







# Comments on applications for referral under the COVID-19 Recovery (Fast-track Consenting) Act 2020

*This form is for local authorities to provide comments to the Minister for the Environment on an application to refer a project to an expert consenting panel under the COVID-19 Recovery (Fast-track Consenting) Act 2020.*

Local authority providing comment	Greater Wellington Regional Council
Contact person (if follow-up is required)	Shaun Andrewartha – s 9(2)(a)
	Josh Pepperell – s 9(2)(a)
	Click or tap here to enter text.

## Comment form

Please use the table below to comment on the application.

Project name	Otaki Māori Racecourse Development Project
General comment – potential benefits	The addition of housing stock and typologies will have positive benefits for Otaki and the region.
General comment – significant issues	<p>As GWRC will be responsible for the compliance, monitoring, and enforcement of the consent (if granted), we request that the conditions of consent are consistent with similar developments consented by GWRC around the Region. We strongly encourage the applicant to consult with GWRC prior to lodgement to ensure a fit for purpose draft set of conditions is submitted with the application (if accepted).</p> <p>In regard to the policy framework and in addition to those matters outlined in S104 of the RMA, the proposal should demonstrate consistency with the Wellington Regional Growth Framework and the most recent notified changes to the Regional Policy Statement, particularly as it relates to density and transport.</p>
Is Fast-track appropriate?	GWRC does not hold any concerns with the suitability of the proposal for the Fast-track consenting process. However, we note further consultation with GWRC in relation to wetland delineation should occur.
Environmental compliance history	Otaki Revisited Limited do not have any recorded compliance history with Greater Wellington Regional Council.
Reports and assessments normally required	<ul style="list-style-type: none"> <li>- <b>Erosion Sediment Control Plan (ESCP)</b> At a minimum a <i>draft</i> ESCP should be submitted with the application and should be specific to the application site. This document should be prepared in accordance with the Erosion and Sediment Control Guidelines for the Wellington Region.</li> <li>- <b>Operational Stormwater Report</b> Water Sensitive Urban Design measures will be required to minimise contaminants discharge from the site. Policies P83 and P84 of the Proposed Natural Resource Plan provide guidance for preparing this report.</li> <li>- <b>Ecological/Hydrological assessment</b> This assessment should include the identification and delineation of all natural wetlands and streams on site and assess the potential effects (including hydrological</li> </ul>

	<p>changes, loss of habitat and any mitigation and offsetting measures). A hydrological assessment should be provided to assess if the proposed works will result in complete or partial drainage of any natural wetlands identified on site.</p> <ul style="list-style-type: none"> <li>- <b>Detailed Site Investigation (DSI) for Contaminated Land</b> Although not listed on GWRC's SLUR database, it is likely part of the site is contaminated. A DSI (in accordance with NES:CS) would normally be required with an application of this nature.</li> <li>- <b>Contaminated Site Management Plan (CSMP)</b> There is potential that part of the site is contaminated. Therefore, a CSMP should be submitted in draft form as part of the application (if contamination is confirmed through the DSI).</li> </ul>
<b>Iwi and iwi authorities</b>	<p>Ngāti Toa Rangatira Ngā Hapū ō Ōtaki</p>
<b>Relationship agreements under the RMA</b>	N/A
<b>Insert responses to other specific requests in the Minister's letter (if applicable)</b>	<p><b>Are there any reasons that you consider it more appropriate for the project, or part of the project, to proceed through existing Resource Management Act 1991 (RMA) consenting processes rather than the processes in the FTCA?</b></p> <p>Greater Wellington considers it appropriate for the project to process through the FTCA.</p> <p>The matters that need to be addressed through a regional consenting process are typical of other large scale urban developments in the region.</p> <p>We do seek that the conditions imposed on the consent (if granted) are consistent with conditions imposed on other similar developments, and sufficient to manage the adverse environmental effects from the development.</p> <p><b>What reports and assessments would normally be required by the council for a project of this nature in this area?</b></p> <p>See above</p> <p><b>Does the applicant, or a company owned by the applicant, have any environmental regulatory compliance history in your region?</b></p> <p>See above</p>
<b>Other considerations</b>	N/A

Note: All comments, including your name and contact details, will be made available to the public and the applicant either in response to an Official Information Act request or as part of the Ministry's proactive release of information. Please advise if you object to the release of any information contained in your comments, including your name and contact details. You have the right to request access to or to correct any personal information you supply to the Ministry.

