are:
 - (a) construction and upgrading of approximately 4.2 kilometres of stopbanks, including sections set back from the existing alignment to make more room for the river;
 - (b) associated earthworks, borrow pits, land disturbance and laydown areas;
 - (c) local road raising to tie in with the stopbank, including at Rangatira Road, and associated stormwater swale and drainage adjustments;
 - (d) an extension to an existing State Highway 2 culvert, including fish passage improvements and a passive flap gate;
 - (e) a temporary water take from the Waipaoa River and construction dewatering;
 - (f) vegetation removal and reinstatement, including landscape planting; and
 - (g) temporary construction activities, including access, laydown areas, traffic management, service relocations and environmental controls.

- 9.8 The upgraded scheme is designed to achieve a present-day one percent (1%) AEP (100 year) level of service consistent with the downstream Waipaoa River Flood Control Scheme.
- 9.9 Construction is anticipated to be staged over multiple seasons, indicatively October 2026 to June 2027 and October 2027 to June 2028, with an additional reserve season if required. The construction programme involves approximately 350,000 cubic metres of earthworks.

Stopbank alignment options and alternatives assessment

- 9.10 Following technical assessment, flood modelling and evaluation of environmental and community considerations, a preferred alignment has been identified which is retreated from the existing alignment in places to make more room for the river. That approach is consistent with international best practice and with the principles of Te Mana o te Wai.
- 9.11 In 2025 an options assessment considered four stopbank alignment options through a multi-criteria analysis process, taking account of community feedback. Given the significant flood risk associated with Option 1 (raising the existing stopbanks), that option was discounted and a stopbank upgrade was considered necessary. The community preferred option was endorsed by GDC councillors in August 2025 and, following minor design optimisation, forms the basis of the preferred alignment in the Application.
- 9.12 Subsequent engagement with Wi Pere Trust, the landowner over whose property the proposed stopbank traverses, identified the potential need for an alternative alignment to avoid that property. The Application therefore provides for two alignment options, preferred and alternative, to retain flexibility during land access negotiations and detailed design, with the final alignment to be confirmed prior to construction.
- 9.13 The selected scheme was not the product of a single predetermined engineering solution. I rely on the evidence of Mr Foote, Mr Ruifrok and Mr Hooker concerning the detailed methodology, criteria and technical evaluation of the alternatives. From a planning perspective, the important point is that the preferred option was selected following consideration of flood performance, environmental and cultural outcomes, property effects, constructability, cost and community feedback. No option could protect Te Karaka without affecting land, infrastructure or flood behaviour elsewhere.

Several submitters prefer retention and raising of the existing stopbanks, being Option 1 as presented to the community. That option may reduce some effects on particular properties, but it must be assessed against the Project's wider objectives and the total effects of retaining the existing constrained floodway. The appropriate test is not whether another alignment could avoid an individual effect. It is whether there is a practicable alternative that would deliver the required flood resilience outcome with materially better overall effects. I address this further at paragraphs under the heading "Options and alternatives raised by submitters" in my response to submissions.

Changes to the proposal since lodgement

- 9.14 Since the Application was lodged in April 2026, one key change was moving the alignment of the stopbank from the Pine Hollow Trust Property to the Burgess property to avoid Pine Hollow Trust buildings. This change is a key focus area of the Burgess submission. Mr Foote details the reason for this change in his evidence. Mr Hooker outlines the potential flood effects of this change, and I outline additional consent conditions in my evidence to manage this change and any future potential Project design changes.

Clarifications to the consent application

Compensation and the Public Works Act interface

- 9.15 As outlined in the consent application, the Project requires land acquisition and a compensation process is being run in parallel under the Public Works Act 1981 ("PWA").
- 9.16 The consent application (page 1) states *"It is also acknowledged that the proposal relies on Public Works Act (PWA) compensation process rather than the Resource Management Act (RMA) effects mitigation or remediation package to address flood effects which is unlikely to be practically achievable and cost effective"*. To clarify this statement, compensation under the PWA is primarily used for the proposed property acquisition for land that forms part of the new stopbanks. Adverse effects caused by the Project that are required to be mitigated under the RMA are proposed to be addressed as per section 104 RMA as set out in the consent application and in my evidence below.
- 9.17 I recognise that this statement, as expressed in the Application, is where a number of submitters take issue. I address the relationship between the PWA process and the assessment required under the Act in my response to submissions and again under section 104(1)(ab). However, I do not go into detail on PWA matters and the status with landowners which is covered in Mr Foote's evidence.

10 Approach to the assessment of effects

The existing environment

- 10.1 The receiving environment against which the effects of the Project fall to be assessed is not an unmodified river environment. The Waipaoa River at Te Karaka is a substantially modified river corridor, confined by an existing flood control scheme, with the berm land and the land behind the stopbanks in productive rural use and traversed by road, drainage and network utility infrastructure, including State Highway 2 and its existing culvert, and local roads including Rangatira Road.
- 10.2 The existing scheme comprises approximately 4.2 kilometres of stopbanks, set back approximately 100 metres to 300 metres from the edge of the river, which were raised following Cyclone Bola in 1988.
- 10.3 In February 2023 Cyclone Gabrielle overtopped the stopbanks, beginning at the eastern corner and continuing westward until the entire system was overtopped

and the township was inundated. I rely on the engineering evidence from Mr Foote as to the present physical condition of the existing stopbanks and the level of service they currently provide.

- 10.4 The river corridor has been progressively modified by catchment land use change, river control works and historical and ongoing sediment inputs. Those sediment inputs have reduced channel capacity and altered natural flow regimes, contributing to increased flood risk during high rainfall events. The corridor is therefore neither in a natural state nor static in its flood conveyance capacity.
- 10.5 Te Karaka is a township of approximately 600 people situated inside an S-bend on the true right bank of the river, comprising residential properties together with community facilities, services and infrastructure. The surrounding land is low-lying, primarily flat and highly productive, being used for horticulture, cropping and sheep and cattle grazing. The land within and adjoining the proposed works is presently in productive rural use.
- 10.6 The township and that surrounding land are accordingly exposed to a significant existing river flood hazard, as Cyclone Gabrielle demonstrated. That hazard is a feature of the environment as it exists and forms part of the receiving environment against which the effects of the Project must be assessed.

The permitted baseline

- 10.7 The permitted baseline is set out in Section 6.2 of the 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. The 'environment' upon which effects should be assessed is therefore the existing and reasonably foreseeable future environment.
- 10.8 The activities permitted by the TMRP and NES-F were outlined in section 5.1 of the Application and have not changed. The appropriate comparison in assessing the permitted baseline and consequential flood effects of the Project is against the existing environment i.e. the proposed upgrade compared to the existing stopbanks and the existing flood vulnerability of the surrounding land.
- 10.9 The reasonably foreseeable future environment could also include the notion that in the future the Applicant will have acquired all necessary legal rights and provided compensation to anybody legally entitled.

11 The Section 42A report

- 11.1 In summary I agree with the majority of the conclusions in Ms Michalak's s42A report and provide some further commentary on some residual matters.
- 11.2 In summary both myself and Ms Michalak agree on the critical planning matters including but not limited to:
 - i. The construction and operation of stopbanks and various ancillary activities as a bundled Discretionary Activity under various rules of the Tairāwhiti Resource Management Plan and the construction and the

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.

- ii. There will be significant positive effects.
- iii. Adverse consequential flood effects are likely to be more than minor at some locations.
- iv. The proposed activities are not contrary to the relevant objectives and policies of the relevant plans including the NPS-NH and the 'gateway test' s104D RMA is met.
- v. The resource consents can be granted subject to consent conditions.

11.3 Regarding resource consent conditions, I emailed Ms Michalakakis and discussed additional proffered conditions that I was still developing, which were included in the initial s42A officers report recommended conditions consent but were subsequently removed and 'tagged' for addressing (Appendix 1). Proposed conditions of consent are further expanded on throughout my evidence and in the section '*Proposed conditions of consent*'.

11.4 In the below section entitled "Response to the Section 42A report" I respond to:

- i. one small matter regarding the *Te Karaka Stopbank – Aquatic Ecology Review* memo (Appendix 11 of the s42A officers report),
- ii. PowerCo Puha Substation effects matters and related s42A version consent conditions,
- iii. 45 and 46 Bridge Road effects matters and related s42A version consent conditions,
- iv. the 'Legal instruments to ensure compensation or mitigation' condition (condition 69) and the consequentially flooded properties listed in it,
- v. construction water sought.

12 Activity status and reasons for consent

Tairāwhiti Resource Management Plan

12.1 Resource consent is sought for the construction and operation of the stopbanks and various ancillary activities as a bundled discretionary activity under various rules of the Tairāwhiti Resource Management Plan ("TRMP"). I agree with the activities and rules set out in the S42A officer's report.

12.2 The Wi Pere Trust submission states "*the application that has been made is incomplete. No application has been made to divert flood waters*". However as shown in Application (Table 5, page 52), consent has been sought for "*Damming, diversion and drainage of streams, rivers and lakes*" under Rule C6.3.13(4) (discretionary activity) of the TRMP.

- 12.3 The Burgess Family Trust submission (point 2.1) raises whether district-level land use consents are required for permanent or ongoing activities beyond those identified as reasons for consent in the Application. Under DD4.6.1.1 'General Standards' (Rules for Rural Zones) of the TRMP any "*a) Buildings, parts of buildings, and structures (excluding chimneys, antennas and their support structures) shall be contained within recession planes commencing 2.75m above each site boundary. The angles of the recession plane at each site boundary shall be determined using the recession plane indicator*". Where stopbanks cross property boundaries and are within the recession plane, resource consent would also be required and are now sought under Rule 4.6.1A(13) Restricted Discretionary). Where submitters raise visual and landscape effects matters, this is assessed in Mr Steyn's supplementary landscape and visual assessment (LVA) dated 2 September 2026 as provided via S92 RMA. As detailed in the S92 RMA response (June 2026) the yard setbacks do not apply to structures thus no other resource consents are required for yard infringements.

National Environmental Standards for Freshwater

- 12.4 Consent is sought under the Resource Management (National Environmental Standards for Freshwater) Regulations 2020 ("NES-F") for the construction and operation of a culvert as a discretionary activity under regulation 71, for the associated flap gate as a non-complying activity under regulation 74, and for the construction of specified infrastructure within 100 metres of a potential wetland under regulations 45(3) and 45(4).

National Environmental Standards for Contaminated Soil

- 12.5 Consent is sought as a controlled activity under regulation 5(9) of the Resource Management (National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 ("NES-CS").

Overall activity status and bundling

- 12.6 In my opinion the applications should be considered on a bundled basis for the purpose of assessing effects. Overall, the Application is assessed as a discretionary activity under the TRMP, noting the non-complying component associated with the passive flap gate under regulation 74 of the NES-F. Ms Michalakis supports this approach in the S42A officer's report.
- 12.7 My preferred planning position is that the passive flap gate may be assessed separately because it is:
- (a) improved fish passage is proffered via resource consent conditions which meets the intent of the NES-F;
 - (b) physically and functionally confined to the SH2 culvert;
 - (c) subject to distinct NES-F provisions;
 - (d) capable of operating and being conditioned independently;
 - (e) not the source of the wider stopbanks consequential flooding effects; and

- (f) not necessary to establish the functional need for the overall stopbank alignment however the scheme would be less effective if it was not consented.
- 12.8 The applications are nevertheless being considered together, so the Commissioner retains a complete understanding of their cumulative and interrelated effects. Separate activity status does not mean fragmented effects assessment.
- 12.9 Several submitters, including the Wi Pere Trust, the Burgess Family Trust and Ms J Moran, submit that the applications should be bundled substantively and treated as non-complying. If the Commissioner considers substantive bundling necessary, the entire proposal would be assessed as a non-complying activity. Under section 104D, consent may be granted if either the adverse effects of the activity on the environment will be minor, or the activity will not be contrary to the objectives and policies of the relevant planning documents as agreed by Ms Michalakakis in the s42A report.
- 12.10 I address the section 104D gateway, on both the flap gate only and the whole-of-proposal scenarios, under the heading “Section 104D - the gateway test” below.

13 Positive effects and Project benefits

- 13.1 The consequential flood risk assessment indicates that the upgraded stopbank protects approximately 161 hectares during the design event. Within that benefit area, 215 buildings experience a flooding benefit, including 179 residential dwellings and 21 commercial parcels, with an estimated population of 531 people. The benefit area also includes the Te Karaka Area School, which acts as an emergency management centre, two early childhood centres, and other community facilities including churches, a store and a petrol station. The local wastewater treatment plant is also protected to the design level, with associated social, cultural, environmental and economic benefits.
- 13.2 In hazard terms, the modelling identifies that Te Karaka Area School is expected to change from an H5 to an H1 hazard classification, and the wastewater treatment plant from an H6 to an H1 classification, in the design event.
- 13.3 The benefits are not confined to property. They concern the protection of life and personal safety, homes and businesses, education and community facilities, and essential wastewater infrastructure. They also support the ability of most of the Te Karaka community to remain in place, rather than requiring community-wide retreat or continued exposure to the level of risk demonstrated during Cyclone Gabrielle.
- 13.4 In addition, aspects of the Project have the potential to provide modest environmental benefits when compared with the existing environment, including improved fish passage at the SH2 culvert relative to the existing perched culvert arrangement, and a reduction in the intensity of land use within parts of the expanded floodplain.

14 Actual and potential adverse effects

- 14.1 The Project provides major benefits to the Te Karaka community. It also imposes disbenefits on a smaller number of people and properties outside the protected area. In planning terms, the existence of both beneficiaries and adversely affected parties requires a transparent assessment of:
- a. the existing risk without the Project;
 - b. the scale and likelihood of the risk with the Project;
 - c. the number and nature of people and assets affected;
 - d. whether effects can practicably be avoided;
 - e. what physical, operational or property-level mitigation is available;
 - f. what residual risk remains; and
 - g. whether the overall outcome is proportionate.
- 14.2 In my opinion, the Project responds appropriately to those considerations. It materially reduces risk to the principal concentration of people, dwellings and community infrastructure. It does so while identifying rather than concealing consequential effects, and while providing mechanisms for property-specific mitigation, design refinement, acquisition or compensation, and emergency response.

Consequential flooding effects

- 14.3 The approach to assessing the consequential flood effects is consistent with the approach taken for other stopbank resource consent projects that were recently granted resource consent in Hawke's Bay. The focus point of the assessment is on human life and habitable buildings in accordance with the best practice natural hazard classification guidelines (refer to Mr Hookers evidence). A secondary assessment of the flood effects was also undertaken on general buildings and critical infrastructure such as roads, bridges, bulk electricity and three waters assets.
- 14.4 The stopbank reduces effective floodplain storage and forces flows into a narrower corridor. Consequently, land immediately upstream of and adjacent to the stopbank experiences increases in flood depth, velocity and hazard. During the design event, 10 hectares of land is newly flooded and 157 hectares experiences an increase in hazard category. Outside the protected area, 23 buildings, including six residential dwellings, experience adverse flooding effects. Flood impacts on road infrastructure follow a similar pattern, with roads within the township protected while adjacent rural roads experience increased flood depths and hazard classifications.
- 14.5 These are real adverse effects. However, the appropriate comparison arguably is between the future environment with and without the proposed upgrade, including the existing stopbanks and existing flood vulnerability.
- 14.6 The available responses are necessarily property-specific. They include refinement of the alignment or construction footprint where practicable, floor

raising, relocation, acquisition, maintenance or reinstatement of access and services, construction management and emergency response measures. Localised bunds were considered but discounted because they would reduce velocity without materially changing flood levels at the affected properties.

- 14.7 I agree with submitters that compensation under the PWA is not, by itself, physical mitigation of an environmental effect. The RMA assessment must still identify and evaluate the adverse effect. However, the existence of acquisition and compensation processes may be relevant to the eventual receiving environment, the identity and exposure of receptors, and the social consequences of land acquisition.
- 14.8 Specific comment and assessment in relation to the concerns raised by submitters about the flood modelling, its inputs and its coverage are addressed in my response to submissions below, and in the evidence of Mr Hooker.

Effects on the Rangatira Road and Kanakanaia Road bridges

- 14.9 A number of submitters raise concern that the proposal will increase hydraulic loads and scour at the Rangatira Road and Kanakanaia Road bridges, potentially affecting access for communities located beyond those bridges. Those concerns are legitimate and require direct consideration.
- 14.10 While there is no meaningful difference in potential effects on the two bridges in flood events that are not big enough to overwhelm the existing stopbanks, the technical assessments identify increased hydraulic and structural demands under the design event. For Rangatira Road Bridge, the assessment records increases in superstructure bending moments, lateral loads, vertical uplift, pier bending demands and approximately 0.7 metres of additional scour. For Kanakanaia Road Bridge, it records increased structural demands and approximately 0.8 metres of additional scour.
- 14.11 The planning assessment must, however, distinguish between:
- a. the existing vulnerability of each bridge;
 - b. the additional or incremental risk caused by the stopbank project;
 - c. the consequence of bridge failure or loss of access; and
 - d. the practical mitigation available within the scope and funding of this Project.
- 14.12 The available assessment indicates that the design event already exceeds the historical design capacity of the bridges. The Rangatira Road Bridge was designed for an estimated flow of approximately 3,500 cubic metres per second, compared with the Project design event of 5,625 cubic metres per second. For Kanakanaia Road Bridge, the preliminary assessment indicates that pier flexural capacity may be exceeded during the design event under both the current and post-upgrade scenarios.
- 14.13 I understand that a more comprehensive structural assessment could refine the understanding of the bridges' capacity and the relative increase in failure risk attributable to the Project. Such an assessment could be valuable for future

transport asset planning. However, based on the evidence available to me, I do not consider it would change the central planning issue before the Commissioner Panel.

14.14 The choice is not between:

- implementing the stopbank and creating bridge risk; or
- declining the stopbank and retaining secure bridge access.

14.15 The bridges are already exposed to substantial risk in the design event. Declining the proposal would retain that existing bridge vulnerability while also retaining the much greater exposure of the Te Karaka township to flooding.

14.16 I therefore consider that it would be disproportionate to require bridge strengthening or replacement as a prerequisite to granting the stopbank consents, particularly where:

- the bridge vulnerability exists independently of the proposal;
- bridge replacement is not within the funded scope of the flood scheme; and
- the Project delivers substantial life-safety and property benefits that would be lost if consent were not granted as recommended to be granted in the s42A officer's report.

