

**IN THE ENVIRONMENT COURT
AT CHRISTCHURCH**

**I TE KŌTI TAIAO O AOTEAROA
ŌTAUTAHU ROHE**

ENV-2018-CHC-290

UNDER the Resource Management Act 1991 (RMA)
IN THE MATTER of an appeal under Clause 14 of the First Schedule
of the RMA in relation to the Proposed Second
Generation Dunedin City District Plan (2GP)

BETWEEN **OTAGO REGIONAL COUNCIL**

Appellant

AND **DUNEDIN CITY COUNCIL**

Respondent

**AFFIDAVIT OF GARY MICHAEL BAYNE FOR THE APPELLANT IN SUPPORT
OF AN APPLICATION UNDER SECTION 293**

ROSS DOWLING MARQUET GRIFFIN
SOLICITORS
DUNEDIN

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**AFFIDAVIT OF GARY MICHAEL BAYNE FOR THE APPELLANT IN SUPPORT
OF AN APPLICATION UNDER SECTION 293**

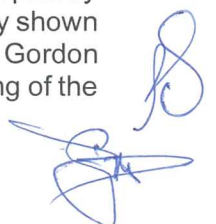
I, **GARY MICHAEL BAYNE**, of Dunedin, Senior Operations Engineer, swear –

Introduction

1. I am a Senior Operations Engineer for the Otago Regional Council ("ORC").
2. I have worked for the ORC since late 2015.
3. As Senior Operations Engineer I am responsible for maintaining the ORC's Flood Protection and Drainage Schemes on the Taieri Plains.
4. I was in that role during the July 2017 flood event.

July 2017 Flood

5. During that flood I was engaged in onsite monitoring for the Silver Stream and its flood banks as part of my overall responsibility's.
6. Water overtopped the Gordon Road Spillway. After flowing overland water accumulated around the Dukes Road/Riccarton Road intersection, causing flooding to properties in this area. Water passed through several properties. Debris caught on fences close to the Spillway.
7. Exhibit "A" shows the Silver Stream (21/07/17). Water had already spilled over at this stage and was receding when photo was taken. The photo is looking upstream. Mosgiel is to the right hand side of the photo, on the true left bank of the Silver Stream. The Mosgiel wastewater treatment plant is the facility closest to the camera at the right on the true left bank of the river.
8. Opposite the wastewater treatment plant is a residential property at 115 Dukes Road South. Water entered that property. The photo was taken after the spillway overtopping and shows Overland flow paths. Ponding upstream of Riccarton Road is present in the bottom left-hand corner as we look at it.
9. We provided sandbags to the owner of the property at 115 Dukes Road.
10. Floodwaters crossed Riccarton Road through road culverts. When these culverts reached capacity, water banked up and flooded properties in the Dukes Road, Riccarton Road area. Water flowed down the side of Dukes Road. As the upper ponding area was filling, water could not enter the Upper Pond. Water built up behind the cut-off bank causing flooding to properties upstream. Water currently was very deep, approximately 2 metres deep. See Exhibit "B".
11. The photo in Exhibit "B" shows the water from the Gordon Road spillway accumulating at the cut off bank on Dukes Road South. the property shown is 269 Dukes Road South which is approximately 2km south of the Gordon Road spillway. This picture was taken 21/07/2017. On the receding of the Silverstream flood levels.



12. During the 2017 event we were concerned that the cut off bank might over top, and we sandbagged the bank to prevent this.

2018 Incident

13. There was a further rainfall event in 2018 and we were concerned that the Spillway might be activated. We monitored from both the ground and by helicopter.
14. We contacted the new property owner at 115 Dukes Road South. This person had recently bought and was unaware of the potential of the Spillway overtopping in 2018.

