



BRF-1049

24 February 2022

Auckland Thoroughbred Racing Incorporated and
Fletcher Residential Limited (trading as Fletcher Living)
c/- Alice Gilbert
Solicitor
Russell McVeagh
s 9(2)(a)

Dear Alice Gilbert

COVID-19 Recovery (Fast-Track Consenting) Act 2020 – Notice of Decisions (Section 25) – The Hill – Ellerslie

Thank you for the application from Auckland Thoroughbred Racing Incorporated and Fletcher Residential Limited (trading as Fletcher Living) under section 20 of the COVID-19 Recovery (Fast-track Consenting) Act 2020 (FTCA) seeking referral of The Hill – Ellerslie project to an expert consenting panel (a panel) for consideration under the FTCA.

The project is to subdivide part of the Ellerslie Racecourse property and construct a housing development consisting of approximately 370 residential units in a mix of detached, duplex and terrace houses from 1–3 storeys high and five apartment buildings 6–7 storeys high at 100 Ascot Avenue, Greenlane, Auckland. One of the apartment buildings will be designed for the active retired market. The Project will also create open space areas, private access lots, pedestrian and cycle accessways, together with public roads intended to vest in Auckland Council.

The purpose of the FTCA is to 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.

I can only refer the project to a panel for consideration under the FTCA if it meets the referral criteria in section 18 of the FTCA, which includes me being satisfied the project will help achieve the FTCA's purpose.

I have decided the project meets the referral criteria in section 18 of the FTCA and I consider it will help to achieve the FTCA's purpose as it has the potential to:

1. have positive effects on social well-being by generating employment and providing a diverse range of housing types, including terraced housing (which has the potential to be a lower-priced housing option)

2. generate employment by providing approximately 61 direct full-time equivalent (FTE) jobs in planning, design and consenting during years 1-3 and approximately 1,051 direct FTE jobs in construction during years 3-7
3. increase housing supply through the provision of approximately 370 residential units
4. progress faster than would otherwise be the case under standard Resource Management Act 1991 process

Any actual and potential effects arising from the project, together with any measures to avoid, remedy, mitigate, offset or compensate for adverse effects, could be tested by a panel against Part 2 of the Resource Management Act 1991 and the purpose of the FTCA (section 4 and clause 31 Schedule 6).

Accordingly, I have decided to accept your application for referral under section 24(2) of the FTCA and refer all of the project to a panel.

Information required to be submitted with your resource consent applications

In accordance with section 24(2)(d) of the FTCA, I have also decided that you must provide the information listed in Appendix A of this letter with any resource consent application for the project lodged with the Environmental Protection Authority (EPA) under clause 2 Schedule 6.

I draw your attention to clause 14 Schedule 6 of the FTCA that details that the above information must be provided in sufficient detail to correspond to the scale and significance of effects. You should therefore provide what you believe is a reasonable level of information, and if a panel requires further information, they can seek it from you under clause 25 Schedule 6 of the FTCA.

This information will inform a panel's assessment of the proposal's effects and whether to invite comment from persons or groups in addition to those specified in clause 17 Schedule 6 of the FTCA. This does not preclude a panel from requiring you to provide any additional information on any application lodged with the EPA under the FTCA.

Persons or groups a panel must invite comments from

In accordance with section 24(2)(e) of the FTCA, I have also decided that a panel must invite comments on any resource consent application for the project lodged with the EPA from the persons and groups, additional to those specified in clause 17 Schedule 6 of the FTCA, who are listed in Appendix A of this letter.

This will allow those parties the opportunity to have input into the consideration of the application and enable a panel to better understand the potential effects of the proposal.

These directions do not preclude a panel from inviting any other parties to comment on any application lodged with the EPA under the FTCA.

I will progress an Order in Council through the Executive Council for the project. The wording of the referral order may vary slightly from the statements and directions included in this letter, due to legal drafting requirements.

Once this Order is made you will be able to lodge your applications for resource consent with the EPA for a decision by a panel. The decision to approve or decline the resource consents

is a matter for the panel appointed by the Panel Convener Judge L J Newhook. You should not take my decision to refer the project as an indication or direction that the determination of those approvals will be successful. Additionally, my decision does not in any way endorse any related or concurrent planning decisions such as zoning decisions that may affect the project.