14.17 This does not mean the incremental risk can be ignored. It should be recognised and managed through proportionate measures, in accordance with the policy direction of the National Policy Statement for Natural Hazards ("NPS-NH"). I rely on the Applicants' river management expert evidence (Mr Ruifrot) concerning flood forecasting, warning triggers, bridge closure protocols, evacuation planning, communications and alternative access arrangements. The AEE identifies flood forecasting, early warning and closure protocols as interim responses and notes that the Applicant will continue considering longer-term physical resilience measures outside the Project subject to funding availability.

14.18 In my opinion, the conditions should require the updated flood evacuation plan to be completed before the works are completed (or within 20 working days of completion) and to address at least Kanakanaia Bridge.

14.19 Mr Hooker relies on a preliminary assessment of the two bridges prepared by Mr Ben-Ezra, which is appended to his evidence. That assessment concludes that the Project increases hydraulic loading and scour at both bridges, that estimated scour depth increases by up to approximately 0.8 metres at Kanakanaia Bridge and 0.7 metres at Rangatira Bridge, representing around 10 per cent of the total calculated scour depth, and that the Kanakanaia Bridge columns are likely to have inadequate capacity under both existing and proposed design flood conditions. The Rangatira Bridge pier wall that was assessed appears to have adequate capacity for the design loading considered, although other elements such as the piles or pile cap may prove more critical. Mr Hooker is clear that the work is a preliminary investigation rather than a detailed bridge assessment, and that a more detailed structural assessment would be required to determine overall capacity, the degree of risk and whether strengthening works would be

recommended to meet NZTA Bridge Manual standards. I address the NPS-NH framework further under section 104(1)(b) below.

- 14.20 On that basis, and on the basis of Mr Hooker's risk assessment, I consider the bridge effects have been identified with sufficient certainty for a decision and can be managed in a manner proportionate to the incremental risk attributable to the proposal.

Cultural effects and mana whenua values

- 14.21 As noted in the Application, an 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 was provided in the absence of having a cultural impact assessment for the project. I am not a cultural expert or Mana Whenua, therefore I defer to Commissioners to consider these matters and for the hearing process to run its course.

Archaeological and heritage effects

- 14.22 As detailed in the AEE, the expected adverse effects on archaeology are likely to be less than minor and industry standard consent conditions are recommended to manage any accidental discoveries and adverse potential effects.

Ecology, freshwater and fish passage

- 14.23 The Ecological Impact Assessment ("EclA") identifies that much of the stopbank footprint and associated works area is located within a highly modified environment comprised predominantly of grazed pasture, horticultural land and exotic vegetation of negligible ecological value. The principal ecological values identified relate to the Waipaoa River itself, which was assessed as having moderate freshwater habitat value and high fish value due to the presence of several At Risk fish species. Potential ecological effects primarily relate to sediment discharges, disturbance during construction, vegetation clearance, fish passage and the possible presence of bats within mature trees proposed to be removed. Proposed management measures include erosion and sediment controls, timing restrictions on in-stream works, fish passage improvements associated with the SH2 culvert upgrade, ecologically focused construction management measures and bat management protocols.
- 14.24 One submitter (Jenny Moran) seeks additional ecological investigations including bat surveys, fish surveys and further assessment of flora and bird values. While I acknowledge those requests, I do not consider the Application suffers from an information gap that prevents the Commissioner understanding the nature and scale of ecological effects nevertheless, Dr Hick's has provided supplementary ecological information and evidence. The EclA undertook site investigations and desktop review of existing information sources, and reached the conclusion that significant ecological effects are unlikely provided the proposed management measures are implemented. In my view, the Application and Dr Hicks's evidence contains sufficient information to assess the 'consentability' of the proposal and determine appropriate conditions.
- 14.25 In relation to bats specifically, the evidence before the Commissioners is not that bats are known to occupy the site, but rather that bats have been identified elsewhere in the wider area and that the potential exists for some trees to

provide roosting habitat. The proposed approach is therefore precautionary. The requirement for investigations prior to vegetation clearance, or alternatively limiting vegetation removal outside of the bat roosting season, is intended to inform implementation of mitigation measures rather than determine whether the proposal is appropriate in principle. Similar observations apply in relation to fish passage and freshwater ecology, where the Project includes ecological safeguards and seeks to improve fish passage outcomes at the SH2 culvert compared with the existing perched culvert arrangement.

- 14.26 One submitter (Jenny Moran) also notes a kauri tree may need to be removed and is considered a threatened species (I note Dr Hicks's instead considers kauri as 'declining'). I do not know if this is correct or where this tree may be located. If a kauri tree is to be removed (which cannot be avoided) for the works, based on Dr Hicks's evidence, I would consider the adverse effects would be no more than minor provided that the native bat protocols are adhered to and the kauri tree is replaced on a 'like for like' basis (planting a seedling to replace the tree). A new proffered resource consent condition is provided to manage this matter.
- 14.27 Overall, I am satisfied that the ecological effects of the proposal have been appropriately identified and assessed. Subject to implementation of the proposed conditions, including construction controls, fish passage requirements, vegetation clearance restrictions and ecological management measures, I consider the actual and potential adverse ecological effects to be no more than minor.

Water quality, erosion and sediment control

- 14.28 The Application and supporting ECiA concluded that the actual and potential adverse effects on water quality would be no more than minor and a comprehensive set of resource consent conditions has been recommended to manage erosion and sediment control.

Landscape and visual effects

- 14.29 The stopbank will be a prominent engineered landform in places, particularly where it is close to rural dwellings or associated with road raising. However, stopbanks are already a recognised element of the modified Waipaoa River corridor. The notified assessment found effects ranging from very low to moderate, with mitigation planting proposed at Rangatira Road.
- 14.30 I consider and rely on the landscape evidence for the assessment of the properties identified in the Isthmus peer review (19 August 2026) and Mr Steyn's evidence and memorandum dated 2 September 2026, being 9 and 11 Rangatira Road, 29 Morris Road, 59 Kipling Road and 54 Kipling Road, together with the assessment of borrow site rehabilitation, natural character, vegetation removal, adjustments to electrical infrastructure, shading effects and values of significance to tangata whenua.
- 14.31 I accept that the effects at the 'McLanachan 29 Morris Road' property will be materially greater than for many other rural properties affected by the Project. In particular, the visual change should not be described as less than minor without recognising the property-specific assessment. However, the effect is primarily on a localised private outlook within an already modified productive landscape. The stopbank will remain legible as a grassed rural landform, rather

than a building or industrial structure, and the wider rural outlook will be modified rather than removed.

- 14.32 In my opinion, the identified effects do not make the stopbank alignment inappropriate when considered against the substantial flood resilience benefits of the Project. The effects should nevertheless be reduced where practicable through grassing, careful detailed design and a property-specific landscape mitigation plan prepared in consultation with the owners of 29 Morris Road. That mitigation should focus on softening the perceived scale of the stopbank without introducing planting that would create additional shading, obstruct retained views or interfere with stopbank inspection and maintenance.
- 14.33 A property-specific landscape mitigation plan for 29 Morris Road is proposed in the S42A officers report refined conditions of consent.
- 14.34 In my opinion, the identified effects around the submitters concern of surveillance of livestock does not require any mitigation measures given that the adverse effects are relatively minor and the stopbank itself can be used for surveillance.
- 14.35 I agree with the landscape and visual effects assessment undertaken by Mr Steyn for 54 and 59 Kipling Road. A property-specific landscape mitigation plan for 59 Kipling Road is proposed in the S42A officers report refined conditions of consent and mitigation at 54 Kipling Road is not considered warranted.
- 14.36 As noted in Mr Steyns evidence the Applicant *“advised that 9 and 11 Rangatira Road are proposed to be acquired as part of the Stopbank Proposal and that the existing dwellings will be removed. On this basis, I have not undertaken an assessment of the longterm visual effects on these properties, as they are not anticipated to remain occupied following implementation of the Proposal.”* Effects on these two properties can therefore be disregarded.

Construction effects - noise, vibration, dust and traffic

- 14.37 The construction programme is substantial and will involve approximately 350,000 cubic metres of earthworks, stopbank construction, borrow pit excavation, haul roads, temporary compounds, road raising, culvert upgrades, vegetation clearance and associated construction activities over multiple construction seasons. Inevitably, activities of this scale will generate temporary effects including noise, vibration, dust, traffic movements, temporary access restrictions, loss of productive land during construction, and disruption to normal rural and business activities. A number of submitters have raised concerns regarding the potential effects of construction activities on farming operations, orchards, equestrian activities, property access, stock management and residential amenity.
- 14.38 Temporary effects can nonetheless be significant where they are prolonged, occur in close proximity to sensitive activities, or interfere with the ongoing operation of existing land uses. I am satisfied that the construction-related effects can be appropriately managed through a combination of design refinement, property-specific mitigation measures, consultation with affected landowners, and the suite of management plans and controls proposed through the consent conditions. These include the Construction Environmental Management Plan (“CEMP”), Construction Noise and Vibration Management

Plan (“CNVMP”), Communications Plan, erosion and sediment controls, traffic management measures and various certification processes. The proposed conditions provide a framework through which construction activities can be adapted to address site-specific issues as they arise, while still requiring compliance with defined environmental outcomes and performance standards.

- 14.39 Overall, while I accept that construction effects will be noticeable, I consider those effects to be temporary, manageable and proportionate to the scale and significance of the flood resilience benefits delivered by the Project. Subject to the recommended conditions and any additional property-specific measures arising from ongoing discussions with affected landowners, I consider the residual construction effects to be acceptable in the context of the proposal as a whole.

Contaminated land

- 14.40 The contaminated land assessment concluded that the risk to human health is low and the Project can be constructed through the utilisation of the Site Management Plan. A condition has been recommended in the s42A officer’s report to reflect this approach which I agree with.

Highly productive land and productive soils

- 14.41 The Project affects Land Use Capability (“LUC”) Class 2 and Class 3 land, including through the stopbank footprint, borrow pits, severance and the exposure of some land to changed flood behaviour. Those effects require substantive consideration, particularly given the orchard, farming and grazing operations described in the submissions.
- 14.42 The National Policy Statement for Highly Productive Land (“NPS-HPL”) does not establish an absolute prohibition. The AEE identifies a pathway for specified infrastructure where there is a functional or operational need to locate on highly productive land, subject to measures to minimise or mitigate loss of productive capacity and reverse sensitivity effects (clause 3.9 of the NPS-HPL). “Specified infrastructure” explicitly includes any public flood control or flood protection carried out by a local authority. I also note that LUC 3 land is excluded from being considered “highly productive land” where it is subject to a resource consent application for any activity other than rural lifestyle (clause 3.5(7)).
- 14.43 In this case, there is an evident functional need for the stopbank, associated road raising and borrow areas to be located within or adjacent to the Waipaoa floodplain. The policy question is not whether highly productive land is affected, but whether those effects have been appropriately minimised having regard to the purpose of the Project and the benefits it delivers.
- 14.44 Importantly, the preferred stopbank alignment reflects a conscious decision to retreat the stopbank and “make room for the river”, rather than simply raising the existing stopbank in place. While this approach increases the extent of productive land located on the river side of the stopbank and therefore exposed to flood hazard, it also significantly increases floodplain capacity, improves flood conveyance, reduces flood levels within the Te Karaka township and aligns with contemporary flood management practice which seeks to provide additional space for rivers to function naturally where practicable. In my view, the resulting loss of flood protection to some productive land is a recognised and intended

trade-off of the selected alignment, balanced against the substantial benefits achieved for Te Karaka in terms of protection of life, residential dwellings, community facilities, infrastructure and property.

14.45 Nonetheless, the effects on productive land remain relevant and should not be dismissed simply because the Project delivers wider community benefits. Relevant measures to mitigate adverse productive land effects include:

- use of existing stopbank material;
- limiting the stopbank and temporary works footprint;
- stripping, stockpiling and reinstating topsoil where practicable;
- progressive reinstatement of borrow areas;
- returning borrow and laydown areas to pasture or another agreed productive use where feasible;
- minimising unnecessary compaction;
- maintaining farm access, drainage, water supply, shelter and fencing;
- locating borrow excavations to avoid higher-value soils where practicable; and
- property-specific responses where an otherwise viable operation would be materially compromised.

14.46 These matters are proposed to be addressed through the suite of construction management plan conditions. I address the property-specific submissions on productive land such as the Burgess Family Trust citrus orchard, the McLanachan winter lamb grazing operation, the Wi Pere Trust land and the Newman orchard in my response to submissions.

Social effects

14.47 The Project's social effects follow the same distribution as its flood effects. For the great majority of the Te Karaka community they are positive and substantial. For a small number of households and landowners outside the protected area they are adverse, and in some cases they go to where those people live and how they make their living.

14.48 Within the benefit area, the Project protects 215 buildings including 179 residential dwellings, an estimated population of 531 people, Te Karaka Area School which also serves as the emergency management centre, two early childhood centres, churches, the store and the petrol station, and the wastewater treatment plant. The social significance of that is not limited to avoided property damage. It is the ability of a community that has twice been severely flooded, most recently in Cyclone Gabrielle, to remain in place with functioning schools, services and infrastructure, rather than face continued exposure at that level of risk or community-wide retreat. In my opinion the reduction in the fear, disruption and dislocation associated with repeated flooding is itself a significant positive social effect.

- 14.49 Outside the protected area the social effects are adverse. In the design event 10 hectares of land is newly flooded, 157 hectares experiences an increase in hazard category, and 23 buildings including six residential dwellings experience adverse flooding effects. For the households concerned the consequences may include living with a higher flood hazard, raising or relocating a dwelling, or leaving a property altogether. The submissions also describe effects on the way properties function as homes and as workplaces. The McLanachan submission describes the dwelling being severed from the farm with only 2 to 3 hectares of dry land remaining on the township side; other submissions describe loss of access, the loss of higher ground used to hold stock in flood events, and the prospect that an established family operation cannot continue in its present form.
- 14.50 The trade-off is central to this Application and should be stated plainly. The benefits are large but dispersed across a whole community. The adverse effects are smaller in number but concentrated on identified people and identified properties. In my opinion that distribution is not resolved by comparing the number of people who gain with the number who lose. The effects on the smaller group are real, they are not averaged away by the scale of the benefit, and each affected property requires its own response.
- 14.51 Equally, in my opinion the distribution of effects is not a reason to decline consent. The alternative to the Project is the continuation of the existing exposure for the whole community, including for some of the same people. The proper planning response is to reduce the concentrated adverse effects so far as is practicable, through refinement of the alignment and construction footprint, property-specific mitigation, retention or reinstatement of access and services, construction management and emergency response measures, and to secure those outcomes by condition. Subject to the conditions I recommend, in my opinion the residual adverse social effects, while significant for the individuals concerned, are acceptable in light of the social benefits the Project delivers.

Economic effects

- 14.52 The economic effects also fall into two parts: a benefit at scheme and community scale, and economic loss at a small number of individual properties outside the protected area. I am not an economist and I do not give economic evidence. Mr Christensen assesses the flooding effects of the Project in financial terms, and the Consequential Flood Risk Assessment assesses the physical flooding effects, the two being complementary as Mr Hooker explains. I address the economic effects as a planner, on the basis of that material, the Application and the submissions.
- 14.53 At scheme level, the Project avoids flood damage to 215 buildings, including 179 residential dwellings and 21 commercial parcels, and to the wastewater treatment plant, the school and other community facilities. It also avoids a substantial part of the emergency response, recovery and business interruption cost associated with events of the kind experienced in Cyclones Bola and Gabrielle, and it supports the continued economic functioning of Te Karaka as a service centre for the surrounding rural district. The economics assessment appended to the application estimates that there will be a positive cost benefit ratio of at least 1.5 and approximately \$37M.

- 14.54 The Coates Family Trust submission asserts that the economic assessment omits the negative impact on out-of-scheme land. In my opinion that criticism is well founded so far as it goes. An assessment that quantifies avoided damage inside the benefit area without also accounting for the increased flood exposure and reduced productive potential of land outside it presents an incomplete picture, and I accept that the loss to out-of-scheme landowners is a genuine economic cost of the Project.
- 14.55 That said, in my opinion the omission does not alter the assessment required under section 104. The RMA requires the actual and potential effects of the Project to be identified and assessed. It does not require a particular economic method, or a favourable benefit-cost ratio, as a condition of granting consent. The effects on out-of-scheme land have been identified and assessed in the Consequential Flood Risk Assessment, in my assessment of productive land above and in my response to submissions, and they are responded to through property-specific mitigation and conditions. To the extent that the loss to an individual owner is to be quantified in monetary terms, that is a matter for the compensation process under the PWA rather than for the economic assessment supporting the Application. If the Commissioners consider that a quantified economic assessment of out-of-scheme effects would assist them, that is a matter for Mr Christensen rather than for me.
- 14.56 Ms Moran's submission outlines that a \$26M stopbank investment that could jeopardise \$30M of existing bridge infrastructure or ~\$40M to replace needs to be factored into the economic assessment. I do not disagree with this consideration, but I would highlight that this should be tempered with the wider social and cultural benefits of the Project and the potential risk to the bridges (refer to Mr Hooker's evidence) and the fact that the bridges are already at risk to flooding regardless of the Project 'going ahead'.
- 14.57 The Burgess Family Trust relies on an independent horticultural assessment concluding their property will no longer be viable for permanent horticulture. I accept that this is a specific economic effect at that property and it is entitled to a direct answer. My answer is as follows.
- (a) I do not dispute the horticultural conclusion, and I am not qualified to. If the change in flooding on that land makes permanent horticultural crops unviable, the effect is a change in the productive use of the land and not merely a loss of soil. As I say in my response to submissions, the assessment in the Application was framed too narrowly and the effect should be described in those terms;
 - (b) the effect is not answered by compensation under the PWA. Compensation addresses the legal consequences of the loss. It does not avoid, remedy or mitigate the effect for the purposes of the RMA; and
 - (c) the resource management responses available are refinement of the alignment or construction footprint in the vicinity of the property where that is practicable, and, where an otherwise viable operation cannot be sustained on the affected land, acquisition or an agreed change of land use.
- 14.58 The extent of the effect on the Burgess Family Trust property depends on the change in flooding actually modelled at that location, and on that point Mr Hooker's evidence is important. It does not support the premise that the Project

makes flooding at 2416 Matawai Road deeper. The modelled peak flood depth reduces in all three events assessed, both across the property and at the dwelling. What increases is velocity, and in a Cyclone Gabrielle-sized event that produces an increase of one hazard class. Mr Hooker also records that all of the modelled flood levels are above the stated floor level of 38.58 metres RL, so the dwelling is expected to flood in each of the events assessed with or without the Project. In my opinion the horticultural conclusion should be tested against those modelled results rather than against an assumption of increased depth. For other productive land outside the protected area the change differs property by property and my assessment of the economic effects should be read subject to the flood engineering evidence for each.

