

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 #1 | | WHAKAHAU NOHOANGA #1 NĀ TE PAEWHIRI WHAKAWĀ

1. This Direction sets out procedural directions relating to the hearing of submissions and further submissions on Proposed Plan Change 5 (Private) (PC5) to the Kapiti Coast District Plan (**District Plan**). It also sets out the timetable for the exchange of reports, evidence, statements, and legal submissions, and confirms the date of the hearing.

BACKGROUND

2. Pursuant to section 34A of the Resource Management Act 1991 (**RMA**), Kāpiti Coast District Council (**Council**) has appointed a Hearing Panel consisting of independent hearing commissioners, Dhilum Nightingale (Chairperson), Gina Sweetman and Christine Foster.
3. The Hearing Panel's function is to hear the submissions and make recommendations on PC5, including any changes to it that are within the scope of PC5 and submissions. It is also to deal with any procedural matters.
4. PC5 is a private plan change request from Eric, Vince, and Raechel Osborne (**applicant**). By virtue of clause 29 of Schedule 1 of the RMA, Part 1 of Schedule 1 applies to private plan changes with any necessary modifications. The hearing will be accordingly conducted under Part 1 of Schedule 1.
5. PC5 was publicly notified on 22 October 2025. The submission period closed on 20 November 2025. Three submissions were received:

(a) S1: Jillian Bond, Bernadette Doolan, Martin Manning, Anthony George, Vanessa Moore, and Michael Moore, submitting on behalf of the Fairway Oaks Drive Residents' Partnership (contact: Jill Bond)

(b) S2: NZ Transport Agency Waka Kotahi (NZTA); and

(c) S3: QEII National Trust.

6. One further submission was received from NZTA (FS1) supporting in part the submission of Fairway Oaks Drive Residents' Partnership (S1).
7. NZTA and the Fairway Oaks Drive Residents' Partnership have requested to be heard.
8. The QEII National Trust (S3) has elected not to be heard. Its submission will be taken as read and will be considered in full by the Panel in the course of its deliberations.

NOTICE OF HEARING

9. Hearings on submissions are scheduled to begin on 21 September 2026. The hearing has been set down for three days (Monday 21 – Wednesday 23 September 2026).
10. The hearing venue is yet to be confirmed. Details will be published on the Council's Plan Change 5 webpage and provided to submitters as soon as practicable.
11. The **Hearings Advisor** (Alfred Lison) will be in contact with NZTA and the Fairway Oaks Drive Residents' Partnership to confirm their attendance and discuss any preferences around speaking sequence and time.
12. The Panel also requests that the Applicant and Council advise the Hearings Advisor as soon as practicable of any availability constraints affecting their witnesses, so that the hearing schedule can be organised efficiently.
13. All information about hearings will be available on the Council's Plan Change 5 webpage: www.kapiticoast.govt.nz/pc5.

14. The hearing will take place in person with an AVL link (Zoom) available where requested, allowing submitters and others to view and participate in the hearings remotely.

DISCLOSURE

15. The Panel members have each considered whether any actual or perceived conflicts of interest arise and are satisfied that none exist.

SITE VISIT

16. The Panel intends to undertake a site visit prior to the hearing. The purpose of the site visit is to assist the Panel's understanding of the site, its surrounding environment, drainage features, transport connections, and any other relevant physical characteristics. The Applicant is requested to coordinate access arrangements through the Hearings Advisor. The Panel intends to conduct its site visit independent of any party to the hearing proceedings.

DIRECTIONS

17. Further to ss 41B and 41C of the RMA, the Hearing Panel directs the circulation of s 42A reports, evidence and other material ahead of the hearing in accordance with the following timetable:
- (a) **Monday 24 August 2026:** The Council's s 42A hearing report must be provided to the Hearings Advisor by **2.00 pm**.
 - (b) **Wednesday 2 September 2026:** The Applicant's expert evidence must be provided to the Hearings Advisor by **2.00 pm**. For the avoidance of doubt, in these directions, expert evidence is evidence given by a professional with specialist qualifications and experience.
 - (c) **Wednesday 9 September 2026:** Any submitter expert evidence must be provided to the Hearings Advisor by **2.00 pm**.
 - (d) **Wednesday 16 September 2026:** Any rebuttal evidence and any s 42A addendum reports must be provided to the Hearings Advisor by **2.00 pm**.

