

IN THE MATTER
of the Resource Management Act 1991

AND

IN THE MATTER
of Hearing of Submissions and Further
Submissions on Private Plan Change 5 to the
Kapiti Coast District Plan

JOINT STATEMENT OF PLANNING

EXPERTS (JWS) 15 September 2026

INTRODUCTION

1. This joint witness statement (JWS) relates to expert conferencing on the following topics, as directed by the Independent Hearing Panel via Direction 4 (dated 9 September 2026) on Plan Change 5 to the Kapiti Coast District Plan:
 - a. 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:
 - The controlled activity subdivision standards at SUB-RES-R33
 - INF-MENU-P20 (water supply);
 - TR-R3 and TR-R9 (transport);
 - NH-P3, NH-FLOOD-P12 and NH-FLOOD-P13 (natural hazards).
2. Participants in the expert conferencing were:
 - Ms Kate Pascall (S42A reporting officer for the Council)
 - Ms Susan Jones (on behalf of the Applicant)
 - Mr Nathan Keenan (on behalf of NZTA)
3. Mr Keenan's participation in conferencing on the matters in this JWS was limited to clauses 3, 4, and 5 of Policy GRZ-P29 (being the focus of the NZTA submission) and commentary relating to the merits of a Development Area approach as a reasonably practicable alternative. Mr Keenan was not involved in the discussion regarding clauses 1, 2, 6, and 7 of Policy GRZ-P29 (Issue 2 of this JWS) or discussions regarding proposed new rules GRZ-R42, GRZ-R43 and amendments to SUB-RES-R33 (Issue 4 of this JWS).
4. The conferencing was held online (Microsoft Teams) on 14 September 2026.
5. Updated provisions are included in Appendix 1 of this JWS.
6. We confirm that we have read the Environment Court's Code of Conduct set out in the Environment Court's Practice Note 2023. We have complied with the Code of Conduct in preparing this JWS. Except where we state that we are relying on the evidence of another person, this evidence is within our area of expertise. We have

not omitted to consider material facts known to us that might alter or detract from the opinions expressed in this evidence.

7. The primary data on which the opinions are based is:

- The Operative Kapiti Coast District Plan (ODP)
- The Proposed Plan Change 5 application including all relevant appendices
- The Section 42A report for Proposed Private Plan Change 5, including all relevant appendices
- The Statements of Evidence of:
 - Ms Jones, dated 3 September 2026
 - Mr Keenan, dated 8 September 2026, insofar as it relates to transport effects identified in the NZTA submission (Submission S2)

MATTERS COVERED BY THIS STATEMENT

ISSUE 1:	Policy GRZ-P29 – clauses 1, 2, 6, and 7
FACTS / ASSUMPTIONS	1. Ms Pascall recommended the inclusion of a site-specific policy, being Policy GRZ-P29, in her S42A report. The policy covers requirements relating to: • landscape development setbacks from the northwestern boundary with properties on Fairway Oaks Drive (clause 1), • the requirement for a 10m planted buffer around ecological site K068 (clause 2), • management of the effects of trip generation on the safety and efficiency of the transport network, including the Te Moana Road/Kāpiti Expressway Interchange (clause 3) • The provision of safe and legible vehicular access from Te Moana Road into the development (clause 4) • The provision of safe and direct access to public transport and active transport facilities on Te Moana Road (clause 5) • the avoidance of increasing flood hazard risks on people and property (on site and neighbouring properties) (clause 6), and • the requirement for the necessary water and wastewater upgrades to occur prior to, or in conjunction with development (clause 7). 2. For the purposes of expert conferencing, the transport related clauses (3, 4, and 5) are addressed under Issue 2. <u>Clause 1 – landscape development setback on northwestern boundary</u> 3. As outlined at paragraphs 82-91 of her evidence, Ms Jones (relying on the evidence of Mr Ben Ormsby) does not support clause 1 of Policy GRZ-P29, which directs a development setback with landscape planting, citing the existing GRZ (MDRS) provisions which manage residential amenity effects between sites (including yard setbacks, height limits, landscaping etc) which would apply at the consent stage along with the Residential Design Guide. Ms Jones also considered such a setback could reduce the development potential across the site. 4. Ms Jones also noted during conferencing that the RMA s95 process