- 14.59 Overall, in my opinion the economic effects of the Project are strongly positive at a community and district scale, and adverse, and in some cases significant, at a small number of individual properties. Subject to the property-specific responses and conditions I recommend, and subject to the flood engineering evidence, in my opinion those adverse economic effects do not outweigh the economic benefits the Project delivers.

15 Statutory assessment

Section 106A - Natural hazards

- 15.1 Section 106A of the Act gives the consent authority a discretion to impose conditions or decline to grant consent if there is significant risk from natural hazards.
- 15.2 In my opinion granting the resources consent subject to the proposed conditions will appropriately mitigate the natural hazard risks, whereas declining the resource consent would result in increased natural hazard risks.

Section 104(1)(a) - Actual and potential effects

- 15.3 A number of submitters, in particular the Burgess Family Trust, the Coates Family Trust and the Wi Pere Trust, submit that the Applicant has relied on the PWA compensation process in place of an assessment and mitigation of adverse effects under the RMA. As I have said above, I agree that compensation under the PWA is not, of itself, mitigation of an environmental effect for the purposes of the RMA. I agree that the PWA is not an environmental statute it provides a process for acquiring land and compensating for its loss.
- 15.4 In my opinion the correct position is that:
- (a) the adverse effects of the Project, including the consequential flood effects on land outside the benefit area, must be identified and assessed under section 104(1)(a) regardless of the PWA process, and they have been;
 - (b) measures offered by the Applicant to mitigate adverse effects on the environment are relevant under section 104 (and Schedule 4), and should be identified expressly and distinguished from PWA compensation; and

- (c) where a part of a property is to be acquired, the acquisition may be relevant to the receiving environment and the identity and exposure of receptors, but it does not remove the need to assess the effect;
 - (d) where a whole property will be acquired, any environmental effects will effectively be internalised and accepted by GDC, in which case they can be disregarded.
- 15.5 With the additional assessments provided via S92 RMA on 2 and 3 September 2026, and through Mr Jamie Exeter’s evidence on noise effects, and Dr Hick’s evidence on aquatic ecology effects in my opinion there is adequate information for the Commissioners to have regard to under Section 104(1)(a) RMA.

Section 104(1)(b) - relevant planning documents

National Policy Statement for Natural Hazards

- 15.6 The NPS-NH came into force on 15 January 2026 and is a relevant national policy statement for the purposes of section 104(1)(b). It provides a nationally consistent, risk-based framework for managing natural hazard risk associated with subdivision, use and development, and gives practical content to the “significant risks from natural hazards” that section 6(h) requires to be recognised and provided for.
- 15.7 Under the NPS-NH, natural hazard risk is assessed using the risk matrix, which combines the likelihood of the natural hazard event occurring with the consequence of that event for life and property. In carrying out that assessment, decision-makers must consider existing and proposed mitigation measures and the residual risk that arises when the design threshold of those measures is exceeded. Risk assessed as “medium”, “high” or “very high” is significant natural hazard risk, and risk assessed as “very high” must be avoided. Where an activity 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 risk.
- 15.8 The Project is itself a natural hazard risk reduction measure. Its purpose is to materially reduce the risk to life and property from flooding for the Te Karaka township and the community within the benefit area. The NPS-NH question requiring careful attention is therefore not the position within the benefit area, but whether the Project creates or increases significant natural hazard risk on other sites and, if so, whether that increase is avoided or mitigated proportionately.
- 15.9 In relation to land outside the benefit area, the consequential flood effects are described under “Actual and potential adverse effects” above. In my opinion those effects are properly characterised as an increase in natural hazard risk on other sites which must be, and has been, managed proportionately: through the selection of a retreated alignment, refinement of the alignment and construction footprint where practicable, property-specific responses including floor raising, relocation or acquisition, and emergency management measures. I am not aware of any assessment indicating that the residual risk at any dwelling outside the benefit area falls within the “very high” category such that the avoidance direction is engaged.

- 15.10 Mr Hooker addresses the application of the risk matrix to the Rangatira Road and Kanakanaia Road bridges. He observes that the matrix is awkward to apply to bridges, as it appears to be directed primarily at the land on which an activity occurs, and that it does not take into account the criticality or vulnerability of assets. Noting that both bridges survived an approximately 40-year flood event in Cyclone Gabrielle, but that at least one bridge is assessed as having inadequate capacity for the approximately 100-year ARI design event, his opinion is that the likelihood level for bridge failure sits in the “possible” or “unlikely” categories. Combined with a “major” or “catastrophic” consequence arising from the risk to life, he considers that the current risk to life caused by flood loads on the bridges is “medium” to “high”.
- 15.11 Mr Hooker further considers that, with the proposed mitigation in the form of an updated emergency management plan and pre-emptive bridge closures, that risk category is not likely to increase despite the increased risk of bridge failure, and that the risk to life could potentially be reduced compared with the current situation. I adopt that assessment for planning purposes. It follows, in my opinion, that the bridges already present significant natural hazard risk within the meaning of the NPS-NH independently of the Project; that the incremental contribution of the Project is not assessed to move that risk into a higher category, and does not create “very high” risk requiring avoidance; and that the mitigation relied upon is non-structural and must therefore be secured. That is the reason I recommend conditions requiring the updated flood evacuation plan to address both bridges expressly, including pre-emptive warning and closure triggers, and to be completed before the works giving rise to the increased loading are completed. Also, because the risk to the property where the bridge is located is owned by the Applicant, underlying flood effects on these properties can be disregarded.
- 15.12 Policy 5 of the NPS-NH Natural note that 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. Even with some uncertainty of the geomorphology of the land that the bridges are located on and in the absence of detailed structural assessment of the bridges, based on the existing flood risks to the bridges, a decision can be made to grant consent. Policy 6 of the NPS-NH requires that the potential impacts of climate change to at least 100 years into the future must be considered. It is acknowledged that climate change is likely to result in higher river flows in the future and that the stopbanks will require further upgrades or another solution to avoid or mitigate flood risk to the community.
- 15.13 Subject to those conditions, in my opinion the Project is consistent with, and not contrary to, the objective and policies of the NPS-NH. The natural hazard risk has been assessed using the best available information, the residual risk is recognised rather than assumed away, and the response is proportionate to the level of risk in a setting where the Project substantially reduces the risk to life for the community it protects.

National Policy Statement for Freshwater Management and Te Mana o te Wai

- 15.14 The Application and s42A officer’s report covered in some detail how the proposal is consistent with, and not contrary to, the relevant policies and objectives of the National Policy Statement for Freshwater Management (NPS-FM). No further commentary is considered required.

National Policy Statement for Highly Productive Land

- 15.15 For the reasons set out under “Highly productive land and productive soils” above, in my opinion the Project falls within the pathway provided by clause 3.9 of the NPS-HPL for specified infrastructure with a functional or operational need to be located on highly productive land, and the measures set out in that section appropriately minimise the loss of productive capacity so far as is practicable. It is considered that the Project is not contrary to the relevant objectives and policies contained within the NPS-HPL.

Tairāwhiti Resource Management Plan - objectives and policies

- 15.16 The proposal is generally consistent with the relevant objectives and policies of the TRMP relating to natural hazards, flood management, freshwater management, infrastructure, tangata whenua values and land management. While the Project will increase flood risk for a limited number of properties outside of the protected area, those effects have been specifically identified, assessed and responded to through the Project design, proposed mitigation measures, property acquisition and compensation processes, emergency management responses and consent conditions. The existence of adverse effects does not, in my view, equate to the proposal being contrary to the relevant policy framework. Rather, the relevant policy question is whether those effects have been appropriately recognised and managed in the context of the overall benefits delivered by the Project.
- 15.17 Of particular relevance are the TRMP natural hazard provisions, which seek both to reduce risk to people and property from flooding and to recognise that physical flood mitigation works may be appropriate where they protect existing communities and infrastructure. However, it is important to note that I understand that the TRMP has not been updated to reflect the new NPS-NH, so in the event of any inconsistency more weight should be afforded to the NPS-NH policies.

Section 104(6) - Adequacy of information

- 15.18 A number of submitters, in particular the Coates Family Trust, the Burgess Family Trust and Ms J Moran, submit that the Application is deficient in material respects and that further information should be required. I address the substance of those points in my response to submissions. In summary, based on Mr Foote and Mr Hoker’s evidence, debris blockage at the bridges, the omitted dwelling at 76 Whatatutu Road and the change in flood frequency for productive land. I consider there is now sufficient information to understand the nature, scale and location of the effects of the Project and to determine appropriate conditions. In my opinion this is not a case in which the information is so inadequate that the Commissioner should decline under section 104(6) or defer the decision. I reiterate that Policy 5 of the NPS-NH which must be considered under s104 RMA nudges the decision maker to make a pragmatic decision based on the best available information.

Section 104D - The gateway test

- 15.19 The passive flap gate is a non-complying activity under regulation 74 of the NES-F. Section 104D of the Act therefore applies to that component. For the reasons

set out under “Activity status and reasons for consent” above, my preferred position is that the gateway applies only to that component.

- 15.20 If the Commissioner concludes that the applications should be bundled substantively and assessed as non-complying, section 104D applies to the proposal as a whole. In that event, consent may be granted if either limb is satisfied: the adverse effects of the activity on the environment will be minor (section 104D(1)(a)), or the activity will not be contrary to the objectives and policies of the relevant planning documents (section 104D(1)(b)).
- 15.21 While I consider there is an argument that, when viewed in the context of the proposal as a whole and taking into account proposed mitigation measures and consent conditions, the adverse effects of the activity are capable of being sufficiently managed, I acknowledge that the Application and the technical assessments identify more than minor adverse effects at specific locations. Therefore, the gateway is whether the proposal is contrary to the relevant objectives and policies.
- 15.22 In my opinion, the proposal is not contrary to the objectives and policies of the relevant planning framework when considered as a whole. The proposal is directed toward reducing a significant existing natural hazard risk to the Te Karaka community, protecting approximately 200 properties, community facilities, infrastructure and human life from future flood events. The proposal is consistent with the broad direction of the NPS-NH, which promotes a risk-based and proportionate approach to managing natural hazard risk, together with the National Policy Statement for Infrastructure, which recognises the importance of resilient flood protection infrastructure and provision for community wellbeing and safety.
- 15.23 Similarly, the NPS-HPL contains a specific pathway for specified infrastructure where there is a functional need for the activity to occur on highly productive land. In my opinion, the proposal is aligned with these policy directions notwithstanding that some adverse effects remain.
- 15.24 Accordingly, if the Commissioner concludes that the applications should be bundled and assessed as non-complying, it is my opinion that the proposal satisfies the second limb of section 104D because it is not contrary to the relevant objectives and policies considered in their entirety.

16 Response to submissions

Submissions in support

- 16.1 The need for the Project is highlighted by the 72 submissions in support. I do not treat the volume of support as a referendum on the applications, and I place no weight on submission numbers as such. What I take from the supporting submissions is that submissions in support are a first-hand record of the level of flood risk the Te Karaka community currently lives with.
- 16.2 Supporting submitters consistently describe their direct experience of Cyclone Gabrielle and earlier events, and seek protection for homes, businesses, marae, the school (which also serves as the civil defence centre), early childhood facilities and lifeline infrastructure.

- 16.3 Several submitters, including Te Aitanga ā Māhaki Trust and associated entities, emphasise the Project's contribution to community wellbeing and recovery, and the importance of pairing physical works with emergency management planning and preparedness. That lived experience corroborates the technical case for the Project.
- 16.4 In my opinion the submissions in support are therefore relevant as evidence of the health, safety and wellbeing consequences of the status quo, which bear directly on s5(2)(c) and s104(1)(c) of the RMA.

Submissions that are neutral

- 16.5 I address the PowerCo submission in section 17 below.
- 16.6 I acknowledge the NZTA neutral submission that essentially has no issues with the Project.

Overview of submissions in opposition

- 16.7 Twelve opposing submissions were received on the Application and one submission was categorised as neutral but appeared somewhat opposed to the Application. I have read and considered each of them. The Pine Hollow Trust submission was initially opposing but on 3 September 2026, this was amended to in support (conditional).
- 16.8 I have organised my response by theme rather than submitter by submitter, because the same matters recur across submissions. Where a point is properly a matter for another expert, I identify the witness who addresses it and do not repeat their evidence. If a submission point requires a discrete planning response, I provide that below.

Theme 1 - Options and alternatives raised by submitters

- 16.9 The Wi Pere Trust, the McLanachan submission and Mr Newman submit that the option of retaining, strengthening and raising the existing stopbanks (Option 1 in the options assessment presented to the community) was discarded without adequate consideration, and that it would achieve the Council's flood protection objectives while avoiding the effects on their land. The McLanachan submission alternatively promotes Option 3A. The Worsley Ruru submission raises the related point that the assessment for the Takipū area was not carried out at all.

I make three points in response to the submissions having regard to the options assessment (Appendix 6 of the Application) that was undertaken (refer to Mr Hooker's evidence) and Schedule 4 Section 6 (1) RMA¹.

- 16.10 First, the options assessment was not a formality. The "four stopbank alignment options were evaluated through a multi-criteria analysis addressing flood performance, environmental and cultural outcomes, property effects, constructability and cost, informed by community engagement, and the

¹ Schedule 4 Section 6 (1) RMA: *An assessment of the activity's effects on the environment must include the following information (a) if it is likely that the activity will result in any significant adverse effect on the environment, a description of any possible alternative locations or methods for undertaking the activity.*

preferred option was endorsed by GDC councillors in August 2025. I rely on the evidence of the options and flood engineering witnesses (Mr Hooker, Mr Ruifrok and Mr Foote) for the technical basis on which Option 1 was not preferred.

- 16.11 Second, the test is not whether another alignment could avoid an individual effect. Every alignment considered imposed effects on someone. The relevant question is whether there is a practicable alternative that would deliver the required flood resilience outcome with materially better overall effects. Raising the existing stopbanks in place would retain the existing constrained floodway, would not deliver the conveyance and floodplain capacity benefits of the retreated alignment, and would carry its own effects, including on the properties currently protected by the existing alignment and the local bridges. In question
- 16.12 Third, the Application retains an alternative alignment precisely in response to landowner engagement, being the alternative alignment developed following engagement with the Wi Pere Trust. The final alignment is to be confirmed prior to construction. That flexibility is a response to submitter concerns, not an avoidance of them, and the conditions confirming the final alignment.
- 16.13 Having co-authored numerous alternatives assessments for a range of RMA projects (but not this one), I consider that the alternatives assessment undertaken by the Applicant is robust.
- 16.14 Additionally, the Applicant is still engaging with submitters and detailed design is ongoing. Further consequential flood risk modelling will be undertaken and a new resource condition is proffered as follows to manage design changes and further mitigate effects on submitters:
- a. Changes that occur between preliminary and detailed (final) design shall be recorded and reported on as part of a final design report. The final design report shall record the changes, outline the reasons for them and provide a view as to whether the changes are in accordance with the documents referred to in Condition 1.*
 - b. In this context, in accordance means changes that do not introduce a new activity, do not introduce a substantial change in alignment, do not result in a change to outcomes sought under the conditions of this consent, and does not cause any material increase in consequential flooding effects to other properties, by confirmation that there will be no increase in flood hazard risk classification to any habitable building, in the “design event”.*
 - c. The Final Design Report shall be provided to the Gisborne District Council (Manager Compliance) at least 5 working days prior to construction commencing.*
- 16.15 The practical implication of the above proposed new resource consent conditions is that changes in alignment and/or design (including road raising) that result in minor increases in consequential flood levels and/or velocity, but do not increase the flood hazard risk classification of any building compared with the original assessment, are considered to fall within the effects envelope assessed. This is the standard approach adopted in other stopbank projects that recently obtained resource consent.

Theme 2 - Consequential flooding, the modelling and the adequacy of information

- 16.16 The Coates Family Trust, Ms J Moran, Mr D Moran, the Burgess Family Trust, the Pine Hollow Family Trust and the Wilson submission raise, in various forms, that the Project increases flood depth, velocity or hazard on their land, and the first four of those submitters also say that the modelling underlying that conclusion is incomplete or wrong. The Walmsley submission raises changes to flood behaviour outside the scheme more generally, and the Collier submission raises that the property receives no benefit or protection from the scheme at all.
- 16.17 The Applicant does not dispute that the Project increases flood risk on land outside the benefit area. That is stated in the Application and repeated in my evidence: 10 hectares of land is newly flooded in the design event, 157 hectares experiences an increase in hazard category, and 23 buildings including six residential dwellings experience adverse flooding effects. To the extent that submitters say the Project 'pushes water' onto their land, they are correct, and it is right that the assessment says so.
- 16.18 The specific criticisms of the modelling are more substantial and require a direct answer from Mr Foote and Mr Hooker. The principal criticisms are:
- (a) aggradation is excluded - the Coates Family Trust submission relies on the Project's own geomorphic assessment, which projects continued aggradation of the lower Waipaoa River of up to 0.31 metres in the 2030s and 0.85 metres in the 2080s, and submits that the consequential flood assessment does not account for it. Mr D Moran and Ms J Moran raise the same point;
 - (b) debris blockage is not modelled - the Coates Family Trust submission notes that the Whatatutu Road bridge was blocked by debris during Cyclone Gabrielle and submits that a blocked-bridge scenario should have been modelled. Mr D Moran raises the related point of woody debris remaining in the headwaters;
 - (c) an occupied dwelling was omitted - the Coates Family Trust submission states that 76 Whatatutu Road, the one occupied dwelling on that farm, was not assessed in the Consequential Flood Risk Assessment;
 - (d) cumulative effects and the baseline - the Coates Family Trust submission says no cumulative effects assessment has been undertaken and that the assessment uses a post-2001-scheme baseline which itself already reflects an engineered increase in flood levels on their land; and
 - (e) coverage and communication of the results - the Burgess Family Trust submits that its property is not included in the list of six dwellings with worsened flooding effects despite the modelled increases in velocity of 0.43 metres per second in a Gabrielle-equivalent event and 0.58 metres per second in the design event, and Ms J Moran submits that the response to the section 92 request simply referred back to the spreadsheets in Appendices 8E and 8F.
- 16.19 In relation to aggradation, I rely on Mr Hooker, who in turn relies on a letter from Professor Ian Fuller appended to his evidence. As I understand that evidence, it accepts that this reach of the Waipaoa River is aggrading, that flood

risk will worsen over time, and that submitters are likely to be correct when they say flooding on their land will be worse in the future. The point Mr Hooker makes is that this does not mean the Consequential Flood Risk Assessment has understated the effects of the Project, because the assessment measures the difference between the existing stopbank case and the upgrade case, and aggradation operates to worsen flooding over time in both. He also explains that assessing future aggradation properly would require morphodynamic modelling of a range of geomorphic and hydrological futures for both cases, which would be a substantial and time-consuming exercise producing a range of possible outcomes rather than a single answer, and that the sensitivity tests carried out at the optioneering stage cannot be used for this purpose because they contain no existing-stopbank comparator and assume berm lowering and borrow arrangements that differ from the design applied for.