18. The purpose of these directions is to provide an opportunity for the Hearing Panel and the parties to read and consider any evidence, statements and legal submissions in advance of the hearing, to assist in understanding the case being presented.
19. All reports, evidence, and other information required to be provided to the Hearings Advisor on any particular day, will be made available to the parties by 5.00 pm the same day through publication on the Council's PC5 webpage.
20. Expert evidence received outside the timeframes set out above may not be accepted by the Panel. Where a party seeks to deviate from those timeframes, they must seek leave from the Panel in advance, setting out the reasons for the request, any impact on hearing timeframes, and any proposed remedies.
21. The Hearing Panel also requests that:
 - (a) any expert planning evidence presented by any party that recommends amendments to PC5 includes, or otherwise address, an evaluation under section 32AA of the RMA; and
 - (b) All expert evidence, including the s 42A report, is prepared in accordance with the Code of Conduct for Expert Witnesses set out in the Environment Court's Practice Note 2023.
22. The Panel encourages legal submissions and other submitter statements/presentations to be provided to the Hearings Advisor by **2.00 pm on Wednesday 16 September 2026**.
23. Any material presented on the day of a hearing must also be provided electronically, and at least ten hard copies must be available at the hearing.

HEARING

Expert Evidence — Summary Statements

24. As the Hearing Panel will have read all the pre-circulated material before the hearing, there will be no need for it to be read out. Expert witnesses are invited to present a brief summary statement to the hearing (if they wish), including a response to matters raised by other parties. An electronic copy and **ten hard**

copies of the summary statement should be provided to the Hearings Advisor prior to the expert witness being called.

Hearing Order

25. Unless otherwise directed, the anticipated hearing order is:

- (a) the Applicant and their expert witnesses;
- (b) the submitters (NZTA and the Fairway Oaks Drive Residents' Partnership) and their witnesses;
- (c) the Council, including the s 42A report author and any Council expert witnesses;
- (d) the Applicant in reply. The Panel's expectation is that this right of reply will be confined to matters raised in evidence presented to the hearing.

26. The Panel reserves the right to vary this order and will provide further guidance on the hearing schedule in advance of the hearing.

27. Following each witness's or submitter's presentation, the Hearing Panel may ask questions. Cross-examination is not permitted.

Attendance

28. The Panel's preference is for all presentations of submissions and evidence to be in person, where practical. If any party needs to appear remotely, arrangements for such appearances are to be managed through the Hearings Advisor.

Presentation Material

29. If any party wishes to present their evidence using a PowerPoint presentation or other material, an electronic copy and 10 hard copies of the presentation should be provided to the Hearings Advisor prior to that person appearing at the hearing. As stated above, where possible, presentations should be provided to the Hearings Advisor by 2.00 pm on Wednesday 16 September 2026.

KEY ISSUES AND POTENTIAL EXPERT CONFERENCING (PRELIMINARY VIEWS)

30. The Panel has undertaken an initial review of PC5, the submissions and further submissions received. While the Panel's review is continuing, it has identified the following matters that may be in issue at the hearing and will inform its recommendation as to whether the rezoning sought by PC5 is appropriate. The Panel invites the reporting officer to consider addressing these matters in the s 42A report, alongside any other matters considered relevant to the determination of PC5:

(a) Geotechnical / Flooding / Stormwater:

- i. groundwater monitoring requirements;
- ii. flood hazard assessment;
- iii. flood storage and conveyance functions;
- iv. liquefaction and ground conditions;
- v. climate change implications for flood hazard and risk assessment;
- vi. wetland hydrology and overland flow paths;
- vii. hydraulic neutrality;
- viii. stormwater management, including effects on the NZTA stormwater network associated with the MacKays to Peka Peka Expressway (a matter raised in both S2 and FS1); and
- ix. interactions between the site, adjacent wetlands, and the wider Te Moana floodway system.