	allows for identification of effects on neighbours. <u>Clause 2 – planted setback from ecological site K068</u> 5. Ms Jones (at paragraphs 95-97) also did not support the requirement for a 10m planted setback from ecological site K068 on the basis this is not a requirement of the NES-F. This form of mitigation could be considered through the consenting stage (via GWRC). It is at that stage that ecological effects can be fully considered, including whether there is an identified effect that requires mitigation in the form of planting within the 10m setback. <u>Clause 6 – flood hazard risks</u> 6. Relying on the evidence of Mr Martell, Ms Jones did not consider there was a need for clause 6 relating to flood hazard risks, noting the plan change is consistent with higher order policy direction and the risk-based approach of the ODP and the detailed site design will ensure consistency with all relevant statutory documents. <u>Clause 7 – water and wastewater capacity and servicing</u> 7. At paragraph 106 of her evidence, Ms Jones considers clause 7 is not required on the basis a pathway is available to maintain the required levels of service within the Waikanae catchment as development occurs and there are existing District Plan provisions that address this. The site can be effectively and efficiently serviced within existing and planned capacity as set out in the evidence of Mr Taylor.
AGREED POSITION	The experts agree that: • Clause 6 is not required because the Natural Hazards chapter of the ODP provides sufficient policy direction on managing natural hazard risks on site and for neighbouring sites. • Clause 7 is not required because Policy INF-MENU-P20 and INF-MENU-P21 of the ODP address water and wastewater capacity and servicing of the site.
ISSUES REMAINING IN CONTENTION AND REASONS	<u>Clause 1</u> 1. Ms Jones' view remains unchanged and she does not support any additional landscaping or setback requirements over and above what is required by the MDRS of the District Plan. Ms Jones remains of the opinion that the MDRS standards are suitable to manage any potential effects. Ms Jones notes that it would be standard to prepare a landscaping plan for the site at the consent stage which could incorporate landscape mitigation for neighbouring properties, if that mitigation was considered to be necessary. Ms Jones noted the RMA s95 provides for identification of effects on neighbouring properties at the resource consent stage. Ms Jones notes that the setback may constrain the MDRS being given effect to and a qualifying matter does not apply in this regard. 2. Ms Pascall remains of the opinion that direction is required in relation to managing visual amenity effects on neighbouring properties at Fairway Oaks Drive, over and above the MDRS requirements. This will be further addressed in her evidence in response the Panel's question about restricting the MDRS and qualifying matters. <u>Clause 2</u>

	1. Ms Pascall remains of the opinion that the 10m planted setback around the QEII wetland and pond is required because although the National Environmental Standards for Freshwater require a 10m setback for earthworks and development from a natural inland wetland, it does not require the 10m setback to be planted. 2. Ms Jones considered there is insufficient information to confirm there is an effect that requires planting within the buffer at this point in time. This would be more appropriately assessed at the consent stage.
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ISSUE 2:	Policy GRZ-P29 – clauses 3, 4, and 5 (related to transport matters)
FACTS / ASSUMPTIONS	1. At paragraphs 77-81 of her evidence, Ms Jones considered the existing plan provisions relating to transport matters are sufficient to address traffic related effects at the resource consent stage, and the provisions proposed in Policy GRZ-P29 are unnecessary. However, Ms Jones agrees that these provisions could help better guide the requirements of a future traffic assessment and therefore does not disagree with the policy insofar as it relates to traffic matters. 2. In his evidence, Mr Keenan supported clauses 3, 4, and 5 noting that the inclusion of these clauses enables the Council to impose conditions at the resource consent stage in response to the transport effects present at the time of that application. Mr Keenan noted that should these clauses be removed, NZTA's original position of opposing the plan change would stand. 3. Mr Keenan noted during conferencing that clause 3 was the most critical in terms of NZTA's interest and managing effects on the interchange.
AGREED POSITION	1. The traffic evidence provided by both the applicant and the Council highlights the sensitivity of this site and the need to carefully consider cumulative effects of development on the site and proximity to the Te Moana Road/Kāpiti Expressway Interchange. 2. There are existing provisions in the ODP which cover some (and in Ms Jones' view all) of the matters in clauses 3, 4, and 5, being: a. Policy TR-P1 b. Policy TR-P2 c. Policy TR-P5 d. Rule TR-R2 e. Rule TR-R3 f. Rule TR-R10 g. Rule SUB-RES-R33 (matter of control 6) 3. However, it was also agreed that GRZ-P29 clauses 3, 4, and 5 provide surety for future resource consent processes as these clauses are more explicit than the existing ODP provisions about what should be assessed in relation to any required transport assessment at the consent stage. 4. No further rules are necessary to implement clauses 3, 4 and 5 relating to transport effects. If trip generation from the site exceeds 100 vehicles per day (the permitted activity threshold under Rule TR-

