

Version  
as at 8 July 2023



**COVID-19 Recovery (Fast-track Consenting) Referred  
Projects (Ōtaki Māori Racecourse Development)  
Amendment Order 2023**  
(SL 2023/118)

COVID-19 Recovery (Fast-track Consenting) Referred Projects (Ōtaki Māori Racecourse Development) Amendment Order 2023: revoked, on 8 July 2023, by Schedule 1 clause 1(1) of the COVID-19 Recovery (Fast-track Consenting) Act 2020 (2020 No 35).

Cindy Kiro, Governor-General

**Order in Council**

At Wellington this 6th day of June 2023

Present:

Her Excellency the Governor-General in Council

This order is made under section 27 of the COVID-19 Recovery (Fast-track Consenting) Act 2020 on the advice and with the consent of the Executive Council and on the recommendation of the Minister for the Environment.

**Contents**

	Page
1 Title	2
2 Commencement	2
3 Principal order	2

---

**Note**

The Parliamentary Counsel Office has made editorial and format changes to this version using the powers under subpart 2 of Part 3 of the Legislation Act 2019.

Note 4 at the end of this version provides a list of the amendments included in it.

**This order is administered by the Ministry for the Environment.**

---

4	New schedule inserted	2
	<b>Schedule</b>	<b>3</b>
	<b>New Schedule 80 inserted</b>	

## **Order**

### **1 Title**

This order is the COVID-19 Recovery (Fast-track Consenting) Referred Projects (Ōtaki Māori Racecourse Development) Amendment Order 2023.

### **2 Commencement**

This order comes into force on 10 June 2023.

### **3 Principal order**

This order amends the COVID-19 Recovery (Fast-track Consenting) Referred Projects Order 2020.

### **4 New schedule inserted**

After the last schedule,—

- (a) insert the schedule set out in the Schedule of this order; and
- (b) make all necessary consequential amendments.

**Schedule**  
**New Schedule 80 inserted**

cl 4

**Schedule 80**  
**Ōtaki Māori Racecourse Development**

cl 5

*Project referred to expert consenting panel*

**1 Name of project**

The name of the project is the Ōtaki Māori Racecourse Development (the **project**).

**2 Authorised person**

The authorised person for the project is Ōtaki Revisited Limited.

**3 Description of project**

The scope of the project is to subdivide approximately 59.8 hectares of land in Ōtaki and to do the following on that land:

- (a) construct a housing development comprising approximately—
  - (i) 580 residential units if the development includes apartments; or
  - (ii) 420 residential units if the development does not include apartments:
- (b) construct and operate a warehouse for assembling buildings:
- (c) construct community facilities:
- (d) operate community facilities, including outdoor facilities:
- (e) alter and use existing buildings for commercial activities:
- (f) develop land for private and public open space:
- (g) restore the riparian margins of a stream by planting:
- (h) construct or install infrastructure or structures associated with the subdivision and with the development and activities referred to in paragraphs (a) to (g).

**4 Description of activities involved in project**

The project may involve the following activities:

- (a) subdividing land:
- (b) carrying out earthworks, including—

- (i) earthworks within, or within 10 metres of, a natural inland wetland; and
- (ii) earthworks on land within a flood hazard category within the meaning of the Operative Kāpiti Coast District Plan 2021 (*see* material relating to natural hazards in Part 2 of that plan):
- (c) removing vegetation:
- (d) constructing residential units:
- (e) constructing and operating a warehouse for assembling buildings:
- (f) constructing community facilities:
- (g) operating community facilities, including outdoor facilities:
- (h) altering and using existing buildings for commercial activities:
- (i) diverting and discharging stormwater (which may contain contaminants) onto land or into water, including within, or within 100 metres of, a natural inland wetland:
- (j) developing land for open space, including by landscaping and planting:
- (k) restoring the riparian margins of a stream by planting:
- (l) constructing or installing infrastructure or structures, including—
  - (i) roads and other accessways for vehicles; and
  - (ii) infrastructure for three waters services, including culverts (in the beds of streams and in drains):
- (m) carrying out any other activities that are—
  - (i) associated with the activities described in paragraphs (a) to (l); and
  - (ii) within the scope of the project as described in clause 3 of this schedule.

## **5 Approximate geographical location**

- (1) The project will occur at 143 Rahui Road and 49 Te Roto Road, Ōtaki (the **project site**).
- (2) The legal description of the project site is—
  - (a) Lot 1 DP 548977, RT 942888; and
  - (b) Lot 2 DP 548977, RT 942889.

