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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	Kapiti Coast District Council
Contact person (if follow-up is required)	Vijay Soma
	Resource Consents and Compliance Manager
	s 9(2)(a)

Comment form

Please use the table below to comment on the application.

Project name	Proposed Retirement Village, Park Avenue, Waikanae (Summerset Villages Waikanae Limited)								
General comment – potential benefits	<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 (including aged care).</p> <p>In Kāpiti, this demand is being driven in part by improving transport infrastructure, strong population growth, a strong national property market and the 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>Over 65's</p> <p>Kapiti District has a large population of people aged 65 years and over, and aged 80 years and over. The proportion of the population that is aged 65 years and over is much greater in Kapiti District than it is in the wider region and country. The proportion of the population that is aged 80 years and over is especially large in Kapiti.</p> <p>Populations in 2018</p> <table border="1"> <thead> <tr> <th></th> <th>Kapiti District</th> <th>Wellington Region</th> <th>New Zealand</th> </tr> </thead> <tbody> <tr> <td>Total population</td> <td>55,200</td> <td>525,900</td> <td>4,900,600</td> </tr> </tbody> </table>		Kapiti District	Wellington Region	New Zealand	Total population	55,200	525,900	4,900,600
	Kapiti District	Wellington Region	New Zealand						
Total population	55,200	525,900	4,900,600						

Aged 65 years and over	14,200	74,200	7,349,00
Aged 80 years and over	4,080	17,630	1,723,00
Aged 65+ as % of total	25.7	14.1	15.0
Aged 80+ as % of total	7.4	3.4	3.5

Source: Statistics New Zealand

The active elderly (mainly aged between 65 and 80 years) represent a valuable resource for Kapiti District's economy, skills base and social fabric.

Economic Output Building and Construction sector

The Building and Construction sector is a significant employment sector and contributor of GDP to the local economy.

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.

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.

Growth in the Building and construction industry in Kapiti Coast District has averaged 3.6% since 2000. Growth peaked at 12.1% in 2016.

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.

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.

Summary

The Kapiti Coast District will benefit substantially from the provision of an increase in age care facilities. The proposal would result in a number of new units, including hospital care, increasing the range and options availability to the District's aged residents and contributing to the economic growth of the District through construction activities, employment and flow on benefits.

General comment – significant issues

The proposal to construct and operate a retirement village on the site is the subject of a resource consent application currently lodged with the Council and no significant issues have been identified to date relating to the areas over which the Kapiti Coast District Council has jurisdiction.

The issues that have been identified that will potentially result in effects that are minor/more than minor are those relating to construction effects, specifically the earthworks effects on neighbouring properties and the effects of construction

	<p>traffic on neighbouring residents and networks, in particular Ferndale Drive and Ngarara Road. These roads are not well designed to cater for large amounts of construction traffic over a prolonged timeframe.</p> <p>Although Council has not made a formal notification decision under the RMA a preliminary assessment has identified a number of neighbouring properties that could be potentially adversely affected by the construction component of the proposal. The adverse effects could be significantly mitigated by restricting or preventing construction traffic from using the Ferndale Drive entrance to the site, as currently proposed.</p> <p>Council has also identified Waka Kotahi (NZTA) as a party potentially affected by the proposal due to the proximity of the site from the Kapiti Expressway and potential stormwater effects.</p>
Is Fast-track appropriate?	Provided that the interest of the residents of the District that may be affected by the construction activities are taken into account in decision making, the Council considers that the Fast Track process is appropriate.
Environmental compliance history	Summerset have one Village currently operating within the District with no known compliance issues and no complaints received.
Reports and assessments normally required	<p>An application for resource consent was lodged with the Council on the 24 April 2020 and a further information request was sent on the 18 May 2020. All but one point in the further information request has been addressed by the applicant. The following reports and assessments were either provided in the application, or requested as part of the further information request:</p> <ul style="list-style-type: none"> • Neighbourhood Development Plan • Preliminary Site Investigation and detailed Site Investigation (as per the NESCS) • Environmental Management Plan • Transport Assessment • Earthworks and Sediment Control Assessment • Landscape and Visual Effects Assessment, including visual simulations • Ecological Impact Assessment • Infrastructure Assessment and Stormwater Management Plan • Archaeological Assessment • Initial Cultural Assessment from Ātiawa ki Whakarongotai Charitable Trust • Noise Assessment, including construction noise • Landscape and Architectural Plans and Site Plans. • Geotechnical Assessment (Earthworks) • Reserves Plan • Record of consultation with Ātiawa ki Whakarongotai Charitable Trust
Iwi and iwi authorities	Ātiawa ki Whakarongotai Charitable Trust
Relationship agreements under the RMA	Council has a Memorandum of Partnership with the three iwi authorities for the District:

