

FAIRWAY OAKS DRIVE RESIDENTS' PARTNERSHIP
Proposed Private Plan Change 5
100–110 Te Moana Road, Waikanae

Consolidated Hearing Report

Assessment of Council hearing evidence, RFI responses and applicant expert evidence
9 September 2026

Executive Conclusion

The evidence has evolved materially since the Partnership lodged its submission. Several original concerns are now narrowed or better answered, and the applicant has presented a stronger technical case for residential development, including a conceptual engineering solution for Lot 1.

However, the RFI flood material also confirms that the low-lying land sits within a wider Waikanae River breach and residual-overflow system under post-Expressway conditions. The first threshold question is therefore whether that wider and increasing flood risk can be safely and durably managed over the life of residential development. Only if that threshold is satisfied does the second question arise: whether the General Residential/MDRS rights created by PPC5 legally secure the engineering, environmental, infrastructure and amenity outcomes on which feasibility depends.

The Partnership maintains a clear primary and alternative position. Lot 1 should remain General Rural unless and until comprehensive, independently peer-reviewed evidence demonstrates that Waikanae River overflow and breach risk, the post-Expressway residual overflow path, local ponding, groundwater, future climate conditions and off-site effects can be safely and durably managed. If the Panel accepts that Lot 1 is developable, whole-site rezoning should occur only with a binding structure plan and robust site-specific provisions that secure the critical flood-risk, environmental, infrastructure and amenity assumptions relied upon by the evidence.

1. Purpose Of This Report

This report consolidates the Partnership's analysis of the evidence now before the Hearing Panel for Proposed Private Plan Change 5 (PPC5). It is intended to provide a clear hearing position that acknowledges where the evidential landscape has changed, identifies the matters that remain genuinely contested, and focuses the Panel on the residual risks associated with rezoning.

The report draws together three main evidence tranches: Council's Section 42A report and supporting expert evidence; the applicant's responses to Council requests for further information; and the applicant's expert evidence dated 2 to 3 September 2026.

2. Starting Point – The Partnership's Original Submission

The Partnership opposed PPC5 on interconnected grounds rather than on any single technical issue. The original case focused on flood hazard and hydrology, ecological connectivity, infrastructure and

servicing capacity, strategic growth, rural-edge amenity, climate resilience, cultural considerations, and the potential transfer of long-term environmental and financial risk to the wider community.

That broad concern remains relevant. However, the evidence now available means that some aspects of the original case need to be expressed more carefully. The Partnership's hearing case is not that residential development is impossible. It is that the land is materially constrained, that development depends on specific mitigation, and that those outcomes should be secured at the point development rights are created.

3. How The Evidence Has Evolved

3.1 Council Hearing Evidence

Council's Section 42A report did not support the plan change as lodged. The officer recommended that Lot 1 remain General Rural and that only Lot 2 be considered for General Residential zoning, subject to further information and additional site-specific controls. That recommendation was principally driven by unresolved flooding, groundwater, flood-conveyance, stormwater and related feasibility concerns for Lot 1. Council experts also recommended specific controls for ecology, Fairway Oaks amenity, transport, flood risk, and infrastructure sequencing.

3.2 RFI Responses

The RFI material improved the evidence base. It confirmed local and residual flood mechanisms, variable groundwater, the need for filling and compensatory storage, ecological and hydrological connectivity, and measurable transport effects. In particular, Awa Environmental's Flood Assessment & Stormwater Management Concept Memo, prepared by Tony Trueman, models the site under post-Expressway conditions and considers three Waikanae River stop-bank breach scenarios. The Chillingworth breach scenario shows floodwater moving toward the Expressway, being stored on low-lying ground adjacent to it, passing under the Expressway and entering the site, with modelled peak depths within the site of approximately 10 mm to 600 mm.

Awa also concludes that construction of the Expressway altered the location of the residual overflow path, moving it north. This materially advances the understanding of flood behaviour and makes clear that the low-lying land is not simply affected by local ponding: it forms part of a wider floodplain system that can receive and store floodwater in a Waikanae River breach scenario. At the same time, the RFI material identifies possible engineering responses but leaves important detailed solutions to subdivision or resource-consent stage.

