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Tēnā koutou,

Attention: The Chair and Members of the Expert Panel for Maitahi Village

Maitahi Bayview Fast-track Consent Application - MINUTE 4 OF THE EXPERT PANEL – Nelson City Council comment on the substantive application Maitahi Village [FTAA-2502-1009] under section 53(2) of the Fast Track Approvals Act 2024.

Nelson City Council (the Council) has reviewed the substantive application for the Maitahi Village *Fast Track* application and provides the following overview comments, made in accordance with section 53(2) of the Fast-track Approvals Act 2024. These comments summarise the Council's overall conclusions on the proposal.

Summary

1. The Council's review of the substantive application has not identified any material matters of contention.
2. The proposal is considered to align and be consistent with the relevant rules, objectives and policies as set out in the Nelson Resource Management Plan (NRMP), including the provisions of Schedule X. This Schedule is now deemed operative and is a result of the recently completed Plan Change 28.
3. Council considers that any adverse environmental effects that may arise from the proposal can be suitably avoided, remedied or mitigated subject to conditions of consent, should the Panel approve the application.
4. Council has been working with the applicant on a combined draft set of consent conditions. These draft conditions will include matters to be addressed at the detailed design stage of the proposal. Panel minute 4 requires this set of draft conditions to be with the Panel by 2 July 2025. Council and the applicant are continuing to work towards this date.

5. While acknowledging the Expert Panel will determine the application under the purpose and provisions of the Fast-track Approvals Act 2024 (FTAA), Council planners have also considered the proposal through a Resource Management Act 1991 (RMA) lens. A full statutory assessment has not been undertaken, rather an exercise undertaken for completeness to better understand the scale and nature of potential effects and how these might measure up under a conventional RMA framework. As the RMA forms the basis of Council's day-to-day planning practice, this approach helped ground our technical input without creating a separate or parallel assessment process. On this basis, Council Planners consider the proposal aligns with the purpose and principles of the RMA.

Background

The substantive application by CCKV Maitai Dev Co LP was lodged on 19 February 2025 and deemed complete by the Environmental Protection Authority (EPA) on 12 March 2025. The EPA determined that the application complied with section 46(2) of the Fast-track Approvals Act 2024.

The proposed development area is the result of Nelson City Council's Plan Change 28, which rezoned the site to enable residential development. Plan Change 28 followed a statutory plan change process and established the planning framework that now applies to the site.

Detailed background on the plan change, including its context and outcomes, is provided in the application documents lodged as part of the substantive application.

On 20 February 2025, the applicant held a project briefing for Nelson City Council staff, attended by representatives from a range of departments (approximately 20 staff). Not all attendees were directly involved in the subsequent review. The larger attendance was intended to account for potential staff absences and ensure broad early visibility of the project across relevant functions. As the scope and technical complexity of the application became clearer, additional Council staff and departments were identified to assist with review of the substantive application and supporting documentation.

Following the briefing, Council staff were invited to visit the offices of Landmark Lile Ltd (the applicant's planning consultants) to view hard-copy plan sets and application documents. These A3 plans were joined and displayed on the walls to support spatial understanding of the proposal, which spans multiple pages.

At this early stage, Council's Resource Consents Team advised that the formal feedback process under the Fast-track Approvals Act 2024 had not yet commenced and that the information provided was to be treated as privileged. Staff were also made aware that the proposal is a joint venture with Ngāti Koata and were encouraged to remain mindful of this context when engaging in any culturally sensitive matters.

Council understood this phase as akin to a pre-application engagement. Staff were encouraged to begin preparing preliminary draft feedback to identify areas requiring clarification and to help frame future conversations with the applicant. This approach provided an early opportunity to begin shaping potential consent conditions and assessing implementation challenges and condition monitoring requirements in a collaborative and efficient manner.

Council Planning staff coordinated internal review processes and established a framework for tracking feedback and working with the applicant to iteratively develop draft conditions of consent.

Council workshops

The first internal workshop with Council's reviewing staff was held on 11 March 2025. The purpose of this session was to familiarise staff with the Fast-track Approvals Act 2024 (FTAA), clarify Council's role under the Act, and establish expectations for technical review.

Staff were taken through the Purpose of the FTAA as well as the mechanics of the decision-making processes as set out in the Act.