	<ul style="list-style-type: none"> • Te Runanga o Toa Rangatira Inc • Ātiawa ki Whakarongotai Charitable Trust • Nga Hapu o Otaki
<p>Insert responses to other specific requests in the Minister's letter (if applicable)</p>	<p>1. 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?</p> <p>Response: The project is currently the subject of a resource consent application with almost all further information being received and a decision on notification pending. As discussed above, provided that the relevant parties are involved in the decision making process, and in the formulation of consent conditions (should the application be granted), then Council considers that either process could be appropriate.</p> <p>2. How does the Project align with the Waimeha Structure Plan and Kāpiti Coast District Plan (Operative and Proposed)?</p> <p>Response: The Ngārara Zone Structure Plan, coupled with the Ngārara Zone Management Principles, manage the form and layout of development within the Ngārara Zone. The Structure Plan divides the Ngārara area into six distinct neighbourhoods, or 'Neighbourhood Development Areas' ("NDAs"). The subject site is located primarily within the Waimeha Neighbourhood Development Area. The structure plan describes the Waimeha neighbourhood as:</p> <p><i>"Waimeha is a small-sized local centre that offers a range of services and facilities. It is the Southern gateway to the development and provides an interface to the existing Waikanae settlement, to all of the development blocks on the farm, and interfaces with the existing Waikanae Town. The unique character of Waimeha will be achieved through the creation of a main street with mixed use active edges so that social, cultural and employment benefits are provided for the local and wider Ngārara community. The surrounding residential areas within Waimeha basin as well as along the dune hillsides help to reinforce Waimeha as an integrated and mixed-use neighbourhood. It is envisaged the neighbourhood will provide recreation, entertainment, social and economic opportunities, providing a variety of housing choice, with easy access to surrounding amenities such as the golf course, beach and Waikanae Park."</i></p> <p>The Structure Plan further sets out anticipated activities and built form. For the Waimeha NDA it separates the area into a number of sub areas, as follows:</p>

- a. WLR corridor
- b. Ngarara Property Gateway
- c. Waimeha Gateway
- d. Mixed Use Waimeha core
- e. Higher density centre
- f. Lower density dune fringe
- g. Bush corridors and greenways
- h. Local park/ playing field
- i. Existing hill/ lookout point
- j. Wetland reserve
- k. Local school
- l. Linear Reserve

The proposed site incorporates a number of the areas listed above.

Since the development and incorporation of the structure plan into the Proposed District Plan the Kapiti Expressway has been constructed which transects the middle of the Waimea Neighbourhood Development Area. As a result, the wider area looks significantly different from that proposed by the Structure Plan. However, it is not considered that the proposal is inconsistent with the Objectives, Policies and overall intent of the Structure Plan or the Proposed District Plan.

3. What reports and assessments would normally be required by the Council for a project of this nature in this area?

Response: As set out above

4. Does the applicant, or a company owned by the applicant, have any environmental regulatory compliance history in your District?

Response: As set out above

Other considerations

Click or tap here to insert any other responses you consider relevant for the Minister to be aware of.

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.

From: § 9(2)(a)
To: [Fast Track Consenting](#)
Cc: § 9(2)(a)
Subject: RE: COVID-19 Recovery (Fast-Track Consenting) Act 2020 – Proposed Retirement Village, Waikanae – Comments sought
Date: Wednesday, 17 February 2021 12:56:15 pm
Attachments: [image001.png](#)
[Summerset Fast Track proposal comments GWRC.docx](#)
[Draft notification decision report Summerset Villages Waikanae.docx](#)

MFE CYBER SECURITY WARNING
This email originated from outside our organisation. Please take extra care when clicking on any links or opening any attachments.

Kia ora Fast Track Consenting Team

Thank you for the opportunity to comment on this proposal. I attach Greater Wellington’s comments in the standard form, as approved by our Acting CEO Nigel Corry. I also attach a draft report as supporting information.

My apologies that we are one day behind the deadline – I would be grateful if you could acknowledge receipt and let us know these comments will still be taken on board.

If you have any questions about our comments, or would like to discuss further, I would be happy to help.

