



# Application for a project to be referred to an expert consenting panel

(Pursuant to Section 20 of the COVID-19 Recovery (Fast-track Consenting) Act 2020)

*For office use only:*

Project name: The Hill, Ellerslie.  
Application number: PJ-0000775  
Date received: 05/11/2021

This form must be used by applicants making a request to the responsible Minister(s) for a project to be referred to an expert consenting panel under the COVID-19 Recovery (Fast-track Consenting) Act 2020.

All legislative references relate to the COVID-19 Recovery (Fast-track Consenting) Act 2020 (the Act), unless stated otherwise.

The information requirements for making an application are described in Section 20(3) of the Act. Your application must be made in this approved form and contain all of the required information. If these requirements are not met, the Minister(s) may decline your application due to insufficient information.

Section 20(2)(b) of the Act specifies that the application needs only to provide a general level of detail, sufficient to inform the Minister's decision on the application, as opposed to the level of detail provided to an expert consenting panel deciding applications for resource consents or notices of requirement for designations.

We recommend you discuss your application and the information requirements with the Ministry for the Environment (the Ministry) before the request is lodged. Please contact the Ministry via email: [fasttrackconsenting@mfe.govt.nz](mailto:fasttrackconsenting@mfe.govt.nz)

The Ministry has also prepared [Fast-track guidance](#) to help applicants prepare applications for projects to be referred.

## Part I: Applicant

### Applicant details

Person or entity making the request: Auckland Thoroughbred Racing Incorporated and Fletcher Residential Limited (trading as Fletcher Living)

Contact person: Don Greenaway / Aidan Donnelly

Job title: Development Manager – Property / General Manager, Development

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Postal address:

100 Ascot Avenue, Remuera 1051 / 810 Great South Road, Penrose 1061

### Address for service (if different from above)

Organisation: Russell McVeagh

Contact person: Alice Gilbert

Job title: Solicitor

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Postal address:

Level 30 Vero Centre

48 Shortland Street

Auckland 1140

## Part II: Project location

The application: does not relate to the coastal marine area

If the application relates to the coastal marine area wholly or in part, references to the Minister in this form should be read as the Minister for the Environment and Minister of Conservation.

Site address / location:

A cadastral map and/or aerial imagery to clearly show the project location will help.

100 Ascot Ave, Ellerslie, Auckland, 1051, New Zealand

The development proposed within this application involves the eastern end of the Ellerslie Racecourse at 100 Ascot Avenue which is referred to as The Hill (approx 6.3 ha). Please see attached referral application for more details.

Legal description(s):

A current copy of the relevant Record(s) of Title will help.

Lot 8 DP 515118 (Record of Title: 800302)

A copy of the above Record of Title can be provided on request

Registered legal land owner(s):

Auckland Thoroughbred Racing Incorporated owns the relevant land.

Detail the nature of the applicant's legal interest (if any) in the land on which the project will occur, including a statement of how that affects the applicant's ability to undertake the work that is required for the project:

Auckland Thoroughbred Racing Incorporated owns the relevant land.

## Part III: Project details

### Description

Project name: The Hill, Ellerslie.

Project summary:

Please provide a brief summary (no more than 2-3 lines) of the proposed project.

The purpose of the Project is to provide a masterplanned residential development on The Hill to help support the growth expected to occur in Auckland over the long-term. The Project will also enable ATR to provide for the long-term financial viability of the Ellerslie Racecourse.

Project details:

Please provide details of the proposed project, its purpose, objectives and the activities it involves, noting that Section 20(2)(b) of the Act specifies that the application needs only to provide a general level of detail.

The Project has been carefully masterplanned. An indicative concept plan for the development is provided in **Attachment 1** and in Figure 2 (see referral application)

The Project includes a development of approximately 370 dwellings, comprising a mix of detached, duplex and terraced houses, market apartments, and an apartment building for the active retired. Building heights range from 1-7 storeys.

The Project provides a variety of residential typologies including apartments, terrace houses and detached dwellings. The variety of dwelling options will result in different dwelling sizes and section sizes across the Site. This in turn will result in providing housing options for a wider range of the community.

In addition to housing development, the Project is also proposed to include:

1. the construction of open space areas;
2. pedestrian and cycle connections (including connections to public transport, providing cycle parks and providing a footpath adjoining the Ellerslie Racecourse – the latter of which is expected to be controlled on race days);
3. vehicle connections to the adjacent road network;
4. a number of cycle and car parks (approximately 505 carparks), mostly in garages or enclosed basement parking areas; and
5. significant areas of landscaping (including the retention of selected Pohutukawa trees along Ladies Mile, where safe and appropriate).

Figure 3 (see referral application) illustrates a 3D image of the indicative concept plan for the Project from the south-west overlooking Ellerslie Racecourse. This image and other 3D images prepared by Brewer Davidson are available in **Attachment 2** of the referral application.

The Site is currently within the certificate of title for the Ellerslie Racecourse, but the Project proposes to subdivide The Hill from the wider racecourse. There are subsequent subdivisions proposed as part of the Project to provide freehold and unit titles for the various residential typologies on The Hill. Further detail on the exact subdivision boundaries and, any land that would remain as part of the racecourse (ie any accesses through The Hill), would be provided through the resource consent process.

To establish the residential development, it will be necessary to, among other things:

1. undertake bulk earthworks to accommodate the infrastructure to be constructed;

2. undertake limited vegetation clearance and works to fill-in the existing artificial racetrack irrigation pond;
3. provide network utility connections to relevant Auckland Council infrastructure; and
4. provide temporary activities (such as temporary operations offices) for the construction phases.

Due to the scale of the Project, it will be necessary to construct it in stages. Access to the Site for construction purposes will be managed throughout the stages and management measures will be expected to be put in place to facilitate this.

Should consent be granted the applicants want to start works straight away. Based on approximate timings at this stage, if a consent application were lodged in May 2022 a decision may be expected by September 2022. Works relating to the Project could then commence immediately with the full Project works undertaken in several stages (as detailed further in this application below). Certain permitted preparatory and enabling works are also commencing to enable the Project works to commence immediately.

FRL has significant experience in projects of this nature and has financing in place to fund the Project to completion. In this respect, FRL is ready and able to proceed immediately with the design and delivery programme. FRL's balance sheet strength and track record of successfully delivering projects at scale should provide comfort on the delivery front. FRL is comfortable committing resource early with a view to optimising the overall delivery programme. There is no requirement for a certain level of presales to be obtained prior to works commencing. ATR is committed to ensuring that its future activities at Ellerslie Racecourse are financially viable. This Project represents a perfect opportunity to address Auckland's population growth while supporting the continued viability of a key community, and national racecourse.

Where applicable, describe the staging of the project, including the nature and timing of the staging:

ATR and FRL expect that works relating to the Project can begin immediately should consent be granted. The Project's key milestones and expected staging details are provided below:

1. Fast Track Consent Approval – September 2022
2. Parent Title – Issued May 2023
3. Earthworks – Commence October 2023 (or earlier if consent timeframes allow)
4. Civil Construction – Commence April 2024
5. Stage 1a Residential Construction – Commence October 2024
6. Stage 1b Residential Construction (terraces/apartments) – Commence October 2024
7. Stage 2a Residential Construction – Commence February 2026
8. Stage 2b Residential Construction – Commence October 2024
9. Stage 3a Residential Construction – Commence April 2026
10. Stage 3b Residential Construction – Commence November 2026

### Consents / approvals required

Relevant local authorities: Auckland Council

Resource consent(s) / designation required:

Land-use consent, Water permit, Subdivision consent, Discharge permit

Relevant zoning, overlays and other features:

Please provide details of the zoning, overlays and other features identified in the relevant plan(s) that relate to the project location.

Legal description(s)	Relevant plan	Zone	Overlays	Other features
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Legal description(s)	Relevant plan	Zone	Overlays	Other features
Lot 8 DP 515118	Auckland Unitary Plan (Operative in part)	<p>Special Purpose – Major Recreation Facility in the Ellerslie Racecourse Precinct</p> <p>The wider Ellerslie Racecourse has different zoning (Business – Mixed Use, Residential – Mixed Housing Suburban Zone, Residential – Mixed Housing Urban Zone and Residential – Terrace Housing and Apartment Building Zone) and is within other precincts.</p>	<p>High Use Aquifer Management Area, Quality-Sensitive Aquifer Management Area, and Natural Heritage: Regionally Significant Volcanic Viewshafts And Height Sensitive Areas Overlay (O1 One Tree Hill, O2 One Tree Hill and W26 Mount Wellington).</p>	<p>Controls: Macroinvertebrate Community Index – Urban</p> <p>Designations: Airspace Restrict Designations – ID 1102</p>

Rule(s) consent is required under and activity status:

Please provide details of all rules consent is required under. Please note that Section 18(3)(a) of the Act details that the project **must not include** an activity that is described as a prohibited activity in the Resource Management Act 1991, regulations made under that Act (including a national environmental standard), or a plan or proposed plan.