It was emphasised that Council is not the decision-maker in this process but is instead providing technical comment under section 53(2) of the FTAA to assist the Expert Panel in its deliberations. A clear distinction was made between providing technical comment and undertaking a statutory assessment for decision-making purposes, as would be required under the Resource Management Act 1991 (RMA).

It was deemed important to distinguish between providing comment on a proposal and the undertaking an assessment for the purpose of making a decision. In this context, it was explained to staff that Nelson City Council's role is limited to providing comment under section 53(2) of the Fast-track Approvals Act 2024.

This involves offering technical input, identifying potential effects, and suggesting draft conditions where appropriate, to assist the Expert Panel in its consideration of the application.

Council staff were asked to confine their input to providing technical comment within their respective areas of expertise, in accordance with the advisory nature of Council's role under section 53(2) of the Fast-track Approvals Act 2024.

This approach ensured that feedback remained focused on identifying potential effects, risks, and implementation considerations relevant to each discipline, such as, infrastructure capacity, transport, ecology, etc rather than undertaking a comprehensive evaluative assessment of the application.

Staff were asked not made judgments on the overall merits of the proposal or its acceptability under relevant statutory planning frameworks, as that responsibility rests with the Expert Panel. Rather, any evaluation undertaken by Council staff has been framed to inform and support the Panel's decision-making, without expressing a view on whether the application should ultimately be granted or declined.

Following the initial briefing, a series of internal workshops were held by Council to receive technical input from staff reviewing the substantive application. These sessions provided an opportunity for staff across relevant disciplines to raise questions, identify issues, propose draft conditions, and provide comments within their respective areas of expertise.

Council officers coordinated the collation and documentation of this feedback, which was then shared with the applicant to support ongoing engagement. Where required, targeted discussions were arranged between Council staff and members of the applicant's project

team to work through specific technical matters, clarify details, and ensure an accurate understanding of the proposal across all relevant workstreams.

Council provided its initial feedback to the applicant on 3 April 2025. This feedback was issued in draft form and was intended as a starting point for further discussions between Council staff and the applicant’s project team.

The purpose of this feedback was to help identify information gaps, clarify technical matters, and guide the refinement of responses and draft conditions. The document was not finalised or intended for external circulation, but rather served as a working tool between Council and the applicant to assist with the collation of information and the tracking of progress across various workstreams. This draft feedback has since been refined through ongoing engagement and now forms the basis of Council’s comments to the Expert Panel.

Table of feedback

The refined feedback has been structured in table format to present Council’s comments clearly and transparently. The table is divided into two main sections: the first relates to matters that are more akin to “further information” requests, where clarification or additional detail was needed to fully understand the proposal; the second section addresses “detailed design” matters that can be appropriately managed through consent conditions that council deem necessary to include.

Each section is organised by technical discipline (e.g. transport, infrastructure, ecology, planning), with each row setting out Council’s comment or question, the applicant’s response, and any associated actions or recommended conditions. This structure provides a traceable record of the issues raised, how they have been responded to, and what further steps (if any) are required.

This table has been treated as a working document and is still being utilised presently to assist with tracking the draft set of recommended conditions to follow.

The content of these workshops and the technical issues raised through that process were captured in *Attachment A – Maitahi Village – Table of Feedback*, dated 17 June 2025. This table also reflects the draft feedback initially provided to the applicant on 3 April 2025 and has been refined over time through ongoing engagement. It was provided to the Expert Panel in response to Minute 5, received on 3 June 2025.

The table can be found here: <https://www.fasttrack.govt.nz/projects/maitahi-village/reports-and-advice>.

While the table forms part of Council’s feedback on the substantive application, it has not yet been updated to include links to draft conditions. Council is currently working with the applicant to finalise an agreed version (V2) of the draft condition set, which is scheduled for submission on 2 July 2025. Rather than submitting an interim update linking to an incomplete or evolving condition set, it was considered more appropriate to provide the version agreed with the applicant as part of their response on that date.

Council acknowledges that it previously indicated the table may be updated to include links to relevant draft consent conditions as part of its comment on the substantive application

due on 25 June 2025. However, given the ongoing refinement of the condition set in collaboration with the applicant, it was considered more practical to wait and provide the agreed version (V2) as part of the applicant's submission on 2 July 2025. This approach was taken to ensure consistency and to avoid circulating interim or incomplete material.

