

10 December 2021

Stephanie Frame and Jess Hollis  
Ministry for the Environment  
PO Box 10362  
WELLINGTON 6143

By email

Email: [fasttrackconsenting@mfe.govt.nz](mailto:fasttrackconsenting@mfe.govt.nz)

Dear Stephanie and Jess

**COVID-19 RECOVERY (FAST-TRACK CONSENTING) ACT 2020 – THE HILL,  
ELLERSLIE – RESPONSE TO REQUEST FOR FURTHER INFORMATION**

**Introduction**

1. Thank you for your letter dated 2 December 2021 requesting further information in relation to The Hill, Ellerslie under the COVID-19 Recovery (Fast-track Consenting) Act 2020 ("FTCA") process.
2. For ease of reference, your queries were around:
  - (a) Details of the interests, including encumbrances and easements, recorded on the Auckland Racing Club Incorporated's ("Club") record of title 800302 and whether any of the instruments will prevent, limit or delay project delivery; and
  - (b) whether any Overseas Investment Office approval/s are required for the project to proceed (given that Fletcher Residential Limited's ("FRL") ultimate holding company is registered overseas). And, if so, to advise the status of the approval/s.
3. We set out responses to each of the questions raised in the request for information below.

**Interests on the Club's record of title**

4. In summary, none of the interests recorded on record of title 800302 are expected to prevent, limit or delay project delivery.
5. The Hill is subject to the interests described below. For ease of reference, some of these title interests are illustrated on the plan provided at **Attachment A**.<sup>1</sup>

<sup>1</sup> This plan is approximate and subject to final survey processes.

**Partners**

Frederick Ward  
Malcolm Crotty  
Joe Windmeyer  
Guy Lethbridge  
John Powell  
Ed Crook  
Tim Clarke  
David Hoare  
Matthew Kersey  
David Butler  
Craig Shrive  
Deemle Budhia  
Mei Fern Johnson  
Daniel Jones  
Polly Pope  
Allison Arthur-Young  
Christopher Curran  
David Raudkivi  
Tom Hunt  
Kylie Dunn  
Daniel Minihinnick  
Troy Pilkington  
Marika Eastwick-Field  
Ian Beaumont  
Joe Edwards  
Benjamin Paterson  
Emmeline Rushbrook  
Anna Crosbie  
David Weavers  
Liz Blythe  
Nathaniel Walker  
William Irving  
Kirsten Massey  
Cath Shirley-Brown  
Simon Pilkinton  
Michael Taylor  
Greg Neill  
Emma Peterson

- (a) Stormwater drainage easement 9706307.1 in favour of Auckland Council (**Attachment B**).

- (i) Description: This is an easement to convey water through the easement facility. This easement is identified in **Attachment A** as BA, BB, and BC.

Comment: This easement will remain in place as part of the proposed development and is not expected to prevent, limit or delay project delivery.

- (b) Stormwater drainage easement C166396.14 in favour of Auckland Council (**Attachment C**).

- (i) Description: This easement connects the stormwater detention pond on The Hill to Derby Downs Place. This is identified in **Attachment A** as K.

Comment: This is to be fully removed once the new stormwater solution for the development is implemented.

- (c) Private drain certificate C494865.3 (**Attachment D**).

- (i) Description: This certifies that a private drain passes through part of the Club's land. This is identified in **Attachment A** as U.

Comment: This certificate will remain in place as part of the proposed development and is not expected to prevent, limit or delay project delivery.

- (d) Encumbrance C166396.12 in favour of Auckland Council (**Attachment E**).

- (i) Description: This provides that the owner of the land is responsible for the control and maintenance of the stormwater detention (irrigation) pond located within The Hill development site and its associated structures.

Comment: It is intended that this encumbrance will be fully discharged once the new stormwater solution for the development is implemented.

- (e) Encumbrance 9511689.4 in favour of Auckland Council (**Attachment F**).

- (i) Description: This encumbrance was registered at the time of the subdivision of the Club's head title to create a new title for Lot 1 DP 466956 (the land to the southeast of the grandstands as shown in **Attachment A**).

- (ii) The key purpose of the encumbrance is to require that any fee simple interest for the racecourse land and Lot 1 DP 466956 is held in common ownership until such time as they are separately serviced for water, wastewater and stormwater.

Comment: As part of the subdivision of the parent title of The Hill this encumbrance will be discharged, as the site will be separately serviced for water, wastewater and stormwater.

6. There are other interests on the title that are not within The Hill development area.
- (a) The land is subject to easements identified as L and T in **Attachment A** (respectively, a right to transmit electric current in Transfer 576155.1 and drain water in Easement 10410316.3). These are not located over the area that will comprise The Hill.
- (b) There are two compensation certificates<sup>2</sup> registered in 1960 and 1961 (both affecting the part of land formerly being Lot 2 DP 318562). The land formerly described as Lot 2 DP 318562 is located towards Greenlane East and does not relate to the area that will comprise The Hill).

#### Overseas investment

7. FRL confirms it does require Overseas Investment Office ("OIO") approval as the property is classified for recreation purposes under the Auckland Unitary Plan. As the property is not considered residential land, an application for "otherwise sensitive land" is required.
8. As a practiced investor, FRL is highly experienced in engaging with the OIO process and has made a number of applications that have been given approval in New Zealand. FRL is currently in the course of compiling an OIO application, with submission anticipated prior to 17 January 2022. FRL is confident in its ability to obtain approval for this purchase and expects OIO approval to be granted within a three to six-month time period.<sup>3</sup>

#### Further information

9. We are happy to provide any further information as required by the Minister, or to provide further detail on the above matters if that would assist the Minister in his referral decision.

Yours faithfully  
**RUSSELL McVEAGH**



**Daniel Minhinnick | Alice Gilbert**  
Partner | Senior Solicitor

Direct phone: s 9(2)(a)  
Direct fax: +64 9 367 8163  
Email: s 9(2)(a)  
s 9(2)(a)

<sup>2</sup> K79610 and K86301.

<sup>3</sup> Applications normally take three months but there may be timing issues related to the impacts of the Covid-19 lockdowns.