Relevant plan / standard	Relevant rule / regulation	Reason for consent	Activity status	Location of proposed activity
Auckland Unitary Plan (Operative in Part)	C1.7	Activity not otherwise provided for which includes Dwellings within the Major Recreation Facility Zone and Ellerslie Racecourse Precinct.	Discretionary	The Hill
Auckland Unitary Plan (Operative in Part)	E38.4.5(A45)	Subdivision not otherwise provided for in Table E38.4.1. Relates to the vacant site subdivision of the Parent site as well as vacant lot subdivisions for dwellings.	Discretionary	The Hill
Auckland Unitary Plan (Operative in Part)	E38.4.1(A4)	Unit Title and strata title subdivision. Relates to any unit title or strata subdivision required for the residential units	Controlled	The Hill

		within multi-level buildings.		
Auckland Unitary Plan (Operative in Part)	E38.4.1(A11)	Subdivision within land subject to any of the following natural hazards: 1% AEP.	Restricted Discretionary	Areas of The Hill within the 1% AEP
Auckland Unitary Plan (Operative in Part)	E7.4.1(A28)	The diversion of groundwater caused by any excavation that does not meet the permitted activity standards.	Restricted Discretionary	Areas of The Hill where basement construction is proposed.
Auckland Unitary Plan (Operative in Part)	E8.4.1 (A11)	Discharge of Stormwater to land from a new stormwater network.	Discretionary	The Hill
Auckland Unitary Plan (Operative in Part)	E36.4.1(A41) Overland Flow Path Diversion	Diverting the entry or exit point of any overland flow path	Restricted Discretionary	The Hill
Auckland Unitary Plan (Operative in Part)	E36.4.1(A42) Buildings or Structures within an Overland Flow Path	Any buildings or structures within any overland flow path.	Restricted Discretionary	The Hill
Auckland Unitary Plan (Operative in Part)	E36.4.1(A37) Flood prone areas – 1% AEP	All structures and buildings within the 1% AEP floodplain.	Restricted Discretionary	The Hill
Auckland Unitary Plan (Operative in Part)	E12.4.1(A6) Earthworks – District	Earthworks greater than 2,500m <sup>2</sup>	Restricted discretionary	The Hill
Auckland Unitary Plan (Operative in Part)	E12.4.1(A10) Earthworks – District	Earthworks greater than 2,500m <sup>3</sup>	Restricted discretionary	The Hill
Auckland Unitary Plan (Operative in Part)	E11.4.1(A5) Earthworks - Regional	Earthworks greater than 50,000m <sup>2</sup> .	Restricted discretionary	The Hill
Auckland Unitary Plan (Operative in Part)	E27.4.1 Activity table (A3) Any activity or subdivision which exceeds the trip generation standards set out in Standard E27.6.1 is a restricted discretionary activity.	The proposal exceeds the 100-dwelling threshold for residential development.	Restricted discretionary	The Hill
Auckland Unitary Plan (Operative in Part)	E27.6 Development standards 1. Trip generation Where a proposal exceeds 100 dwellings, resource consent for a restricted discretionary activity is required.	The proposal includes approximately 370 residential apartments and exceeds the 100-dwelling threshold. Accordingly, resource consent is sought under E27.4.1(A3) above.	Restricted discretionary	The Hill
Auckland Unitary Plan (Operative in Part)	E25.6.27.1 Construction noise standards	The proposal is likely to exceed construction noise standards of the AUP	Restricted Discretionary	The Hill



Auckland Unitary Plan (Operative in Part)	E30.4.1 (A6) Discharges to land from land subject to contamination	Part of the Site contains contaminated material which will require management during and post construction.	Controlled	The Hill
National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health 2011(NESCS)	Regulation 10(1)	Elevated levels of HAIL materials and will need to be remediated prior to earthworks commencing	Restricted discretionary	The Hill

Resource consent applications already made, or notices of requirement already lodged, on the same or a similar project:

Please provide details of the applications and notices, and any decisions made on them. Schedule 6 clause 28(3) of the COVID-19 Recovery (Fast-track Consenting) Act 2020 details that a person who has lodged an application for a resource consent or a notice of requirement under the Resource Management Act 1991, in relation to a listed project or a referred project, must withdraw that application or notice of requirement before lodging a consent application or notice of requirement with an expert consenting panel under this Act for the same, or substantially the same, activity.

No resource consent applications or notices of requirement have been made for this or a similar project.

Resource consent(s) / Designation required for the project by someone other than the applicant, including details on whether these have been obtained:

There are no other types of resource consents or designations required to authorise the project.

Other legal authorisations (other than contractual) required to begin the project (eg, authorities under the Heritage New Zealand Pouhere Taonga Act 2014 or concessions under the Conservation Act 1987), including details on whether these have been obtained:

An Archaeological Assessment has been prepared by Clough and Associates. The report concludes that an authorisation from Heritage New Zealand Pouhere Taonga may be required given the earthworks proposed. Out of an abundance of caution, the applicant's archaeological consultant, Clough and Associates has been briefed to apply for any potentially required authorisation.

#### Construction readiness

If the resource consent(s) are granted, and/or notice of requirement is confirmed, detail when you anticipate construction activities will begin, and be completed:

Please provide a high-level timeline outlining key milestones, e.g. detailed design, procurement, funding, site works commencement and completion.

FRL has the financial capacity and is well capitalised to deliver the Project. In this respect, FRL is ready and able to proceed immediately with the design and delivery programme. FRL's balance sheet strength and track record of successfully delivering projects at scale should provide comfort on the delivery front. FRL is comfortable committing resource early with a view to optimising the overall delivery programme. There is no requirement for a certain level of presales to be obtained prior to works commencing.

FRL will ensure that once the parent title has been issued that earthworks for the Site can proceed at the earliest. FRL will also complete the necessary design and approvals for civils construction in parallel so the programme runs

sequentially. FRL's well established contractor relationships and inhouse construction delivery teams allow us to start works at the earliest opportunity. FRL's funding model does not require specific bank funding for the Project, which allows works to proceed without pre-sales. The overall Project is anticipated to be completed in 2027 / 2028. As FRL designs and delivers its own homes, there is also surety that what is consented through this process will be delivered, at pace and to the quality required for such a development.

ATR and FRL are fully committed to delivering the Project. ATR requires the development to progress so that it can ensure funding for required capital projects and the long-term viability of racecourse activities at Ellerslie Racecourse. FRL is in a financially secure position and is a long established and well-regarded development company that has a strong track record for delivering projects of this nature and scale.

ATR and FRL expect that works relating to the Project can begin promptly after the forecasted date of obtaining consent via the FTCA process. The Project would then be developed in a staged manner over 4 to 6 years from commencement. The key milestones for delivering the Project are set out below:

1. Fast Track Consent Approval – September 2022
2. Parent Title – Issued May 2023
3. Earthworks – Commence October 2023 (or earlier if consent timeframes allow)
4. Civil construction – Commence April 2024
5. Stage 1a Residential Construction – Commence October 2024
6. Stage 1b Residential Construction (terraces/apartments) – Commence October 2024
7. Stage 2a Residential Construction – Commence February 2026
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9. Stage 3a Residential Construction – Commence April 2026
10. Stage 3b Residential Construction – Commence November 2026

## Part IV: Consultation

### Government ministries and departments

Detail all consultation undertaken with relevant government ministries and departments:

ATR have engaged with the Minister for Racing regarding the long-term strategy for racecourses in New Zealand (as a result of the Messara Report) and have also recently briefed the Minister for Racing on this fast-track application.

### Local authorities

Detail all consultation undertaken with relevant local authorities:

ATR and FRL have had two pre-application meetings with Auckland Council officers in relation to the Project. ATR also met with Healthy Waters (a section of the Auckland Council) to investigate stormwater disposal options for the proposed development.

