

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

**In the matter** to the Tasman Resource Management Plan under Schedule 1 of the Resource Management Act 1991.

**Submitter** Mt Hope Holdings Ltd (**Submitter # 3720**) and Appleby 88 Ltd (**Submitter# 4227**).  
(**'Submitters'**)

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**WILL SAY STATEMENT OF HAYDEN TAYLOR FOR  
EXPERT PLANNING CAUCUSING**

Dated Thursday 3 July 2025

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**SALLY GEPP KC**  
BARRISTER

## **MAY IT PLEASE THE PANEL**

### **Qualifications and Experience**

#### *Current Position*

- 1 My full name is Hayden Craig Taylor.
- 2 I am a Resource Management Consultant at, and a Director of, Planscapes (NZ) Ltd, a surveying and resource management consultancy based in Nelson.

#### *Qualifications and Experience*

- 3 I hold a Bachelor of Science with Honours (Geography) degree from University of Otago, and I am an associate member of the New Zealand Planning Institute.
- 4 I have 17 years' experience in resource management and planning practice. I have been employed by Planscapes as a Resource Management Consultant since May 2018, and became a Director in 2022. Prior to my employment with Planscapes I worked in Auckland as a Resource Management Consultant for two years, and before that for Auckland Council in various resource consenting roles including Senior Planner and Resource Consents Team Leader. Prior to that I worked as a Planner for a London Borough Council for a period of three years.
- 5 I have prepared evidence and appeared both for private clients and local authorities as an expert witness at Council and Environment Court hearings, and have also participated in Environment Court mediation proceedings.
- 6 For the past seven years most of my work has been in the Nelson/ Tasman Region and this has involved preparation of numerous applications for resource consent under the Tasman Resource Management Plan (the TRMP), including for the subdivision and development of greenfield land. I have also been involved in the preparation of submissions on Council Plan Changes, and attendance at Council Plan Change Hearings.

### **Environment Court Practice Note**

- 7 Although this is not an Environment Court process, I acknowledge that I have read and am familiar with the Environment Court's Code of Conduct for Expert Witnesses, contained in the Environment Court Practice Note 2023, and agree to comply with it.

- 8 Other than where I state that I am relying on the advice on another person, I confirm that the issues addressed in this statement are within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express.

### **Introduction**

- 9 I have been asked by Mt Hope Holdings Ltd ('Mt Hope') and Appleby 88 Ltd ('Appleby 88') to assist in expert planning caucusing on Plan Change 79. I prepared the original submission and further submissions on behalf of Mt Hope. I have not been involved in the submissions made by Appleby 88, but I have reviewed these and are familiar with them. I did not provide planning evidence to the hearing on behalf of either of these submitters, but I did provide planning evidence on matters raised by other submitters, and attended the hearing in support of this evidence.
- 10 Minute 3 of the Hearing Panel directed that I prepare a will-say statement on the wider PC79 provisions not covered by my evidence, in advance of expert planning caucusing. This statement addresses that request.
- 11 In addition to the submissions of Mt Hope and Appleby 88, I have also reviewed documents relevant to the relief sought by Mt Hope and Appleby 88 including the submissions made by Andrew and Susan Talley and the planning evidence of Mr Phillip Percy, and Council Officers' s42A report. I have also reviewed the statements and supplementary information provided by the various parties during the hearing.

### **Statement of Position**

- 12 The legal submissions on behalf of Mt Hope and Appleby 88 included a schedule of amendments to the plan provisions detailed in Council's s42A report. My position on the relief sought in this schedule of amendments is detailed in the table in Annexure A attached.
- 13 The matters detailed in Table 1 address many of the provisions addressed by Mr Percy in his evidence, and where relevant, I give my position on the relief sought by Mr Percy.
- 14 At section 2.2 of his evidence, Mr Percy addresses his broader concerns with the 'trigger mechanism' proposed by PC79, namely that it enables a change in applicable plan provisions (and activity status) based on the delivery of infrastructure, and without the need for a Schedule 1 plan change process.

- 15 Fundamentally, I do not share Mr Percy's concerns with this mechanism. Mr Percy acknowledges at paragraph 20 of his evidence that the approach 'appears relatively straightforward at first glance'. I agree, and do not consider the overall approach to be problematic. Mr Percy's key concerns appear to be the specifics of the process that will enable this. There are a number of valid questions raised by Mr Percy that would benefit from interrogation through expert caucusing to refine the specifics of the trigger mechanism, to provide greater clarity to this process.
- 16 A certain level of discretion does rest with Council in determining when appropriate infrastructure has been delivered to enable the trigger mechanism to be applied. As the authority that will own and operate the infrastructure, this is to be expected. I do not see this as problematic, provided that Council are able to clearly communicate in the public realm when the delivery of the infrastructure that triggers the 'rule flip' has occurred.
- 17 It will likely be necessary to look beyond the Plan to determine whether this has occurred and therefore which plan provisions apply. This is not a unique situation. For example, many existing rules in the TRMP require as a condition that various requirements of the Nelson Tasman Land Development Manual are met in order to comply with the rule. A person must look to this document (and may need specialist advice on the matter) to determine that compliance with the rule is achieved (or able to be achieved). This requirement exists for even very minor developments (for example, construction of a private access or a residential addition), whereas the trigger mechanism proposed by PC79 will only be relevant for more substantial subdivision or development associated with transitioning from rural to urban land uses. Such development is likely to be supported by expert inputs, for which determination of the applicable rule framework will be within their area of expertise.
- 18 Whilst I do not agree with Mr Percy's proposed narrowing of the definition of 'delivered' infrastructure, I do think that greater clarity could be provided in the definition. I do not consider that physical construction of infrastructure is necessary for this to be considered 'delivered'. Prior planning of both infrastructure and development is necessary, and these can occur in parallel. It is common for funding and delivery of infrastructure to be either publicly or privately led, or a combination of the two, and this needs to be provided for. Partial delivery of infrastructure is commonplace and often necessary, and is appropriate provided it is demonstrated to be sufficient to serve development and enable orderly delivery of the wider network. Further refinements could

serve to clarify this, however. For example, 'planned or funded' could be further refined to mean that this is either detailed in a Long Term Plan, or covered in a Development Agreement between Council and a developer.

- 19 Mr Percy has concerns that infrastructure might meet the 'delivered' definition as currently drafted, then not be actually constructed. I don't think this is a valid concern. The reality is that the infrastructure required for urban use of the land (such as that detailed in Schedule 17.14A) is usually constructed as part of development of the land, not in advance of it. Following the 'rule flip' enabled by the trigger mechanism, actual development of the land in accordance with the end use zone framework will require a resource or building consent, or engineering plan approval. These would involve provision and approval of engineering plans detailing any infrastructure to be provided. Conditions of these consents would require confirmation (by way of engineering certification, Producer Statement or similar) that the infrastructure had been constructed to the standard required by the consent condition and applicable engineering standard, before the Code Compliance Certificate (on a building consent), s224 approval on a subdivision, or confirmation of consent compliance on a land use consent were issued. In my opinion, it would be inefficient, and often impractical to require actual construction of infrastructure in advance of the 'rule flip' that enables utilisation of end use urban zoning provisions for development of the land. Such an approach is likely to significantly impede development, contrary to the enablement of housing and associated infrastructure directed by the National Policy Statement on Urban Development.