IN THE MATTER of

the Resource Management Act 1991

AND

IN THE MATTER of

hearing of submissions and further submissions on Change 1 to the Tasman Regional Policy Statement and Plan Change 81 to the Tasman Resource Management Plan

MINUTE 2 – RESPONSE TO PROCEDURAL MATTERS RAISED AND DIRECTIONS

1 PURPOSE

1. This Minute responds to some of the procedural matters raised in response to the SPP Panel's Minute 1.

2. It also responds to the Council's S42A Report and legal submissions provided for Hearing Stage 1 and reminds parties to the hearing that they are not to contact the SPP Panel directly.

2 PROCEDURAL MATTERS RAISED

3. The SPP Panel received correspondence from the following parties addressing procedural matters:
    a. A Memorandum of Counsel of Tasman District Council
    b. A Memorandum of Counsel of A & S Talley [S13 and FS38 C1 and s160 and FS319 PC81]
    c. An email on behalf of Richmond Pohara Holdings Ltd s28], Tahimana Ltd [S27, 185], W & E Lynch [S168], Takaka Aero Heights Ltd [S114}
    d. A Memorandum of Counsel of Mt Hope Holdings [S6 FS39 C1, S66 FS133 PC81] and Appleby 88 [FS39 C1, FS312 PC81]

4. These are available on the Council's Hearings webpage.

TASMAN DISTRICT COUNCIL

5. In summary, the Council memorandum addresses:
    a. The proposed structure of its evidence, and how it proposes to address each stage
    b. How it proposes to address the overlap between C1 and PC81
    c. Its desire for the SPP Panel to issue an interim decision on matters of scope
    d. New reports it proposes to produce
    e. The practicality and effectiveness of expert conferencing

6. The SPP Panel is appreciative that the Council supports the hearing structure set out in our Minute 1. The SPP Panel is live to the issues of overlap between C1 and PC81 and appreciate the Council proposes to remove unnecessary duplication through the hearing process by streamlining its case and cross-referencing as required.

7. The SPP Panel notes the request for an interim decision on scope and the Council concerns regarding expert conferencing. We will consider these through Hearing 1.

8. The SPP Panel acknowledges that the Council proposes to provide two additional reports. We return to the matter of additional reports below in respect to the Talley Memorandum.

A & S TALLEY

9. In summary, the A & S Talley memorandum addresses:
    a. Concerns about the interaction of PC81 with PC79 (relating to deferred zones) which is currently before the Environment Court, which it seeks to have addressed by the Council
    b. Cross-examination
    c. Timing of Council rebuttal evidence and legal submissions
    d. Access to supporting information

10. The SPP Panel agrees that the interaction between PC81 and PC79 is a relevant matter that the Council needs to address, and we take this forward in our directions below.

11. A & S Talley is correct that the SPP Panel has a discretion whether to permit cross-examination. In setting its directions in Minute 1, the SPP Panel indicated its strong preference not to permit cross-examination. In its place, we have provided for rebuttal, legal submissions and a question-and-answer process. The SPP Panel may revisit this if it finds that this process is not achieving the outcome it seeks.

12. The SPP Panel accepts that the timing of Council rebuttal evidence and legal submissions, as outlined in Minute 1, may not be optimal. We have developed this timetable in order to front-load the hearing as much as possible, while not subjecting parties to undue pressure. The hearing process provides the opportunity for parties to provide additional legal submissions on matters in the Council rebuttal.

13. The SPP Panel agrees with A & S Talley that the Code of Conduct in the Environment Court's Practice Note 2023 requires that an expert witness must:
    - Identify the data, information, facts and assumptions considered in forming their opinions
    - Specify any literature or other material used or relied on by them in support of any opinion expressed
    - If relying on a mathematical model, include appropriate or generally accepted sensitivity and uncertainty analyses for that model

14. The SPP Panel also agrees that it is critical for the preparation of evidence and any expert conferencing that all expert witnesses have access to the same data and materials. The SPP Panel itself expects to have access to this data and information so it can make informed recommendations. In the first instance, the SPP Panel has already identified the absence of the following reports and information which are referenced but not provided:
    a. "Plan Change 65 Dambreak Assessment"; Tonkin and Taylor Ltd; 3 July 2017
    b. "335 Higgins Rd Irrigation Dam"; Tonkin and Taylor Ltd; July 2019
    c. "PC81 dam break assessment – 335 Higgins Road Irrigation Dam, Wakefield"; Tonkin and Taylor Ltd; 5 September 2025
    d. Detail on the model referenced in Insight Economics report Impact Assessment for Potential Retail Development Scenarios in Tasman, Appendix 11 to the s32 report
    e. Technical reports for the flood and stormwater models listed on p16 (Flooding) of Appendix 1 (part of Appendix 24 to the s32 report for PC81) that are not accessible through the link in Column E, and clarification of which reports (full citations) relate to each of the study areas listed in Columns B and C.

15. The SPP Panel note that the above list is not exclusive or exhaustive. We address this further in our directions below.

Richmond Pohara Holdings Ltd, Tahimana Ltd, W&E Lynch, Takaka Aero Heights Ltd

16. These parties raised concerns about how the SPP Panel has structured the hearing stages and how this may result in the need to appear multiple times. We addressed this in section 5 of Minute 1. To clarify further, we will not be conducting the hearings by submission point or provision, and a submitter will only need to appear once during any one hearing stage. We have amended Minute 1 so that this is clear. If this is unclear, the parties are suggested to email tasmanrmp@tasman.govt.nz.