- 16.20 In my opinion that is an adequate answer for the purposes of section 104. The comparison the Act requires is between the environment with and without the Project, and aggradation will continue in either case. Aggradation nonetheless remains a real long-term issue for this reach, and in my opinion it is properly a matter for floodplain management planning and the scheme's ongoing review rather than a reason to decline this consent.

- 16.21 Mr Foote addresses the related question of how aggradation was treated in the design. Aggradation scenarios were modelled during optioneering to compare how the options would accommodate future aggradation, but aggradation has not been separately factored into the 600 millimetre freeboard of the final design. Mr Ruifrok is similarly direct in describing the upgrade as a medium-term resilience measure rather than a long-term solution, and in acknowledging that longer-term catchment adaptation responses may need to be considered in future. The RMA does not require flood protection works to eliminate a hazard, and the planning consequence is that the level of service will reduce over time unless catchment sedimentation is managed. That is a matter for the scheme's ongoing review and for future floodplain management planning.

- 16.22 Mr Foote also records that the estimated peak discharges for Cyclone Bola and Cyclone Gabrielle were of a similar order, so the higher flood levels experienced in Cyclone Gabrielle cannot be explained by discharge alone. Changes in the river system, including aggradation, may have contributed, although the contribution cannot be quantified with the available information. In my opinion that is useful context for the submitters who say the river has changed, and it supports treating aggradation as a long-term scheme management issue rather than a defect in this assessment.

- 16.23 Debris blockage is addressed in Mr Foote's evidence. The hydraulic model represents both the Rangatira Road and Kanakanaia Road bridges, including their deck and soffit levels and the hydraulic losses associated with the structures, and different bridge-related hydraulic conditions were tested during model calibration, which was then independently peer reviewed. Mr Foote records that GDC footage from Cyclone Gabrielle does not show a significant accumulation of woody debris on the bridges during that event. He also explains that in the design event the modelled flood level is above the decks of both bridges in both the pre-upgrade and post-upgrade cases, and is approximately 2.6 metres above the deck of the Whatatutu Road bridge, so additional blockage of the decks by debris is unlikely to materially affect the modelled flood levels for an event of that magnitude.

- 16.24 On cumulative effects and the baseline, I accept that the assessment must consider the Project in the context of the existing modified environment, which includes the 2001 scheme. 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."*
- 16.25 Based on the Consequential Flood Risk Assessment and Mr Hooker's evidence, I consider that the cumulative flood effects from the proposal should be the consequential flood effects for the design event and such effects must be weighed against significant social and economic benefits of the proposal.
- 16.26 I do not accept that the correct comparison is with an undefended river or a comparison against a hypothetical undefended state would not reflect the environment in which the decision is to be made. Ms J Moran seeks modelling of that undefended scenario, and while I understand why she seeks it, in my opinion it would not assist the assessment required under section 104 RMA.
- 16.27 Mr Hooker's evidence provides property-specific modelled results for the three properties whose owners criticise the modelling most directly, and in my opinion those results should be recorded here.
- 16.28 At 2416 Matawai Road (Burgess Family Trust), the modelled peak flood depth reduces in all three events, both across the property and at the dwelling. Velocity increases in each event, from 0.65 to 1.08 metres per second in a Cyclone Gabrielle-sized event, from 0.87 to 1.46 metres per second in the design event, and from 1.95 to 2.09 metres per second in the over-design event. The hazard class increases from H3 to H4 in the Cyclone Gabrielle-sized event and is unchanged in the other two. All modelled flood levels exceed the stated floor level of 38.58 metres RL, so the dwelling is expected to flood in each event with or without the Project. The velocity increases the submission relies on are therefore confirmed, but the accompanying assumption of deeper flooding is not.
- 16.29 At 88 Rangatira Road (the Moran submissions), the lower land close to the river floods more deeply, but the terrace on which the dwelling sits constrains the flooding so that no additional land is flooded in either the Cyclone Gabrielle-sized or the design event. In the over-design event the house sits on land that is newly flooded as a result of the Project, with a modelled peak depth of 0.27 metres and a peak velocity of 0.7 metres per second, and the area near the house increases by two hazard classes to H3. Small parts of the property increase by one hazard class in the Cyclone Gabrielle-sized and design events.
- 16.30 At 76 Whatatutu Road (Coates Family Trust), Mr Hooker confirms that the dwelling was assessed but was inadvertently omitted from the reporting tables. It is not modelled to flood in either the Cyclone Gabrielle-sized or the design event, with or without the Project. In the over-design event it floods in both cases, with the modelled water level increasing from 49.05 to 49.43 metres RL, peak velocity effectively unchanged at 0.75 to 0.74 metres per second, and the hazard class unchanged at H5. Significant parts of the wider property increase by one hazard class in the design event, and the land falls within the 0.25 to 0.5

metre depth increase band in the design and over-design events. Mr Hooker also confirms that the assessment covered land parcels and buildings and did not extend to the individual farm assets listed in the submission.

- 16.31 In my opinion the omission of the dwelling from the reporting tables should be acknowledged squarely. It was an error in the reporting rather than in the assessment, it has been corrected, and the corrected result does not change my conclusions. The submitters are nonetheless entitled to have the error acknowledged rather than explained away.
- 16.32 Two further clarifications are relevant to the criticism about how the results were communicated. First, Tables 5.1 to 5.15 of the Consequential Flood Risk Assessment described velocity and hazard results as 'mean peak' values when they are in fact maximum peak values. That was corrected in the section 92 response. The results assessed at each building are peak flood depth, peak water level, maximum velocity and maximum hazard, not event-mean values. Second, the threshold applied was that a building was treated as adversely affected if it experienced an increase in hazard classification or a localised flood depth increase of at least 50 millimetres. That threshold produces the figures of 23 buildings including six dwellings in the design event, 11 buildings including three dwellings in a Cyclone Gabrielle-sized event, and 67 buildings including 15 dwellings in the over-design event.

Theme 3 - Effects on the Rangatira Road and Kanakanaia Road bridges

- 16.33 Mr D Moran, Ms J Moran and the Walmsley and Hill submissions raise the increased hydraulic loading and scour at the Rangatira Road and Kanakanaia Road bridges, and the consequences for access and isolation for residents beyond those bridges. Mr D Moran and Ms J Moran both submit that the consent should be declined unless the increased risk of bridge loss is eliminated, and both make the point that the existing vulnerability of the bridges has been used to minimise the additional risk created by the Project rather than to justify addressing it.
- 16.34 I accept that this is a legitimate concern and that it deserves a direct answer rather than a reassurance. My assessment is set out at the section headed "Effects on the Rangatira Road and Kanakanaia Road bridges" above and I do not repeat it. In summary:
- (a) the increase in risk is real and is not disputed — approximately 0.7 metres of additional scour at Rangatira Road Bridge and approximately 0.8 metres at Kanakanaia Road Bridge, with increased structural demands at both;
 - (b) both bridges are already exposed to substantial risk in the design event, which exceeds the historical design capacity of the Rangatira Road Bridge (approximately 3,500 cubic metres per second against a design event of 5,625 cubic metres per second);
 - (c) declining the Project would not secure bridge access. It would retain the existing bridge vulnerability while also retaining the exposure of the township; and

- (d) the incremental risk should nonetheless be recognised and managed proportionately, through the emergency management response and through conditions requiring the flood evacuation plan to address both bridges expressly.

16.35 Mr D Moran and Ms J Moran also ask that the Council align its flood protection budget with its transport budget and fund structural protection or replacement of the bridges through the Long Term Plan. I understand the concern, but the allocation of Council funding through the Long Term Plan is not a matter the Commissioner can direct through this consent, and it is not a matter on which I can offer a planning opinion. What can properly be addressed through this process is the emergency management response and the conditions.

Theme 4 - State Highway 2 raising and property access

16.36 The Pine Hollow Family Trust raises a set of practical access issues arising from the proposed two metre raising of State Highway 2. These include the functionality of the property accessways for horse floats and disability vans, the camber of the road and the limited pull-off area, sightlines when exiting the property, the 100 km/h speed limit and heavy vehicle use on that stretch, and temporary lane diversions during construction. The Pine Hollow Family Trust seeks double yellow lines on both sides of the raised section, a reduced speed limit and a centre flush median. Ms Hema raises a different matter: the severance of the horse trek route across her property by the new stopbank and its proposed fencing. Her submission does not raise the State Highway 2 raising, but the roading advice records that her accessway, which is opposite the Pine Hollow secondary crossing, will also be raised to the new road level, so I address the two together.

16.37 Mr Randall's evidence confirms how NZTA design standards are catered for and access and drainage is adequate.

16.38 On the severance of the trek route by the stopbank and its fencing, Mr Foote addresses this matter in his evidence and has confirmed that fencing will not be put there and will not restrict horse trekking.

16.39 The Pine Hollow Family Trust also seeks a ramp on the farm side of the new stopbank at the corner, to preserve access to grazing land and to the river, and raises loss of river access during construction. A new condition under the '2424 Matawai Road Property' section of the consent conditions has been proffered that requires '*Providing access to the river over the stopbank for horse trekking activities during construction*'.

Theme 5 - Reliance on the Public Works Act 1981 in place of mitigation under the Act

16.40 This theme is raised most fully by the Burgess Family Trust, and is supported by the Coates Family Trust, the Wi Pere Trust, the Wilson submission and both Moran submissions. In substance, the submitters say that the Application relies on PWA compensation as the primary response to adverse effects, that the PWA is not an environmental statute and compensation does not reduce an environmental effect. I agree with the submitters as outlined as follows.

16.41 In my opinion:

- (a) the PWA and the Act perform different functions. Compensation under the PWA addresses the legal consequences of land being taken. It does not avoid, remedy or mitigate an adverse effect on the environment for the purposes of the Act;
- (b) the adverse effects of the Project, including the consequential flood effects on land outside the benefit area, must be identified and assessed under the Act regardless of the PWA process. They have been assessed, and my evidence considers them;
- (c) the statement in the Application that the proposal “relies on” the PWA compensation process rather than an RMA effects mitigation or remediation package is not an accurate description of the assessment that has in fact been undertaken, and I have clarified that statement at the section headed “Clarifications to the consent application” above.

16.42 That said, I do not accept that the existence of a parallel PWA process is a reason to decline consent, or that the Commissioner cannot make a decision until it concludes. Land acquisition processes for public works commonly run in parallel with consenting, and the outcome of the hearing may itself alter the alignment, footprint, mitigation or conditions. The Burgess Family Trust submission accepts that point expressly. The proper response is not to defer the decision but to ensure that the conditions define the mitigation outcomes required, so that the RMA response does not depend on the PWA outcome.

Theme 6 - Productive land, soils and effects on established operations

16.43 The Burgess Family Trust, the McLanachan submission, the Wi Pere Trust and Mr Newman raise effects on productive land and on established horticultural and farming operations. The points are property-specific and substantial:

- (a) the Burgess Family Trust operates a commercial citrus orchard at 2416 Matawai Road and relies on independently commissioned horticultural advice concluding that the increased flood risk will render the property no longer suitable or viable for permanent horticulture. The submission also says that the Application assessed effects on productive land only through soil loss by mobilisation in floodwaters, which is too narrow;
- (b) the McLanachan submission says the realignment would sever the dwelling from the farm, place almost all of the property’s LUC 2 soils on the river side of the stopbank as flood-prone pasture, remove the higher ground used to hold stock during high rainfall events, leave only 2 to 3 hectares of dry land on the township side, and that the borrow pits will lower the levels and compromise the root zone of the best soils on the property;
- (c) the Wi Pere Trust says its land is LUC 2, is ancestral Māori land for the purposes of section 6(e) of the Act, and that no mitigation is offered; and
- (d) Mr Newman says the stopbank running diagonally across his orchard will leave rows of different lengths and unusable headlands, with consequential loss to the associated packhouse business.

16.44 My assessment of the NPS-HPL and of the productive land effects generally is set out above. In relation to the specific matters raised:

- (a) I accept that the assessment of effects on productive land in the Application was framed narrowly. The effect that matters to these submitters is not primarily soil loss, it is the change in the frequency and depth of flooding on land they farm and the consequent change to what can be grown there. Mr Foote notes in his evidence the floodable berms adjacent to the township are already outside the protection of the existing stopbank and their flood frequency does not change as a result of the Project. For the land between the existing and the proposed alignments, the frequency of inundation is estimated to change from approximately a 1 in 40 year event to approximately a 1 in 5 year event. In my opinion that is a material change in the productive potential of that land and it should be stated in those terms rather than left to be inferred from depth and hazard mapping;
- (b) on the McLanachan borrow pit concern, in my opinion topsoil from the LUC 2 areas should be stripped, stockpiled and reinstated, and the borrow excavations located to avoid the higher-value soils where practicable. I recommend that this be secured by condition;
- (c) on the loss of higher ground for holding stock during flood events, this is a real operational effect. It is understood (refer to Mr Foote's evidence) that the stopbank itself can accommodate sheep during a forecast flood event if required and areas on the protected side of the stopbank are available (with more areas being considered). These matters probably sit better by way of a property agreement (long term security that sits with the property rather than on a resource consent that will not get 'replaced') rather than consent condition however a consent condition could be developed and added if required; and
- (d) on the Wi Pere Trust land, the section 6(e) point must be addressed expressly. It is not answered by the NPS-HPL pathway.

16.45 Regarding future floods impacting the Burgess Family Trust orchard and productive soils, Mr Hooker in his evidence states: *"I am unable to provide detailed evidence on the effects of inundation and scour on the applicants' orchard, as I'm not an expert on the effects of flooding on productive land. I would, however, note that an increase in velocity alone is not the sole determinant of land damage. The shear stress experienced by the soil is also very strongly linked with the depth of the floodwaters, as moving water with greater depth applies far more force to the soil. Faster flowing water also has less potential to deposit fine sediment, which may have a bearing on the amount of damage from silt deposition."* Future potential adverse effects from floods on the orchard and productive soils may occur but the frequency and magnitude of the effects would be dependent on the size of the flood event. Overall, in my opinion, such adverse effects should be considered in light of the wider Project benefits.

Theme 7 - Cultural effects and tangata whenua values

16.46 The Worsley Ruru submission is made on behalf of the whānau of Takipū and the trustees of the Ruangarehu N, L2, V, M2B Ahu Whenua Trust. It does not

oppose the building of stopbank protection for Te Karaka. It opposes the fact that Takipū is left without the level of protection afforded elsewhere, that the assessment of flood protection for Matawai Road near Takipū was not carried out because of funding constraints, and that the whenua at Ruangārehu and the fire pits of the tupuna Māhaki, is not recognised in the Application as whenua to be protected. The submission records that Takipū Marae served as an evacuation centre during Cyclone Bola, that this function was lost following Cyclone Gabrielle, and that the marae is now to be relocated while the whānau continue to develop their papakāinga nearby.

16.47 I do not attempt to speak to cultural effects on behalf of tangata whenua, and I record that the Application is advanced in partnership with Te Aitanga a Māhaki. From a planning perspective, the following matters need to be answered directly and, in my opinion, respectfully:

- (a) whether the exclusion of the Takipū area from the scheme was a funding decision or a decision that protection was not warranted. The submission says the whānau were told at a hui that assessment would not be carried out because of funding restrictions. Mr Ruifrok's evidence speaks to this matter;
- (b) whether the Project changes the flood hazard at Takipū at all, and if so in which direction. Mr Hooker answers that question and the answer should be given to the whānau plainly: the modelling shows a flooding benefit at the marae. Peak depth at the marae building reduces by approximately 140 millimetres in a Cyclone Gabrielle-sized event and 120 millimetres in the design event, and increases only slightly, by approximately 20 millimetres, in the over-design event. Velocities decrease slightly or are unchanged, and the hazard class reduces from H4 to H3 in the Cyclone Gabrielle-sized event and is otherwise unchanged. That does not answer the submitters' concern that Takipū is left without the level of protection afforded to the township, which is a separate point, but it does answer any concern that the Project makes flooding at Takipū worse;
- (c) how the effects on the mauri of the whenua and on the relationship of the whānau with it are recognised, having regard to sections 6(e), 7(a) and 8 of the Act; and
- (d) whether the ongoing relationship sought, including a flood protection management plan for the Takipū and Ruangārehu area developed through suitable mechanisms.

16.48 The Wi Pere Trust raises a related but distinct point: that the AEE does not recognise its land as ancestral Māori land for the purposes of section 6(e), does not specifically assess the effect of the proposal on that land, and proposes no mitigation. The Trust is a statutory trust operating under the Māori Purposes (Wi Pere Trust) Act 1991, the land has never been alienated from Māori ownership, and the area within the existing stopbanks was not flooded during Cyclone Gabrielle. In my opinion the section 6(e) assessment must be undertaken expressly and the Trust's position addressed on its own terms, separately from the general productive land assessment.

Theme 8 - Construction effects: noise, vibration, dust, haul roads and services

- 16.49 Construction effects are raised by the Pine Hollow Family Trust, the McLanachan submission, the Burgess Family Trust and Mr Newman. The Pine Hollow Family Trust submission is the most developed and requires a considered response, because it concerns an operating riding school and horse trekking business immediately adjacent to the works.