### Other persons/parties

Detail all other persons or parties you consider are likely to be affected by the project:

It is not considered that there are any parties affected by the Project. However, the following properties are near, or in close proximity, to the Site and the owners (or occupiers) are therefore expected to be consulted with prior to the lodgement of any resource consent application:

1. 6, 8, 12 Peach Parade;
2. 49, 51, 53, 119, 120, 122 Ladies Mile;
3. 1-15B Hunterville Court;
4. 1-15 Derby Downs Place;
5. Auckland Council, as owner of Derby Downs Domain; and



6. Leasehold owner of the Ellerslie 1 Precinct.

Detail all consultation undertaken with the above persons or parties:

See above for details.

## Part V: Iwi authorities and Treaty settlements

For help with identifying relevant iwi authorities, you may wish to refer to Te Kāhui Māngai – Directory of Iwi and Māori Organisations.

### Iwi authorities and Treaty settlement entities

Detail all consultation undertaken with Iwi authorities whose area of interest includes the area in which the project will occur:

Iwi authority	Consultation undertaken
Ngai Tai ki Tamaki Tribal Trust	<p>Initial email sent on 14 May 2021 describing the Project and invitation to be involved in engagement going forward.</p> <p>Positive response received and briefing paper sent to Ngai Tai ki Tamaki.</p> <p>On site hui and presentation of overall racecourse development and introduction to the Project took place on 6 August 2021.</p> <p>A site visit and detailed explanation of the project took place on 26 October 2021 where a detailed site visit was undertaken followed by a hui to discuss the key elements of the Site and the Project. This included the high-quality outlook for the Site, measures to manage stormwater quality and water re-use options for the development. Overall, the meeting was positive and ATR and FRL believe that high quality environmental outcomes can be achieved, while also acknowledging and reflecting mana whenua values.</p> <p>The applicants have requested that Ngai Tai ki Tamaki prepare a cultural values assessment for the Project</p>
Ngāti Whātua Ōrākei	<p>Briefing email sent on 14 May 2021 and follow up sent on 9 August 2021. The email sought confirmation whether Iwi has a vested interest in the Project and whether they would like to be involved in the Project going forward.</p> <p>Ngāti Whātua Ōrākei responded in mid-June 2021 and also on 12 August 2021 requesting further information, which was subsequently provided on the Project and proposed outcomes. No further engagement has occurred to date.</p>
Ngāti Maru Rūnanga Trust	<p>Briefing email sent on 9 August 2021. The email sought confirmation whether Ngati Maru Runanga has a vested interest in the Project and whether they would like to be involved in the Project going forward.</p> <p>Invitation made to contact the author for any queries. No response received to date.</p>
Ngāti Paoa Iwi Trust	<p>Briefing email sent on 14 May 2021 and follow up sent on 9 August 2021. The email sought confirmation whether Ngāti Paoa Iwi Trust has a vested interest in the Project and whether they would like to be involved in the Project going forward.</p> <p>Invitation made to contact the author for any queries. No response received to date.</p>
Ngāti Paoa Trust Board	<p>Briefing email sent on 9 August 2021. The email sought confirmation whether Ngāti Paoa Trust Board has a vested interest in the Project and whether they would like to be involved in the Project going forward.</p> <p>Invitation made to contact the author for any queries. No response received to date.</p>

Ngāti Tamaoho Trust	<p>Briefing email sent on 9 August 2021. The email sought confirmation whether Ngāti Tamaoho has a vested interest in the Project and whether they would like to be involved in the Project going forward.</p> <p>Invitation made to contact the author for any queries. No response received to date.</p>
Ngāti Tamaterā Settlement Trust	<p>Briefing email sent on 9 August 2021. The email sought confirmation whether Ngāti Tamaterā has a vested interest in the Project and whether they would like to be involved in the Project going forward.</p> <p>Invitation made to contact the author for any queries. No response received to date.</p>
Ngāti Te Ata Te Ara Rangatu o Te Iwi o Ngāti Te Ata Waiohū	<p>Briefing email sent on 9 August 2021. The email sought confirmation whether Te Ara Rangatu o Te Iwi o Ngāti Te Ata Waiohū has a vested interest in the Project and whether they would like to be involved in the Project going forward.</p> <p>Invitation made to contact the author for any queries.</p> <p>Response provided on 12 August 2021 requesting a copy of the resource consent application. Response provided on 17 August 2021 that the application will be forwarded once it is prepared and should the referral application be successful.</p> <p>No further response received to date.</p>
Ngāti Whanaunga Incorporated	<p>Briefing email sent on 9 August 2021. The email sought confirmation whether Ngāti Whanaunga has a vested interest in the Project and whether they would like to be involved in the Project going forward.</p> <p>Invitation made to contact the author for any queries. No response received to date.</p>
Ngā Maunga Whakahii o Kaipara Development Trust	<p>Briefing email sent on 9 August 2021. The email sought confirmation whether Ngā Maunga Whakahii o Kaipara has a vested interest in the Project and whether they would like to be involved in the Project going forward.</p> <p>Invitation made to contact the author for any queries.</p> <p>Response provided on 14 August 2021 requesting further details of the project. Further details were provided on 21 August 2021. No further response received to date.</p>
Te Ahiwaru – Waiohū Makaurau Marae Māori Trust	<p>Briefing email sent on 9 August 2021. The email sought confirmation whether Te Ahiwaru – Waiohū has a vested interest in the Project and whether they would like to be involved in the Project going forward.</p> <p>Invitation made to contact the author for any queries. No further response received to date.</p>
Te Ākitai Waiohū Iwi Authority	<p>Briefing email sent on 9 August 2021. The email sought confirmation whether Te Ākitai Waiohū has a vested interest in the Project and whether they would like to be involved in the Project going forward.</p> <p>Invitation made to contact the author for any queries. No response received to date.</p>
Te Kawerau ā Maki Te Kawerau Iwi Settlement Trust	<p>Briefing email sent on 9 August 2021. The email sought confirmation whether Te Kawerau has a vested interest in the Project and whether they would like to be involved in the Project going forward.</p> <p>Invitation made to contact the author for any queries. No response received to date.</p>
Te Patukirikiri Incorporated	<p>Briefing email sent on 9 August 2021. The email sought confirmation whether Te Patukirikiri has a vested interest in the Project and whether they would like to be involved in the Project going forward.</p> <p>Invitation made to contact the author for any queries. No response received to date.</p>

Te Rūnanga o Ngāti Whātua	Briefing email sent on 9 August 2021. The email sought confirmation whether Ngāti Whātua has a vested interest in the Project and whether they would like to be involved in the Project going forward.  Invitation made to contact the author for any queries. No response received to date.
Waikato – Tainui Te Whakakitenga o Waikato Incorporated	Briefing email sent on 9 August 2021. The email sought confirmation whether Te Whakakitenga o Waikato has a vested interest in the Project and whether they would like to be involved in the Project going forward.  Invitation made to contact the author for any queries. No response received to date.

Detail all consultation undertaken with Treaty settlement entities whose area of interest includes the area in which the project will occur:

Treaty settlement entity	Consultation undertaken
Ngāti Whātua Ōrākei	See above consultation undertaken.

### Treaty settlements

Treaty settlements that apply to the geographical location of the project, and a summary of the relevant principles and provisions in those settlements, including any statutory acknowledgement areas:

Section 18(3)(b) of the Act details that the project **must not include** an activity that will occur on land returned under a Treaty settlement where that activity has not been agreed to in writing by the relevant land owner.

The Project sits within the Ngāti Whātua Ōrākei settlement area, which spans across Auckland. The Crown signed a Deed of Settlement for all outstanding historical Treaty claims on 5 November 2011.<sup>[1]</sup> This settlement was in relation to the historical claims of Ngāti Whātua Ōrākei resulting from acts or omissions by the Crown prior to 21 September 1992. As a result of the settlement, the Ngāti Whātua Ōrākei Claims Settlement Act 2012 was formed. Subpart 2 of the Ngāti Whātua Ōrākei Claims Settlement Act 2012 outlines the statutory acknowledgement that is included in the settlement. Under section 31 of the Act, Auckland Council must have regard to the statutory acknowledgement relating to the statutory area of the settlement when deciding whether a person is an affected person under section 95E of the RMA. Section 32 of the Act states that the Environment Court must also have regard to the statutory acknowledgement area when deciding whether the trustee is a person who has an interest in a proceeding under section 274 of the RMA.

Consultation has occurred with Ngāti Whātua Ōrākei which is described in detail above.

[1] *Deed of Settlement of Historical Claims* between Ngāti Whātua Ōrākei and the Crown (5 November 2011).