Nga mihi



Dave Rennison
Team Leader, Environmental Regulation
Greater Wellington Te Pane Matua Taiao
DDI: § 9(2)(a) Mobile: § 9(2)(a)
100 Cuba Street, Wellington | PO Box 11646, Manners St, Wellington 6142

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From: Fast Track Consenting <fasttrackconsenting@mfe.govt.nz>
Sent: Monday, 1 February 2021 4:26 PM
To: Greg Campbell § 9(2)(a)
Cc: Luke Troy § 9(2)(a); Shaun Andrewartha § 9(2)(a)
Subject: COVID-19 Recovery (Fast-Track Consenting) Act 2020 – Proposed Retirement Village, Waikanae – Comments sought

Tena koe Greg

Please find attached letter in relation to the COVID-19 Recovery (Fast-Track Consenting) Act 2020.

Naku noa, na
Fast-Track Consenting Team
Ministry for the Environment – Manatu Mo Te Taiao
Email: fasttrackconsenting@mfe.govt.nz<<mailto:fasttrackconsenting@mfe.govt.nz>>, website:
www.mfe.govt.nz<<http://www.mfe.govt.nz>>
23 Kate Sheppard Place, Wellington 6011
[MfE_logo]

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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 (GWRC)
Contact person (if follow-up is required)	Dave Rennison
	Team Leader, Earthworks and Coastal (consents and compliance) Team
	s 9(2)(a)

Comment form

Please use the table below to comment on the application.

Project name	Summerset Villages (Waikanae) Ltd
General comment – potential benefits	We recognise that there are numerous potential benefits in terms of contribution to housing stock, efficiency in transport, economic benefits, providing for social needs and other aspects pointed out in the application.
General comment – significant issues	<ul style="list-style-type: none"> The applicant has previously applied to GWRC for consents in relation to this proposed retirement village (04/05/2020). The 04/05/2020 application proposed to dam and divert water into significant natural wetlands on site, which is a non-complying activity under Rule 108 PNRP. The effects of this activity, including effects of diverting stormwater into the wetlands and changes to wetland hydrology, were not properly quantified or understood – along with mitigation methods. GWRC sought further information and engaged in discussions with the applicant on this matter, seeking clarification on these matters and/or potential design changes to address effects. On 30/09/2020, GWRC put the application on hold pending approval from the applicant for GWRC to commission a peer review of stormwater aspects, including effects of diverting stormwater into the wetlands and changes to wetland hydrology. The applicant did not respond within the 15 day timeframe; we then made a draft decision (02/10/2020) that the application, as is stood, would be publicly notified due to the wetland effects. The draft notification report, covering the issues, is <u>attached</u> (ecological memos referred to in the decision are available on request). GWRC has reviewed the applicant’s Fast Track application dated 01/12/2020. Our Environmental Science and Biodiversity departments have advised that:

	<p>(a) The application is the same with regard to the proposal and the wetlands, and possible impacts.</p> <p>(b) The proposal and impacts on the wetlands are not well understood.</p> <p>(c) The three wetlands affected are significant. In addition, two “dune slack wetlands” are threatened ecosystems “endangered, Holdaway 2021” and not replaceable. We see these aspects as determining the wetlands of being of high value. The applicant has not commented on these values, and determined their value based on the identified plants present only. The turning of two wetlands into storm water attenuation ponds results in them no longer functioning naturally and, combined with the discharge of water into all three wetlands, there are significant changes to the environments of these wetlands.</p>
<p>Is Fast-track appropriate?</p>	<ul style="list-style-type: none"> • GWRC acknowledges that the applicant has made efforts to work through and address the wetland issues, and may have sought to avoid direct effects on the wetlands by resizing and reshaping the stormwater basins etc, as described in the application. • We recognise that the applicant’s experts have a different opinion on the wetland effects; and note that the applicant is proposing a monitoring regime with remedial measures (eg planting of more tolerant species) to be undertaken in the event that the wetlands are adversely affected. • Our experts do not support this conclusion or approach and consider that the issues are not well understood at this point. We would have thought that these issues could be worked through as part of the regular RMA consent process, and could be addressed with the provision of further information and/or further amendments to design. • Therefore, while the project may have public benefits, there is also the potential for significant adverse effects on significant natural wetlands on site as noted above. GWRC is concerned that these effects will not be adequately resolved within the constraints of the Fast Track consent process. • Accordingly, GWRC considers it would be more appropriate for the project to go through the standard RMA consenting process. • GWRC does not support referral to the Fast Track process.
<p>Environmental compliance history</p>	<p>One item related to environmental compliance history has been identified, namely:</p> <ul style="list-style-type: none"> • Formal warning for the discharge of sediment to Bluff Road on 19-20 December 2018
<p>Reports and assessments normally required</p>	<ul style="list-style-type: none"> • We would normally require assessments and reports on the key subject headings set out in the application, to a level of detail consistent with the scope and scale of the project. • Our first Section 92 letter on the 04/05/2020 application requested further details on wetlands, stormwater management, erosion and sediment control, stream disturbance and contaminated land, so those are the topics where most detail is required. • Our second Section 92 letter requested approval from the applicant for GWRC to commission a peer review of stormwater aspects, specifically: <i>“The review will cover an assessment of the actual and potential effects of the activity to dam and divert stormwater into, and within significant natural wetlands, and the changes this may have to the hydrology of these wetlands. This review will assist GWRC in understanding the significance of</i>

