

FINAL OPTION A 3 mins — HEARING DELIVERY VERSION

Opening..... Good morning **etc to suit**. Thank you, Commissioners.

My comments are confined to Mr Peters' rebuttal evidence dated 10 February 2026. I do not introduce new technical material. The issue is not whether stormwater mitigation might be achievable at consent stage. The issue is whether PPC85 provides **sufficient certainty** at the plan-making stage in a hydraulically constrained environment. (14Aug, 7Oct (2025), 23 Jan 2026 _ 2 & 10th Feb 2026 Rebuttal's).

What Is Agreed

There is no dispute that:

- Windsor Way is low-lying;
- seasonal groundwater is shallow;
- downstream discharge is tidally influenced; and
- **particularly etc.** hydraulic neutrality in the lower catchment cannot be achieved.

Those constraints are acknowledged in the evidence. (**as above**)

The Core Issue

Mr Peters' position relies on deferral — that detailed stormwater assessment and mitigation can be resolved at subdivision or consent stage.

Where hydraulic neutrality is acknowledged as **unachievable (28)**, enabling additional development capacity without first demonstrating how increased flows will be managed introduces uncertainty for existing downstream properties.

In constrained environments, even small increases in runoff volume or discharge rate can materially affect surface drainage behaviour.

The planning question for the Panel is therefore this, **FIRST**:

- Is it appropriate to enable development capacity now where acknowledged non-neutral outcomes are to be resolved later?.....

To Close

- Our position remains that plan-stage certainty is required to ensure risk is not transferred to existing Windsor Way properties & wider community.

Thank you.

See Notes if required to expand.

Jeremy Brabant

Barrister

Mr Peters Rebuttal dated 10-2-2026.

NOTES if required to expand:

Extracts, 10,11 & 28:

RESPONSE TO EVIDENCE

10. My rebuttal evidence is in response to Mr Derek Westwood on behalf of the residents of Windsor Way.
11. In section 7 of Mr Westwood's evidence there is a "Consolidated position of Windsor Way owners" set out. At [7.2] the statement says that zoning and development capacity increases are opposed where they rely on conceptual stormwater approaches, lack site-specific modelling, or defer resolution of downstream effects. At [7.3] Mr Westwood says the submitters seek certainty that hydrological neutrality can be achieved in practice, existing properties will not experience increased flood risk, and infrastructure delivery obligations are enforceable. These concerns result in requested relief which includes site-specific hydraulic and groundwater modelling for Windsor Way prior to enabling development, and demonstrated downstream conveyance capacity and lawful discharge pathways.

&:

EFFECT ON DOWNSTREAM PROPERTIES

28. In my opinion the most appropriate approach is for flooding impact and overland flowpaths to directly discharge to tidal extents where flood waters are dissipated as quickly as possible. The lower reaches of the catchment are not appropriate for hydraulic neutrality. Therefore there will be no additional or increase in flood hazard risk associated with the proposed urban zoning of the land.

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Cook Costell Rpt Ref Job No 17384 issued 11-8-2025.

Extract: form Cook Costello.

Commentary:

While appropriate as a general principle, achieving hydraulic neutrality across the broader development does not guarantee that local effects, such as flow redirection or swale overtopping, will be avoided at the Windsor Way site. The site's shallow groundwater and limited downstream vertical fall make it more vulnerable to even marginal increases in local runoff to the site, especially if the swales or soakage areas do not perform as intended. Furthermore, no quantification or verification of neutrality (e.g. modelled pre- vs post-development flows) has been provided for this area.