Pine Hollow Family Trust

- 16.50 The Pine Hollow Family Trust submits that the property has not been identified as a sensitive receptor although the Te Karaka Area School has; that horses respond to sudden noise and vibration with a flight response, creating safety risks for riders, staff and children; that the proposed limits of 70 dB LAeq and 85 dB LAmx and the 5 mm/s PPV vibration criterion are not appropriate for that receptor; and that the mitigation measures in the Morgan and Morecambe Offshore Wind Farms technical note on managing construction noise at equestrian receptors should be incorporated into the CNVMP. The submission also raises the proximity of the haul road to the buildings, the loss of shelterbelt vegetation and consequent wind and dust exposure, the excavation of the area containing the property's water supply well and pump shed, the removal of internal fences and gates, and the conflict between the proposed construction hours and the operation of the business.
- 16.51 In my opinion:
- (a) based on the evidence from Mr J Exeter, additional Noise management conditions have been proposed which I agree with and have included in the proposed consent conditions (Annexure A);
 - (b) the water supply issue is not a matter for a management plan. If the borrow pit works will remove or compromise the property's well, the replacement supply / a new well, relocated pump shed, pipework and power, must be in place and operating before the works that affect the existing supply commence. In my opinion that should be a condition, and I recommend it. Note that the water supply well did not appear to be shown on the GDC GIS well map (refer to Figure 15: Existing Wells in the Application) therefore it should be confirmed by the submitter and/or the GDC Regulatory Team that the water supply well was lawfully established.
 - (c) fences and gates removed or damaged should be reinstated to at least their existing standard and stock-proof at all times during construction, given the presence of horses. That is a straightforward condition and I recommend it;
 - (d) shelterbelt trees removed should be replaced like for like where practicable, which I also consider straightforward and recommend; and
 - (e) the relocation of the haul road to the far side of the stopbank, sought by both the Pine Hollow Family Trust, may slightly reduce noise, vibration, dust and safety effects if it is constructable noting that the noise expert evidence demonstrates how noise can be adequately managed without the need to shift the proposed haul roads.

- (f) The submitter requests that the enforcement of condition 8² under their resource consent LU107252 ceases. This would require either
- A) a S127 RMA variation or
 - B) an GDC internal process to not enforce that condition or
 - C) an internal review process via S128 / S132 RMA.

The most pragmatic way to manage this would be Option B. I suggest direction is provided by the GDC Planning Manager on this matter.

McLanachan

- 16.52 The McLanachan submission raises the Morris Road laydown area, approximately 3,000 square metres accessed via Morris Road and adjoining the submitter's driveway, to be used for plant and equipment storage, the site office compound and potentially bulk fuel storage, with dust carried toward the dwelling on the prevailing wind. I accept there is potential for adverse nuisance effects to occur but these can be adequately mitigated and managed via consent conditions. Dust can be managed through the CEMP, but where an alternative compound location further from the dwelling is practicable it should be adopted. The relocation of the haul road to the far side of the stopbank, sought by the McLanachan submission, would reduce adverse noise, vibration, dust and safety effects and this will be accommodated by the contractor as set out in the proffered consent conditions (new condition 11m).

Burgess Family Trust

- 16.53 The Burgess Family Trust raises uninterrupted orchard access during construction, given the routine and time-critical nature of orchard operations, and dust effects on the orchard. In my opinion continuity of access to an operating orchard should be an express requirement of the consent rather than a matter left to be negotiated on site, and temporary screening should be available where water cart dust suppression is not sufficient. A new management plan condition has been proffered to manage the construction related adverse effects on the Burgess Family Trust orchard operation.

Theme 9 - Landscape and visual amenity

- 16.54 The McLanachan submission raises the visual and amenity effects of the proposed stopbank on the dwelling at 29 Morris Road, being a two-storey home built to capture the rural outlook and to allow passive surveillance of stock. The submission raises the scale and proximity of the stopbank, additional shading, the loss of the ability to see over the stopbank to observe stock, and the effect on property value. Mr Newman raises the effect of the stopbank on a dwelling at Kipling Road.
- 16.55 My assessment is set out under "Landscape and visual effects" above, and I rely on the landscape evidence. I accept that the effects at 29 Morris Road will be materially greater than for many other rural properties affected by the Project,

² Condition 8 of the consent requires the consent holder to maintain the height of the existing stopbank, located between the main vehicle crossing and the stock yards, at a height of between RL 39.19 and RL 39.45.

and that they should not be described as less than minor. I do not accept that they make the alignment inappropriate when weighed against the flood resilience benefits of the Project, but I consider they should be reduced where practicable through grassing, careful detailed design and a property-specific landscape mitigation plan prepared in consultation with the owners, and I have proposed a condition to that effect.

- 16.56 On the loss of passive surveillance of stock, in my opinion the reduction in sight lines is a real inconvenience but a limited one, and it can be substantially addressed by observation from the stopbank crest. Effects on property value are not, of themselves, an effect on the environment that can be considered under the RMA.
- 16.57 As noted above, a planting mitigation plan has been proffered to mitigate such effects on the Newman 59 Kipling Road property.

Theme 10 - Activity status, bundling and the section 104D gateway

- 16.58 The Burgess Family Trust, the Wi Pere Trust and Ms J Moran submit that the applications should be bundled substantively and assessed as non-complying, and that the Applicant's reasons for not doing so are flawed. The Burgess Family Trust submission puts it directly: the decoupling of the non-complying component is deliberate, and the submitters do not accept the reasons given.
- 16.59 My position on bundling and the gateway is set out above.
- 16.60 The Burgess Family Trust also raises whether district-level land use consents are required for permanent or ongoing activities beyond those identified in the Application, in particular in relation to the permanent stopbank footprint and the raised Rangatira Road embankment. That is a matter I address under "Activity status and reasons for consent" above.

Theme 11 - Conditions, management plans and the adequacy of information

- 16.61 The Burgess Family Trust submission (points 8.1 to 8.4 and 10.1 to 10.3) makes a structural criticism of the consenting approach: that Schedule 4 of the Act requires information proportionate to the scale and significance of effects; that the Application leaves the assessment of effects to management plans prepared after the decision; that this elevates management plans from a means of confirming compliance to a de facto method of assessing effects; and that submitters have no further input at that stage. The Pine Hollow Family Trust and the Coates Family Trust make related points about the certification of culvert and flood gate design and about mitigation not being secured by condition.
- 16.62 This criticism deserves to be taken seriously rather than answered with an assurance that management plans are standard practice. In my opinion:
- (a) a management plan condition is appropriate where the condition itself prescribes the outcome to be achieved, the standards to be met and the matters the plan must address, so that the plan implements a decision already made rather than makes it. Where a condition does no more than require a plan to be prepared and certified, the criticism is well founded;

- (b) the conditions should be reviewed against that standard, and where they presently leave an effect to be resolved through the plan, the outcome should be brought into the condition. I have taken that approach in the revised conditions at Annexure A;
- (c) where an effect is property-specific and known now, the landscape mitigation at 29 Morris Road, the replacement water supply at the Pine Hollow property, reinstatement of fencing and stock-proofing, reinstatement of the horse trek crossing, continuity of orchard access, the outcome should be secured by a specific condition and not left to a management plan; and
- (d) the number of certification hold points should be tested against constructability with the GDC Rivers and Land Drainage team, so that the conditions are workable as well as robust.

16.63 In my opinion, the Application together with the s92 Response and the evidence filed contains sufficient information for the Commissioner to understand the nature, scale and location of the effects and to set conditions, subject to the flood engineering matters identified under Theme 2 above being closed out.

Theme 12 - Emergency management, residual risk and the levee effect

- 16.64 Ms J Moran raises a set of points about residual risk such as the stopbank is not a permanent solution and defers the problem; the levee effect, being the risk that protection encourages development behind the stopbank and increases the eventual loss; evacuation timing and the “value choice” involved in calling an evacuation; warning fatigue; that vehicle access via State Highway 2 cuts off when levels at Kanakanaia Bridge reach about 8.5 metres, well before the crest is reached; and that the civil defence centre becomes an island in a breach event. The Coates Family Trust raises the sufficiency of flood warning and the timing of the update to the Te Karaka Flood Evacuation Contingency Plan.
- 16.65 The Applicant does not contend that the Project removes flood risk. It provides a defined level of service and residual risk remains beyond that standard. In my opinion it appears that the levee effect is a real phenomenon, that it is managed through land use planning, hazard information and emergency management rather than through the flood scheme itself, and that GDC’s continued recognition of residual risk in its planning framework is what prevents the protection from being treated as absolute.
- 16.66 On evacuation and warning, in my opinion the conditions should require the Te Karaka Flood Evacuation Contingency Plan to be updated to address the matters set out under “Effects on the Rangatira Road and Kanakanaia Road bridges” above, and I do not consider it appropriate for that update to be deferred until after completion of the works, as the Coates Family Trust submission points out is presently proposed. The increased risk arises progressively as the works are constructed, so the plan should be updated before the works that give rise to the increased risk are completed. I recommend the conditions be amended accordingly.

Theme 13 - Consultation, process and information for the community

- 16.67 Ms J Moran, Mr D Moran, the Wi Pere Trust and the Burgess Family Trust raise consultation and process concerns for example that notification at the steering committee and optioneering stage did not reach everyone, that only about 30 submissions were received at the optioneering stage and that upper river and Rangatira Road residents were not represented as had been requested.
- 16.68 Mr Ruifrok considers these matters in his evidence, however I make the following points.
- 16.69 Consultation is not a statutory precondition under the RMA and to the grant of consent, and the adequacy of pre-application engagement is not determinative. However, for these types of council-led community projects robust engagement is important and is good practice to engage. In my opinion, the level of engagement undertaken by the Applicant is considered more than adequate.

Theme 14 - Matters outside the scope of this Application

- 16.70 A number of matters raised in submissions are not matters the Commissioner can determine on these applications. In my opinion they should be identified as such, clearly and without dismissiveness, because several of them are legitimate concerns held by the people who raised them. They are:
- (a) the rating and revenue policy, and who pays for flood protection, raised by the Worsley Ruru submission and by the Collier submission. These are Long Term Plan and Revenue and Financing Policy matters;
 - (b) the alignment of the Council's flood protection and transport budgets and the funding of bridge upgrades through the Long Term Plan, raised by both Moran submissions;
 - (c) the availability and cost of insurance, and the effect of any future national adaptation framework, raised by Ms J Moran;
 - (d) effects on property values, raised by the McLanachan and Wilson submissions;
 - (e) flood risk to the Wi Pere Trust's Tangihanga land, which arises from the downstream Waipaoa River Flood Control Scheme and not from this Project;
 - (f) the scope, timing and quantum of PWA compensation, including the reimbursement of legal costs and the period within which a claim may be made, raised by both Moran submissions and by the Wilson submission. The interface between the PWA and the RMA is addressed under Theme 5, but the terms of any compensation are not a matter for this consent;
 - (g) over-design event river residence and silt accumulation rates raised by Ms J Moran, which although could be modelled, is considered outside the scope of the Application;
 - (h) the historical management of woody debris in the Waipaoa headwaters, raised by Mr D Moran, and the adequacy of past land use and forestry

management, raised by the Worsley Ruru submission. These are relevant context but are not effects of this Project.

- 16.71 The concern raised by Mr D Moran and Ms J Moran about natural hazard overlays being applied to their properties as a consequence of the Project requires a more specific answer. This Application does not change the district plan, and no plan change or rezoning is proposed through this process. Whether hazard information generated by the Project is subsequently used in the Council's planning framework is a matter for a separate policy process in which the submitters would have the usual rights of participation.

17 Response to the section 42A report

Aquatic Ecology Review memo

- 17.1 The *Te Karaka Stopbank – Aquatic Ecology Review* memo (Appendix 11 of the s42A officers report – authored by Mr Jarred Arthur) was provided after ecology matters were already resolved during the initial s92 (June 2026) and subsequent discussions and emails with the ecology reviewer at the time (who left the peer review team). However, the new ecology reviewer Mr Arthur has highlighted gaps in the aquatic ecology assessment:

“The report has not provided any details on the freshwater values associated with any activities proposed to occur within other watercourses other than the Waipaoa River. This has created uncertainty for understanding the impacts of any activities associated with these streams (e.g., culvert installations) and further information is needed to address this shortfall in assessment.

As noted above, no information regarding fish populations for smaller streams has been provided. Furthermore, there are no methods outline for proposed instream works, or details on whether vegetation clearance or any other activities may be required to facilitate works. An assessment that outlines 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.”

- 17.2 The Application (page 45) outlines the construction methodology for the SH2 culvert:

1. Construction will commence with tree and vegetation removal, stabilised construction access and haul road over the existing culvert and going back to the adjacent site compound.

2. Erosion and sediment controls, dewatering works, and works in existing watercourse will be in accordance with the ESCP and GD05 which will be confirmed by the Contractor during ESCP approvals. Temporary high and low flow management will likely be required. A typical approach may include a Decanting Earth Bund (DEB) at the upstream end and temporary pipes inserted through the existing culvert. This will allow a dry working environment to complete the works.

3. The site will then be stripped of all existing topsoil and buried organic matter within the proposed work area. Works in the existing watercourse shall comply with the resource consent conditions.

4. After completion of gas main refurbishment, the existing concrete haunching around the pipes at the outlet will need to be broken away and removal of any unsuitable foundation material.

5. The new culvert pipes will be lowered into place and rested on approved foundation and bedding material.

6. Approved backfill will then be placed over the pipes and tested as per the geotechnical engineer requirements.

7. The new outlet structure will be formed after the last pipe has been placed and the downstream receiving creek regraded as per design requirements.

17.3 A similar construction approach would be taken for the 'eastern stream culvert'. Where dry work environments are required for constructing the culverts and fish passage is to be provided and fish salvage may need to be undertaken. This is standard industry practice.

17.4 Dr Andy Hicks (Principal Ecologist – Strategy Planning Limited) had previously provided some advice on the values of the two waterways in question and why further eDNA testing is not considered warranted. This advice led to the agreement with the previous GDC ecology reviewer to improve additional fish passage at the culverts. Based on observations and an additional review of available information, Dr Andy Hicks (refer to his evidence) has concluded:

- (a) The freshwater values of the two small watercourses where the culverts are proposed to be replaced are likely to have similar or less ecological value than the Waipaoa River given the nature of these sub-catchments.
- (b) The construction contractor would detail the culvert construction methodology which would need to meet industry good practice and the consents environmental guardrails conditions.
- (c) The new proffered condition is sufficient to manage any potential adverse aquatic ecology effects (which are considered no more than minor):

Fish salvage and relocation must be undertaken by a suitably qualified and experienced freshwater ecologist in accordance with the CEMP which includes details on procedures for fish salvaging and safely relocating and salvaging fish individuals (if or when required) based on the ecological values of the waterway. A record of all fish salvage activity must be provided to the Resource Management Compliance Manager, Gisborne District Council within one month of the completion of work.

17.5 The assessment undertaken in ECiA (see section 5.3.4) is likely to be 'more or less' valid for the eastern stream culvert and Dr Hicks's evidence has now set out the expected ecological values for the stream. In my opinion based on Dr Hicks's evidence, the proposed resource consent conditions will adequately protect the aquatic ecology values of waterways that are part of the Project.

17.6 In the ecology review, Mr Arthur states:

17.7 In addition to the proposed culvert and fish passage conditions, we recommend that the following requirements 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 Regulatory Manager at Gisborne District Council*
- *The detailed design shall follow the design advice outlined in Section 70(2) of the NES-F.*

- 17.8 The S42A officer's report consent conditions included the first and second bullet points, but does not meet all parts of the third bullet point and was deliberately excluded until the applicant considered Mr Arthur's comments.
- 17.9 The third bullet point refers to the permitted activity conditions of Section 70(2) of the NES-F but consent is sought for a more stringent activity (discretionary) and therefore Section 70(2) of the NES-F does not need to be met. Nevertheless, in my opinion the consent conditions already adequately meet the intent of Section 70(2) of the NES-F as the TRMP culvert requirements in the consent conditions are similar to Section 70(2) of the NES-F requirements and fish passage improvement conditions are proffered hence the overarching intent of the NES-F is considered met (i.e. improving fish passage).

Legal instruments to ensure compensation or mitigation (conditions 69 and 70)

- 17.10 Conditions 69 and 70 of the s42A recommended conditions, headed "Legal instruments to ensure compensation or mitigation", has two limbs. The first requires the consent holder, prior to commissioning of the works, to obtain all necessary land interests, easements, covenants or other legal arrangements "required to authorise the consequential flooding effects" on seven identified properties, being 96, 103 and 108 Kanakanaia Road, 23 Mangaoae Road, 45 Bridge Road, 46 Bridge Road and the Puha Substation (PowerCo). The second requires equivalent instruments to be obtained prior to commissioning to authorise occupation of the subject properties, identified as Applicant ID TK21-26 and TK34 and Subject Properties 1-8.
- 17.11 In my opinion conditions 69 and 70 should be deleted in their entirety, and the matters they are directed at should be dealt with in the way I describe below. I understand the legal aspects of this condition will be addressed further in the Applicant's legal submissions, and I do not attempt to state a legal conclusion. My reasons are planning reasons.
- 17.12 The occupation limb is, in my opinion, unnecessary. A resource consent does not confer any right to occupy or use land. The Applicant will require the legal right to occupy each of the subject properties before it can carry out works on them, whether by agreement or through the PWA process, entirely independently of any condition of consent. A condition restating that requirement adds little to the environmental outcome, and in my experience conditions of that kind generate avoidable disputes at the compliance stage about whether and when they have been satisfied.
- 17.13 The flooding limb raises a more substantive difficulty. Consequential flooding on land outside the protected area is an environmental effect of the Project. It is assessed under section 104(1)(a) and it is authorised, or not authorised, by the

resource consent itself. It is not, in my opinion, an effect for which some separate property-law permission exists to be “obtained” from the affected owner, and I am not aware of any land interest, easement or covenant that would “authorise” a flooding effect in the sense the condition assumes. What the condition is in substance directed at is compensation for the loss in value or utility that the flooding effect causes. Compensation of that kind arising from a public work is a matter for the PWA, not for a condition under the RMA.

