

IN THE MATTER OF | I TE TAKE O the Resource Management Act 1991

AND | ME

IN THE MATTER OF | I TE TAKE O Proposed Plan Change 5 (Private): 100 and 110 Te
Moana Road, Waikanae, Kāpiti Coast District

**HEARING PANEL DIRECTION #5 | WHAKAHAU NOHOANGA #5 NĀ TE PAEWHIRI
WHAKAWĀ**

1. This Direction responds to the *Memorandum of Counsel for Eric, Vince and Raechel Osborne regarding Expert Conferencing and Rebuttal Evidence* dated 10 September 2026 (**Memorandum**), filed by Mr Williams for the Applicant in response to the Panel's Direction #4 dated 9 September 2026, and the Council's comments provided in response to the Memorandum.

Expert conferencing and rebuttal evidence

2. The Panel's aim in requesting expert conferencing under Direction #4 is to have the relevant experts identify the matters genuinely in issue between them and attempt to resolve or narrow their differences where possible, approaching that exercise with an open mind and with each expert's views genuinely on the table. The object is to refine the issues ahead of the hearing so that the Panel can focus its time on matters that remain genuinely in dispute. It is also important to the Panel that it receives any necessary updates from the section 42A report author, **Ms Pascall**, on matters that have changed since the report was prepared.
3. All conferencing and preparation of Joint Witness Statements should follow the guidance in Chapter 9 of the *Environment Court's 2023 Practice Note* (<https://environmentcourt.govt.nz/assets/Practice-Note-2023-.pdf>).
4. The Panel acknowledges and welcomes the Applicant's confirmation that expert conferencing is being arranged on the transport, stormwater and flooding, and planning topics.
5. As with all the experts, **Mr Grant** and **Ms Chambers** are to confer and produce a Joint Witness Statement on matters within their area of expertise. As stated in Direction #4, the Panel would find it useful to receive information on the underlying land use classification of Lots 1 and 2. **Mr Grant** and **Ms Chambers** are invited to provide any further comments they are able to, within their area of expertise, regarding the matters at paragraph 6 of Direction #4.
6. Directions #1 provided for rebuttal evidence and any s 42A addendum reports to be provided to the Hearings Advisor by 2.00 pm on Wednesday 16 September 2026. Direction #3 extended this deadline to **2.00 pm on Thursday 17 September 2026** as a result of granting the Requestor an extension of time for filing some of its evidence.

7. **Mr McGillivray** for the Council has confirmed today that the Council does not intend to provide rebuttal evidence on all topics, and will instead focus on a confined set of issues that remain in contention. There is a high degree of overlap between the topics Mr McGillivray identifies in his email and the topics that are the subject of conferencing.
8. The Panel encourages the Requestor and the Council to take a pragmatic approach to assist the Panel in narrowing the outstanding issues, and considers the Council's response reflects such an approach. It appears to the Panel that this narrowing is now largely occurring through the conferencing and Joint Witness Statements requested by Direction #4. Depending on the outcome, that process may remove the need for the Council's rebuttal evidence on some or all topics, or may confine any rebuttal evidence that remains necessary to matters not resolved through conferencing.
9. The key outcome the Panel is seeking, whichever form it takes, is that the relevant experts for the Council and the Applicant come together, through conferencing, and provide the Panel with their updated positions once that process has concluded. The Panel leaves it to the Council's and the Applicant's experts to confer and agree the most efficient way of doing so, whether that is through the Joint Witness Statements themselves, a short update or rebuttal statement confined to matters not resolved by conferencing, or some combination of these.
10. For the avoidance of doubt, the timetable fixed by Direction #3 for the filing of rebuttal evidence and any s 42A report addendum reports (**2.00 pm, Thursday 17 September 2026**) is unchanged.



Dhilum Nightingale
Chairperson | Tiamana
for and on behalf of the Hearing Panel

10 September 2026