## Part VI: Marine and Coastal Area (Takutai Moana) Act 2011

### Customary marine title areas

Customary marine title areas under the Marine and Coastal Area (Takutai Moana) Act 2011 that apply to the location of the project:

Section 18(3)(c) of the Act details that the project **must not include** an activity that will occur in a customary marine title area where that activity has not been agreed to in writing by the holder of the relevant customary marine title order.

The Project is not within a customary marine title or protected customary rights area.

## Protected customary rights areas

Protected customary rights areas under the Marine and Coastal Area (Takutai Moana) Act 2011 that apply to the location of the project:

Section 18(3)(d) of the Act details that the project **must not include** an activity that will occur in a protected customary rights area and have a more than minor adverse effect on the exercise of the protected customary right, where that activity has not been agreed to in writing by the holder of the relevant protected customary rights recognition order.

The Project is not within a customary marine title or protected customary rights area.

## Part VII: Adverse effects

Description of the anticipated and known adverse effects of the project on the environment, including greenhouse gas emissions:

In considering whether a project will help to achieve the purpose of the Act, the Minister may have regard to, under Section 19(e) of the Act, whether there is potential for the project to have significant adverse environmental effects. Please provide details on both the nature and scale of the anticipated and known adverse effects, noting that Section 20(2)(b) of the Act specifies that the application need only provide a general level of detail.

The Site provides an outstanding opportunity to establish a high-quality residential development. It is located at the eastern end of the Ellerslie Racecourse site and gradually slopes up from its racetrack frontage. The sloping nature of the Site enables a stepped development form outcome that will provide high quality views over the racecourse and towards the maunga (Maungakiekie, Ohinerau and Maungawhau) in the nearby vicinity.

The Project will give rise to temporary adverse effects associated with demolition and construction activities, including noise and vibration, earthworks and contamination remediation. These are all common occurrences within the Auckland region and are able to be appropriately managed through standard industry best-practice measures. Detailed assessments of these matters have been prepared and are available upon request, however no further commentary is provided on those matters here as the adverse effects are well known and manageable via standard conditions of consent.

The longer term effects relate to the provision of approximately 370 residential dwellings, the design and function of the development and its relationship to the locality. These effects are largely positive and relate to the provision of safe, healthy and efficient housing in a location that supports active and public transport modes.

Our assessment of adverse effects relies upon specialist inputs from:

1. Brewer Davidson (master planning and urban design)
2. Boffa Miskell (landscape and visual)
3. Traffic Planning Consultants (transportation)
4. Clough & Associates (archaeology)
5. Market Economics (economics)
6. Freshwater Solutions (ecology)
7. Crang Civil (infrastructure)
8. PDP Partners Consultants (contamination)
9. Initia Geotechnical Specialists (geotechnical)
10. Arbor Connect (arboricultural)

A copy of the Brewer Davidson, Boffa Miskell (including graphic supplements) and Market Economics reports are provided with this application as Attachment 3, Attachment 4 and Attachment 5. The other assessments described above are available on request. The following is a summary overview of the anticipated and known adverse effects of the Project on the environment.

*Character and amenity effects:* The character of the locality comprises a variety of elements. This includes the racecourse facility, its structures and grandstands, large open spaces, the golf activities in the infield and carparking. The Site is a vacant part of the Ellerslie Racecourse that is currently landscaped with a variety of mature trees, shrubs

and lower-level planting. The irrigation pond that waters the track is located adjacent the underground tunnel that provides access to the infield. The landform slopes upwards from the racetrack edge to Ladies Mile. The AUP Ellerslie Racecourse Precinct provisions which apply to the Site enable buildings up to 25m as a permitted activity as long as they are located outside the 20m interface control area which applies along the external boundary perimeter of The Hill Site and comply with 2.5m + 45 degree height in relation to boundary control that applies along adjoining residential zone boundaries. Compliance with the interface control will also achieve compliance with the height in relation to boundary standard. The provisions would permit a 25m high grandstand or function centre potentially arcing the full perimeter of the racecourse track.

To the south-west of the Site the land is vacant (apart from two large storage sheds and mature landscaping) but is zoned Terrace House and Apartment Building. This land is subject to the Ellerslie 1 Precinct provisions. The planning provisions envisage residential development between 4 to 8 storeys as a restricted discretionary activity and also identify private road and pedestrian connections through this land to Morrin St and Mitchelson St.

Derby Downs Domain is a quality local reserve located at the end of Derby Downs Place and Lonsdale Street. The northern boundary of the reserve interfaces with the Site. Importantly, apart from the interface with Derby Downs Domain, the Site is securely fenced off, with no opportunity for public access currently. A significant benefit from the Project is the opening up of public access into the Site, including new pedestrian and cycleways, which will integrate the Site with the neighbouring streets.

Residential character of the locality around the Site is generally defined by the existing dwellings on Derby Downs Pl, Hunterville Court, Ladies Mile and Peach Parade. These mainly comprise 1-2 storey detached or attached dwellings. Most of the dwellings are town houses. A number of sites have been developed with two dwellings. Several sites are occupied by blocks of flats including 110 (4 flats) and 118 (4 flats) Ladies Mile. Both these sites comprise single storey brick and tile or timber flat developments.

In terms of the wider locality, a 3-storey apartment building has recently been constructed at 20 Pukerangi Crescent in Ellerslie. While on the opposite side of the racecourse, multi-storey commercial buildings form the built edge to the western corner of the racecourse. These buildings range in height from three storeys up to seven storeys.

Overall, the character of the area comprises a mixture of elements, however the character of residential development adjoining The Hill is predominantly 1-2 storey detached residential dwellings. The sites immediately adjoining the Hill also have their outlook and private outdoor living areas facing towards the racecourse and enjoy the amenity provided by the racecourse in that regard.

In recognition of the existing character and amenity of the adjoining and nearby sites, the Project includes lower scale residential dwellings where the Site immediately adjoins a residential property. This includes 12 1-2 storey detached houses and four 2 storey duplex houses. All of these dwellings are setback from the Site boundary by a distance of 4-5 metres, except for detached dwelling 'X' which is proposed to be 2.5m from the nearest adjoining residential boundary. The proposed dwelling sizes on the sites adjoining neighbouring residential properties are smaller than their neighbouring counterparts and are of a complementary scale to the existing environment.

Further within the Site, the Project is proposed to comprise a mixture of 1-2 storey detached houses and 2-3 storey duplex and terrace houses.

The Ladies Mile frontage of the Site comprises 1-2 storey split level detached dwellings along the western half and a precinct of three larger scale apartment buildings along the eastern half. The apartment buildings are staggered along this part of the Site frontage and also setback from the street frontage in order to retain selected high quality Pohutukawa trees. As a result, the existing landscaped character of this frontage will be retained to a large extent. The frontage will also be improved through removal of the existing untidy approx. 2m corrugated iron fence (which obscures some native trees and does not provide any view of the racecourse) and the establishment of a footpath and associated streetscape improvements (low level planting, grass berm).

The six-storey apartment buildings (with basement and podium parking) proposed along the Ladies Mile frontage have been typically set back by a minimum of 10 metres from the road frontage and will be behind the existing mature Pohutukawa trees. In addition to these trees further planting of trees will occur along the Ladies Mile in this planting corridor Building B and C1 are also angled in their alignment with Ladies Mile. While these buildings will result in a change to the character of the residential environment, they are considered acceptable for the following reasons:

1. The buildings are setback from the road boundary frontage by typically 10m (the corners of Buildings B and C1 are slightly closer than this at the closest point).
2. The buildings are well separated from residential dwellings on the opposite side of Ladies Mile.



3. Mature existing Pohutukawa trees will provide a transition between the road and buildings which will mitigate their built form character. This vegetation corridor will be further enhanced as new plantings mature in amongst the Pohutukawa.
4. The design of buildings will also assist in reducing their apparent visual bulk.
5. The angled position of buildings B and C will enable quality amenity outcomes through landscaping to be established in the areas between the buildings and the road boundary.
6. The staggered layout of the buildings will open up views into and through the Site which are not currently available and will therefore result in some positive character and amenity outcomes.

For the above reasons, the transition in built form scale between the existing environment and proposed development as part of the Project is considered acceptable from a character and amenity perspective.

Building A is an apartment building with seven living storeys atop a part basement parking floor and is located on the lower part of the Site in the southern corner. The building is well separated from the nearest residential dwellings that align the southern boundary of Derby Downs Domain. While this proposed building will affect outlook towards and potentially over the racecourse, the existing dwellings will still retain a level of amenity by the outlook provided by the Derby Downs Domain.