- 17.14 Nor, in my opinion, would the condition be appropriate if it were recast as a requirement that compensation be agreed or determined before the works are commissioned. That would make the commissioning of flood protection works whose purpose is to reduce a significant existing risk to life for the Te Karaka community contingent on the completion of compensation negotiation or, if it comes to it, litigation with individual landowners. That could delay the Project for a considerable period without any corresponding environmental benefit. In my opinion that is not a resource management purpose, and a condition of that kind would not be fairly and reasonably related to the effects of the activity.
- 17.15 This is the corollary of the position I take at paragraph 14.7 and in my statutory assessment. Compensation under the PWA is not, of itself, mitigation of an environmental effect and cannot be relied on in place of an assessment and response under the RMA. Equally, conditions under the RMA should not be used to drive or secure the PWA compensation process. The two processes are distinct, and in my opinion each should be left to do its own work.
- 17.16 Removing condition 69 does not leave the effects on these properties unmanaged. Consistently with the approach I take throughout my evidence, where mitigation is warranted and is known now it should be identified in resource management terms and secured directly by a condition that states what is to be done, by whom, and by when. The available responses are property-specific and include refinement of the alignment or construction footprint where practicable, floor raising, relocation, maintenance or reinstatement of access and services, and inclusion of the property in the updated Te Karaka Flood Evacuation Contingency Plan. That is the approach reflected in the revised conditions attached as Annexure A.
- 17.17 On the individual properties listed in condition 69:
- (a) Puha Substation (PowerCo) – as set out in the Consequential Flood Risk Assessment and Mr Hooker’s evidence, only in an over design event would substation potentially experience shallow and low velocity inundation. Such adverse effects are considered less than minor and any over-design effects are considered outside the scope of the Application as this would be considered an emergency event. But I take Ms Michalakis’s and PowerCo’s point that the site is a lifeline utility and note that the request is for the *“applicant will be responsible for any necessary hazard mitigation measures associated with any increased flooding risk of the Puha substation if deemed necessary”*;
 - (b) 46 Bridge Road - for the reasons set out above, the effect is minimal additional flood depth in the design event and is appropriately responded to through the Flood Evacuation Contingency Plan updates at proposed condition 6. The reference has been removed from condition 69;

- (c) 45 Bridge Road - in my opinion the effects on this property can likewise be appropriately responded to by including it expressly in the Flood Evacuation Contingency Plan updates at proposed condition 6, and the reference should be removed from condition 69; and
 - (d) 96, 103 and 108 Kanakanaia Road and 23 Mangaoae Road - the consequential flood effects on these properties are described in the Consequential Flood Risk Assessment. My current position for each property, is that the properties would be considered in the Flood Evacuation Contingency Plan and compensation under the PWA will be considered for incremental impact. The CEMP and other consent conditions would also mitigate construction effects (where relevant) to an acceptable level.
- 17.18 For those reasons I recommend that conditions 69 and 70 be removed, and that the response for each affected property be secured instead through the emergency management conditions and generic construction effects mitigation conditions.
- 17.19 Alternatively if the above approach is not considered appropriate by the Panel then the following options could be explored:
- a. consent condition 69 could be re-developed to be by “at practical completion” to allow time for the PWA process to play out and only for properties 96, 103 and 108 Kanakanaia Road and 23 Mangaoae Road, or
 - b. An advice note could be developed, or
 - c. A preamble to the consent could be developed that explains the general approach.

Construction water

- 17.20 Waipaoa River (B-Block) water has been allocated and it is noted that the A-Block water is currently fully-allocated (pending the outcome of a consent hearing). We request that should any A-Block water be made available before a decision is made on this consent application that the resource consent is amended accordingly.
- 17.21 Having to source water from a location further afield may also impact the construction contractors ability to adequately use water carts to manage adverse dust effects on submitters operations. It would be helpful to allow a small volume of water to be taken from the Waipaoa River without minimum flow restrictions as permitted under Rule 6.1.2(1) of the TRMP: *“The taking and use of surface water, spring water or groundwater at rates of less than 5 litres/second to a maximum of 10m³ per day per property provided that the take and use is not for irrigation of more than one hectare”*. This would at least provide dust suppression water for one water cart truck (10,000 litres is a standard size) per day to target sensitive dust receptors effects. It is considered that this low rate of take would meet all of the C6.1.2.1 General Standards including *“E. The taking or use does not, or is not likely to, have in combination with other permitted activity takes and consent takes a more than minor adverse*

effect on the environment". An amendment (see underline) to the related water take consent condition is drafted as follows:

Water shall be taken from the Waipaoa River at a rate of take of no more than 30 litres per second and 1,000 cubic metres per day (unless restricted under condition 63); otherwise, water can be taken at a rate up to or less than 5 litres/second and up to a maximum of 10m³ per day per property provided that the take and use is not for irrigation of more than one hectare (i.e. is not subject to the condition 63 cessation requirement).

- 17.22 The amended consent condition above is an initial draft that would give the construction contractor greater certainty, without requiring further consideration of what may be permitted under the TRMP.
- 17.23 Alternatively, 149.5m³ per day of water being pumped at 5 l/s (i.e. up to 8 hours and 20 minutes per day of pumping) would be required for peak daily dust suppression and compaction moisture conditioning for the stopbanks (instead of the permitted water requested above). This amount of water should be considered by the Panel given the short-term nature of the works over two construction seasons and short duration of potential adverse effects Waipaoa River aquatic ecology.

18 Part 2 of the Resource Management Act 1991

- 18.1 Sections 104 and 104D of the Act are subject to Part 2. A number of submitters, including Ms J Moran, the McLanachan and Pine Hollow submissions and Ms Hema, frame their opposition to the Project expressly in Part 2 terms. I therefore address Part 2 directly, although at a high level and without repeating the assessments set out earlier in my evidence.
- 18.2 In my opinion the relevant planning framework is complete and directly addresses the matters genuinely in contention. The NPS-NH provides a national, risk-based framework for the very question at the heart of this Application; the NPS-HPL contains a specific pathway for specified infrastructure; the NPS-FM and the NPS for Infrastructure are also engaged; and the TRMP contains natural hazard, flood management, infrastructure, freshwater and tangata whenua provisions which apply squarely to the Project. Each of those instruments has been prepared having regard to Part 2. Applying the approach in *R J Davidson Family Trust v Marlborough District Council* [2018] NZCA 316, I have considered Part 2, but in my opinion recourse to Part 2 does not alter the outcome of the assessment I have already carried out under section 104(1)(b). I set out the Part 2 evaluation below for completeness and to provide the submitters with a direct answer.

Section 5 - Purpose

- 18.3 Section 5 requires the Project to be assessed against the purpose of promoting the sustainable management of natural and physical resources, including enabling people and communities to provide for their social, economic and cultural wellbeing and for their health and safety, while avoiding, remedying or mitigating adverse effects on the environment.

- 18.4 The Project is a physical resource whose function is to reduce an existing and demonstrated risk to life and property. It protects approximately 200 properties, community facilities, essential infrastructure and the principal concentration of population at Te Karaka from flood events of the kind experienced in Cyclones Bola and Gabrielle. In my opinion the health and safety limb of section 5(2) is engaged directly and strongly in favour of the Project, and the social and economic wellbeing of the Te Karaka community is materially advanced by it.
- 18.5 Section 5 does not, however, require or permit those benefits to be treated as an answer to the adverse effects the Project causes. The Project increases flood risk for a limited number of properties outside the protected area and produces construction, landscape, productive land and ecological effects. The sustainable management judgement is whether those effects have been avoided, remedied or mitigated to the extent reasonably practicable, and whether what remains is acceptable in light of what the Project achieves. For the reasons in my assessment of effects and in my recommended conditions, in my opinion they have been and it is.

Section 6 - Matters of national importance

- 18.6 The matters of national importance I consider are relevant are sections 6(a), 6(c), 6(e) and 6(h). Section 6 requires these to be recognised and provided for, which is a strong direction, but it does not make any of them determinative in isolation.
- (a) section 6(a) - the preservation of the natural character of the Waipaoa River and its margins, and their protection from inappropriate use and development. The works are located on and adjacent to an already substantially modified river environment which has been the subject of flood control works for decades. The retreated alignment increases the width of the active river corridor and, in my opinion, the Project is not inappropriate use or development in this setting;
 - (b) section 6(c) - the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna. Effects on aquatic habitat are addressed in Dr Hicks' evidence and are managed through the ecological conditions I recommend. Vegetation losses, including the kauri tree identified in Ms Moran's submission, are addressed under the landscape and ecology assessments;
 - (c) section 6(e) - the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga; and
 - (d) section 6(h) - the management of significant risks from natural hazards.
- 18.7 Section 6(h) is the provision most directly engaged, and in my opinion it points firmly towards the grant of consent. The Project exists to manage a significant risk from a natural hazard. The existing exposure of Te Karaka to flooding is a significant risk within the ordinary meaning of section 6(h) and within the risk-based framework of the NPS-NH. Section 6(h) is a management direction rather than an avoidance direction: it requires the risk to be managed, and it recognises that risk management may itself involve physical works with adverse effects. Consistently with my NPS-NH assessment, the relevant question is

whether the increase in risk on other sites has been managed proportionately. In my opinion it has been, through the selection of a retreated alignment, refinement of the alignment and construction footprint where practicable, property-specific responses including floor raising, relocation or acquisition, and the updated flood evacuation and emergency management framework secured by condition. If the Commissioners were to decline consent, the existing significant risk to the Te Karaka community would remain unmanaged, and the vulnerability of the Rangatira Road and Kanakanaia Road bridges to the design event would remain in any event.

- 18.8 Section 6(e) is raised directly by the Wi Pere Trust, whose land has never been alienated from Māori ownership and is held under the Māori Purposes (Wi Pere Trust) Act 1991, and is engaged by the Worsley Ruru submission in relation to Takipū and the whenua at Ruangārehu. I do not speak to cultural effects on behalf of tangata whenua, and I defer to the evidence of Mana Whenua and to the Applicant's partnership with Te Aitanga a Māhaki.
- 18.9 From a planning perspective, section 6(e) requires the relationship of those owners and whānau with their ancestral land to be recognised and provided for as a matter distinct from the productive land assessment under the NPS-HPL, and it is not answered by that pathway. For the reasons set out in my response to submissions, in my opinion the section 6(e) assessment must be, and can be, undertaken expressly on the terms those submitters have put, and the outcome is capable of being provided for through property-specific design refinement, the acquisition and access arrangements, and conditions recognising an ongoing relationship in relation to the Takipū and Ruangārehu area.
- 18.10 In my opinion property specific resource consent conditions could be developed with Wi Pere Trust to manage cultural effects.

Section 7 - Other matters

- 18.11 The other matters to which I consider particular regard must be had are:
- (a) section 7(a) - kaitiakitanga. The Project is advanced in partnership with Te Aitanga a Māhaki, and the conditions provide for continued mana whenua involvement in the detailed design, cultural monitoring and accidental discovery processes;
 - (b) section 7(b) - the efficient use and development of natural and physical resources. The Project makes use of an existing scheme corridor and existing physical resources rather than establishing a new scheme, and the borrow and construction methodology is directed at minimising the permanent loss of productive capacity;
 - (c) section 7(c) and 7(f) - the maintenance and enhancement of amenity values and of the quality of the environment. Landscape, visual and amenity effects are concentrated at a small number of properties, most significantly 29 Morris Road, and are responded to through property-specific landscape mitigation and construction management conditions;
 - (d) section 7(d) - intrinsic values of ecosystems, addressed in the ecological evidence and conditions; and

- (e) section 7(i) - the effects of climate change. As I record in my NPS-NH assessment, climate change is likely to result in higher river flows and the scheme will require further upgrades or an alternative response in the future. In my opinion section 7(i) supports proceeding with a scheme designed to a recognised standard now, while acknowledging that the residual and future risk must continue to be managed rather than treated as resolved.

Section 8 - Treaty of Waitangi

- 18.12 Section 8 requires the principles of the Treaty of Waitangi to be taken into account. The Application is advanced in partnership with Te Aitanga a Māhaki as mana whenua, which in my opinion is a material and genuine expression of the partnership principle rather than a procedural step. The matters raised in the Worsley Ruru submission, in particular whether the exclusion of the Takipū area was a funding decision, whether the Project changes the flood hazard at Takipū, and whether an ongoing flood protection management relationship can be recognised, go to the principles of partnership, active protection and informed decision-making. In my opinion the requirements of section 8 are met.

Part 2 Conclusion

- 18.13 In my opinion the Project achieves the purpose of the Act. It manages a significant risk from a natural hazard to a community that has experienced severe flooding, it enables that community to provide for its wellbeing and its health and safety, and the adverse effects it causes have been identified, assessed and responded to through design, property-specific mitigation, emergency management and conditions rather than deferred to a parallel compensation process.

19 Proposed conditions of consent

- 19.1 A set of proposed conditions is attached as Annexure A, shown in track changes against the conditions recommended in the section 42A report. Amendments are tracked to clearly show where new conditions have been added and where some minor adjustments to the s42 officer's version conditions are suggested required.
- 19.2 The conditions are structured around the CEMP and its subsidiary management plans, with certification hold points at defined stages, together with a set of specific conditions addressing outcomes that are known now and should not be deferred. Consistent with my response to Theme 11 above, I have sought to bring known outcomes into the conditions themselves rather than leaving them to be settled through the management plans *per se*. A hybrid management plan is suggested to provide some certainty for submitters with some flexibility retained for practicality to cater for detailed design and construction contractor innovation and site constraints.
- 19.3 The geotechnical conditions may still need some amendments which I will address at the hearing. Some constructability related consent conditions such as noise management measures, may also need further refinement based on further constructability review.

19.4 The specific conditions I recommend, arising from the submissions, are:

- (a) confirmation of the final stopbank alignment prior to construction;
- (b) a property-specific landscape mitigation plan for 29 Morris Road, prepared in consultation with the owners, focused on softening the perceived scale of the stopbank without creating additional shading, obstructing retained views or interfering with stopbank inspection and maintenance;
- (c) replacement of any private water supply removed by the works, in place and operating before the works affecting the existing supply commence;
- (d) reinstatement of fences and gates to at least their existing standard, and stock-proof at all times during construction;
- (e) like-for-like replacement of shelterbelt and other trees removed or damaged, where practicable;
- (f) reinstatement of existing lawful access across the alignment, including the horse trek crossing, subject to certification that the crossing does not compromise the stopbank;
- (g) maintenance of continuity of access to operating orchards and farms during construction;
- (h) sealed horizontal surfaces and adequate visibility at accessways raised as part of the State Highway 2 works;
- (i) stripping, stockpiling and reinstatement of topsoil, and progressive reinstatement of borrow areas to pasture or another agreed productive use;
- (j) Pine Hollow Family Trust property noise management measures as listed in the CNVMP section of the consent.

20 Consent duration and lapse period

20.1 The five-year construction consent duration sought 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.

21 RMA Reforms

21.1 The Planning Bill and Natural Environment Bill are expected to receive Royal assent soon. A set of amendments to section 104 of the RMA will take immediate effect that the Commissioners must have regard to and this may coincide with the 'decision period' (s115(2) RMA) for this Application.

21.2 Relevant section 104(1A) amendments that a consent authority in the very near future must not have regard to when considering effects on the environment for any purpose under a district plan may include:

- the fact that a project is not financially viable; and

- views from private property.

22 Conclusion

- 22.1 The Te Karaka Flood Scheme Upgrade involves an unavoidable distribution of benefits and adverse effects. It delivers substantial protection to the principal concentration of people, homes, businesses, education facilities and essential infrastructure within Te Karaka, while increasing flood risk or producing other adverse effects for some properties and infrastructure outside the protected area.
- 22.2 In my opinion, those disbenefits have been identified sufficiently to enable an informed decision. The remaining areas of detailed design and management do not prevent the Commissioner from understanding the nature, scale and location of effects or the outcomes that the conditions must achieve.
- 22.3 The Project has been developed through alternatives assessment, modelling, community and mana whenua engagement and multidisciplinary technical assessment. It provides a substantial net reduction in risk while acknowledging that residual risk remains and that no practicable flood protection option will be free from adverse effects.
- 22.4 The increased risk to the Rangatira Road and Kanakanaia Road bridges is an important residual effect. However, both bridges are already vulnerable to the design event. Further structural assessment may refine the Project's incremental contribution to that risk, but would not alter the basic planning balance. Declining the stopbank would retain the bridge vulnerability while also retaining the existing exposure of Te Karaka to widespread flooding.
- 22.5 The submissions raise legitimate concerns, and in several respects they are well founded. In particular, I accept that compensation under the PWA is not mitigation under the Act, that mitigation which is known now should be secured by condition rather than left to a parallel process, and that the assessment of effects on productive land was framed too narrowly. My evidence and the revised conditions respond to those matters.
- 22.6 Subject to the revised conditions, including clearer property-specific mitigation requirements, robust construction controls, ecological safeguards and an updated flood evacuation and emergency management framework, I consider the adverse effects have been avoided or mitigated to the extent reasonably practicable.
- 22.7 I therefore consider that the proposal is consistent with the risk-based and proportionate approach directed by the relevant natural hazard and infrastructure policy framework, is not contrary to the relevant objectives and policies of the TRMP, achieves the purpose of the Act, and should be granted consent subject to the conditions attached as Annexure A.

Signed



Sven Paul Exeter
14 September 2026

Annexures

Annexure A — Proposed conditions of consent with track changes against the section 42A report version.

PROPOSED CONSENT CONDITIONS

General Conditions

1. The Consent Holder shall subject to final design, undertake all operations in accordance with any drawings, specifications, and all other information supplied as part of this resource consent, including but not limited to Approved Plans 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	-

2. [Changes that occur between preliminary and detailed \(final\) design shall be recorded and reported on as part of a final design report. The final design report shall record the changes, outline the reasons for them and provide a view as to whether the changes are in accordance with the documents referred to in Condition 1.](#)

In this context, in accordance means changes that do not introduce a new activity, do not introduce a substantial change in alignment, do not result in a change to outcomes sought under the conditions of this consent, and does not cause any material additional increase in consequential flooding effects to other properties, by confirmation that there will be no additional increase in flood hazard risk classification to any building, in the "design event".

3. The Final Design Report shall be provided to the Gisborne District Council (Manager Compliance) at least 5 working days prior to construction commencing.

2.4. Where a conflict arises between any conditions of this consent and the application, the conditions of this consent will prevail.

3.5. All works and structures relating to this resource consent shall be designed and constructed to conform to the best engineering practices and at all times maintained to a safe and serviceable standard.

Flood Evacuation Contingency Plan Updates & Mitigation Measures

4.6. Within 20 working days of practical completion, the Consent Holder shall submit to the Resource Management Compliance Manager, Gisborne District Council, for certification, an updated *Te Karaka Flood Evacuation Contingency Plan*. The plan shall 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:

- a. Updated flood hazard maps and evacuation maps.
- b. 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.
- c. 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.

5.7. If a written response is not received within 20 working days of the Consent Holder submitting the plan for certification, the certification shall be deemed to be confirmed. After certification of the plan, the plan shall be implemented immediately.

Construction Season & Hours of Operation

6.8. The construction season for this work shall be 1 October to 30 June of the following year. If earthworks are to occur outside of this period, a request application to continue works shall be submitted to the compliance and monitoring team (compliance.admin@gdc.govt.nz) outlining the reasons why earthworks need to continue or begin and what additional controls will be implemented (if required).

