

Before Gisborne District Council

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

In the matter of applications by Gisborne District Council for resource consents to construct and modify a stopbank at Te Karaka

Section 42A Report Addendum

1. The following is a brief addendum to my Section 42A officers' recommendation report (the "s42A report") issued on 7 September 2026. The purpose of this addendum is to respond to the Applicant's evidence to confirm what matters have been resolved and what matters remain unresolved prior to the hearing; and to provide an updated set of conditions.
2. The addendum does not take account of any submitter evidence as the deadline for submitting submitter evidence was too close in time to the deadline for this addendum for proper consideration of any submitter evidence.
3. In Section 5.3.15 of my s42A report I identified five matters requiring clarification through evidence and/or the hearing process:
 - i. Hydrology and river dynamics
 - ii. Consequential flooding
 - iii. Tangata whenua values
 - iv. Landscape effects
 - v. Freshwater ecology

Hydrology and river dynamics

4. At the time of writing my S42A report, I could not conclude the level of effect on river hydrology with the information available to me. Outstanding hydrology and river dynamics matters relate primarily to the long-term effects of riverbed aggradation, the treatment of aggradation assumptions in the hydraulic modelling, hydraulic and structural effects at the Rangatira Road and Kanakanaia Road bridges, including scour and debris blockage; the completeness of the assessment of affected properties and hydraulic considerations relevant to productive land. I had also asked the applicant to carry out an assessment of the cumulative effects of flooding as raised by several submitters.
5. The Applicant had advised that further evidence would address these matters and that the overall assessed envelope of effects was not expected to materially change. I had stated that if the effects envelope did not change; and subject to the construction being carried out in accordance with the approved design drawings and specifications, that the actual and potential effects to river hydrology were likely

to be acceptable, but my recommendation may require reconsideration should further evidence presented through the hearing materially alter the understanding of these effects.

6. Mr Hadad has provided a Statement of Evidence dated 22 September 2026 in response to the Applicant's evidence (**Attachment A**).
7. The Applicant's evidence confirms that a +1.0 m riverbed sensitivity scenario was considered during the optioneering stage. However, it does not establish how future aggradation has been accommodated in the final design, or whether the adopted 600 mm freeboard is additional to, or inclusive of, any allowance for aggradation.
8. Given that sensitivity to aggradation was considered relevant during optioneering, Mr Hadad states he would have expected this sensitivity to also inform the final design assessment, particularly in relation to design flood levels and residual freeboard, but considers that this uncertainty could be addressed through monitoring and adaptive management consent conditions, with appropriate performance and intervention triggers. No conditions are proposed or have been discussed with the Applicant. This aspect can be discussed further at the hearing.
9. The applicant was previously requested to clarify whether debris blockage at the bridges had been represented in the hydraulic modelling and what effect this could have on flood levels and the adopted 600 mm freeboard. The subsequent bridge assessment confirms that debris loading was not assessed and notes that debris could represent a more critical load case.
10. Mr Hadad considers that the potential effect of debris blockage on upstream design water levels and residual freeboard has not been demonstrated. Given its direct relevance to stopbank design levels and performance, he considers this should be addressed rather than assumed to be accommodated within the 600 mm freeboard. This may be resolved in the hearing. Alternatively, he suggests the placement of an appropriate consent condition requiring assessment of credible debris blockage scenarios during detailed design, including implications for design flood levels and freeboard, and implementation of any design changes or mitigation identified as necessary.
11. With regard to bridge scour, structural capacity and detailed design, the evidence identifies increased scour and structural demands at both bridges and confirms that further assessment is required to establish overall bridge capacity and any strengthening or remediation requirements. There is not a clear mechanism in the evidence for ensuring that these further assessments, and any resulting mitigation, are completed as part of detailed design. Mr Hadad recommends a consent condition requiring the relevant bridge scour, foundation and structural assessments to be completed during detailed design and submitted to Council's regulatory team for review, together with details of any mitigation or strengthening required to address effects attributable to the proposed stopbank upgrade.
12. From a hydrology and hydraulics perspective, Mr Hadad considers that there remains uncertainty regarding the baseline flood regime and the incremental change

caused by the proposal, particularly in terms of flood frequency and duration and the resultant impact on landowners. However, Mr Hadad confirms he is not an expert in agricultural productivity. I am aware that submitters in their evidence have provided expert advice about the impacts on productive land. I have not had the opportunity to properly consider this evidence. I reserve my recommendation on this matter.

