

The Ōhoka Residents Association Incorporated

Formerly the Ōhoka Village Protection Association | Incorporated society no. 2573106
c/- 536 Mill Road, RD2 Ōhoka 7692 | ohokaresidentsassociation@gmail.com

12 October 2026

Expert Panel, Ōhoka Residential Subdivision (FTA231)

Fast-track Approvals Act 2024

By email: substantive@fasttrack.govt.nz

Dear Panel members

Comments of the Ōhoka Residents Association on FTA231: request that the application be declined in full

Who we are

The Ōhoka Residents Association Incorporated (ORA) is the community association for Ōhoka village and the surrounding rural and lifestyle area. It was established in 2012 as a charitable incorporated society, under the name Ōhoka Village Protection Association. Its constitutional purposes are:

- (a) the preservation of the environment of the Ōhoka village and the surrounding area for the benefit of the public;
- (b) protection of the flora and fauna and the natural physical environment;
- (c) supporting activities to improve and maintain the walkways, streams and public recreational spaces in the Ōhoka area; and
- (d) the promotion of public amenities for the benefit of the public in the Ōhoka village and the surrounding area.

The ORA supports sensible, proportionate and sustainable development consistent with those purposes. It is not opposed to growth at Ōhoka.

Our position

FTA231 proposes urban development on a scale with no precedent at Ōhoka: a 154-hectare site, around 850 to 880 residential lots (the application is not consistent on the number), a 250-unit retirement village and a commercial centre, next to the existing village. Existing residents would bear a disproportionate share of the adverse impacts, and some of the costs would fall on ratepayers across the district.

Our comments follow the format in paragraph 25 of the Panel's Minute 1 and are organised into eight Parts (A to H): flood risk, infrastructure, insurability, economic effects, planning, rural character, transport and housing supply. They are directed at the test in section 85(3) of the Act. We identify adverse impacts that, in our submission, are sufficiently significant to be out of proportion to the benefits under section 81(4), even after the conditions the Panel could impose and the mitigation the applicant offers. In line with section 85(4), we do not rely on inconsistency with a plan or policy document alone. We ask the Panel to decline the application in full.

The applicant has confused gross economic activity with net economic benefit

The applicant's Economic Assessment presents gross regional activity (construction output, employment, value-added and retail spend) as though it were the benefit of consenting this site. It is not. The measure that matters is the net benefit attributable to this consent, compared with what would happen without it. Waimakariri has an abundance of appropriately zoned land: the Council's District Plan Review found capacity for up to approximately 17,000 further dwellings over the next 30 years. These houses, and the jobs and spending that come with them, would be built elsewhere in the district. The Assessment concedes the point itself, in a footnote and in its summary of the "no Ōhoka" scenario, yet applies it only to commuting and transport effects and ignores it for the far larger figures that make up most of its claimed benefit. Properly netted, the benefit is close to zero.

Against that, the costs are real. Woods independently estimates about \$120 million of public infrastructure outside the site, and the application does not say who will pay. Council's committed investment elsewhere in the district would be left underused. To that must be added the flood, groundwater, insurability and rural character costs set out in these comments. A benefit of close to zero set against costs and disbenefits of that size gives a net economic effect that is clearly negative, and that is the economic case in Part D.

Our participation in every earlier process

The ORA has taken part in good faith in every Resource Management Act process the applicant (Rolleston Industrial Developments Limited, part of the Carter Group) has used to seek urban development at Ōhoka, and has engaged legal representation where appropriate. Each has ended in a decision against the proposal or in withdrawal:

Process	Outcome
Plan Change 31 (notified 9 July 2022): 648 submissions and 8 further submissions, 93% of submitters opposed	Declined by Council (5 December 2023); applicant's Environment Court appeal withdrawn
Proposed District Plan: the applicant's rezoning submission (2021)	Declined; decisions notified 2025
Variation 1, Housing Intensification (2022)	Declined 2025
Appeal to the Environment Court against the Partially Operative Proposed District Plan	Current; on hold

Why there were fewer submissions on the District Plan Review

The Panel may notice that only 28 further submissions opposing the applicant's rezoning request were lodged on the Proposed District Plan, against 648 submissions on Plan Change 31. That difference does not reflect any change in community opinion. It is the result of two processes for essentially the same proposal overlapping:

- The applicant's District Plan submission, seeking essentially the same Ōhoka subdivision, became publicly known only when the summary of submissions was notified on 5 November 2022.
- Further submissions closed on 21 November 2022, only 10 working days later.
- That was about three months after submissions on Plan Change 31 closed, while Plan Change 31 was still in progress.

Many residents did not realise that two separate statutory processes were running at once. Having already submitted on Plan Change 31, they reasonably believed they had been heard, and did not lodge a further submission on the District Plan. The number of further submissions therefore understates local opposition, and the Panel should not read it as acceptance.

Community support

Opposition has not weakened. A petition to Parliament, "Remove Ōhoka Residential from Schedule 2 of the Fast-track Approvals Act 2024", gathered 3,109 signatures in the ten days between 14 and 24 August 2026. That is almost five times the number of submissions received on Plan Change 31, and it was collected over a short period, after the project had already been listed in the Act.

Independent expert evidence enclosed

The comments that follow are supported by independent expert evidence, reproduced in full as appendices:

- **Appendix A-2, Woods (Wood & Partners Consultants Ltd).** Review of the applicant's flood and stormwater reports. It finds real uncertainty that flood effects are negligible: frequent events are not modelled and depth increases of 50–250mm on adjoining properties are not assessed.
- **Appendix A-3, Dr Helen Rutter, Senior Hydrogeologist, Lincoln Agritech Ltd.** Shallow groundwater. In her opinion, that the development will not worsen flooding is an assumption, not a demonstrated outcome.
- **Appendix B-2, Woods.** Order-of-cost estimate of approximately \$120 million for infrastructure outside the site, plus about \$1.5 million a year. The application does not say who will pay.
- **Appendix C-2, Peter Lyons.** Specialist memo on uninsurability risk in flood-prone areas.
- **Appendix H-2, Bridgette Andrews, Harcourts Holmwood.** Market comment: no unmet demand for small sections at Ōhoka.

The ORA is available to assist the Panel with any further information it requires.

Yours sincerely



John Docherty

Chairperson, Ōhoka Residents Association Incorporated

COMMENTS

Consolidated Comments in Opposition to FTA231

To: The Expert Consenting Panel, Fast-track Approvals Act 2024 – FTA231

From: Ohoka Residents' Association

Date: 12 October 2026

Re: FTA231 – Proposed Ohoka Subdivision (Carter Group Ltd) – Consolidated comments seeking decline

Purpose of these Comments

The Ohoka Residents' Association (the “Association”) submits that FTA231 should be declined by the Expert Consenting Panel under the Fast-track Approvals Act 2024. These comments set out eight independent and mutually reinforcing grounds for decline, addressing flood risk, infrastructure servicing, uninsurability risk, the absence of net economic benefit, the site's planning history, the effect of the proposal on Ohoka's rural character and amenity, the proposal's transport and road safety effects, and the absence of any genuine housing supply need for this development. The eight parts are:

- **Part A — Flood Risk, Model Reliability and the Case for Declining FTA231:** the applicant's flood risk assessment cannot be relied upon.
- **Part B — Infrastructure Servicing and the Section 85 Threshold for Declining FTA231:** stormwater and wastewater servicing remain unproven and unsupported by the network provider.
- **Part C — Uninsurability Risk and the Case for Declining FTA231:** the development will materially increase the risk that new and existing properties become uninsurable.
- **Part D — Absence of Net Economic Benefit and the Case for Declining FTA231:** the applicant has not established the significant regional or national benefit the Act requires.
- **Part E — Planning: The District Plan Review, Private Plan Change 31 and the Case for Declining FTA231:** substantially the same development has already been tested, and declined, through two independent statutory planning processes.
- **Part F — Rural Character and Amenity:** the development would fundamentally and irreversibly change the rural character and amenity of Ohoka.
- **Part G — Transport and Road Safety Effects and the Case for Declining FTA231:** the development would impose substantial additional traffic on a rural road network with unresolved, Council-identified safety deficiencies.
- **Part H — Housing Supply and the NPS-UD:** Waimakariri District already has more than sufficient housing capacity without this development, on WDC's own adopted planning documents.

Each Part sets out its own evidence and statutory analysis in full. The Association's requests for relief, which are common across all eight grounds, are consolidated into a single Conclusion at the end of these comments.

The Statutory Test for Decline: Section 85

These comments are structured around the precise statutory test in section 85 of the Act, and each Part applies that test directly to its subject matter. Section 85 provides that the Panel may decline an approval if, in complying with section 81(2), it forms the view that:

- there are one or more **adverse impacts** in relation to the approval sought (s 85(3)(a)); and
- those adverse impacts are **sufficiently significant to be out of proportion** to the project's regional or national benefits considered under section 81(4), **even after taking into account** (i) any conditions the Panel may set in relation to those adverse impacts, and (ii) any conditions or modifications the applicant may agree to or propose, to avoid, remedy, mitigate, offset or compensate for those adverse impacts (s 85(3)(b)).

Section 85 also contains two provisions of particular importance to how these comments are structured:

- **Adverse impact is defined broadly.** Section 85(5) defines an adverse impact as any matter considered by the Panel in complying with section 81(2) that weighs against granting the approval. It is not confined to physical or environmental effects: on its terms, it extends to the matters addressed in every Part of these comments — flood risk, servicing feasibility, insurability, the absence of genuine economic benefit, the site's planning history, and the loss of rural character and amenity — provided each is a matter the Panel considers under section 81(2) and weighs against granting the approval, which the Association submits each plainly is.
- **A finding under s 85(3)(b) cannot rest solely on inconsistency with a plan or policy document.** Section 85(4) provides that the Panel may not find the s 85(3)(b) threshold met solely on the basis that an adverse impact is inconsistent with or contrary to a provision of a specified Act or other document the Panel must take into account or otherwise consider under section 81(2). The Association has drafted these comments consistently with that constraint: where a Part refers to the NPS-NH, the Canterbury Regional Policy Statement, or the District Plan (see in particular Part E), that reference is offered as context for the seriousness of a real, independently evidenced adverse impact — not as a freestanding contention that the Panel should decline FTA231 merely because it is inconsistent with a planning document. The adverse impacts relied upon throughout these comments are, in every instance, real-world impacts: flooding that has already occurred, servicing that the network provider has found infeasible, risk that insurers are already pricing, purported benefit that does not withstand close analysis, and rural character that independent expert panels have found would be lost.

Applying this test, each Part below identifies (a) the specific adverse impact(s) at issue; and (b) why those impacts remain sufficiently significant to be out of proportion to the project's claimed benefits even after taking into account both the conditions available to the Panel and any mitigation the applicant might propose or agree to. The Conclusion at the end of these comments draws these eight grounds together and addresses their cumulative effect, together with the consequence of Part D's analysis — that the net benefit side of the balance is itself close to zero — for the proportionality assessment as a whole.

How These Comments Are Structured

The Expert Panel's Minute 1 (14 September 2026), at paragraph [25], encourages commenters, where practicable, to: (a) identify the part of the application, technical report or proposed condition the comment relates to; (b) state whether they agree or disagree with the applicant's assessment and explain why; (c) identify any material information gap, uncertainty or disputed assumption; (d) provide supporting evidence or technical material; (e) propose specific amendments to the proposed conditions or other practicable measures that would address the matter raised; and (f) identify whether any technical expert material formed part of evidence given in the previous RMA processes for this site — the Proposed Waimakariri District Plan or Private Plan Change 31 — including areas of expert agreement or disagreement reached in those processes, and any material statutory,

legal or factual differences under the Fast-track Approvals Act that affect those prior areas of agreement or disagreement.

To make these comments as directly useful to the Panel as possible, each of the eight Parts below opens with a shaded Comment box addressing matters (a) to (f) in turn, followed by the supporting evidence and detailed analysis referred to at (d). The Schedule of Comments immediately below provides a one-page index to all eight Comments for ease of reference. In response to matter (e), the Association proposes no amendments to the proposed conditions and no other measures, because it submits that the application should be declined in full.

Schedule of Comments

Comment	Application material	Topic	Position	Requested outcome
A	Appendix 22 (Flood Effects Report, updated 10 Sept 2026); Appendix 20	Flood risk and model reliability	Disagree	Decline in full
B	Appendices 28, 28a, 31, 17(a)-(c), 29	Stormwater, wastewater and water supply servicing	Disagree	Decline in full
C	AEE; Appendix 2 (silent on insurability)	Uninsurability risk	Disagree	Decline in full
D	Appendix 2 (Economic Assessment); Appendix 39 (Economic Costs)	Absence of net economic benefit	Disagree	Decline in full
E	Application generally; Appendices 33–36, 40–42	Planning history (PC31; District Plan Review)	Disagree	Decline in full
F	Appendices 23, 23a, 23b, 23c (updated 10 Sept 2026)	Rural character and amenity	Disagree	Decline in full
G	Appendix 15; Appendix 15a (10 Sept 2026); road cross-sections	Transport and road safety	Disagree	Decline in full
H	Appendix 2 (Economic Assessment); Appendix 39	Housing supply and the NPS-UD	Disagree	Decline in full

Comment	Application material	Topic	Position	Requested outcome
	(Economic Costs)			

Expert Evidence Filed with These Comments

The Association has obtained independent expert evidence on five matters. Each document is reproduced in full as an appendix to the Part to which it relates, and is summarised in that Part. Each is the opinion of its named author, given on the basis stated in the document itself.

- **Appendix A-2 (Part A).** Woods (Wood & Partners Consultants Ltd), review of the applicant's Flood Effects Report (Appendix 22) and Stormwater Management Report (Appendix 31), 9 October 2026. Author: Simran Bassan, Engineer; reviewer: Tim Rickards, Chartered Professional Engineer.
- **Appendix A-3 (Parts A and B).** Dr Helen Rutter, Senior Hydrogeologist, Lincoln Agritech Ltd: expert statement on shallow groundwater and the flood, stormwater and wastewater assessments, 10 October 2026.
- **Appendix B-2 (Parts B and D).** Woods, supporting infrastructure order-of-costs assessment, 10 October 2026. Author: Benjamin Pain, Principal Engineer; reviewer: Timothy Rickards, Principal Engineer (both Chartered Professional Engineers).
- **Appendix C-2 (Part C).** Peter Lyons, insurance law specialist, specialist memo on uninsurability risk in flood-prone areas, 16 September 2026.
- **Appendix H-2 (Part H).** Bridgette Andrews, Auctioneer and Sales Consultant, Harcourts Holmwood, market comment on demand for small residential sections in Ōhoka, 22 September 2026.

PART A: Flood Risk, Model Reliability and the Case for Declining FTA231

(a) Application material this comment relates to

Appendix 22 – Flood Effects Report (updated 10 September 2026); Appendix 20 – Hydrology Assessment; the AEE's natural hazards and climate change sections.

(b) Agree / disagree, and why

Disagree. The Association disagrees with the applicant's conclusion, restated in the updated Appendix 22, that the proposal avoids significant adverse flood effects on existing dwellings and generally improves or maintains existing off-site flood conditions. That conclusion rests on a recalibrated hydraulic model that has not, so far as the Association is aware, been independently peer reviewed, on a site with a documented history in this district of flood modelling being wrong (Section A3), and on a site where the Association holds dated photographic evidence of flooding inconsistent with a reassuring model (Section A2).

That disagreement is now supported by independent expert evidence. Woods' review (Appendix A-2) finds "real uncertainty in the conclusion that the flood effects of the proposed development are negligible", and Dr Rutter's statement (Appendix A-3) concludes that the applicant's conclusion that the development will not worsen flooding for existing residents "is an assumption, not a demonstrated outcome".

(c) Material information gap, uncertainty or disputed assumption

- No independent peer review of the 10 September 2026 recalibrated model has been disclosed to submitters.
- The model's treatment of overland flow across the site itself, evidenced photographically at Appendix A-1 to these comments, has not been shown to have been validated against that evidence.
- The sensitivity analysis and validation methodology for the recalibrated model has not been disclosed in a form submitters can test.
- The 20% AEP (5-year) and 10% AEP (10-year) events have not been modelled, so compliance with the WDC Engineering Code of Practice (cl 5.4.5 and 5.5.2) is not demonstrated across the range of events it applies to; Woods also recommends that the 50% AEP (2-year) event be assessed (Appendix A-2, ss 4.1–4.2).
- The applicant's own assessment identifies increases in flood depth on adjoining properties, which Woods reads from the report's figures as up to 50–250mm, dismissed as negligible without a property-by-property assessment; the duration of flooding has not been compared before and after development (Appendix A-2, s 4.2).
- The stormwater management areas are not in the flood model, and the sensitivity of the results to groundwater has not been tested (Appendix A-2, s 4.4; Appendix A-3, paras 14 and 16).
- The applicant's conceptual model of the site's shallow groundwater is internally inconsistent, and the "seasonal high groundwater level" against which outlets are set is not defined (Appendix A-3, para 14).

(d) Supporting evidence / technical material

Set out in full in Sections A2–A6 below: the Association's photographic record of flooding (Appendix A-1); the Silverstream Estates precedent; the independent expert evidence of Woods (Appendix A-2) and of Dr Helen Rutter, Senior Hydrogeologist, Lincoln Agritech Ltd (Appendix A-3); and independent

insurer risk-pricing corroboration.

Position on conditions: the Association has considered whether the impact identified above is capable of remedy by condition, and has concluded that it is not. No conditions are proposed on this ground; the Association's sole request is that the Panel decline the application in full.

(f) Previous RMA process material

Flood risk and modelling reliability were directly in issue in the PC31 process (2022–2023), where the independent Hearing Panel identified localised flooding effects as a key issue leading to decline, and where the Silverstream Estates modelling failure — discovered by chance, not by the original consultants' own quality assurance — is directly relevant precedent (Section A3). The Association is not aware of any Joint Witness Statement between flood modelling experts in the PC31 or District Plan Review processes recording agreement that flood risk at this site was adequately understood or resolved; flooding remained a live, unresolved issue in both. The material factual difference now before this Panel is that the applicant filed a materially recalibrated flood model on 10 September 2026 that was not before either prior decision-maker — this Panel is accordingly being asked to rely on modelling that has not itself been tested through any prior process, let alone found reliable.

The supporting evidence and analysis referred to at (d) above is set out in full below.

A1. Purpose of this Part

The Association submits that FTA231 should be declined on the grounds that the applicant has not, and on the evidence available cannot, demonstrate that the proposed subdivision will not materially increase flood risk to existing residents and property. This Part sets out four lines of evidence which, taken together, establish that the flood risk assessment underpinning FTA231 cannot be relied upon by the Panel:

- **Documented, current overland flooding** on and immediately around the application site, evidenced photographically;
- **A directly relevant precedent within the same district** in which flood modelling relied upon for consenting purposes was subsequently found to be wrong, with consequences only discovered by chance;
- **Independent expert evidence** from an engineering review firm and a hydrogeologist that the applicant's flood and groundwater assessments do not demonstrate that effects on neighbouring properties are negligible; and
- **Independent, real-world corroboration** from the insurance sector, which is already pricing flood risk in this area more conservatively than the applicant's own assessment.

The Association submits that the combined weight of this evidence means the adverse effects of the proposal are not adequately known, and that an application built on unreliable hazard information cannot properly be found to deliver benefits proportionate to its risks, as required under sections 81–85 of the Fast-track Approvals Act 2024.

A2. Existing, Documented Flooding On and Around the Site

The Association has compiled contemporaneous photographic evidence of flooding on the application site and its immediate surrounds, taken during rainfall events in 2023 (all 17 photographs, with a map of where each was taken, are at Appendix A-1). This evidence is significant because it depicts actual observed water behaviour, not modelled prediction. Key observations include:

- **Overland flow across the development site itself** in locations the applicant's assessment does not treat as a watercourse or flow path (Figure 3) — i.e. water is moving across land the model assumes is dry or unaffected.
- **Flooding of paddocks and roadside margins immediately adjoining the site** (Whites Road, Mill Road, Threlkelds Road) during ordinary winter rainfall, not an extreme or rare event (Figures 1, 2, 4, 5, 9, 10, 11, 16).
- **Flooding at residential properties** in the immediate catchment, including at the Mill Road / Jacksons Road corner and properties at the Silverstream end of Ohoka (Figures 12–15), demonstrating that downstream and adjacent residents already experience flood impacts under current conditions — before any increase in impervious surface, stormwater volume or runoff velocity from the proposed subdivision.

The Association submits this evidence should carry particular weight because it is directly observed, dated, and located — it is not a projection dependent on assumptions about rainfall intensity, ground saturation, or channel capacity. Where photographic evidence of actual flooding conflicts with a model's predicted extent, the discrepancy is a direct, verifiable indication that the model understates real-world risk on this site.

A3. Precedent: Flood Modelling Relied Upon for Consenting Has Previously Been Wrong — In This District

The reliability of flood modelling is not a hypothetical concern. It has a directly relevant, well-documented precedent within Waimakariri District itself: the Silverstream Estates subdivision in West Kaiapoi.

What happened: Flood level calculations relied upon for consenting the approximately 300-lot Silverstream Estates subdivision were miscalculated, leaving completed properties with only around 150mm of freeboard instead of the intended 300mm buffer — half the safety margin the developer's engineers assured would be delivered.

How it was found: The error was not identified by the council, by the Panel-equivalent decision-maker, or by the original consultants' own quality assurance. It was found by chance, by a builder's surveyor during construction — after consent had already been granted and building was underway.

Acknowledgement: Waimakariri District Council's then Chief Executive, Jim Palmer, publicly acknowledged the error. The homes were confirmed to still meet the Building Act's minimum 1-in-50-year flood standard, but with materially less margin for error than the consented design required. The Council subsequently commissioned an independent firm to redo the flood-level checks across the entire subdivision and reserved its right to recover costs from the original consultant.

What independent peer review found: Council also commissioned Opus International Consultants to peer-review the underlying hydraulic model. Opus's findings are instructive precisely because they were not damning in a crude sense — the model was assessed as “detailed and comprehensive” and broadly consistent with accepted practice. Yet the same review identified specific, material weaknesses: no sensitivity analysis had been carried out despite limited validation data; the flood-frequency (Gumbel) distribution used sat at the upper bound of valid choices in a way that could overstate — or, depending on calibration, understate — confidence in the results; there was localised model instability; and average discrepancies of around 130mm were found between LiDAR and ground survey data feeding the model.

Why this matters for FTA231: This precedent demonstrates, with the Council's own admission and an independent peer reviewer's findings, that a flood model can be competently built, broadly consistent with best practice, reviewed through the normal consenting process — and still be wrong in ways that only emerge after consent is granted and construction begins. If this occurred in the same district, under the same regulatory and professional environment relied upon for FTA231, the Panel cannot assume the applicant's modelling for this site is immune from equivalent, undetected error. The Association submits this is especially true here, given the

site's documented and ongoing overland flow behaviour (Section A2), which is precisely the kind of complex, variable hydrology that produced under-validated assumptions at Silverstream.

A4. Implications for the Reliability of the Applicant's Flood Modelling for FTA231

Read together, Sections A2 and A3 support a single, central contention: the Panel is not simply being asked to weigh a disputed risk — it is being asked to rely on a category of evidence (flood modelling) that has a documented, recent history of being wrong in this district, on a site that is already exhibiting flood behaviour inconsistent with what a reassuring model would predict. Specifically, the Association submits:

- **The applicant's model has not been shown to account for the overland flow paths evidenced in Appendix A-1.** If current, pre-development flow paths are not correctly represented, post-development predictions built on the same model inputs cannot be relied upon.
- **Absence of demonstrated error does not mean absence of error.** The Silverstream case shows a model can pass through consenting review, be assessed by an independent peer reviewer as broadly sound, and still understate real flood risk by a margin (150mm of freeboard, roughly half the design buffer) that is directly relevant to the safety and insurability of future residents.
- **The consequence of error falls on people, not on the applicant.** At Silverstream, the error was only caught because a builder's surveyor happened to notice it during construction — after consent. Fast-track consenting, by its nature, compresses the scrutiny period; the Panel should not assume that a comparable error would necessarily be caught before homes are built and sold to families. Furthermore, understating the real flood risk by a factor of 2 in this instance could lead to a significant number of homes in the Ohoka area experiencing flooding above their finished floor level.
- **Conditions cannot cure a model that cannot be relied on.** Any conditions the Panel might consider — minimum floor levels, stormwater attenuation volumes, flood flow easements — are only as reliable as the model used to calculate them. A flawed input produces a flawed condition; the Silverstream case demonstrates this precisely, since the consented freeboard condition itself was the thing that turned out to be wrong.