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*This form is for local authorities to provide comments to the Minister for the Environment on an application to refer a project to an expert consenting panel under the COVID-19 Recovery (Fast-track Consenting) Act 2020.*

<b>Local authority providing comment</b>	Kapiti Coast District Council
<b>Contact person (if follow-up is required)</b>	Eloise Carstens
	Resource Consents and Compliance Manager
	s 9(2)(a)

## Comment form

Please use the table below to comment on the application.

<b>Project name</b>	Otaki Maori Racecourse Development Project
<b>General comment – potential benefits</b>	<p>Like many areas in New Zealand, the Kāpiti Coast District is experiencing increasing demand for housing, pressure on its public housing services and increasing need for a range of affordable housing options.</p> <p>In Kāpiti, this demand is being driven in part by improving transport infrastructure, strong population growth and until recently, impact of Covid 19.</p> <p>Kāpiti is severely under serviced by social, transitional and affordable housing options. Currently there are approximately 200 social housing units (for a population of 56000) across the district managed by central government and community housing providers.</p> <p>There is high demand and need for housing across the district, including the Otaki area. This development would help meet demand for standalone and medium density developments across the Otaki area. In particular, the provision of smaller to medium density development typologies would help improve choice to better meet and better reflect demand in the Otaki area, which has a high rate of single and couple occupant household.</p> <p><b>Economic Output Building and Construction sector</b></p> <ul style="list-style-type: none"> <li>- The Building and Construction sector is a significant employment sector and contributor of GDP to the local economy.</li> <li>- The Building and construction industry contributed \$214m towards GDP in Kapiti Coast District in the year to March 2020. This amounted to 9.8% of Kapiti Coast District's total economic output in 2020, up from 8.4% in ten years prior.</li> <li>- Economic output in Kapiti Coast District's Building and construction industry grew by 3.2% in the year to March 2020 compared with growth of 1.9% in the industry nationally.</li> </ul>

	<ul style="list-style-type: none"> <li>- Growth in the Building and construction industry in Kapiti Coast District has averaged 3.6% since 2000. Growth peaked at 12.1% in 2016.</li> <li>- The Building and construction industry employed 2,923 persons in Kapiti Coast District in the year to March 2020, which was up from 2,173 in ten years prior.</li> <li>- Employment growth in Kapiti Coast District's building and construction industry averaged 2.9% in the year to March 2020, compared with growth of 3.0% in the industry nationally.</li> </ul> <p><b>Summary</b></p> <p>The Kapiti Coast District will benefit substantially from the provision of an increase in housing, at appropriate locations, where it can be serviced and developed in a sustainable manner. The proposal would result in a number of new units, both medium density as well as stand alone, increasing the range and options availability to the District's residents and contributing to the economic growth of the District through construction activities, employment and flow on benefits.</p>
<p><b>General comment – significant issues</b></p>	<p>The proposed site is zoned "Rural Production Zone", the objectives and policies for this zone anticipate the protection of horticulture activities, rural character and amenity as well as minimise landform modification.</p> <p>Potential issues identified include:</p> <ul style="list-style-type: none"> <li>• Loss of rural character and amenity,</li> <li>• Loss of primary production activities/ potential loss of rural production land.</li> <li>• Ad hoc development in the absence of a structure plan for the wider area.</li> <li>• The creation of residential style lots in a rural zone creating on-going non compliances with the District Plan which has standards designed for rural properties such as setbacks from boundaries which would restrict future owners of the lots (for example the rural side yard setback is 5m and the front yard setback is 10m, therefore, if a future owner wanted to construct a new shed or other structure or building they would need to apply for a resource consent to not meet these).</li> <li>• Reverse sensitivity effects.</li> <li>• Any development would need to ensure that it supports different mode uses such as cycling and walking which is integrated into the surrounding area to ensure that the development has good connectivity to public transport and the Otaki town centre. As the site is located within a rural area and a significant amount of residential units are proposed connectivity is a major consideration.</li> <li>• The capacity of the existing water and wastewater network for this area is currently unknown as it is not within the modelled residential zone.</li> <li>• Greater Wellington Regional Council approvals confirming acceptability of proposed flood hazard solutions given residual overland flows which exist over the property.</li> <li>• The development would need to be supported by an appropriate and inclusive stormwater management strategy.</li> <li>• Effects of the flood hazards (Ponding/ Stream Corridor/ Residual Ponding and Residual Overflow Path) and existing flood issues within the area which is highly sensitive to any development upstream.</li> <li>• Effects of the stormwater discharge from the site on the wider environment.</li> <li>• Effects on the adjoining sites which include the Otaki Quarry which buffers the site and the Otaki River.</li> </ul>