3.3 Applicant Expert Evidence

The applicant's September expert evidence materially strengthened the case for PPC5, particularly for Lot 1. New conceptual earthworks and flood modelling indicate that a particular development arrangement can potentially retain flood conveyance, provide compensatory storage, raise development platforms and achieve hydraulic neutrality. Updated transport modelling is more favourable than earlier work, and the applicant has also provided stronger HPL, servicing and geotechnical evidence. These developments must be acknowledged in a balanced hearing case.

4. Matters That Have Been Resolved Or Materially Narrowed

The Partnership acknowledges the following matters.

- The wider low-lying pasture should not be described as natural inland wetland in its entirety. The ecological argument concerns hydrological and ecological connectivity rather than blanket wetland classification.
- Copper skink and New Zealand pipit is not a significant stand-alone reason to decline PPC5.
- Geotechnical conditions do not establish that residential development is impossible. They require further investigation and engineered responses, particularly in low-lying areas.
- Archaeology is not a plan-change opposition point, provided the relevant statutory authority and mana whenua processes occur before bulk earthworks.
- The broad proposition that meaningful mana whenua engagement has not occurred is not maintained on the evidence now available.
- Wastewater appears capable of being managed through planned network investment and/or interim attenuation and sequencing measures.
- Existing surplus residential capacity is relevant to strategic planning, but it is not an absolute legal bar to additional out-of-sequence development.
- The applicant has now demonstrated a credible conceptual engineering pathway for Lot 1.

5. Matters That Remain Material To The Hearing

5.1 Lot 1 – Flood Hazard, Groundwater and Engineering Dependency

Lot 1 remains the most important technical issue. The Council evidence identified significant local ponding, residual flood conveyance, elevated and variable groundwater, and the need to establish hydraulic neutrality, avoid adverse effects on neighbouring land, protect wetland hydrology and provide safe access and egress. It also sits within a wider flood system in which Waikanae River stop-bank breach and residual overflow scenarios can affect the site.

The applicant has now presented a conceptual landform and hydraulic model intended to answer many of those concerns. That is a material improvement. However, the concept involves substantial earthworks, raised development platforms, compensatory storage and a deliberately retained flood-conveyance system. The final design, groundwater regime, soakage performance and site-specific implementation remain to be resolved.

The hearing question is therefore not only whether one engineered concept can work, but whether the Panel has sufficient, independently reviewed evidence to conclude that the combined Waikanae River overflow, local flooding, groundwater, stormwater and future-climate risk is acceptably low and durable before full GRZ/MDRS development rights are created.

5.2 Waikanae River Overflow And Increasing Flood Risk

Awa Environmental's flood assessment, prepared by Tony Trueman, is important because it expressly models the site under post-Expressway conditions and considers three Waikanae River stop-bank breach scenarios. While Awa concludes that the site is not affected by the modelled 100-year climate-change Waikanae River event in the regional model, its Chillingworth breach scenario shows floodwater moving north-west toward the Expressway, being stored on low-lying ground adjacent to it, passing under the Expressway and entering the site.

Modelled peak depths within the site are approximately 10 mm to 600 mm. Awa also concludes that the Expressway altered the location of the residual overflow path, moving it north. This means the low-lying land should be understood as part of a wider floodplain and overflow system, rather than as a site with only a local ponding problem.

The Awa work is a material advance, but it does not complete the assessment needed before residential development rights are created over the low-lying land. It identifies possible engineering responses - including filling, compensatory storage, soakage or attenuation and retention of an effective residual overflow path - but does not establish, at plan-change stage, a comprehensive and independently verified solution for protecting future housing from the combined effects of river overflow, local ponding, high and fluctuating groundwater and stormwater while also ensuring that risk is not displaced onto neighbouring or downstream land.

This concern is sharpened by the changing climate. The Partnership's updated position refers to the Ministry for the Environment's National Adaptation Framework, NIWA's post-Cyclone Gabrielle flood analysis and the Insurance Council's long-standing emphasis on avoiding new exposure in flood-vulnerable areas where possible. The planning implication is not that a Hawke's Bay return period should be applied to Waikanae, but that observed extremes can materially change assumptions about severe flooding and that the direction of risk over the lifetime of housing must be considered.

