BEFORE THE HEARING PANEL
FOR TASMAN DISTRICT COUNCIL

IN THE MATTER	of the Resource Management Act 1991
AND	
IN THE MATTER	of a Streamlined Planning Process under s 80B of the Act
AND	
IN THE MATTER	of Proposed Change 1 to the Tasman Regional Policy Statement and Proposed Plan Change 81 to the Tasman Resource Management Plan

MEMORANDUM OF COUNSEL FOR TASMAN DISTRICT COUNCIL REGARDING TDC'S CASE
6 October 2026

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MAY IT PLEASE THE PANEL:

A. INTRODUCTION

1. This memorandum is filed in advance of the hearings for Change 1 (**C1**) and Plan Change 81 (**PC81**). Its purpose is to outline Tasman District Council's (**TDC**) approach to the hearing of the Changes.

2. Together C1 and PC81 are sometimes referred to as the Urban Growth Change and is intended to give effect in part to TDC's obligations under the National Policy Statement for Urban Development 2020 (**NPSUD**). As such, the Independent Hearing Panel (**IHP**) will be aware that there is a close relationship between C1 and PC81. The legal foundation and basis for that relationship will be addressed in legal submissions in due course. However, that close relationship means there will inevitably be evidential overlap between the two plan changes.

3. TDC is alert to the pressures the Streamlined Planning Process places on the IHP and parties. TDC therefore intends to run an efficient case, including by avoiding overlap or repetition that would otherwise reduce the time available for the IHP to hear from parties and, in turn, from TDC in response. It was therefore thought to be helpful to outline that now to allow the IHP and parties to plan their approach to the hearing stages of the Changes.

B. STRUCTURE OF TDC'S EVIDENCE

4. TDC's objective is to ensure that hearing time is used efficiently and that the IHP is assisted by evidence that is concise, targeted and proportionate to the issues requiring determination.

5. For each hearing stage, TDC has appointed a planner to lead the preparation of the s 42A report. That planner will be responsible for leading the presentation of the relevant s 42A report. In each case, the lead planner will be supported by other planners who have reviewed the report and may address selected matters. The s 42A reports will adopt a traditional approach by addressing the principal issues raised in

submissions and further submissions (together, **submissions**), identifying the key matters requiring determination.[1]

6. Supporting the s 42A reports will be expert evidence as required to address matters raised in submissions or areas where additional analysis is necessary to assist the IHP, including with any evaluation undertaken under s 32AA.

7. In a limited number of instances, further expert evidence has also been commissioned to address matters that TDC has identified as requiring additional information beyond that provided at notification. This is addressed below.

8. All expert evidence will be prepared in accordance with the directions contained in Minute 1, including compliance with the Environment Court Expert Witness Code of Conduct.

9. Turning to topics, in general, topics such as open spaces and reserves and the commercial centres hierarchy have had few, if any, submissions and thus are not expected to be major areas of contention during the hearings.

10. Within the broader context of achieving the NPSUD objective of a well-functioning urban environment and improving housing affordability, TDC has identified the following key (non-exhaustive) topics from the submissions and further submissions:

    10.1. General planning issues, including the adequacy of the analysis and application of national policy statements and the New Zealand Coastal Policy Statement.

    10.2. Three waters infrastructure provision and availability, including both site-specific issues and broader issues relating to the funding and delivery of services.

    10.3. Transportation infrastructure, particularly site-specific transportation issues associated with proposed urban development areas.

[1] A slightly different approach will be taken to Hearing Stage 1, given the nature of the preliminary matters being addressed, as discussed below.

10.4. Hazard management at both a local and district scale, including the appropriate implementation and application of the National Policy Statement for Natural Hazards 2025 (**NPSNH**).

10.5. Site-specific issues relating to greenfield development.

10.6. The suitability of the Medium Density Residential Zone provisions, particularly as a planning method that achieves good urban design outcomes.

10.7. Mitigation of road noise, including the appropriateness of the policy focus on human health, as opposed to or in addition to reverse sensitivity, together with the extent to which the road noise mitigation rules should apply within the district.

10.8. Papakāinga provisions.

10.9. Provisions associated with the provision of additional business and industrial land capacity.

11. It is noted that in general terms, submissions on papakāinga and business and industrial land capacity are supportive of the approach in the notified changes, although some submitters have sought amendments and small number oppose the approach.

12. TDC recognises additional issues may become apparent or emerge during the hearing process.

C. OVERLAP BETWEEN C1 AND PC81

13. Given the close relationship between C1 and PC81, there will inevitably be some overlap between the evidence presented for each plan change.