The Association has since obtained independent expert evidence on the flood assessment and on shallow groundwater. It is filed with these comments as Appendices A-2 and A-3 and is summarised in Section A5 below.

A5. Independent Expert Evidence on the Flood Assessment and Shallow Groundwater

The Association has obtained expert review of the applicant's flood and stormwater work from two independent sources. Their evidence is reproduced in full as Appendices A-2 and A-3. It is summarised here, and the Panel is invited to read the originals.

Woods (Appendix A-2). Woods (Wood & Partners Consultants Ltd) reviewed the updated Flood Effects Report (Appendix 22, Rev E) and Stormwater Management Report (Appendix 31, Rev 5) against the Waimakariri District Council Engineering Code of Practice, Part 5: Stormwater & Land Drainage (2025). The author is an engineer with four years' experience in hydrodynamic modelling and flood risk assessment; the memo was reviewed by a Chartered Professional Engineer with 20 years' experience; and both confirm they abide by the Environment Court's Code of Conduct for Expert Witnesses. Woods identifies four matters requiring further assessment before effects on neighbouring properties can be accurately assessed:

- **Hydraulic neutrality.** The Code requires post-development peak flows to be less than pre-development flows across a range of events including the 5-year and 10-year events. Those events have not been assessed.
- **Off-site flooding effects.** The Code does not allow the depth or duration of off-site flooding to increase in any event up to the design event unless the increase is negligible and has no detrimental effect.

Frequent events are not modelled. The assessment identifies increases in flood depth on adjoining properties, which Woods reads as up to 50–250mm. The stormwater management areas are not in the flood model, so the assessment does not show that these effects can be mitigated or that they are not a real physical change. Duration is reported only for the 1% AEP event, only after development, with no pre-development comparison; Woods expects the management areas may reduce depths but lengthen the duration of flooding.

- **Road access.** Road access is already restricted by flooding in large storms, and the assessment does not give enough detail to assess whether the development would lengthen those periods.
- **Groundwater sensitivity.** The model assumes high groundwater and relatively low infiltration, which tests one worst case. Woods notes that low groundwater and higher infiltration may produce a more significant change in effects on neighbours, and that the small modelled difference in downstream runoff before and after development “doesn’t align with the proposed increase in impervious area on the site” and needs further assessment.

Woods concludes that the site has “a documented history of flooding and high groundwater”, that surrounding properties are “already highly sensitive to flooding”, and that there is “real uncertainty in the conclusion that the flood effects of the proposed development are negligible”.

Dr Helen Rutter (Appendix A-3). Dr Rutter is a Chartered Geologist and Senior Hydrogeologist at Lincoln Agritech Ltd with over 30 years’ experience in hydrogeological research and investigation. She was previously Business Unit Manager of the Water and Land Team at Aqualinc Research Ltd for 17 years, is a Senior Adjunct Lecturer at the University of Canterbury, and has given expert evidence in a number of hearings. She has visited the site; her evidence concerns what the assessments need to demonstrate. In summary:

- **The site is wet from below.** The applicant’s own documents place the site in a groundwater discharge zone, with groundwater from 0.01m to 2.28m below ground, gaining streams and two permanent springs. In her opinion that leaves little unsaturated ground to store or absorb stormwater and makes groundwater “a primary design variable rather than a background detail” (paras 2 and 14).
- **The applicant’s conceptual model is inconsistent.** The stormwater report proposes lined basins cutting through the silt layer on the premise that groundwater could be “lost” downward. Dr Rutter says this is “at odds with the clearly identified concept of this being a groundwater discharge area”, and that the more likely problem is groundwater entering the basins and reducing their capacity. The groundwater assessment (Appendix 17a) says drain water will “ultimately infiltrate back down” to groundwater, which is difficult to reconcile with lined basins (para 14).
- **The design groundwater level is undefined.** Outlets are set above a “seasonal high groundwater level” that the report does not define. Elsewhere it designs against a “maximum recorded groundwater level” (0.11–0.91m below ground depending on catchment) and uses the terms interchangeably. She could find no definition (para 14).
- **Groundwater here is not simply seasonal, and recent levels are higher than past records.** In her opinion groundwater levels are “flashy” and can rise towards the surface at any time of year. Recent peaks exceed any recorded since the late 1970s, which suggests a change in hydrogeological conditions that the applicant’s evidence does not explore. The 2022 resurgence period used to size wastewater storage may not be a worst case: levels have been higher on several occasions (paras 13 and 14).
- **Known resurgence problems are not integrated.** Council is already carrying out a significant drainage programme to divert surface and groundwater to the Eyre River because of resurgence flows and flooding around recent Mandeville developments. Dr Rutter does not consider the applicant’s evidence to have taken the current resurgence issues into account (paras 13 and 14).

- **The assessments are not integrated and groundwater is absent from the flood modelling.** She notes that the Kotahi Engineering Studio memo of 23 July 2024 reached the same view about the district flood model, and that it is difficult to say whether the applicant's results are suitably conservative when the modelling has not been integrated and groundwater has not been included (paras 14, 16 and 17).
- **Her conclusion.** The applicant's conclusion that the development will not worsen flooding for existing residents "is an assumption, not a demonstrated outcome". The groundwater and surface water systems are "complex and fast-responding", any model of them "carries a high degree of uncertainty", and where the consequences fall on neighbouring properties that uncertainty "should weigh against relying on modelled predictions of no adverse effect" (para 22).

Neither expert says how much additional flooding the development would cause, and Woods' memo is a review, not a re-modelling. Their point, and the Association's, is the narrower one: two independent experts, each applying their own discipline to the applicant's own documents, have reached the same conclusion — that the information needed to conclude that effects on neighbouring properties are negligible has not been provided.

A6. Independent Corroboration: Insurer Risk Pricing

The Insurance Council of New Zealand has written to the Ministers responsible for the Fast-track Approvals Act (Appendix C-1) and has requested that the National Policy Statement – Natural Hazards (NPS-NH) be given necessary weighting in the decisions of fast-track panels.

Insurers have their own actuarial flood models, built independently of both the applicant and the Association, and have a direct commercial incentive to be accurate rather than cautious or alarmist — they lose money either by over- or under-pricing risk. The fact that major insurers are already declining or withdrawing cover in flood-prone parts of New Zealand, and that ICNZ has submitted to Government that development which increases or diverts risk to neighbouring properties should be controlled because it is material to future insurance accessibility (Appendix C-1), and has told the Association that it is highly aware of the flood risk in Ohoka and is specifically concerned about it, is independent market corroboration that real-world risk assessment of this area is more conservative than the applicant's consenting-stage modelling. This is not a separate concern from Sections A2–A5 above — it is the same underlying risk, verified from an entirely independent, financially disinterested source. This point is developed further at Part C below, including in the specialist memo of Peter Lyons (Appendix C-2), which addresses the consequences of that risk for the insurability of new and existing properties.

This concern is not confined to Ohoka. It sits within a wider, documented pattern of under-assessed flood risk across the district: in 2016, updated natural hazard mapping identified approximately 2,700 Waimakariri properties as being at "high risk" of flooding once new hazard information was applied — information that had not been reflected in the planning and consenting decisions made for those properties at the time they were developed (Stuff/The Press, 30 May 2016). The Association does not suggest this district-wide figure relates specifically to Silverstream Estates or to the freeboard error described in Section A3; the two are separate episodes. But taken together, they show a recurring pattern in this district of flood risk being understated in the information relied upon for development decisions, only for that risk to be revealed later — whether by subsequent remapping, as in 2016, or by chance discovery during construction, as at Silverstream. The Panel should not assume FTA231 is the exception to that pattern.

A7. Statutory Basis for the Panel to Decline

Applying the section 85 test set out above, the Association submits:

- **(a) The adverse impact:** a material, unquantified risk that the development will increase flood harm to existing residents and property, arising from a flood risk assessment the Panel cannot rely upon — evidenced by the site's own documented flooding, by the Silverstream precedent, by the independent

expert evidence of Woods and Dr Rutter (Appendices A-2 and A-3), and by independent insurer risk-pricing. This is plainly a matter the Panel must consider under section 81(2) that weighs against granting the approval.

(b) Disproportionate even after conditions: no condition the Panel might set, and no mitigation the applicant might propose or agree to, can cure this impact, because the impact is not a design detail capable of refinement — it is a lack of reliable information about the hazard itself. Floor levels, attenuation volumes and flood flow easements imposed under section 85(3)(b)(i) are only as reliable as the model used to calculate them; the Silverstream precedent demonstrates directly that a consented flood-related condition can itself be the product of an undetected modelling error, invisible to normal review. Nor can applicant-proposed mitigation under section 85(3)(b)(ii) cure the impact: the applicant's own modelling is the source of the uncertainty, so further assurances built on the same modelling approach do not resolve it. The independent verification the Association has obtained from Woods and Dr Rutter (Appendices A-2 and A-3) does not resolve that uncertainty; it confirms it, and identifies what would be needed to resolve it: modelling of the frequent events, the stormwater management areas run within the flood model, a groundwater sensitivity analysis, and an integrated conceptual model of the site's hydrogeology. None of that work is before the Panel, and a condition requiring it after consent would defer, rather than answer, the question the Panel has to decide.

Further, no mitigation proposed by the applicant can actually address the impact of flooding beyond the application site once the development has been undertaken. The impact of modelling failure is borne directly by those beyond the site and can't be mitigated.

The Association also submits, in the alternative and without resiling from the above, that the Panel should have regard to the National Policy Statement on Natural Hazards as national direction supporting a precautionary approach to unresolved modelling uncertainty, and to the Act's requirement that applications describe how the project would be affected by climate change and natural hazards — a requirement a model of doubtful reliability does not meaningfully discharge. Consistently with section 85(4), the Association does not submit that inconsistency with the NPS-NH is itself sufficient to meet the section 85(3)(b) threshold; it is relevant context for the seriousness of the real, evidenced adverse impact identified above, which stands on its own evidence regardless of that consistency.

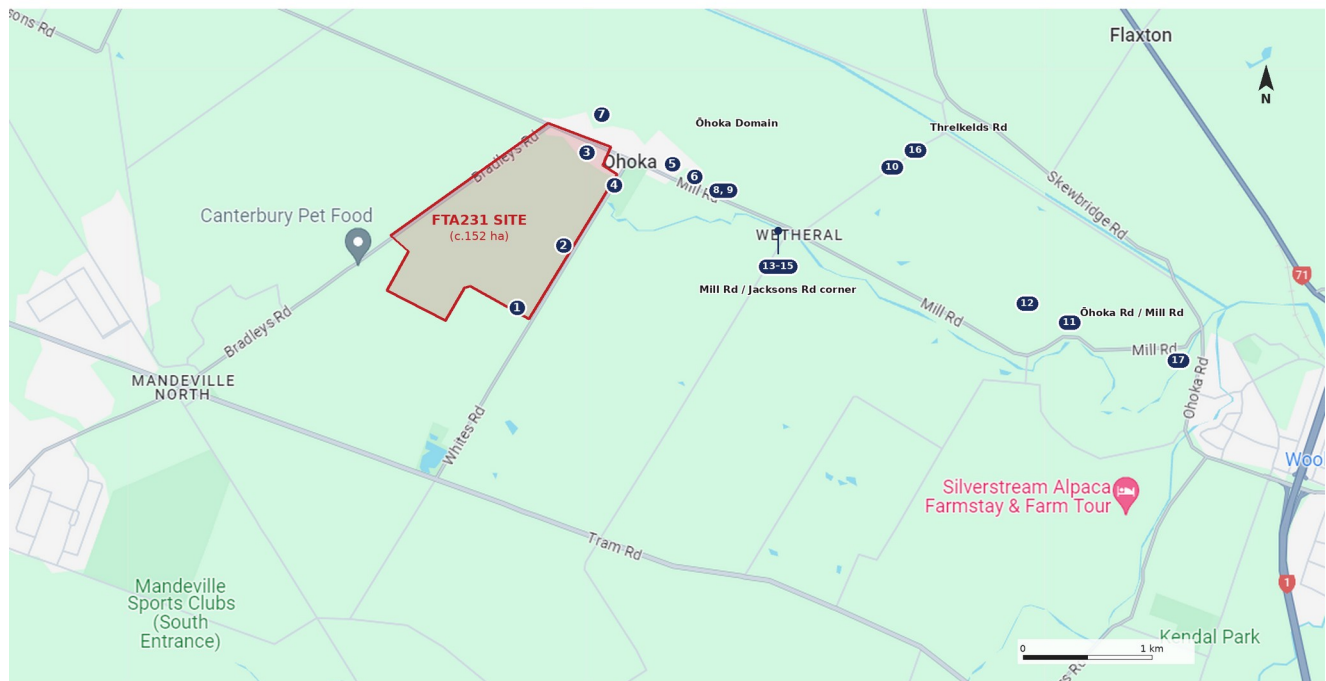
The Association's request for relief on this ground is set out together with its other requests in the Conclusion at the end of these comments.

Appendix A-1: Photographic Evidence of Flooding (2023)

The Association's photographic record of flooding in 2023 is reproduced in full below (Figures 1–17), preceded by a map showing where each photograph was taken relative to the FTA231 application site. The photographs show flooding on and immediately around the site, on Whites Road, Mill Road, Threlkelds Road and the Ōhoka Stream walkway, and at residential properties downstream. Figure 3 shows overland flow across the site itself.

FTA231 Ōhoka Residential Subdivision

Locations of 2023 flooding photographs (Appendix A-1) relative to the application site



- | | |
|---|---|
| 1 Figure 1: Whites Road looking onto site | 10 Figure 10: Threlkelds Road driveway |
| 2 Figure 2: Whites Road heading north, site on left | 11 Figure 11: Mill Road further downstream, past Christmas Rd |
| 3 Figure 3: Development site: not a stream, just flow path | 12 Figure 12: Properties, Silverstream end of Ōhoka |
| 4 Figure 4: Whites Road opposite the Domain, north-east corner of site | 13 Figure 13: Cottrall residence, corner Mill & Jacksons |
| 5 Figure 5: Mill Road looking east, Domain carpark | 14 Figure 14: Water receded, Mill / Jacksons |
| 6 Figure 6: Mill Road driveway east of Domain; 6(b) Keetly Pl / Mill Rd | 15 Figure 15: Corner of Mill and Jacksons Road |
| 7 Figure 7: Ōhoka Stream walkway, north of site | 16 Figure 16: Threlkelds Road by Cust Main Drain |
| 8 Figure 8: New housing, Mill Rd / Kintyre Lane, downstream of site | 17 Figure 17: Ōhoka Road / Mill Road intersection |
| 9 Figure 9: Mill Road | |

Photo positions are as marked by the Association on the base map. Figures 8 and 9 are shown together because they appear in the same photograph:
Figures 10 and 16 (Threlkelds Road) and 13–15 (Mill / Jacksons corner) were each marked at a single location. The site boundary is traced from the site plan and positioned against Bradleys, Mill and Whites Roads, so it is approximate (to within roughly 100 m). Base map: Google Maps. Photographs: Ōhoka Residents' Association, 2023.



Figure 1: Whites Road looking onto the application site



Figure 2: Whites Road heading north, development site on left



Figure 3: Development site: not a stream, just a flow path



Figure 4: Whites Road opposite the Ōhoka Domain, north-east corner of the proposed development



Figure 5: Mill Road looking east, Ōhoka Domain car park



Figure 6: Mill Road driveway east of the Domain; 6(b) Keetly Place / Mill Road



Figure 7: Along the Ōhoka Stream walkway, north of the development site



Figure 8: New housing, Mill Road / Kintyre Lane, downstream of the development site



Figure 9: Mill Road



Figure 10: Threlkelds Road driveway



Figure 11: Mill Road further downstream, past Christmas Road

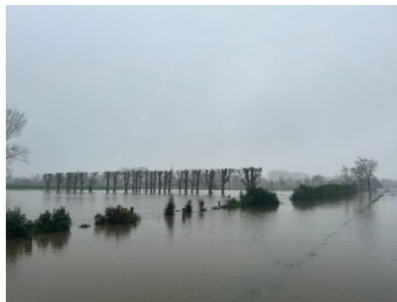


Figure 12: Properties at the Silverstream end of Ōhoka



Figure 13: Cottrall residence, corner of Mill and Jacksons Roads



Figure 14: Water receded, Mill Road / Jacksons Road



Figure 15: Corner of Mill Road and Jacksons Road



Figure 16: Threlkelds Road by the Cust Main Drain



Figure 17: Ōhoka Road / Mill Road intersection

Photographs: Ōhoka Residents' Association, 2023. Base map: Google Maps. Photograph positions are as marked by the Association; the site boundary is approximate.

Appendix A-2: Woods — Review of the Flood Effects Assessment (Appendix 22) and Stormwater Management Report (Appendix 31), 9 October 2026

Woods (Wood & Partners Consultants Ltd) for the Ohoka Residents' Association. Author: Simran Bassan, Engineer. Reviewer: Tim Rickards, Chartered Professional Engineer. Summarised at Section A5.



MEMORANDUM

TO	FROM
ŌHOKA RESIDENTS' ASSOCIATION	Woods Simran Bassan - Engineer
	W-REF: P26-532 9/10/2026
	Reviewer: Tim Rickards - Principal Engineer

Ōhoka Fast Track Comments

Wood and Partners Consultants Limited (Woods) has been engaged by the Ōhoka Residents Association (ORA) to provide comment on the proposed development at 531 and 535 Mill Road, Ōhoka (Site). The proposal has been lodged as a substantive application under the Fast-track Approvals Act 2024.

1. Introduction

This memo sets out Woods comments on the flood effects assessment (Appendix 22, PDP, Rev E) and the stormwater management report (Appendix 31, PDP, Rev 5) lodged with the application. The intention is for the memo to be included as an appendix to the residents' effected parties response to the Panel. The application documents have been assessed against the Waimakariri District Council Engineering Code of Practice, Part 5: Stormwater & Land Drainage (2025) (WDC CoP) as well as general engineering practice.

2. Statement of Qualification and Experience

Simran Bassan

I am an Engineer at Wood and Partners Consultants Ltd ("Woods"). Woods is a multi-disciplinary consultancy specialising in planning, urban design, engineering, water infrastructure, and surveying. I hold a Bachelor of Engineering from the University of Auckland, completed in 2021. I am a member of Engineering New Zealand and Water New Zealand.

I have four years' experience in hydrodynamic modelling, flood risk assessment, and stormwater management for land development projects. This experience encompasses catchment-scale flood models, detailed stormwater network models, and stormwater management plans spanning a range of projects across New Zealand, for both private sector clients and territorial and regional authorities.

I confirm that, in my capacity as the author of this memo, I have read and abide by the Environment Court of New Zealand's Code of Conduct for Expert Witnesses Practice Note 2023.

Tim Rickards

I am a Principal Civil Engineer at Wood & Partners Consultants Ltd. I have been employed at Woods since February 2013. I hold the qualifications of Bachelor of Engineering (Technology), which I completed in 2008. I am a Chartered Professional Engineer of Engineering New Zealand.



I have 20 years of professional experience in the engineering industry. My experience includes the design and construction observation of a range of land development projects, including the design of large-scale stormwater systems, stormwater management devices and overland flow paths as well as undertaking flood risk assessments and flooding effects assessments.

I confirm that, in my capacity as the reviewer/approver of this memo, I have read and abide by the Environment Court of New Zealand's Code of Conduct for Expert Witnesses Practice Note 2023.

3. Site Background

The Site has a documented history of flooding and high groundwater and discharges to a network of existing properties. Surrounding properties are already highly sensitive to flooding due to high ground water and flat topography. This sensitivity means the effects on surrounding properties as the result of the proposed development need additional consideration to be identified accurately, across the full range of events, and carefully assessed for each property before the Panel can rely on a conclusion that effects are negligible.

4. Items Requiring Further Assessment

The proposal has been reviewed against the requirements of the WDC CoP. Given the Site's history of flooding, Woods have identified the following items as being of potential concern, which in Woods view require further assessment to be undertaken to enable an accurate assessment of effects.

4.1 Hydraulic Neutrality

The flood effects report checks flow neutrality for the 0.5% AEP (200-year), 1% AEP (100-year) and 5% AEP (50-year) flows at the catchment outlets.

The WDC CoP clause 5.5.2 requires that:

"Post-development peak flows for all intensity events shall be less than pre-development flows. The way in which this is demonstrated shall include consideration of a range of design events (5-year, 10-year, 50-year and 100-year ARI) and durations (10 minute through to 72 hour)"

The 20% AEP (5-year) and 10% AEP (10-year) events have not been included in the assessments to date and further assessment of these events should be included. The flood effects report states that stormwater model is not currently at a level of detail where it is able to suitably assess these smaller events. In our view this is a suitable position to take for flood modelling assessment within the development site, but the model should be developed to a point where it is able to assess effects on the external properties in the more frequent events and confirm the effectiveness of the Stormwater Management Areas (SMAs).

4.2 Effects Assessment

An off-site effects assessment has been undertaken for the 50, 100 and 200-year ARI events. The WDC CoP clause 5.4.5 requires that:

"Development must not increase the depth or duration of off-site flooding in any storm event up to the design event, unless any increase is negligible and can be shown to have no detrimental effects."

Our concerns with the conclusion that effects are negligible are:



Frequent events are not modelled

The flood model covers the 0.5% AEP (200-year), 1% AEP (100-year) and 5% AEP (50-year) events only. The 20% AEP (5-year) and 10% AEP (10-year) events have not been modelled, so compliance with clause 5.4.5 is not demonstrated across the range of events it applies to. Additionally, given the Site's history of flooding, we would also recommend that an assessment the 50% AEP (2-year) event also be undertaken.

Increases in Flood Depths

The assessment identifies increases in flood depths on the adjoining properties.

Where effects are shown, they are attributed to the SMA areas not being modelled within the flood model. The SMA design verifies storage volume only, and outlet sizing and flow control are deferred to detailed design. This does not demonstrate that the effects can be mitigated, or that they are not a real physical change in flooding. The SMAs should be included in the flood model and run for all modelled design events, including the more frequent events, so their impact can be accurately assessed. We expect this may reduce flood depths but increase the duration of flooding as flows are maintained for longer periods following a storm event.

The assessment also determines these increases in flood depths to be negligible. In our view this needs further assessment, some areas of increases in flooding have been identified up to 50-250mm (Based on maps/ figures provided in the flood assessment report). While we agree that flooding of this depth can be considered negligible in some circumstances, this needs careful consideration. A detailed map of each property effected by increases to flooding should be provided to enable the actual effects on the properties to be identified. The significance of flooding should be assessed against the existing depth, extent and duration of flooding and the land uses and assets affected.

Duration

Assessment of the duration of flooding has not been provided across the range of storm events. Inundation duration is reported only for the 1% AEP event (Figure 22), and only as a post-development result, with no pre-development comparison. Section 8.2.3 of the flood effects assessment confirms that flood duration has not been considered for downstream effects. We anticipate the duration of the flooding to likely increase as a result of the proposed attenuation within the SMA, and in our opinion this should be considered as part of the effects assessment. A change-in-inundation-time assessment between the pre and post development events should be provided for all modelled design events, including the more frequent events, as clause 5.4.5 of the COP requires.

4.3 Road Safety Assessment

Road access is currently restricted by flooding during large storm events. This is covered briefly in section 8.2.2.1 of the flooding effects report. This section doesn't provide enough detail to accurately assess the effects of the development on road safety. An assessment should be undertaken to identify any increase in the duration of events where road access is restricted by flooding as a result of change to runoff from the development.



4.4 Ground Water Sensitivity

Sensitivity testing should be undertaken on the effect of groundwater levels on the change in flooding as a result of the development.

The current modelling approach assumes high ground water levels and relatively low ground water infiltration during storm events. This tests the worst-case flooding event, but low groundwater levels and subsequent increases in infiltration may produce a more significant change in effects on external properties.

The limited increase in flooding effects modelled downstream of the development without the SMAs being active in the model supports the need to undertake this sensitivity testing. These results indicate that there is relatively little difference in the runoff flows between the pre and post development scenarios, an outcome that doesn't align with the proposed increase in impervious area on the site. Further assessment of these results is required.

5. Conclusion

The Site has a documented history of flooding and high groundwater and drains to an established downstream network with existing flood-affected landowners. Given the area's sensitivity to flooding, a more detailed assessment of the sites flooding should be provided to accurately assess the effects of the development. We consider there is real uncertainty in the conclusion that the flood effects of the proposed development are negligible. Our view is that further assessment is required to accurately understand the flooding on the Site, and the results of this assessment should be considered carefully in terms of the effects on the surrounding properties and what is truly negligible.

