

BEFORE THE KAIPARA DISTRICT COUNCIL'S HEARING PANEL

IN THE MATTER OF

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

AND

IN THE MATTER

An application for Private Plan Change 85 (**PC85**)

- **MANGAWHAI EAST** by Foundry Group Limited (formerly Cabra Mangawhai Limited) and Pro Land Matters Company to rezone approximately 94-hectares of land at Black Swamp and Raymond Bull Roads, Mangawhai

REBUTTAL STATEMENT OF EVIDENCE OF EVAN PETERS ON BEHALF OF THE

APPLICANTS

(Earthworks)

9 February 2026

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INTRODUCTION

1. My full name is Evan Alexander Peters.
2. I am preparing this rebuttal on behalf of Mr Fairgray who prepared a Statement of Evidence dated 18 December 2025 on behalf of Foundry Group Limited (formerly Cabra Mangawhai Limited) and Pro Land Matters Company regarding an application for Private Plan Change 85 (PC85) under the Operative Kaipara District Plan 2013.
3. Mr Fairgray was unavailable to prepare rebuttal evidence within the required timeframe. I am suitably experienced, qualified and have worked alongside Mr Fairgray on all civil engineering aspects of the plan change application.
4. This rebuttal evidence responds to matters raised in lay person evidence on behalf of submitters. Specifically, Mrs Pamela and Mr Allen Collinge on in relation to earthworks.

QUALIFICATIONS AND EXPERIENCE

5. I confirm that I have the qualifications and experience set out in my primary statement of evidence with respect to stormwater matters (dated 16 December 2025).

EXPERT WITNESS CODE OF CONDUCT

6. Although this is not a hearing before the Environment Court, I record that I have read and agree to and abide by the Environment Court's Code of Conduct for Expert Witnesses as specified in the Environment Court's Practice Note 2023. This evidence is within my area of expertise, except where I state that I rely upon the evidence of other expert witnesses as presented to this hearing. I have not omitted to consider any material facts known to me that might alter or detract from the opinions expressed.

PROJECT INVOLVEMENT

7. The primary evidence of Mr Fairgray addressed the impacts, if any, of earthworks levels, volumes and sediment control within the PC85 area.

SCOPE OF EVIDENCE

8. My rebuttal evidence is in response to Pamela and Allen Collinge around concerns of scale of earthworks, and potential silting of the estuary arising from those works.

EXTENT OF EARTHWORKS AND SEDIMENTATION

9. Future earthworks will be designed using best practice erosion and sediment control techniques. These include using sediment retention ponds and clean water diversion drains formed as part of any earthwork operation.
10. The scale of earthworks is aligned to similar developments of this size and will be undertaken over a number of years in conjunction with staged urban development of the land. When areas of earthworks are complete, these surfaces will be stabilised.
11. Future resource consents will apply appropriate conditions of consent and may include limits on the size of exposed areas. Such limits will be conditioned and enforceable by the Regulatory authority.
12. These techniques are widely used throughout New Zealand. Conditions of consent are subject to regulatory monitoring on a frequent basis to ensure performance and compliance. In my opinion, there is nothing about the site and proposed development to be enabled by the plan change which would render these techniques and methods ineffective.
13. In my opinion the general approach to effects management outlined above is appropriate, and subject to site and project specific assessment and consenting, will effectively avoid, manage or mitigate adverse effects from earthworks.

CONCLUSION

14. I conclude that best practice sediment and erosion control techniques can be applied to development within the PC85 area. Earthworks associated with future land development will be subject to assessment under future resource consents. Future earthwork operations will also be subject to regulatory oversight during construction

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15. I consider this approach to be in line with similar size developments and I do not consider that works proposed within the PC85 area pose any additional or elevated risk to sedimentation of adjacent waterways.

Evan Peters

9 February 2026