

BEFORE THE HEARING PANEL APPOINTED BY KAIPARA DISTRICT COUNCIL

Under the Resource Management Act 1991

In the matter of the hearing of submissions on Proposed Private Plan
Change 84: Mangawhai Hills Limited

**REBUTTAL EVIDENCE OF CAREY HENRY DOUGLAS SENIOR ON BEHALF OF KAIPARA
DISTRICT COUNCIL**

(STORMWATER)

13 May 2024

**SIMPSON
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1. INTRODUCTION

1.1 My full name is Carey Henry Douglas Senior.

1.2 I prepared a memorandum provided in support of the section 42A Report, addressing stormwater matters. My qualifications, experience, and background to my involvement in this matter are as set out in that memorandum.

2. CODE OF CONDUCT

2.1 I confirm that I 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. I confirm that the issues addressed in this evidence are within my area of expertise and I have not omitted material facts known to me that might alter or detract from my evidence.

3. SCOPE OF EVIDENCE

3.1 This statement of rebuttal evidence on behalf of Kaipara District Council responds to various matters arising from the statements of evidence of:

(a) Steven Rankin (on behalf of the applicant, Mangawhai Hills Limited).

(b) Paige Farley (on behalf of Berggren Trustee Co.).

4. EVIDENCE OF MR RANKIN

4.1 Mr Rankin has prepared a primary statement of evidence on behalf of Mangawhai Hills Limited dated 29 April 2024. Whilst Mr Rankin's evidence addresses a wide range of topics, my rebuttal is limited to responding to the parts of his evidence relating to:

(a) Natural Hazards – Flooding, and

(b) Stormwater

- 4.2** In relation to the management of Natural Hazards – Flooding, in Paragraph 10 of his evidence Mr Rankin proposes an amended approach to stormwater management, in response to issues raised in the section 42A Report stating: *“future developments within the private plan change area be mitigated back to pre-development rates for the 100-year ARI storm event. This change was adopted and included in the 22 March 2024 report in response to Council’s expert’s comments”*.
- 4.3** Having considered Mr Rankin’s response, I confirm that this approach is suitable for the proposed plan change and I consider this satisfactory.
- 4.4** In relation to the management of Stormwater, the only aspect of Mr Rankin’s evidence that appears to have been updated is in regards to Water Quality (Temporary Works) where Mr Rankin notes in Paragraph 25 of his evidence that *“It is my recommendation that the Precinct Provisions be adjusted to specify the use of GD05 rather than relying on KDCES”*.
- 4.5** In my opinion, this recommendation to specify GD05 as the means of complying with erosion and sediment control (which impacts stormwater quality) is appropriate and represents current industry best practice in New Zealand. This is reflected in the revised proposed Precinct Provisions.
- 4.6** I have reviewed the revised Precinct Provisions that relate to stormwater, being DEV1-S15 and confirm that, in my opinion, they are suitable for future development in the plan change area and reflect the evidence of Mr Rankin.

4.7 In conclusion, I am satisfied that the applicant’s proposed stormwater management provisions are suitable to protect and control future design of stormwater outcomes in the plan change area.

5. EVIDENCE OF MS FARLEY

5.1 Ms Farley has prepared a primary statement of evidence on behalf of Berggren Trustee Co. dated 6 May 2024. Whilst Ms Farley’s evidence addresses a wide range of topics, my rebuttal is limited to responding to the parts of her evidence relating to:

- (a) Natural Hazards – Flooding, and
- (b) Stormwater

5.2 In relation to the management of Natural Hazards – Flooding and Stormwater, in Paragraph 15 Ms Farley recommended that DEV1-REQ1 should reference the 1% AEP peak flow attenuation and should also reference the Chester SMP.

5.3 I agree with this and believe that the updated DEV1-S15 (noted in Paragraph 4.6 above) accomplishes this outcome.

5.4 In Paragraph 17, Ms Farley states that she does not believe that at-source stormwater mitigation (such as water tanks) is able to provide full stormwater attenuation as private drainage may not be sufficient.

5.5 I do not agree with Ms Farley on this point. Building Consent design will be guided by the Resource Consent conditions. Roof water and other impermeable surface drainage can be engineered to be conveyed appropriately.

5.6 In Paragraph 18 of her evidence, Ms Farley notes that stormwater ponds may be severely restricted by many site areas that have high geological hazard risk and proposes that the SMP by Chester should be updated to provide guidance on appropriate sites, and included in the Structure

Plan, with Development Area provisions for construction and vesting of the ponds.

- 5.7** I do not agree with Ms Farley in relation to this. In my opinion, it is restrictive and inefficient to define stormwater device areas at the Private Plan Change level. There may be many different engineering options available to meet the objectives of the planning provisions including collective treatment devices and at source devices. Assessment of these options and judgments on ownership are more appropriately left to the Resource Consent application.

A handwritten signature in black ink, appearing to read 'Carey Senior', written in a cursive style.

Carey Senior

13 May 2024