Appendix A-3: Expert Statement of Dr Helen Rutter — Shallow Groundwater and the FTA231 Flood, Stormwater and Wastewater Assessments, 10 October 2026

Dr Helen Rutter, Senior Hydrogeologist, Lincoln Agritech Ltd. Summarised at Section A5.



EXPERT STATEMENT

Shallow groundwater and the FTA231 flood, stormwater and wastewater assessments

Application	FTA231 – Ōhoka Residential Subdivision (Carter Group Ltd)
Provided to	Expert Consenting Panel, Fast-track Approvals Act 2024
Expert	Helen Rutter
Engaged by	Ohoka Residents' Association
Date	10/10/2026

A. SUMMARY OF EVIDENCE

1. This statement concerns shallow groundwater, and whether the applicant's flood, stormwater and wastewater assessments for FTA231 show that it (shallow groundwater) has been properly accounted for.
2. The applicant's own documents place the site in a groundwater discharge zone, with groundwater from 0.01m to 2.28m below ground, gaining streams, and two permanent springs. In my opinion, conditions of that kind leave little unsaturated ground to store or absorb stormwater, and make groundwater a primary design variable rather than a background detail.
3. On the documents I reviewed, the assessments do not yet show that this has been done. The stormwater areas and the flood model have not been run together, and the water balance work addresses dry-season availability, not the rise of groundwater as a result of rainfall, storms and river flow.

B. SCOPE AND BASIS OF THIS STATEMENT

4. I was engaged by the Ohoka Residents' Association to give independent opinion on the groundwater aspects of this application. This statement is my professional opinion, not advocacy for an outcome. I have not been invited to comment on the application in my own right, and it is provided as expert material to accompany the Association's comments.
5. The documents I reviewed were: the applicant's Stormwater Management Report (Appendix 31, revision 5, 10 September 2026); the Hydrology Assessment (Appendix 20, 2 June 2026); the Groundwater Assessment of Environmental Effects (Appendix 17a, 25 May 2026); the Wastewater Responses Memorandum (Appendix 28(a)); the applicant's description of its Water Balance Assessment; the Groundwater & Water Supply Assessment (Appendix 17(a)) and a flood memo by Kotahi Engineering Studio dated 23 July 2024. Appendix 31 – Stormwater Management Report (updated 10 Sept 2026),
6. I have visited the site. My evidence concerns what the assessments need to demonstrate. It is not a finding on how much flooding the development would cause.

C. EXPERT BACKGROUND

7. My full name is Helen Rutter. I am a Chartered Geologist (Geological Society of London) and member of the Hydrological Society of New Zealand. I hold the qualifications of BSc (Combined Honours: Geology and Water Resources) and PhD, both from Aston University, Birmingham. I have over 30 years' experience in hydrogeological research and investigation. I have been employed by Lincoln Agritech Ltd, a subsidiary of Lincoln University, for three years as a Senior Hydrogeologist. I was previously employed by Aqualinc Research Ltd for 17 years. At Aqualinc, I was the Business Unit Manager for the Water and Land Team, overseeing water quality investigations, aquifer testing, stream depletion testing, modelling and other consultancy projects. I have been an Expert Witness in a number of hearings, Waitangi Tribunal and Environment Court cases.
8. I previously held a committee position on the Executive Committee of the Hydrological Society of New Zealand, and am a Senior Adjunct Lecturer at the University of Canterbury where I have lectured on Canterbury hydrogeology. I have focussed on shallow groundwater issues in recent years.
9. My work on shallow groundwater in New Zealand's coastal cities includes:
 - the 2020 report LDRP45, Impacts of Earthquake and Sea Level Rise on Shallow Groundwater Levels, prepared for Christchurch City Council;
 - co-authorship of the GNS Science report on median water table elevation in Christchurch after the 2010 Darfield earthquake (van Ballegooy et al., 2014);
 - papers with Simon Cox (GNS Science) and others on shallow groundwater monitoring in Christchurch and Dunedin, and on groundwater and liquefaction;
 - and a paper with Kolt Johnson (Auckland Council) and Simon Cox on shallow groundwater, climate change and urban stormwater (Rutter, Johnson and Cox. 2024. Unintended consequences: Groundwater, climate change, urban development, and improving infrastructure. Stormwater Conference, WaterNZ, 2024), from which the principles in Section D are drawn.

D. SHALLOW GROUNDWATER: THE RELEVANT PRINCIPLES

10. Shallow groundwater is groundwater within a few metres of the surface. It varies with seasonal and annual rainfall, individual storms, river floods and, in low-lying coastal areas, the tides. Where it reaches the surface it causes flooding in its own right, and it adds to rainfall flooding, liquefaction susceptibility, dewatering costs, road damage and plant failure.
11. Four principles matter most for a development of this kind.
 - **Ground must be able to allow infiltration of water.** Soakage, permeable surfaces and storage within the soil only work where there is unsaturated ground to receive the water. Where the water table is high, there is no capacity for infiltration; furthermore, measures meant to increase infiltration can raise groundwater and add to surface flooding.

- **Hard surfaces change recharge.** Roofs and roads shed water fast, concentrate it, and remove plant uptake. If that water is sent to ground, recharge can increase and is focused in particular locations.
 - **Pipes interact with groundwater.** Sewers and stormwater pipes often act as unplanned groundwater drains, so changing them can shift groundwater levels and worsen flooding elsewhere. The January 2023 Auckland rainfall showed how saturated ground compounds a later extreme event. In that event the flood modelling also failed to predict what happened, which is believed to be because the modelling did not include groundwater.
 - **Climate change raises the base level and quickens the response.** Sea level rise lifts groundwater inland, and heavier rain adds sharp short-term rises on top. Christchurch monitoring (as well as the Applicant’s own monitoring) shows shallow groundwater can respond very rapidly to rainfall.
12. Accordingly, groundwater dynamics at the local scale need to be understood before urban areas are expanded or stormwater is diverted to ground. Features such as sponge-city measures must be designed around local hydrology and hydrogeology, or they can fail and cause the problems they were meant to solve.

E. MATTERS ARISING FROM THE APPLICANT’S DOCUMENTS

13. This area is highly complex with known issues with “under-currents” and springs, which respond not only to rainfall recharge, but also to high flows in the Eyre River resulting in “resurgence” flows. This is where groundwater rises to the land surface/drains causing flooding that conventional stormwater drainage systems cannot manage: the drainage network works adequately under normal conditions but may be overwhelmed when groundwater resurgence coincides with heavy rain. The issue of under-currents has been known for many decades. WDC are aware of the issues caused by under-currents and springs in the Mandeville area. Originally farmers in the area were aware of them, and planned their activities around them and any infrastructure built by the local Councils was planned around them. Over the last 10-15 years, widespread subdivision in the area has resulted in significant development of the area and there are increasing examples where under-currents are impacting on properties in the area, due to the development not taking sufficient account of them. In the Wastewater Responses Memorandum (Appendix 28(a)), it is mentioned that WDC are undertaking a significant programme of drainage work to divert surface and groundwater to the Eyre River to mitigate flooding. This work is due to the resurgence flows and flooding around the recent developments in the Mandeville area. The evidence I have examined does not appear to have included consideration of the current shallow groundwater/resurgence issues. For example, the Hydrology Assessment (Appendix 20) states that stormwater will be discharged to surface waterways: I am not clear whether this has taken into account the existing resurgence issues and how it might impact on them
14. **In simple terms, the site is wet from below.** I don’t consider that the documents provided give any confidence that the hydrogeology has been well conceptualised. I note the following points:
- The Stormwater Management Report (Appendix 31) provides a somewhat simplistic conceptual model of the shallow groundwater system in Section 7.2.2. It is well accepted that this is a groundwater discharge area (that is, the springs and gaining streams represent groundwater

coming to the surface and represent regional discharge). However, the evidence provided does not acknowledge the complex hydrological/hydrogeological system in this area. In particular, it is stated that recharge is dominantly rainfall. As well as direct rainfall, storms cause the Eyre River to flow, with flow then being lost to groundwater (Earl, 1997; PDP, 2005¹). The springs in the area occur in response to rising groundwater levels when the hydraulic head of the water rises above the ground surface. Earl (1997) noted that springs occur with a distinct distribution in space and time following a river flood event in the Eyre River, where springs to the west, and closest to the river occur first followed by springs further away from the river to the east. The general perception among locals and workers in the area is that the time and spatial response of the springs is caused by a groundwater wave radiating out from the river during a flood event (Earl, 1997). In this area, Earl observed the impact of a flood in the Eyre River could be seen in spring flow between 2 days and 3 weeks after the event, and the duration of the rise in GWLs could be over 6 months.

The Hydrology Assessment (Appendix 20) states that groundwater levels (GWLs) are generally highest in the winter/spring and lowest in summer/autumn. I disagree with this statement and consider that GWLs could rise towards the land surface at any time of year. This is based on the fact that GWLs are quite “flashy”, likely responding to both the seasonal recharge in autumn/winter as well as to shorter-term recharge from rain and/or Eyre River freshes. This is illustrated in different ways in the applicant’s reports. Firstly, in Figure 6B of the Groundwater Assessment of Environmental Effects report. This shows the high-resolution groundwater monitoring data from the site over the period from May 2025 to April 2026. There is no clear seasonal signal in the data. All of the data suggest short-term responses to rainfall/recharge events. Secondly, generally, a seasonal signal would show high groundwater levels at the end of winter, usually around September/October and minimum levels at the end of summer. In Figure 7 of the Hydrology Assessment report, there are seven major peaks in GWL which occurred in January, March, May, June, July, September and November. Figure 7 is also notable in that it shows all these peaks since 2014. Although the record goes back to the late 1970s which was a period of extreme high groundwater levels for Canterbury, the levels in recent years exceed any recorded then. I would suggest this implies there has been a change in hydrogeological conditions. One of these could be the start of Waimakariri Irrigation Scheme operations in 2000 which clearly affected other recorded groundwater levels in the area (including more frequent exceedances at the “trigger level” well WDC use to indicate the start of under-current/resurgence flow). The more extreme groundwater signal over the past 10 years could also be a reflection of increasing extreme events due to climate change. For example, the extreme response from near-minimum to near-maximum levels in 2017 reflects very dry conditions through 2015/2016 followed by a very wet period from April to October 2017. This issue is not explored in the evidence, but it suggests higher groundwater peaks might be expected under current conditions relative to pre-2014; in my opinion this is an important part of the conceptual understanding of the site and should have been explored and incorporated in the conceptual understanding of the site.

¹ Earl, 1997 The hydrogeology of the Eyre River Aquifer and its influence on Spring occurrence and Distribution. Hons Thesis. University of Canterbury; PDP 2005. Report on September 2005 Eyre River Aquifer Recharge Trial

Section 7.2.2 of the Stormwater Management Report (Appendix 31) suggests that proposed basins and wetlands are expected to extend through the groundwater table and the underlying silt layer, intercepting the gravel layer below in some situations and that, to reduce the “loss” of groundwater, basins will have a liner installed to reinstate the natural imperviousness of the silt layer. It also states that outfalls from the stormwater management area will be located above the seasonal high groundwater level to prevent groundwater from being lost from these systems. The report does not define the “seasonal high groundwater level” above which outfalls are set. It elsewhere designs against a “maximum recorded groundwater level” (Table 7, 0.11–0.91m below ground depending on catchment), and uses the terms interchangeably. I could not find any definition of “seasonal high groundwater level”. Without a stated definition and period of record, I cannot say whether the design level reflects the recent peaks discussed above: I can say that peaks do not appear to be related to seasonal variability and it seems unlikely to be possible to define a seasonal high groundwater level.

The Groundwater Assessment (Appendix 17a) takes a different line again, saying that drain water directed to the basins will “ultimately infiltrate back down” to groundwater; this is difficult to reconcile with lined basins.

Overall, the hydrogeological conceptual model paints a picture of a shallow groundwater system perched on a shallow silt layer separated from an underlying unsaturated gravel layer, to which, shallow groundwater could be “lost”. This conceptual model is at odds with the clearly identified concept of this being a groundwater discharge area with known spring flows. Rather than losing groundwater from constructed basins, the issue is more likely that groundwater will enter the basins and reduce basin capacity. This is already a known issue in terms of the “resurgence” flows in drains that WDC has to manage.

The Hydrology Assessment (Appendix 20) questions whether there is an upward gradient on the basis of a few measurements of groundwater level at two pairs of piezometers (P05/P06 and P16/P20) and concludes that there is no evidence of a significant upward gradient. I don’t consider there is sufficient information to confidently state this given other evidence and the accepted and stated understanding that there is an upward gradient (permanent springs and gaining streams).

In the Wastewater Responses Memorandum (Appendix 28(a), 9 September 2026) it is mentioned that WDC are carrying out a significant programme of drainage work to divert both surface and groundwater flows to the Eyre River to mitigate flooding issues. This is necessary due to the above-mentioned development of the Mandeville area without understanding the complex hydrogeological/hydrological system. Flooding is occurring due to the contribution of undercurrents to drains, meaning that when there is stormwater adding to the groundwater in the drainage system, flooding can result.

Also in the Wastewater Responses memorandum, there is extensive discussion about how the 251 m³ storage was calculated. This refers to calculating storage for the 2022 groundwater resurgence period and considers the period analysed represents a worst-case scenario in terms of high groundwater levels and the impacts on discharge to ground. I note that there have been several times that GWLs were higher than in 2022 and that this might not reflect worst case in terms of the impacts of GW on stormwater/wastewater discharge.

Stormwater attenuation (Section 6.3 of the Stormwater Management Report, Appendix 31) does not appear to include the possible effects of springs, under-currents or groundwater in general. Levels/depths of infrastructure will certainly intercept groundwater. The Kotahi memo concurs that groundwater has not been included in the flood modelling and suggested obtaining an opinion as to whether the limited infiltration capacity would affect the modelling.

In the Hydrology Assessment (Appendix 20) there is extensive discussion about the potential for redirecting groundwater flow paths. I note that attempting to predict the most sensitive areas based on the existing geological information will be accompanied with a great deal of uncertainty. I am also uncertain what the proposed measures are trying to achieve in terms of affecting shallow groundwater flow paths.

The Hydrology Assessment (Appendix 20) also talks about infilling some drains and depressions and replacing them with a constructed stormwater network post-development. As the current drains/depressions are part of the existing under-current/drainage network, I consider it is unpredictable what impact this might have. It is also simplistic to assume that realigned waterways (even in a similar geology) will have similar groundwater-surface water interaction. This all leaves uncertainty as to the impacts of the proposed development on the hydrogeology/hydrology of the area.

15. **Groundwater is a recognised constraint.** The applicant rejected gravity sewers partly because of dewatering in high groundwater, and sized wastewater storage using data from the 2022 groundwater resurgence event. Council is separately running a programme to divert Mandeville groundwater to the Eyre River. Each shows groundwater is already a recognised constraint in this area.
16. **The assessments are not integrated.** The Stormwater Management Report states that the stormwater management areas and the flood model have not yet been run as one system, and calls the present position conservative. Groundwater is not incorporated. In my opinion, it is difficult to determine whether the results are suitably conservative when the modelling has not been integrated and groundwater effects have not been included. In reality, there is limited confidence in the modelling and whether the results reflect reality will not be known until they have been tested at wet-season and post-storm levels.
17. **Infiltration assumptions.** Kotahi noted in 2024 that the district flood model's infiltration assumptions did not consider groundwater data. Nothing I reviewed shows the applicant's updated model has resolved this.
18. **Effects beyond the boundary.** Raising ground for building platforms, adding hard surface and adding drainage in a discharge zone can affect both surface water and groundwater on neighbouring land. I saw no assessment of that effect which takes groundwater into account.
19. **The water balance work asks a different question.** As the applicant describes it, the Water Balance Assessment covers recharge and stream depletion, with an expected improvement in low-flow irrigation periods. That is about dry-season availability. Flood risk depends on how fast groundwater and surface water rise in storms, on saturated ground.

F. CONCLUSION

20. In my opinion, the applicant has not yet demonstrated that shallow groundwater is adequately accounted for in its flood, stormwater and wastewater design. A reliable conclusion about effects at the site and on neighbouring properties would need, at a minimum: groundwater data covering seasonal and post-storm conditions; models that include groundwater and are run as one system; and an assessment of how filling and drainage change groundwater and surface water flows beyond the site.
21. I have not examined how far coastal or tidal influence reaches groundwater at Ōhoka. That should be checked, since Kotahi noted that the local waterways are subject to tidal influence.
22. The conclusion reached by the applicant, that the development will not worsen flooding for existing residents is an assumption, not a demonstrated outcome. In my opinion, the groundwater and surface water systems at this site are complex and fast-responding and any model of them carries a high degree of uncertainty. The evidence reviewed does not show that uncertainty has been identified, tested or bounded. Where the consequences fall on neighbouring properties, I consider that uncertainty should weigh against relying on modelled predictions of no adverse effect. I am available to assist the Panel with any questions on these matters.



Helen Rutter

Senior Hydrogeologist, Lincoln Agritech Ltd

Statement of Limitations

This expert statement has been prepared by Helen Rutter at Lincoln Agritech Limited (LAL) and may only be used and relied on by LAL and Ohoka Residents Association for the purpose as set out in this statement.

LAL otherwise disclaims responsibility to any person other than Ohoka Residents Association arising in connection with this statement. LAL also excludes implied warranties and conditions, to the extent legally permissible. The services undertaken by LAL in connection with preparing this statement were limited to those specifically detailed in the statement and are subject to the scope limitations set out in the statement.

The opinions, conclusions and any recommendations in this statement are based on assumptions made by LAL described in this statement. LAL disclaims liability arising from any of the assumptions being incorrect.

The opinions, conclusions and any recommendations in this statement are based on conditions encountered and information reviewed at the date of preparation of the statement. LAL has no responsibility or

obligation to update this statement to account for events or changes occurring after the date that the statement was prepared.

LAL has prepared this statement based on information provided by Ohoka Residents Association and others who provided information to LAL which LAL has not independently verified or checked beyond the agreed scope of work. LAL does not accept liability in connection with such unverified information, including errors and omissions in the statement which were caused by errors or omissions in that information.

Where boreholes, test pits, laboratory tests, geophysical tests and similar work have been performed and recorded by others under a separate commission, the data are included and used in the form provided by others. The responsibility for the accuracy of such data remains with the issuing authority, not with LAL.

An understanding of the hydrological site conditions depends on the integration of many pieces of information, some regional, some site specific, some structure specific and some experienced based. Hence, this statement should not be altered, amended, abbreviated, or issued in part in any way without prior written approval by LAL. LAL does not accept liability in connection with the issuing of an unapproved or modified version of this statement.

PART B: Infrastructure Servicing and the Section 85 Threshold for Declining FTA231

(a) Application material this comment relates to

Appendix 28 – Wastewater Assessment; Appendix 28(a) – Wastewater Responses Memorandum (10 September 2026); Appendix 31 – Stormwater Management Report (updated 10 September 2026); Appendices 17(a)–(c) and 29 – Water Supply; WDC's 25 May 2026 technical review.

(b) Agree / disagree, and why

Disagree. WDC's own 25 May 2026 technical review found the stormwater concept lacked evidence of feasibility and did not support the proposed wastewater method. The Association disagrees that the applicant's 10 September 2026 updates resolve these matters: the revised stormwater report itself describes attenuation (via the stormwater management areas) and flood modelling as two systems assessed separately at this stage, calling the combined position “conservative” pending further work; and the revised wastewater memorandum confirms the applicant abandoned a dedicated pipeline to Rangiora specifically on cost grounds, proposing instead to load the existing shared Mandeville–Ōhoka rising main — a main originally designed for a combined total of only 875 properties across both settlements.

The Association has also obtained an independent order-of-cost assessment from Woods (Appendix B-2), which estimates the capital cost of the infrastructure needed outside the site at approximately \$120 million (indicative), with ongoing operation and maintenance of about \$1.5 million a year, and which records that it is not clear from the application who will fund or construct that infrastructure.

(c) Material information gap, uncertainty or disputed assumption

- The combined performance of the stormwater management areas and the flood model has not yet been assessed together; the applicant's own consultant describes the current assessment as conservative pending that integration.
- No updated, WDC-endorsed confirmation that the revised stormwater and wastewater proposals now meet Council's standards has been provided to submitters.
- The wastewater storage and control-logic design (251m³, based on 2022 flood-event SCADA data) has not been confirmed as adequate by WDC's peer reviewer (Beca) in any document available to submitters.

The application does not identify who will fund or construct the infrastructure outside the site (wastewater, water supply, stormwater, transport and community infrastructure) that Woods estimates at approximately \$120 million. Woods found no document in the application setting out agreements between the developer and Council on funding or cost sharing (Appendix B-2).

Groundwater, and the known resurgence problem in the surrounding area, have not been incorporated into the stormwater or wastewater design or the flood modelling (Dr Rutter, Appendix A-3, paras 13–16).

(d) Supporting evidence / technical material

Set out in full in Sections B2–B7 below: WDC's 25 May 2026 technical review; the applicant's own 9 September 2026 wastewater memorandum confirming rejection of a dedicated Rangiora main on cost grounds; the Silverstream precedent as to undetected modelling and design error (Part A); Woods' independent order-of-cost estimate for the infrastructure needed outside the site (Appendix B-2); and Dr Rutter's evidence on groundwater and resurgence (Appendix A-3).

Position on conditions: the Association has considered whether the impact identified above is capable of remedy by condition, and has concluded that it is not. No conditions are proposed on this

ground; the Association's sole request is that the Panel decline the application in full.

(f) Previous RMA process material

Infrastructure servicing capacity was a key issue in both PC31 and the District Plan Review. The applicant's own wastewater memorandum records that, in those previous processes, WDC agreed through Joint Witness Statements that connection of the development to the Rangiora Wastewater Treatment Plant was an acceptable solution in principle. That agreement was reached in the context of a dedicated pipeline option; it has not been shown to extend to the current, materially different proposal of loading the existing shared Bradleys Road pump station main beyond the combined level it was designed for. The Association submits this is a material factual difference the Panel should not treat as resolved by the prior Joint Witness Statement.

The supporting evidence and analysis referred to at (d) above is set out in full below.

B1. Purpose of this Part

The Association submits that FTA231 should be declined under section 85 of the Fast-track Approvals Act 2024 on the further and independent ground that the current, unresolved state of stormwater and wastewater servicing for this development is an adverse impact that remains sufficiently significant to be out of proportion to the project's claimed regional or national benefit — even taking into account the conditions available to the Panel. This is not a matter of degree or of routine pre-consent uncertainty: it is a matter of the network provider itself, Waimakariri District Council (“WDC”), having reviewed the applicant's own technical work and found the stormwater concept unproven and the proposed wastewater method unsupported. This Part draws together that finding with the evidence set out elsewhere in these comments — on flood modelling reliability, existing flood behaviour on the site, and the applicant's own economic case — to submit that the section 85 threshold for decline is met on the current record.

B2. The Network Provider Itself Has Found Stormwater and Wastewater Servicing Unproven or Unsupported

The applicant's Economic Assessment, dated 21 May 2026, claims that master-planned, single-provider delivery enables more efficient land development, clearer staging, and coordinated delivery of three waters infrastructure and stormwater management, reducing duplication and lowering servicing costs. WDC's own high-level technical review of the applicant's draft infrastructure and flooding reports, dated 25 May 2026 — four days later — reached the opposite conclusion on every relevant point:

Infrastructure component	WDC's own finding (25 May 2026)	Effect on this application
Stormwater	Servicing concept lacks sufficient evidence of feasibility; design relies on superseded engineering standards and requires redesign	No confirmed, feasible stormwater solution currently exists for this site
Wastewater	WDC does not support the applicant's proposed servicing method at all	The network provider itself has rejected the proposed method outright

Infrastructure component	WDC's own finding (25 May 2026)	Effect on this application
Water supply	Not confirmed as adequately addressed on the current record	A further, unresolved evidentiary gap

This is not residents' opinion or advocacy framing. It is the assessment of the very council that would be responsible for operating, maintaining and ultimately owning this infrastructure, reviewing the applicant's own draft technical reports. A panel cannot treat as established a benefit — coordinated, efficient servicing — that the responsible network provider reviewed and rejected in the same week the claim was made.