## **6 Further information to be submitted**

- (1) The following information must be submitted to the panel with any consent application relating to the project (in addition to the information required by clause 9 of Schedule 6 of the Act):
  - (a) a flood hazard assessment, including modelling that accounts for the effects of climate change:

- (b) an assessment that addresses the extent to which people will be able to safely travel by public transport or by active modes of transport (such as cycling and walking) between—
- (i) the project site and the township of Ōtaki; and
  - (ii) the project site and Ōtaki Railway Station.
- (2) The assessment referred to in subclause (1)(b) is to address crime prevention through environmental design principles.

#### **7 Persons who must be invited to comment on project**

The panel must invite comments on any consent application relating to the project from the following persons (in addition to the persons listed in clause 17(6) of Schedule 6 of the Act):

- (a) the Minister of Agriculture;
- (b) Ngā Kaitiaki o Ngāti Kauwhata Incorporated;
- (c) the Ātiawa ki Whakarongotai Charitable Trust Board;
- (d) the trustees, acting in their capacity as trustees, of Te Ātiawa o Te Waka-a-Māui Trust.

#### **8 No further provision required**

No further provision is necessary to give effect to decisions made by the Minister under section 24 of the Act in respect of the project.

#### *Statement of reasons*

*This statement of reasons is published for the purposes of clause 4 of Schedule 3 of the Act*

The Minister for the Environment (the **Minister**) has accepted this application for referral. The Minister considered the application against the criteria in the COVID-19 Recovery (Fast-track Consenting) Act 2020 (the **Act**) and the Act's purpose, and sought and considered written comments from the following:

- the relevant Ministers listed in section 21(6) of the Act;
- the Minister for Racing;
- the Associate Minister for the Environment who had been delegated responsibility for administration of the National Policy Statement on Urban Development 2020 and urban policy matters;
- Kapiti Coast District Council;
- Wellington Regional Council.

The Minister has accepted this application for the following reasons:

- the project will help to achieve the purpose of the Act because—

- it has the potential to generate, over a 6-year design and construction period, approximately—
  - 556 direct full-time equivalent jobs (**FTE jobs**) if apartments are constructed; or
  - 384 direct FTE jobs if apartments are not constructed; and
- it has the potential to increase housing supply through the construction of approximately—
  - 580 residential units if apartments are constructed; or
  - 420 residential units if apartments are not constructed; and
- it is likely to progress faster than would otherwise be the case under the Resource Management Act 1991 standard processes:
- any actual and potential effects on the environment, and proposed measures to avoid, remedy, mitigate, offset, or compensate for any adverse effects, can be appropriately tested by an expert consenting panel against Part 2 of the Resource Management Act 1991 and the purpose of the Act.

Rachel Hayward,  
Clerk of the Executive Council.

## Explanatory note

*This note is not part of the order, but is intended to indicate its general effect.*

This order, which comes into force on 10 June 2023, amends the COVID-19 Recovery (Fast-track Consenting) Referred Projects Order 2020. The effect of the amendment is to refer a project to an expert consenting panel for the purpose of the COVID-19 Recovery (Fast-track Consenting) Act 2020 (the **Act**). The referred project is the project named and described in *new Schedule 80*.

The effect of the referral is to authorise Ōtaki Revisited Limited to apply under the Act, instead of under the Resource Management Act 1991, for resource consents relating to the project described in *new Schedule 80*.

The expert consenting panel will be appointed under Schedule 5 of the Act and make decisions in accordance with Schedule 6 of the Act.

Issued under the authority of the Legislation Act 2019.  
Date of notification in *Gazette*: 8 June 2023.

## Notes

### **1** *General*

This is a consolidation of the COVID-19 Recovery (Fast-track Consenting) Referred Projects (Ōtaki Māori Racecourse Development) Amendment Order 2023 that incorporates the amendments made to the legislation so that it shows the law as at its stated date.

### **2** *Legal status*

A consolidation is taken to correctly state, as at its stated date, the law enacted or made by the legislation consolidated and by the amendments. This presumption applies unless the contrary is shown.

Section 78 of the Legislation Act 2019 provides that this consolidation, published as an electronic version, is an official version. A printed version of legislation that is produced directly from this official electronic version is also an official version.

### **3** *Editorial and format changes*

The Parliamentary Counsel Office makes editorial and format changes to consolidations using the powers under subpart 2 of Part 3 of the Legislation Act 2019. See also PCO editorial conventions for consolidations.

### **4** *Amendments incorporated in this consolidation*

COVID-19 Recovery (Fast-track Consenting) Act 2020 (2020 No 35): Schedule 1 clause 1(1)