	<i>any adverse effects from the activity on wetland hydrology</i> ". We still consider that such information is required.
Iwi and iwi authorities	<ul style="list-style-type: none"> The iwi authority in this area is Te Ātiawa ki Whakarongotai (consistent with iwi boundaries according to Te Puni Kokiri). (We note the applicant has engaged with Te Ātiawa ki Whakarongotai as iwi authority in this area, and with Muaūpoko Tribal Authority for the purposes of the application for an archaeological authority under the Heritage New Zealand Pouhere Taonga Act 2014).
Relationship agreements under the RMA	<ul style="list-style-type: none"> A platform called "Te Wahi", which is GWRC's agreed notification platform with mana whenua; and An MOU with DOC, which sets out where DOC may be considered an affected or interested party for applications that involve the use, works within and management of freshwater and water bodies.
Insert responses to other specific requests in the Minister's letter (if applicable)	The above points cover the four specific questions set out in the Minister's letter.
Other considerations	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.



Notification decision report from 18/10/2017

Consent no. & ID:	WGN200316 [36862], [37129], [37130] and [37132]
Applicant:	Summerset Villages (Waikanae) Limited

A. PUBLIC NOTIFICATION? – STEP ONE	
1. Has the applicant requested notification? S95A(3)(a)	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes → Public Notification Go to 2 below
2. Has the applicant refused or not provided information under Section 92(1)? S95A(3)(b) & S95C(2)	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes → Public Notification Go to 3 below
3. Has the applicant refused or not responded to a report under s92(2)(b)? S95A(3)(b) & S95C(3)	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes → Public Notification Go to 4 below
A. PUBLIC NOTIFICATION? – STEP TWO	
4. Does an operative plan or a proposed plan rule or NES preclude public notification? S95A(5)(a)	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes → Go to 10 Go to 5 below
5. Is it a controlled activity? S95A(5)(b)(i)	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes → Go to 10 Go to 6 below
6. Is it a restricted discretionary or discretionary activity that is a 'residential activity' or a subdivision of land? S95A(5)(b)(ii)	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes → Go to 10 Go to 7 below
7. Has the Minister for the Environment directed that it is a prescribed activity for inclusion under S360H(1)(a)(i)? S95A(5)(b)(iv) <i>There are no prescribed activities at this time</i>	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes → Go to 10 Go to 8 below
A. PUBLIC NOTIFICATION? – STEP THREE	
8. Does an operative plan or a proposed plan rule or NES require public notification? S95A(8)(a)	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes → Public Notification Go to 9 below
9. Are the adverse effects on the environment more than minor?	<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes → Public Notification

S95A(8)(b) & S95D

Go to 10 below

S95D(a) – You must disregard any effects on owners or occupiers of the land or adjacent to the land where activity will occur

S95D(b) – Have you considered the permitted baseline test? Yes No

Proposed Plan note: There is a permitted baseline available under both the operative and proposed plans.

S95D(c) – For restricted discretionary activities you must disregard adverse effects not related to matters of discretion.

Proposed Plan note: All matters under both the operative and proposed plans must be considered if restricted discretionary under both.

S95D(d) – You must disregard trade competition and the effects of trade competition

S95D(e) – You must disregard effect on a person who has given written approval to application

A. PUBLIC NOTIFICATION? – STEP FOUR

10. Are there any special circumstances that warrant notification? No Yes → Public Notification

Go to Part B

S95A(9)

A detailed assessment outlining Greater Wellington’s reasons for public notification is discussed below.

C. NOTIFICATION DECISION

I am satisfied that this application can be processed with public notification in accordance with the relevant provisions of S95A-G of the Resource Management Act 1991

It is Greater Wellington’s view that there are likely to be more than minor effects on the environment from this proposal. As such under sections 95A and 95D of the RMA 1991, Greater Wellington has decided to publicly notify resource consent WGN200316 [36862], [37129], [37130] and [37132].