	<ul style="list-style-type: none"> <li>• The appropriate mitigation of the flood hazards relating to infrastructure and given the significant flood hazards be able to achieve hydraulic neutrality, even considering attenuated conveyance away from site.</li> <li>• Demonstrate that the proposed earthworks at the site to create flood free building sites (as required by our Policy) does not have any adverse effects on the neighbouring land with flooding issue.</li> <li>• All new or relocated residential buildings where potable public water supply is available should supply rainwater storage tanks as per KCDC district plan requirements</li> <li>• At the building consent stage Council will expect the ponding to be addressed and the FFL will have to be above the expected ponding levels. Depending on whether the hazard has been mitigated at development stage, if not, this may result in a 72 notice being placed on the Record of Title. (refer to section 71 to 74 of the Building Act)</li> <li>• When applying for the building consent application for the earthworks and civil works, the applicant must ensure all documentation provided to Council aligns with the documentation that is in the Resource consent application, so as not to cause delays with either application</li> <li>• If the development is remaining in private ownership, the following needs to meet the requirements of Building Code and require a building consent. <ul style="list-style-type: none"> <li>○ site works associated with development,</li> <li>○ infrastructure- roading, waste water, stormwater and water supply</li> <li>○ fire fighting</li> </ul> </li> </ul> <p>While the above issues have been identified, they potentially are able to be mitigated through the design of the development, addition information, infrastructure modelling and upgrades where necessary as well as conditions of consent, if the development was considered appropriate to proceed.</p> <p>Although in close proximity to a residential area, when considering this sites location, this development would be a significant departure to what could be generally anticipated for the site and the zone. We would expect that all neighbouring properties are consulted with, and the effects on them in terms of lost rural character and amenity as well as construction and other effects, are considered. Council has a responsibility to all rate payers in the District to ensure that they have the opportunity to be heard in the resource consent decision making process where the proposal has the potential to adversely affect their property.</p>
<p><b>Is Fast-track appropriate?</b></p>	<p>Council considers that overall, the proposal is appropriate to proceed through the Fast Track process, as opposed to a Council run resource consent process, provided that the rights and interest of the neighbouring property owners, are not compromised. As these parties would lose the right to appeal should this application proceed via fast track, their interests and any concerns would need to be fully considered and addressed through the process.</p> <p>Council does have concerns with regards to restrictions that the current zoning of the land presents. This is in relation to current infrastructure servicing and the development of a rural property for residential uses which has not factored into Council's planning to date, of which Council is working through as part of the Infrastructure Acceleration Fund process.</p>