Sworn at Dunedin this 16th day
of December 2022 before me:-

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Gary Michael Bayne



A Solicitor of the High Court of New Zealand

**Rachel Spencer
Barrister & Solicitor
Dunedin**

Exhibit A: Silver Stream and Gordon Road Spillway flooding during July 2017

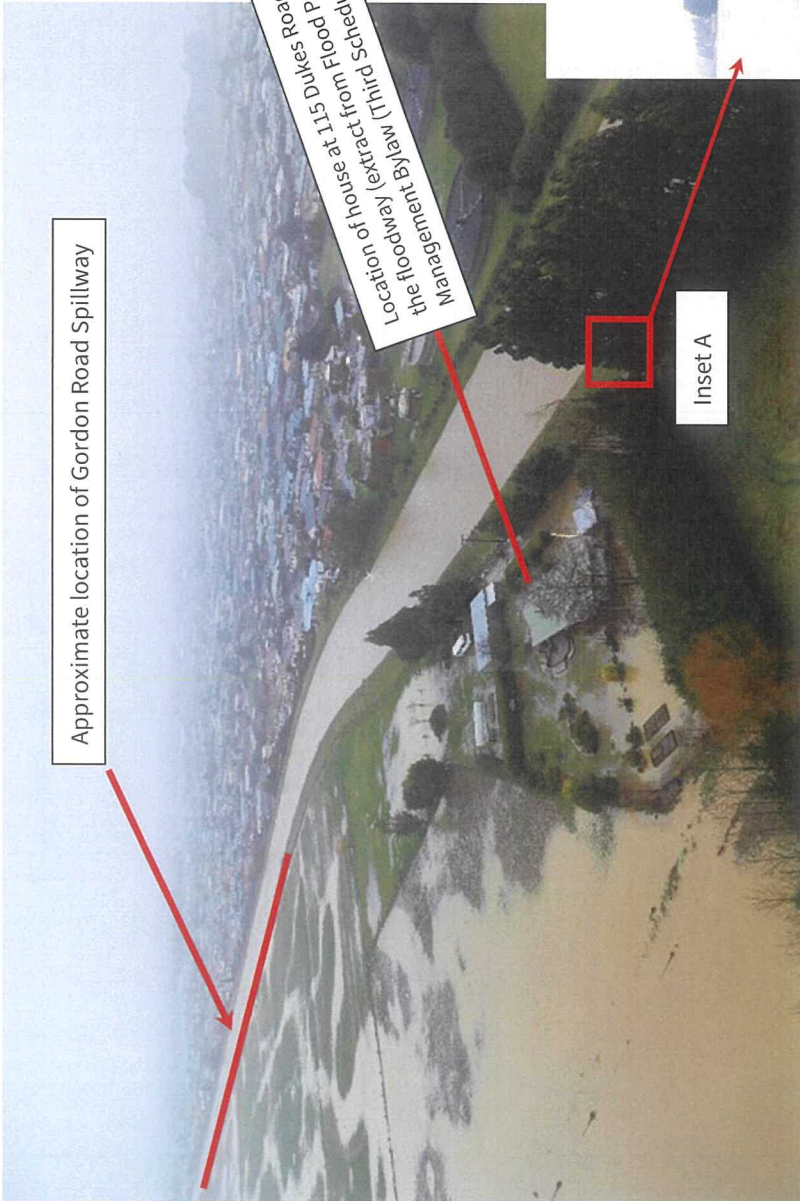
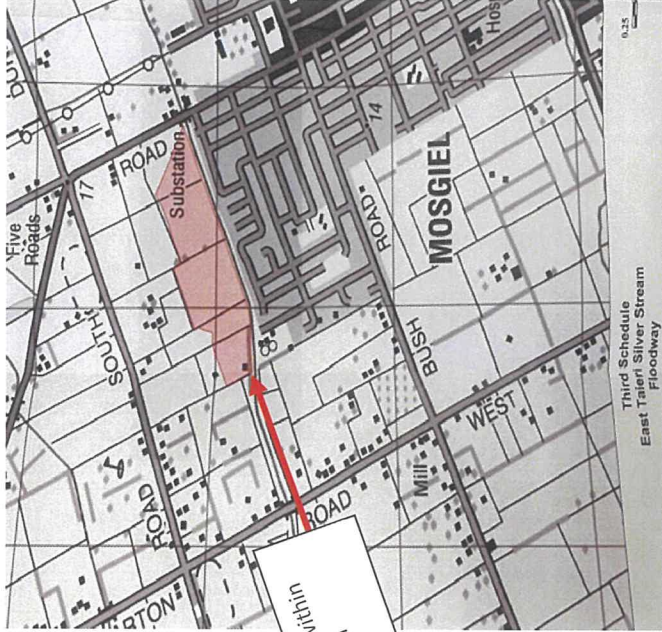


Photo 1 taken: 21st July 2017, Aerial view of Silver Stream and Gordon Road Spillway

This is the document marked with the letter "A" and referred to in the annexed affidavit of **GARY MICHAEL BAYNE** of Dunedin, Senior Operations Engineer, sworn at Dunedin this 16th day of December 2022 before me:

A Solicitor of the High Court of New Zealand

Rachel Spencer
Barrister & Solicitor
Dunedin



Inset A: Photo 2 taken: 21st July 2017, spilling over to house area 115 Dukes Road.

