

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 #4 | | WHAKAHAU NOHOANGA #3 NĀ TE PAEWHIRI
WHAKAWĀ**

1. This Direction addresses nine matters:

- (a) witnesses excused from appearing at the hearing;
- (b) conferencing requested between the transport experts;
- (c) conferencing requested between the stormwater and flooding experts;
- (d) conferencing requested between the highly productive land experts, and separately the planners, together with related questions raised for comment on the applicable provision of the National Policy Statement for Highly Productive Land 2022 (**NPS-HPL**);
- (e) a section 32AA evaluation sought of the new district plan provisions proposed in the section 42A report;
- (f) whether those provisions would constrain the Medium Density Residential Standards (**MDRS**);
- (g) whether the planning experts have considered a Development Area approach as a reasonably practicable alternative for the purposes of sections 32 and 32AA;
- (h) hearing schedule; and
- (i) proposed site visit.

Witnesses excused

2. The written statements from the following witnesses will be taken as read. The Panel does not require them to be available for questioning at the hearing, on the basis that the relevant matters are not in contention between the experts:
- (a) Archaeology — **Ms Mary O'Keeffe** (for the Requestor) and **Ms Emily Howitt** (for the Council);

(b) Wastewater and water supply:

- i. **Mr Brian Robinson, Ms Kate Waterland, and Mr Ramesh Pillai** (for the Council). Their evidence is consistent with, and not contradicted by, Mr Taylor's evidence for the Requestor: network capacity is currently constrained but upgrades are funded and underway, rezoning is not precluded, and subdivision/development should be sequenced to the availability of capacity. The Panel notes that Fairway Oaks Drive Residents' Partnership (S1) raised concerns regarding wastewater and infrastructure capacity (S1.5, S1.10, S1.19); these are addressed in **Mr Robinson's** evidence, and no expert evidence contradicts his conclusions. The only remaining issue relating to this topic — whether GRZ-P29's proposed water/wastewater policy wording is necessary in addition to INF-MENU-P20 — is a matter for the section 32AA evaluation directed below.
- ii. **Mr Taylor (for the Requestor)** is not required to address wastewater or water supply matters for the same reason, but remains required to give evidence on earthworks and infrastructure servicing matters relevant to stormwater and flooding — see paragraph 4(b) below.

3. This direction does not preclude a party seeking leave to recall a witness if a matter arises at the hearing that could not have been anticipated.

Expert conferencing — transport and stormwater/flooding

4. The Panel requests that the following experts confer prior to the hearing, with a view to narrowing or resolving matters in dispute:
 - (a) Transport: **Mr Colin Shields** (Council), **Mr Luke Benner** and **Mr Don Wignall** (Requestor);
 - (b) Stormwater and flooding: **Mr James Oakley** (Council), **Mr Craig Martell** and **Mr Nick Taylor** (Requestor), given Mr Taylor's evidence on the earthworks concept plan underpins Mr Martell's flood modelling.
5. Each conferencing group is requested to produce a Joint Witness Statement identifying matters agreed, matters still in dispute, and the reasons for any remaining disagreement, to be filed no later than **2.00 pm on Wednesday 16 September 2026**.

Expert conferencing - highly productive land and planning

6. In reviewing the evidence, the Panel has identified the following questions concerning the application of the NPS-HPL:

- (a) Whether clause 3.6 (Restricting urban rezoning of highly productive land), rather than clause 3.10 (Exemption for highly productive land subject to permanent or long-term constraints), is the provision applicable to the PC5 rezoning request. Clause 3.10 applies to “subdivision, use, or development... not otherwise enabled under clauses 3.7, 3.8, or 3.9,” which does not refer to clause 3.6 or to rezoning;
 - (b) If clause 3.6 is applicable, whether the exemption in clause 3.6(6) for urban rezoning of LUC 3 land applies here, given the evidence to date (**Ms Chambers’** evidence and **Mr Grant’s** evidence and report) appears to treat the relevant 1.87 ha as LUC 2 under the NZLRI mapping for identification purposes, and clause 1.3’s definition of “LUC 1, 2, or 3 land” appears to confine any more detailed mapping capable of displacing NZLRI to mapping in place at the commencement date (17 October 2022);
 - (c) If clause 3.6 applies, how do the tests in clause 3.6(1)(a)–(c) — need for development capacity, absence of other reasonably practicable options, and the benefits and costs of rezoning — apply, including in light of **Mr McGillivray’s** evidence on housing and business development capacity.
7. The Panel requests that **Ms Chambers** and **Mr Grant** (land use capability), and separately **Ms Pascall** and **Ms Jones** (planning), confer on the questions in paragraph 6 with a view to identifying matters of agreement and disagreement, and each pair file a Joint Witness Statement no later than **2.00 pm on Wednesday 17 September 2026**. As part of this conferencing, the Panel also invites **Ms Chambers** and **Mr Grant** to address where the 1.87 ha of LUC 2 land identified in the NZLRI mapping sits relative to the Lot 1/Lot 2 boundary.
 8. The Panel notes that **Mr McGillivray’s** memorandum attached to the s 42A report records a surplus of realisable plan-enabled housing capacity of 18,785 dwellings against 30-year demand (2023 HBA), repeatedly downward-revised growth projections, and that the PC5 site was specifically considered and excluded from Te Tupu Pai and Plan Change 2. The Panel notes that this evidence may be relevant to the questions in paragraph 6 above and asks that **Mr McGillivray** be available at the hearing to address these issues.
 9. The Panel also requests that **Ms Pascall** and **Ms Jones** (planning), as part of the same conferencing and Joint Witness Statement referred to at paragraph 7 above:
 - (a) address the matters raised in **Ms Jones’s** evidence dated 3 September 2026, at page 8, paragraphs 50–52, concerning clause 3.8 of the National Policy Statement on Urban Development 2020 (unanticipated or out-of-sequence developments) and the corresponding relevant Regional Policy Statement provisions, including whether and how PC5 satisfies the applicable criteria

