

**IN THE MATTER OF:**

- **THE RESOURCE MANAGEMENT ACT 1991**
- **PRIVATE PLAN CHANGE PPC85 – MANGAWHAI EAST**

**PPC85 Windsor Way Rebuttal-Peters-10-02-2026**

**Proposed Private Plan Change 85 – Mangawhai East**  
(*Windsor Way Owners*)

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**1. Scope of Rebuttal**

This rebuttal responds solely to the rebuttal evidence of **Mr Evan Peters (Flood Hazard)** lodged on behalf of CABRA and received on **10 February 2026**.

It does not introduce new technical assessment and relies only on evidence already before the Hearing Panel. This rebuttal is directed to matters of **planning certainty, sequencing, and risk allocation**, arising from Mr Peters' evidence.

**2. Stormwater Neutrality and Deferral**

Mr Peters acknowledges that Windsor Way is located within a low-lying and hydraulically sensitive part of the Northern Catchment, with shallow seasonal groundwater and downstream constraints. These factual matters are not in dispute.

However, Mr Peters' rebuttal relies on the premise that stormwater and flood risks affecting Windsor Way can be appropriately managed through **deferral to later resource consent stages**, notwithstanding his explicit acceptance that **hydraulic neutrality cannot be achieved** in the lower catchment and that increased downstream flows are accepted by design through a "pass-it-forward" approach.

While such an approach may be appropriate in less constrained environments, Windsor Way is characterised by minimal gradients, shallow groundwater, and sensitivity to relatively small increases in runoff volume and discharge rate. In these circumstances, deferral of stormwater feasibility and downstream effects assessment does not provide sufficient certainty that existing properties will not be adversely affected.

Where neutrality is acknowledged as unachievable, plan-stage provisions must demonstrate how increased flows will be managed and how risk will not be transferred to existing downstream properties. On the evidence before the Panel, including Mr Peters' rebuttal, **that certainty has not been demonstrated**.

### 3. Planning Consequence

The issue raised by Mr Peters' rebuttal is not whether stormwater mitigation *might* be achievable in theory at a later stage, but whether PPC85 provides sufficient certainty **now** that development enabled upstream of Windsor Way will not increase flood or stormwater risk for existing properties.

In hydraulically constrained environments such as Windsor Way, enabling development capacity without first demonstrating how non-neutral stormwater outcomes will be managed represents a planning judgment that warrants careful scrutiny.

### 4. Other Submitters

Mr Peters' rebuttal evidence does not address, nor does it alter, the submitters' positions in relation to **Black Swamp Limited (BSL)** or **Riverside Holiday Park (RHP)**.

The concerns raised by Windsor Way residents in relation to BSL and RHP matters have been set out in earlier evidence before the Panel and have since been reinforced and championed by other submitters.

### 5. Closing Rebuttal Position

For the reasons above, the Windsor Way owners maintain that PPC85 should not rely on deferral to later consenting stages where hydraulic neutrality is acknowledged as unachievable and where existing downstream properties are demonstrably sensitive to increased stormwater flows.

Plan-stage certainty is required to ensure that flood and stormwater risks are not transferred onto existing low-lying properties such as Windsor Way.

Regards.

Derek Westwood.

**Prepared for:** Owners of Lots 1–7 Windsor Way