

30 July 2025

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Tēnā koutou,

Maitahi Village Fast-track Consent Application – Further Information Request 6 under Section 67 of the Fast-track Approvals Act 2024 [Maitahi Village FTAA-2502-1009]

Nelson City Council (NCC) provides the following response to the request for further information request 6 received by Council on 25 July 2025.

Attachments:

- Attachment A – SH195016 Decision (HASHAA)
- Attachment B – SH195015 Decision (HASHAA)
- Attachment C – SH195001 Decision (HASHAA)
- Attachment D – RM215206 Decision (RMA)

In response to the RFI dated 25 July 2025

1. Nelson City Council (NCC) confirms we have previously used consent notice conditions to manage split zoning / mis-aligned zoning of lots, as proposed in the Maitahi Village draft conditions.

This approach has been utilised in response to applications approved under the Housing Accords and Special Housing Areas Act 2013 (HASHAA), where residential subdivision and land use activity (i.e. housing) has been approved in Rural zoned areas within the Nelson Region.

A similar approach has also been utilised for a recent subdivision consent approved under the Resource Management Act 1991 (RMA). In this example, the approach was applied to address the split zoning (Residential and Rural) for new residential lots created by the subdivision. Similar to the Maitahi Village proposal, the zoning

of the underlying land in the area proposed to be subdivided was established through an approved private plan change process, and the subdivision layout and structure plan (zone) boundaries were not in perfect alignment. This was addressed through the consent with consent notice conditions imposed and accepted by the applicant.

2. We provide four examples of the consent notice condition approach in the attached decisions. Three of the attached decisions are for approvals under HASHAA. The fourth and most recent example attached is for the RMA subdivision decision discussed above.
3. The approach comprises issue of a consent to authorise an activity at the time of application, coupled with consent notice condition(s) to also apply the rule framework of a different zone to activities on the site on an ongoing basis.

The general intention of this approach is to manage split zoned land in a practical and understandable way, providing greater certainty as to what activity can be anticipated on the land, and that future activity will be compatible with the land use that has been approved and established (or will otherwise require consideration through a resource consent application).

It resolves complication associated with activities taking place over a zone boundary where two sets of rules apply (including rules that may specifically apply to the change between zone boundaries), and provides clear direction as to the applicable provisions for any compliance, monitoring and enforcement action that may be required.

This approach reduces the need for subsequent resource consent applications or variations for activity that may not reflect the permitted standards of multiple underlying zonings, but are otherwise compatible and anticipated in the established environment in which they are located.

This is particularly apparent in HASHAA examples where portions of rural land have been approved for residential activity, but the underlying zoning does not reflect this. Rural Zone land use activities are typically more permissible than for the Residential Zone, and many rural activities would not be appropriate in a residential neighbourhood.

Conversely, requiring consent for a garden shed close to a rear or side yard (that meets Residential Zone rules on a lot approved for residential use) because of an underlying Rural Zoning (where greater yard setbacks are typically required) would be unnecessarily officious and onerous for applicants, and also would not represent good use of Council Staff time and resources, particularly when applied across multiple lots as the HASHAA approvals have provided for.

Applying a single, appropriate zone to the split zone lots as in the Maitahi Village proposal will also realise these sorts of efficiencies.

As a Consent Notice is registered as an instrument on the Certificate of Title for the new lot, it will be directly discoverable for persons undertaking due diligence checks for the land (compared to resource consent conditions alone, which identify to the parent land).

No compliance or legal issues have been identified or arisen with this approach. Section 108 provides for the use of conditions and S221 provides the ability to impose consent notices comprising conditions that apply on an ongoing basis.

In terms of the ongoing nature of a consent notice, the approach in the RMA consent example discussed above provides a means of addressing this in the context of a plan change or entirely new plan becoming operative. That is, the consent notice can be worded such that any future zoning/plan change applying to the relevant lot can replace the zone provisions applied through the consent notice. The consent notice can be worded to facilitate the cancellation or expiry of the consent notice at the appropriate time.

The consent notice wording can also be written in such a way as to acknowledge the ability for a resource consent application to be sought, as to be assessed against the zone rules applied through the consent notice, without the need to apply to vary the consent notice itself.

In summary, the use of consent notice conditions to manage split or misaligned zoning, as proposed for the Maitahi Village development, reflects a practical and previously implemented approach under both HASHAA and the RMA. This method provides greater clarity for landowners and Council in applying a consistent planning framework and reduces the need for unnecessary future resource consent processes.

The proposed conditions are intended to mitigate potential environmental effects by aligning land use expectations with the approved development context. This approach is consistent with the purpose of the Resource Management Act 1991, particularly in promoting the sustainable management of natural and physical resources.

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

Manager Resource Consents and Compliance