Officer: Ryan McAlister

Signature:



Date: 2/10/2020

Released under the Official Information Act 1982

Notification Report

1. Proposal

The applicant (Summerset Villages Waikanae Limited) has applied to the Greater Wellington Regional Council (GWRC) for resource consents to authorise activities associated with the development of a new retirement village located at 32 Park Avenue, Waikanae (hereafter the site).

The activities to be considered are as follows:

Consent ID	Activity Subtype	Activity Description
36862	Land use consent	To undertake earthworks exceeding 3,000m ² in area.
37129	Discharge permit	To discharge contaminated stormwater from earthworks into land where it may enter water.
37130	Discharge permit	To discharge operational stormwater into land where it may enter water from earthworks exceeding an area of 3,000m ² in association with a new urban development.
37132	Land use consent	To divert and dam stormwater into and with significant natural wetlands.

Table 1: resource consents sought

The above activities are described in more detail in section 2.2 of the application and the further information provided on 21 July 2020.

2. Site description

The site is located at 32 Park Avenue, Waikanae. It is legally described as Section 18 SO 5050441. The site measures 25.5 hectares and is predominantly undulating in topography. The vegetation on the site is variable which broadly consists of Mahoe forest, pine trees and exotic species such as gorse and blackberry. It comprises three significant natural wetlands, being the Carex wetland, Roadside wetland and Trackside wetland. The Carex and Roadside wetlands are located in the north-eastern corner of the site and the Trackside wetland being located closely to the sites western boundary. The Waimeha Stream also meanders through the site to the west and north-west. The site abuts the Mackays to Peka Peka Expressway to the north and north-east. To west are well established residential areas and directly south is farmland which was once the old Waikanae Landfill.

The site and its characteristics are identified as being within the following Schedules of the Proposed Natural Resources Plan (PNRP):

- Schedule B – Ngā Taonga Nui a Kiwa (Waimeha Stream);
- Schedule C – sites with significant mana whenua values (Waimeha Stream); and
- Schedule F – ecosystems and habitats with significant indigenous biodiversity values (Carex, Roadside and Trackside wetlands).

3. Status of activities under the plans

The application triggers the following rules under the operative Regional Freshwater Plan (RFP) and the Proposed Natural Resources Plan (PNRP).

Operative Regional Freshwater Plan

RMA section	Rule	Status	Comments
9 and 15	2	Permitted	Rule 2 provides for discharges of stormwater to surface water provided the permitted activity conditions listed under this rule can be met. The proposal cannot meet the conditions of rule 2 as there is the potential for sediment laden stormwater, originating from an area of bulk earthworks greater than 0.3ha, to enter surface water. As the discharge of sediment laden stormwater cannot meet the requirements of rule 2 nor is it provided for by any other rule, consent is required for a discretionary activity under rule 5.
	5	Discretionary	

Proposed Natural Resources Plan

RMA section	Rule	Status	Comments
15	R48A	Permitted	Rule R48A provides for discharges of stormwater onto or into land where it may enter a surface water body from a new urban subdivision or development. As the earthworks associated with the proposal exceed 3,000m ² in area and given that stormwater will be discharge onto or into land where it may enter surface waterbodies, consent is required for a restricted discretionary activity under rule R52A.
	R52A	Restricted discretionary	
9 and 15	R99	Permitted	The earthworks associated with the proposal will exceed 3,000m ² per 12 month period. Therefore, the earthworks and associated discharges of sediment laden run-off to land where it may enter water requires consent as a discretionary activity under rule R101.
	R101	Discretionary	
13	R108	Non-complying	The damming and diversion of stormwater into and within a significant natural wetland is a non-complying activity under rule R108.

Overall activity status

Overall, this application must be assessed as a **non-complying** activity as it is the most restrictive of the applicable activity types.

4. Assessment of environmental effects

The assessment below considers the actual and potential effects on the environment as a result of the proposal as provided by the applicant.

Effects on wetlands

As mentioned above, three significant natural wetlands exist within the site, being the Carex, Roadside and Trackside wetlands. All three wetlands meet two of the criteria (representativeness and rarity) in Policy 23 of the Wellington Regional Policy Statement for identifying significant indigenous biodiversity. Therefore, they meet the definition of a significant natural wetland under the Proposed Natural Resources Plan (PNRP).

