

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

**STATEMENT OF REBUTTAL EVIDENCE OF NICHOLAS WILLIAM BENNETTS ON
BEHALF OF KAIPARA DISTRICT COUNCIL**

Infrastructure Planning

9 February 2026

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1. INTRODUCTION

- 1.1 My full name is Nicholas William Bennetts.
- 1.2 I prepared a statement of evidence dated 1 December 2025 on behalf of Kaipara District Council (**Council**) in relation to the application by Foundry Group Limited and Pro Land Matters Company (**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 The Council, as my employer, has authorised me to make this statement on its behalf.

2. SCOPE OF EVIDENCE

- 2.1 In this statement of rebuttal evidence I respond to matters raised in the evidence-in-chief of Mr Phillip Fairgray (civil engineering), Mr Robert White (water and wastewater reticulation and transmission) and Ms Burnette O'Connor (planning) on behalf of the applicant. In particular, I respond to:
 - (a) evidence from Mr Fairgray and Mr White that there are a *“range of other suitable options”* to provide additional capacity for wastewater disposal for the Mangawhai Community Wastewater Scheme (**MCWWS**); and
 - (b) evidence from Ms O'Connor that there is no requirement to “preserve capacity” in the Council’s wastewater system for future development (in areas where development has already been approved).

3. RESPONSE TO MATTERS RAISED BY MR FAIRGRAY AND MR WHITE

- 3.1 In my evidence-in-chief I outlined that the Council’s current planning for the MCWWS provides for a capacity of 6,500 connections. This is sufficient to provide for the development currently enabled in Mangawhai. However, the Council has no plans to provide wastewater servicing to the plan change area (beyond the

existing limited reticulation of the camping ground). While the proposed upgrades to MCWWS will enable sufficient capacity to provide for residential growth that is already enabled in Mangawhai, there is not sufficient capacity to provide for PPC85 as well.¹

- 3.2** In response to this, Mr Fairgray states at paragraphs 39-40 of his evidence-in-chief:

"Paragraph 4.9(c) of Mr Cantrell's evidence discusses the various options for the additional disposal capacity. Mr White also suggests investigation into recycling of the treated wastewater to reduce the amount of wastewater disposal. Again I consider there are a range of suitable options, and there is sufficient time for this to be addressed prior to the demand occurring.

Therefore I consider that disposal is not an ongoing constraint for PC85."

- 3.3** Likewise, Mr White is of the view that with further expansions, the MCWWS could service PPC85.²

- 3.4** In response to this:

- (a) As outlined in greater detail in Mr Cantrell's evidence, there are two potential high-level options to dispose of further treated effluent in Mangawhai. These are: the discharge of treated effluent to the ocean via an ocean outfall; or the discharge of treated effluent to land, on a suitable site acquired by the Council for this purpose (i.e. an effluent disposal field).
- (b) The Council has yet to confirm its preferred option for disposal of treated effluent after the completion of the Golf Course Stage 2 and Stage 3 upgrades. This is however not surprising, given that the capacity of the MCWWS (using effluent disposal at the Mangawhai Golf Club) has been assessed by Mr Foy as sufficient to meet increased demand for the next 30 or so years.

¹ Paragraphs 4.3(d), (e) and (f) of my evidence-in-chief.

² Evidence in-chief of Mr White, paragraphs 43-47.

- (c) The Council is not in a position to commit to investigating and confirming funding for a further option for effluent disposal (beyond the Mangawhai Golf Club) at this time. Given the current proposed creation of a new water CCO for Northland, this is a commitment that could only be made by the new entity.
- (d) While at a high level there are potential broad options for effluent disposal (i.e. to the ocean, or to land) as outlined by Mr Cantrell, these options are likely to face significant technical and non-technical hurdles such that they are potentially not feasible, and cannot be delivered by the Council. In addition, there is also a risk that updated and more detailed costings for these options prepared in the future mean these options may not be economic.
- (e) Overall, for the reasons set out above, the Council as the owner and operator of the MCWWS does not agree to PPC85 being connected to the MCWWS.

4. RESPONSE TO MATTERS RAISED BY MS O'CONNOR

4.1 At paragraph 55 of her evidence Ms O'Connor states:

“...There is existing capacity in the wastewater network now and there is no legal requirement to preserve capacity for future development i.e. capacity cannot be reserved in case something happens.”

4.2 I agree with Ms O'Connor that the Council does not “reserve” wastewater capacity for particular urban areas. Once land is zoned for development, there is an expectation from landowners that it can be connected to the MCWWS and serviced. The Council monitors the number of connections to the MCWWS each year, and aims to programme upgrades to ensure (through its programme of works) that there is sufficient capacity for those who wish to connect in a given year.

- 4.3** However, where, as here, the Council has received a request to re-zone further land for development (in reliance on it being serviced by the MCWWS), this has to be considered very carefully. Once land is zoned urban in Mangawhai, this creates a very strong expectation that it will be serviced, and is capable of connecting to the MCWWS.
- 4.4** In relation to PPC85:
- (a) The applicant is requesting that the Hearings Panel re-zone land on the basis that further wastewater solutions will be identified and confirmed in the future that will, in the fullness of time, enable PPC85 and all of the other development capacity that is currently enabled in Mangawhai to be provided wastewater servicing using the MCWWS.³
 - (b) As outlined above, the Council has not yet confirmed its preferred option for disposal of treated effluent beyond the Golf Club, and is not in a position to do so. Re-zoning PPC85 creates a risk that if further effluent disposal cannot be delivered for technical, environmental or consenting reasons, or proves to be un-economic, then the Council will have zoned more land for development in Mangawhai than can be provided with wastewater servicing. This could in turn result in land, including land that has been zoned for development for many years, not being able to be developed in the way that is anticipated under the zoning.
 - (c) That would be a very poor outcome from a wastewater planning perspective. In my opinion, it could reasonably be expected to expose the Council to criticism from property owners and members of the community who in good faith had purchased a residentially zoned section and then find that they are unable to build their home due to a lack of reticulated capacity.

Nicholas Bennetts

9 February 2026

³ Evidence of Mr Fairgray, paragraphs 39-40 and evidence of Mr White, paragraphs 43-47.