Please do not publicly release my decision or this notice until the Order in Council for this project has been approved by Cabinet and notified in the New Zealand Gazette.

The FTCA requires that:

1. I provide a copy of my decisions to the persons, entities and groups specified in section 25(1) and (2) of the FTCA
2. My decisions, the reasons for them, and the Section 17 Report will be published on the Ministry for the Environment's website in accordance with section 25(3) of the FTCA.

In addition, I have also decided to provide a copy of this decision to the following parties:

1. Ngāti Koheriki Claims Committee
2. Minister for Seniors

Please contact the Fast-track Consenting Team at the Ministry for the Environment (fasttrackconsenting@mfe.govt.nz) if you have any questions or wish to discuss this decision.

Yours sincerely



Hon David Parker
Minister for the Environment

cc Relevant Ministers of/for portfolios specified in section 21(6)(a)–(m) FTCA:

Infrastructure; Māori Crown Relations—Te Arawhiti; Housing; Education; Arts, Culture, and Heritage; Treaty of Waitangi Negotiations; Local Government; Land Information; Defence; Transport; Conservation; and Climate Change

Additional relevant Ministers:

Minister for Racing
Minister for Seniors

Local authority:

Auckland Council

Other parties:

Ngāti Koheriki Claims Committee
Auckland Transport
Watercare Services Limited

Relevant iwi authorities:

Makaurau Marae Māori Trust
Ngā Maunga Whakahii o Kaipara Development Trust
Ngaati Whanaunga Incorporated Society
Ngāi Tai ki Tāmaki Tribal Trust
Ngāti Maru Rūnanga Trust
Ngāti Paoa Iwi Trust
Ngāti Paoa Trust Board
Ngāti Tamaoho Trust
Ngāti Tamaterā Treaty Settlement Trust
Ngāti Whātua Ōrākei Trust Board
Te Ākitai Waiohūa Iwi Authority
Te Ara Rangatu o Te Iwi o Ngāti Te Ata Waiohūa
Te Kawerau Iwi Settlement Trust
Te Kupenga o Ngāti Hako Incorporated
Te Patukirikiri Iwi Trust
Te Rūnanga o Ngāti Whātua
Te Whakakitenga o Waikato Incorporated

Relevant Treaty settlement entities:

Ngāti Whātua Ōrākei Trustee Limited
Te Kawerau Iwi Settlement Trust
Ngāi Tai ki Tāmaki Trust
Ngāti Tamaoho Settlement Trust
Te Patukirikiri Iwi Trust
Ngāti Paoa Iwi Trust
Te Ākitai Waiohūa Settlement Trust
Ngāti Maru Rūnanga Trust
Ngāti Tamaterā Treaty Settlement Trust
Hako Tūpuna Trust
Ngaati Whanaunga Ruunanga Trust

Environmental Protection Authority

The Panel Convener

Appendix A – Requirements specific to application lodged by Auckland Thoroughbred Racing Incorporated and Fletcher Residential Limited (trading as Fletcher Living)

Information required to be submitted with your application

In accordance with section 24(2)(d) of the FTCA, I have also decided that you must provide the following information with any application:

- a detailed assessment of:
 - the capacity of the existing infrastructure for three-waters services to service the completed Project
 - what upgrading is required to that infrastructure to service the completed Project
 - how any upgrading is to be funded
- a stormwater assessment and a draft stormwater management plan along with information about discussions held and any agreements made with the Auckland Council Healthy Waters department regarding stormwater management
- an ecological assessment which addresses the effects of increased stormwater flows from the Project site on the Waatarua Reserve wetland
- an integrated transport assessment, including:
 - an assessment of how the Project will support both public modes of transport and active modes of transport such as cycling and walking
 - an assessment of the impact of the Project on the area surrounding the Project site and the local transport network, including traffic safety issues that may arise during or after the construction phase
- in relation to the land in the Project site, a report on a preliminary site investigation and, if required, on a detailed site investigation, within the meaning of the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011, that shows how the requirements of those regulations will be met.

Persons or groups a panel must invite comments from

In accordance with section 24(2)(e) of the FTCA, I have also decided that a panel must invite comments on any consent application for the project from the following additional persons or groups:

- Ngāti Koheriki Claims Committee
- Auckland Transport
- Watercare Services Limited
- Minister for Racing
- Minister for Seniors