Council and the applicant are continuing to engage constructively to refine the draft conditions of consent.

Key Issues

Council agrees with the applicant in its identification of the Key Issues that need to be considered and addressed for the proposal.

They key issues identified are:

- Māori Cultural Values
- Ecological Values
- Landscape, Visual Amenity and Natural Character
- Natural Hazards and Geotechnical
- Infrastructure and Servicing
- Stormwater Management
- Water Quality
- Earthworks
- Land Contamination and Remediation
- Transportation Effects
- Heritage Values
- Open Space and Recreation Values
- Urban Design
- Residential Amenity
- Air Quality

Council agrees that the applicant has appropriately identified and addressed the key issues associated with the proposal. Based on a review of the relevant technical reports and supporting assessments, Council considers that the applicant has adequately responded to the potential effects across the key areas.

There are no fundamental disagreements between Council and the applicant regarding the nature of these issues or the general approach to their mitigation and management. Overall, Council agrees with the conclusions reached in the applicant's technical reports and the way in which these matters have been addressed within the application.

Council's own review of these key matters has been undertaken across the relevant areas of technical expertise and is documented in the table of feedback (Attachment A – Maitahi Village – Table of Feedback, dated 17 June 2025)([Link above](#)).

This table captures Council's assessment of each issue, alongside specific technical queries, the applicant's responses, and any resulting actions or recommended consent conditions. Overall, Council agrees with the conclusions reached in the applicant's technical reports and the approach taken to address these issues within the application.

Council considers that the key issues identified in the application can be appropriately managed and mitigated through the imposition of robust conditions of consent. These

include condition requirements for specific works to be undertaken in accordance with best practice, and for those works to be designed, implemented, and supervised by suitably qualified and experienced professionals. This approach is consistent with standard consenting practice for complex developments and reflects the scale and nature of the proposal.

To support this, Council is actively collaborating with the applicant to refine a draft set of conditions that are clear, enforceable, and proportionate to the effects identified. This process is focused on ensuring that the conditions provide appropriate certainty for implementation and compliance monitoring, and that they are sufficiently detailed to give effect to the technical recommendations made in the applicant's reports as well as by Council Officers.

Consistency with the Nelson Resource Management Plan and Schedule X

Council considers that the proposal is consistent with the planning framework established under Schedule X of the Nelson Resource Management Plan (NRMP), which became operative through Plan Change 28 (PC28).

The application has been prepared with direct reference to the objectives, policies, and structure plan introduced through PC28, which collectively provide the statutory context for the urban development of this site.

Council acknowledges that the applicant has made a concerted effort to align the proposal not only with the specific rules of the NRMP but also with the overarching policy intent of Schedule X, particularly in relation to integrated development, infrastructure provision, transport connectivity, protection of environmental values, and delivery of high-quality residential environments.

In reviewing the application, Council has found that the proposed development responds positively to key matters of Schedule X, including:

- X.1, X.2, and X.3: Enabling comprehensive residential development that supports well-functioning urban environments, including higher-density housing and subdivision, aligned with good urban design and the Structure Plan.
- X.3 and X.9: Promoting the delivery of infrastructure and integrated transport solutions through identified upgrades such as intersection improvements, new cycle/pedestrian connections, and the provision of a link road, in line with the Services Overlay.
- X.4 and X.5: Managing development within the Backdrop and Skyline Areas to protect visual amenity and landscape character through design controls, planting requirements, and location-sensitive building regulation.
- X.6: Prohibiting buildings within the Kākā Hill Skyline and Backdrop areas, and within identified Significant Natural Areas, to safeguard key landscape and ecological values.
- X.7: Requiring esplanade reserves along the Maitahi River and Kākā Stream to support ecological restoration and recreational connectivity, including the use of an approved indigenous planting palette.

- X.8: Providing for the controlled demolition of heritage structures (the shearing shed and chimney), with requirements for salvage, recording, and heritage management.
- X.10: Controlling earthworks and indigenous vegetation clearance, particularly within the Residential Green Overlay, to avoid or minimise adverse effects on natural values and align with relevant policies.
- X.11–X.16: Requiring comprehensive technical and environmental assessments to accompany development proposals, including:
 - X.11: Cultural Impact Assessment and iwi engagement,
 - X.12: Water Sensitive Design report,
 - X.13: Stormwater Management Plan,
 - X.14: Integrated Transport Assessment,
 - X.15: Ecological Impact Assessment and Environmental Management Plan, and
 - X.16: Erosion and Sediment Control Plan.