14. TDC will actively manage that overlap. Where evidence is relevant to both plan changes, TDC will seek to avoid unnecessary duplication and repetition while ensuring the evidential record for each plan change remains complete, including by cross-referencing evidence from earlier stages that will be relied upon, especially in legal submissions and s 42A reports. It will continue to consider opportunities throughout the hearing process to streamline the presentation of its case and minimise

duplication where that can occur without affecting the proper consideration of either plan change.

D. HEARING STAGE 1

15. Per the directions in Minute 1, TDC will be raising procedural issues in Hearing Stage 1 (**HS1**). The procedural issues include scope and late submissions. These issues will be analysed and addressed by the s 42A report and supported by legal submissions.

16. Further legal submissions on other matters, including responses to any legal submissions from other parties and the implications of the Planning Act 2026 and changes to national direction, will be addressed in further legal submissions due on 29 October 2026.

17. No evidence will be called for HS1. The grounds for the procedural issues being raised by TDC will be based upon material available on the public record, particularly in relation to scope.

18. Additionally, TDC will request an interim decision on matters relating to scope be made. The reason for this relates to the significant resources that will be required to be applied to some submissions that TDC considers are beyond scope, should the IHP disagree with its analysis on the topic. In general terms, those submissions relate to areas that are not within the areas PC81 identified for rezoning, given previous 'planning' decisions made under the NPSUD excluded them, including in the Nelson Tasman Future Development Strategy 2022 - 2052.

19. Finally, Council will also be producing two additional reports in support of PC81, namely an economic analysis of PC81 and a s 32 assessment for changes to selected parts of the noise rules. We discuss these reports further below.

E. HEARING STAGE 2

20. Hearing Stage 2 (**HS2**) relates to C1 to the TRPS. C1 provides an overview of the resource management issues for the region as directed by s 59, here in the context of the NPSUD, which directs, relevantly, tier two local authorities to take steps to ensure New Zealand has well-

functioning urban environments. A regional policy statement provides the direction at the regional scale to achieve that, and other, outcomes.

21. Practically, this means C1 provides the regional settings for urban growth provisions designed to give full or partial effect to the NPSUD (and other relevant national policy statements). In turn, PC81 addresses the site-specific changes that are required to achieve the direction set out in the higher-order documents, including the TRPS and NPSUD. As already noted, there is therefore an inevitable crossover between this strategic approach and consideration of the district plan and site-specific issues. This will mean that questions will arise in relation to the approach in the RPS that will require more detailed evidence. As signalled above, TDC has carefully considered how best to assist on C1 and has ultimately determined that a focused case on that topic, dealing with the broader issues only, is the appropriate approach.

22. Accordingly, TDC will be calling two witnesses, in addition to the s 42A reporting officer:

    22.1. A member of Council's Executive Leadership Team will give evidence explaining the background to, and reasons for, TDC pursuing the SPP and obtaining an exemption to the plan stop under s 80V for both C1 and PC81.

    22.2. A qualified planner employed by Council, Jacqui Deans, who has had responsibility for the management and preparation of housing and business assessments and annual monitoring reports under the NPSUD to inform the long-term and annual plan processes under the Local Government Act 2002 and plan changes under the RMA. This evidence will address updates to the HBA 2024, together with planning towards the next Long-Term Plan 2027-2037. Its timing is driven at least in part by the requirement for the TRPS to include housing bottom lines under cl 3.6 NPSUD but go generally to the ability for TDC to provide at least sufficient development capacity to meet expected demand for housing.

23. It will be immediately apparent that this evidence will also have application to the topics under PC81 and therefore is a good example of

where TDC will rely on and cross-reference evidence from earlier hearing stages.

F. HEARING STAGE 3

24. Hearing Stage 3 (**HS3**) is described as the Urban Growth Framework. TDC understands that this refers to the objective, policy, and structural approach in PC81 to providing at least sufficient residential development capacity to meet expected demand for housing under the NPSUD. It is closely linked to Hearing Stage 4 (**HS4**).

25. The evidence called for HS2 will be material to determining whether the framework and policy approach adopted in PC81 to giving effect to the NPSUD is robust. TDC will make Ms Deans available to answer questions relating to residential demand and the anticipated capacity to be provided by PC81 but does not intend to recall or replicate the evidence for this hearing stage.