Mt Hope Holdings Ltd and Appleby 88

17. These parties agreed with A & S Talley that the Council be required to provide an explanation of how it sees the interaction between PC79 and PC81 playing out in a manner that is fair and efficient to the PC79 appeal parties, the PC81 submitters and the Panel. We agree.

18. A scope issue in relation to the deferred zone framework is also raised in respect to whether the deferred zone framework should be included as a topic for Hearing Stage 3, as it is their understanding that the only changes proposed are site specific. The Council is directed to address the scope of this topic for Hearing Stage 3 in their addendum for Hearing Stage 1, which we address below.

19. The Memorandum also addresses the scope of A & S Talley's submission points OS160.45 and OS160.56. The Panel's view is that this is best addressed by the Council at the time of Hearing Stage 3.

20. In respect to questions about the efficient conduct of hearings, as outlined earlier in this Minute, parties will only be asked to present once at any hearing stage. It is the Panel's preference for ease of consideration of matters before us that the Hearing Stages are followed. In respect to matter 14.b in the Memorandum, our expectation is that the policy and rule framework would be addressed in the Council s42A Report for Hearing Stage 3 and any site-specific changes requested in Hearing Stage 4. Given the submitters have indicated that they will be appearing for Hearing Stage 3, the Panel expects to hear from the submitters on those matters at that time. The submitters may wish to cross-reference back to the points made at the earlier hearing during Hearing Stage 4.

21. The Panel thanks Counsel for identifying discrepancies with the timing of notice of virtual attendance and Te Reo, sign language and audiovisual facilities. The correct time for both is five working days. Minute 1 has been updated accordingly.

3 COUNCIL'S S42A REPORT AND LEGAL SUBMISSIONS FOR HEARING STAGE 1

22. The SPP Panel noted that the s42A Report and the legal submissions provided for Hearing Stage 1 did not address the implications of new legislation and changes to national direction on C1 and PC81. We also noted that paragraph 16 of legal submissions for the Council's case, received on 8 October 2026, reference that this will be addressed in further legal submissions due by 29 October 2026.

23. This was not the process anticipated by the SPP Panel. We are aware of amendments to the RMA through the new Planning Act 2026 which will commence from 30 October 2026 and amendments to national direction that we understand are directly relevant to C1 and PC81. Because of this and the need to provide parties adequate time to consider the implications of changes, we include a direction below.

4 DIRECTIONS

24. The SPP Panel hereby directs that:

a. The Council provides an explanation of the interaction between PC81 and PC79 and how it proposes that the SPP Panel approaches this interaction through the hearing process. This is to include whether, or the extent to which, the deferred zone framework is within scope of Hearing Stage 3. The Council is to provide this explanation no later than five working days prior to Hearing Stage 1.
b. Parties who wish to address the Council's explanation provides their response, including any legal submissions, no later than two working days prior to Hearing Stage 1 commencing.
c. The Council and all parties who provide expert evidence provide, or make reference to, any data, information, literature and mathematical models at the time they produce their evidence, as required by the Code of Conduct in the Environment Court's Practice Note 2023.
d. In the case of the Council evidence produced to date, which includes all documents notified as part of C1 and PC81, the Council places all data, information, literature and mathematical models that are referenced in these documents on the Council's webpages for C1 and PC81 no later than 15 working days after this minute. All parties are to be made aware of their availability.
e. Where data, information, literature and mathematical models cannot be readily provided as required under d. and e., parties are to provide an explanation as to why this is to the SPP Panel, and what alternative options are available to ensure parties can make informed assessments. This may include all relevant experts agreeing as to what is required and appropriate to be provided. The SPP Panel will consider any explanation and issue a direction subsequently.
f. The Council provides an addendum s42A Report and any associated legal submissions that address the implications of new legislation and changes to national direction by no later than 27 October 2026.

5 ADMINISTRATION

HEARINGS ADMINISTRATOR

25. The Council's Hearings Administrator can be contacted at:

Phone 035438400

Email TRMPHearings@tasman.govt.nz

HEARINGS WEBPAGE

26. All relevant information about the hearing can be found on the Council's Hearings webpage.

CORRESPONDENCE

27. Submitters and other hearing participants are reminded that they must not attempt to correspond with or contact the SPP Panel members directly. All correspondence relating to the hearing must be addressed to the Hearings Administrator.

SERVICE OF DOCUMENTS

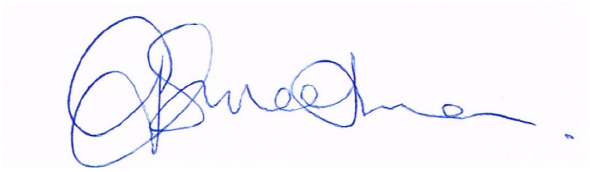
28. All written material (evidence, hearing reports, JWSs and legal submissions) addressed by this Minute must be lodged with the Hearings Administrator in **Microsoft WORD and PDF** format by the stated deadline: email to

TRMPHearings@tasman.govt.nz

Or

Post addressed to Private Bag 4, Richmond Nelson 7050.

29. All written material relevant to the hearings will be posted in PDF format on the Council's Hearings webpage.



Gina Sweetman

Chair / Tiamana - on behalf of the SPP Panel members

16 October 2026