

**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

**STATEMENT OF REBUTTAL EVIDENCE OF
SUSAN OLIVIA JONES
ON BEHALF OF ERIC, VINCE AND RAECHEL OSBORNE**

Dated 17 September 2026

Introduction

1. My full name is Susan Olivia Jones.
2. I prepared a Statement of Evidence ("**Evidence in Chief**") on the Plan Change Request ('PC5'), dated 3 September 2026.
3. My qualifications and experience are set out in my Evidence in Chief.
4. I reconfirm that I have read and agree to comply with the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2023.
5. The scope of this rebuttal evidence is to respond directly to additional planning matters raised by the Fairway Oaks Drive Residents' Partnership ('**FODRP**') in their 'Consolidated Hearing Report ('**CHR**'), dated 9 September 2026.

Planning Certainty and Sequencing

6. On page 4, Paragraph 2 of Section 5.3, FODRP states that the "*Applicant's technical experts rely on particular design responses to conclude that the development can be acceptable*" but that "*the applicant's planning evidence, however resists embedding many of those matters as binding site-specific District Plan Requirements*". It is FODRP's view that "*Where a mitigation measure is fundamental to the conclusion that rezoning is appropriate, it should be secured through the planning framework rather than left entirely to later consenting*".
7. It is my view that the existing provisions of the District Plan, Regional Plan and higher order documents provide the effective 'planning framework' to ensure that any potential effects of the future development of this site are considered through the resource consent process, and that the necessary design responses and mitigation measures as recommend by the technical experts are applied as consent conditions.
8. The relevant rules and standards of the District Plan are provided in Appendix 1 of my Evidence in Chief, which in my opinion do provide for appropriate mitigation outcomes.

The Technical Case Relies on Safeguards that the Planning Case Does not Consistently Secure

9. On page 9, paragraph 4 of Section 6.7 of the CHR, FODRP states that "*The applicant should not be able to rely upon a tightly defined mitigated development concept to establish suitability while obtaining planning provisions that permit a materially different development outcome*". Building on this statement, FODRP sets out 10 key propositions for the Hearing Panel at page 10. Number 3, 5 and

6 of these key propositions are being responded to through paragraph 10 to 13 of this evidence. Number 4 of these key propositions is responded to through paragraph 14 of this evidence.

10. There is a potential misconception that the *earthwork concept* provided with the evidence of Mr Taylor (dated 3 September 2026) must be *relied upon*. This earthwork concept demonstrates that a feasible developed landform can be achieved on this site addressing flood hazard and stormwater constraints. It demonstrates that effective functioning of the residual flow path can be maintained across the site. The intention is not that this particular development concept necessarily be applied; other equivalent options may be available to the same overall outcome for flood hazard risk and hydrology management.
11. The future design for any development of the site has not been undertaken at this stage. I refer to paragraph 18, page 3 of my Evidence in Chief which outlines the level of detail expected at a plan change request as opposed to a resource consent process.
12. It is in fact the existing objectives, policies, rules and standards ('the provisions') of the District Plan (and provisions of the regional plan and relevant higher order documents) that are relied upon to ensure that appropriate consideration is given to any future design for this site through the resource consent process to ensure effects are avoided, remedied or mitigated appropriately.
13. The future consent application (which would likely include a subdivision and land use together as a Discretionary Activity) would be unrestricted in relation to the matters it considers, but would certainly include consideration of the following matters as directed by the District Plan provisions, as they relate to flooding and stormwater management:
 - (a) The avoidance or mitigation of adverse effects on the effective functioning of residual overflow path or ponding (being a matter of discretion within NH-FLOOD-R10);
 - (b) Whether the development redirects floodwater onto adjoining sites or other parts of the floodplain (NH-FLOOD-P13);
 - (c) No increase in flood flow or level on adjoining sites or other parts of the floodplain (NH-FLOOD-P12);
 - (d) No reduction in storage capacity on-site (NH-FLOOD-P12);
 - (e) All flow corridors or overflow paths are kept clear off-site flood risks are avoided (NH-FLOOD-P12);

- (f) Hydraulic neutrality (SUB-DW-R25);
 - (g) Building areas for each vacant allotment shall be located above the estimated 1% AEP flood event level (SUB-DW-R7 and SUB-RES-R33);
and
 - (h) A risk based, all hazards approach will be taken to subdivision, land use and development within areas subject to flood hazards (NH-P2).
- 14. Land use development will be subject to the MDRS that are set out within GRZ-R33 of the District Plan, if the rezoning is approved. Compliance with these standards will be assessed through the resource consent for any future land use development of this site (these include maximum height, site coverage, set back from boundaries, recession planes, percentage of landscaping).
 - 15. In relation to flood hazard areas, the presence of a flood hazard overlay (which is a qualifying matter) does not, in itself, introduce a separate density limit in place of GRZ-R33. Development within those areas would still need to comply with the relevant provisions in the natural hazard provisions of the District Plan.

Summary

- 16. The earthwork concept demonstrates development feasibility in relation to stormwater management and flood conveyance.
- 17. The existing planning framework within the District Plan (and other relevant statutory documents) provide a range of provisions that are robust and effective to ensure that potential and actual adverse effects of *any* future subdivision and development design (which is yet to be developed) will be assessed at the resource consent stage, and that mitigation in the manner recommended by the technical experts is secured through consent conditions. The resource consent process ensures that adverse effects identified are appropriately avoided, remedied or mitigated. Conditions of consent are often required to ensure this, and I expect that to be the case upon the development of the subject site.

Susan Olivia Jones

17 September 2026