B3. Existing Flood Behaviour Shows the Receiving Environment Is Already Under Stress

The Association's photographic evidence (set out in full at Appendix A-1) shows overland flooding across the application site itself and across paddocks, roads and residential properties in the immediate surrounding catchment during ordinary winter rainfall — not an extreme or rare event. This matters directly to the infrastructure question: a stormwater network and receiving environment that already floods under current, largely pervious, pre-development conditions is being asked to absorb a substantial increase in impervious surface — roofs, roads, driveways — across 154.4 hectares, without WDC's own engineers yet being satisfied that a feasible stormwater concept exists at all. The Association submits the Panel cannot responsibly treat stormwater servicing as a matter capable of resolution by standard conditions while the baseline evidence shows the existing, undeveloped catchment already floods, and the network provider itself has said the proposed design is not yet feasible.

B4. The Reliability of Any Underlying Servicing Design Is Independently in Doubt

Part A of these comments sets out a directly relevant precedent within Waimakariri District itself: the Silverstream Estates subdivision in West Kaiapoi, where flood level calculations relied upon for consenting were found, after consent was granted and construction was underway, to have left properties with roughly half the intended freeboard margin. That error was only discovered by chance, by a builder's surveyor, and an independent peer review subsequently found the underlying model — while broadly competent — lacked sensitivity analysis and contained measurable survey discrepancies.

The relevance to infrastructure servicing is direct: any stormwater attenuation, floor level, or flood flow easement condition the Panel might consider imposing on this application would itself depend on flood and hydrology modelling for its design parameters. Where WDC's own engineers have already found the current stormwater concept unproven, and where this district has a recent, documented history of servicing-relevant modelling being wrong in ways not caught until construction, the Panel has no reliable basis to assume that any redesigned stormwater solution the applicant might later produce would be sound merely because it satisfies a paper review. Conditions requiring a stormwater or wastewater redesign are only as good as the diligence applied to checking it — and the Silverstream history shows that diligence has, at least once before in this district, not been sufficient.

B5. Water Supply Capacity Has Not Been Independently Confirmed

Beyond stormwater and wastewater, the Association is not aware of any independent confirmation on the current record that water supply capacity and network headworks exist, or will be provided, to service 875 residential lots, a 250-unit retirement village and a 9,390m² commercial centre. Given WDC's own adverse

findings on the two infrastructure components it did review in detail, the absence of equivalent independent confirmation on water supply should be treated as a further, unresolved evidentiary gap — not assumed in the applicant's favour by omission.

B6. The Infrastructure Needed Outside the Site Is Independently Estimated at About \$120 Million, and the Application Does Not Say Who Will Pay

The application does not say what the infrastructure needed outside the site will cost, or who will pay for it. The Association therefore asked Woods (Wood & Partners Consultants Ltd) to prepare an independent, high-level order-of-cost assessment, which is reproduced in full as Appendix B-2. It was prepared by Benjamin Pain, Principal Engineer (a Chartered Professional Engineer with 19 years' experience) and reviewed by Timothy Rickards, Principal Engineer (a Chartered Professional Engineer with 20 years' experience). Both confirm that they have read and abide by the Environment Court's Code of Conduct for Expert Witnesses, and Woods confirms that the report can be relied upon by the Panel and participants.

Woods assessed the public infrastructure external to the site for 1,100 household unit equivalents on the 10 September 2026 scheme plan (856 residential lots, a 250-unit retirement village, a 9,390m² commercial centre and a polo field). Its gross estimates, before any allocation of funding responsibility or cost recovery and excluding GST, are:

Infrastructure outside the site	Option 1: connect to existing rising main	Option 2: new dedicated 8 km rising main
Wastewater	\$27.0m	\$21.7m
Water supply	\$5.4m	\$5.4m
Stormwater (public assets)	\$7.2m	\$7.2m
Transport (off-site)	\$54.8m	\$54.8m
Community infrastructure (growth share)	\$3.3m	\$3.3m
Gross public infrastructure cost*	\$122.2m	\$115.5m

*Source: Woods, Appendix B-2, Capital Costs Summary. *After Woods' allowances for design, consenting, fees, project management and escalation. Option 1 is connection to the existing Mandeville–Ōhoka rising main, which Woods says may need duplication over its 11.2 km length if combined capacity exceeds its maximum flow rate in later stages. Option 2 is a new dedicated 8.0 km rising main to Rangiora. Woods' conclusion states the total at approximately \$120 million.*

Woods also estimates ongoing operation and maintenance of the new and vested infrastructure at about \$1.5 million a year (about \$1,350 per household unit equivalent): reserves and sports facilities (\$0.55m), wastewater infrastructure (\$0.15m) and new vested infrastructure such as roads and stormwater drainage (\$0.77m). That is a recurring cost to ratepayers over the design life of the assets.

Woods records that it is not clear from the application who will fund or construct this infrastructure, and that it has identified no document in the application setting out agreements between the developer and Council on

funding or cost sharing. It anticipates that the developer would deliver and fund at least some of the upgrades, and concludes: “The proportion of the estimated capital cost that would fall to Council therefore remains uncertain.”

Woods’ estimates also show where the numbers overlap with matters already on Council’s record. Its water supply estimate includes a \$1.0 million allowance for water treatment plant land, which Woods marks as unbudgeted per a WDC minute (see Section D4.8). It also notes that some of the transport upgrades, such as the Tram Road intersections, may already be in Council plans and budget, so part of the transport figure may be already-planned expenditure rather than new cost. Woods excludes WDC’s separate Mandeville drainage programme to the Eyre River from its assessment.

Woods describes these as indicative, order-of-cost estimates prepared without confirmed scope or design information, with substantial uncertainty, and says actual costs may vary significantly. The Association relies on them for what they show: that the infrastructure needed outside the site is of the order of \$120 million, that the application does not say who will pay for it, and that the Panel therefore cannot assess one side of the proportionality test on the current record.

B7. Why This Meets the Statutory Test for Decline in Section 85

The Panel’s power to decline a fast-track approval is not a general merits discretion — it is confined to the specific test in section 85 of the Act. That test has two elements: (a) there must be one or more adverse impacts in relation to the approval sought; and (b) those adverse impacts must be sufficiently significant to be out of proportion to the project’s regional or national benefits, even after taking into account any conditions the Panel may set to address them, and any mitigation the applicant proposes. The Association’s case is built accordingly: on a real, evidenced adverse impact, weighed against a benefit case that is itself in serious doubt (see Part D below).

The adverse impact: WDC, as the network provider, has found on the current record that the stormwater servicing concept lacks sufficient evidence of feasibility and relies on superseded design standards, and that it does not support the applicant’s proposed wastewater servicing method at all. Combined with the documented existing flood behaviour on and around the site (Section B3), the adverse impact here is not speculative: it is the real prospect of a 154.4 hectare development proceeding without a demonstrated means of managing its own stormwater and wastewater, in a catchment that already floods. Woods’ independent estimate adds a further dimension: the infrastructure needed outside the site is of the order of \$120 million, and the application does not say who will fund it (Section B6).

(b)(i) Why Panel-imposed conditions do not resolve it: the Association is aware that a 2025 amendment to the Act gives the Panel an express power to impose conditions ensuring that infrastructure the project relies on “is or can be made adequate.” The Association does not submit that this power is irrelevant — it submits that, applied accurately to this record, it cannot cure the specific deficiency identified. That power presupposes a feasible path to adequacy exists which a condition can secure. Here, WDC has not identified a feasible stormwater concept requiring refinement — it has found the current concept infeasible on the evidence provided — and has rejected the proposed wastewater method outright, not flagged it as needing upgrade. Further, any condition imposed under this power can, on its own terms, impose an obligation only on the applicant; it cannot compel WDC, as a third party and the relevant network operator, to accept a servicing method it has already rejected, or to commit its own infrastructure programme to enabling this development. A condition addressed to the applicant cannot manufacture WDC’s agreement where WDC has already declined to give it.

(b)(ii) Why applicant-proposed mitigation does not resolve it either: the same difficulty defeats any modification the applicant might itself propose or agree to under section 85(3)(b)(ii). The applicant’s own Economic Assessment already asserted that servicing would be efficiently and adequately delivered; WDC’s

independent technical review rejected that assertion four days later, on the applicant's own draft technical work. Any further applicant-proposed redesign would again be the applicant's own assessment of its own adequacy — the same process that has already been shown, once, to diverge sharply from WDC's independent view. Absent WDC's own sign-off, which is not before the Panel and which WDC has not given, an applicant-proposed modification cannot be treated as resolving an adverse impact that consists precisely of the network provider's rejection.

Why the impact is disproportionate to benefit: the proportionality limb requires weighing this adverse impact against the project's claimed regional or national benefit. As set out in Part D of these comments, that benefit — properly netted against the regional counterfactual, using the Assessment's own conceded logic — is likely close to zero. An adverse impact of this kind and scale does not need to be catastrophic to be “out of proportion” to a benefit that is itself negligible once properly analysed. The Association submits the Panel can be satisfied, on this evidence, that the s 85 threshold is met: there is a real, evidenced adverse impact; it is not resolved by conditions available to the Panel, for the specific reasons given above; and it is out of proportion to a benefit case that does not itself withstand scrutiny.

The Silverstream precedent (Part A, Section A3) is relevant to how much confidence the Panel can place in any future resolution. Even where this district's flood and servicing-relevant technical work has previously passed initial review, it has been found materially wrong only after consent was granted and construction was underway. That history should inform how much weight the Panel gives to the prospect that a currently-unproven servicing concept will, in fact, be resolved adequately if approval is granted now and refinement deferred to the conditions process.

The Association's request for relief on this ground is set out together with its other requests in the Conclusion at the end of these comments.

Appendix B-1: Source Documents

- Fast-track Approvals Act 2024, ss 81–85 (decision-making criteria and grounds for decline), as amended by the Fast-track Approvals Amendment Act 2025 (infrastructure-adequacy condition power).
- Waimakariri District Council, “RC255196 – Carter Group Ohoka Fast Track – WDC High Level Initial Comments”, 25 May 2026.
- Economic Assessment – Ohoka Residential Subdivision, Maggie Hong and Greg Akehurst (Market Economics Ltd) for Carter Group Limited, 21 May 2026 (FINAL).

Appendix B-2: Woods — Supporting Infrastructure Order-of-Costs Assessment, 10 October 2026

Woods (Wood & Partners Consultants Ltd) for the Ohoka Residents' Association. Author: Benjamin Pain, Principal Engineer. Reviewer: Timothy Rickards, Principal Engineer. Summarised at Section B6 and relied on at Section D4.8.



MEMORANDUM

To	From
ŌHOKA RESIDENTS' ASSOCIATION	Woods Ben Pain – Principal Engineer
	W-REF: P26-532 10/10/2026 REVIEWER: TIM RICKARDS

FTA231 – Ōhoka Residential Subdivision, 531 & 535 Mill Road, Ōhoka

Supporting infrastructure order-of-costs assessment

This memo provides a high-level, order-of-cost assessment of the public infrastructure external to the development site required to support FTA231: Ōhoka Residential Subdivision.

The indicative costs are based on experience with similar projects and broad assumptions about the works that may be required. No confirmed scope or design information is available for the proposed infrastructure upgrades. The assessment therefore provides an initial indication of likely costs, with substantial uncertainty. Actual costs may vary significantly once the scope, design and site requirements are established.

1. Background

The proposed Ōhoka Residential Subdivision Development consists of 1100 HUE (Household Unit Equivalent) (10th September Scheme Plan) on the 154.4 ha site, including:

- 856 Residential Lots
- 250 Unit Retirement Village
- 9,390 m² Commercial Centre
- A Polo field & recreation facilities

The internal site infrastructure that will be constructed by the developer and then vested to Council includes:

- New development roads
- New stormwater network
- New watermain network
- New local purpose/drainage reserves for stormwater treatment (10) & esplanade reserves next to watercourses/flow paths (4)
- New recreation reserves (26)
- New wastewater pumping station (1)



- The proposal indicates that the COALs (Commonly Owned Access Lots) and the LPS (Low Pressure Sewer) network will be privately owned.

The required infrastructure external to the site includes:

- Upgrades to the wastewater network to accommodate development flows:
 - Option 1 – Connection to existing rising main & telemetry linkage upgrade to Bradleys Road Wastewater Pump Station (WWPS) , upgrade to Mandeville–Ōhoka rising main opposite 544 Mill Road above 875 HUE, upgrades to Rangiora Wastewater Treatment Plant (WWTP)
 - Option 2 – new rising main 8.0 km via direct route, upgrades to Rangiora WWTP
- Upgrades to water supply when 1.555 MLD cap on existing system is exceeded including source, treatment, reservoir or headworks and any land purchase.
- Off-site culvert and drain upgrades including Whites Road, Bradleys Road, Mill Road drain, South Ōhoka Stream
- Off-site transportation upgrades including intersection upgrades, rural road widening and strengthening, a safe cycle/walking link to Rangiora and Kaiapoi

It is not clear in the application who will fund or construct this required infrastructure.

Maintenance of both new and upgraded public infrastructure and privately funded infrastructure that is vested will incur ongoing ratepayer costs over the design life. Contributions as required to state highway and other schemes may also incur public costs.



2. Capital Costs

The capital costs of external infrastructure required to service the development have been estimated in the tables below.

All costs exclude allowance for GST.

Wastewater

Wastewater - Gross infrastructure costs before allocation of funding responsibility or cost recovery			
Item	Basis	Option 1	Option 2
Option 1 - Rising main upgrade / capacity works (duplication on 11.2 km route via open trench methodology) if combined capacity exceeds rising main maximum flow rate in later stages of development.	\$1,200 per metre for supply & installation via open trench methodology including reinstatement & all valves/fittings	\$13.4m	-
Option 1 – Bradleys Road pump station upgrades for commissioning Ōhoka system.	\$0.5m for telemetry linkage with Ōhoka WWPS Option 1 (construction works and programming integration)	\$0.5m	-
Option 1 - Bradleys Road pump station upgrades for capacity increases after 875 HUE.	\$0.5m for pump upgrades \$0.5m for control system upgrades	\$1.0m	-
Option 2 - Dedicated rising main to Rangiora (8.0km direct route) via open trench methodology.	\$1,200 per metre for supply & installation via open trench methodology including reinstatement & all valves/fittings	-	\$9.6m
Rangiora WWTP treatment capacity share (ponds, aeration, consent)	\$8k per HUE	\$8.8m	\$8.8m
Downstream transfer to Kaiapoi wetlands and ocean outfall, capacity share	\$3k per HUE	\$3.3m	\$3.3m
Wastewater		\$27.0m	\$21.7m

Assumptions:

- Rising main installation anticipated to be using open trench methodology. Savings could be made if trenchless technology is used however that depends on ground conditions.
- Rising main upgrade methodology selected as duplication as destructive methods wouldn't be possible alongside continuous rising main operation.
- Rising main duplication route based on current rising main route at 11.2km. 8km direct route considered for separate rising main option only.



- Further investigation and design work would be required to confirm trigger for upgrade of Bradleys Road WWPS and rising main for Option 1.
- Waimakariri District Council's (WDC) Mandeville drainage programme to the Eyre River noted but excluded from this assessment.

Water Supply

Water Supply - Gross infrastructure costs before allocation of funding responsibility or cost recovery		
Item	Basis	Cost
Additional source bores (beyond 1,555 m ³ /day cap)	Allowance for \$50,000 / additional bore Allowance for \$150,000 / additional bore reticulation to treatment location	\$1.0m
Treatment and headworks upgrade	Allowance for \$500,000 / 1MLD	\$0.8m
Reservoir / storage	Allowance for \$250,000 / 1000 m ³ additional storage Allowance for \$125,000 / 1000 m ³ additional storage for pipework associated	\$0.6m
Trunk main and connection upgrades	Allowance for general network upgrades	\$2m
Water Treatment Plant land purchase (unbudgeted per WDC minute)	Allowance to buy land at \$160,000 / Ha	\$1m
Water supply (Council-funded)		\$5.4m

Assumptions

- 5 additional bores shown on Inovo drawings
- Inovo report indicates 3.125 megalitres per day (MLD) total water peak demand, giving 1.57 MLD over 1.555 MLD cap for treatment & storage
- Land purchase allowance 1 ha per Bore plus 1 additional ha.

Stormwater

Stormwater - Gross infrastructure costs before allocation of funding responsibility or cost recovery		
Item	Basis	Cost
Whites Road and Bradleys Road box culvert upgrades	\$2.5m allowance per box culvert duplication	\$5m



Mill Road drain and South Ōhoka Stream channel upgrades	\$500 / metre length of channel for channel works \$500 / metre length of channel for landscaping	\$1.0m
Public share of flood storage / stormwater management area works	Allowance of \$10/m ² for share	\$1.2m
Stormwater (public assets)		\$7.2m

Assumptions

- Allow for two box culvert duplications to remediate existing flooding issues
- Allow for 1000m of channel upgrades external to the site
- 12.0 Ha of water management areas based on Inovo plans within site

Transport

Transport - Gross infrastructure costs before allocation of funding responsibility or cost recovery		
Item	Basis	Cost
Tram Road / Bradleys Road / McHughs Road Intersection.	Allowance for upgrade to roundabout	\$7.5m
Tram Road / Whites Road Intersection.	Allowance for upgrade to roundabout	\$7.5m
Threlkelds Road / Flaxton Road Intersection.	Allowance for upgrade to roundabout	\$3m
Ōhoka Road / Mill Road Intersection.	Allowance for upgrade to roundabout	\$2m
Road safety improvements.	Budget allowance for works	\$1m
Rural road widening and pavement strengthening:		
for local roads (Whites Road (3 km))	\$1,000 per metre for upgrading rural to urban local road	\$3.0m
for collector roads (Mill Road (2.5 km) Bradleys Road (3.5 km) & Threlkelds Road (1.3 km))	\$1,500 per metre for upgrading rural to urban collector road	\$11.0m
for arterial roads (Tram Road (3 km))	\$3,000 per metre for upgrading rural to urban arterial road	\$9.0m
Safe cycle/walking link to Rangiora (10.5 km) & Kaiapoi (9 km)	\$500 per metre	\$9.8m



State highway contribution (Crown/NZTA share to be identified)	Budget allowance	\$1m
Transport (off-site)		\$54.8m

Assumptions

- Urban upgrades to roads assumed for widening, safety improvement and pavement strengthening
- Extent of road upgrades in scope unclear, therefore assumed urbanisation in the area will be required within the development timeframe and have included roads near the project site and to connections to highways. The transportation report indicates that a Council review expected a range of upgrades to accommodate growth over a ten-year period.
- Intersection upgrades and roadway improvements may already be in Council plans and budget – transportation report indicates the following:
 - a. The Tram Road / Bradleys Road / McHughs Road Intersection is noted as a high-risk intersection and already forms part of a Council funded project along with safety improvements on Tram Road.
 - b. The Tram Road / Whites Road Intersection is noted as a high-risk intersection and upgrades should already be under consideration by Council.
 - c. The Threlkelds Road / Flaxton Road Intersection is noted as a medium-high-risk intersection and Council should be considering safety upgrades to accommodate growth.
 - d. Ohoka Road / Mill Road Intersection- The 2025 model results indicate that the right turn out of Mill Road operates at level of service (LoS) F in the weekday afternoon peak, which is considered over-capacity based on existing corridor growth.

Community Infrastructure

Community infrastructure - Gross infrastructure costs before allocation of funding responsibility or cost recovery		
Item	Basis	Cost
Reserves and sports facilities	\$1,000 per HUE	\$1.1m
Other growth-related services (e.g. solid waste, cemetery capacity)	\$2,000 per HUE	\$2.2m
Community infrastructure (growth share)		\$3.3m

Assumptions:

- Estimated based on similar projects.



Capital Costs Summary

Gross infrastructure costs before allocation of funding responsibility or cost recovery			
Item	Basis	Option 1	Option 2
Wastewater	Refer table above	\$27.0m	\$21.7m
Water Supply	Refer table above	\$5.4m	\$5.4m
Stormwater	Refer table above	\$7.2m	\$7.2m
Transportation	Refer table above	\$54.8m	\$54.8m
Community Infrastructure	Refer table above	\$3.3m	\$3.3m
Base total		\$97.7m	\$92.4m
Design, consenting, fees and project management	15%	\$14.7m	\$13.9m
Escalation to mid-construction (~4 years)	10%	\$9.8m	\$9.2m
Gross public infrastructure cost		\$122.2m	\$115.5m



3. Operational Costs

The operational costs attributed to the ratepayers for the different elements have been estimated as below:

Annual Operations & Maintenance Costs – New infrastructure		
Item	Basis	Cost
New Reserves, sports facilities, etc.	\$500 per HUE	\$0.55m
Wastewater Infrastructure (new WWPS, rising main, etc)	\$135 per HUE	\$0.15m
New vested infrastructure (roads, stormwater drainage, etc)	\$700 per HUE	\$0.77m
Annual Operations & Maintenance Costs		\$1.5m (\$1,350 / HUE)

All costs exclude allowance for GST.

Assumptions:

- Ōhoka WWPS
 - A wastewater pumping station has replacement costs for components every 15 years for pumps and telemetry components, every 20 years for wet well accessories, every 25 years for electrical equipment, and 30 years for valves and meters.
 - Operational costs include power supply, water supply, odour filter replacement, and site checks.
 - The averaged annual costs over 100 year design life is estimated at \$100,000 p/a excluding inflation.
- Rising Mains – limited to inspections of air valves, scour valves and air vents (or replacement of odour filters if installed). Allow \$1,000/km of line p/a.
- Maintenance of vested infrastructure (new roads, stormwater network, water network, etc) based on 2% of construction cost at \$35,000 per HUE (\$700/HUE). Existing infrastructure already attracts maintenance costs and has been excluded.



Conclusion

The total capital cost of the infrastructure external to the development site required to support the Ōhoka Residential Subdivision is estimated at approximately \$120 million, with ongoing operation and maintenance costs estimated at \$1.5 million per annum. These are indicative, order-of-cost estimates. Substantial further assessment is required to confirm the scope of works and develop a reliable cost estimate.

Woods has not identified any documents within the application that clearly set out agreements **between the developer and Council regarding funding or cost sharing for the required infrastructure upgrades**. It is anticipated that the developer would deliver and fund at least some of these upgrades. The proportion of the estimated capital cost that would fall to Council therefore remains uncertain.

Limitations

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While the Report is subject to a standard disclaimer stating that the report is not for use by persons **other than the Applicant**, I can confirm that **the Report can be relied upon by the Panel and participants for the purposes of considering the Application under the Fast-Track Approvals Act 2024..**



Author and Reviewer Experience

Benjamin Thomas Fraser Pain – Principal Engineer; Wood & Partners Consultants Limited

I am a Principal Engineer at Wood & Partners Consultants Ltd. Wood & Partners Consultants Ltd is a multi-disciplinary consultancy specialising in planning, urban design, civil engineering, water infrastructure and surveying. I have been employed at Wood & Partners Consultants Ltd since October 2009.

I hold the qualification of a Bachelor of Engineering (Civil Engineering) from the University of Auckland, which I completed in 2007. I am a Chartered Professional Engineer, Chartered Member of the Engineering New Zealand, and International Professional Engineer (APEC Engineer).

I have 19 years of professional experience in the civil engineering field, with 17 years at Wood & Partners Consultants Limited. My experience includes concept/master planning, design, contract administration, project management and construction monitoring of three waters infrastructure and land development projects. I have been involved in a range of projects of varying sizes in both the greenfield and brownfield space. Projects I have worked on include Long Bay development, Millwater & Milldale developments, Sleepyhead Ohinewai development and several other major land development projects over the years.

I confirm that, in my capacity as an author of this report, I have read and abide by the Environment Court of New Zealand's Code of Conduct for Expert Witnesses Practice Note 2023.

Timothy John Rickards – Principal Engineer; Wood & Partners Consultants Limited

I am a Principal Civil Engineer at Wood & Partners Consultants Ltd. I have been employed at Wood & Partners Consultants Ltd since February 2013.

I hold the qualifications of Bachelor of Engineering (Technology), which I completed in 2008. I am a Chartered Professional Engineer of Engineering New Zealand.

I have 20 years of professional experience in the engineering industry. My experience includes the design and construction observation of a range of land development projects, including project management and the procurement of earthworks, roading, services and other infrastructure. Previously I have been involved in the design and construction of a wide range of infrastructure including wastewater pump stations and rising mains, watermains, large scale stormwater assets and major roading upgrades.

I confirm that, in my capacity as the reviewer of this report, I have read and abide by the Environment Court of New Zealand's Code of Conduct for Expert Witnesses Practice Note 2023.

PART C: Uninsurability Risk and the Case for Declining FTA231

(a) Application material this comment relates to

The AEE and assessment of environmental effects generally; the applicant's Economic Assessment (Appendix 2); the absence of any insurability assessment anywhere in the application material.