Accordingly, before residential rezoning of the low-lying part of Lot 1 is approved, the Partnership considers that the applicant should provide a comprehensive flood-risk assessment, independently peer reviewed, addressing Waikanae River overflow and breach scenarios, the altered post-Expressway flow paths, the interaction of river flooding with local ponding, groundwater and stormwater, current climate-change allowances and sensitivity to more severe events, and the permanence, maintenance and failure modes of proposed mitigation and any off-site effects.

5.3 Planning Certainty And Sequencing

This is now the central issue across the evidence. The applicant's technical experts rely on particular design responses to conclude that development can be acceptable. Those responses include flood corridors, compensatory storage, hydraulic neutrality, groundwater management, ecological buffers, infrastructure sequencing, transport works and amenity mitigation.

The applicant's planning evidence, however, resists embedding many of those matters as binding site-specific District Plan requirements. That creates a potential disconnect between the development assessed by the experts and the development rights created by the zoning. Where a mitigation measure is fundamental to the conclusion that rezoning is appropriate, it should be secured through the planning framework rather than left entirely to later consenting.

5.4 Wetland And Ecological Function

The ecological case focuses on function rather than classification. The evidence confirms a natural inland wetland, an associated pond/QEII area, a highly modified stream, and wider hydrological connectivity. The applicant accepts potential effects from sediment, hydrological change, human activity and pets, and supports a 10m setback in principle. The remaining issue is whether

protection of wetland hydrology and the buffer should be binding at plan-change stage or left to later consent.

5.5 Fairway Oaks Amenity

There is now common ground that residential development will adversely change the outlook for the Fairway Oaks properties most directly facing the site. The expert disagreement is principally about magnitude. Council's landscape expert assesses moderate adverse visual amenity effects for 4, 6, 8 and 10 Fairway Oaks Drive and recommends specific landscaped setbacks; the applicant's expert assesses the effects as low and opposes special controls. The Partnership strongly supports retaining site-specific setbacks and planting because they provide certainty and directly respond to an acknowledged interface effect.

5.6 Transport And Cumulative Network Effects

Updated applicant modelling is more favourable than the earlier RFI analysis and does not support a proposition that PPC5 alone makes the interchange unworkable. However, cumulative conditions remain relevant. With consented Ngārara and PPC5, some movements remain poor-performing, and under larger Ngārara build-out scenarios the interchange deteriorates further. The applicant also accepts the need for further modelling and specific transport/active-mode improvements. The residual issue is therefore not absolute capacity, but the need to secure development-triggered improvements and avoid shifting future costs and safety consequences to Council or the community.

5.7 Water And Wastewater Servicing

The evidence confirms a real present water-supply constraint: the wider Waikanae network has no remaining capacity for additional growth without mitigation or planned upgrades. Planned investment provides a credible pathway, and wastewater is more readily manageable. The key requirement should be sequencing: development must not proceed ahead of the infrastructure capacity needed to support it or consume capacity required for existing and already-consented development.

5.8 Strategic Planning And Growth

The District has sufficient plan-enabled capacity for projected demand, but the NPS-UD does not prevent additional development simply because capacity already exists. The core question is whether rezoning this particular constrained site represents an appropriate and sufficiently justified strategic growth outcome when planned alternatives exist. Engineering feasibility should not automatically be treated as planning appropriateness.

That judgement must also take account of the direction of risk over time. Creating new residential rights on known low-lying flood-prone land can lock in future protection, recovery and adaptation costs for residents, insurers and public authorities. Where the hazard is already identified and climate change is expected to increase the frequency and intensity of severe weather, avoiding new exposure is a legitimate and important planning response.

5.9 Highly Productive Land

The applicant has now undertaken further HPL analysis specifically addressing criticisms in the Council evidence. This materially improves the applicant's position. The issue remains contested

rather than unanswered. The Partnership supports the Panel to carefully test whether the statutory criteria have actually been met on the competing expert evidence.

5.10 Long-Term Community And Financial Risk

The applicant identifies mechanisms such as development contributions and planned network investment, which means the Partnership does not assert that ratepayer cost transfer is inevitable.

However, no comprehensive economic assessment demonstrates that all incremental and long-term costs are neutral to the community. Residual risks include infrastructure timing, long-term flood and stormwater maintenance, road-safety improvements, insurance and lending affordability or availability, and the consequences if engineered systems underperform or require adaptation under future climate conditions. Creating new exposure on known flood-prone land can therefore carry long-lived private and public costs even where an initial engineering solution is technically achievable.

