

**Before Kaipara District Council**

**In the Matter** of the Resource Management Act 1991 (**RMA**)

**And**

**In the Matter** of an application for Private Plan Change 84 (**PC84**) by **MANGAWHAI HILLS LIMITED** to rezone 218.3 ha of land between Tara Road, Cove Road, Moir Road and Old Waipu Road, Mangawhai from Rural Zone to the Mangawhai Hills Development Area.

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**Rebuttal evidence of Melissa Ivy McGrath and Evelyn Alisa Neal on behalf of  
Mangawhai Hills Limited**

**Planning**

**Dated 13 May 2024**

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## **Introduction**

1. Our full names are Melissa Ivy McGrath and Evelyn Alisa Neal. We co-authored the previous planning evidence. Our qualifications, experience and background to our involvement in this matter are set out in that evidence.

## **Code of Conduct**

2. We confirm that we have read the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2023 and have complied with it in preparing this evidence. We confirm that the issues addressed in this evidence are within our area of expertise and we have not omitted material facts known to me that might alter or detract from my evidence.

## **Scope of Evidence**

3. This statement of rebuttal evidence responds to various matters arising from the evidence of:
  - a. Burnette Anne O'Connor on behalf of Berggren Trustee Co (Planning);
  - b. Paige Pamela Farley on behalf of Berggren Trustee Co (Civil Engineering);
  - c. Mark David Klassen on behalf of Berggren Trustee Co (Ecology);
  - d. Amitabh (Amit) Arthanari on behalf of Berggren Trustee Co (Traffic Engineering).

## **Statutory Context**

4. Ms O'Connor states that the proposal has to give effect to any national policy statement, national planning standard and any regional policy statement in addition to the objectives and policies of the Operative District Plan. We agree with this statement and as assessed in our evidence in chief

(EiC), conclude that subject to the recommended provisions provided in Attachment 3 of the EiC, PC84 will give effect to relevant national policy statements, national planning standards and the Northland Regional Policy Statement (RPS).

### **Road connectivity**

5. Ms O'Connor relying on the evidence of Mr Arthanari, considers that in order to give effect to the RPS and the policies of the National Policy Statement for Urban Development (NPS-UD), PC84 provisions need to be amended. These suggested amendments seek to require the construction of road connections from Moir Street through to Tara Road at the first stage of any housing or subdivision. We disagree.
6. Mr Kelly also disagrees with the conclusions of Ms O'Connor and Mr Arthanari, for reasons outlined in his rebuttal evidence. In particular, Mr Kelly outlines that road connections onto Moir Street are not necessary or essential from a traffic effects perspective to be required to be established prior to the creation of lots or development within the wider plan change area. Mr Kelly concludes that the "recommended precinct provisions provide suitable guidance and requirement for future assessment to ensure a safe and well performing road network".
7. We consider that the following policy and rule framework as recommended in Attachment 3 of our EiC, will ensure that key transportation and multi-modal connection outcomes are achieved through subsequent resource consent processes:
  - a. DEV1-01 Mangawhai Hills Development Area Objective (requires transportation effects to be managed).
  - b. DEV1-03 Transportation Objective (seeks to provide a connected, legible and safe multi-modal transport network).
  - c. DEV1-P2 Transportation and Connectivity policy (requires subdivision and development to achieve a connected, legible and

safe multi-modal transport network through a number of outcomes).

- d. DEV1-P6 Subdivision policy (requires subdivision to implement the Mangawhai Hills Structure Plan, including through well connected, legible and safe public roads).
- e. DEV1-R16 Roads, vehicle access, pedestrian walkways and cycleways (requires compliance with road, access, pedestrian walkway and cycleway standards which if infringed, contain appropriate matters of discretion to require consideration of key policy outcomes that relate to road connectivity).
- f. DEV1-R19 subdivision (requires all primary and secondary roads to be established in accordance with the indicative roads shown on the MHSP). If this is not provided, a Discretionary Activity consent is required.
- g. DEV1-REQ2 – Integrated Transport Assessment - subdivision and roading (requires any subdivision application that involves the construction of a new Road to be supported by an Integrated Transport Assessment and Safe System Assessment which includes a robust assessment of the safety and efficiency of the transport network and consistency with the Mangawhai Hills Structure Plan).

### **Three waters infrastructure**

- 8. Ms Farley recommends that peak flow attenuation up to the 100 year storm event should be provided for. We agree with the rebuttal evidence of Mr Rankin which includes an updated Stormwater Management Plan to provide consistency with the updated Flood Risk assessment. We note that the recommended stormwater provisions in Attachment 3 of our EiC have been updated to align to the 100 year mitigation requirement.
- 9. Ms Farley and Ms O'Connor consider that topographical constraints and the geotechnical hazard risk identified within the properties within the southern portion of the plan change area will mean that there is limited

space available for stormwater attenuation ponds to be sited and that specific stormwater pond locations should be detailed on the MHSP with corresponding provision to secure the construction and vesting of the ponds.

10. Mr Rankin addresses these points in his rebuttal evidence, noting that geotechnical constraints do not preclude the construction of stormwater devices and that the identification of device locations at a plan change level does not enable flexibility at resource consent stage. We agree with Mr Rankin and remain of the view that the recommended provisions in Attachment 3 of our EiC are appropriate to achieve best practice stormwater management outcomes.
11. Ms Farley suggests that Table DEV1-2 Recommended Tank Volumes for On-site Residential Supply is renamed to 'Table DEV 1-2: Recommended Potable Water Supply Volumes for On-site Residential Supply'. We are not opposed to this suggestion.
12. Overall, we rely on the rebuttal evidence and EiC of Mr Kelly and Mr Rankin, and consider that the recommended provisions included in Attachment 3 of our EiC remain appropriate to ensure that key stormwater infrastructure, road, pedestrian and cycleway connectivity outcomes will be achieved.

This evidence has been prepared in full by:

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**Melissa Ivy McGrath and Evelyn Alisa Neal**

Dated 13 May 2024