In terms of the character and amenity of the development itself, the proposed dwellings and apartment buildings are well spaced out and provide sufficient outdoor space and separation. The proposed joint owned access lots also enable further separation between buildings and good quality access. Given the sloping topography of the Site (from east down to west) the majority of the dwellings / units will have a high-quality outlook towards the racecourse and have a westerly aspect. The pedestrian/cycle connection around the edge of the racetrack will enable connections between Peach Parade, Ladies Mile, Derby Downs Place and to the Ellerslie 1 Precinct (which is to be developed in the future by ATR). This connection will provide the potential for the future occupants of the development to connect to the Greenlane and Ellerslie Train Stations. Vehicle access from Ladies Mile is provided by way of the upper loop road which provides a convenient in / out arrangement without compromising the Ladies Mile / Abbots Way intersection. An Urban Design Assessment has been prepared by Brewer Davidson Architects which has assessed the immediate and wider surrounds of the proposed development Site (see Attachment 3). This assessment has also considered the potential and actual effects of the proposed development on the existing neighbourhood from an urban design perspective. The assessment concludes that The Hill development will provide attractive housing options and will optimise outlook opportunities for future residents. The Brewer Davidson Urban Design Assessment specifically considers the effects of the apartment buildings on Ladies Mile within the context of the residential dwellings on the opposite side of Ladies Mile. The assessment concludes that the majority of these dwellings generally look away to their north rear yards and away from the busy Ladies Mile. It is considered that the scale and location of the apartment buildings in the proposed location is acceptable due to the existing separation distance provided by Ladies Mile, the setback of the buildings, retention of mature trees and the angled offset of the buildings. See the **attached** referral application for more detail.

*Landscape and visual impact effects:* The key landscape elements in and around the Site are the Ladies Mile ridgeline, the sloping nature of The Hill Site, the flat expanse of the racecourse and infield and the three nearby maunga (Maungakiekie, Ohinerau and Maungawhau). The proposed development does not infringe the volcanic cone viewshaft controls that apply over the wider racecourse site or the 25m permitted precinct building height standard. The Boffa Miskall assessment concludes "In terms of potential adverse visual effects these are considered to be very low, or negligible. The development will have a presence in the landscape but will not be overly dominant or incongruous to neighbours. Overall, whilst a very low level of visual effects will be generated in respect of some viewers overall the proposal is considered to enhance the visual character and amenity of the locality and contribute positively to the anticipated residential intensification of this part of urban Auckland." See the **attached** referral application for more detail.

*Dominance, shading and privacy effects:* The proposed development immediately adjoins dwellings on Hunterville Court/Derby Downs Place and Ladies Mile / Peach Parade. It is also in proximity to dwellings on Lonsdale Street and Ladies Mile. Taking into account the built form outcomes of the Project, any potential dominance effects on adjoining properties or public spaces are considered to be minor. Key mitigating factors include the size of the Site and the location of the tall building elements and physical separation to adjoining private and public land. The Project is not considered to result in significant adverse dominance privacy or shading effects. See the **attached** referral application for more detail.



*Traffic and Transport Effects:* The traffic and transportation effects have been carefully considered by Traffic Planning Consultants. In addition, the core transport options were the subject of peer review by Commute through the due diligence process to identify a preferred delivery partner, which reinforced the acceptability of the options identified by Traffic Planning Consultants. The proposed development has been considered by Traffic Planning Consultants and they conclude "Based on the concept design, and the fundamentals of the proposed development in terms of dwelling numbers, proposed parking, servicing and access provisions, we consider the proposed development acceptable and can support the current design moving forward to resource consent and detailed design stage." Overall, it is considered that any adverse traffic and transport effects will be minor and will result in some positive effects through the encouraged use of public transport. See the **attached** referral application for more detail.

*Infrastructure effects:* The proposed development is required to be serviced with water supply, wastewater and stormwater, in addition to electricity and telecommunications, and gas to stand-alone homes were possible. Water supply, electricity and telecommunications can be provided without difficulty. See the **attached** referral application for more detail.

*Recreational Effects:* The Project will be adjacent to the racetrack and infield as well as Derby Downs Domain. The Project has been designed to result in a positive interface with these recreational elements. The ongoing viability of the racecourse is secured through the proposed new track surface as well as the perimeter pathway, which will provide a secure edge between the racetrack and the future residential development. See the **attached** referral application for more detail.

*Cultural effects:* As detailed earlier in this application, all Iwi identified by Council have been consulted. Detailed engagement is progressing with Ngai Tai ki Tamaki. While other Iwi have requested information on the development (which has been provided) no further engagement has been requested. However, the applicant remains open and willing to engage with any Iwi that seeks further engagement, but it will continue to work with Ngai Tai ki Tamaki. At this stage, the engagement has been positive, and it is anticipated that this will continue as the Project is progressed. See the **attached** referral application for more detail.

*Arboricultural:* There are 11 large Pohutukawa trees along the upper Ladies Mile frontage of The Hill Site (Trees 5-15 in the Arboricultural Survey which can be provided on request). All these trees are within the Site and, while they are not protected by the AUP, the applicant considers they represent a strong positive landscape element along this frontage. Further, they provide a positive foreground for the proposed 6 storey apartment buildings behind. The survey states that, other than trees 10 and 14, the trees are good quality specimens and should be retained. Four of the trees are considered significant including 6, 8, 9 and 13, with tree 13 being considered particularly significant. No other trees are considered significant enough to retain.

It is therefore proposed to retain at least 6, but potentially all 9, of the good quality Pohutukawa trees and to set the buildings back from the road frontage of the Site in order to ensure the ongoing viability of the trees. It is therefore considered that the Project will result in positive arboricultural effects.

*Ecological effects:* The Site has been assessed from an ecological perspective by Freshwater Solutions Limited. They have undertaken detailed field assessments of the Site including the irrigation pond. The assessment confirms there are no ecological habitats that would require specific consideration or protection as part of the Project. It is confirmed that the irrigation pond is not a natural wetland for the purposes of the NPS-FM or NES-F. There are no watercourses on the Site. Freshwater Solutions Limited has identified there are a number of eels within the irrigation pond at present and they should be relocated prior to the decommissioning of the pond. We consider this can be addressed in due course through suitable conditions of consent. See the **attached** referral application for more detail.

*Economic effects:* Under a FTCA scenario, the cumulative direct value added from the present to completion of the Project is projected to be around \$65.6 million. See the **attached** referral application for more detail on economic effects.

*Conclusion:* Overall, we consider that there are no significant adverse effects associated with the Project. The majority of adverse effects are able to be mitigated to an appropriate level by relatively standard conditions of consent, while the development design and function contributes positively to the locality, taking advantage of the opportunity afforded by the specifics of the Site and location. There will be significant positive effects associated with the economic benefit of the development to Auckland, in particular, and New Zealand more broadly.

## Part VIII: National policy statements and national environmental standards

General assessment of the project in relation to any relevant national policy statement (including the New Zealand Coastal Policy Statement) and national environmental standard:

The National Policy Statements and Environmental Standards that are relevant to this Project are the:

(a) National Policy Statement on Urban Development ("NPS-UD"); (b) National Policy Statement for Freshwater Management ("NPS-FM"); (c) National Environmental Standards for Freshwater ("NES-F"); and (d) National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health ("NES-C").

It is noted that the Project is inland from the coast and has not impact on the coastal environment that would be relevant under the New Zealand Coastal Policy Statement.

### **NPS-UD**

The NPS-UD came into effect on 20 August 2020. It sets out objectives and policies that apply to all decision-makers when making planning decisions that affect an urban environment.

Auckland Council is a Tier 1 local authority under the NPS-UD.

Overall, it is considered that the Project will directly contribute to the successful delivery of the outcomes sought through the NPS-UD. The Site, while "greenfield" is served by infrastructure, and well-located proximate to employment, education, transport, open space and other recreation facilities – it is in a highly developed urban environment. The Project will enable a built form that provides a high-quality residential environment for an intensive residential population and is considered to be precisely the type of development the NPS-UD is seeking to enable.

Importantly, the Project will also open up additional opportunities for public access and amenity in the future.

The NPSUD sets out objectives and policies that apply to all decision-makers when making planning decisions that affect an urban environment. The assessment below considers the performance of the Project against the objectives and policies of the NPS-UD under general themes.

*Purpose of the RMA – objective 1, objective 4, policy 10*

(a) The Project contributes to a well-functioning urban environment. The intention behind the design is to develop the Site as three elements, defined by existing topography, being the upper plateau, the mid-slopes and the lower base.