	R2) resource consent will be triggered under Rule TR-R10 as a restricted discretionary activity, with a transport assessment required. Policy GRZ-P29 could then be considered as part of that assessment. 5. Clauses 3, 4 and 5 of Policy GRZ-P29 work independently of any structure plan map i.e. the structure plan map does not need to show any features relating to these clauses and the clauses can be implemented without the structure plan map.
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ISSUE 3:	The need for a structure plan
FACTS / ASSUMPTIONS	1. In the s42A report, Ms Pascall recommended the inclusion of a structure plan map in the ODP should the site be rezoned, showing: • A 10m planting buffer around the QEII protected wetland and pond • The area on the northwestern boundary where a development setback with native shrub and tree planting will be required as set out in paragraph 12.50 of the s42A report • The location of the Pohutukawa trees on the Te Moana Road boundary that are proposed to be retained • The indicative road layout, as shown in the concept plan submitted as part of the Application. 2. In her evidence, Ms Jones considered a structure plan for this plan change to be unnecessary preferring the concept plan approach submitted as part of the plan change application. Ms Jones also considered the inclusion of the landscape setback from the northwestern boundary and the 10m planted setback from ecological site K068 were unnecessary to include on such a plan as she disagrees that provisions are required in relation to these matters. Ms Jones did consider there could be merit in showing the 8 pohutukawa trees at the front of the site on a concept plan if the Panel sought assurance that these would be retained or this assurance could be sought in writing by the Applicant as an alternative. 3. Mr Keenan noted NZTA does not have a position on a development area approach vs structure plan.
AGREED POSITION	No agreement was reached on this issue.
ISSUES REMAINING IN CONTENTION AND REASONS	No agreement was reached on the need for a structure plan, for the following reasons: 1. Ms Jones remains of the view that a structure plan is unnecessary, for the following reasons: a. the site is in single ownership, b. there are a small number of applicable policies c. the site is within the existing urban area. d. The site is 5.5ha so is relatively small in scale compared with other developments/plan changes where a structure plan approach may be appropriate. e. The features and potential constraints have been sufficiently

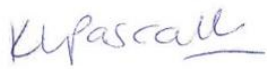
	understood through expert assessments and evidence. f. Proposed Rule GRZ-R42 is very specific and therefore Ms Jones questions the need for a structure plan given this specificity. g. District wide subdivision rule SUB-DW-R6 provides for the consideration of effects on ecological sites (see matter of discretion 2) 2. For the same reasons, Ms Jones does not see the need for a Development Area approach. Each site should be assessed on its own merits and location i.e. can't compare with PC4 which was a different context (retirement village development surrounding largely by RLZ where the urban/rural interface was a key consideration). 3. In relation to clause 1 of GRZ-P29 Ms Jones noted that if the Panel is of the view that this setback is required in relation to the northwestern boundary, then a structure plan could be useful in providing surety of this occurring. 4. Ms Pascall remains supportive of a structure plan approach for the following reasons: a. While features and constraints on the site have been identified and understood through the plan change process, the support or otherwise for the rezoning from Council's ecology and landscape experts is based on the inclusion of setbacks from the relevant areas of the site. A structure plan is appropriate for showing where these setbacks are located, together with the relevant rules that are proposed. b. The provision of a structure plan map in the District Plan provides certainty for the Council and neighbouring properties about the general layout of the site, and the values and features that need to be considered in the detailed planning stage. c. The plan change site consists of two lots with separate titles. It is conceivable that one or both lots could be sold prior to site development, and therefore the structure plan approach will ensure future development is planned in a holistic manner regardless of ownership. For the same reasons, agreement was not reached on the appropriateness or otherwise of a Development Area approach, as suggested by the Panel in Direction 4 (paragraph 16).
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ISSUE 4:	Rule GRZ-R42, Rule GRZ-R43, and amendments to SUB-RES-R33
FACTS / ASSUMPTIONS	1. For the same reasons as set out in Issues 1 and 3 above, Ms Jones does not consider these proposed rules are required. 2. Ms Pascall considers these rules are required based on her opinion that the structure plan is still necessary, as set out in Issue 3.
AGREED POSITION	Agreement was not reached between the experts on the necessity or otherwise of these proposed rules.

PARTICIPANTS TO JOINT WITNESS STATEMENT

We confirm that we agree that the outcome(s) of the expert conferencing are as recorded in this statement.

15 September 2026



Kate Pascall
For Kāpiti Coast
District Council



Susan Jones
For the Applicant



Nathan Keenan
For NZTA

Appendix 1 – Agreed amendments to Policy GRZ-P29

S42A report drafting is shown in red text.

Agreed amendments in expert conferencing are shown in blue text

<u>GRZ-P29</u>	<u>100 and 110 Te Moana Road, Waikanae (being Lot 1 DP 71916 and Lot 2 DP 71916)</u>
<u>Subdivision, use and development at 100 and 110 Te Moana Road (being Lot 1 DP 71916 and Lot 2 DP 71917) shall be sited, designed, and undertaken to:</u> <u>1. Minimise adverse visual amenity effects on neighbouring properties on Fairway Oaks Drive through provision of a planted development setback commensurate with the height and scale of built development on that boundary</u> <u>2. Avoid adverse effects on the ecological values and functioning of ecological site K068 through provision and maintenance of a planted buffer around the full extent of the ecological site</u> <u>3. Manage the effects of trip generation on the safety and efficiency of the transport network including, but not limited to, the Te Moana Road/Kāpiti Expressway Interchange</u> <u>4. Provide safe and legible vehicular access from Te Moana Road into the development</u> <u>5. Provide safe and direct access to public transport and active transport facilities on Te Moana Road</u> <u>6. Avoid increasing risks from flood hazards on people and property, both on site and neighbouring sites.</u> <u>7. Ensure the required water and wastewater network upgrades to service the development are constructed prior to, or in conjunction with, the proposed development and the development will not generate demand that compromises the ability of the network to service other permitted or established activities within the immediate area.</u>	