~~7.9.~~ Minor works and SH2 road raising beyond the construction season detailed in condition ~~68~~ above may be undertaken subject to the approval of the Resource Management Compliance Manager, Gisborne District Council.

~~8.10.~~ Construction work may only take place between the hours of 7:30 am to 6:00 pm, Monday to Saturday. This condition does not prevent quiet construction activities and meetings from taking place at any time, provided that any noise generated complies with limits of 45 dB LAeq and 75 dB L_{Amax} at any occupied dwelling. There shall be no work on Sundays and Public Holidays.

Advice Note: *The noise limits outside of 7:30 am and 6:00 pm on Monday to Saturday are based on providing respite from noisy construction activity and avoiding annoyance and sleep disturbance at night.*

Construction Environmental Management Plan (CEMP), Design Requirements & Management Plans

~~9.11.~~ At least 20 working days prior to the first construction season, the Consent Holder shall submit to the Resource Management Compliance Manager, Gisborne District Council, for certification, a Construction Environmental Management Plan (CEMP) prepared by a suitably qualified and/or experienced person(s). The CEMP shall include but not be limited to:

- a. an outline of the environmental management and monitoring measures to be installed prior to and maintained during construction works, demonstrating that construction works can be carried out in such a way to minimise adverse environmental effects as much as practicable.
- b. noise & vibration management measures (to show compliance with conditions ~~3333~~ to ~~3937~~);
- c. dust control mitigation measures in the form of a dust management plan including methods for keeping dust to a practicable minimum;
- d. water quality (to show compliance with conditions ~~[4139~~ to ~~5349]~~);
- e. erosion & sediment control plan and measures (to show compliance with conditions ~~[5451~~ to ~~5956]~~);
- f. site design, spill containment, spill management, waste management, signage and contingency plans for construction lay down areas and compounds and locations where bulk fuel is stored to demonstrate compliance with Tairāwhiti Resource Management Plan C5.2.6.1 General Standards.
- g. site remediation or reinstatement details;
- h. contaminated land management details;
- i. fish passage management during works in waterways;
- j. 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;
- k. dewatering details and management plan (if dewatering is required);
- ~~l.~~ overview of construction programme for each stage of the construction works;

~~11.m.~~ positioning the haul road and compound at a suitable distance away from the dwelling at 29 Morris Roads to reduce noise and dust adverse effects as much as practicable;

~~11.n.~~ detailed staging plan and design details and program including:

- i. earthworks for all works including stopbank works;
- ii. confirmed stopbank alignment and design details and confirmation if the alternative alignment is required;
- iii. culvert works;
- iv. road raising works;
- v. fish passage works;
- vi. stopbank edge planting; and
- vii. reinstatement works.

~~10.12.~~ Construction activities shall not commence until the CEMP has been certified by the Resource Management Compliance Manager, Gisborne District Council, and written confirmation from the Resource Management Compliance Manager, Gisborne District Council has been received. If a written response is not received within 20 working days of the Consent Holder submitting the CEMP for certification, the certification shall be deemed to be confirmed.

~~11.13.~~ The Consent Holder may amend the CEMP provided under conditions ~~9.11~~ and ~~12.10~~, at any time by submitting the amended plan to the Resource Management Compliance Manager, Gisborne District Council, for certification, following the same process outlined in Condition ~~9.11~~ above. Construction activities subject to the amendment shall not commence until the amendment has been certified by the Manager, Gisborne District Council.

~~12.14.~~ The Consent Holder shall supply as-built engineering designs to the Resource Management Compliance Manager within 2 months of the end of each construction season. Any future maintenance of the Te Karaka part of the Waipaoa Flood Control Scheme shall be in accordance with these as-built engineering plans.

~~SH2~~ Culverts and Fish Passage

~~13.15.~~ At least 20 working days prior to construction, the Consent Holder shall submit to the Resource Management Compliance Manager, Gisborne District Council, for certification the detailed design of the proposed culvert and management plan along State Highway 2 on the tributary of the Waipaoa River and the 'eastern stream'.

~~14.16.~~ The design of the culvert and management plan shall include but not be limited to:

- a. An automatic flood gate that is open to provide fish passage below the flood event interval design; or
- b. A passive flood gate that is routinely monitored (quarterly) and checked after the flood event design interval is reached. The passive gate must be opened as much as practicable to provide fish passage including during times when flows are below the flood event design.

- c. ~~The new eCulvert extension~~ invert-s shall be ~~installed~~ a minimum of 0.1 metres below the bed of the stream at the downstream end unless otherwise agreed with Resource Management Compliance Manager, Gisborne District Council.
- d. Details confirming how the proposed culvert and management approach provides a net benefit to fish passage compared to the current culvert through the addition of a fish friendly ramp or another suitable solution.
- e. The culvert shall not cause a significant increase on upstream water levels or flooding on neighbouring properties.

Advice Note: A suitably qualified freshwater ecologist shall be required to review the culvert design.

~~15.17.~~ Construction activities of the culvert shall not commence until the culvert detailed design and management plan has been certified by the Resource Management Compliance Manager, Gisborne District Council, and written confirmation from the Resource Management Compliance Manager, Gisborne District Council has been received. If a written response is not received within 20 working days of the Consent Holder submitting the culvert design for certification, the certification shall be deemed to be confirmed.

Planting Plan

~~16.18.~~ At least 20 working days prior to the proposed planting, the Consent Holder shall submit to the Resource Management Compliance Manager, Gisborne District Council, for certification, a Planting Plan prepared by a suitably qualified and experienced person(s). The planting plan shall include mitigation planting details on 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.

~~17.19.~~ Planting activities shall not commence until the planting plan has been certified by the Resource Management Compliance Manager, Gisborne District Council, and written confirmation from the Resource Management Compliance Manager, Gisborne District Council has been received. If a written response is not received within 20 working days of the Consent Holder submitting the planting plan for certification, the certification shall be deemed to be confirmed.

Advice Note: the planting plan can be submitted as part of the CEMP.

Pre-Season Construction Team Meeting

~~18.20.~~ At a date in August or September prior to each construction season, the Consent Holder shall hold a meeting with Gisborne District Council Monitoring and Compliance Team representatives to outline the upcoming season construction works including matters such as (but not limited to):

- a. Stopbank design levels;
- b. Earthworks and borrow area location and extent;
- c. Number and location of culverts;

- d. Review of the CEMP; and
- e. Review of proposed fish passage enhancements.

~~19.21.~~ 20.21. At least 5 working days prior to each construction season, the Consent Holder shall hold a meeting with Gisborne District Council Monitoring and Compliance Team representatives and the primary Contractor. This meeting shall form the basis for confirming communication channels and the details of the Construction Methodology and proposed earthworks management and associated methodologies and shall ensure that all Contractors are aware of and familiar with the proposed construction methodologies.

~~20.22.~~ 21.22. At least 20 working days prior to the first construction season, the Consent Holder shall submit to the Resource Management Compliance Manager, Gisborne District Council, for certification, a Communications Plan that sets out procedures detailing how the public and stakeholders will be communicated with throughout the construction works program. As a minimum, the Communications Plan shall include:

- a. Details of a contact person available at all times during the works. Contact details shall be prominently displayed at the site office so that they are clearly visible to the public at all times;
- b. Methods to consult with surrounding landowners, occupiers, representatives of Te Aitanga a Mahaki iwi, the local residential and rural community and utility operators, which may include:
 - i. Publications of a newsletter, or similar, and its proposed delivery area;
 - ii. Newspaper advertising;
 - iii. Council website;
 - iv. Notification of the owners and occupiers of properties located adjacent to the stopbank corridor where and when construction activities will take place; and
 - v. Notification to public utility operators with utilities within the Project Area, where and when construction activities will take place.
 - vi. A register for recording any public or stakeholder feedback and any incidents or non-compliance in relation to the construction of the Project, including the outcome of any investigation or remedial action taken (in compliance with relevant conditions of this consent).
 - vii. Monitoring and review procedures for the Communications Plan.

~~21.23.~~ 22.23. A copy of the register of feedback shall be provided to the Resource Management Compliance Manager, Gisborne District Council, annually at the end of each construction season or as requested by the Manager, Gisborne District Council.

~~22.24.~~ 23.24. Construction activities shall not commence until the Communications Plan has been certified by the Resource Management Compliance Manager, Gisborne District Council, and written confirmation from the Manager has been received. If a written response is not received within 20 working days of the Consent Holder submitting the Communications Plan, the certification shall be deemed to be confirmed.

23-25. The Consent Holder may amend the Communications Plan provided under condition 22, at any time by submitting the amended plan to the Resource Management Compliance Manager, Gisborne District Council, for certification, following the same process outlined in condition 22 above. Construction activities subject to the amendment shall not commence until the amendment has been certified by the Manager, Gisborne District Council.

Feedback & Incidents

24-26. At all times during construction works the Consent Holder shall maintain a register of any public or stakeholder feedback received, and any incidents or non-compliance noted by the Consent Holder's contractor, in relation to the construction of the Project. The register shall include:

- a. The name and contact details (as far as practicable) of the person providing feedback or contractor observing the incident / non-compliance;
- b. Identification of the nature and details of the feedback/incident; and
- c. Location, date and time of the feedback/incident.

25-27. The Consent Holder shall promptly investigate any negative feedback, incident or non-compliance. This shall include but is not limited to:

- a. Recording weather conditions at the time of the event (as far as is practicable), and including wind direction and approximate wind speed if the adverse feedback or incident relates to dust;
- b. Recording any other activities in the area, unrelated to the Project that may have contributed to the negative feedback/incident/non-compliance, such as non-Project construction, fires, traffic accidents or unusually dusty conditions generally (if applicable); and
- c. Investigating other circumstance surrounding the incident.

26-28. In relation to conditions 24 and 25 above, the Consent Holder shall:

- a. Record the outcome of the investigation in the register;
- b. Record any remedial action or measures undertaken to address or respond to the matter in the register; or
- c. Respond to the initiator, in closing the feedback loop, if practicable; and
- d. Where the adverse feedback or incident was in relation to non-compliance with a condition of resource consent, the Resource Management Compliance Manager, Gisborne District Council, shall be notified in writing of the matter within 10 working days of the non-compliance, and informed of the remedial actions undertaken.

Ecological Sensitive Areas & Management Requirements

27-29. All works shall be undertaken at least 10m away from the potential wetland shown in Figure 16 : EclA Overview Map .

28-30. The consent holder shall not fell exotic trees during the bat breeding and roosting season (April to October), unless otherwise provided for under clause a. below;

- a. tree felling may occur during the bat breeding and roosting season where the Construction Environmental Management Plan (CEMP) required under Condition ~~11~~⁹, includes procedures for identifying, monitoring and managing potential bat roosts prior to tree felling. These procedures shall be prepared by a suitably qualified ecologist and shall have regard to the Bat Recovery Group protocols and relevant Department of Conservation guidance.

Archaeological and Cultural Discovery Protocols

~~29~~³¹. In the event of any site, waahi tapu, taonga or koiwi being discovered during the works authorized by this consent, the Consent Holder shall immediately cease work at the affected site and secure the area. The Consent Holder shall contact the Council to obtain contact details of the relevant hapu and /or marae. The Consent Holder shall then consult with the appropriate tribal entities and Heritage New Zealand Pouhere Taonga, and shall not recommence works in the area of the discovery until the relevant Heritage New Zealand Pouhere Taonga and appropriate tribal entity approvals (including associated affected party approvals) to damage, destroy or modify such sites have been obtained.

~~30~~³². The Consent Holder shall establish and agree written protocols in relation to any cultural practices to be observed during earthworks and specifically in relation to the accidental discovery of heritage artefacts and/or koiwi. The protocols shall be made available to the Resource Management Compliance Manager at least 10 working days prior to each stage of the earthworks.

Noise And Vibration

~~31~~³³. At least ten working days before any construction works authorised by this consent begin, the consent holder shall submit a Construction Noise and Vibration Management Plan (CNVMP) to Gisborne District Council for written certification. The CNVMP shall include but not be limited to:

- a. Objectives that must:
 - i. Set out the procedures to identify and adopt the best practicable options for minimising adverse construction noise and vibration effects; and
 - ii. Define the procedures to be followed to ensure that the project construction noise and vibration standards are being met.
- b. To achieve the objectives above, the final CNVMP must be prepared by a suitably qualified person and with reference to Annex E of NZS 6803:1999 *Acoustics – Construction noise* and the Association of Australasian Acoustical Consultants *Guideline for Interpreting and Applying NZS 6803-1999*, and include the following information:
 - i. The consented construction noise and vibration limits for the project.
 - ii. Requirements and specifications for acoustically effective barriers and any localised screening required for compliance with the project limits.
 - iii. Minimum setback distances for compliance.

- iv. Identification of surrounding noise and/or vibration sensitive receivers.
- v. Details of general noise and vibration mitigation measures.
- vi. Details for advising the occupiers of the neighbouring buildings of the works, including when the highest noise levels and perceptible vibration can be expected.
- vii. Procedures for responding to concerns from neighbours and dealing with any complaints (including the provision of contact details for any concerns regarding noise and vibration).
- viii. Procedures for noise and vibration monitoring to be undertaken during the works and for applying any corrective action measures.
- ix. Procedures for ensuring that all contractors and operators on site are aware of the construction noise and vibration monitoring requirements during the works, and the requirement to minimise noise and vibration effects as far as practicable on the neighbouring sites.

c. The CNVMP and/or the management plan required under Condition 78 shall include noise management measures to mitigate potential adverse noise effects at 2424 Matawai Road including:

- i. A noise limit of 85 dB L_{Amax} in any area occupied by horses at rest or grazing at 2424 Matawai Road;
- ii. Minimum setback distances with and without mitigation; and
- iii. The requirement to avoid truck tailgates slamming when horses at 2424 Matawai Road are within 30m.

ix.—

Advice note: The CNVMP may be subject to amendment through the life of the project. Any subsequent amendment of the certified CNVMP which comprises changes to the construction methodology must be tracked and the revised CNVMP submitted to the Council for certification.

Notice of works to receivers

32.34. At least ten working days before any earthworks authorised by this consent begin, the consent holder must advise the occupants of all buildings within 100 m of the works. The advice must be provided in writing and include the following information:

- a. A general description of the construction works.
- b. The construction hours and expected duration of the works.
- c. The approximate dates, times, and durations of the activities that will generate the highest levels of construction noise and vibration.
- d. A contact name and phone number for any questions or complaints regarding noise and vibration throughout the project.

Construction noise limits

33.35. Construction works on the site must be designed and conducted to ensure that noise emissions do not exceed the following limits at 1 m from the façade of any occupied dwelling outside the subject site between 7:30 am and 6:00 pm on Monday to Saturday:

- a. the project limits of 70 dB LAeq and 85 dB LMax
- b. higher limits of 80 dB LAeq and 95 dB LMax when an activity cannot practicably comply with the project limits in (a). Before the activity begins, notice of the higher noise levels must be provided to the residents including the dates, times, and duration of the activity. The activity must be identified in the CNVMP. The reasons why compliance with the project limits in (a) is not practicable must be stated and the best practicable options for mitigating noise effects of the activity must be identified.
- c. The LMax noise limits in this condition do not apply at 1 m from the façade of any occupied building that does not contain a noise sensitive activity.

34.36. All construction noise must be measured and assessed in accordance with NZS 6803:1999 *Acoustics – construction noise*.

Construction vibration amenity limits

35.37. Construction works on the site must be designed and conducted to ensure that vibration does not exceed 5 mm/s PPV within any occupied building outside the subject site. Where vibration is expected to exceed 2 mm/s PPV within an occupied building outside the site, the consent holder must provide the following information in writing to the occupants:

- a. The dates, times, and duration of the vibration expected to exceed 2 mm/s PPV.
- b. A phone number and contact person for any questions or to advise of any sensitive times for construction vibration during the day.

36.38. The information / advice provided under condition 35 must be provided no less than 3 days before the works expected to exceed 2 mm/s PPV begin. The consent holder must maintain records of any consultation and provide them to Gisborne District Council on request.

37.39. The vibration from all other works must comply with 2 mm/s PPV within any occupied building.

Advice note: *The vibration amenity limits do not apply at any building that is not occupied during the works. This allows higher vibration works to be scheduled when occupants are not in the building, subject to compliance with building damage criteria and compliance with the amenity limits at other nearby buildings that are occupied.*

Construction vibration limits to avoid building damage

38.40. Construction works on the site must be designed and conducted to ensure that vibration does not exceed the limits set out in German Industrial Standard DIN 4150-3:2016 *Vibration in buildings – Part 3: Effects on structures*

when measured in accordance with that Standard on any structure not on the same site.

Works In The Bed Of A River & Surface Water Quality

~~39.~~41. The Consent Holder shall take all practicable measures to limit the amount of sediment and prevent contaminants from entering any water bodies during construction. Such measures shall include (but not be limited to):

- a. Any surplus soil or cleared vegetation or debris shall be removed and deposited at an appropriate disposal site;
- b. The wash water from containers and tools shall not be discharged into any waterbodies and the washing equipment shall not occur in any waterbodies;
- c. Fuelling and carrying out of machinery maintenance away from water bodies;
- d. The installations of erosion and sediment control measures in accordance with the certified Construction and Environmental Management Plan, as required by condition 119; and
- e. No spoil or other debris shall be directly deposited into a permanently flowing water body or deposited into a position where it can readily enter or be carried into a permanently flowing water body.

~~40.~~42. No clearly discernible change in visual clarity of the water shall occur after reasonable mixing downstream of the activity site more than 48 hours after any construction work commences

~~41.~~43. The Consent Holder shall take all practicable measures to prevent contaminants such as diesel and oil entering any waterbodies in the event of a spill during construction.

~~42.~~44. Works within the streambed and banks shall only occur within 1 October and 1 March. Any works within the streambed and banks outside of this period shall be approved by the Resource Management Compliance Manager prior to any works occurring.

~~43.~~45. Where, by any cause, (accidental or otherwise), contaminants associated with the Consent Holder 's operations escape to water, the Consent Holder shall:

- a. Immediately take all practicable steps to contain and then remove the contamination from the environment;
- b. Immediately notify the Council of the escape; and
- c. Report to Council within 7 working days, describing the manner and cause of the escape, steps taken to control it and prevent its occurrence and steps taken to prevent a reoccurrence.

~~44.~~46. The Consent Holder shall ensure that at the completion of the works, any newly established surfaces, grassed slopes and vegetated areas that were cleared or damaged as a result of construction, are revegetated in order to prevent sediment from entering the water.

~~45.~~47. The Consent Holder shall where practicable construct all structures using methods and materials non-toxic to aquatic life.