26. The provision of the infrastructure necessary to deliver residential development is another key matter for PC81. In many respects, infrastructure is, by its nature, a site-specific issue and will therefore require consideration during HS4. However, for HS3 TDC will call evidence to explain its approach to the provision of infrastructure throughout the district (how infrastructure has historically been provided within the district) and how the various funding mechanisms operate. It is anticipated by that time the Council will also have given draft direction for the 2027–37 Long-Term Plan, which will be in place from mid-2027. That direction may have an impact on PC81.

27. Subject matter experts will also be called to address other topics, including the urban design principles underpinning the Medium Density Residential Zone (**MDRZ**) design matrix and the standards applying to the MDRZ and analysis of the approach to density in the Plan Change.

28. Evidence relating to the assessment of natural hazards under the matrix directed by the NPSNH will also be produced in HS3. As will be discussed further in legal submissions and evidence, the matrix used by TDC for PC81 is bespoke and developed to address district-specific issues in light of the requirements of the NPSNH.

29. TDC will also call economic evidence to assist in quantifying and assessing the costs and benefits of PC81 and address provisions designed to mitigate effects of road noise on areas of intensification.

G. HEARING STAGE FOUR

30. Hearing Stage Four (**HS4**) is concerned with the residential development proposals of PC81 at a site-specific level, and the way in which the proposed planning framework applies to individual locations throughout the district.

31. Subject to the determination of scope issues, it is here that the site-specific consideration of areas to be "added" to the notified PC81 would likely best fit.

32. TDC is continuing to brief evidence for HS4. It is anticipated the evidence will be grouped spatially i.e. by towns and settlements. That spatial division is expected to be further organised by reference to greenfield (including areas with proposed outline spatial plans) and brownfield development areas (including the MDRZ).

33. Site specific infrastructure and natural hazard management issues will be addressed and expanded upon. While there may be some evidence on transportation planning matters in HS3, it is anticipated most of these issues, including engineering issues, will be dealt with here. On infrastructure and natural hazard management, it appears development at Māpua is likely to be an area that will require significant attention.

34. TDC are still reviewing submissions, but it is expected evidence addressing areas of highly productive land, as defined by the National Policy Statement for Highly Productive Land and land of high productive value and other relevant matters under the TRMP will also be called.

H. HEARING STAGE 5

35. Compared with submissions on other parts of PC81, Hearing Stage 5 (**HS5**) has the fewest submissions but covers a broader range of issues. Some are linked directly or indirectly to earlier hearing stages (papakāinga and worker accommodation for instance) and others are

discrete (notably commercial hierarchy and commercial and industrial centre growth provision under the NPSUD).

36. Given the range of topics raised by submitters, TDC anticipates that HS5 will draw upon evidence and conclusions reached throughout the earlier hearing stages, while also addressing matters that are more discrete in nature and not readily grouped within the residential growth and site-specific topics addressed elsewhere.

I. REPORTS TO BE PRODUCED

37. As signalled above, there are two areas where TDC has concluded that putting evidence on the record at HS1 would be beneficial, rather than calling the evidence at a later stage. Council considers it is a fairer and more helpful for that material to be produced before the hearings commence so that all parties have an opportunity to review and consider it.

38. It is important to note that this evidence does not affect the scope of C1 or PC81. Nor does it introduce any new planning issues or expand the matters already before the IHP. Instead, it provides additional analysis in support of the notified provisions to assist the IHP in its consideration of the plan change.

39. The two matters are:

    39.1. An economic assessment that quantifies aspects of the costs and benefits of PC81 in accordance with s 32(2).

    39.2. An additional s 32 analysis relating to amendments to certain noise limit rules in the TRMP.

40. Both topics are scheduled to be addressed in HS3 as relating the urban growth framework and district-wide provisions respectively.

41. TDC's position is that the preparation and release of this material prior to the commencement of hearings will be of assistance to the IHP by allowing it and the parties to consider the information as part of their preparation for the relevant hearing stages.

J. EXPERT CONFERENCING

42. While it is difficult to determine the extent to which joint witness conferencing will assist the IHP, TDC notes Minute 1 encourages the same.

43. The time available for expert conferencing is very limited. There are practical challenges arising from the procedural timetable, particularly given that expert evidence for submitters is due only 10 working days before the relevant hearing commences. Further challenges arise from the need for Council witnesses to remain available for any joint witness conferencing while also preparing evidence in response within the seven working days available following receipt of submitters' evidence.

44. TDC suggests it would be worthwhile discussing the topic at HS1 to ensure that any joint witness conferencing is both practical and effective.

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