(b) It is proposed to establish a mixture of apartments and detached houses on the upper plateau, terrace houses on the slopes and a combination of detached dwellings, terrace houses and an apartment building on the lower base.

(c) The 'three' development areas (ie the upper plateau, the mid-slopes and the lower base) are interconnected by an internal road and lane network, pedestrian, cycle and scooter connections, large areas of open space and significant on site hard and soft landscaping. The Site is also connected to the existing surrounding road network and proximate public transport services.

(d) The Project also forms an amphitheatre of urban development around the eastern end of the racecourse site. While taller buildings are proposed within the development and 1-3 storey dwellings are proposed beside adjoining residential properties, the building setbacks and separation distance, combined with internal layout and external design elements will result in acceptable landscape, visual and character/amenity impacts. At the same time, the Project will provide significant support for employment, transport and amenity options within easy access of the Site.

(e) Importantly, part of the opportunity presented by this Site is that it is largely able to rely on existing infrastructure, with only local roading and infrastructure upgrades required to support the Project.

See **attached** referral application for more detail on the performance of the Project against the objectives and policies of the NPS-UD.

#### **NPS-FM & NES-F**

The NPS-FM provides local authorities with an updated direction on how to manage freshwater in a way that gives effect to Te Mana o te Wai, including new requirements for improving (and avoiding degradation of) the quality of streams. The NES-F regulates certain activities that pose risks to freshwater and freshwater ecosystems.

As noted above, the Site has been assessed from an ecological perspective by Freshwater Solutions Limited. They have undertaken detailed field assessments of the Site including the irrigation pond. The assessment confirms there are no ecological habitats that would require specific consideration or protection as part of the Project. It is confirmed that the irrigation pond is not a natural wetland for the purposes of the NPS-FM or NES-F. There are no watercourses on the Site.

The Project has been assessed with reference to the relevant objectives and policies of the NPS-FM, and is considered to be consistent with the outcomes that are sought in respect of freshwater management. For instance, the Project appropriately manages any potential contaminants from the Site to ensure that they do not impact freshwater systems.

No consents are required under the NES-F. Overall, the Project is considered to be consistent with the NES-F.

#### **NES-C**

A detailed site investigation ("DSI") has been prepared by PDP Partners Consultants and is available on request. The DSI identifies a discrete area of uncontrolled fill and potential HAIL activity elements.

A restricted discretionary consent is required under Regulation 10 of the NES-C as the proposed change of use and soil disturbance do not meet the requirements of a permitted activity under Regulation 8 of the NES-C, and as the DSI for the Site has shown that the soil contamination does exceed the applicable standard for residential land use. The DSI includes a Remediation Action Plan and Contaminated Site Management Plan which will be implemented during construction and will ensure that the Site is remediated appropriately.

The proposal will appropriately remediate the Site in a manner that protects human health, and to an extent sufficient to support the safe use of the Site for high density residential land use.

## **Part IX: Purpose of the Act**

Your application must be supported by an explanation how the project will help achieve the purpose of the Act, that is to "urgently promote employment to support New Zealand's recovery from the economic and social impacts of COVID-19 and to support the certainty of ongoing investment across New Zealand, while continuing to promote the sustainable management of natural and physical resources".

In considering whether the project will help to achieve the purpose of the Act, the Minister may have regard to the specific matters referred to below, and any other matter that the Minister considers relevant.

Project's economic benefits and costs for people or industries affected by COVID-19:

*Economic benefits during construction:* Construction has significantly influenced growth in New Zealand. As of January 2021, 278,300 people are employed in residential, heavy and civil construction, and constructions services in New Zealand – making up 10% of the national workforce.[3]

The Ministry of Business, Innovation and Employment ("**MBIE**") has released a factsheet around the impacts of COVID-19 and the future outlook of construction in New Zealand. This

highlights that the construction industry has suffered, and is expected to continue to suffer, from the effects of COVID-19[4]

The construction industry is also anticipated to have been impacted by the recent five weeks of alert level 4 that Auckland has undergone (and ongoing level 3 restrictions).

However, MBIE highlight that there has been continuous high demand for residential buildings, which has enabled the construction sector to bounce back from the effects of the 2020 COVID-19 lockdowns.[5] While projects have been delayed due to COVID-19 lockdown periods, the current demand for residential infrastructure has not subsided. However, residential consent numbers are forecast to drop in 2022 as a result of COVID-19.[6]

This projected drop in residential consenting is not conducive with the current need in Auckland for employment and housing. Auckland Council has acknowledged that the Auckland housing supply has not kept pace with increases in population or met demand for investment.[7]

Allowing for the construction of this development on a fast-tracked basis will provide the economic and social benefit employment, investment into local construction firms, with the ultimate outcome of increased housing stock.

The Project represents an investment of approximately s 9(2)(b)(ii) It is expected to see direct economic value added from the present to completion of the Project of \$65.6 million and is also expected to stimulate a total of \$257.2 million of direct plus indirect value added (GDP) – including by providing jobs and significant flow-on economic benefits to the local community through its construction.

The Project will also see 1,112 FTE employees over the various stages of construction if consent is obtained under the FTCA. For example, construction of Stage 1a and Stage 1b is expected to provide 166 FTE jobs. This number of FTE jobs is expected to increase the following year as further stages are undertaken and is anticipated to peak at 420 FTE in 2025.

Further, once indirect and induced effects are provided for it is anticipated that 3,335 FTE jobs would be provided over the life of the Project.

The direct impacts of the Project are assumed to occur in the Auckland region, however, the indirect impact of the Project is expected to reach the rest of the North Island and across wider New Zealand.

Other indirect benefits include the services and supplies purchased to construct the Project. These include building supplies and legal, administrative and accounting services. There will also be expected to be benefits to other professional services such as real estate and conveyancing services as the housing developed as part of the Project is released to the market.

The development of The Hill will also allow ATR to capitalise on this surplus asset that can be realised to provide the funds necessary to enhance the Ellerslie Racecourse venue, race stakes and financial returns to the wider industry. Approval of a fast-track consent would bring forward the realisation of this asset (The Hill) and return funds to the ATR, which could be used to improve its performance and financial stability earlier as well as the viability of all associated activities including horse training and breeding industry.

*Economic benefits during operation:* The Auckland Council 10-year Budget 2021-2031 has identified a number of different investments that Auckland needs in the future. The additional housing stock from the Project will provide assistance to fund Auckland Council activities through rates and other charges that may be levied on the housing in the future. It is expected that there will be opportunity to increase local expenditure as residents spend their money on goods and services in Ellerslie, Remuera and surrounding areas. There is potential for new businesses to be set up to address any demand that may be created by increasing housing in the area.

It is also expected that there will be a number of flow-on economic benefits of the Project including financial support provided to ATR, allowing for maintenance and upgrade of the Ellerslie Racecourse and subsequent public events held on the racecourse grounds, increased housing stock in a central Auckland location and proximity of persons to Auckland CBD for work

and play and healthier homes for people to live in potentially reducing costs on public healthcare services.

See **attached** referral application for more detail.

[3] Construction factsheet: January 2021, COVID-19 economic update, MBIE.

[4] Construction factsheet: January 2021, COVID-19 economic update, MBIE; Construction factsheet: October 2020, COVID-19 economic update, MBIE; A Better Way Forward – Building the Road to Recovery Together – Construction Sector COVID-19 Recovery Study, Deloitte, January 2021, at page 23.

[5] Construction factsheet: January 2021, COVID-19 economic update, MBIE.

[6] Construction factsheet: January 2021, COVID-19 economic update, MBIE.

[7] Auckland Council *Auckland Plan 2050 print document: Outcome – Homes and Places – June 2018.*

Project's effects on the social and cultural wellbeing of current and future generations:

The population of Auckland is expected to grow significantly over the long term. The Orakei Tāmaki area is projected to accommodate around 72,000 households in 2023, rising to around 93,000 in 2043. The Auckland Plan 2050 identifies existing Auckland urban areas such as the application Site as suitable for growth and intensification. The application responds to the direction set in the Auckland Plan through the provision of additional housing in an area of identified need. The Project will offer a significant increase in housing supply which will meet the social needs and contribute to the wellbeing of current and future generations of people living in the Ellerslie area (and Auckland, generally).

In more recent years, the wider Ellerslie / Remuera / Greenlane area has been experiencing area-wide redevelopment to provide new residential development consisting of a variety of housing typologies including apartment developments, terrace houses, townhouses / duplexes etc. The nearby suburb of Stonefields, which FRL developed in conjunction with a partner, has been fully developed over the past 15 years, with development throughout that suburb becoming increasingly intensive as development has progressed. The Project will result in similar outcomes as development progresses.