(b) Agree / disagree, and why

Disagree with the implicit position of the application — reflected in its silence on the topic — that the effect of this development on the insurability of new dwellings and existing, neighbouring properties is not a material effect requiring assessment. Insurers price and withdraw cover based on real, evidenced flood risk of the kind set out in Part A; a development of this scale, on this site, is reasonably likely to affect insurer risk assessment for the surrounding area, and the application does not engage with that at all.

(c) Material information gap, uncertainty or disputed assumption

- The application contains no assessment of the effect of the development on the insurability of new dwellings, notwithstanding the documented flood risk addressed in Part A.
- The application contains no assessment of the effect on the insurability of existing, neighbouring properties whose risk profile insurers may reassess as a result of this development.

(d) Supporting evidence / technical material

Set out in full in Sections C2–C6 below: ICNZ's correspondence with the responsible Ministers (Appendix C-1); the specialist memo of Peter Lyons, an insurance law specialist with over 40 years' experience (Appendix C-2); and the Reserve Bank of New Zealand's May 2026 Financial Stability Report findings on insurer retreat from flood-exposed areas.

Position on conditions: the Association has considered whether the impact identified above is capable of remedy by condition, and has concluded that it is not. No conditions are proposed on this ground; the Association's sole request is that the Panel decline the application in full.

(f) Previous RMA process material

Insurability as a distinct topic was not separately assessed in the PC31 or District Plan Review processes; however, the flood risk that insurability depends upon (Part A) was a central, unresolved issue in both, and the Association is not aware of any Joint Witness Statement addressing insurability specifically. The Association notes that the FTAA process, by requiring the Panel to have regard to the NPS-NH, may engage a materially different statutory lens on this topic than applied in the earlier RMA processes.

The supporting evidence and analysis referred to at (d) above is set out in full below.

C1. Purpose of this Part

The Association submits that FTA231 should be declined on the additional and independent ground that the development will materially increase the risk that properties in and around the application site — both the proposed new lots and existing, established homes in the surrounding catchment — become uninsurable, or insurable only at prohibitive cost. This is not a speculative or generalised climate concern: it is a specific, foreseeable, and already-evidenced consequence of building on a site with documented flood behaviour, in a market where insurers are demonstrably repricing and withdrawing cover from flood-exposed New Zealand

property. This Part sets out why uninsurability is, in its own right, a significant adverse impact the Panel is required to weigh, and why that impact is sufficiently significant and disproportionate to justify declining FTA231.

C2. Ohoka Is Already Recognised by Insurers as Flood-Exposed

The Association's photographic evidence of recurrent overland flooding on and around the application site (Part A, Sections A2–A3, incorporated here by reference) is corroborated — independently and from a financially disinterested source — by the insurance market itself:

- **Insurers price and withdraw cover based on their own actuarial flood modelling**, not on a council's or applicant's consenting-stage assessment. Where insurers already treat an area as flood-exposed, that is evidence of real-world risk assessment that is independent of, and in this case more conservative than, the applicant's own modelling.
- **New Zealand insurers are moving decisively toward risk-based pricing for flood**, meaning premiums and cover availability are increasingly tailored to the specific hazard exposure of individual properties and localities rather than spread across broad averages — which means a locality's known flood behaviour translates directly and specifically into insurance outcomes for the people who live there.
- **The Insurance Council of New Zealand (ICNZ)**, the industry body representing New Zealand's general insurers, has confirmed Ohoka as a location of concern — this is not the Association's characterisation of the area, but the assessment of the sector that actually carries and prices this risk.

C3. How This Development Increases Flood — and Therefore Uninsurability — Risk to Existing Neighbours

The uninsurability risk raised by FTA231 is not confined to the new dwellings the applicant proposes to build. The Association submits the Panel must also weigh the effect of the development on the insurability of existing, already-established homes in the surrounding catchment — people who are not applicants, will receive none of the claimed benefits of the subdivision, and have no ability to protect themselves against a change in their own insurer's risk assessment.

The mechanism is straightforward and well understood in flood hydrology: converting pasture to roofs, driveways, roads and compacted sections materially increases impervious surface area and reduces the land's capacity to absorb and attenuate rainfall. Combined with the site's documented existing overland flow behaviour (Part A), this creates a real risk that runoff volumes and flow paths downstream and adjacent to the site will increase in frequency, extent, or velocity as a direct result of construction — regardless of on-site stormwater mitigation, which (as set out in Parts A and B) is only as reliable as the flood model used to design it.

Where that occurs, the consequence for existing neighbouring homeowners is not merely physical — it is financial and immediate. Insurers reassess and reprice risk as new hazard information or changed catchment conditions emerge. A homeowner who has held continuous, affordable cover for years can face non-renewal, a large premium increase, or a new flood exclusion the moment their property's risk profile is revised — through no act or fault of their own, but as a direct consequence of a development they did not consent to and receive no benefit from.

This is a distinct and additional adverse effect the Panel must weigh: the project does not merely bring risk onto the land it develops — it exports risk onto the insurability, mortgageability and market value of homes the applicant does not own and is not proposing to remediate, insure, or compensate.

C4. ICNZ's Direct Intervention with the Responsible Ministers

The Insurance Council of New Zealand has confirmed to the Association, in writing, that it has written directly to the Hon Chris Bishop and the Hon Shane Jones — the Ministers with responsibility for the Fast-track Approvals Act 2024 — on 20 July 2026, setting out its concern, from an insurability perspective, that the National Policy Statement for Natural Hazards (NPS-NH) must receive the necessary weighting in the decisions of fast-track panels. Separately, on 9 July 2026, ICNZ told the Association that it has submitted to Government that development that increases or diverts risk to neighbouring properties should be controlled, because that is material to future insurance accessibility. In a video conference on 13 July 2026 between ICNZ (James Baigent, Resilience Leader, and Erica Dowson, Accessibility Leader) and the Association (David Nixon), ICNZ also communicated that it is highly aware of the flood risk in Ohoka and is specifically concerned about Ohoka; that exchange is not recorded in the enclosed emails. This is not a matter of the Association's inference or belief: ICNZ, the peak body for New Zealand's general insurers, has itself directly advised the Association that this correspondence with the responsible Ministers has occurred. Copies of ICNZ's emails to the Association of 9 and 30 July 2026 are enclosed as Appendix C-1.

This intervention should carry significant weight with the Panel. ICNZ is not a resident advocacy group; it is the peak body for the industry that will ultimately decide, on commercial and actuarial grounds, whether the homes approved under FTA231 — and the existing homes around them — can be insured at all. Where that body considers the matter serious enough to write directly to the two Ministers jointly responsible for administering the Act under which this Panel is convened, and to confirm that step directly to the Association in writing, the Panel is on direct notice that this is not a marginal or theoretical concern, and that ICNZ's concern is that the NPS-NH must receive the necessary weighting in fast-track decisions.

C5. Specialist Insurance Evidence

The Association has obtained a specialist memo from Peter Lyons, dated 16 September 2026, reproduced in full as Appendix C-2. Mr Lyons is an insurance law specialist with over 40 years' experience in the insurance industry in New Zealand, Australia, Singapore, the Middle East, the Lloyd's market in London and the United States, including underwriting, reinsurance and the construction and analysis of complex policy wordings. He holds a Master in Legal Studies (First Class Honours) from the University of Auckland, among other qualifications. He states that he gives his opinion in a professional, sector-informed context and not as advocacy for any particular outcome. In summary:

- **Insurer behaviour is an independent check on physical risk.** Insurers price and underwrite on their own actuarial assessment of risk, not on what a consenting authority has approved, and have no stake in whether this application succeeds. Where the market is moving away from an area, that is the market's own view that the physical risk is real. He is also aware that ICNZ has written to Ministers Bishop and Jones about the importance of factoring the NPS-NH into fast-track decisions (see Section C4).
- **Retreat from flood-prone areas is established practice.** He refers to insurers declining new cover, imposing flood exclusions and withdrawing cover in flood-prone areas, including AA Insurance's decision at the end of 2025 to stop offering new policies in the 7825 postcode (Westport, Carters Beach and Cape Foulwind) citing elevated flood risks. He also cites the IAG Wild Weather Tracker, which recorded 46 storms and 33,174 storm-related claims in the 12 months to 28 February 2026.
- **Pricing is moving to the individual address.** He describes Tower Insurance's adoption of Moody's RMS high-definition flood and earthquake models to price risk at address level, and expects that trend to accelerate.
- **The Kumeū example.** He describes a commercial property in Kumeū, Auckland that was flooded twice in January 2023, was offered renewal with flood damage excluded, and, after a later fire, could not obtain mortgage finance because the bank regarded it as being in a high-risk flood zone. He quotes Auckland Council's Healthy Waters as saying it "does not currently believe there is a viable and cost-effective infrastructure solution available to satisfactorily reduce flood risk in Kumeū-Huapai township". He

understands the increase in flood incidents there to be attributed to upstream intensive housing development and says the circumstances are “highly comparable” to Ōhoka.

- **The effect on existing homes.** From his insurance advocacy work he has acted for clients whose cover was cancelled or whose premiums rose sharply purely because their homes were found to be in a flood-prone area, often after a reassessment triggered by new information about the area rather than about their own property. He asks the Panel to consider whether, if the development has a long-term detrimental effect on existing properties, they could meet the same fate as those in Kumeū-Huapai if flood reduction measures prove uneconomic for the council.
- **Application to Ōhoka.** On the material shown to him he considers this “a live risk, not a hypothetical one”. Ōhoka already has significant documented flooding; he understands a number of existing homes already carry insufficient freeboard to withstand a major flood; and adding a development of this scale where, he understands, flood modelling has been found to be historically inaccurate is “precisely the scenario in which I would expect insurers to reassess pricing and availability of cover - for new and existing homeowners alike”.
- **Consequences.** “Loss of affordable insurance is not a downstream inconvenience”: for most homeowners it directly affects mortgage serviceability, because lenders require continuous cover as a condition of the loan, and it can materially affect resale value.

Mr Lyons states that he is available to answer the Panel’s questions. Parts of his memo record his understanding of facts (for example, existing freeboard and the history of modelling in the district) that are addressed elsewhere in these comments and in the other appendices. Consistently with section 85(4), the Association relies on the memo for what it is: independent, sector-informed evidence that insurers’ own behaviour corroborates the physical flood risk, and not as a contention that inconsistency with the NPS-NH is itself a sufficient ground for decline.

C6. Why Uninsurability Is a Weighty Matter for the Panel, Not Merely a Private Commercial Risk

The Association anticipates the applicant may characterise insurability as a private matter between homeowners and their insurers, outside the Panel’s proper concern. The Association submits this understates both the scale of the issue nationally and its direct relevance to the statutory tests the Panel must apply:

- **Insurability is now a recognised financial stability concern at the national level.** The Reserve Bank of New Zealand’s May 2026 Financial Stability Report identified emerging pressures from rising premiums, growing underinsurance and insurer retreat from flood-exposed areas as risks that could broaden and increasingly affect the banking system, and set out specific channels directly relevant to this development.
- **Collateral impairment:** properties that lose insurance cover face depressed market values and may become difficult or impossible to sell, weakening the security behind any mortgage.
- **Reduced mortgage serviceability and availability:** banks may respond to concentrated insurance uncertainty in a locality by ‘red-lining’ the area altogether — restricting lending regardless of an individual property’s specific circumstances, which would affect existing Ohoka homeowners as much as the applicant’s proposed new lots.
- **Mortgage covenant exposure:** mortgage contracts typically require borrowers to maintain insurance for the life of the loan; a homeowner who cannot obtain or renew cover may be placed in breach of their own lending arrangements through no fault of their own.

These are not abstract national statistics divorced from Ohoka — they are the specific mechanisms by which a documented, localised increase in flood risk converts directly into loss of insurability, loss of mortgage security, and subsequent loss of property value for identifiable people in the vicinity of this application.

- **Sufficiency of information:** the Panel cannot be satisfied the project's effects are adequately understood while the applicant's assessment is silent on the downstream insurability consequences for existing residents — a real and financially material effect that the applicant's own consultants have not been shown to have assessed at all.
- **Not curable by conditions or applicant mitigation (s 85(3)(b)(i)-(ii)):** insurability is determined by third-party insurers applying their own actuarial models to the site's real, physical flood exposure — not by anything the Panel or the applicant can directly control. No condition the Panel might set, and no mitigation the applicant might propose or agree to, can compel an insurer to price or write cover differently; at most, on-site works might marginally influence an insurer's own future assessment, but the Association is aware of no condition or applicant undertaking capable of guaranteeing insurers will treat this development, or the existing homes around it, as insurable on ordinary terms. An adverse impact that depends on the independent commercial judgement of third parties outside the consenting process is, by its nature, one that conditions cannot resolve.
- **Proportionality (ss 81–85):** the decision-making criteria require the Panel to weigh whether adverse impacts are sufficiently significant to be out of proportion to the project's regional or national benefits. A development that renders an unknown number of existing, already-built homes harder to insure, harder to mortgage, and worth less — while delivering its housing benefit only to new purchasers — produces a redistribution of risk from the applicant's balance sheet onto uninvolved third parties. The Association submits this is precisely the kind of disproportionate, externalised cost the proportionality test exists to catch.
- **Purpose of the Act:** the Act's purpose is to deliver projects with significant regional or national benefit. A subdivision whose long-term viability depends on insurance and mortgage finance that may not remain available delivers a weaker, more contingent benefit than the applicant's assessment assumes — and one that arrives at the direct expense of existing residents' financial security.

The Association's request for relief on this ground is set out together with its other requests in the Conclusion at the end of these comments.

Appendix C-1: ICNZ Correspondence

Two emails to the Association from James Baigent, Resilience Leader, Insurance Council of New Zealand (ICNZ): 9 July 2026, in which ICNZ states that it has submitted to Government that development that increases or diverts risk to neighbouring properties should be controlled because this is material to future insurance accessibility; and 30 July 2026, in which ICNZ confirms that it wrote to the Minister(s) responsible for the Fast-track legislation on 20 July 2026 asking that the National Policy Statement for Natural Hazards receive necessary weighting in the decisions of fast-track panels. Both emails are reproduced unaltered below.

From: [James Baigent](#)
To: [David Nixon](#)
Cc: [ohokaresidentsassociation@gmail.com](#); [Erica Dowson](#)
Subject: FW: ICNZ contact
Date: Thursday, 9 July 2026 3:03:42 pm
Attachments: [image002.png](#)
[image003.png](#)
[image001.png](#)
[ORA ICNZ Memo 080726.pdf](#)

Good afternoon David,

I'm cc'ing Erica the ICNZ Accessibility Leader whose expertise is valuable here.

Do you have any time on Monday or Tuesday to have a call regarding the attached memo?

Insurance becoming in-accessible due to properties facing natural hazard risks that are no longer sudden or unforeseen is a serious concern for insurers and communities. ICNZ continuously advocates for natural hazard risk reduction to maintain the accessibility of insurance.

Insurers do take different views of risk and set their risk appetites on a commercial and independent basis, as required by competition law.

ICNZ has submitted on Government amendments to the planning and development system that it needs to strengthen local authority rules and tools for controlling development that increases natural hazard risk, more about this here:

- <https://www.icnz.org.nz/wp-content/uploads/2026/02/ICNZ-Submission-to-Parliament-Environment-Committee-on-Planning-Bill-and-Natural-Environments-Bill-130226.pdf>
- <https://www.icnz.org.nz/wp-content/uploads/2025/09/ICNZ-Submission-to-MfE-on-National-Policy-Statement-for-Natural-Hazards-1.pdf>

Perhaps relevant to this case, ICNZ have submitted to the Government that development that increases or diverts risk to neighbouring properties should be controlled as this is material to future insurance accessibility.

We can discuss this further and put you in contact with some individual member insurers who may be able to reflect their own risk appetite in situations like this.

James Baigent
Resilience Leader

M: 021 190 7963
www.icnz.org.nz



From: [James Baigent](#)
To: [David Nixon](#); [Erica Dowson](#)
Cc: [Ohoka Residents Association](#)
Subject: RE: ORA Information
Date: Thursday, 30 July 2026 10:53:16 am
Attachments: [image002.png](#)
[image003.png](#)
[image001.png](#)

Good morning David,

ICNZ wrote to the Minister(s) responsible for the Fast Track legislation on 20 July, asking for the National Policy Statement for Natural Hazards to receive necessary weighting in the decisions of Fast Track Panels. This was on the basis of ICNZ having been approached by stakeholders in several communities. We set out the concern from an insurability perspective if the NPS-NH is not adequately weighted in fast track decisions and that regional and economic benefits of fast track decisions make not be achieved if natural hazard risk not reduced and managed safely.

We've not heard back from Hon Bishop or Hon Jones yet so will keep confidence with them until we do.

We'll be in touch once we know more.

James Baigent
Resilience Leader

M: 021 190 7963
www.icnz.org.nz



Appendix C-2: Specialist Memo of Peter Lyons — Uninsurability Risk in Flood-Prone Areas, 16 September 2026

Peter Lyons, insurance law specialist, prepared at the request of the Ohoka Residents' Association. Summarised at Section C5.



OHOKA RESIDENTIAL SUBDIVISION FAST TRACK

Specialist Memo - Uninsurability Risk in Flood-Prone Areas

Prepared by: Peter Lyons, at the request of the Ohoka Residents' Association

Date: 16 September 2026

Re: FTA231 – Proposed Ohoka Subdivision (Carter Group Ltd) – Opinion on uninsurability risk in flood-prone areas

My name is Peter Lyons. I have been asked by the Ohoka Residents' Association to provide my opinion on the risk that this development will materially increase the difficulty and cost of insuring both the new dwellings proposed and the existing homes around them. I give this opinion in professional, sector-informed context, not as advocacy for any particular outcome.

Qualifications and experience

I am an insurance law specialist with over 40 years' experience in the insurance industry in New Zealand, Australia, Singapore, the Middle East, the Lloyd's market in London, and the United States. My senior management responsibilities have included underwriting, reinsurance, and the construction and analysis of complex policy wordings.

I am familiar with most classes of insurance product, insurers' claims processes, and the law of insurance applicable in New Zealand, together with relevant consumer law and the Fair Insurance Code.

This practical experience is complemented by the following academic qualifications:

- University of Auckland: BA (Hons), LLB, and Master in Legal Studies (First Class Honours), including an LLM paper on the need for insurance law reform in New Zealand.
- Insurance Institute of America: Associate in Risk Management (ARM).
- Wharton School, University of Pennsylvania: Postgraduate Diploma in the Probability of Risk.
- Houston Baptist University: Chartered Property Casualty Underwriter (CPCU) coursework in Insurance Accounting and Finance.

Why insurability risk should matter to the Panel's assessment

Insurers make their pricing and underwriting decisions on the basis of their own actuarial assessment of physical risk - not on the basis of what a consenting authority has approved. That is precisely what makes insurer behaviour a useful, independent check on a development's real-world risk profile: insurers have no stake in whether this application is approved or declined, only in whether the risk they are asked to carry is priced correctly. Where the insurance market is already moving away from an area, that is the market's own considered view that the physical risk is real - arrived at independently of, and in this case more conservatively than, the applicant's own assessment.

It is now well established, and increasingly reported across the industry, that insurers are declining to offer new cover, imposing flood exclusions, or withdrawing existing cover altogether in areas known to be flood-prone. This is not a marginal or theoretical trend. I am aware that the Insurance Council of New Zealand (ICNZ) — the peak body representing the insurers who actually carry this risk — has recently written to Ministers Bishop and Jones, specifically stressing the importance of factoring the National Policy Statement – Natural Hazards (NPS-NH) into decision-making under the fast-track process. I understand the Panel is required to have regard to the NPS-NH in any event; ICNZ's intervention is, in my view, a clear signal from the industry itself that this is not a box-ticking exercise, but a live and material consideration.

In 2024 a commercial client had a major loss due to a fire in a tenanted unit. The damage was extensive and the insurer declined to rebuild and a cash settlement was offered. Although the loss was from fire the property had been flooded twice in January 2023 and his insurer had offered renewal excluding flood damage. Cover was effected with an alternative insurer albeit with a very high flood excess. Following the fire and considering rebuild options his bank advised that as the building was located in a high risk flood zone they would not consider providing any mortgage facility. This asset is located in Kumeu, Auckland; a town that the Auckland Council have stated must be relocated due to the flood risk. The council subsidiary Healthy Waters has stated:

“On the basis of the flood risk options work completed to-date, Healthy Waters does not currently believe there is a viable and cost-effective infrastructure solution available to satisfactorily reduce flood risk in Kumeū-Huapai township. For this reason, at this stage Healthy Waters will not be investing further in assessing, planning or constructing large-scale flood-risk reduction infrastructure projects in Kumeū-Huapai.”

I understand the cause of the increased number of flood incidents at this scheme is attributed to upstream intensive housing development and the river is unable to cope with the runoff during unusually heavy rain. This relates directly to the Ohoka proposal as the circumstances are highly comparable. Similarly, a three unit commercial building in Mays Road, Mt Roskill has experienced a series of flood losses, the last costing the insurer over \$600,000 to reinstate the water damage. Increased runoff is attributed to the demolishing of nearby Kianga Ora standalone dwellings and the construction of high-density housing.

Through my own insurance advocacy work, I have acted for clients whose cover was cancelled, or whose premiums increased sharply, purely because their homes were found to be located in a flood-prone area — through no act or fault of their own, and often as a result of a reassessment triggered by new information about the area, not about their specific property. That is the precise mechanism of concern here: it is not only the new dwellings on this site whose insurability is at risk, but the insurability of existing homes in the surrounding area, if this development is found, now or later, to have added to the flood risk profile insurers assess for the locality as a whole. Is it a consideration that if the Ohoka subdivision is approved and has a long term detrimental effect on existing properties that these properties will receive the same fate as those in Kumeu- Huapai and be abandoned as flood reduction measures are uneconomic (for council)?

Risk assessment has moved from projection to practice. At the end of 2025 AA Insurance said it would cease to offer any new policies for home, business and tenanted properties in the 7825 postcode, covering Westport, Carters Beach and Cape Foulwind citing elevated flood risks.

Perhaps Tower Insurance is a good example of how the rating and acceptance of property risks has developed. To help achieve their underwriting goals, Tower adopted Moody's RMS™ High-Definition (HD) Models to support its proprietary pricing engine. The solution comprised a Model which delivered granular data for earthquake risk, and the Moody's Inland Flood Model, enabling the extension of risk-based pricing to flood and supporting climate resilience. Unlike traditional portfolio-level methods that rely on regional averages, the HD Models resolve earthquake and flood risk at the individual address level, combining granular hazard and vulnerability data to reflect the specific characteristics of each property.

By combining Moody's advanced modelling with its own underwriting expertise, Tower established a pricing system that priced for the actual insurance risk at each address. This approach brings transparency to how natural hazard risks are reflected in Tower's insurance premiums and removes

cross-subsidization so that customers only pay for the risks their homes face for specific natural hazards, not anyone else's risks for those hazards.

On the material I have been shown, this is a live risk, not a hypothetical one. Ohoka already has significant, documented flooding issues, and I understand that a number of existing homes in the area already carry insufficient freeboard to withstand a major flood event. Adding a development of this scale to an area with that risk profile, and where flood modelling has been found to be historically inaccurate, is precisely the scenario in which I would expect insurers to reassess pricing and availability of cover - for new and existing homeowners alike.

Other insurers maintain their own resources and rating models related to earthquake, landslip, flood and liquefaction risk. IAG New Zealand controls some 60% of the New Zealand insurance market through its brands – NZI, State, Lumley and AMI with 1 in 2 households purchasing an IAG product. The AMI, State and NZI Wild Weather Tracker documented 46 storms in the 12 months to February 28, 2026 generating 33,174 storm related claims, a 256% increase on the prior years 29 storms. IAG's CEO advised that in a 15 year timeline, a storm typically affects parts of the country every 19 days. In the past 12 months that has more than doubled to once every eight days making storms a near weekly occurrence.

Vero Insurance have a risk profiler aimed at commercial clients managing industry specific exposures, AA Insurance and Medical Assurance Society (MAS) point applicants to the Natural Hazards Commission portal and rural insurer FMG references an internal underwriting model. Rapid changes in identifying property risk exposures down to a single address have been made; we can expect this trend to accelerate as a coping mechanism to climate change and the increased intensity of weather events.

Loss of affordable insurance is not a downstream inconvenience; for most homeowners it directly affects mortgage serviceability, since lenders require continuous cover as a condition of the loan, and it can materially affect the resale value of a property.

I am available to provide further information or to answer questions from the Panel on these matters if that would assist.



PART D: Absence of Net Economic Benefit and the Case for Declining FTA231

(a) Application material this comment relates to

Appendix 2 – Economic Assessment (Market Economics Ltd, 21 May 2026); Appendix 39 – Economic Costs Assessment (Savvy Consulting).

