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[REDACTED]  
Via email: [REDACTED]

Dear [REDACTED]

**RE: Prominent Nelsonians Oppose Maitai Valley Subdivision | Scoop News**

Thank you for your email of 21 April 2021 to the Mayor regarding the proposed Maitai Valley development.

The issue you raise is the ongoing community opposition to development of this area, which is being progressed by a private developer. You seek that the private plan change request relating to this area is put on hold 'so that full community consultation can occur'.

The Mayor has asked that I provide some detail around the Resource Management Act 1991 (RMA) process, as relevant to the issues you have raised. In my view, the following matters are relevant:

- Anyone can seek a private plan change at any time they wish. That is what has happened here, with a private plan change request being lodged with Council on 16 April 2021 (a copy is available on the Council's website).
- The RMA governs how that request is processed by the Council. In particular, the First Schedule to the RMA sets out the details of that process.
- There is only limited ability for the Council to put the private plan change 'on hold' under the RMA. That is where further information is required or Council wishes to commission a report because it considers there is insufficient information to enable it to consider the request. However, if the person who requested the private plan change refuses to provide the further information or does not agree to the commissioning of the report, they can require the Council to continue processing their request. Whether further information or reports are required has not yet been determined by the Council.
- There is a procedural step that occurs first, where Council will decide whether to adopt or accept the request for a plan change for further consideration, reject the request, or convert the request to a resource consent application. The grounds for rejection are limited (that is, it is frivolous or vexatious, it is not in accordance with sound resource management practice or it will make the plan inconsistent with Part 5 of the RMA).

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- If the plan change is accepted or adopted by the Council, then it proceeds to a substantive decision on whether the plan change should be approved or not. Full notification of this private plan change request will then occur under clause 26 of the First Schedule to the RMA and at that point, any person may make a submission on the request in relation to any topic they wish
- The RMA directs how this consultation process is undertaken - it is not directed by Council's Significance and Engagement Policy or Local Government Act 2002 decision making principles
- All submissions made will be considered by the Council when making the substantive decision on the request and all submitters will have a right to speak to their submission at the hearing of the request, if they wish to.
- The RMA imposes statutory timeframes on the Council for processing the request. Some of the relevant timeframes include:
  - 20 working days to determine if further information or reports are necessary.
  - 30 working days to decide whether to adopt or accept the request for a plan change for further consideration, reject the request, or convert the request to a resource consent application.
  - 4 months to notify the private plan change, if a decision is made to accept or adopt it.

As part of the process of considering the private plan change request, Council will receive advice from experts (some internal and some external) on the RMA issues raised by the plan change, including issues such as effects on the environment, whether the objectives are the most appropriate to achieve the purpose of the RMA, the efficiency and effectiveness of policies and methods, whether the provisions give effect to any relevant national policy statements and the regional policy statement and the many other matters the RMA requires consideration of.

This means that a number of the matters you have identified in your email will be considered as part of the RMA process (for example, the impacts on landscape, the effects of increased traffic movements, environmental and social impacts) and will be subject to expert review and advice, before Council makes its decision on the private plan change request.

Yours sincerely

**Clare Barton**  
Group Manager Environmental Management