

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of Proposed Plan Change 79 to the Tasman Resource Management Plan

AND A submission and further submissions by Andrew and Susan Talley

**MEMORANDUM OF COUNSEL FOR A&S TALLEY WITH SUGGESTED
QUESTIONS FOR CONFERENCING**

25 June 2025

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1. MAY IT PLEASE THE PANEL

1. At Monday's hearing, the Chair provided the Talley's with the opportunity to suggest questions for the upcoming expert planners conference. The Talley's are grateful for that opportunity.
2. Please find below a list of questions that the Panel may wish to consider asking the planning experts to conference on.
 - (a) What are the roles that the deferred zone provisions need to perform in the plan? Are the roles set out at the beginning of Mr Percy's speaking notes from the hearing correct?
 - (b) Are each of these roles required throughout the district or just in some locations?
 - (c) Should each of these roles be the same or different in Māpua and Motueka as opposed to the rest of the district?
 - (d) What methods are available to ensure that the Plan Change 79 provisions do not affect Māpua and Motueka, and preserve the status quo in those zones (in accordance with the stated notified purpose of Plan Change 79).
 - (e) From a planning perspective, is there scope to recommend amendments to 166 Mapua Road as part of Plan Change 79?
 - (f) Given the issues raised in evidence with the way the proposed provisions apply to Māpua and Motueka, would a potential solution be to reinstate the operative provisions to apply only in those areas, with new provisions applying elsewhere in the district?
 - (g) Can private and council-initiated plan changes be sequenced to release urban growth land in line with infrastructure delivery?
 - (h) Should the provisions of the plan that determine which rules apply to a site in a deferred zone be able to be determined by a reasonable person reading the plan?

- (i) To determine which rules in the Plan apply to a particular activity or piece of land, is it appropriate that a decision or determination is required from a third party? If so, what are the circumstances when that would be appropriate?
- (j) Do the proposed provisions, as amended by the s42A officers, require a decision or determination by a third party?
- (k) If the answer to the above question is 'yes', how could the provisions be amended to not require a decision or determination by a third party?
- (l) Are the provisions sufficiently certain?
- (m) If the answer to the above question is "no", how could the provisions be amended to ensure that they are sufficiently certain?
- (n) From a planning perspective, is there scope to make those changes? What is the basis for that?
- (o) Do the 'flip' provisions in the proposed PC79, if activated, cause the activity status for one or more activities on a site in a deferred zone to change?
- (p) Is reference to future funding and/or delivery of infrastructure that is reliant on one or more third parties sufficiently certain for the purposes of rules in the plan?
- (q) Should the 'flip' provisions enable urban development to occur before the necessary infrastructure to service that development is in place?
- (r) If so, is this best practice?

- (s) If deferred zoned land could only be 'upzoned' through a plan change (rather than the proposed 'flip' approach), would it be appropriate to provide for a resource consent pathway to enable development to occur ahead of rezoning if the required infrastructure is in place? If so, what would the plan framework need to look like?
- (t) The various planning experts included alternative wording for provisions related to the deferred zones. Could the planners confer and, where possible, prepare a set of agreed provisions using the appended table format. Where there is disagreement about the drafting of a provision, please provide the wording of the relevant provision that the planners consider would most assist the panel and document the reasons for agreement and disagreement (for example, where there is no agreement, the notified wording of the provision may be appropriate).
- (u) Review of the deferred zoned areas outside of Māpua and Motueka has been undertaken prior to the Council's comprehensive review of the natural hazards provision in the Plan (Plan Change 85). It is good practice to complete constraints management reviews, such as PC85, prior to (or at the same time as) review of land use management and zoning reviews?
- (v) A suggested table is annexed for conferencing.

3. Counsel trusts this is of assistance to the Panel.



P D Tancock / D W Ballinger

Counsel for A&S Talley

Dated 25 June 2025

Provisions table

Provision	Notified change	Provision type	Role of provision	Provision wording arising from conferencing	Record of agreement or disagreement	Reasons for the agreed drafting, having regard to s32AA
6.3.2.3	New	Objective				
6.3.3.4A	Amend	Policy				
6.3.3.4A	Amend	Policy				
6.3.3.4C	Delete	Policy				
6.3.3.4D	Amend	Policy				
6.3.20.1 (aa)	Amend	Methods of Implementation				
6.3.30	Amend	Principal Reasons and Explanation				
16.3.2.5	Amend	Rule				
17.14.1	Amend	Scope of Section				
17.14.2	Delete	Scope of Section				

17.14.2.1	New	Scope of Section				
17.14.2.2	New	Scope of Section				
17.14.20	Amend	Principal Reasons for Rules				
17.14A	Amend	Schedule				