(b) Agree / disagree, and why

Disagree. The Assessment presents gross regional economic activity as if it were the net benefit attributable to consenting this specific site, contrary to its own conceded counterfactual logic (Section D3 below).

(c) Material information gap, uncertainty or disputed assumption

- The capacity “significance” figure substitutes the author's own lower, unverified capacity estimate for Council's adopted figure, for the second consecutive year (Section D4.2).
- The claimed infrastructure efficiency benefit is contradicted by WDC's own technical review, issued four days after the Assessment was dated (Section D5).
- The cost side is entirely outsourced to an undisclosed report (Appendix 39) that has not been made available to submitters in a form that can be tested, and which reaches a soil-classification conclusion conflicting with independent evidence from the District Plan hearings (Section D4.4).
- No assessment is provided of the disbenefit of leaving Council's committed infrastructure investment elsewhere in the district underutilised (Sections D4.7–D4.8).

The application does not identify who will fund the approximately \$120 million of infrastructure that Woods independently estimates is needed outside the site, and Woods found no funding or cost-sharing agreement in the application (Section D4.8; Appendix B-2).

(d) Supporting evidence / technical material

Set out in full in Sections D2–D9 below: the Assessment's own footnoted counterfactual concession; WDC's 25 May 2026 technical review; Council's own records of committed infrastructure investment elsewhere in the district; and Woods' independent order-of-cost estimate of the infrastructure needed outside the site (Appendix B-2).

Position on conditions: the Association has considered whether the impact identified above is capable of remedy by condition, and has concluded that it is not. No conditions are proposed on this ground; the Association's sole request is that the Panel decline the application in full.

(f) Previous RMA process material

An earlier version of the economic case (the 2024 Economic Benefits memo) was before the PC31 process. The Association is not aware of any Joint Witness Statement between economists reached in that process endorsing the capacity-significance calculation method, which has been repeated substantially unchanged in the current Assessment. The material factual position is that WDC's adopted capacity figure (5,600 dwellings) has not changed, while the applicant's substituted lower estimate has again been used without new justification.

The supporting evidence and analysis referred to at (d) above is set out in full below.

D1. Purpose of this Part

The Association submits that FTA231 should be declined on the further and independent ground that the applicant has not established the significant regional or national benefit the Fast-track Approvals Act 2024 requires. The Association has reviewed in full the Economic Assessment prepared by Market Economics Ltd (M.E) for Carter Group Ltd, dated 21 May 2026 (the “Assessment”), submitted as Appendix 2 to the application. **That review finds that the Assessment systematically presents gross regional economic activity as if it were the net economic benefit attributable to consenting this specific site — and that, on the Assessment's own words, once the correct counterfactual is applied consistently, the net benefit properly attributable to this consent is likely to be close to zero, and plausibly negative once site-specific costs are included.** This matters directly to the Panel's task: the proportionality test at the heart of ss 81–85 requires weighing adverse effects against benefit, and a benefit that is illusory or negligible cannot outweigh the adverse effects addressed in Parts A–C of these comments.

D2. The Applicant's Case Rests on Gross Regional Activity, Not Net Benefit

The Assessment claims benefit across six categories. In every category, the claimed figure is a gross regional or national number, not a benefit netted against what would occur anyway if the same dwellings were delivered at an alternative, already-provided-for location in the district or wider region:

Claimed benefit	Headline figure	Netted against counterfactual?
Housing supply increase	875 dwellings + 250 retirement units; claimed 15.6–18.7% of district capacity	No — uses the author's own lower, unverified capacity figure in place of WDC's adopted 5,600
Land market competition	Avoided “monopoly” pricing / dead-weight loss	No — unevidenced, and not specific to this site
Retail & household spend	~\$29m annual retail demand from 875 households	No — the Assessment's own footnote concedes this occurs regardless of location
Construction & development	\$801m–\$1,269m gross output; up to 3,685 job-years	No — same regional-substitution issue, conceded in the Assessment's own counterfactual discussion
Ongoing commercial centre	9,390m ² centre; up to \$42m output / 462 jobs	No — same regional substitution issue
Economic costs	Not assessed — outsourced entirely to an undisclosed Savvy Consulting report	Not verifiable — underlying report withheld from the ORA and this Panel

Not one of the applicant's claimed benefit categories has been tested against the correct question: what does the region gain from this development happening at Ohoka, that it would not gain from the same dwellings being built at Rangiora, Kaiapoi, or Woodend/Pegasus/Ravenswood — the three centres the Assessment itself identifies as the district's actual primary focus for growth? On the evidence below, the answer is: very little.

D3. The Assessment's Own Words Concede the Point

The Association does not need to ask the Panel to infer the gross-versus-net problem. The Assessment concedes it directly, in two places.

First: in a footnote to its own headline retail demand figure, the Assessment itself notes that if the same 875 dwellings were instead distributed across the wider region rather than concentrated at Ohoka, the resulting expenditure would most likely have similar effects. That is the Association's entire counterfactual argument, stated by the applicant's own economist, attached as a footnote to the very figure the Assessment otherwise presents as a benefit specific to this project.

Second: the Assessment's own summary section addresses the scenario in which Ohoka does not proceed, and — by reference to the accompanying Savvy Consulting report — records that a similar component of housing demand would still be accommodated elsewhere in the south-eastern district or surrounding settlements. On that basis, the Assessment treats commuting, transport, labour market accessibility and urban efficiency effects as broadly neutral, precisely because those outcomes are a function of where growth occurs, not whether it occurs at all.

The Association agrees this is the correct economic principle. The difficulty is that the Assessment applies it selectively: having accepted the counterfactual for commuting, transport and urban efficiency effects, it does not apply the same reasoning to the far larger construction, employment, value-add and retail spend figures making up the bulk of its claimed benefit in section 4.1 of the Assessment. A report cannot concede the counterfactual for some effects and ignore it for others that rest on exactly the same logic.

D4. Why the Net Economic Benefit Attributable to This Site Is Likely Close to Zero

D4.1 Construction and household spending are regional, not site-specific. The Assessment itself states that construction employment and multiplier benefits are likely to be distributed between businesses in Waimakariri District and Christchurch City, given the scale of the development. If the same 875 dwellings and 250 retirement units were delivered instead at Rangiora, Kaiapoi, or Woodend/Pegasus/Ravenswood, substantially the same construction spend, wages and multiplier effects would occur, drawn from the same regional construction sector and the same prospective purchasers. **The \$801m–\$1,269m in output and up to 3,685 job-years claimed are therefore gross regional construction activity, most of which is not additional to the region merely because it occurs at Ohoka.**

D4.2 The claimed capacity “significance” figure is inflated by an unverified substitution, repeated for a second year running. Measured against Waimakariri District Council's own official Housing and Business Capacity Assessment figure of 5,600 dwellings, the proposed 875 dwellings represent approximately 15.6%. The Assessment instead reports 18.7%, by substituting a lower, self-generated capacity estimate of 4,696 dwellings for the Council's own adopted figure — with no data, modelling or independent verification provided for that downward revision. This is not new: the same author's 2024 memo performed the identical substitution, using a self-generated range of 4,480–4,900 to inflate that year's reported significance from around 15% to 18–20%. A calculation repeated unchanged in substance across two years, each time relying on the author's own unverified, lower figure rather than the Council's actual adopted capacity, should not be accepted at face value — particularly against the Council's December 2023 Residential Capacity and Demand Model and its June 2025 Partially Operative District Plan, which together already enable 14,000–17,000 new dwellings district-wide.

D4.3 The land market competition benefit remains unproven and non-site-specific. The claimed benefit from avoiding landowner “monopoly” pricing is repeated, essentially unchanged, from the 2024 memo. No evidence is presented in either version that such constrained pricing is actually occurring, or would occur without Ohoka. In any event, any additional parcel of land brought to market anywhere in the district — including the

substantial capacity already enabled district-wide — would have the same disciplining effect. This is not a benefit of this site; it is a benefit of land supply generally.

D4.4 The cost side of the ledger has been outsourced and cannot be tested. Unlike the 2024 memo, which at least attempted its own costs analysis, the 2026 Assessment states expressly that it does not consider the economic costs of the proposal at all, deferring entirely to a separate Savvy Consulting report that has not been made available to the Association or, on the current record, to this Panel. On the Assessment's own account, that undisclosed report concludes the loss of LUC 2 and 3 land is negligible — a conclusion that conflicts with independent evidence from the Proposed District Plan hearings finding the site's soils predominantly LUC 1 and 2, a materially more protected classification. A benefit case whose cost side cannot be independently reviewed, produced by a consultant engaged by the same applicant, and reaching conclusions convenient to that applicant on a contested point, warrants particular caution rather than acceptance at face value.

D4.5 At most a timing benefit, not a permanent one. Even accepting that approval might bring forward some housing delivery that would otherwise occur a few years later elsewhere, the correct valuation of that is the net present value of earlier delivery — not the full ten-year gross construction spend and multiplier effect claimed. The Assessment does not attempt this calculation, despite its own counterfactual discussion providing the natural starting point for exactly this analysis.

D4.6 The affordability argument does not show these dwellings will improve affordability. The Assessment cites a district median house-price-to-income ratio of nine times against an accepted affordability benchmark of three times, but provides no analysis of the likely price point of the proposed dwellings. Greenfield subdivision housing of this kind is typically priced at a premium reflecting new construction and new infrastructure, not at the district median. The Assessment also leads with a 20% price increase figure to September 2024, while separately noting prices had fallen to only around 13% above 2021 levels by October 2024 — without giving the more recent, smaller figure equivalent prominence. Without price-segment analysis, a district-wide affordability statistic does not establish that this specific development will meaningfully improve affordability for median-income Waimakariri households.

D4.7 The Assessment ignores the cost of leaving the Council's existing, committed infrastructure investment elsewhere in the district underutilised. WDC has committed approximately \$701 million in infrastructure investment over the next 10 years, including more than \$100 million invested in water infrastructure over the past 20 years and a further \$112.7 million allocated to drinking water, wastewater and flood protection improvements — the substantial majority of it directed at the growth locations the District Plan Review identified as appropriate: Rangiora, Kaiapoi, and Woodend/Pegasus/Ravenswood. Recent and current capital works illustrate the point directly: upgrades to Rangiora's primary sewer main to increase capacity, the joining of the Pegasus and Woodend water supply schemes, and the Rangiora Eastern Link and Woodend Bypass roading projects (the latter jointly funded by the Crown) have all been undertaken, or are underway, specifically to service growth at those locations. The District Plan Review's rezoning around Rangiora, Kaiapoi, Oxford and Woodend — unlocking capacity for 14,000 to 17,000 further dwellings — was made on the basis that this infrastructure exists, or is already committed, to support it.

None of that committed investment serves Ohoka. WDC's own review found the applicant's stormwater concept infeasible and rejected the proposed wastewater method outright (Part B) precisely because Ohoka has never been part of that infrastructure programme. Approving FTA231 would not simply add a housing development to an infrastructure-ready location — it would divert a material share of the district's housing growth away from locations where the Council has already spent, or is already committed to spend, ratepayer and Crown funding to enable that growth, toward a location that instead requires a separate infrastructure build-out from close to a standing start, which Woods has independently estimated at approximately \$120 million (Section D4.8). That is a real economic cost: substantial existing and committed public infrastructure capacity left underutilised relative to what it was sized and funded for, while a new, parallel programme of stormwater and wastewater investment — and further transport investment — is required for Ohoka alone. The Assessment does not identify, quantify,

or net this disbenefit against its claimed benefits anywhere in its analysis, notwithstanding that it is a direct and foreseeable consequence of building this scale of development at this location rather than at the locations the Council has actually planned and infrastructure-enabled.

D4.8 The infrastructure needed outside the site is independently estimated at about \$120 million, the application does not say who will pay for it, and Council's own records confirm a specific unbudgeted item.

Council's own records confirm a specific, unbudgeted cost. In its Water Supply staff report to the 2025/26 Annual Plan, considered by Council on 27 May 2025, Council resolved to note that no additional budget had been requested for the additional cost that could be incurred for the Ohoka Water Treatment Plant land purchase, should the Ohoka subdivision (then advanced as PC31) proceed — a cost arising from a condition already agreed in an approved land purchase agreement. That is Council's own record of a material, presently unbudgeted capital cost directly contingent on this development proceeding. Separately, the applicant's own wastewater memorandum (Appendix 28(a)) records that it has dropped, on cost grounds, the dedicated pipeline to the Rangiora Wastewater Treatment Plant that it had agreed in principle with WDC in the earlier plan change processes, and proposes instead to connect to the existing Mandeville-Ōhoka rising main, which was designed for a combined total of only 875 properties across both settlements.

Neither WDC's minutes nor the applicant's own Economic Assessment puts a dollar figure on the infrastructure needed outside the site. To assist the Panel, the Association has obtained an independent order-of-cost assessment from Woods (Appendix B-2, summarised at Section B6). Woods estimates the capital cost of the public infrastructure external to the site, for 1,100 household unit equivalents, at approximately \$120 million: \$122.2 million where the development connects to the existing Mandeville-Ōhoka rising main (the applicant's proposal) and \$115.5 million where a new dedicated 8 km rising main is built to Rangiora. That comprises wastewater (\$21.7–\$27.0 million), water supply (\$5.4 million), stormwater (\$7.2 million), off-site transport (\$54.8 million) and community infrastructure (\$3.3 million), together with ongoing operation and maintenance of about \$1.5 million a year.

Woods records that it is not clear from the application who will fund or construct this infrastructure, and that it identified no document in the application setting out agreements between the developer and Council on funding or cost sharing. It anticipates the developer would deliver and fund at least some of the upgrades, but concludes that the proportion falling to Council “remains uncertain”. For scale only, every 10% of a ~\$120 million total that falls on Council, and through it on ratepayers, is ~\$12 million. The Association does not suggest what the proportion will be. Its submission is that the application does not say, and the Panel therefore cannot treat the cost to the community as nil or immaterial.

Woods describes its figures as indicative, order-of-cost estimates prepared without confirmed scope or design information and subject to substantial uncertainty, and the Association does not ask the Panel to treat them as precise. They are offered because neither the applicant nor, on the current record, Council has placed any figure on this cost at all. The Association submits the Panel should require the applicant and/or WDC to provide a costed estimate of the infrastructure needed outside the site, and a funding and delivery agreement identifying who will bear each part of it, before the Panel can be satisfied that the cost side of the proportionality assessment under section 85 has been properly considered.

D5. The Claimed Infrastructure Efficiency Benefit Was Contradicted by the Council's Own Review Four Days Later

The Assessment's “Other Broader Benefits” section claims that master-planned, single-provider delivery enables more efficient land development, clearer staging, and coordinated three waters and stormwater infrastructure, reducing duplication and servicing costs. The Assessment is dated 21 May 2026. Waimakariri District Council's own high-level technical review of the applicant's draft infrastructure and flooding reports is dated 25 May 2026 — four days later. That review found the stormwater servicing concept lacked sufficient evidence of feasibility, that the stormwater design relied on superseded engineering standards requiring redesign, and that WDC does

not support the applicant's proposed wastewater servicing method at all (see further Part B of these comments). An economic assessment cannot be relied upon for a claimed efficiency benefit that the responsible council's own engineers, reviewing the same applicant's own technical work in the same week, directly contradicted.

D6. A Materially Larger Project Than the Version Already Declined Twice

The Assessment confirms the current proposal comprises 875 residential lots, a 250-unit retirement village, a 9,390m² commercial centre, and a polo field on 154.4 hectares — larger than the version considered and declined twice through the ordinary planning process, which involved approximately 800–850 households on a broadly similar area. The Association submits a materially larger version of a proposal already tested and declined twice on its merits should not receive less scrutiny of its economic case simply because it is now advanced through a different, faster process.

D7. The Hazard Resilience Ground for Eligibility Is Invoked but Never Addressed

The Assessment's introduction lists section 22(2)(a)(viii) of the Act — support for climate change adaptation, reduced natural hazard risk, or recovery from natural hazard events — among the criteria relevant to the project's eligibility. Despite this, the Assessment's substantive analysis never returns to natural hazard resilience at all, notwithstanding this site's well-documented flood risk, addressed at length in Parts A and C of these comments. An economic assessment that lists natural hazard resilience as a potential ground for approval, while remaining silent on the flood and stormwater servicing risks affecting this particular site, has not engaged with the very criterion it identifies as relevant — and cannot be relied upon to establish benefit under that limb.

D8. The Bayleys Letter of Support Carries Little Independent Weight

The application is supported by a one-page letter from a director of a real estate agency involved in residential property and subdivision sales in Canterbury — a business that may stand to benefit commercially from the release and sale of additional residential sections. The letter contains no modelling or stated methodology and does not compare the Ohoka proposal with alternative growth locations. The Association submits this should be read as a market-facing sales opinion from a commercially interested party, not as independent evidence capable of establishing regional economic significance.

D9. Why This Fails the Proportionality Test (ss 81–85)

Part D operates differently from Parts A, B, C, E and F. Those Parts each identify an adverse impact within the meaning of section 85(3)(a) and (5). Part D instead attacks the other side of the section 85(3)(b) and section 81(4) equation: the project's claimed regional or national benefits. That distinction matters, because it means the analysis in this Part does not need to be weighed in isolation — its effect is to reduce the benefit denominator against which every adverse impact identified elsewhere in these comments is assessed. Where the benefit properly attributable to this consent is close to zero, an adverse impact does not need to be severe in absolute terms to be “out of proportion” to it; disproportion is a comparison, and a comparison to a benefit of close to zero is satisfied at a correspondingly low threshold of adverse impact. The Association submits the following statutory consequences follow directly from Sections D2–D8 above:

- **The benefit side of the ledger is close to zero.** Properly netted against the regional counterfactual — using the Assessment's own conceded logic — the construction, employment, retail and land-market benefits claimed are not additional to the region and cannot be weighed as if they were. What remains once genuine site-specific benefit is isolated is materially smaller than the headline figures presented to this Panel.

- **The cost side is unknown, not merely small.** With the economic costs assessment outsourced entirely to an undisclosed report, independent evidence conflicting with that report's key soil-classification conclusion, Council's own minutes confirming an unbudgeted infrastructure cost directly tied to this development, and no analysis anywhere of the disbenefit of leaving the Council's committed infrastructure investment elsewhere in the district underutilised while a separate infrastructure programme, independently estimated at approximately \$120 million, is required outside the site for Ohoka alone and the application does not say who will pay for it (Sections D4.7–D4.8 and B6), the Panel cannot currently be satisfied the cost side has been properly assessed at all — let alone that it is outweighed by benefit.
- **Proportionality (ss 81–85):** the decision-making criteria require the Panel to weigh whether adverse effects are sufficiently significant to be out of proportion to the project's regional or national benefits. A benefit that is likely close to zero — and plausibly negative once flood, insurability and infrastructure costs specific to this site are included (Parts A–C) — cannot be proportionate to those adverse effects. The test cannot be satisfied by a benefit case that has not netted out what would happen anyway.
- **Purpose of the Act:** the Act exists to deliver projects with significant regional or national benefit. Where a project's own economic case, properly read, shows that benefit is substantially a product of regional housing demand being met somewhere rather than a genuine gain from this location, the project has not established the very benefit the fast-track pathway is designed to capture.
- **Sufficiency of information:** the Panel cannot be satisfied on the information before it while (a) the underlying capacity figure has been substituted without verification for a second consecutive year, (b) the costs report has been withheld from scrutiny, and (c) the claimed infrastructure efficiency benefit is contradicted by the Council's own technical review of the same week.

The Association's request for relief on this ground is set out together with its other requests in the Conclusion at the end of these comments.

Appendix D-1: Source Documents

- Economic Assessment – Ohoka Residential Subdivision, Maggie Hong and Greg Akehurst (Market Economics Ltd) for Carter Group Limited, 21 May 2026 (FINAL).
- Ohoka Economic Benefits memo, Greg Akehurst (Market Economics Ltd) to Tim Carter (Carter Group), 1 May 2024.
- Letter of support, Chris Jones (Whalan and Partners Ltd, trading as Bayleys Canterbury) to Tim Carter, 1 May 2024.
- Waimakariri District Council, “RC255196 – Carter Group Ohoka Fast Track – WDC High Level Initial Comments”, 25 May 2026.
- Waimakariri District Council, “Planning & Investing in Waimakariri's Future” (infrastructure investment summary, including approximately \$701 million planned infrastructure spend over 10 years and \$112.7 million allocated to drinking water, wastewater and flood protection improvements).
- Waimakariri District Council, Long Term Plan and Annual Plan materials on the Rangiora Eastern Link, Woodend Bypass, and Rangiora/Kaiapoi/Woodend-Pegasus three waters capital works programme.
- Waimakariri District Council, “Waimakariri Finalises Proposed District Plan” (confirming rezoning around Rangiora, Kaiapoi, Oxford and Woodend unlocking capacity for 14,000–17,000 dwellings), June 2025.
- Waimakariri District Council, Agenda – Council Annual Plan 2025/26 Deliberations, 27–28 May 2025, Item 5.4(n) (unbudgeted cost of the Ohoka Water Treatment Plant land purchase contingent on the Ohoka subdivision proceeding).
- Woods, Supporting infrastructure order-of-costs assessment, 10 October 2026 (Appendix B-2).

PART E: Planning — The District Plan Review, Private Plan Change 31 and the Case for Declining FTA231

(a) Application material this comment relates to

The application generally; Appendices 33–36 (national and district/regional plan compliance assessments); Appendices 40–42 (proposed plan evidence and provisions assessment).

(b) Agree / disagree, and why

Disagree with treating this application as a fresh assessment of an unknown site. The Association submits the Panel should give substantial weight to two prior, independent declines of substantially the same development on this site, for reasons that substantially overlap with the grounds advanced across these comments.

(c) Material information gap, uncertainty or disputed assumption

- The application material does not, so far as the Association is aware, set out in one place the full detail of the PC31 and District Plan Review decisions and the reasons for them.

(d) Supporting evidence / technical material

Set out in full in Sections E2–E5 below: PC31 decision documents; the District Plan Review's Hearing Stream 12D Independent Hearings Panel recommendations; and WDC's public statements on both.

Position on conditions: the Association has considered whether the impact identified above is capable of remedy by condition, and has concluded that it is not. No conditions are proposed on this ground; the Association's sole request is that the Panel decline the application in full.

(f) Previous RMA process material

Addressed at length in this Part: both PC31 and the District Plan Review are directly on point, reached by independent decision-makers considering substantially the same facts as are before this Panel. See Sections E2–E5 below for the full detail.

The supporting evidence and analysis referred to at (d) above is set out in full below.

E1. Purpose of this Part

The Association submits that FTA231 should be declined on the further and independent ground that substantially the same development, proposed by the same applicant, on the same land, has already been tested through two full independent statutory planning processes under the Resource Management Act 1991 — and declined on both occasions, for reasons that substantially overlap with the evidence set out in Parts A, B and F of these comments. The Panel is not being asked to consider this site for the first time. It is required to have regard to that planning history, and the Association submits it should weigh heavily against approval.

E2. Two Independent Planning Processes Have Already Tested — and Declined — This Development

Private Plan Change 31 (PC31 / RCP031): Rolleston Industrial Developments Limited (“RIDL”), a subsidiary of Carter Group whose director is Tim Carter, applied to rezone approximately 155.9 hectares of Rural-zoned land at Ohoka (fronting Whites Road, Mill Road and Bradleys Road) to enable a master-planned residential and commercial development of up to approximately 850 households, together with a possible school, retirement village and commercial area — in substance, the same site and the same development now advanced as FTA231. The application was publicly notified on 6 July 2022. The Council received 648 submissions and 8 further

submissions; 93% of submitters opposed the plan change. An independent Hearing Panel heard the application over 3–10 August 2023, and identified the following as key issues: the rural character of Ohoka Village; localised flooding effects, including groundwater and springs; the feasibility and timing of water supply, wastewater and stormwater management; the availability and provision of public and alternative transport; and the scale and function of the proposed commercial centre. The Panel recommended the plan change be declined. The Council accepted that recommendation and formally adopted the decision to decline on 5 December 2023. RIDL appealed to the Environment Court on 8 December 2023.

The District Plan Review (Proposed Waimakariri District Plan): RIDL and Carter Group separately lodged a submission on the Proposed Waimakariri District Plan seeking, in substance, the same rezoning of the same site — from the Rural Lifestyle Zone proposed for the site to General Residential Zone (with an Education/Retirement Village Overlay), to enable approximately 875 dwellings. This was heard as part of Hearing Stream 12D. The Independent Hearings Panel again recommended the rezoning be declined — the second time an independent planning process has rejected substantially the same development on this site. The Council accepted all of the Hearings Panel's recommendations on the Proposed District Plan and publicly notified its decisions on 14 July 2025.