The proposal involves incorporating both the Roadside and Trackside wetlands within stormwater attenuation basins. Stormwater from the development will be diverted into and dammed within these wetlands to provide additional treatment of sediment and gross contaminants prior to stormwater being discharged off site. This activity will result in changes to the hydrology of these wetlands. In terms of the Carex wetland, no activities are proposed to be undertaken within this wetland. However, the catchment area of this wetland will be reduced from the proposed earthworks which will also result in changes to the hydrology of this wetland. These effects occurring on the wetlands from these changes to the hydrology of them are discussed in more detail and assessed below. In making my assessment, I have relied on the technical advice provided by the following persons:

- Owen Spearpoint (Senior Environmental Monitoring Officer, GWRC);
- Jamie Steer (Senior Biodiversity Advisor, GWRC);
- Barrett Pistol (Senior Environmental Monitoring Officer, GWRC); and
- Shona Myers (Director, Principle Ecologist, Myers Ecology Limited)

Roadside and Trackside wetlands

Mr Spearpoint and I visited the site with the applicant on 10 September 2020. During the visit, Mr Spearpoint confirmed the wetland type of the Roadside wetland is a dune slack wetland, a rare and naturally uncommon wetland ecosystem. The Trackside wetland was confirmed as being a flood plain swamp forest wetland, a naturally common wetland ecosystem. With regard to the Trackside wetland, Mr Spearpoint concluded that further wetland delineation plots are required to determine the extent of the wetland within the proposed attenuation basin. The outcome and results of the visit were reported in a memorandum prepared by Mr Spearpoint, dated 17 September 2020, which can be found via the following link: [WGN200316-1656940088-56](https://www.wgtn.govt.nz/info/info/2020/09/17/wgn200316-1656940088-56).

Ms Myers prepared a memorandum to GWRC, dated 26 May 2020, which provides an assessment of effects on the Roadside and Trackside wetlands as a result of the proposed activity. Ms Myers states that the activity of damming and diverting stormwater into, and within the Roadside and Trackside wetlands will result in changes to the hydrology of these wetlands, including increased flow rates, water depth and water permanence. In addition she said that increases in the amount of sediment and contaminant run-off entering the wetlands would also result. Overall, Ms Myers concludes that the proposed activity will result in significant effects on the wetlands. Ms Myers memorandum can be found via the following link: [WGN200316-1656940088-21](https://www.wgtn.govt.nz/info/info/2020/05/26/wgn200316-1656940088-21).

Mr Pistol provided advice on 12 August 2020 in regards to the proposed activity and its effects on the Roadside and Trackside wetlands. Mr Pistol's advice states that the conversion of these natural wetlands into stormwater treatment systems, will significantly alter the nature and function of the systems to the point where both the Roadside and Trackside wetlands may no longer be considered as natural functioning wetlands. Furthermore, Mr Pistol stated that any maintenance required to ensure the continued function of the attenuation basins will likely create periodic/ongoing disturbance to each system which may inhibit any natural values being reached. Mr Pistol states that overall, the activity will result in a loss of natural wetland extent and that the overall level of effects will be more than minor. Mr Pistol's advice can be found via the following link: [WGN200316-1656940088-45](https://www.wgtn.govt.nz/info/info/2020/08/12/wgn200316-1656940088-45)

Mr Steer, also provided advice on 30 July 2020 in regards to the effects on the Roadside and Trackside wetlands. Mr Steer states that the hydrological changes will not benefit both wetlands and that increases in water to each will fundamentally change these wetlands to the extent that they will cease to exist. Mr Steer's advice can be found via the following link: [WGN200316-1656940088-39](#)

Overall, based on the information provided by the experts above, I consider that the effects on the Roadside and Trackside wetlands will be **more than minor**.

Effects on Carex wetland

To achieve the required construction platform for the village, the southern banks of the Carex wetland will be lowered. This will result in an approximate reduction of the catchment size of this wetland from 51,000m² to 40,000m².

During the 10 September site visit, Mr Spearpoint confirmed the wetland type of the Carex wetland as being a dune slack wetland, a rare and naturally uncommon wetland ecosystem.

Both Ms Myers and Mr Pistol stated in their advice to GWRC, dated 26 May 2020 and 12 August 2020, that a reduction in the catchment area of the Carex wetland will be reduced due to the proposed earthworks, and ultimately, decrease the water table and result in the drying out of this wetland. The activity will also result in the introduction/spreading of weed species, such as blackberry and wildling pines. Thus, given that it is a rare type of what is a significant natural wetland ecosystem, coupled with the changes in the wetland's hydrology, all three experts concluded that the effects on the Carex wetland will be **more than minor**.