<b>Environmental compliance history</b>	No formal enforcement or compliance action has been undertaken against this developer, but we have fielded some enquiries previously.
<b>Reports and assessments normally required</b>	<p>The following reports and assessments would normally be required:</p> <ul style="list-style-type: none"> <li>- Environmental Management Plan</li> <li>- Integrated Transport Assessment Report (ITA)</li> <li>- Earthworks and Sediment Control Assessment</li> <li>- Landscape and Visual Effects Assessment</li> <li>- Land Productivity Report</li> <li>- Ecological Impact Assessment</li> <li>- Infrastructure Assessment and Stormwater Management Plan</li> <li>- Archaeological Assessment</li> <li>- Cultural Impact Assessment</li> <li>- Landscape and Architectural Plans and Site Plans.</li> <li>- Geotechnical Assessment</li> <li>- Reserves Management Plan</li> <li>- Detailed Water and Wastewater modelling</li> <li>- Stormwater: <ul style="list-style-type: none"> <li>o Concept Plan with supporting design statement (including site investigation, catchment plan and calculations, hydraulic modelling [Q2, Q5, Q10 and Q100] and comprehensive engineering detail [incorporating projected climate change] demonstrating hydraulic neutrality, seasonal groundwater levels, flood hazard mitigation, secondary flow paths, and the disposal, conveyance and treatment of stormwater.</li> <li>o Ground truthing of land elevations</li> <li>o Hydraulic Modelling</li> <li>o Engineering design confirmed via modelling</li> <li>o The development proposed for the site needs to be supported by a stormwater management strategy which integrates with all other aspects of site planning. The management strategy / concept shall include: <ul style="list-style-type: none"> <li>➤ All watercourses to remain in a natural state wherever possible, with adequate space provided to allow the water to flow and for access to maintenance, and that opportunities for enhancement are identified.</li> <li>➤ The seasonal fluctuation and increasing ground water levels considered, and confirmed through soakage tests, for all proposed stormwater management devices.</li> <li>➤ The proposed on-site management and treatment devices (swales, centralised wetlands, raingardens) to be provided with adequate space, safe access for machinery and future maintenance, and safe conveyance of flows in the event of failure or the device being overwhelmed. Applicant to provide detail.</li> <li>➤ Applicant to clearly indicate which stormwater management devices will be privately maintained and which devices will be vested to council.</li> <li>➤ Provide a whole of life costing, and maintenance plan for the devices and any proposed flood storage devices.</li> <li>➤ The Land Development Minimum Requirements [LDMR] requires everything from 50% to 1% AEP design storm to be hydraulically neutral. Applicant to provide detailed evidence and supporting engineering calculations at lot level and for the site. The implications of development on adjoining land are based on replicating the pre-development hydrological regime.</li> </ul> </li> </ul> </li> </ul>

	<ul style="list-style-type: none"> <li>➤ What storm event will the culverts under the proposed roads be designed to?</li> <li>➤ What is proposed will need to be established through hydraulic modelling [by a suitably qualified and experienced person]</li> <li>➤ No SW model has been provided along with the infrastructure report. Only the WW model has been provided by HAL. Evidence is required to show that the proposed stormwater methodologies have no impact on the existing flooding issues downstream</li> </ul>
Iwi and iwi authorities	Ngati Hapu o Otaki
Relationship agreements under the RMA	<p>Council has a Memorandum of Partnership with the three iwi authorities for the District:</p> <ul style="list-style-type: none"> <li>- Te Runanga o Toa Rangatira Inc</li> <li>- Ātiawa ki Whakarongotai Charitable Trust</li> <li>- Nga Hapu o Otaki</li> </ul>
Insert responses to other specific requests in the Minister's letter (if applicable)	<p>1. <u>Are there any reasons that you consider it more appropriate for the project, or part of the project, to proceed through existing Resource Management Act 1991 (RMA) consenting processes rather than the processes in the FTCA?</u></p> <p><b>Response:</b> As above, provided that the interest of the residents of the District that are potentially affected by the proposal are taken into account in decision making, the Council considers that the Fast Track process is appropriate when compared to a Council led resource consent process.</p> <p>2. <u>What reports and assessments would normally be required by the Council for a project of this nature in this area?</u></p> <p><b>Response:</b> As set out above</p> <p>3. <u>Does the applicant, or a company owned by the applicant, have any environmental regulatory compliance history in your district?</u></p> <p><b>Response:</b> No known issues</p> <p>4. <u>The infrastructure assessment provided with the application details that off-site upgrades and/or new infrastructure to support the project are required for wastewater and water supply. The infrastructure assessment and application states that Council has received funding from Kainga Ora under the Infrastructure Acceleration Fund (IAF) for all new and upgraded infrastructure required to support the project, and that the infrastructure works will be programmed to align with the delivery of the project. Please provide confirmation that Council has funding to deliver all required infrastructure to support the project and is committed to doing so within the timeframes outlined by the applicant for project delivery.</u></p> <p><b>Response:</b> On 21 July 2022, Minister Woods announced that Council had received a \$29.3 million government contribution towards infrastructure to enable approximately 1,000 new homes to be built in Ōtaki. The funding will be delivered over a period of 10 years and will contribute towards three water and roading infrastructure. The OMRC development was one of three development</p>