6. Where The Applicant's Expert Evidence Does Not Support PPC5 As Proposed

It is important to distinguish between expert evidence that supports the proposition that residential development may be technically achievable and expert evidence that supports the Plan Change in the form sought. Most of the applicant's technical experts do not recommend that PPC5 be declined.

However, their evidence does not support a proposition that the whole site can simply be rezoned General Residential/MDRS without binding site-specific safeguards. In several disciplines, the favourable conclusion depends upon particular engineering responses, buffers, infrastructure sequencing, further investigation or future mitigation.

This distinction is significant because the applicant's planning position seeks whole-site residential rezoning while opposing or resisting a number of the site-specific controls that would secure the assumptions relied upon by the applicant's own technical experts.

6.1 Flooding And Stormwater - A Particular Engineered Outcome Does Not Resolve The Wider Flood-Risk Threshold

The applicant's flood and infrastructure evidence materially strengthens the case that Lot 1 may be capable of development, but it does so by modelling a particular engineered concept. Taylor's concept relies on raised development platforms, retention of the Chillingworth residual flood-flow path, compensatory flood storage and hydraulic neutrality. Martell's modelling then tests that concept and concludes that flood effects can be maintained on-site and that the residual flow path can continue through the site.

Read alongside the Awa RFI flood assessment, however, the September concept must be considered within the wider Waikanae River breach and residual-overflow system. The Chillingworth breach scenario demonstrates that floodwater can enter the site through the post-Expressway overflow pathway. The conceptual engineering evidence therefore addresses an important development configuration, but it should not be treated as an independently verified

conclusion that the combined river-overflow, local flooding, groundwater, stormwater and future-climate risk is acceptable for residential zoning.

This creates an earlier threshold question than the planning-certainty issue: before relying on a mitigated concept to support rezoning, has the Panel received enough comprehensive and independently peer-reviewed evidence to be satisfied that the underlying flood risk can be safely and durably managed over the life of the development without increasing risk elsewhere?

Accordingly, this evidence does not support an assumption that any development enabled by General Residential zoning will be acceptable. It supports development only where the critical hydraulic outcomes on which the modelling depends are retained. If those outcomes are not secured in the planning provisions or through a binding structure plan, a future development layout could depart materially from the concept used to demonstrate feasibility.

The same evidence also continues to identify variable groundwater conditions and the need for further piezometer monitoring, infiltration testing and detailed stormwater design. The applicant's position is that these are matters of detailed design; nevertheless, the evidence confirms that successful development remains conditional upon them being satisfactorily resolved.

6.2 Ecology - The Evidence Supports Protection Measures, Not Unqualified Residentialisation

Ussher's evidence narrows the ecological case by confirming that the wider pasture is not natural inland wetland. At the same time, he confirms the natural inland wetland, the pond/QEII management area, the highly modified stream and the potential for effects arising from sediment, hydrological change, human activity and domestic animals. He supports a 10-metre setback/buffer in principle, although he considers its final treatment can be resolved at resource-consent stage.

The ecological evidence therefore does not support residential development without specific protection of the wetland and its hydrological setting. It supports development on the premise that those values and functions are protected. That is materially different from saying that the ordinary General Residential provisions alone are sufficient to secure the ecological outcome relied upon by the expert.

6.3 Geotechnical Evidence - Suitable Only With Further Investigation And Engineered Response

Smith considers the land capable of residential development, but his evidence is expressly qualified. The dune areas are broadly characterised as TC2, while the low-lying areas are currently consistent with TC3 conditions. Large-scale earthworks, ground improvement and/or development buffers may be required, and additional CPT investigation, groundwater monitoring and refined analysis remain necessary at subdivision stage.

This evidence does not support characterising the site as straightforward residential land. Rather, it supports residential development subject to substantial engineering and further investigation. It reinforces the importance of ensuring that the zoning does not enable a development form inconsistent with the landform and engineering assumptions upon which geotechnical suitability has been assessed.

6.4 Transport - The Evidence Supports Development With Mitigation And Future Testing, Not An Absence Of Transport Controls

Benner's updated evidence is more favourable than the earlier transport assessment and supports the proposition that a 150-dwelling development can be accommodated. However, the evidence also identifies continuing cumulative network issues, including movements operating at poor levels of service in some scenarios, and accepts the need for further SIDRA assessment as development in the wider area progresses.