Therefore, this Project will help meet the social needs of Ellerslie and the Greenlane area by providing housing quickly, which in turn will support the viability of these areas. In addition, the general public will be able to access the development and pedestrians / cyclists will be able to travel around the perimeter of the racetrack from Peach Parade to the southern edge of Site. From here, future pedestrian connections are required through the adjoining Ellerslie 1 Precinct (when it is developed). The overall outcome will support health and well-being outcomes for the community and consequently improve social outcomes further.

The Project includes an apartment building for the active retired under a Fletcher ownership model known as "Vivid Living" (sometimes referred to as "Retirement Lite"). This will enable different types of living arrangements for a wider breadth of Auckland's population.

The new occupants of the development will also enjoy improved social outcomes from the high-quality outlook over the open expanses of the racecourse and the infield. Occupants will also be able to enjoy horse-racing activities as well as the quality open space environment within the development itself.

With regard to cultural well-being Mana Whenua have been engaged with as described in detail earlier in this report. Ongoing engagement will continue with Mana Whenua in order to ensure positive cultural well-being outcomes will be explored and achieved, where possible.

Whether the project would be likely to progress faster by using the processes provided by the Act than would otherwise be the case:

There are a number of timing advantages of the FTCA process over the standard RMA process. Notably, public and limited notification is precluded under the FTCA. The Panel is also only permitted to invite comments from specified persons and a short timeframe is provided for



comment. The process under the FTCA for providing comment at both the referral and Expert Consenting Panel stage is appropriate and adequate to address the effects of the Project. Following the traditional two-stage RMA process would significantly draw out the consenting timeframe for the Project. In particular, the FTCA process avoids the risk of an Environment Court appeal.

It is anticipated that the substantive resource consent application would be ready for lodgement in May 2022. If the matter were referred to an expert consenting panel, it is anticipated that an outcome would be obtained by September 2022 through that process. By comparison, the likely process under the RMA would be considerably more drawn out. Given the nature of the Project, there is a reasonable expectation that the Council would consider that public or limited notification would be appropriate. That in itself would extend the process and likely result in a decision not being obtained from the Council until at least early 2023.

Any notified application would then have a significant risk of appeal. The recent experience of ATR, FRL and their advisors is that large-scale developments that go through the Environment Court process (whether by a merits appeal or direct referral) can take at least two years to obtain consent. This could result in an outcome not realistically being obtained until late 2024 at the earliest.

The FTCA process will provide greater certainty of the timing of consent than a standard RMA process should it progress to an Environment Court appeal. This will enable the benefits of the Project to be realised far faster than would otherwise be the case – potentially a saving of more than two years. This is considered to be especially important given the current housing crisis that New Zealand, and in particular Auckland, is facing.

Works are able to begin promptly after consent is obtained. Assuming consent is obtained in September 2022 works could begin immediately. The Project would then be developed in a staged manner over 4 to 6 years from commencement.

Delayed consenting under the standard RMA process will impact the cost of the Project and therefore how it may proceed. If the Project cannot proceed at pace the ability to source contractors and construction supplies could be significantly impacted and / or delayed. If the Project proceeds through usual RMA processes it will:

- (a) miss multiple summer earthworks periods, and may miss more, depending on how appeals progress, including corresponding seasons for any required planting;
- (b) more than likely be subject to increased material and contractor costs which may require the design and feasibility of the Project to be revisited. As detailed in the economic benefits during construction above, there are supply chain issues currently affecting the construction industry. These pressures are expected to continue to build over time in the current environment. Annual building costs have increased by 4.5% since the start of the year;<sup>[8]</sup> and
- (c) delay necessary housing stock being added to the Auckland market.

[8] CoreLogic, *Cordell Housing Price Index*, June 2021.

Whether the project may result in a 'public benefit':

Examples of a public benefit as included in Section 19(d) of the Act are included below as prompts only.

Employment/job creation:

The Project will result in 1,112 full time equivalent ("**FTE**") employees over the various stages of construction. For example, construction of Stage 1a and Stage 1b is expected to provide 166 FTE jobs. This number of FTE jobs is expected to increase the following year as further stages are undertaken and is anticipated to peak at 420 FTE in 2025. Further, once indirect and induced effects are provided for it is anticipated that 3,335 FTE jobs would be provided over the life of the Project.



#### Housing supply:

The Project will result in approximately 370 residential dwellings and / or retirement village units being constructed. It is proposed that a variety of dwelling types will be constructed including detached dwellings, terrace houses, apartments and retirement units. These varying typologies will result in dwellings of different sizes and therefore varying levels of affordability. It is envisaged that the resulting dwellings will be attractive and economically feasible for a wide range of the population including young, old and families.

The Project will provide housing capacity to meet residential demand in a timely manner which will assist in enabling home ownership. Higher density residential apartments translate to lower priced units (all else being equal) and subsequently lower housing costs, due to the lower amount of land on a per dwelling basis. The Project therefore provides greater opportunities for more affordable housing (in a relative sense) compared with no development proceeding. Under the fast-track scenario, the dwellings are likely to come to market earlier, helping alleviate a housing shortfall in the short term and helping ensure demand is met at as low a price as possible.

#### Contributing to well-functioning urban environments:

The Project contributes to a well-functioning urban environment, albeit a greenfield site within an existing suburban environment. In this regard, while the Site has no development on it, it is surrounded by urban development and includes all the key infrastructure required to facilitate urban development, with some local upgrading. The intention behind the design philosophy is that the proposed residential population is housed in a variety of typologies spread throughout the Site, whilst ensuring a high level of connectivity and high quality outdoor open spaces and linkages to the public transport network. Connections to the water supply, wastewater and stormwater network are available in order to meet the demands of future occupants. Further, the Project is supported by the range of employment, transport and amenity options within easy access of the Site. Important new pedestrian and cycleway connections will be delivered to integrate the Site with the neighbouring areas. As a result, the proposed development will positively contribute to a well-functioning urban environment.

#### Providing infrastructure to improve economic, employment, and environmental outcomes, and increase productivity:

This criterion is of limited application to this proposal. The Project can be serviced by existing infrastructure networks with only localised upgrades are required.

#### Improving environmental outcomes for coastal or freshwater quality, air quality, or indigenous biodiversity:

The Project will have no adverse environmental impact on the coastal environment. In terms of freshwater quality, while the pond will be relocated, it is proposed to manage stormwater quantity and quality in order to improve stormwater discharge outcomes in the locality. The development will also result in high quality landscaped outcomes throughout the Site including significant planting on the open spaces areas. The landscaping will improve indigenous biodiversity and will result in a variety of ecosystems eventually establishing on Site.

#### Minimising waste:

The Project will include a comprehensive waste management system whereby waste will be separated into general waste, recycling and food waste. The applicants intend to develop a Waste Management Plan for the development, which will also include a minimisation plan. The plan will calculate the waste envisaged from the development based on activity types and numbers of bedrooms per unit. Options for water reuse within the development are available, including stormwater reuse within the buildings for toilets and within the laundry.

FRL is well progressed on their regenerative construction and waste reduction journey:

1. FRL completed a waste reduction trial on two homes in Te Uru, Hobsonville Point, Auckland which achieved a 60% waste diversion rate.
2. FRL has changed to Green Gorilla as its Auckland-based waste management provider who achieve 70% waste diversion from landfill rate.
3. FRL introduced plasterboard separation bags at all of their developments. After 1 year this has resulted in 100% recovery of 153 tonnes of gypsum.
4. FRL has introduced smaller skip bins to make contractors more aware of how much construction waste is being thrown out and is running an education and awareness initiative on their projects.
5. FRL is investigating circular economy principles associated with the life cycle of MDF used in our kitchen and bathrooms through XLabs Circular Economy Lab, organised by Auckland Unlimited.
6. FRL completed a first cut material audit so we can actively engage with our supply chain to reduce or eliminate unnecessary packaging to site.
7. FRL has recently provided construction waste data and plans to support a Massey University, BRANZ and Auckland Council collaborative project to establish a waste calculation tool for industry use.
8. FRL is working with its offsite manufacturing business (Clevercore) to deliver some of its housing typologies. The offsite manufacturing process speeds up construction, and is far more sustainable than traditional on-site construction. Clevercore's design and production manufacturing process delivers measurable, significant savings in material waste and therefore environmental impact. There are several ways this occurs:
  - o Firstly, the design process aims to maximise the use of the major material components with efficient design.
  - o The residual wood waste is used as a substitute for coal in the kiln firing process in the production of cement. In addition to this the H1.2 timber treatment used in LVL timber framing is treated with AZOTEC. This timber treatment has been developed in NZ and does not contain a wet solvent treatment. This offers equal durability performance to traditional treatments with the addition of health benefits for constructors and ultimately the homeowner.
  - o The factory Computer Numerical Control (ie CNC) machining process virtually eliminates mistakes and rejects.
  - o All materials for manufacturing are stored and used in the factory so this eliminates the risk of weather damage.
  - o What waste is produced is contained and isolated from the external environment (ie it can't blow or wash away).