	<p>projects / sites included in the Infrastructure Acceleration Fund (IAF) application. The IAF application process involved consultation with Ngā Hapū o Ōtaki. Council will continue to work alongside Ngā Hapū o Ōtaki as the ORM development progresses.</p> <p>As a result of the IAF funding decision, Council and the Developer have proactively engaged in workshops to discuss the required infrastructure upgrades to enable the proposed development to occur. The IAF funding that relates to the OMRC development allows for upgrade works to the wastewater and potable water infrastructure. Council intends to continue working with the Developer regarding wider infrastructure and roading solutions and is prepared to enter into a Development Agreement, where appropriate, to facilitate efficient and timely coordination of infrastructure upgrade works to align with the development programme.</p> <p>5. <u>We understand the site is zoned Rural Production, contains LUC class 1 and 3 soils, and is not identified for future urban development or subject to a Council rezoning plan change, therefore meets the definition of ‘highly productive land’ under the National Policy Statement on Highly Productive Land 2022 (NPS-HPL). The applicant has provided email correspondence from Council stating “it is unlikely Council would seek to apply NPS-HPL obligations to the Ōtaki Māori Racecourse Development”. Please provide further clarification on this comment, including:</u></p> <ul style="list-style-type: none"> <li>a. <u>whether you consider the land meets the definition of highly productive land under the NPS-HPL</u></li> <li>b. <u>whether you agree with the applicant’s assessment under the NPS-HPL that there is a long-term constraint on the land that means the use of the highly productive land for land-based primary production is not able to be economically viable for at least 30 years.</u></li> </ul> <p><b>Response:</b> When considering the LUC, although being class 1 and 3 soils, the usage of the site for production is not an activity which has been practiced on the site since first established in 1886 as a racecourse. Apart from the race track itself, various sections of the site have been historically used for related activity leaving small sections of “vacant land” too small to practice intensive horticulture. In addition, the site is impacted by ponding, stream corridors and residual overflow path which further impacts the productivity potential of the site.</p> <p>Contextualising the abovementioned, there are constraints that impedes the use of the property for land based primary production as the current activity dates back to the 1880’s.</p> <p>Factoring the above-mentioned, I am of the opinion that the land does not meet the definition of highly productive land under the NPS-HPL and that the property would meet the requirements of 3.10 (exemption for highly productive land subject to permanent or long term constraints) of the NPS-HPL</p>
Other considerations	<p>Given the scale of the proposed development a broad integrated transport assessment (ITA) (as defined in NZTA Research Report 422) will be required. A broad ITA is required as the development has impacts that extends the need to consider adjacent blocks, including access from other important traffic generators nearby plus other more seemingly remote network streets and intersections. This would require strategic assessment of the location, evaluation of neighbouring land uses and transport networks, consideration of a range of travel modes, surveys and extensive traffic</p>

	modelling. It should also extend to an assessment of matters such as the degree of effect on other road users (e.g. pedestrian crossings and cycling facilities) or improving traffic facilities, including such matters as intersection upgrades and changing of speed limits (on SH1). The ITA should also include an assessment of the transport network form and geometric layout in accordance with Austroads Design Guides, NZS4404:2010 and the Councils SDPR 2012 and LDMR 2022.
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