Mitigation and offsetting for the Roadside and Trackside wetlands

The applicant acknowledges that they are uncertain as to how the Roadside and Trackside wetlands will respond to increases in hydrological and contaminant inputs as a result of the activity. Should the effects on the wetlands prove to be adverse, the applicant has proposed to construct an enhancement wetland, adjacent to the Trackside wetland, to mitigate these effects. They state that the enhancement wetland is sufficiently and hydrologically connected to provide a mitigation function. However, Mr Steer, in his advice, disagreed that measures undertaken at a nearby wetland would classify as a mitigation action. Mr Steer refers to a High Court decision [NZHC 1346] which determined that any actions aimed at addressing adverse effects that occur beyond the point of impact should not be considered mitigation. The High Court decision took a literal interpretation of 'point of impact', being the point where damage is inflicted, not where the damage might, in this case, be considered sufficiently proximate or hydrologically connected. Based on Mr Steer's advice, I consider the proposed enhancement wetland to be a biodiversity offset as a means of addressing the more than minor residual effects on the wetlands rather than a mitigation action, as this action is not occurring at the locations of the Trackside and Roadside wetlands i.e. the point of impact. Mr Steer's advice can be found via the following links: [WGN200316-1656940088-46](#) and [WGN200316-1656940088-54](#)

Note: offsetting is the provision of a new positive effect which did not exist before in an effort to address adverse effects which remain from an activity. Positive effects (and therefore offsetting) cannot be considered by a consenting authority when making a notification decision under section 95 or an assessment under section 104D(1)(a) of the Act. The application documents and further information provided to date does not include any details of how the applicant will offset for residual adverse effects nor the risk/uncertainty associated with creating new wetland environments.

Additionally, and as stated earlier in this report, the Roadside wetland is a dune slack wetland, a naturally uncommon wetland ecosystem. Thus, it therefore meets the criterion of PNRP Schedule G2 principle 2(b)(ii): 'consideration of biodiversity offsetting is inappropriate where the ecosystem is naturally uncommon'. According to Mr Steer's advice, this means that the wetland may not be considered for

offsetting, and any more than minor effects on the wetland will need to be mitigated. However, based on the application and the further information provided to date, I consider that the effects to the Roadside wetland are not being appropriately avoided, remedied or mitigated.

Wetland effects summary

In conclusion, I consider, based on the advice I have received, the following in relation to each wetland:

- The Roadside wetland is a dune slack wetland, a rare and naturally uncommon wetland ecosystem. The magnitude of changes and effects on what is considered a rare type of natural ecosystem as a result of the activity is significant.
- The Trackside wetland is a flood plain swamp forest wetland, a naturally common wetland ecosystem. Although the common, the activity will still result in a magnitude of changes and effects to this wetland which are considered significant.
- The Carex wetland is a dune slack wetland, a rare and naturally uncommon wetland ecosystem. A reduction in the catchment size of this wetland due to the proposed earthworks will significantly affect the hydrology of the wetland to the extent that it will dry out.

Overall, the effects on each of the above identified wetlands will be more than minor.

Earthworks

The proposed earthworks activities have the potential to result in the erosion of excavated land surfaces and sediment discharges to the Waimeha Stream.

The application documents have included an erosion and sediment control plan (ESCP) which is proposed to be implemented on site over the course of the earthworks activities to minimise potential erosion and sediment discharge effects. The ESCP has been prepared in accordance with the Erosion and Sediment Control Guidelines for the Wellington Region. A final ESCP will need to be finalised and certified prior to any earthworks commencing. A consent condition will be recommended to this effect. Overall, I am satisfied that the effects of the earthworks will be no more than minor.

Stormwater

The applicant is incorporating a variety of water sensitive design measures to provide stormwater quality treatment prior to discharging to the receiving environment, being the Waimeha Stream. These measures include, sumps to collect run-off from roads and landscape areas, grassed and planted swales, planting the stormwater attenuation basins with suitable native species and designing the attenuation basins to ensure that there are no preferential flow paths to ensure water flows evenly throughout the basins and that they are easily accessed for maintenance purposes. In addition, the applicant will provide a detailed operation and maintenance plan upon the completion of the development, to ensure these design features are being operated and maintained in accordance with their design intentions for the long term. With the implementation of these measures, stormwater from the development can be sufficiently treated to the extent that only clean water is being discharged to the stream. Therefore, I consider that the overall level of effects on the Waimeha Stream will be no more than minor.

5. Conclusion

Overall, based upon the assessment undertaken above, I consider that the actual and potential effects of the proposal in regards to the Roadside, Trackside and Carex wetlands will be more than minor. With regard to the proposed earthworks and approach to stormwater treatment, that the effects from these activities can be appropriately mitigated to ensure that they are no more than minor.

