BEFORE THE INDEPENDENT HEARING PANEL
APPOINTED BY 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

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MEMORANDUM OF COUNSEL FOR TASMAN DISTRICT COUNCIL GIVING NOTICE OF PRELIMINARY MATTERS

HEARING STAGE 1

12 October 2026

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MAY IT PLEASE THE PANEL:

A. NOTICE OF PRELIMINARY MATTERS

1. Hearing Stage 1 (**HS1**) is set down for 3 November 2026.

2. This memorandum is filed in advance of HS1 and gives notice of the preliminary and procedural matters TDC wishes to raise in accordance with paragraph 70 of Minute 1.

3. The matters TDC wish to raise are:

    3.1. Whether submissions and further submissions TDC identified in its Summary of Decisions Requested (**SDR**) are 'on' Change 1 and Plan Change 81 and if there is scope for the relief sought. The submissions are particularised in the s 42A report and legal submissions in support.

    3.2. An interim decision on the scope for submissions.

    3.3. Late submissions.

    3.4. Production of a s 32 report regarding amendments proposed Chapter 17 noise rules to make Sunday and public holiday noise limits consistent with NZS6802:2008, see Appendix 7 to PC81.

    3.5. Production of an economic assessment of the residential intensification proposed by PC81.

    3.6. Expert conferencing.

4. In addition, TDC notes the timetable signals HS1 will address hearing allocation and associated procedural directions. TDC's memorandum of 6 October 2026 is relevant and can be discussed at HS1. TDC will be prepared to assist with any other matters as required.

B. HS1 S 42A REPORT

5. A s 42A report addressing some of the preliminary and procedural matters TDC wishes to raise has been filed with this memorandum, namely, matters 3.1 – 3.4 above. Where the Panel might be assisted by

a planning analysis the matter has been discussed in the s 42A report. The other matters listed in paragraph 3 will be addressed by counsel.

6. All the submissions in the SDR where scope was identified as an issue have been addressed and analysed (**Scope Issue Submissions)**. Following that analysis, the scope for some of those submissions and further submissions is no longer of concern to TDC. Those submissions are still addressed in the s 42A report and (where relevant) legal submissions for the record. The Panel will still need to consider if those submissions (and all other submissions before it) are within scope as part of their decision-making functions but TDC is no longer raising them as a preliminary issue.

7. As noted, legal submissions on the scope for submissions have also been filed in accordance with Minute 1. As the submissions explain, counsel have been asked to focus on a subset of the Scope Issue Submissions where the determination of scope will have a significant impact on how TDC runs its case from a resourcing perspective; see section 5.2 s 42A report.

8. Attached to these submissions as Appendix 1 is a table that identifies the submissions where TDC raised scope in the SDR and its position on those submissions now. TDC will be asking the hearing administrator to bring that table to the attention of all submitters to assist any affected submitters to identify TDC's position and to respond as they see fit.

9. Further legal submissions on the remaining preliminary matters (if required) will be filed prior to HS1 commencing in accordance with the timetable.

Date 12 October 2026



C P Thomsen / A A Yardley
Counsel for Tasman District Council

Appendix 1

Table of Submissions – TDC's Position on Scope

Submitter	Submission Number	TDC Position – in scope?	Section 42A Reference (Section)
Orange Family Trust and Orange Building Group Limited	PC81 162.4 and 162.19	Yes	5.2.1
Kathryn (Kate) Hanna	PC81 121.1	Yes	5.2.2
Joshua Rutledge	PC81 154.1	Yes	5.2.2
Jamie Eggers	PC81 155.1	Yes	5.2.2
Seaton Palms Ltd	PC81 123.1 – 123. 4	Yes	5.2.3
Flathills 175 Ltd	PC81 147.1	Yes	5.2.3
Tasman Bay Estates Ltd	PC81 36.1 and 36.3-36.5	No	5.2.4
Tasman Bay Estates Ltd	PC81 36.2	Yes	5.2.4
Seaview Heights	PC81 140.2	No	5.2.5
Richmond Pōhara Holdings Ltd	PC81 184.1-184.5	No	5.2.5
Robyn Reid	PC81 200.1	No	5.2.5
Hermann Seifried	PC81 180.4	No	5.2.6
Kairos Trust	PC81 167.2	No	5.2.6

Submitter	Submission Number	TDC Position – in scope?	Section 42A Reference (Section)
John Emanuel	PC81 86.1	No	5.2.6
Tākaka Aero Heights	PC81 114.1	No	5.2.6
Kairos Trust	PC81 167.3 and 167.4	No	5.2.7
Anna Macfarlane	PC81 158.1	No	5.2.7
Thomas and Loreley Drach	PC81 273.1	No	5.2.8
Top of the South Dark Sky Committee and Supporters	PC81.1 and C1 1.1	No	5.4.1 and 5.3.1
Ministry of Education	C1 14.1 – 14.5; PC81 138.6, 138.15, 138.17, 138.20, 138.21 138.32, and 138.34	Yes	5.3.3, 5.10.2 and 5.10.3
Ministry of Education	PC81 138.1, 138.5, 138.33 and 138.35-138.48	No	5.10.1 and 5.10.4
Homes for Wakefield	PC81 61.4	Yes	5.4.1
Scott Nicol	PC81 116.2	Yes	5.4.1

Submitter	Submission Number	TDC Position – in scope?	Section 42A Reference (Section)
Johannes Thaddeus Franciscus (Jan) Heijs.	PC81 246.3, 246.5 and 246.6	No	5.4.2 and 5.8.1
Dan Montgomery	PC81 215.2	No	5.4.3
Colin Walker	PC81 248.9	No	5.5
Ian and Mary-Jane Reade	PC81 88.2	No	5.5
Terence Lomax	PC81 8.4	No	5.5
Melanie Cloutier	PC81 204.8	No	5.5
Peter and Jane Duncan	PC81 212.1	No	5.6
Ray Hellyer	PC81 87.1	No	5.7
Nicholas Hughes	PC81 186.1	No	5.7
Homes for Wakefield	PC81 61.2	No	5.8.2
Motueka Community Board	PC81 51.6	No	5.9
Margaret Clark	PC81 78.2	No	5.11