13. The Applicant has also provided an assessment of cumulative flood effects in response to submissions. Based on the Consequential Flood Risk Assessment and Mr Hooker's evidence, Mr Exeter considers 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. I accept this assessment.
14. Based upon Mr Exeter and Mr Hadad's advice, I consider further discussion of the hydrological effects of the proposal is warranted at the hearing. If appropriate, the conditions proposed by Mr Hadad could be developed through the hearing process.

Consequential flooding

15. At the time of writing my S42A report, I had concluded that the consequential flooding effects were acceptable, subject to confirmation that the Consequential Flood Risk Assessment (CFRA) was correct in respect of the dwelling at 76 Whatatutu Road; and at Takipū Marae.
16. With regard to the dwelling at 76 Whatatutu Road, 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 regard to Takipū marae, Mr Hooker confirms the modelling shows a flood benefit. Overall, these properties are not subject to adverse consequential flooding effects for the design event.
17. My overall conclusion is not altered based on this information, except to acknowledge that the Applicant has clarified compensation under the Public Works Act 1981 (PWA) is not, by itself, physical mitigation of an environmental effect and that the Resource Management Act 1991 (the "RMA") assessment must still identify and evaluate the adverse effect. Where I have said that "*The aim is to minimise adverse effects where practicable and provide compensation for any residual effects that cannot be mitigated*", I would also like to amend this statement to confirm that I acknowledge that the consequential flooding effects should be assessed under section 104 of the RMA.
18. The adverse consequential flooding effects will be more than minor in some locations, but this is to be balanced with the positive effects of the project.

Tangata whenua values

19. At the time of writing my S42A report, I could not conclude the level of effect on tangata whenua values with the information available to me.

20. While engagement has occurred and Te Aitanga ā Māhaki has expressed support for the proposal, concerns have also been raised by the Wi Pere Trust regarding potential impacts on ancestral Māori land and the preferred stopbank alignment in respect of the land identified by the Applicant as TK18.
21. In his evidence, and with regard to any assessment of s6(e) of the RMA, Mr Exeter defers to the evidence of mana whenua and to the Applicant's partnership with Te Aitanga ā Māhaki. Mr Exeter does consider that property specific resource consent conditions could be developed with Wi Pere Trust to manage cultural effects, on the terms put forward by the Submitter.
22. It would be useful to know how both alignment options affect TK18.
23. At paragraph 16.47 of his evidence, Mr Exeter also discusses matters that should be answered with regard to the submission of Worsley Ruru on behalf of the whānau of Takipū and the trustees of the Ruangarehu N, L2, V, M2B Ahu Whenua Trust. The submitters' concerns can be grouped into four key issues: the reasons for excluding Takipū from the scheme, the Project's effect on the flood hazard at Takipū, recognition of cultural and tangata whenua values associated with the whenua, and the establishment of ongoing governance and flood management arrangements for the Takipū and Ruangaruru area.
24. As the cultural implications of the alternative alignment options have not been fully assessed, and adverse cultural effects on affected landowners and beneficiaries remain uncertain, I consider these matters are best explored further through the hearing process, taking account of oral submissions, before a final conclusion can be reached.

Landscape effects

25. In the s42A report, I stated:

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

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

26. The Applicant, in their evidence has stated that no assessment is required for 9 and 11 Rangatira Road as these properties are proposed to be acquired for the project. This is accepted.

27. A further landscape peer review rebuttal prepared by Sophie Fisher (Attachment B) concludes that the applicant's Landscape and Visual Assessment, s92 responses, evidence, and subsequent clarification adequately address the matters raised through the peer review process.
28. It was identified by Ms Fisher that landscape and visual effects for 35 Paulson Road had not been assessed as requested earlier in the process. While landscape and visual effects for 35 Paulson Road were not specifically assessed in the evidence, subsequent clarification by Mr Steyn indicates effects would be similar to those at 29 Morris Road (moderate-low following mitigation), and it is recommended that this property be included in the mitigation planting condition. Condition 74 has been amended to cover 35 Paulson Road.
29. The review also recommends extending mitigation planting provisions to 2424 Matawai Road (Riverview Treks and Pinehollow Riding School) to address the effects of vegetation removal and shelterbelt loss. A condition had been proffered to this effect (Condition 78).
30. Overall, Ms Fisher is satisfied that the outstanding landscape and visual matters have been appropriately addressed. I now conclude that the adverse landscape and visual effects are acceptable, subject to the implementation of conditions proffered.

