

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

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

In the matter of applications LR-2026-113411-00, LV-2026-113442-0, 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

**Memorandum on behalf of Gisborne District Council
(as the Applicant)**

16 September 2026

MC.

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MAY IT PLEASE THE COMMISSIONERS

- 1 On 14 September 2026, Ms Maraia Cookson sent a letter to the Independent Hearing Commissioners (IHC) in relation to the Te Karaka Flood Scheme Upgrade application.
- 2 The letter is in the nature of a submission, although it is not in the required form. The letter was sent well after the close of the submission period which was 7 August 2026.
- 3 Ms Cookson requests that:
 - (a) the IHC accept the letter as a submission by exercising its powers under s 37 of the RMA to extend a statutory timeframe or waive a failure to comply with a procedural requirement under the Act; or
 - (b) in the alternative, that her correspondence be treated as giving rise to the need to trigger a request for further information under s 92 of the RMA.
- 4 In the interests of community participation and natural justice, the Applicant does not oppose the letter being accepted as a late submission. Nor does the Applicant oppose Ms Cookson presenting evidence in accordance with the existing timetable, should she wish to do so. However, that position is conditional on there being no resultant delays to the existing timetable, noting that the Applicant has already filed its evidence in support of the Application.
- 5 The Applicant does not consider that a request for further information under section 92 of the RMA is warranted and submits that no such request should be made in these circumstances. Without addressing every aspect of the Submission, a number of the concerns raised appear to be based on misunderstandings of the proposal:
 - (a) In relation to Ground 1, the proposed stopbank is not located on, nor does it encroach onto, Ms Cookson's property. The proposed stopbank does not require any form of permission from Ms Cookson.
 - (b) In relation to Ground 2, concerning hydrodynamic effects and erosion, these matters have been the subject of extensive specialist assessment and expert evidence, which is already before the IHC. In summary, modelling indicates that the predicted floodwater velocities associated with the proposed stopbank remain well below the threshold at which scour or erosion effects would be anticipated. Accordingly, the adjacent hillside is not expected to be susceptible to scour or erosion as a result of the proposal.
 - (c) In relation to Ground 3, groundwater effects are not a relevant consideration in this instance because construction of the proposed stopbank itself involves minimal excavation below ground level. Although some excavation will be required for ancillary works, including drains and borrow pits, these activities are not expected to give rise to groundwater effects of any significance.

- 6 Accordingly, the Applicant does not oppose acceptance of Ms Cookson's late Submission or her participation at the hearing, provided there is no consequential delay to the hearing timetable. However, the Applicant submits that the Submission does not identify any information gaps that would warrant a request for further information under section 92 of the RMA, and that the application should proceed to hearing as scheduled.
- 7 As Ms Cookson has raised her concerns after the Applicant has already filed its evidence, with the Commissioners' leave, the Applicant intends to provide any evidence in response at the hearing.

Dated at Auckland this 16th day of September 2026



Brandon Watts

Counsel for the Applicant (Gisborne District Council)