Benner also supports provision of a right-turn facility integrated with cycling infrastructure, while pedestrian links and crossing arrangements remain matters for future design. His evidence therefore supports a mitigated transport outcome; it does not support the proposition that no site-specific transport response or development trigger is required.

6.5 Water Supply And Servicing - Current Capacity Is Not Available Without Mitigation Or Investment

Taylor accepts the Council modelling that the wider Waikanae water network has no remaining capacity for additional growth without mitigation or planned upgrades. His evidence identifies planned reservoir and trunk-main investment and possible interim responses and considers that these provide a practicable servicing pathway. He also accepts that development must be sequenced with available network capacity.

This is important. The applicant's own infrastructure evidence does not support an immediate or unconditional entitlement to develop following rezoning. It supports development only when the necessary network capacity or mitigation is available. A planning framework that creates residential development rights without an effective infrastructure-capacity trigger would therefore provide less certainty than the applicant's own expert evidence assumes.

6.6 Fairway Oaks Amenity - The Applicant's Expert Accepts Adverse Effects

Ormsby's landscape evidence does not support a proposition that adjoining residents will experience no adverse effect. He expressly accepts that 4, 6, 8 and 10 Fairway Oaks Drive will experience an adverse visual effect from development. His disagreement with Council's landscape expert concerns the magnitude of that effect and whether special controls are warranted: Ormsby assesses the effect as low, while Button assesses it as moderate and recommends landscaped setbacks.

The existence of an adverse effect is therefore common ground. This provides a sound evidential basis for the Panel to consider site-specific mitigation even though the applicant's landscape expert does not himself recommend the Council's setback provisions.

6.7 The Central Inconsistency - The Technical Case Relies On Safeguards That The Planning Case Does Not Consistently Secure

The strongest concern arising from the applicant's own evidence is the disconnect between the technical case and the planning relief sought. The technical experts' favourable conclusions depend, to varying degrees, upon flood conveyance, compensatory storage, hydraulic neutrality, wetland and hydrological protection, engineered earthworks, infrastructure sequencing, transport improvements and future investigation. Read with the Awa RFI material, the flood case also

depends upon an acceptable response to Waikanae River breach and residual-overflow risk, climate resilience and independent verification of the combined flood and stormwater solution.

By contrast, the applicant's planning evidence opposes a formal binding structure plan, opposes requiring the 10-metre planted wetland buffer through PPC5, opposes the Council's specific Fairway Oaks setback and planting provisions, does not support the Council's site-specific water provision, and considers a number of road, walking and environmental matters capable of being dealt with later through resource consent.

This does not mean the applicant's experts oppose PPC5. It does mean that their advice does not, on its own, support the proposition that unrestricted General Residential/MDRS zoning is appropriate. Their advice supports a development outcome that works only if the assumptions and mitigation underpinning their conclusions are delivered.

For the Partnership, the appropriate hearing proposition is therefore: if the Panel relies on the applicant's technical evidence to conclude that the site is suitable for residential development, the Panel should also secure the critical outcomes relied upon by that evidence through the Plan Change itself. The applicant should not be able to rely upon a tightly defined mitigated development concept to establish suitability while obtaining planning provisions that permit a materially different development outcome.

7. The Partnership's Position

The Partnership's position is as follows.

Primary Position

Lot 1 should remain General Rural unless and until comprehensive, independently peer-reviewed evidence demonstrates that Waikanae River overflow and breach risk, the post-Expressway residual overflow path, local ponding, groundwater, future climate conditions and off-site effects can be safely and durably managed. The Council's original concern was not simply that detailed design was incomplete; it was that fundamental feasibility matters had not been sufficiently demonstrated. The Panel should require a high level of confidence before overturning the s42A recommendation on Lot 1.

Alternative Position If The Panel Accepts Lot 1 Feasibility

If the Panel accepts that Lot 1 is capable of residential development notwithstanding the wider flood-risk matters, the Partnership seeks robust site-specific provisions and a binding structure plan before whole-site rezoning is approved. Those provisions should secure the flood-risk assumptions and mitigation on which feasibility depends.