~~46-48.~~ No machinery used for the exercise of this consent, shall enter, operate or excavate within water in the waterbodies during the exercise of this consent except for river crossings, which shall be kept to a minimum and located at the upstream end of riffles where possible.

~~47-49.~~ Any damage caused by the Consent Holder to any access way or other assets as a result of the exercise of this consent shall be repaired to the satisfaction of the Resource Management Compliance Manager and at the Consent Holders expense.

~~48-50.~~ The Consent Holder shall ensure that any materials, machinery or equipment from the activities authorised by this consent (including any temporary structures) are:

- a. not stored in or on the bed of any watercourse;
- b. removed after completion of the activity;
- c. disposed of in an appropriate manner where it will not adversely affect the stream channel or impede the flow of water.

~~49-51.~~ The Consent Holder shall comply with all notices and guidelines issued by Biosecurity New Zealand (refer to www.biosecurity.govt.nz/didymo) in relation to avoiding the spread of the pest organism *Didymosphenia Geminata* (known as 'Didymo') and other freshwater pests.

~~52.~~ In the event a spillage of chemicals occurs, or other such event, which may have a significant adverse effect on the quality of the water, the Consent Holder shall notify, as soon as reasonably practicable, the registered drinking-water supply operators concerned, the Medical Officer of Health and Drinking Water Assessor and Resource Management Compliance Manager, Gisborne District Council.

~~50-53.~~ Fish salvage and relocation must be undertaken by a suitably qualified and experienced freshwater ecologist in accordance with the CEMP which includes details on procedures for fish salvaging and safely relocating and salvaging fish individuals (if or when required) based on the ecological values of the waterway. A record of all fish salvage activity must be provided to the Resource Management Compliance Manager, Gisborne District Council within one month of the completion of work.

Earthworks & Erosion and Sediment Control

~~51-54.~~ While borrow excavation is in progress, a vegetated strip of at least two metres wide will be left between the borrow excavation and the top of the riverbank for the purpose of sediment filtration. Any exemption to this minimum requirement will require pre-approval from the Resource Management Compliance Manager, Gisborne District Council.

Advice Note: *This will provide a sediment detention barrier that is intended to minimise sediment discharge into the nearby watercourse. In some cases, the vegetated strip will be less than 2 metres when there is insufficient space to enable this. An individual borrow area will typically remain open from two weeks on small jobs, through to 10 or 12 weeks on larger jobs if rain delays work. This buffer will need to be removed at the completion of each construction phase to ensure adequate drainage of the berms and to discourage siltation which decreases flood capacity.*

~~52.55.~~ The Consent Holder shall minimise the time the borrow area is exposed by minimising the number of sites exposed at a time, and progressively exposing each borrow site only as needed. Multiple borrow areas supplying a long length of stopbank upgrade will similarly be reinstated in a progressive manner as the respective sections of stopbank they provide material for are completed.

~~53.56.~~ Earthworks activities involving the stripping of the existing stopbank batter exceeding 500m in length, require site specific controls to be outlined in detail within Condition 9m (Staging Details).

~~54.57.~~ The Consent Holder shall ensure that at the completion of the works, any newly established surfaces, grassed slopes and vegetated areas that were cleared or damaged as a result of construction, are revegetated in order to prevent sediment from entering the water.

~~55.58.~~ The Consent Holder shall ensure that, where practicable, the borrow sites are appropriately stabilised by 30 May of each year unless otherwise certified in writing by Resource Management Compliance Manager, Gisborne District Council. Stabilisation shall be undertaken by providing adequate measures (vegetative and/or structural and including, pavement, metalling, re-vegetation and mulching) that will minimise erosion of exposed soil to the extent practical to avoid sediment run off.

~~59.~~ Sediment control measures shall be installed prior to works and shall remain in place until any bare earth associated with the works has re-vegetated sufficiently to avoid sediment runoff.

~~56.60.~~ Topsoil from LUC2 areas should be stripped, stockpiled and reinstated where practicable, and the borrow excavations located to avoid the higher-value soils where practicable.

Vegetation removal, replacement & disposal

~~61.~~ Where any vegetation is removed that includes exotic plants such as willow and pampas, it is not to be disposed of in locations where such vegetation is not present. Exotic plants must be disposed of at a location and in a manner where it will not cause the spread of exotic plants. The disposal of exotic plants at a facility authorized to receive exotic vegetation will also satisfy this condition.

~~62.~~ If any significant indigenous mature trees of declining or threatened species (e.g. kauri) are removed, the Consent Holder shall replace them on a like for like basis. The Consent Holder shall maintain all replacement planting for a minimum period of three years following the replacement planting to facilitate successful establishment.

~~57.~~

Waipaoa River Water Take

~~58.63.~~ Water shall be taken from the Waipaoa River at a rate of take of no more than 30 litres per second and 1,000 cubic metres per day (unless restricted under condition 65); otherwise, water can be taken at a rate up to or less than 5 litres/second and up to a maximum of 10m³ per day per

property provided that the take and use is not for irrigation of more than one hectare (i.e. is not subject to the condition 65 cessation requirement).

~~59~~64. Water taken under this consent shall be only for general construction purposes such as dust suppression, wheel wash facilities, concrete 'make-up' water and reinstatement activities (minor irrigation of grass and vegetation).

~~60~~65. The taking of water by this consent shall cease when the Waipaoa River (B-Block) flow at the Kanakanaia Bridge site drops below 4,000 litres per second, as reported by the Gisborne District Council Compliance low-flow tool or another tool as agreed by the Gisborne District Council.

~~61~~66. The consent holder shall install, maintain and calibrate a suitable water meter and data logger in accordance with the *Resource Management (Measurement and Reporting of Water Takes) Regulations 2010*, record the water taken (instantaneous rate of take and volume) and return the records to the Gisborne District Council on a monthly basis. **Advice note:** Telemetry is not required.

~~62~~67. The water meter(s) shall be operated and maintained to measure the volume of water taken to an accuracy of +/- 5%. The water meter shall:

- a. meet the Resource Management (Measuring and Reporting of Water Takes) Regulations 2010;
- b. be installed in accordance with the manufacturer's instructions and at a location that will ensure the entire water take is measured;
- c. be sealed and as tamper-proof as practicable;
- d. be able to be fitted with a recording device; and
- e. comply with the water meter criteria contained in Appendix 1 to this consent. The consent holder shall provide notice to Gisborne District Council Compliance and Monitoring Team (compliance.admin@gdc.govt.nz) within two weeks of any new and/or any change in water meter(s), telemetry system(s) or monitoring device(s), or headworks being installed.

~~63~~68. All practicable measures shall be taken to ensure that the water meter(s), recording device(s) (if installed), telemetry system(s) (if installed) and headworks are fit for purpose and in effective working order.

~~64~~69. Water authorised to be taken under this resource consent shall not be transferred or replaced upon expiry.

~~65~~70. Mobile water take intake pumps shall be screened with mesh wire screen with gaps of a maximum of 1.5mm or as otherwise agreed in writing with the Resource Management Compliance Manager, Gisborne District Council.

Post Construction

~~66~~71. All waste material shall be removed from the site on completion of the works and the shape of the streambed shall be reinstated to the predevelopment streambed profile or to a profile agreed to by the Resource Management Compliance Manager, Gisborne District Council.

~~67~~72. The works shall remain the responsibility of the Consent Holder and shall be maintained so that any erosion, scour or instability of the streambed or

banks that is attributable to the works carried out as part of this consent is remedied by the Consent Holder within ten (10) working days.

- ~~68.73.~~ The Consent Holder shall be responsible for the continued maintenance of the culverts, stopbank and associated works and shall replace any parts of the works that may be dislodged through naturally occurring events; particularly should this compromise the integrity of the culvert, stopbank or impede access to the river or stream flow.

~~Legal instruments to ensure compensation or mitigation~~

- ~~69.~~ Prior to commissioning of the works, the consent holder shall obtain all necessary land interests, easements, covenants, or other legal arrangements required to authorise the consequential flooding effects on the affected properties. For the avoidance of doubt these properties are:
- ~~a.~~ 96 Kanakanaia Road
 - ~~b.~~ 103 Kanakanaia Road
 - ~~c.~~ 108 Kanakanaia Road
 - ~~d.~~ 23 Mangaoae Road
 - ~~e.~~ 45 Bridge Road
 - ~~f.~~ 46 Bridge Road
 - ~~g.~~ Puha Substation (PowerCo)
- ~~70.~~ Prior to commissioning of the works, the consent holder shall obtain all necessary land interests, easements, covenants, or other legal arrangements required to authorise occupation of the affected properties ('subject' properties). For the avoidance of doubt, these properties include Applicant ID TK21-26 and TK34 and Subject Properties 1-8 (road and rivers parcels as described in the application).

Mitigation planting required at 29 Morris and 59 Kipling Road

- ~~71.74.~~ No later than six months following completion of stopbank construction adjacent to 29 Morris Road and 59 Kipling Road, the Consent Holder shall prepare and implement a Landscape Mitigation Planting Plan for each property.

The Landscape Mitigation Planting Plans shall:

- a. Be prepared by a suitably qualified and experienced Landscape Architect;
- b. Be developed in consultation with the owners of 29 Morris Road and 59 Kipling Road (or their successors in title);
- c. Identify the location, species, size, spacing and extent of all proposed planting;
- d. Include planting designed to mitigate the visual effects of the stopbank as experienced from the dwelling and principal outdoor living areas of each property;
- e. Utilise species that are consistent with the character of the surrounding rural environment, including shelterbelt, hedgerow, orchard, or other appropriate rural landscape planting;

- f. The mitigation planting shall be designed to achieve, within five years of planting, a vegetated screen capable of substantially softening and filtering views of the stopbank from the principal outdoor living areas and dwellings at 29 Morris Road and 59 Kipling Road.
- g. Include a maintenance programme providing for weed control, replacement of failed plants, and general plant establishment.

~~72.75.~~ The Consent Holder shall implement the approved Landscape Mitigation Planting Plans during the first available planting season following approval of the plans.

~~73.76.~~ Any plant that dies, is removed, or is damaged to the extent that it no longer fulfils its intended screening function within five years of planting shall be replaced with the same or similar species during the next planting season.

~~74.77.~~ The Consent Holder shall maintain all mitigation planting for a minimum period of five years following installation to ensure successful establishment.

2416 Matawai Road Property (Burgess) ~~[subject to confirmation by Applicant]~~

~~75.78.~~ At least 20 working days prior to the commencement of any works on, or affecting access to, 2416 Matawai Road, the Consent Holder shall submit to the Resource Management Compliance Manager, Gisborne District Council, for certification (in accordance with condition 7), an Access and Orchard Operations Management Plan for that property. The plan shall be prepared by a suitably qualified person and in consultation with the property owner, and shall provide for the following (unless otherwise agreed with the landowner through a separate side agreement):

- a. Continuous all-weather vehicle access to and within the property at all times during construction, suitable for the heaviest vehicle type using the property immediately prior to construction, including truck and trailer units carrying fruit bins;
- b. Where the existing accessway cannot be used, an alternative access of equivalent standard, formed and available for use before the existing access is disturbed;
- c. On site separation of construction and haulage traffic from orchard traffic where possible, including signage and a maximum speed for construction vehicles;
- ~~d.~~ Sight distances at the State Highway 2 crossing point that are no less than those existing prior to the works and that comply with the standards of the New Zealand Transport Agency;

~~d.e.~~ The gradient, width, formation and surfacing of the reinstated permanent access, shall be designed by a suitably qualified engineer and shall be no less serviceable than the accessway existing prior to the works;

~~e.f.~~ Dust suppression on the accessway and haul route, including metalling and watering to manage dust emissions to reduce the risk of orchard tree foliage contamination and to reduce the risk of significant fruit marking, fruit rejection or food safety issues;

~~f.g.~~ A response procedure where a significant mass of dust is deposited on fruit or foliage from stopbank works, including notification of the

owner, investigation and remedial action which may include screening;

~~g.h.~~ Temporary and permanent shelter belt replacement details; and

~~h.i.~~ A procedure for the owner to notify the Consent Holder in writing of the harvest period during when works are occurring on site, and for the Consent Holder to confirm how construction and haulage traffic will be managed during that period.

2424 Matawai Road Property (Pine Hollow Trust)

78. ~~If required / to be confirmed by noise expert. At least 20 working days prior to the commencement of any works on, or affecting access to, 2424 Matawai Road, the Consent Holder shall submit to the Resource Management Compliance Manager, Gisborne District Council, for certification (in accordance with condition 7), an Access and Operations Management Plan for that property. The plan shall be prepared by a suitably qualified person and in consultation with the property owner, and shall provide for the following (unless otherwise agreed with the landowner through a separate side agreement):~~

- a. ~~Providing access to the river over the stopbank for horse trekking activities during construction;~~
- b. ~~Continuous vehicle access to and within the property at all times during construction, suitable for the heaviest vehicle type using the property immediately prior to construction;~~
- c. ~~Where the existing accessway cannot be used, an alternative access of equivalent standard, formed and available for use before the existing access is disturbed;~~
- d. ~~On site separation of construction and haulage traffic from site operations traffic where possible including signage and a maximum speed for construction vehicles;~~
- e. ~~Temporary and permanent shelter belt replacement details;~~
- f. ~~Dust suppression measures;~~
- g. ~~Fence and gate management and reinstatement details (any fences and gates needing to be removed or altered because of the works will be first relocated with an equivalent fence unless otherwise agreed with the landowner);~~
- h. ~~Sight distances at the State Highway 2 crossing point that are no less than those existing prior to the works and that comply with the standards of the New Zealand Transport Agency;~~
- i. ~~Details on how alternative water supply well and ancillary assets will be implemented before being removed (if required); and~~
- j. ~~Noise and vibration management measures as outlined in the CNVMP.~~

79. ~~If it is confirmed that the existing water supply well on site was lawfully established and if the borrow pit works will remove the property's water supply well, the Consent Holder shall facilitate a replacement water supply well, relocated pump shed, pipework and power. The replacement assets shall be in place and operating before the works that affect the existing supply commence. The new well must be:~~

- A. of a similar depth and diameter as the current well.
- B. located on the protected side of the new stopbank and a minimum of 50m or another suitable distance away from the existing effluent pond on the Council's land to the west (if practicable).
- C. be designed to meet Tairāwhiti Resource Management Plan requirements.

Advice note: A bore permit will be required to be applied for by the Consent Holder.

Geotechnical Conditions

- ~~78.~~80. The consent holder shall undertake the activity in accordance with the recommendations contained in the Geotechnical Report prepared by GHD (reference 12685374 Rev1 and dated 31/3/2026), or any subsequent addenda or detailed geotechnical assessments prepared by a suitably qualified geotechnical practitioner.
- ~~79.~~81. Earthworks associated with construction of the stopbank shall be carried out under the supervision of a suitably qualified geotechnical practitioner. The practitioner shall monitor the works to confirm that the geotechnical assumptions and recommendations adopted in the design remain valid during construction.
- ~~80.~~82. Prior to commencement of construction, the consent holder shall provide to Gisborne District Council a detailed geotechnical design memorandum or detailed design report prepared by a suitably qualified and experienced geotechnical practitioner. The memorandum/report shall confirm the final stopbank stability, seepage, and seismic performance assessment. Where the adopted design does not achieve the target ULS seismic factor of safety, the memorandum/report shall assess anticipated seismic deformation/displacement and residual stopbank functionality, and shall identify any required design refinements, mitigation measures, monitoring requirements, or post-event inspection, and repair procedures required to restore the intended flood protection function.
- ~~81.~~83. Upon completion of construction, the consent holder shall provide certification from a suitably qualified geotechnical practitioner that the stopbank has been constructed generally in accordance with the certified detailed design and that the geotechnical assumptions adopted in the design remain valid.
- ~~82.~~84. Prior to completion of construction of the stopbank, the consent holder shall prepare and implement an inspection, monitoring, maintenance, and repair plan for the stopbank. The plan shall address routine inspections and post-event inspections following significant flood or seismic events that may reasonably be expected to affect stopbank performance, and shall identify procedures for repair or reinstatement works required to maintain the intended flood protection function.

Maintenance of Existing Stopbank Protection [may be grouped with conditions relating to Flood Evacuation Contingency Plan Updates & Mitigation Measures]

~~83.85.~~ The consent holder shall ~~maintain-retain~~ the existing stopbank ~~_in its entirety_~~ until the new stopbank has been ~~completed and is operational~~ constructed to an equal or greater level of service. ~~No excavation, removal, breaching, or reduction in the level of protection afforded by the existing stopbank shall occur before completion of the new stopbank.~~ **Advice note:** This condition is imposed to avoid an increase in flood risk and associated adverse flooding effects during construction.

Development Engineering

Road Raising Design – Rangatira Road

~~84.86.~~ Prior to commencement of the road raising works on Rangatira Road, the consent holder shall submit design/construction drawings for the road raising and vehicle crossings to Gisborne District Council's Development Engineer for certification (in accordance with condition 7). The design shall be in accordance with Council's standards as set out in the Tairāwhiti Resource Management Plan and Gisborne District Council's Engineering Code of Practice or Austroads and shall include (but not be limited to):

- a. Geometric design including Vertical Alignment
- b. Pavement design including Surfacing and Traffic Services
- c. Earthworks design
- d. Disposal of stormwater including all structures
- e. Long term erosion and sediment control.

Vehicle crossing – upgrade

~~85.87.~~ Prior to completion of the works the consent holder shall upgrade the existing vehicle entrances affected by the works on SH2 in accordance with NZTA Appendix B Diagram C Vehicle Entrance or alternative standard.

~~86.~~ Prior to completion of the works the consent holder shall upgrade the existing vehicle crossings affected by the works on Rangatira Road in accordance with the Tairāwhiti Resource Management Plan and Gisborne District Council's Engineering Code of Practice 2000 Type A Sealed Vehicle Entrance. **Advice Note:** The approval shall also be subject to Corridor Access Request to the relevant Road Controlling Authorities – NZTA for SH2 and Gisborne District Council for Rangatira Road.

~~87.88.~~ ~~and that~~ an Engineering Plan Approval (EPA) will be required for the final design and Construction plans.

Contaminated Land [may be grouped with conditions relating to Construction Environmental Management Plan (CEMP), Design Requirements & Management Plans]

~~88.89.~~ To address the possibility of, and response to, any accidental discovery of hazardous substances in buried legacy sites the applicant shall ensure works take place in accordance with the Site Management Plan submitted with the application (LDE Ref #30019 dated ~~May-29~~ May 2026).