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

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

Organisation providing comment	Waka Kotahi NZ Transport Agency
Contact person (if follow-up is required)	Kathryn Barrett, s 9(2)(a) [REDACTED]

Comment form

Please use the table below to comment on the application.

Project name	Proposed Retirement Village, Park Avenue, Waikanae
General comments	<p><u>Involvement in the proposal to date</u></p> <p>The proposed retirement village at 32 Park Avenue adjoins the section of State Highway 1 known as Mackays to Peka Peka (M2PP) on its northern boundary. M2PP is designated under the Proposed Kapiti Coast District Plan as D0108 and is subject to both designation and resource consent conditions for its construction, maintenance and operation. Waka Kotahi NZ Transport Agency (Waka Kotahi) is the requiring authority for the designation.</p> <p>Waka Kotahi has been engaging with the applicant, Summerset Villages, since 2019 in relation to an outstanding issue around surplus land they purchased. In relation to this specific development, engagement has been ongoing since May 2020 to ensure that the proposed retirement village does not affect the safety, efficiency or maintenance of:</p> <ul style="list-style-type: none"> • M2PP, which is a national strategic highway with approximately 14,000 vehicles travelling it per day. • The walking and cycling networks constructed as part of M2PP. • Stormwater infrastructure constructed as part of M2PP. <p>Based on the resource consent applications, supporting documentation submitted to the Kapiti Coast District Council and Greater Wellington Regional Council, and further information and meetings with the applicant, Waka Kotahi have identified that there are potential effects on:</p> <ul style="list-style-type: none"> • Stormwater infrastructure managed by Waka Kotahi – the applicant proposes that the retirement village connects to the M2PP drainage network during construction and on-going operation. • The Kapiti Cycleway, Walkway, Bridleway (CWB) shared walking and cycling path running adjacent to M2PP – the applicant proposes that the retirement

village is served by an extension to the shared path, and the design of the extension needs to be approved.

- The management of noise and vibration reverse sensitivity effects on the operation of the M2PP from future residents living within 100m of the carriageway.

The applicant is seeking the following approvals from Waka Kotahi:

- Section 176 RMA approval for construction of a stormwater outlet within designation D0108.
- Section 176 RMA approval for an extension to the CWB within designation D0108.
- License to Occupy (LTO) for:
 - A permanent stormwater outlet within a Waka Kotahi stormwater swale,
 - A temporary stormwater outlet within a Waka Kotahi manhole inlet,
 - The construction of a path to connect to the CWB.
- Section 95 RMA affected party approval for both the regional and district resource consent applications.

Fast track referral application comments

Waka Kotahi have reviewed the application for referral to the Covid-19 (Fast-track consenting) approval process. We note that the application is largely the same as that made to the Kapiti Coast District Council and Greater Wellington Regional Council, with the exception of a proposed sign, which would be visible to, and directed at, M2PP traffic.

Waka Kotahi took the opportunity to discuss the application for fast track referral with the applicant on 4 February 2021. We have advised the applicant that subject to ongoing work towards agreeing a set of consent conditions and our involvement in any substantive application to an expert consenting panel, it is anticipated that our requirements relating to stormwater infrastructure, the CWB connection, and reverse sensitivity effects can be satisfactorily addressed; noting that the unresolved property issue mentioned above does have implications for the operation of the highway. Waka Kotahi considers this needs to be resolved prior to any consent being granted. Waka Kotahi will continue to engage with the applicant to further this resolution.

Regarding the proposed sign that would be visible to motorists on M2PP, we advised the applicant that due to potential effects on road user safety, the sign would be better assessed separately through a normal resource consent process. We have subsequently been provided with written confirmation from the applicant that they will remove the sign from their application to address our concerns. This confirmation is attached.

Waka Kotahi requests the opportunity to provide formal comments to the expert consenting panel if the application is referred to one for determination.

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

From: s 9(2)(a)
To: s 9(2)(a)
Subject: Summerset - Fast Track Consent
Date: Friday, 5 February 2021 3:09:48 PM

Afternoon Dylan,

As discussed yesterday, we understand that Waka Kotahi have been contacted with regard to our recently lodged application with the Ministry for the Environment (MfE) for referral to the COVID-19 Recovery (Fast-track Consenting) Act "fast-track process".

My understanding is that Waka Kotahi intend on responding to MfE supporting our application providing Summerset agree to remove the billboard signage from the application.

This email can be taken as Summerset's agreement to remove the signage from the application once MfE have received your response.

Thanks

Steven Wickham

Programme Manager, Care Refurbishments
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