<https://nelson.isoplan.co.nz/operative/rules/0/165/0/0/0/140>

Council considers the proposal to be materially consistent with Schedule X of the Nelson Resource Management Plan (NRMP), operative through Plan Change 28 (PC28). The applicant has worked conscientiously to ensure alignment not only with the regulatory standards but also with the broader objectives, policies, and structure plan integral to Schedule X. The provisions of Schedule X seek to ensure development in the Kākā Valley and Bayview area achieves high-quality environmental, landscape, and urban outcomes. Council considers that the application achieves this.

Council has reviewed the applicant's Assessment of Environmental Effects (AEE), as well as the assessment of the relevant rules, objectives, and policies contained in sections 4 to 7 of the Application for Resource Consent – Maitahi Village prepared by Landmark Lile Ltd.

Council agrees with the overall conclusions of these assessments for the purposes of its own feedback. The assessments are considered comprehensive and appropriately address the relevant statutory and planning matters, including the applicable provisions of the Nelson Resource Management Plan (NRMP), as amended by Plan Change 28 and Schedule X.

The proposal also responds to the matters relating to integrated design and multi-disciplinary approaches to address the key issues.

Key items addressed include the delivery of integrated infrastructure, transport connectivity, enhancing ecological and freshwater values, and achieving high-quality urban and residential outcomes.

Specifically, the proposal demonstrates consistency with objectives and policies Schedule X provisions, including:

Objective RE6 (Maitahi Bayview Area) and Policy RE6.2 (Whakatū Tangata Whenua Values) Through comprehensive iwi engagement and incorporation of Māori cultural values, residential development is shaping to complement and enrich the site's heritage and cultural significance.

<https://nelson.isoplan.co.nz/operative/rules/0/72/0/0/0/140>

Policy RE6.3 (Integrated Management): The development integrates ecological and freshwater best practice principles—including open space buffers and restoration around the Maitai River and Kākā Stream—to protect ecological and stormwater values.

Transportation and Infrastructure Policies: As recognised in the Integrated Transport Assessment and the structure plan, the proposal provides planned transport connections and servicing that support a well functioning urban environment.

The proposed development is also considered consistent with Policy RE6.5 of Schedule X, which seeks to ensure that subdivision, development, and earthworks within the Maitahi/Bayview area are undertaken in a manner that avoids or minimises erosion and sedimentation effects, and protects the mauri, health, and well-being of local waterbodies and associated ecosystems. The applicant has demonstrated a clear understanding of the policy's intent and has provided a comprehensive erosion and sediment control strategy as part of the technical documentation supporting the application.

Earthworks have been designed to minimise the area of exposed land at any one time, and staging plans are proposed to reduce sediment risk in line with best-practice principles. The works will be supervised by Southern Skies Ltd, a specialist consultancy with expertise in erosion and sediment control management. Their involvement ensures that all measures are designed, implemented, and monitored in accordance with the policy's expectations and industry best practice.

To support consistency with Policy RE6.5, a condition of consent will need to require the development and implementation of a detailed Earthworks and Erosion and Sediment Control Plan, to be reviewed by Council prior to works commencing. This plan will set out the adaptive management framework, including monitoring protocols and contingency measures, ensuring that adverse effects are promptly addressed if they arise. Additional conditions will also require that earthworks be supervised by suitably qualified professionals throughout the duration of the activity.

Taken together, the proposed erosion and sediment management approach, the qualifications of the supervising experts, and the suite of draft conditions being developed in collaboration with the applicant provide confidence that the earthworks component of the proposal will be appropriately managed. Council is satisfied that the proposal aligns with the intent and requirements of Policy RE6.5 and that effects associated with sedimentation and erosion can be appropriately avoided, minimised, or mitigated.

These alignments ensure that the development gives effect to the planning framework embedded in Schedule X. Council is satisfied that the proposal responds effectively to the fundamental objectives and policies (RE6, RE6.1, 6.2, 6.3 6.4 and 6.5), supporting integrated, well designed, and environmentally sensitive urban growth as intended by PC28 and Schedule X.

