BEFORE THE HEARING PANEL APPOINTED BY KAIPARA DISTRICT COUNCIL

Under the	Resource Management Act 1991 (**RMA**)
In the matter	of Private Plan Change 85 (Mangawhai East) to the Kaipara District Plan

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STATEMENT OF REBUTTAL EVIDENCE OF CALLUM BERNARD SANDS ON BEHALF OF KAIPARA DISTRICT COUNCIL

Geotechnical

9 February 2026

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1. INTRODUCTION

1.1 My full name is Callum Bernard Sands.

1.2 I prepared a statement of evidence dated 1 December 2025 and a statement of supplementary evidence dated 23 January 2026 on behalf of Kaipara District Council (**Council**) in relation to the application by Foundry Group Limited and Pro Land Matters Company Limited (**Applicant**) for a private plan change to rezone land in Mangawhai East (**PPC85**). I refer to my qualifications and experience in my original statement of evidence and do not repeat them here.

1.3 Although this matter is not being heard by the Environment Court, I confirm that I have read and am familiar with the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2023 and I agree to comply with it.

1.4 I am authorised to make this statement on behalf of the Council.

2. SCOPE OF EVIDENCE

2.1 The purpose of this statement is to respond to the evidence-in-chief of Mr Pomfret on behalf of the Applicant. It should be read in tandem with my supplementary statement dated 23 January 2026 where I undertook an assessment of the geotechnical natural hazard risks and consequences against the risk matrix required under the new National Policy Statement on Natural Hazards 2025 (**NPS-NH**). I note that the applicant has not provided a supplementary statement on geotechnical hazards and the NPS-NH.

3. RESPONSE TO THE EVIDENCE OF MR POMFRET

3.1 This rebuttal statement responds to the geotechnical evidence-in-chief of Mr Pomfret on behalf of the applicant. No submitters have filed geotechnical evidence.

3.2 In my evidence-in-chief dated 1 December 2025 I indicated that, based on the level of information provided, I was unable to confirm whether the western and

southern portions of the site are suitable re-zoning as proposed under PPC85 without additional testing, analysis and reporting to address these critical uncertainties.[1]

3.3 I have considered the statement of evidence of Mr Pomfret in which he has provided further commentary regarding how the findings of the Initia report for northern portion of the site can be applied to the southern area, in part. He has likewise provided additional commentary regarding acid sulphate soils, geotechnical hazards, and additional deep subsoil testing to be undertaken in the northern area, at the next phase of design works. His clarifications address the outstanding matters raised in my evidence-in-chief, as set out under the headings below.

Northern Area of the Site

3.4 In relation to the northern area of the site:

(a) Mr Pomfret confirms the intention to undertake additional CPTs and test pits in the north-western area of the site to fully understand liquefaction risks. He also identifies the need for acid sulphate soil testing to inform the detailed design of any concrete infrastructure. He notes that this work will occur at the resource consent stage. On the basis of these statements, I am satisfied that the matters identified in paragraphs 8.2, 8.4(c) and 8.4(d) of my evidence-in-chief are addressed to the extent necessary for the plan-change decision, and do not present grounds to delay or decline progression of the plan change.

(b) For the northern area of the site, all geotechnical hazards raised in the Initial Geotechnical (Initia) reports can be mitigated through appropriate earthworks and common engineering design, which will occur at the subsequent land development stages (resource and building consent). Mr Pomfret concludes that there are no geotechnical risks or hazards that

[1] Paragraph 8.1 of my evidence-in-chief.

would otherwise prevent the proposed urban rezoning of the northern area of the site.

(i) On this basis, I am satisfied that, subject to the remaining detailed work ordinarily undertaken at the resource consent and engineering design stages, the matters identified in paragraph 8.2 of my evidence-in-chief in relation to the northern area of the site have been addressed to the extent necessary for the plan-change decision.

(ii) Further, having considered Mr Pomfret's evidence, I am satisfied that there are no grounds to require additional deep subsoil testing at the rezoning stage, in the northern area of the site. In my view, the requirements set out in paragraph 8.4(c) of my evidence-in-chief in relation to the northern area of the site, have been appropriately addressed, with any remaining detailed geotechnical verification more suitably undertaken during subsequent resource consent and engineering approval processes.

Southern Area of the Site

3.5 Mr Pomfret's evidence includes a review of the geotechnical investigations undertaken by Wiley Geotechnical (**Wiley**) for the land to the south of Black Swamp Road. His review relates to the Wiley report titled Geotechnical Investigation for Proposed Subdivision at 18A Black Swamp Road, Mangawhai, dated 8 November 2023. I note that this report has not been attached to, or provided alongside, his evidence.

3.6 Within his evidence Mr Pomfret provides further clarity and recommendations that indirectly provide adequate responses to the matters I have raised (in paragraphs 8.4(a) and 8.4(b) of my evidence-in-chief) in relation to the southern area. These are as follows:

(a) Mr Pomfret provides a summary of the Wiley geotechnical reporting, concluding with a recommendation that the Applicant undertake deeper investigation to assess liquefaction risks within the alluvium soils and to confirm the stability of the Pakiri Formation soils (paragraph 15 of his evidence), in response to paragraph 8.4(b) of my evidence.

(b) In his evidence, Mr Pomfret considers that a combination of earthworks and standard engineering solutions (such as the implementation of shear keys[2], or other engineered structures) will be sufficient to provide suitable foundation conditions and an appropriate level of slope stability.

(c) In paragraph 19 of his evidence, Mr Pomfret concludes that, subject to the completion of this additional deeper investigation, the southern area of PPC85 is suitable for urban development.

(d) Based on Mr Pomfret's evidence, and subject to the Applicant undertaking the deeper testing recommended in the section 42A Report, I do not consider that there are any geotechnical grounds to decline or delay progression of the plan change. The required investigations should be appropriately secured through subdivision standards that provide scope for these investigations as part of the subdivision process. Provided this further testing is undertaken and the appropriate engineering mitigation implemented, the requirements of paragraph 8.4(b) of my evidence-in-chief are, in my view, satisfied for the purposes of the plan-change decision.

[2] A shear key is essentially a mass block of compacted engineered fill, typically aggregate, that is constructed during earthworks to act as a mass weight intercepting potential slope failure planes creating a heavy and rigid buttress.

4. CONCLUSION

4.1 Provided the Applicant undertakes the deeper geotechnical investigations as recommended in the Section 42A Report, and agreed to by Mr Pomfret, I am satisfied that any remaining uncertainties can be resolved at the resource consent and engineering design stages. Accordingly, there is no geotechnical-related reason to decline the rezoning.

Callum Sands

9 February 2026