for development capacity that is unanticipated by, or out of sequence with, the District Plan and the Regional Policy Statement; and

(b) confer on whether the new provisions proposed by **Ms Pascall** in Appendix 7 to the s42A report (in particular, GRZ-P29 and the associated structure plan requirements) are necessary in addition to existing District Plan provisions, including:

- i. The controlled activity subdivision standards at SUB-RES-R33
- ii. INF-MENU-P20 (water supply);
- iii. TR-R3 and TR-R9 (transport);
- iv. NH-P3, NH-FLOOD-P12 and NH-FLOOD-P13 (natural hazards).

10. The outcome of this conferencing is to inform **Ms Pascall's** section 32AA evaluation directed below.

11. **Mr Keenan** for New Zealand Transport Agency is invited to participate in the conferencing with **Ms Pascall** and **Ms Jones**, particularly in respect to the need for GRZ-P29.

Section 32AA evaluation of proposed new district plan provisions

12. The Panel has not identified, within the s42A report, a specific evaluation under section 32AA of the RMA of why the new provisions proposed by **Ms Pascall** are necessary in addition to the existing District Plan provisions listed in paragraph 9(b) above.

13. The Panel directs **Ms Pascall** to file a section 32AA evaluation addressing this question, having regard to the Joint Witness Statement referred to in paragraph 7 above, no later than **2.00pm on Friday 18 September 2026**.

MDRS and qualifying matters

14. The Panel notes that the new provisions proposed by Ms Pascall, including greater setbacks and height variations relative to the western residential boundary and the wetland, may constrain the MDRS given effect to through the General Residential Zone provisions.

15. The Panel directs Ms Pascall to address, in the same supplementary evidence referred to at paragraph 13:

- (a) Whether the proposed provisions would amend or constrain the MDRS;
- (b) If so, whether a qualifying matter assessment is required, and if none has been undertaken, why not;

(c) How the proposed approach is consistent with GRZ-P21.

Development Area approach

16. The Panel invites **Ms Pascall** and **Ms Jones** to comment, in their respective supplementary evidence, on whether they have considered the merit of a Development Area approach as a reasonably practicable alternative, particularly in light of the National Planning Standards and the approach taken in the more recent Plan Change 4. **Mr Keenan** may also wish to respond to this as supplementary evidence.

Hearing schedule

- 17. An indicative hearing schedule is attached to this Direction.
- 18. The Panel will confirm the hearing timetable, including any consequential adjustment to the time allocated to the transport, stormwater/flooding, and highly productive land topics in light of the Joint Witness Statements and supplementary evidence once those have been received.
- 19. The Panel intends to confirm the hearing schedule by **12.00 pm on Friday 18 September 2026**.

Site visit

- 20. As signalled in Directions #1, the Panel intends to undertake a site visit prior to the hearing to assist the Panel's understanding of the site, its surrounding environment, transport connections, and any other relevant physical characteristics. The site visit will take place at 8.30 am on Monday 21 September 2026 and conclude no later than 9.30 am. The Applicant is requested to coordinate access arrangements through the Hearings Advisor. The Panel will conduct its site visit independent of any party to the hearing proceedings.

COMMUNICATION AND QUESTIONS

- 21. Any enquiries regarding these Directions or related matters should be directed to the **Hearings Advisor** at the contact details below:

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Dhilum Nightingale

Chairperson | Tiamana

for and on behalf of the Hearing Panel

9 September 2026