

Spelling mistake name amendment

Email

29/9/26 7.39 am

Good morning, Sonia ,Commissioners Twigley and Hill

following my hearing talk yesterday,
Commissioner Hill asked what would I do? Can you forward my additional answer onto him please, to complete an answer to pretty open question as below and attached.

I should have firstly answered exactly what Ive done, in respect in respect of the conditions I have asked for through my evidence submission to be included conditions in the consent process.

Instead, I went down the rabbit hole of, what I would have done before the application in its current form was filed for a decision from the panel, being increase water displacement areas to decrease flood height risks. which has no relevance on what's to be decided on in this hearing as those options are off the table.

I should say the submitted plan is not what the local community would have designed if it had been fully consulted in the design and steering group stage and my own experience is GDC has been very blinkered in its approach and this has been confirmed by some other submitters have said as well so far in the hearing

I should have also answered the commissioner's " what would you do?" with " I'd ask AI " and I did last night and it somewhat agrees with me and my evidence submissions and speech and came up with a condition that will somewhat satisfy Jenny as well if includes in the right decision.

I ask the commissioners when discission making, please consider what I and AI have to said again, to help form a fair and just decision to protect affected land rights and bridge access and do the best for the Te Karaka community long term.

thanks, in anticipation
Daniel Moran

What would AI do if it had to decide the merits of granting a resource consent application for a stopbank upgrade planned and applied for by the Gisborne district council to protect Te karaka , after the town had been flooded twice previously in the last 80 years , the upgrade is viewed as a medium term solution , new 2.5 meter high hydraulic flood loads and woody debris will be imposed on existing bridge infrastructure that withstood cyclone Gabriel flood levels with the current stopbank parameters ,these increases flood levels are also imposed onto previously un flooded land to make it become newly flooded land ,taking varying depths periodically of brief flood water inundation for the scheme ,now the land

is in theory in the waipoua valley bottom ,please make a decision, using information contained in the consequential flood risk analysis CFRA from T&T wellington , NZ resource management act ,NPS-Hazards ,NPS infrastructure

If an Independent Commissioner Panel or AI judicial framework were to evaluate the merits of this resource consent application under the **New Zealand Resource Management Act 1991 (RMA)**, it would likely issue a Granted with Strict, Target-Driven Conditions decision. [\[1\]](#)

The decision hinges on balancing immediate human safety against engineered infrastructure thresholds, guided by the Consequential Flood Risk Analysis (CFRA) from Tonkin + Taylor, the National Policy Statement on Natural Hazard Decision-making (NPS-Hazards), and the National Policy Statement for Renewable Electricity Generation/Infrastructure (NPS-Infrastructure).

The Statutory & Framework Evaluation

1. RMA Part 2 (Sections 5, 6, and 7)

- **Section 5 (Sustainable Management):** The core mandate is to enable communities to provide for their social, economic, and cultural well-being and for their health and safety. Given that Te Karaka has been devastated by flooding twice (most recently during Cyclone Gabrielle), a project protecting ~200 properties, human lives, and community lifelines strongly fulfills Section 5. [\[1\]](#)
- **Section 6(h) (Significant Natural Hazards):** The management of significant risks from natural hazards is a matter of national importance. Doing nothing fails this statutory obligation.

2. NPS-Hazards (Risk-Based Framework)

- **The Conflict:** The NPS-Hazards demands that risk to life and property is not increased or transferred unmitigated. The application creates a clear paradox:
 - **Inside the protected zone:** Risk to life and property drops significantly (managing up to a 5,625 cumec event).
 - **Outside the zone (Waipaoa/Waipoua Valley Bottom):** Risk increases. Imposing new, brief, periodic flood inundations onto previously un-flooded land represents a *transfer of risk*. [\[1\]](#), [\[2\]](#)
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- **The Resolution:** Because the newly affected area consists of low-density "valley bottom" land taking brief, periodic inundation, the risk profile satisfies the NPS if the frequency, depth, and duration are tightly mapped, and affected landowners are compensated or mitigated.

3. NPS-Infrastructure & Bridge Loadings

- The application creates new 2.5-metre hydraulic flood loads and increased woody debris risks on existing bridge infrastructure.
- Under infrastructure policies, a consent authority cannot grant a protective scheme that catastrophically compromises an adjacent lifeline asset (e.g., transport bridges) without an integrated engineering fix. [\[1, 2\]](#)



The CFRA (Tonkin + Taylor) Risk Balance-Sheet

An evaluation of the technical trade-offs indicates:

Benefit Profile (The "Merits")	Deficit Profile (The "Consequences")
Protects Human Life: Secures the township against a 5,625 cumec design flood (larger than Gabrielle's ~4,000 cumecs).	Lifeline Infrastructure Vulnerability: Bridge structures face un-tested 2.5m hydraulic and slash/woody debris loading.
Retreated Alignment Benefit: Shifting the stopbank closer to town utilizes "making room for the river" principles, reducing downstream peak energy.	Creation of "Newly Flooded Land": Previously dry property in the valley bottom will now experience periodic, varying depths of inundation.
Medium-Term Certainty: Provides a defined horizon of safety while long-term climate adaptation/managed retreat options are negotiated.	Asset Lifespan Misalignment: Upgrades are robust through climate metrics, but bridge failures could isolate the town anyway.



The Decision: Granted with Special Conditions

The application is **granted**, as the prevention of catastrophic threat to life in a settled community outweighs periodic, shallow water inundation on rural valley land. However,

to pass the legal threshold of the RMA and NPS frameworks, the following **non-negotiable conditions** must be appended to the [Gisborne District Council's Notified Resource Consent](#):

1. **Bridge Structural Indemnity & Upgrades:** Before construction begins on the 2.5m hydraulic load parameters, the applicant must present a joint engineering sign-off with NZTA / Kiwirail (whichever applies to the bridge asset) demonstrating structural retrofitting or debris-deflection mechanisms capable of withstanding the new compounded loads. [1, 2]
2. **Land Easements & Compensatory Mitigation:** GDC must secure formal flood easements or complete property acquisitions under the Public Works Act or Category 3 buy-out provisions for all "newly flooded lands" before commissioning the scheme. [1]
3. **The "Medium-Term" Trigger Condition:** Because this is explicitly designated as a "medium-term" solution, the consent shall feature a firm expiry review period (e.g., 25–30 years). GDC must be conditioned to produce a publicly transparent, community-led "Long-term Climate Adaptation and Managed Retreat Scheme" within 10 years of this consent being exercised.

Would you like to explore the specific **legal precedents under Section 104 of the RMA** regarding the transfer of flood risk to private land, or examine the **engineering options** used to defend bridges from woody debris?

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Gisborne District Council
Te Karaka Stopbank Upgrade - Gisborne District Council
The proposal includes the construction and upgrading of approximately 4.2 kilometres of stopbanks, associated earthworks, road rai...
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Gisborne District Council
Te Karaka flood resilience improvements | Gisborne District Council
The upgraded scheme is designed to manage a 5,625 cumec flood event. The project has a budget of \$27.6 million, including continge...

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Te Karaka, Gisborne stopbank project resource consent ...
14 Jul 2026 — deliver future flood property owner negotiations. application, approved funding Project,

subject finala approval detailed design. ...