The Association notes the Council's own public position on the first of these processes: it took the step of making a submission on PC31 primarily because of drainage and transport concerns, and because of the significant change to rural character the proposal presented — the same three concerns that recur, independently, in Parts A, B and F of these comments.

E3. Why This Planning History Is Directly Relevant to FTA231

- **This is a third attempt on the same facts.** FTA231 is not a fresh assessment of an unknown site. It is a third attempt, by the same applicant, to secure approval for substantially the same development on the same land, after two independent, evidence-based planning processes — each involving expert evidence, public submission, and independent decision-makers — concluded the development should not proceed.
- **The Act requires this history to be before the Panel.** A referral application under the Act must include information about prior decisions by other approving authorities, including court decisions, precisely so that a panel is not asked to decide a project in a vacuum, disconnected from directly relevant findings already reached on the same facts.
- **The Panel's decision-making criteria bring the planning framework back in.** Sections 81–85 direct the Panel's decision-making by reference to, among other things, Parts 2 and 6, and 8–10 of the Resource Management Act 1991, which bring the relevant provisions of regional policy statements and district plans within the Panel's proper consideration — subject to the Fast-track Approvals Act's own purpose being given the greatest weight. The Panel is accordingly required to weigh this application against the same body of planning framework that has already twice found the site unsuitable for this scale of development, not to disregard it.
- **Consistency between two independent panels is itself evidence.** The findings of the two prior processes were reached on substantially the same technical questions this Panel must now determine: flood risk and servicing (Parts A and B), and rural character (Part F). Where two separate panels of independent experts, considering detailed technical evidence over multi-day hearings, reached the same conclusion on the same site, that consistency is itself evidence the Panel should weigh heavily.

E4. The Site's Zoning Reflects a Deliberate, District-Wide Planning Decision, Not an Oversight

The site is zoned Rural under the Operative District Plan and, following the District Plan Review, Rural Lifestyle Zone under the now partially operative District Plan — a zoning that anticipates large-lot rural lifestyle

development, not an 879-lot urban subdivision with a commercial centre and retirement village. Indeed, the applicant's own Outline Development Plan documentation prepared in support of PC31 acknowledged that maintaining Ohoka's special semi-rural village character required any further growth to occur at low density — on the order of 0.5 to 1.0 hectare allotments within a walkable village setting — a vision materially different from the standard suburban subdivision now proposed under FTA231.

This is not the product of the District Plan Review overlooking growth needs. To the contrary: the Council's Rural Residential Development Strategy, confirmed in 2019 following wide public consultation, identified four specific areas for further rural residential growth in the District — Swannanoa, Oxford, Ashley/Loburn and Gressons Road (north of Woodend) — and Ohoka was not among them. The subsequent District Plan Review found capacity for up to approximately 17,000 further dwellings district-wide over the next 30 years, through a considered, district-wide assessment of where growth should occur — an assessment that specifically considered Ohoka and, on two separate occasions, determined it was not among the locations appropriate for intensive urban development (see also Part D, Section D2 above, addressing the same substitution issue in the applicant's own Economic Assessment).

The Canterbury Regional Policy Statement's Map A represents a policy “hard line” containing and consolidating urban growth in Greater Christchurch for the purposes of recovery, rebuilding and planning for future growth and infrastructure delivery; the application site lies outside that line. Approving urban-scale development at Ohoka would accordingly run contrary to the higher-order regional planning framework the Panel is directed to have regard to, as well as to the district-level planning decisions already made twice on this specific site.

E5. Why This Meets the Statutory Test for the Panel to Decline

This ground is not an argument of plan inconsistency (s 85(4)). The Association is conscious that section 85(4) prevents the Panel from finding the section 85(3)(b) threshold met solely because an adverse impact is inconsistent with a planning document. This ground is not put on that basis, and does not need to be. The adverse impact relied upon in this Part is not “the site is zoned Rural” or “the proposal is inconsistent with the District Plan” as such. It is the evidentiary fact that two independent expert panels, applying detailed technical evidence over multi-day hearings to this specific site, each separately concluded that the real-world adverse effects of this development — rural character loss, flooding, and servicing infeasibility, the same matters addressed in Parts A, B and F — were serious enough to warrant refusal. The zoning outcome is a consequence of that evidentiary finding, not the substance of it. The Panel is accordingly not being asked to decline FTA231 because it conflicts with a document; it is being asked to give appropriate weight to the fact that the underlying real-world impacts it conflicts with have already been independently tested and found adverse, twice, by decision-makers who heard the relevant expert evidence in full.

- **(a) The adverse impact:** the real prospect that a development already twice found, on the evidence, to cause unacceptable rural character, flooding and servicing effects will now proceed regardless, without any of the deficiencies identified in those two processes having been shown to be resolved. That prospect — not the zoning label itself — is the matter that weighs against granting the approval within the meaning of section 85(5).
- **(b) Disproportionate even after conditions:** no condition the Panel might set, and no modification the applicant might propose, can retroactively supply the two things this ground exposes as missing: independent confirmation that the site is fit for this scale of development, and a credible explanation for why the outcome should differ this time on the same underlying facts. A financial contribution, a staging condition, or a landscaping condition addresses none of that. Weighed against a benefit case that is itself close to zero (Part D), the Association submits the balance falls firmly in favour of decline.
- **A prior decline does not predetermine this outcome — but the reasons for it are still live.** The Association acknowledges that a prior decline does not automatically determine the outcome of an FTA231 application, and that the Fast-track Approvals Act deliberately allows a project to be

reconsidered outside the ordinary RMA pathway. The Association's position is narrower and more specific: that where the same applicant seeks the same outcome on the same site, and where the reasons for the two prior declines — rural character, flooding, and servicing — are substantially the reasons advanced in Parts A, B and F of these comments on independently gathered evidence, the Panel has been given no new evidence that would justify a different real-world outcome, whatever process is used to reach it.

The Association's request for relief on this ground is set out together with its other requests in the Conclusion at the end of these comments.

Appendix E-1: Source Documents

- Waimakariri District Council, Private Plan Change 31 (RCP031) decision documents, including the Hearing Panel's recommendation and the Council's decision to decline, adopted 5 December 2023.
- Waimakariri District Council, Hearing Stream 12D (Ohoka – RIDL) section 42A report and Independent Hearings Panel recommendations on the Proposed Waimakariri District Plan.
- Waimakariri District Council, notification of decisions on the Proposed District Plan, 14 July 2025.
- Waimakariri District Council, Rural Residential Development Strategy (2019).
- Waimakariri District Council, “Waimakariri District projects included in Fast-track Bill”, October 2024 (Council statement on reasons for opposing PC31).
- Canterbury Regional Policy Statement, Chapter 6, Map A (Greater Christchurch urban containment line).
- Fast-track Approvals Act 2024, ss 81–85 and related provisions requiring disclosure of prior decisions by other approving authorities.

PART F: Rural Character and Amenity

(a) Application material this comment relates to

Appendix 23 – Urban Design and Landscape Masterplan; Appendix 23(a) – Urban Design Assessment; Appendix 23(b) – Landscape and Visual Impact Assessment; Appendix 23(c) – Draft Landscape Management Plan (all updated 10 September 2026).

(b) Agree / disagree, and why

Disagree with DCM's conclusion that the development will be experienced as a landscaped extension of Ōhoka. The Association notes DCM's own revised assessment now assesses landscape effects as “moderate”, increased from “low-moderate” in the original assessment — a concession the Association submits still understates the effect of adding roughly eight times the township's current dwelling count in a single development.

(c) Material information gap, uncertainty or disputed assumption

- Whether visual and landscape mitigation through planting maturity can offset a permanent change from rural to urban land use at this scale is disputed; no equivalent independent landscape assessment has been provided to submitters.

(d) Supporting evidence / technical material

Set out in full in Sections F2–F5 below: the PC31 and District Plan Review findings on rural character as a key issue; Council's public statements; and the petition of more than 3,000 signatories opposing the development.

Position on conditions: the Association has considered whether the impact identified above is capable of remedy by condition, and has concluded that it is not. No conditions are proposed on this ground; the Association's sole request is that the Panel decline the application in full.

(f) Previous RMA process material

The rural character of Ōhoka Village was expressly identified as a key issue in both PC31 and the District Plan Review; both concluded, after landscape and urban design evidence was tested at hearing, that the change was not acceptable. The Association is not aware of any Joint Witness Statement between landscape experts recording agreement in either process that the change to rural character was acceptable.

The supporting evidence and analysis referred to at (d) above is set out in full below.

F1. Purpose of this Part

The Association submits that FTA231 should be declined on the further and independent ground that the development would fundamentally and irreversibly change — in the Association's view, decimate — the rural character and amenity of Ohoka. This is not a subjective or generalised objection to growth. It is an effect that has been independently identified as a central concern by two separate independent planning panels considering substantially the same proposal (Part E above), is not capable of being remedied by conditions, and is a significant adverse effect the Panel is required to weigh under sections 81–85 of the Act.

F2. Ohoka's Existing Rural Character

Ohoka is a small rural village, with a township of only around 111 dwellings, set within a wider rural and rural-lifestyle landscape of pasture, shelterbelts and large-lot living extending toward Mandeville and along Whites Road, Mill Road, Bradleys Road and Tram Road.

This character is not incidental — it is the product of a deliberate planning approach reflected in the site's Rural zoning under the Operative District Plan, and its intended Rural Lifestyle zoning under the (now partially operative) District Plan, both of which anticipate large-lot rural living, not urban-density residential subdivision. The applicant's own Outline Development Plan documentation prepared for PC31 recognised this directly, describing the type of growth needed to maintain Ohoka's rural village character as low-density living on generous allotments forming a walkable community around the village centre — not the standard suburban subdivision layout now proposed under FTA231.

F3. The Scale of the Proposed Change

FTA231 proposes 879 residential allotments, a 250-unit retirement village, a 9,390m² commercial centre and a polo field on 154.4 hectares of this rural land.

To put that scale in context: the proposal would add roughly eight times the number of dwellings currently within the entire Ohoka township, in a single development, immediately adjoining it. This is not incremental growth consistent with the area's existing character — it is the wholesale conversion of open rural land into a discrete urban settlement, imposed on a village that has never been planned, serviced, or resourced for that scale of population.

The introduction of a 9,390m² commercial centre in particular represents a change in the fundamental function of the locality, from a small rural settlement to a location with its own local retail and commercial catchment — a function the Council's own planning framework has deliberately reserved for Mandeville, Rangiora, Kaiapoi and other designated centres, not Ohoka.

F4. Independent Planning Panels Have Already Found This Change Unacceptable

As set out in Part E above, the rural character of Ohoka Village was identified as a key issue in both the PC31 hearing and the District Plan Review hearing on substantially the same proposal. Both independent panels ultimately recommended the rezoning be declined.

Publicly, the Council has confirmed that its opposition to PC31 was driven in significant part by the change the proposal would bring to Ohoka's rural character, alongside drainage and transport concerns, and that the District Plan Review and the Council's Rural Residential Development Strategy specifically considered Ohoka and found it unsuitable for this scale of development. The Association submits the Panel should treat this consistent, independent, twice-repeated finding as compelling evidence that the loss of rural character and amenity here is not a matter of subjective taste or generalised resident preference, but a considered planning conclusion reached after detailed landscape, urban design and planning evidence was tested at hearing on each occasion.

F5. Amenity Effects on Existing Residents

The change in character is not experienced by the applicant, who will sell the new lots and exit; it is experienced by existing Ohoka residents, who purchased and built in reliance on the area's rural zoning and character, and who will live permanently adjacent to an 879-lot urban subdivision, a retirement village, a commercial centre, and the traffic, lighting and built form that come with them.

This amenity loss compounds, rather than stands apart from, the other adverse effects addressed elsewhere in these comments: it arrives alongside increased flood risk (Part A), unresolved stormwater and wastewater servicing (Part B), and uninsurability risk (Part C), and is not offset by a benefit case that withstands scrutiny (Part D). The Association notes that the site's distance from Christchurch (approximately 25km), Kaiapoi

(approximately 9km) and Rangiora (approximately 9.5km), combined with the area's near-total reliance on private vehicles — only around 4% of Mandeville–Ohoka residents currently walk, cycle or use public transport for their trips — means the development cannot be absorbed as a well-functioning, connected urban extension. It will instead function as an isolated, car-dependent urban enclave grafted onto a rural village, with amenity consequences for existing residents' rural outlook, traffic exposure and community character that follow directly from that isolation.

More than 3,000 residents and concerned parties have signed a petition opposing the development being progressed through the fast-track process. The Association submits this scale of sustained, public opposition is itself relevant evidence of the amenity value residents place on the area's existing rural character, and of the degree to which that value would be lost.

F6. Why This Meets the Statutory Test for the Panel to Decline

- **(a) A real, evidenced, independently corroborated adverse effect.** The loss of Ohoka's rural character and amenity is a significant adverse effect of the kind s 85(3)(a) and (5) require the Panel to weigh — not a generalised or speculative concern, but one independently identified as a central issue by two separate expert planning panels.
- **(b) Not curable by conditions or applicant-proposed mitigation (s 85(3)(b)(i)-(ii)).** Unlike a design or servicing detail, the conversion of 154.4 hectares of rural land into an urban-scale settlement cannot be conditioned back into a rural landscape. Landscaping, setback, or staging conditions the Panel might impose, and any equivalent mitigation the applicant might propose or agree to, can soften the visual edges of the development; none can prevent the underlying change from a rural village to a car-dependent urban settlement roughly eight times its current size. Once amenity and character of this kind are lost, they are not recoverable through consent conditions, because the impact is the scale and nature of the development itself, not a mitigable side-effect of it.
- **Proportionality (ss 81–85):** weighed against a benefit case that is itself close to zero (Part D), the wholesale change to Ohoka's rural character and amenity is a severe and disproportionate adverse effect.
- **Purpose of the Act:** the Act exists to deliver projects of significant regional or national benefit — not to override, through the fast-track process alone, a specific and considered local planning conclusion, reached twice through orthodox and rigorous statutory processes, that this particular development is not an appropriate use of this particular land.

The Association's request for relief on this ground is set out together with its other requests in the Conclusion at the end of these comments.

Appendix F-1: Source Documents

- Waimakariri District Council, Private Plan Change 31 (RCP031), Outline Development Plan text and supporting documentation.
- Waimakariri District Council, Hearing Stream 12D (Ohoka – RIDL) evidence on landscape, urban design and planning.
- Waimakariri District Council, Rural Residential Development Strategy (2019).
- Petition to the House of Representatives seeking removal of the Ohoka Subdivision from Schedule 2 of the Fast-track Approvals Act 2024, presented at Ohoka Domain.

PART G: Transport and Road Safety Effects and the Case for Declining FTA231

(a) Application material this comment relates to

Appendix 15 – Integrated Transport Assessment; new Appendix 15(a) – Transport Response Memorandum (10 September 2026); updated road cross-sections.

(b) Agree / disagree, and why

Disagree that the September 2026 revisions resolve Council's identified road safety concerns, and disagree that the Integrated Transport Assessment adequately accounts for the full development — the retirement village, commercial centre and school-roll growth — a matter on which the Panel has invited comment in Minute 1.

(c) Material information gap, uncertainty or disputed assumption

- Trip generation and network capacity modelling for the retirement village and commercial centre components, each with a distinct trip profile from standard residential traffic, has not been shown to have been disclosed.
- The applicant's own 10 September 2026 letter identifies new, unresolved District Plan non-compliances on the Collector Road cross-sections — missing on-road cycle lanes and a corridor 1m short of the District Plan requirement.

(d) Supporting evidence / technical material

Set out in full in Sections G2–G5 below: WDC's technical feedback as recorded in the applicant's own 8 September 2026 transport response letter; the Panel's Minute 1, Appendix 4, item 8; and the PC31/District Plan Review transport findings.

Position on conditions: the Association has considered whether the impact identified above is capable of remedy by condition, and has concluded that it is not. No conditions are proposed on this ground; the Association's sole request is that the Panel decline the application in full.

(f) Previous RMA process material

Transport and the availability of alternative transport were a key issue in the PC31 process and in Council's stated reasons for opposing PC31. The Association is not aware of any Joint Witness Statement between transport experts in the prior processes resolving these concerns. The material factual difference under the FTAA process is that the applicant has now filed revised road geometry (10 September 2026) that was not before either prior decision-maker, and which, by the applicant's own account, has introduced new non-compliances rather than resolved the matter.

The supporting evidence and analysis referred to at (d) above is set out in full below.

G1. Purpose of this Part

The Association submits that FTA231 should be declined on the further and independent ground that the proposed development would generate substantial additional vehicle traffic on a rural road network that is not designed, and is not currently proposed to be adequately redesigned, to safely accommodate it. This is a real, evidenced adverse effect that remains disproportionate to the project's claimed benefit even after the design revisions the applicant filed on 10 September 2026. This ground is reinforced by two further matters: transport was expressly identified as one of the key issues underlying both of the two prior, independent declines of substantially the same development on this site (Part E); and the Expert Panel has itself specifically identified transport as a matter it particularly invites comment on, in Minute 1 of the Expert Panel dated 14 September

2026, including whether the transport assessment adequately accounts for the full development — the retirement village, the local centre and projected increases to local school rolls — and the effects on the local and State highway networks.

G2. A Remote, Rural, Car-Dependent Site

The application site is served by Whites Road, Mill Road and Bradleys Road — rural roads currently carrying rural and rural-lifestyle traffic volumes, not the traffic generated by an urban-scale subdivision. The site is approximately 10km from the nearest motorway, approximately 25km from central Christchurch, approximately 9km from central Kaiapoi and approximately 9.5km from central Rangiora. Only around 4% of Mandeville-Ōhoka residents currently walk, cycle or use public transport for their trips. On this evidence, the development's 856 residential lots, 250-unit retirement village and commercial centre would generate a development-defining volume of new trips — commuting, school, retail and healthcare — that will overwhelmingly be made by private vehicle on a rural road network never designed for that role.

G3. Council's Own Technical Review Has Identified Material Road Safety Deficiencies That Remain Only Partly Resolved

Waimakariri District Council's technical review of the applicant's original road layout identified multiple, specific safety deficiencies, set out in the applicant's own 10 September 2026 transport response memorandum:

- **Intersections at acute angles in Stages 2 and 4**, which Council identified as having increased traffic safety effects from poor sight lines to conflicting vehicles, substantially longer pedestrian crossing distances, and increased driver confusion.
- **Non-compliant intersection spacing** between Roads 10-1 and 9-4, not meeting Austroads minimum separation standards, with Council identifying a risk that side-road drivers would attempt to “weave” across the through road instead of making two separate, visible turns.
- **Oversized 4.5m traffic lanes** on collector roads, inconsistent with the Partially Operative District Plan's Local Street standards (3.0–3.3m) and identified by Council as likely to result in higher vehicle speeds.
- **Carriageway widths of 6.0–7.0m with no provision for on-street parking**, which Council did not support, notwithstanding the applicant's own Integrated Transport Assessment having assumed no on-street parking demand in a large-lot residential area — an assumption Council's own Parking and Traffic Bylaw does not support.
- **Footpath berms of only 1.0m**, which Council's own arborists advised were too narrow for healthy street trees and likely to cause footpath infrastructure damage and higher long-term maintenance costs.
- **Service strips narrower than 700mm**, not permitted under the Engineering Code of Practice.
- **Widespread one-sided footpaths**, which Council found contrary to a recent change in the Partially Operative District Plan and not supported at the proposed scale, given the additional street-crossing exposure this creates for pedestrians.

The applicant's 10 September 2026 response amended a number of these matters — realigning several intersections, adding a roundabout, widening berms and service strips, and adding footpaths to one further cross-section type. The Association acknowledges these amendments as a genuine, if partial, response. What the Association submits is directly relevant to the Panel's assessment is what the applicant's own letter concedes in the same breath: responding to Council's comments has itself generated further, additional non-compliances with the Partially Operative District Plan on the Collector Road cross-sections — including the omission of the on-road cycle lanes the District Plan requires, and a corridor width one metre narrower than the District Plan's 23m requirement. This is the same pattern seen elsewhere in these comments (Parts A and B): a design revised

in response to Council's technical review, only for the revision itself to surface new deficiencies, rather than resolving the matter conclusively.

G4. The Assessment Has Not Been Shown to Properly Account for the Full, Cumulative Development

Appendix 4 to the Panel's Minute 1 (14 September 2026), item 8, lists transport as a matter on which the Panel invites comment, and asks whether the transport assessment adequately accounts for the full development, including the retirement village, local centre and projected increases to local school rolls, and the effects on the local and State highway networks. The Minute records that its questions are not exhaustive and do not express a preliminary view, and the Association does not suggest otherwise. The Association is not aware of evidence that the distinct trip generation profile of the retirement village (staff, deliveries, and visitor trips, materially different in timing and character from standard residential traffic) and of the commercial centre (customer and supply trips), and their combined effect on the capacity of Whites Road, Mill Road, Bradleys Road and the wider network connecting to the State highway, have been comprehensively modelled and disclosed alongside the September 2026 design updates. The Association submits that the question is a fair one and that the current record does not answer it, and that this is a further reason the record cannot be treated as demonstrating that the proposal's transport effects are adequately understood, let alone acceptable.

Woods' order-of-cost assessment (Appendix B-2) draws on the applicant's own transport material. It records that the Tram Road / Bradleys Road / McHughes Road and Tram Road / Whites Road intersections are noted as high-risk, that the Threlkelds Road / Flaxton Road intersection is noted as medium-high risk, and that the 2025 model results show the right turn out of Mill Road at the Ōhoka Road intersection operating at level of service F in the weekday afternoon peak. Woods allows approximately \$54.8 million for off-site transport works, some of which may already be in Council plans, and notes that the extent of road upgrades in scope is unclear.

Local evidence: Ōhoka School. Item 8 of Appendix 4 to Minute 1 refers to projected increases to local school rolls. The Association is aware that the Ōhoka School Board has prepared an assessment dated 7 October 2026 (with data analysis by Dr Daniel Myall, Presiding Member of the Board), which the Board is free to place before the Panel itself and which the Association does not adopt as expert traffic evidence. The Association draws the Panel's attention to the following matters the Board raises, each of which can be checked against the record:

- **Mill Road / Jacksons Road intersection.** The Board states that it could not find any capacity or safety assessment of this intersection in the applicant's Integrated Transport Assessment, although the applicant's own material acknowledges that Mill Road provides the primary access to the school via Jacksons Road. The Association has not independently verified this and invites the applicant to identify where the intersection is assessed. If it is not, the question in Minute 1 about the effects of the full development on the local network is not answered at a point that matters for the safety of children.
- **Unfunded active transport.** The Board records that the Integrated Transport Assessment describes shared path upgrades on Mill Road from Whites Road to the school as "planned, but not funded", and refers to Council's 9 July 2026 letter to the EPA, which it reads as identifying missing information on walking and cycling access, trip generation across all modes, cumulative effects and mid-block crash modelling.
- **School capacity.** The Board states that the Ministry of Education reduced the school's enrolment zone in November 2025 (advice dated 17 November 2025) because roll growth had become unmanageable against an estimated physical capacity of 223 students, with 224 currently enrolled, and that the applicant's consultation notes record that a school on the retirement village site depends on the Ministry purchasing the land after consent, with no binding commitment. The Association submits that, on the Board's account, the application provides no assured answer to the education capacity its own scale will generate.

- **Community survey.** The Board surveyed 153 school households between 25 September and 2 October 2026 and received 39 responses (26%). It acknowledges that this is a voluntary, self-selected sample and that the results cannot be taken to represent the whole school community. With that qualification, 32 of the 39 respondents said there is not enough parking at the school and 24 said they hold safety concerns about their children travelling to and from school. The Association refers to these figures only as first-hand local information about the conditions the Board describes.

The Association's point is limited. These are matters raised by the body responsible for the school, they bear directly on the question the Panel has itself asked in Minute 1, and on the Board's account they have not been answered on the record. The Association does not suggest what the Panel should make of the survey figures beyond that.

G5. Precedent: Transport Was a Key Reason This Development Has Already Been Declined Twice

As set out in Part E, the availability of public and alternative transport was identified by the independent Hearing Panel as one of the key issues in the PC31 process, and Council's own public position on its opposition to PC31 cited transport concerns alongside drainage and rural character. The District Plan Review's Hearing Stream 12D again did not find these concerns resolved. The Association is not aware of any material transport modelling filed with FTA231 that addresses the substance of those prior concerns — the site's remoteness, car-dependency and the capacity of the surrounding rural road network — as distinct from the geometric road-design detail addressed in the applicant's September 2026 response.

