

File ref: FTAA-2502-1009

25 July 2025

Chris Miles
Manager Resource Consents and Compliance
Nelson City Council
By email: chris.miles@ncc.govt.nz
Cc: pete.keyanonda@ncc.govt.nz

Tēnā koe

Request for information from Nelson City Council in relation to Maitahi Village under the Fast-track Approvals Act 2024

The Maitahi Village Expert Panel (the Panel) has directed the Environmental Protection Authority (EPA) to request further information from Nelson City Council (NCC) and the Applicant under section 67 of the Fast-track Approvals Act 2024 (the Act), relating to the Maitahi Village application.

At the direction of the Panel, the EPA is seeking the information detailed in **Appendix 1** of this letter. This request has also been issued to the Applicant.

Supply of Information

In accordance with section 67(2) of the Act Nelson City Council must:

- a) Provide electronic copies of the information or report requested; or
- b) Advise the EPA, with reasons that you decline to provide the information or report requested.

Please provide the further information to the EPA by **30 July 2025**.

If the information requested is not received, the Panel must proceed as if the request for further information has been declined.

Please note, the information will be provided to the Panel, the applicant and every person who provided comments on the application. The information will also be made available on the Fast-track website.

If you have any questions, please contact Application Lead, Alex Mickleson by email at info@fasttrack.govt.nz

Nāku noa, nā

A handwritten signature in black ink that reads "A Mickleson". The signature is written in a cursive, flowing style.

Alex Mickleson
Application Lead, Fast-track Applications

Appendix 1 – Information requested by the Panel

Topic	Information Sought
Approach to zoning misalignment	Following its continued review of information received from the Applicant and NCC including the v.2 set of draft conditions, a further matter has arisen that the Panel considers warrants a further request for information. Due to some small variances between the subdivision layout and underlying zoning in the NRMP, there are a small number of proposed lots to which more than one zoning will apply. These include: • Lot 100 – Part Residential Zone and part Open Space and Recreation Zone • Lot 101 – Part Residential Zone and part Open Space and Recreation Zone • Lot 140 – Part Residential Zone and part Open Space and Recreation Zone • Lot 180 – Part Residential Zone and part Open Space and Recreation Zone • Lot 1003 – Part Suburban Commercial Zone and part Residential Zone To address these zoning inconsistencies, the Applicant has proposed conditions and consent notices within Set D (Koata House), Set G (Open Space and Recreation Corridor and neighbourhood reserve), and Set I (Subdivision) as follows: <i>Set D – Condition 8</i> • The Residential Zone rules shall apply to the entirety of Lots 100, 101, 140, 180, for the purposes of subdivision and land use under this consent. <i>Set G – Condition 5</i> • Any future alternative use or development of this site (Lot 1003) shall comply with Chapter 9 ‘Suburban Commercial’ Zone of the Nelson Resource Management Plan 2004. <i>Set I – Condition 42 - Consent Notices – Stage 5(m)</i> • With the exception of the Koata House development (RM Ref), any future development and activities within Lot 1003 shall adhere to the rules and standards of the Nelson Resource Management Plan’s Chapter 9 Suburban Commercial Zone rules or any subsequent Plan Change relating to Suburban Commercial Zoning. Any breach of these rules shall be considered under a resource consent assessing those matters relevant to the rules in which consent is sought. <i>Set I – Condition 42 - Consent Notices – Stage 5(n)</i> • The residential use of Lots 100, 101 and 180 <i>Set I – Condition 42 - Consent Notices – Stage 9(p)</i> • The residential use of Lot 140 The Panel understands the intent of this approach but is concerned to ensure that the conditions are both compliant with legal requirements and are capable of practical implementation. Such conditions have the potential to apply in perpetuity and will, in effect, act as a ‘de facto’ rezoning without changing the underlying zone. An example of this issue in practice is how they might be affected when the NRMP is eventually replaced or where zone names or rules may change. Without specifically ‘codifying’ all permitted rules as actual conditions i.e. listing every rule as a condition on these consents and consent notices, the ability to rely on a reference to permitted rules from the NRMP appears as though it potentially could result in complications if they were sought to be relied upon.

Panel RFI	To assist the Panel's consideration, the following information is requested from Nelson City Council (NCC): 1. Confirm whether NCC has previously accepted this proposed approach to managing lots with more than one zone? 2. If so, please provide a recent example, including relevant conditions and consent notices, for comparison with those proposed by the Applicant. 3. Provide written advice to confirm whether adopting this approach may give rise to any compliance, practical, or legal implications? To assist the Panel's consideration, the following information is requested from the Applicant: 1. Confirm whether the Applicant is aware of this approach to managing lots with more than one zone having been previously adopted in Nelson or other Districts? 2. If so, please provide a recent example, including relevant conditions and consent notices, for comparison with those proposed. 3. Provide written advice to confirm whether adopting this approach may give rise to any compliance, practical, or legal implications?
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