Freshwater ecology

31. In my S42A Report I had stated that there remained a degree of uncertainty regarding the nature and scale of the potential freshwater ecology effects relating to culvert design and fish passage for the smaller stream systems. An earlier review within Council yielded agreement that further eDNA testing was not considered warranted. This advice led to the agreement with the previous GDC ecology reviewer to improve additional fish passage at the culverts.
32. The Application was then handed over to a new reviewer. Council's consultant freshwater ecologist Mr Arthur considers that the overall proposed flood protection enhancement works can likely be undertaken in a manner that avoids (or at least mitigates) impacts on freshwater ecosystems.
33. However, he considered that there was an information gap in respect of what values are present in smaller stream systems in the vicinity of the proposed flood banks, and what management methods will be employed as part of proposed management plans. He considered that an assessment outlining the locations of any culverts and/or floodgate structures is required, as well as a robust assessment of freshwater values and an adequate assessment of effects was needed to address the information gap.
34. The Applicant has provided further review by Mr Hicks which concludes that 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.

35. Mr Hicks and Mr Exeter consider that appropriate conditions can be placed on the consent to manage freshwater values and the culvert construction to ensure the overarching intent of the NES:F is met. Mr Exeter has recommended updating Condition 16 of the S42A set to reflect the intent of the NES:F and I have marked this proposed change in the current proposed condition set (appended).
36. Mr Arthur has provided a Statement of Evidence dated 22 September 2026 in response to the Applicant's evidence (**Attachment C**).
37. Mr Arthur agrees in principle that management measures required by well-considered consent conditions can be an effective tool in minimising the potential ecological impacts of the proposed works. However, he disagrees that the conditions of consent proposed by the applicant in their evidence are robust enough to manage the adverse effects on freshwater values.
38. Mr Arthur lists what he believes consent conditions should cover. There is uncertainty as to whether the fish passage and culvert management requirements would apply to all affected streams, whether culvert installation depths are sufficient to achieve best-practice fish passage outcomes, and whether ongoing monitoring and maintenance obligations are intended to ensure continued fish passage functionality. He states that the conditions do not include specific requirements for fish salvage and relocation or other measures to manage adverse effects associated with instream works, such as stream diversion or isolation.
39. The Applicant has since proposed condition 53 to provide for fish salvage (after Applicant evidence was issued). Mr Arthur has not had a chance to consider this condition. The adequacy of conditions can be discussed further at the hearing. If the conditions are strengthened and agreed between experts, I am confident that the effects to freshwater values can be effectively managed.

Other matters

Gateway Test

40. In my s42A report, I had provided an assessment of the gateway test for the Non-Complying component of the application only, i.e. the flap gate applied for under Clause 74 of the National Environmental Standards for Freshwater ("NES:F").
41. Mr Exeter has provided an assessment of the gateway test for the entire application in section 15.19-15.24 of their evidence. Mr Exeter acknowledges that the substantive application and supporting technical assessments identify more than minor adverse effects
42. I had provided an assessment of objectives and policies in my s42A report which found that on the whole, objectives and policies were not contrary to the relevant objectives and policies; but had not provided a conclusion in regard to the gateway test.

43. I consider it prudent to provide this assessment also, if it is found by the panel that the application should be bundled in its entirety. I agree with the Applicant's assessment 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. I have not changed my recommendation that the applications can be considered separately.

Conditions

44. I met with the Applicant's Planner informally on Friday 21 September 2026. We have agreed upon a joint set of conditions. This is appended as **Attachment B**. This was prior to receipt of comments from the hydrology and freshwater values experts and further conditions could be added or modified for those topics.

45. There are two conditions that we consider require further consideration at the hearing. Conditions 69 and 70, as proposed in the s42A report, state:

***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 Mangaone 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).*

46. My rationale for including these conditions was that the acceptability of consequential flooding effects was, at that stage, contingent upon appropriate mitigation and/or compensation being secured. I recognise that the condition would likely be ultra vires if not offered by the Applicant.
47. In his evidence (para 17.10), Mr Exeter states at 17.10, considers that these conditions should be removed in their entirety. In planning terms, Mr Exeter considers the occupation component of the proposed condition to be unnecessary. The Applicant must obtain the legal right to occupy the affected land before undertaking works, irrespective of any resource consent condition. The requirement therefore does not address an environmental effect within the scope of the consent and may create unnecessary compliance uncertainty regarding its implementation and satisfaction.
48. Mr Exeter considers the flooding limb unnecessary because consequential flooding is an environmental effect assessed and authorised through the resource consent

process itself. The proposed condition appears to be directed toward compensation for property impacts, rather than the management of environmental effects. He considers that compensation matters are more appropriately addressed through the PWA framework than through resource consent conditions.