Overall, Council is satisfied that the development is consistent with the planning framework developed through PC28 and Schedule X, and that it gives effect to the intended outcomes for this zone.

Consistency with the Nelson Resource Management Act 1991

The proposal, as managed under Schedule X and the associated Maitahi/Mahitahi Bayview Structure Plan, is considered to align with and not be contrary to Part 2 of the Resource Management Act 1991.

In terms of section 5, which sets out the purpose of the Act—sustainable management of natural and physical resources—the proposal enables the use and development of land to meet the reasonably foreseeable needs of future generations through the provision of new housing supply, transport connections, and infrastructure.

At the same time, it includes a comprehensive framework to safeguard the life-supporting capacity of air, water, soil, and ecosystems, and to avoid, remedy or mitigate adverse effects on the environment. Examples include controls on stormwater management (X.13), ecological restoration requirements (X.7, X.15), and sensitive building controls within landscape overlays (X.4–X.6).

Under section 6, the proposal appropriately recognises and provides for matters of national importance, including the protection of outstanding natural features and landscapes (s6(b)), the relationship of Māori with ancestral lands and water (s6(e)), and the protection of significant indigenous vegetation and habitats (s6(c)).

Restricting development on Kākā Hill’s Skyline and Backdrop Areas, alongside requirements for Ecological Impact Assessments and Cultural Impact Assessments (X.11 and X.15), demonstrates a deliberate and effective response to these statutory obligations.

The development also reflects the requirements of section 7, particularly by promoting the efficient use and development of natural and physical resources (s7(b)), maintaining and enhancing amenity values (s7(c)), and protecting the intrinsic values of ecosystems (s7(d)). Schedule X provides a structured and integrated planning approach that balances development intensity with spatial and ecological sensitivities—for example, differentiating between density areas, identifying revegetation overlays, and requiring native planting and erosion control through X.4, X.5 and X.16.

With respect to section 8, the principles of the Treaty of Waitangi are given effect through provisions requiring engagement with iwi and the preparation of Cultural Impact Assessments for all significant activities (X.11). These provisions ensure that the perspectives and values of iwi are incorporated into the assessment and consenting processes.

Council staff have reviewed the applicant’s Part 2 assessment and agree with its conclusions. The proposal as a whole gives effect to the purpose and principles of the RMA, particularly in light of the strategic planning framework embedded in Schedule X, and the detailed methods for integrating urban growth with environmental protection, cultural values, and sustainable environmental management.

Conclusions

Nelson City Council has undertaken a detailed review of the Maitahi Village Fast-track application and associated technical documentation. The proposal demonstrates a clear and deliberate alignment with the planning framework established through Schedule X of the Nelson Resource Management Plan (NRMP), operative via Plan Change 28.

In particular, the application responds comprehensively to the relevant objectives, policies, and structure plan provisions that govern urban development within the Maitahi/Mahitahi Bayview area. Council acknowledges that the proposal addresses all key issues identified through Schedule X and incorporates mechanisms to manage potential effects through robust conditions of consent and expert-led implementation.

In addition to this Schedule X framework, Council has reviewed the proposal against the purpose and principles of the Resource Management Act 1991 (sections 5 to 8).

Council agrees with the applicant's assessment that the proposal promotes the sustainable management of natural and physical resources, appropriately protects areas of landscape and ecological sensitivity, provides for the relationship of iwi with ancestral lands and water, and supports the integrated delivery of urban infrastructure.

The proposal has been developed in a manner that gives effect to Treaty principles, enhances environmental outcomes, and achieves high-quality urban design consistent with the outcomes anticipated by both the NRMP and the National Policy Statement on Urban Development.

Council is satisfied that the application has been prepared to a high standard, and that—subject to the finalisation and implementation of appropriate consent conditions—the proposal is consistent with the expectations of Schedule X of the NRMP and the purpose and principles of the Resource Management Act 1991.

Council agrees with the technical conclusions reached by the applicant and confirms there are no outstanding matters of disagreement or concern. The identified key issues that Council provided feedback on is summarised in *Attachment A – Maitahi Village – Table of Feedback*, dated 17 June 2025 which was provided as in response to the Panel's Minute 5. Council remains available to assist the Expert Panel further as required.

If you have any questions or would like clarification on any of the matters raised here, please do not hesitate to be in contact me.

Kind regards



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Authorised for release by:



Chris Miles
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