At a minimum the planning framework should secure:

- a defined and protected residual flood-conveyance corridor that reflects the post-Expressway flow path and the Waikanae River breach/overflow scenarios relied upon in the evidence
- compensatory flood storage and hydraulic neutrality, with design assumptions tested against current climate-change allowances and reasonable sensitivity to more severe events

- comprehensive independent peer review of the final flood-risk and stormwater solution before development of the low-lying land proceeds, including river breach/overflow, groundwater, stormwater, mitigation performance, failure modes and off-site effects
- protection of groundwater and wetland hydrology, including appropriate monitoring and infiltration requirements
- a minimum 10m wetland/pond protection buffer, with planting and management requirements where necessary
- appropriate landscaped setbacks from 4, 6, 8 and 10 Fairway Oaks Drive
- water and wastewater capacity sequencing so development cannot proceed ahead of necessary network investment
- transport and active-mode improvements triggered and funded by the development
- controls ensuring that substantial changes from the modelled development concept cannot occur without further assessment of flood, groundwater, ecological, geotechnical, amenity and infrastructure effects.

8. Key Propositions For The Hearing Panel

1. The low-lying part of Lot 1 is not simply affected by local ponding; the Awa RFI evidence places it within a wider Waikanae River breach and residual-overflow system under post-Expressway conditions.
2. Before new residential rights are created, the Panel should be satisfied with comprehensive, independently peer-reviewed evidence that the combined river-overflow, local flooding, groundwater, stormwater and future-climate risk can be safely and durably managed without increasing risk elsewhere.
3. The applicant has demonstrated a credible conceptual engineering pathway for Lot 1, but technical feasibility of one mitigated concept is not the same as planning appropriateness.
4. The Panel should assess the development envelope actually enabled by GRZ/MDRS, not only the most favourable indicative concept drawn by the applicant.
5. Where expert conclusions depend on particular mitigation, those outcomes should be legally and effectively secured through the planning provisions.
6. Flood conveyance, compensatory storage and hydraulic neutrality should be treated as enduring performance requirements, not later design preferences.
7. Independent verification should test climate-change assumptions, sensitivity to more severe events, mitigation performance, maintenance and failure modes.
8. Fairway Oaks amenity effects are acknowledged by both landscape experts; the dispute is magnitude, not existence. Site-specific mitigation is therefore justified.
9. Infrastructure feasibility depends on timing and investment. Rezoning should not create an entitlement to development ahead of available network capacity.
10. Existing residential capacity does not legally prohibit PPC5, but it remains relevant when weighing whether this constrained, flood-prone site is an appropriate strategic growth choice.

9. Questions The Partnership Recommends The Panel Test

1. Has the Panel received a comprehensive, independently peer-reviewed assessment of Waikanae River overflow and breach risk for the low-lying part of Lot 1 under post-Expressway conditions?
2. How does the proposed development perform when river overflow, local ponding, high and fluctuating groundwater and stormwater are considered together, including current climate-change allowances and reasonable sensitivity to more severe events?
3. What are the permanence, maintenance and failure modes of the proposed flood-mitigation system, and what evidence demonstrates that failure or underperformance would not increase risk to future residents, Fairway Oaks properties or downstream land?
4. Which specific mitigation measures relied upon by the flood, stormwater, ecology, geotechnical, transport and servicing experts are legally secured by the final PPC5 provisions?
5. Does the planning framework require future development to retain the post-Expressway flood-conveyance and compensatory-storage solution that underpins the applicant's Lot 1 feasibility case?
6. What prevents a materially different MDRS-enabled development layout from emerging later without equivalent assessment of river overflow, flood conveyance, groundwater, wetland and neighbouring effects?
7. Why should the 10m wetland buffer and Fairway Oaks setbacks not be binding if those measures respond directly to effects acknowledged in the expert evidence?
8. What infrastructure-capacity trigger prevents development proceeding before water and wastewater upgrades are operational?
9. How will the costs of transport improvements, active-mode connections and any future intersection works be allocated?
10. Has the Panel received enough groundwater and soakage evidence to be satisfied that wetland hydrology and stormwater performance are matters of detailed design rather than fundamental suitability?
11. If the Panel accepts the applicant's Lot 1 engineering concept, what planning mechanism ensures that the future consented development delivers the same flood-risk, environmental and infrastructure outcomes?