

**BEFORE THE FAST-TRACK PANEL**

FTAA-2502-1009

**UNDER**

The Fast-track Approvals Act 2024

**IN THE MATTER OF**

An application by CCKV Maitai Dev Co LP for  
resource consents for the Maitahi Village Project -  
FTAA-2502-1009

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**MEMORANDUM OF COUNSEL ON BEHALF OF THE APPLICANT  
RESPONDING TO MINUTE 6 AND RFI REQUEST (NO 2)**

**16 JUNE 2025**

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## MAY IT PLEASE THE PANEL

### INTRODUCTION

- 1 This memorandum is filed by the Applicant in response to paragraphs [2] to [6] of Minute 6 and the Request for Further Information (**RFI 2**) that followed.<sup>1</sup> The Applicant understands Nelson City Council (**NCC**) is filing an independent response.
- 2 Broadly, the subject matter of the RFI 2 is Plan Change 29 (**PC29**). More specifically, RFI 2 seeks to understand:
- a. ... *the current status of the PC29 process*; and
  - b. ... *the relationship between any overlapping aspects of PC29 and PC28*.

### Current status of PC29

- 3 The Applicant has had the benefit of reviewing NCC's response in draft and is therefore aware of what it will address. To avoid unnecessary duplication, the Applicant defers to the NCC response as to the current status of the PC29 process.

### Relationship between PC29 and PPC28

#### The provisions of PC29 and PPC28

- 4 The Applicant endorses the NCC response as to the extent of overlap between the provisions of PC29 and Private Plan Change 28 (**PPC28**). Summarily, the Hearing Panel for PC29 recommended that the provisions introduced by PPC28 be insulated from any changes made by PC29.
- 5 The PC29 Hearing Panel recommended a number of additional provisions to ensure its intended outcome. These are detailed in the NCC response. The Hearing Panel recommendations were accepted by NCC.
- 6 The Applicant agrees with NCC's analysis. In particular, that the planning framework pertaining to the Maitahi Village proposal is unaffected by the PC29 decision. Paragraphs [237] to [243] of the Hearing Panel's "Overview and Strategic Report" discuss this.<sup>2</sup>

#### Implications of the PC29 decision for the Maitahi Village Proposal

- 7 Whilst the PC29 decision does not directly affect the Maitahi Village Proposal, it does have some implications for it. The Applicant considers it prudent to bring those to the Panel's attention although acknowledging the PC29 decision is still within its appeal period, so its provisions cannot be considered settled yet.

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<sup>1</sup> Request for Further Information dated 9 June 2025.

<sup>2</sup> <https://shape.nelson.govt.nz/hearing-portal-plan-change-29/hearing-panel-reports>

8 The Nelson Tasman Future Development Strategy of Sept 2022 (see <https://www.nelson.govt.nz/4infrastructure/5city-development/planning-for-growth>) (NTFDS) sets out how the Council's obligations under the NPS-UD are to be achieved. Section 7.2 breaks this down for Nelson (separate from Tasman) as follows:

- Nelson – 78% of growth is expected to be through intensification and development on existing urban zoned land while 22% is expected to be through new greenfield expansion that requires re-zoning for residential purposes.

9 This is further described in section 8.1:

Greenfield sites are identified in Maitai Valley (both Maitahi / Bayview (PPC28) and Orchard Flats) recognising their close proximity to Nelson City Centre and ability to provide for a new community of approximately 1,100 homes at the north-eastern edge of the city. Investment in transport and three waters infrastructure, and new and improved open spaces and community facilities will be needed over time to cater for growing neighbourhoods within and close to Nelson's City Centre. Te Ara ō Whakatū – the Nelson City Centre Spatial Plan will provide a clear framework for investment in public realm improvements in the urban core to support a growing residential population.

10 Prioritising intensification is a key direction for implementing the NTFDS as well as provision for greenfield development. It is the latter that PPC28 will contribute to. Paragraphs [234] to [240] of the Commissioners' Recommendation on PPC28 discussed this in some detail.<sup>3</sup>

11 PC29 was NCC's attempt to complement PPC28 by otherwise giving effect to the requirements of the NPS-UD. Notified in August 2023, PC29 sought to provide for intensification of existing residential zones, allow additional building height in the Inner City, and upzone existing industrial land to Inner City land in the Vanguard Street/St Vincent Street valley area. However, the Hearing Panel determined significant parts of PC29 did not give effect to the RPS and so *significant parts could not be approved*.

12 In essence and at this stage of the process, the residential intensification components of PC29 have failed. In the context of the NPS-UD requirements and the dire housing

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<sup>3</sup> <https://shape.nelson.govt.nz/private-plan-change-28-maitahi-bayview>

supply situation in Nelson, the Applicant submits the PC29 decision has elevated the criticality of the Maitahi Village Proposal.

Dated this 16<sup>th</sup> day of June 2025



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