

**BEFORE THE HEARING PANEL
APPOINTED BY KAPITI COAST DISTRICT COUNCIL**

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

**MEMORANDUM OF COUNSEL FOR
ERIC, VINCE AND RAEHEL OSBORNE REGARDING EXPERT
CONFERENCING AND REBUTTAL EVIDENCE**

Dated 10 September 2026



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MAY IT PLEASE THE PANEL

Expert Conferencing

1. The Applicant acknowledges the Panel's requests in Direction #4 for expert conferencing and generally supports those requests.
2. For its part, the Applicant had already instructed Messrs Benner, Wignall, Martell and Taylor to reach out to their counterparts to initiate expert conferencing on the matters addressed at paragraph 4 of Direction #4. These arrangements are currently being confirmed.
3. Regarding the request for expert conferencing regarding the topics identified at paragraph 6 of Direction #4, counsel notes that those matters will be the subject of detailed legal submissions that will be filed on 17 September.
4. Those matters are essentially issues of planning or legal interpretation and counsel respectfully raises whether it is necessary or appropriate for Mr Grant and Ms Chambers to conference of those topics (save as to the mapping point identified at paragraph 7 of Direction #4). Conferencing between Ms Jones and Ms Pascall on these topics would be appropriate and the Applicant has no objection to that. It will be arranged accordingly.
5. For the record, the Applicant disclaims any reliance on the provisions of clause 3.6 of the NPS-HPL in support of PC5, again being a matter that will be addressed in detail in the submissions filed before and at the hearing by counsel.

Council rebuttal evidence

6. The Applicant is concerned at the prospect of (potentially significant) rebuttal evidence being prepared by the technical experts who produced statements of evidence to support the s 42A report uploaded to the Council website on Monday 24 August.
7. Under the Panel's existing directions,¹ provision is made for rebuttal evidence "and any s 42A report addendum reports" to be provided to the Hearings Advisor by 2.00 pm Wednesday 16 September.
8. Under the revised directions,² the date for rebuttal evidence to be filed was extended to 2.00 pm Thursday 17 September.

¹ Direction #1, 21 July 2026.

² Direction #3 issued on 2 September 2026.

9. The Applicant understands from an email communication received from Mr McGillivray, that the Council is intending to prepare additional rebuttal evidence ahead of the upcoming hearing.
10. While the Panel clearly envisaged “addendum reports”, with respect, the Applicant did not anticipate the prospect of a further round of rebuttal evidence being generated by the technical experts retained by the Council to support the s 42A report author.
11. The background is that the information and reports filed with the Plan Change Request was comprehensive and supplemented by further information as requested by the Council on 4 June 2025.
12. Despite provision of the information then requested, the reporting officer identified three topics on which the Applicant was requested to provide further information, namely with respect to:
 - An assessment of rural productivity of the site satisfying clause 3.10 of the NPS-HPL.
 - Further detail about groundwater conditions, soakage performance, flood conveyance requirements and compensatory flood storage requirements for Lot 1.
 - A detailed Structure Plan map identifying certain matters.³
13. In addition to adopting the previously filed reports and further information, the Applicant’s evidence contains material addressing this requested further information.
14. The Applicant acknowledges that addendum reports identifying whether that additional information addresses the matters raised in the s 42A report would be reasonable.
15. However, the Applicant would be very concerned at yet further rounds of rebuttal evidence being filed from the Council in response to the Applicant’s evidence, which it may need to respond in kind.
16. The expert conferencing currently in train should supersede the need for any rebuttal evidence from the Council experts.
17. Clarification and direction from the Panel on this point is sought accordingly.

³ Paragraphs 1.12 and 13.3 of the s 42A report.



Martin Williams

September 2026