(b) Three Waters / Infrastructure:

- i. the capacity of the water supply, wastewater, and stormwater networks to service development anticipated by PC5;
- ii. infrastructure constraints and any upgrades required;
- iii. the timing and staging of infrastructure provision; and
- iv. servicing assumptions underpinning the plan change.

(c) Transport:

- i. trip generation assumptions, including the disputed rates between the applicant's assessment and NZTA's standard;
- ii. traffic growth assumptions;
- iii. SIDRA modelling methodology and assumptions;
- iv. pedestrian protection phasing at the Te Moana Road/MacKays to Peka Peka Expressway Interchange;

- v. signal phasing and coordination;
- vi. intersection performance and safety effects on the Expressway interchange; and
- vii. any plan provisions that may be required to address transport effects.

(d) Ecology:

- i. the definition, extent and status of the watercourse and wetland;
- ii. whether any wetland areas meet the definition of a natural wetland under the NES-F and the relevance of that to the plan change;
- iii. the 0.971ha QEII covenant area (Natural Feature: Ecological Site KO68), including dewatering risks, effects on fauna, and the flow, supply, quantity, or quality of the wetland or any waterbody;
- iv. wetland hydrology and ecological connectivity;
- v. indigenous biodiversity values and ecological effects of development; and
- vi. the presence of any lizard habitat and the implications for the plan change.

(e) Landscape and Designation NZTA-005:

- i. the location and extent of vegetation required to be retained pursuant to Designation NZTA-005 and its conditions (DC.53C–DC.58);
- ii. the relationship between PC5 and the requirements of Designation NZTA-005;
- iii. whether the applicant's plan change documents adequately address the designation requirements; and
- iv. any implications of future development for the certified landscape and planting management plans for the Expressway interchange.

31. The Panel also considers that the following planning matters may become significant issues at the hearing. The Panel expects these matters to be addressed in the s 42A report and notes that they may benefit from discussion between planning experts following release of that report:

- (a) the updated National Policy Statement for Highly Productive Land (NPS-HPL). The Panel notes the NPS-HPL has recently been amended and considers that the approach to its application in the circumstances of this plan change, including the proposed staging between Stage 1 and Stage 2, may be a significant issue at the hearing;

(b) taking into account the response to (a), the appropriateness of the deferred zoning approach proposed by PC5;

(c) infrastructure servicing and funding considerations;

(d) the extent to which the proposal is consistent with the Council's urban growth strategy and residential development capacity assessments; and

(e) the relevance of previous Council decisions concerning rezoning proposals affecting the site.

32. While the Panel is not directing expert conferencing at this stage, it wishes to signal to the parties that conferencing between experts on the above issues may assist in narrowing issues and identifying areas of agreement and disagreement following release of the s 42A report.

33. Following release of the section 42A report, the Panel invites the Applicant, the Council report author and submitters to consider whether expert conferencing or other forms of expert engagement would be beneficial in relation to any areas of disagreement. Parties are encouraged to liaise with one another regarding this possibility and may advise the Hearings Advisor of their views.

34. The Panel notes that its review of the PC5 material is continuing and that the issues identified above are preliminary only. Further directions may be issued following receipt of the s 42A report or as the Panel's review progresses.

35. In the meantime, the Panel requests that:

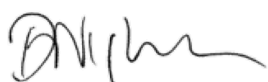
(a) parties and their representatives liaise with one another, where appropriate, to identify any opportunities to narrow issues in advance of the hearing; and

(b) the Applicant liaise with the Hearings Advisor regarding arrangements for a pre-hearing site visit by the Panel, including access, health and safety requirements, and any matters relevant to the efficient conduct of the visit.

COMMUNICATION AND QUESTIONS

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

Alfred Lison
Project Officer | Te Kaitaunaki Whakamahere
Kāpiti Coast District Council
Alfred.Lison@kapiticoast.govt.nz
04 296 5428
027 213 5214



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

21 July 2026