**BEFORE THE HEARING PANEL APPOINTED BY THE TASMAN DISTRICT COUNCIL**

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| **IN THE MATTER** | of the Resource Management Act 1991 |
| **AND** | |
| **IN THE MATTER** | of Change 1 to the Tasman Regional Policy Statement and Plan Change 81 to the Tasman Resource Management Plan |

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# MEMORANDUM OF COUNSEL ON BEHALF OF MOUNT HOPE HOLDINGS LIMITED AND APPLEBY 88 LIMITED ON PROCEDURAL ISSUES

**DATE** 15 October 2026

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SALLY GEPP KC
BARRISTER

**MAY IT PLEASE THE PANEL**

**Introduction**

1. This memorandum is filed on behalf of:

    a. Mt Hope Holdings Ltd (Original Submitter 66, Further Submitter 133 PC81; Original Submitter 6, Further Submitter 39 C1) (**Mt Hope**); and

    b. Appleby 88 Ltd (Further Submitter 312 PC81; Further Submitter 39 C1) (**Appleby 88).**

    ("the Submitters")

2. This memorandum responds to paragraph 70 of Minute 1 of the Panel (dated 24 September 2026) which asks submitters who wish to raise procedural issues to provide a summary of the issue and the reasons for it.

3. Counsel is grateful to the panel for allowing this memorandum to be filed by 15 October 2026 on the basis that counsel has just returned from overseas.

4. The procedural issues raised on behalf of the Submitters are set out below.

**Interaction between Plan Change 81 and Plan Change 79**

5. Counsel has reviewed the memorandum filed on behalf of A & S Talley dated 12 October which raises the issue of the interaction between Plan Change 81 and Plan Change 79 (at paragraphs 4 – 11).

6. The Submitters agree that the interaction between the live Plan Change 79 appeal and Plan Change 81 is an issue that requires consideration, and support the request by A & S Talley that "the Council provides an explanation of how it sees this issue playing out in a manner that is fair and efficient to the Plan Change 79 appeal parties, the Plan Change 81 submitters, and the panel."

**Scope issues relating to Deferred Zone framework**

7. The Submitters also wish to raise a scope issue in relation to the deferred zone framework.

8. The Submitters understand that Plan Change 81 adds certain sites to Schedule 17.14A (Deferred Zone Locations) but it does not otherwise make any changes to the deferred zone framework (as that was the subject of a separate plan change – Plan Change 79).

9. Minute 1 lists "deferred zoning framework" as a hearing 3 topic (PC81 – urban growth framework). The Submitters query the accuracy of this as it is understood that the only changes proposed by Plan Change 81 are site specific changes (i.e. the addition of specific sites to 17.14A) which is understood to be a matter that will be addressed in hearing 4. The Submitters consider that the deferred zone framework should be removed from the list of hearing 3 topics.

10. The Submitters also consider that the relief sought by A & S Talley relating to the deferred zone framework is out of scope, such as:

    a. Submission point OS160.45 which seeks that "*if deferred zoning is retained, amend the plan to include enforceable deferrals, maximum yield caps, staging linked to demonstrated infrastructure capacity, no-material-worsening standards for existing properties and access routes,*

*developer funding and security requirements, and monitoring and review provisions*."

b. Submission point OS160.56 which amongst other matters seeks to amend Policy 6.3.3.1C "to be clearer that it is not to be used to enable development in deferred zones prior to the required infrastructure specified in the Plan being in place."

11. It is considered that any changes to the deferred zone framework (going beyond the introduction of sites to Schedule 17.14A) are out of scope.

## Timing of Council rebuttal evidence relative to legal submissions

12. The Submitters support the comments on behalf of A & S Talley (in the memorandum dated 12 October 2026) that it would be more efficient if legal submissions and written representations were timetabled to be filed three days after the s 42A rebuttal evidence.

## Comments relating to the efficient conduct of the hearings

13. It is understood that hearing 3 covers the urban growth framework; and hearing 4 covers the residential growth areas and rezoning.

14. The Submitters raise the following issues to ensure that the hearings are conducted in the most efficient way possible:

    a. The Submitters seek that they be allowed to address all issues they wish to raise on the urban growth framework (hearing 3) within one hearing slot during that hearing rather than attending the hearing multiple times to address sub topics. This may already be what is intended but this comment is included for the avoidance of doubt.

    b. The Submitters seek that flexibility be provided to address matters relating to the urban growth framework (which is the subject of hearing 3) at the stage 4 hearing (covering residential growth areas and rezoning) where the issues to be raised overlap. As an example, Mt Hope has opposed the inclusion of minimum densities on the Outline Spatial Plans. It is understood that this is a matter that would be dealt with at hearing 4. Mt Hope has also opposed the inclusion of minimum densities in the policy and rule framework. It would be more efficient if that issue could be addressed once during hearing 4.

## Corrections

15. The Submitters note that there are two minor inconsistencies within Minute 1:

    a. Virtual attendance: Paragraph 98 requires at least 10 working days' notice, but paragraph 99 specifies five working days.

    b. Te Reo, sign language and audiovisual facilities: Paragraph 45 specifies 10 working days, while paragraph 99 specifies five working days.



Sally Gepp KC / Shoshona Galbreath

Counsel for Mt Hope Holdings Limited and Appleby 88 Limited