49. Overall, he considers that conditions 69 and 70 should be removed, and that the response for each affected property be secured instead through the emergency management conditions and generic construction effects mitigation conditions.
50. He suggests alternatives such as re-developing condition 69 to reference "practical completion" to allow the PWA process to be concluded; making it into an advice note; or provided a pre-amble to the consent to explain the general approach under the PWA.
51. I agree that the consent should stand on its own merits. I have sought advice from Council's legal counsel (as regulator) and wish to discuss this matter further at the hearing.
52. We have since discussed the possibility of having a condition that requires that the adverse consequential flooding effects on 96, 103, 108 Kanakanaia Road and 23 Mangaoae Road be provided for through avoidance, mitigation, compensation or another suitable mechanism. The wording should avoid reference to third party approvals.
53. A slight wording change is proposed by the Applicant for conditions managing geotechnical effects, to acknowledge the impracticality of all sections of the stopbank being observed. This has been accepted by Mr Eskandarighadi.
54. The Applicant has requested that the word general be added to "in accordance" in condition 1. I consider that condition 2 as proposed provides adequate parameters for the approved design and I accept the proposed change to condition 1 (and a consequential change to condition 2 for consistency).

Late Submission

55. A late submission was received on 14 September 2026 from the Kewa, Katipa and Cookson whānau. The independent hearing panel has directed that the late submission from the Kewa/Katipa/Cookson whānau be accepted, noting the Applicant's agreement to its acceptance.
56. The Applicant has issued a Memorandum dated 17 September 2026 confirming that the Applicant does not oppose the letter being accepted as a late submission. The also consider that a request for further information under section 92 of the RMA is not warranted and submit that no such request should be made in these circumstances.
57. I agree with the Applicant's statement that no further information request is necessary, notwithstanding any response to issues raised in the submission may be addressed by the Applicant in the hearing.

Additional reasons for consent

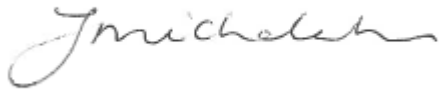
58. In paragraph 12.3 of the Applicant's Planning Evidence, Mr Sven states that where stopbanks cross property boundaries and are within the recession plane, resource consent would also be required and are now sought under Rule 4.6.1A(13) Restricted Discretionary). I confirm that I agree with this request. I consider that the visual effects arising from these infringements are adequately assessed in the landscape and visual evidence before the panel.

Other changes

59. Subsequent to the circulation of the revised draft conditions, the applicant's planner proposed a further amendment to the water take condition. The condition as recommended in the s42A Report provided for the taking of water from the Waipaoa River at a rate of no more than 30 litres per second and 1,000m³ per day. The applicant sought the insertion of an exception allowing water to be taken at a rate of up to 5 litres per second and up to 10m³ per property per day, provided the take and use was not for irrigation of more than one hectare.
60. Alternatively, they have asked for 149.5m³ per day of water pumped at 5L/s 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.
61. Following further discussions, the applicant queried whether this daily volume could instead be increased from 10m³ per day to 20m³ per day, noting that 20m³/day represented the minimum volume considered necessary for effective dust suppression during construction activities.
62. Ms Thompson has considered the request and considers that taking a further 10m³ per property per day from the Waipaoa River for dust suppression raises allocation concerns, as the relevant Waipaoa A-block is currently fully allocated and any increase beyond the existing permitted activity thresholds would result in the activity requiring resource consent as a restricted discretionary activity. Sarah Thompson advised that, while the additional volume is relatively minor in practical terms, it nevertheless changes the activity status and engages broader water allocation considerations within a fully allocated catchment. She also noted that, given the prospect of low-flow conditions and the potential for a water shortage direction under section 329 of the RMA, there is merit in retaining the existing permitted activity limits for non-essential uses rather than providing for increased abstraction.
63. Accordingly, while the additional volume sought is intended to support dust suppression during construction, Ms Thompson considers that the applicant has not demonstrated a sufficient resource management basis to justify departure from the existing permitted activity framework, particularly having regard to the allocation status of the waterbody and the need to avoid further pressure on river flows during periods of water scarcity. I agree that the Applicant should provide further justification.

64. In Section 5.3.3 of the S42A report, I had stated that a minimum flow cessation condition is not warranted. However, the Applicant has proffered one (Condition 65); and Ms Thompson has recommended one. I consider it appropriate to include, also noting the increased potential for this to occur with predicted weather patterns.

Signed

A handwritten signature in dark ink, appearing to read 'Jo Michalakakis', written in a cursive style.

Jo Michalakakis

Planning Consultant on behalf of Gisborne District Council

23 September 2026

Attachment A – Statement of Evidence - Cristian Fernando Hadad Westphal – River Hydrology

Attachment B – Te Karaka Stopbanks Rebuttal – Sophie Fisher - Landscape Architecture

Attachment C – Statement of Evidence – Jarred Arthur - Aquatic Ecology

Attachment D – Current Proposed Conditions Set - 22 September 2026