G6. Why This Meets the Statutory Test for the Panel to Decline

(a) The adverse impact: a substantial volume of additional vehicle traffic imposed on a rural road network with multiple, Council-identified safety deficiencies that remain only partly resolved, and a proposal whose transport effects the Panel has itself signalled may not yet be fully accounted for. This is plainly a matter the Panel must consider under section 81(2) that weighs against granting the approval.

(b) Disproportionate even after conditions: the applicant's own experience responding to Council's feedback demonstrates the limits of what conditions can achieve here — a genuine, good-faith attempt to fix the identified deficiencies has itself produced new non-compliances on the collector road network, within a road reserve whose width is fixed by the scheme layout. No condition the Panel might set, and no further modification the applicant might propose, can manufacture road reserve width that does not exist, or convert a site 10km from the nearest motorway into one with genuine travel alternatives to the private vehicle. The safety deficiencies identified by Council go to the fundamental geometry and location of the development, not to a discrete design detail capable of being finalised at a later stage.

Consistently with section 85(4), the Association does not submit that the District Plan non-compliances identified above are themselves sufficient to meet the section 85(3)(b) threshold. They are relied upon as corroboration of the real, independently identified safety deficiencies described in Section G3 — deficiencies Council's own engineers found sufficiently serious to require substantial redesign, and which the applicant's own follow-up correspondence confirms have not yet been fully resolved.

The Association's request for relief on this ground is set out together with its other requests in the Conclusion at the end of these comments.

Appendix G-1: Source Documents

- Ōhoka Residential Subdivision Expert Panel, Minute 1 (Invitations to Comment), 14 September 2026, including Appendix 4 (Matters on which the Panel particularly invites comment).
- Novo Group Limited, Transport Response to Initial Council Feedback (Nick Fuller, Principal Transport Engineer), 8 September 2026, filed with the Panel 10 September 2026.
- Novo Group Limited, Integrated Transport Assessment (Nick Fuller), filed with the substantive application.
- Waimakariri District Council, Private Plan Change 31 (RCP031) and Hearing Stream 12D materials identifying transport as a key issue (see Appendix E-1).

PART H: Housing Supply and the NPS-UD — Waimakariri Already Has More Than Sufficient Capacity

(a) Application material this comment relates to

The applicant's Economic Assessment (Appendix 2) and Economic Costs Assessment (Appendix 39), to the extent they repeat or revise the housing shortfall figures advanced in the applicant's earlier material; any National Policy Statement on Urban Development 2020 (NPS-UD) compliance material in the application.

(b) Agree / disagree, and why

Disagree. The applicant's case has proceeded on the basis that Waimakariri District has insufficient housing supply and that the Ohoka subdivision is needed to meet the District's NPS-UD obligations. On WDC's own adopted planning documents, capacity models and expert evidence, this claim does not reflect the District's actual, current housing supply position: Waimakariri has, within the last two years, substantially increased its housing capacity through mechanisms mandated by, and reported to, central government itself, and on WDC's own assessment has more than sufficient capacity to meet expected demand without this site.

(c) Material information gap, uncertainty or disputed assumption

- Whether the current application's Economic Assessment and Economic Costs Assessment repeat or revise the 18–20% capacity-gap and approximately 1,500-house shortfall figures used in the applicant's earlier material is unconfirmed: WDC's own 25 May 2026 high-level comments record that Council had not received the Economics Assessment for review as at that date.
- The applicant's repeated claim that no feasible alternative locations exist closer to the District's main towns has already been tested and rejected once, in evidence given by the same applicant group in the Proposed District Plan hearings.

(d) Supporting evidence / technical material

Set out in full in Sections H2–H6 below: WDC's Residential Capacity and Demand Model (December 2023); the Council's 1 October 2024 resolution formally adopting the Greater Christchurch Housing Development Capacity Assessment bottom line into the District Plan; the Partially Operative District Plan (effective 14 July 2025), unlocking land for 14,000–17,000 further dwellings; Variation 1 (Medium Density Residential Standards), effective 13 August 2022; and the evidence of WDC's economics witness (Rodney Yeoman) in Hearing Stream 12E, quantifying specific available capacity without Ohoka; and the market comment of Bridgette Andrews, Harcourts Holmwood, on demand for small sections at Ōhoka (Appendix H-2).

Position on conditions: the Association has considered whether the impact identified above is capable of remedy by condition, and has concluded that it is not. No conditions are proposed on this ground; the Association's sole request is that the Panel decline the application in full.

(f) Previous RMA process material

Waimakariri's NPS-UD sufficiency position, and the “no alternative locations” claim underlying this application, were directly tested in the Proposed District Plan hearings, in evidence given by this same applicant group. WDC's own independent planning evidence disagreed with the applicant's constraints analysis, identifying rezoning options better connected to existing towns and infrastructure than Ohoka; WDC's own economics evidence quantified specific available alternative capacity running into the thousands of dwellings. A joint witness conference of planners in those hearings, including WDC's own experts, agreed that the NPS-UD's “at least sufficient” standard is a

minimum bottom line, not an unlimited invitation for further greenfield rezoning once that bottom line is met. The material factual difference now before this Panel is that the District's capacity position has only strengthened since those hearings: the Partially Operative District Plan was adopted on 24 June 2025, after the PDP hearings evidence referred to above, formally unlocking the 14,000–17,000-dwelling capacity that evidence anticipated.

The supporting evidence and analysis referred to at (d) above is set out in full below.

H1. Purpose of this Part

The Association submits that FTA231 should be declined on the further and independent ground that the housing supply justification underlying the application does not reflect Waimakariri District's actual, current planning position. This ground operates, like Part D, on the benefit side of the section 85(3)(b) and section 81(4) equation — but from a different evidentiary base and a different statutory instrument (the NPS-UD, rather than the applicant's regional economic case) — and is accordingly a distinct and independent basis for the Panel to give reduced weight to the claimed benefit of this development.

H2. The Claim Being Made

The applicant's economic case, as presented in the 2024 Market Economics memo prepared for the original fast-track listing application, framed the Ohoka subdivision as closing a housing supply shortfall in Waimakariri, said to be in the order of 18–20% of a claimed medium-term capacity gap. A letter of support from Bayleys, submitted with that same material, separately cited a Commissioner's estimate of an approximately 1,500-house shortfall across Waimakariri over the next 10 years. Both figures trace back to the same underlying argument advanced by RIDL's planning witnesses in the PC31 and PDP hearings: that WDC has not provided sufficient development capacity under the NPS-UD, and that this capacity needs to be provided at Ohoka specifically because there are said to be few feasible or practicable alternative locations closer to the District's main towns.

The application's own table of contents confirms it is structured to include a dedicated Appendix 2 (Economic Assessment) and Appendix 39 (Economic Costs Assessment). WDC's own 25 May 2026 high-level comments confirm Council had not received the Economics Assessment for review as at that date. The Association has therefore not been able to confirm whether the current application repeats the 18–20% and 1,500-house figures from the applicant's earlier material, or advances different figures. This Part proceeds on the applicant's most recently available public figures, and the Association's requests below include a specific call for the Panel to confirm the current position.

H3. Waimakariri's Actual, Current Housing Supply Position

H3.1 The NPS-UD sets a minimum, not a target for unlimited additional rezoning. Waimakariri is a Tier 1 local authority under the NPS-UD by virtue of its membership of the Greater Christchurch urban environment. The NPS-UD requires Tier 1 authorities to provide at least sufficient, feasible development capacity to meet expected demand. In the PDP hearings, the planners involved in the joint witness conference on this issue — including WDC's own experts — agreed that the term “at least” indicates a preference for enabling rather than constraining development capacity, but also confirmed that sufficiency is a minimum bottom line, not an unlimited invitation for further greenfield rezoning once that bottom line is met. Once WDC can demonstrate sufficient capacity exists, the NPS-UD does not require it to keep approving additional out-of-sequence rezoning requests such as this one.

H3.2 A regional capacity assessment already covers Waimakariri, and WDC has formally adopted its targets.

Housing capacity in Waimakariri is not assessed in isolation. It is assessed jointly across Greater Christchurch — Christchurch City, Selwyn, and Waimakariri — through the Greater Christchurch Housing Development Capacity Assessment (HCA), most recently updated in March 2023. On 1 October 2024, WDC resolved to amend Objective 13.1.2 of the operative District Plan to directly incorporate the timeframes and figures from that assessment as the District's minimum housing bottom line, with that amendment taking effect on 22 November 2024. In other words, the sufficiency figure the applicant's case disputes is the figure WDC itself formally adopted into its statutory planning framework, following a joint regional assessment, less than two years before this Part was prepared.

H3.3 WDC's own capacity model already concludes supply is sufficient. WDC's own Residential Capacity and Demand Model (December 2023), prepared to meet the Council's own NPS-UD monitoring obligations, concludes in terms that the Council's planning framework is sufficient to meet expected demand in the District. That model already accounts for the District's exceptionally high population growth — from around 27,100 in 2000 to 69,000 by 2023, at approximately 4% per annum, among the fastest growth rates of any district in New Zealand — and still concludes sufficiency is met. The model is required to be updated at least every three years, giving WDC an established, recurring mechanism for identifying any genuine shortfall, rather than relying on an individual applicant's own assessment of the District's needs.

H3.4 The new District Plan has just unlocked land for 14,000–17,000 new houses. On 24 June 2025, WDC adopted its new Partially Operative District Plan, which took effect on 14 July 2025. In publicly announcing this decision, Mayor Dan Gordon confirmed the new Plan provides land for between 14,000 and 17,000 new houses over the next 30 years, sufficient to grow the District's population from around 74,000 to approximately 100,000. This is a very recent, deliberate, and comprehensive planning decision, made specifically to address the District's future housing needs — including new greenfield development in Rangiora, Kaiapoi, Woodend, and Oxford.

H3.5 Government-mandated intensification (MDRS) has added substantial further capacity, without any greenfield rezoning at all. Separately from any greenfield rezoning, the Government's Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 required WDC, as a Tier 1 authority, to introduce Medium Density Residential Standards (MDRS) enabling up to three dwellings of up to three storeys, as of right, on relevant residential-zoned sites. WDC implemented this through Variation 1 to the District Plan, which took immediate legal effect from 13 August 2022 and has now been confirmed through the same 24 June 2025 decision, applying to Rangiora, Kaiapoi, Woodend, Pegasus, and Ravenswood.

The scale of this change is significant. WDC's own reporting confirms the change technically provides capacity for up to 80,000 properties across the affected towns, although the Council's own development planning manager has cautioned that realistic uptake will be considerably lower than that theoretical ceiling. Even on a conservative, realistic view, WDC's own economics witness in the PDP hearings — responding directly to RIDL's claim that insufficient capacity existed and needed to be provided at Ohoka — concluded that consenting activity since MDRS took effect supports an expectation of at least 100 additional dwellings per year, or around 1,000 dwellings in the 2023–2033 short-to-medium term, in the brownfield areas of Rangiora, Kaiapoi, and Woodend alone. That same evidence identified further specific, readily available greenfield capacity without Ohoka, including approximately 1,265 dwellings at West Rangiora (approximately 87 hectares), a further approximately 2,889 dwellings available across other identified options should a short-to-medium-term shortfall be confirmed, and approximately 600 dwellings at Momentum's North Block in Kaiapoi (28.5 hectares) alone.

This is capacity that exists today, in locations already connected to existing infrastructure, town centres, and services — achieved through a combination of a deliberate, recent district plan review and a central government intensification mandate that applies irrespective of whether this application proceeds.

H4. WDC's Own Evidence Has Already Rejected the “No Alternative Locations” Claim Underlying This Application

The claim that insufficient development capacity exists in Waimakariri, and that it must be provided at Ohoka because there are few feasible alternative locations closer to the District's main towns, was directly tested in the PDP hearings — in evidence given by the same applicant group now before this Panel. WDC's own independent planning evidence expressly disagreed with that constraints analysis, identifying a number of rezoning options that are better connected to existing towns and infrastructure than Ohoka. WDC's own economics evidence, summarised above, went further and quantified specific, available alternative capacity running into the thousands of dwellings, without relying on this site at all. The Panel should not treat the applicant's repeated assertion that no alternatives exist as settled fact; it is a claim WDC's own experts have already tested and rejected once, in a forum where the applicant had a full opportunity to make its case.

H5. The Objective Is Coordinated Growth Across Greater Christchurch — Not Unfettered Growth in Waimakariri, and Not at Ohoka Specifically

Waimakariri's growth does not occur in isolation, and is not meant to. It is planned and monitored jointly with Christchurch City and Selwyn District through the Greater Christchurch Partnership, using the shared Housing Development Capacity Assessment described above and feeding into the Greater Christchurch Spatial Plan — the region's Future Development Strategy under the NPS-UD. The purpose of that regional coordination is to direct growth to identified priority areas and future development areas that are well served by existing or planned infrastructure, not to enable unconstrained development wherever an individual landowner or developer proposes it.

Ohoka is not identified as a priority growth area or future development area in the Canterbury Regional Policy Statement's regional growth pattern. Provision does exist for responsive or out-of-sequence development outside that pattern, but only where an applicant meets the relevant NPS-UD and CRPS tests. Approving a development of this scale outside the district's and the region's coordinated growth pattern, on the basis of a housing shortfall claim that WDC's own current planning framework does not support, would substitute one applicant's preferred location for the outcome of a considered, joint regional planning process.

H6. Local Market Evidence: No Unmet Demand for Small Sections at Ōhoka

The applicant's case treats the development as meeting housing demand at Ōhoka. The Association has obtained a market comment from Bridgette Andrews, Auctioneer and Sales Consultant at Harcourts Holmwood, dated 22 September 2026 and reproduced as Appendix H-2. Ms Andrews has 20 years' experience in residential real estate in Canterbury, including sales in the Waimakariri District and in Ōhoka itself, and has overseen the sale of sections in a number of standard residential subdivisions across Canterbury.

In her professional experience, buyers looking to move to the Ōhoka area are typically seeking a lifestyle property on a larger block, not a compact subdivision section, and she has not seen demand for small (about 400m²) standard subdivision-style sections in that location. Buyers who want a standard subdivision-sized section within commuting distance of Christchurch, but are not seeking a lifestyle property, generally look to Rangiora, Kaiapoi or Woodend/Pegasus, which are well connected and already have schools, shops and other services, and in her experience that demand is already well served there. Her opinion is that there is no unmet demand for small residential sections in the Ōhoka area that this development would respond to.

The Association recognises that Ms Andrews, like the author of the Bayleys letter discussed at Section D8, is a real estate professional, and that her opinion rests on her own sales experience and not on a formal market study. She states that she has no commercial or contractual relationship with the Association and no financial or other interest in the outcome of the application. The Association asks the Panel to weigh the two letters for what they are. It notes that Ms Andrews' direct experience of selling in Ōhoka itself goes to a question the

applicant's economic case does not test: whether there is demand for this product at this location, as distinct from in the district generally. Her evidence is consistent with Sections H3 and H4 and with Part D: to the extent the development would meet demand for compact sections, the evidence is that the demand is already served at Rangiora, Kaiapoi and Woodend/Pegasus, where the Council has already invested in infrastructure (Section D4.7).

H7. Why This Meets the Statutory Test for the Panel to Decline

(a)/(b) The adverse impact and benefit-side effect: on WDC's own adopted planning documents, capacity models, and expert evidence, the housing supply justification for this development is not made out. Waimakariri has, within the last two years, adopted a new District Plan unlocking land for 14,000 to 17,000 new houses, formally incorporated the Greater Christchurch region's joint housing capacity targets into its statutory planning framework, and implemented a central government intensification mandate that alone supports an expectation of around 1,000 additional dwellings in established towns in the current decade, with specific identified greenfield options providing thousands more. This both reduces the weight the Panel can give to the claimed regional or national benefit of this development (reinforcing Part D), and is itself a matter the Panel must consider under section 81(2) that weighs against granting the approval. The local market evidence at Section H6 points the same way.

Consistently with section 85(4), the Association does not submit that inconsistency with the NPS-UD is itself sufficient to meet the section 85(3)(b) threshold. The matter relied upon here is the underlying factual reality — that sufficient housing capacity already exists, on WDC's own figures — which the NPS-UD context helps explain the significance of, not a freestanding contention that non-compliance with a national policy statement, by itself, justifies decline.

Disproportionate even after conditions: no condition the Panel might set, and no modification the applicant might propose, can retrospectively create a housing need that WDC's own current planning framework shows does not exist. This is not a design detail; it is a foundational premise of the application's claimed benefit case.

The Association's request for relief on this ground is set out together with its other requests in the Conclusion at the end of these comments.

Appendix H-1: Source Documents

- Waimakariri District Council, Public Notice – Waimakariri District Plan: Change to Operative Plan (amendment to Objective 13.1.2, effective 22 November 2024).
- Waimakariri District Council, Residential Capacity and Demand Model (December 2023).
- Greater Christchurch Partnership, Housing Development Capacity Assessment (March 2023).
- Waimakariri District Council, “Waimakariri Finalises Proposed District Plan”, 24 June 2025.
- Statement of evidence of Rodney Yeoman (Economics) on behalf of Waimakariri District Council, Proposed District Plan Hearing Stream 12E.
- Waimakariri Proposed District Plan, Report 2 – Strategic Directions (Final, 12 June 2025).
- Waimakariri District Council, Hearing Stream 12D section 42A Report.
- Waimakariri District Council, “What are the Medium Density Residential Standards (Schedule 3A of the RMA)?”

Appendix H-2: Market Comment of Bridgette Andrews, Harcourts Holmwood, 22 September 2026

Bridgette Andrews, Auctioneer and Sales Consultant, Harcourts Holmwood. Summarised at Section H6.

Harcourts Holmwood

MARKET COMMENT

Demand for small residential sections in Ōhoka

FTA231 – Proposed Ōhoka Residential Subdivision (Carter Group Ltd)

Prepared by Bridgette Andrews, Auctioneer and Sales Consultant, Harcourts Holmwood

Date 22 September 2026

Re FTA231 – Proposed Ohoka Subdivision (Carter Group Ltd) – Opinion on demand for the Ohoka area specifically, as opposed to Waimakariri

MY EXPERIENCE

My name is Bridgette Andrews. I am an Auctioneer and Sales Consultant with Harcourts Holmwood, and have spent 20 years working in residential real estate in Canterbury, including sales in the Waimakariri District and in Ōhoka itself. I have personally conducted sales in Ōhoka, and I regularly work alongside Harcourts consultants selling residential and lifestyle property across the wider Waimakariri area. As an auctioneer, I have also overseen the sale of sections in a number of standard residential subdivisions across Canterbury.

WHAT I OBSERVE

Over the years I have been selling property in Canterbury, I have not seen demand for small (~400m²), standard subdivision-style residential sections in that specific location. In my professional experience, buyers looking to move to the Ōhoka area are typically seeking a lifestyle property on a larger block, rather than a compact subdivision section.

Buyers who want a standard subdivision-sized section within commuting distance of Christchurch, but who are not seeking a lifestyle property, generally look toward locations such as Rangiora, Kaiapoi, or Woodend/Pegasus - places that are well connected and already have an established level of amenity (schools, shops, and other services). In my experience, that demand is already being well served at those locations.

MY OPINION

Having considered the proposed Ōhoka subdivision, it is my professional opinion that small, standard subdivision-style sections at this location would hold little appeal to the type of buyer I typically observe purchasing in Ōhoka, who is usually seeking a larger lifestyle block rather than a compact section.

In my professional opinion, based on 20 years of active experience in the Canterbury real estate market, including direct sales experience in Ōhoka itself, there is no unmet demand for small residential sections in the Ōhoka area that this development would respond to.

BASIS AND INDEPENDENCE

This opinion is based solely on my own sales and auctioneering experience and market observation in the ordinary course of my business. I have no commercial or contractual relationship with the Ohoka Residents' Association, and no interest, financial or otherwise, in the outcome of this application.

Yours faithfully,

Bridgette Andrews

Auctioneer, Sales Consultant
Harcourts Holmwood

Conclusion and Relief Sought

For the reasons set out in Parts A to H of these comments, the Association submits that FTA231 should be declined by the Panel under section 85.

Each ground — flood risk, infrastructure servicing, uninsurability risk, absence of net economic benefit, the site's planning history, the loss of rural character and amenity, transport and road safety effects, and the absence of any genuine housing supply need — identifies a real adverse impact within the meaning of section 85(3)(a) and (5), or a matter materially reducing the weight the Panel can give to the claimed benefit under section 81(4), and each is, on its own, an independent and sufficient basis for decline. They do not need to be considered only in isolation: section 85(3)(a) contemplates “one or more” adverse impacts, and section 85(3)(b) asks whether those adverse impacts, taken together, are sufficiently significant to be out of proportion to the project's benefits.

Considered cumulatively, Parts A, B, C, E, F, G and H establish a development that carries unreliable flood modelling, unresolved stormwater and wastewater servicing, approximately \$120 million of independently estimated infrastructure outside the site with no identified funding arrangement, material uninsurability risk to new and existing homes alike, a planning history of repeated, reasoned refusal, the wholesale loss of a rural village's character, substantial, only partly-resolved road safety deficiencies, and no genuine housing supply justification — weighed, per Parts D and H, against a claimed regional and national benefit that is properly close to zero once netted against the regional counterfactual and tested against WDC's own capacity position.

On that basis, the Association submits the section 85(3)(b) threshold is comfortably met, even after taking into account both the conditions available to the Panel under section 85(3)(b)(i) and any mitigation the applicant might propose or agree to under section 85(3)(b)(ii) — each addressed specifically in Parts A–H above, and none of which resolves impacts that are, in every instance, either dependent on third parties who have already declined to cooperate (WDC, insurers) or inherent in the scale, location and nature of the development itself (rural character, planning history, road network, housing need) rather than curable by design refinement.

The Association respectfully requests that the Panel:

- **Decline FTA231**, on the basis that the adverse impacts are disproportionate to the projects regional or national benefits: the applicant has not established, on reliable evidence, that the proposed development will not materially increase flood risk to existing residents (Part A); the absence of a feasible, network-provider-accepted stormwater and wastewater servicing solution is an adverse impact that remains sufficiently significant to be out of proportion to the project's regional or national benefit, even taking into account the conditions available to the Panel (Part B); the development will materially increase the risk that new and existing properties become uninsurable, or insurable only at prohibitive cost (Part C); the applicant has not established the significant regional or national benefit the Act requires, such that the proportionality test at ss 81–85 cannot be satisfied (Part D); substantially the same development has already been tested, and declined, through two independent statutory planning processes on the same site, for reasons the current application does not resolve (Part E); the development would fundamentally and irreversibly change Ohoka's rural character and amenity, an effect independently identified as a central concern by two separate planning panels and incapable of remedy by condition (Part F); the development would impose substantial additional traffic on a rural road network with material, Council-identified safety deficiencies that remain only partly resolved even after the applicant's own September 2026 design revisions (Part G); and the housing supply justification for the development is not made out on WDC's own adopted planning documents, capacity models and expert evidence, which show more than sufficient capacity exists without this site (Part H);
- **Give substantial weight to the site's planning history**, namely that two independent, evidence-based statutory planning processes — Private Plan Change 31 and the District Plan Review — have already

considered substantially the same development on the same site and recommended it be declined, for reasons substantially overlapping with the grounds advanced in these comments;

- **Give substantive weight to the NPS-NH and to ICNZ's direct correspondence with the responsible Ministers** and to the specialist memo of Peter Lyons (Appendix C-2) as current, authoritative, sector-specific evidence that fast-tracked development of this kind carries a real and material insurability risk that existing consenting practice has not adequately addressed; and
- **Have regard to the independent expert evidence filed with these comments:** Woods' review of the flood effects assessment and stormwater management report (Appendix A-2); Dr Rutter's statement on shallow groundwater (Appendix A-3); Woods' independent order-of-cost estimate of approximately \$120 million for the infrastructure needed outside the site, which the application does not say who will fund (Appendix B-2); Mr Lyons' memo on uninsurability risk (Appendix C-2); and Ms Andrews' market comment on demand for small sections at Ōhoka (Appendix H-2).

The Association is available to provide further evidence in support of any or all of the above, including WDC's technical review in full, witness statements from affected residents, ICNZ correspondence and its full analysis of the applicant's Economic Assessment. Dr Rutter and Mr Lyons have each indicated that they are available to assist the Panel. The Association welcomes the opportunity to speak to these comments before the Panel.

Ohoka Residents' Association

David R. Nixon –