Contributing to New Zealand's efforts to mitigate climate change and transition more quickly to a low-emissions economy (in terms of reducing New Zealand's net emissions of greenhouse gases):

As vehicle emissions are one of New Zealand's largest source of carbon emissions, it is considered important to promote a compact urban form and modes of transport other than private vehicles.

The Project involves an intensification of an established urban area. While a greenfield site, the Project promotes a compact urban form, which has accepted climate change benefits. Further, promoting active modes of transport has two-fold benefit of reducing emissions and also reducing congestion on city streets. This in turn frees up road space for public transport, cyclists and pedestrians. In support of this and as noted above in this application, the Site has excellent access to public transport and the development itself will provide high quality pedestrian and cyclist access through and within the Site in order to further support non-private vehicle modes of transport.

In addition, the new buildings will be efficient to heat given FRL's construction methodologies and energy efficient materials. Thermal comfort will be optimised during design through software analysis / modelling to minimise the effects of high solar gains and high heat losses.

For example, the design response will provide a good balance of high-performance glazing systems with insulated spandrels.

FRL incorporate the sustainable fixtures into every home so people spend water and energy, and less money heating and cooling. These include:

1. Insulation levels that are higher than Building Code, carefully considered for thermal and acoustic requirements.
2. Double glazed windows.
3. Energy efficient heat pumps that comply with the Healthy Homes Act.
4. Kitchens and bathrooms with extractor fans.
5. Insulated hot water cylinders.
6. Taps which achieve WELS 4-star rating.
7. Dual flushing toilets with a maximum volume of 4.5 litres.
8. Energy and water efficient appliances.
9. LED lighting selections throughout.

Promoting the protection of historic heritage:

There are no items of historic heritage identified on the Site. This is confirmed in the assessment undertaken by Clough and Associates.

Strengthening environmental, economic, and social resilience, in terms of managing the risks from natural hazards and the effects of climate change:

The key natural hazard that the Project may be subject to is land instability. As a result, a geotechnical report has been commissioned. This report confirms that subject to standard construction design and methodologies that the proposed development will be acceptable from a geotechnical perspective. Further detailed analysis will be undertaken as part of any building consent process in the future.

The Site is not subject to flood, coastal inundation, tsunami or storm surge hazard risk.

Other public benefit:

The public benefits of the application have been fully canvassed above in this application and it is considered that the development will result in a wide range of public benefits.

With regard to the racing industry, the Messara Report has confirmed that racing clubs across New Zealand need to rationalise assets in order to maintain ongoing prosperity. While ATR has been rationalising assets for some time, it is understood that rationalisation of the industry will yield long-term benefits for the wider industry.

The wider thoroughbred industry employs approximately 10,000 people.[9] The development of The Hill will enable a significant increase in the value of stakes being able to be paid to trainers and breeders. Greater stakes will result in additional revenue that will be able to be passed down to trainers, breeders, and other parts of the industry. This is expected to boost the overall retention and creation of jobs in the racing industry.

Additionally, the Project will enable the development of the infield which will include the construction of another larger irrigation pond to water the track. This will avoid the need to utilise water from the reticulated network for this purpose thereby reducing demand on the Auckland region's scarce water supplies. Further, it is proposed to collect roof water from the buildings within the Site and divert this to the pond. In addition, surface water from the new infield carpark will be treated and pumped to the irrigation pond. This approach to water re-use will also result in public benefits.

[9] *Review of the New Zealand Racing Industry*, John Messara AM (31 July 2018), at p 6, available at: [https://www.dia.govt.nz/vwluResources/Racing-Report-August-2018/\\$file/Review-of-the-NZ-Racing-Industry-Report.pdf](https://www.dia.govt.nz/vwluResources/Racing-Report-August-2018/$file/Review-of-the-NZ-Racing-Industry-Report.pdf).

Whether there is potential for the project to have significant adverse environmental effects:

The Project will not generate significant adverse environmental effects. This is addressed in detail earlier in this application and will be addressed in detail in any application for consent, should the Minister accept the Project for referral.

With regard to greenhouse gas emissions, the Project will not result significant greenhouse emissions as it involves medium to high density residential development constructed to achieve green star ratings for energy efficiency. Further, the development is in close proximity to two train stations. All these factors will contribute to reducing greenhouse gas emissions.

## Part X: Climate change and natural hazards

Description of whether and how the project would be affected by climate change and natural hazards:

The key natural hazard that the Project may be subject to is land instability. As a result, a geotechnical report has been commissioned. This report confirms that subject to standard construction design and methodologies that the proposed development will be acceptable from a geotechnical perspective.

With regard to climate change, the Project helps give effect to the strategy of a 'quality, compact urban form' as defined in the Auckland Plan 2050 and the development maximises efficient use of land and is within walking distance of the train stations, employment and shopping destinations and education, and recreation facilities. Given these elements, it is considered the proposed development will result in lower carbon emissions than a standard development would and therefore would have a positive effect on carbon emissions and support the governments decarbonization goals.

## Part XI: Track record

A summary of all compliance and/or enforcement actions taken against the applicant by a local authority under the Resource Management Act 1991, and the outcome of those actions:

Local authority	Compliance/Enforcement Action and Outcome
Auckland Council	Correspondence regarding unreasonable noise generation issued to the former Auckland Racing Club in 2006. This issue was resolved.
Auckland Council	Abatement notice issued to Pukekohe Park Limited in 2012 for discharging smoke and odour from a motor vehicle drifting event. This issue was resolved.

## Part XII: Declaration

I acknowledge that a summary of this application will be made publicly available on the Ministry for the Environment website and that the full application will be released if requested.

By typing your name in the field below you are electronically signing this application form and certifying the information given in this application is true and correct.

## Important notes:

- Please note that this application form, including your name and contact details and all supporting documents, submitted to the Minister for the Environment and/or Minister of Conservation and the Ministry for the Environment, will be publicly released. Please clearly highlight any content on this application form and in supporting documents that is commercially or otherwise sensitive in nature, and to which you specifically object to the release.
- Please ensure all sections, where relevant, of the application form are completed as failure to provide the required details may result in your application being declined.
- Further information may be requested at any time before a decision is made on the application.
- Please note that if the Minister for the Environment and/or Minister of Conservation accepts your application for referral to an expert consenting panel, you will then need to lodge a consent application and/or notice of requirement for a designation (or to alter a designation) in the approved form with the Environmental Protection Authority. The application will need to contain the information set out in Schedule 6, clauses 9-13 of the Act.
- Information presented to the Minister for the Environment and/or Minister of Conservation and shared with other Ministers, local authorities and the Environmental Protection Authority under the Act (including officials at government departments and agencies) is subject to disclosure under the Official Information Act 1982 (OIA) or the Local Government Official Information and Meetings Act 1987 (LGOIMA). Certain information may be withheld in accordance with the grounds for withholding information under the OIA and LGOIMA although the grounds for withholding must always be balanced against considerations of public interest that may justify release. Although the Ministry for the Environment does not give any guarantees as to whether information can be withheld under the OIA, it may be helpful to discuss OIA issues with the Ministry for the Environment in advance if information provided with an application is commercially sensitive or release would, for instance, disclose a trade secret or other confidential information. Further information on the OIA and LGOIMA is available at [www.ombudsman.parliament.nz](http://www.ombudsman.parliament.nz).

## Checklist

Where relevant to your application, please provide a copy of the following information.

No	Correspondence from the registered legal land owner(s)
No	Correspondence from persons or parties you consider are likely to be affected by the project
No	Written agreement from the relevant landowner where the project includes an activity that will occur on land returned under a Treaty settlement.
No	Written agreement from the holder of the relevant customary marine title order where the project includes an activity that will occur in a customary marine title area.
No	Written agreement from the holder of the relevant protected customary marine rights recognition order where the project includes an activity that will occur in a protected customary rights area.

Released under the provision of  
the Official Information Act 1982