"B"

Exhibit B: Silver Stream and Gordon Road Spillway flooding during July 2017

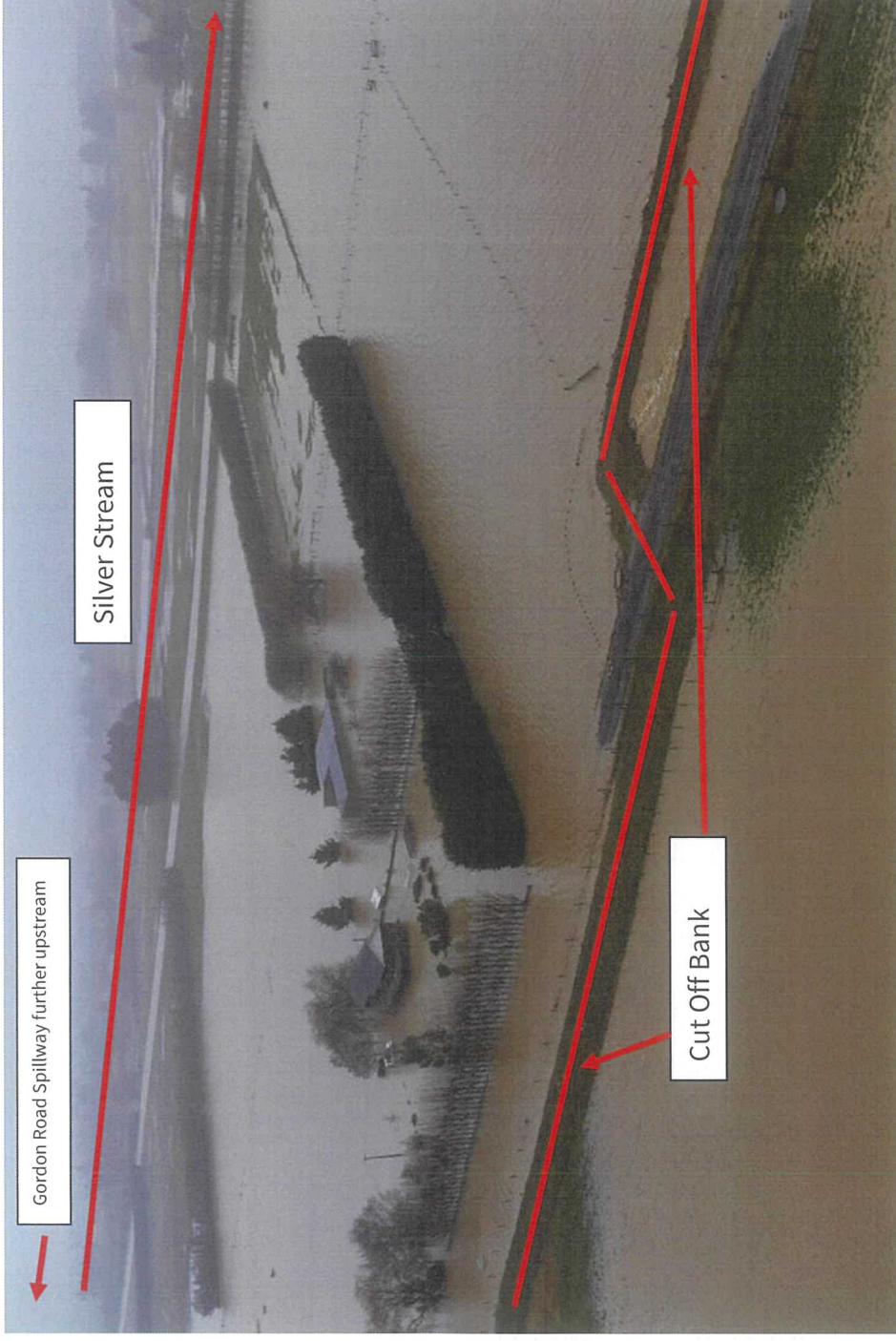


Photo 1 taken: 21st July 2017, Aerial view of the Cut Off Bank at 269 Dukes Road South

Rachel Spencer
Barrister & Solicitor
Dunedin

This is the document marked with the letter "B" and referred to in the annexed affidavit of **GARY MICHAEL BAYNE** of Dunedin, Senior Operations Engineer, sworn at Dunedin this 16th day of December 2022 before me:

A Solicitor of the High Court of New Zealand