

Submitted to Fast-track approval applications  
Submitted on 2024-05-03 23:08:31

Submitter details

Is this application for section 2a or 2b?

2A

1 Submitter name

Individual or organisation name:  
North Eastern Investments Limited

2 Contact person

Contact person name:  
John Farquhar

3 What is your job title

Job title:  
Director of Applicant Company

4 What is your contact email address?

Email:  
s 9(2)(a)

5 What is your phone number?

Phone number:  
s 9(2)(a)

6 What is your postal address?

Postal address:  
  
North Eastern Investments Limited  
PO Box 813  
Palmerston North

7 Is your address for service different from your postal address?

Yes

Organisation:  
Proarch Consultants Limited

Contact person:  
Amanda Coats

Phone number:  
s 9(2)(a)

Email address:  
s 9(2)(a)

Job title:  
Consultant planner and registered architect

Please enter your service address:  
s 9(2)(a)  
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## Section 1: Project location

Site address or location

Add the address or describe the location:

56 Fairview Avenue and 129 Oteha Valley Road  
Fairview Heights  
Albany,  
Auckland

The Fairview Heights project is an urban development for approximately 1800 residential apartments and 3100m2 of Commercial accommodation adjoining Oteha Valley Road. The site area is over 7.4455 hectares and is well connected with road frontage to Fairview Avenue, Medallion Drive, and Oteha Valley Road.

File upload:

[2024] NEIL - Fairview Heights +Location+Infrastructure+Proposed Views.pdf was uploaded

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Do you have a current copy of the relevant Record(s) of Title?

Yes

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[2024] 56 Fairview Avenue + 129 Oteha Valley Road Legal Titles.pdf was uploaded

Who are the registered legal land owner(s)?

Please write your answer here:

Heritage Land Limited

Detail the nature of the applicant's legal interest (if any) in the land on which the project will occur

Please write your answer here:

The applicant and the landowner have the same directors and company control.  
The applicant therefore has full ability to undertake the work.

## Section 2: Project details

What is the project name?

Please write your answer here:

NEIL Fairview Heights Development

What is the project summary?

Please write your answer here:

An 1800-unit intensive residential and 3100m2 commercial multilevel development with basement parking on an arterial road (AT Rapid and Frequent Transport route) opposite Oteha Primary School and within walking distance of the Albany Metropolitan Centre and the Albany Bus Station (RTN Stop).

What are the project details?

Please write your answer here:

North Eastern Investments Limited (NEIL) has uploaded mapped information informing the Joint Ministers of the geographical location for the project at 56 Fairview Avenue and 129 Oteha Valley Road, (refer to mapped information and three-dimensional views for the receiving environment and context of this submission).

The NEIL Fairview Heights development aims to provide quality housing (approx. 1800 units) in highrise apartments with (3100m2) associated commercial retail fronting Oteha Valley Road within a short walk of the Albany Bus Station and Albany Metropolitan Area. The purpose of NEIL's fast-track application is to speed up the resource consent process to enable greater height on both portions of the land severed by Medallion Drive. NEIL proposal includes a 40m high building on the land closest to the Albany Metropolitan Zone and additional stories of at least six stories across the remainder of the proposed buildings consent for the land on the land. Kaianga Ora's submission to Auckland Council's Plan Change 78 supported 12 stories on this land.

The land is opposite Oteha Valley Primary School almost adjacent to a kindergarten, both are en route to the Albany Bus Station. The land for this development at 56 Fairview Avenue is highly connected, it has an Auckland Transport Rapid and Frequent Transport routes operating from its front door



on Oteha Valley Road and has signalled access to the Oteha Northern Motorway from its underground basement parking. The total estimated value of this project is NZ\$ 1billion over a 6 to 8-year timeframe (subject to staged building consenting). The project is likely to employ over 1000 people.

Since 2016 NEIL has held multiple consents (REG2143618 DIS 60049608, LUS60049673 REG2143619, DIS60049697 REG2143621, DIS60049742 REG2143622, LT 2011881, LT 2072891, and LUC60068255) for a less intensive development on part of the land. Although NEIL has undertaken physical work and made progress in implementing its consents it is delayed in making RMA s 127 amendments due to slow decision-making by the Independent Hearings Panel on the Proposed Unitary Plan (PAUP), first notified in 2013. When NEIL submitted on the Auckland PAUP in February 2014 for increased height and a precinct for this land NEIL anticipated that it would be heard fairly. That was over 10 years ago. The Court of Appeal directed the IHP AUP to make a new decision on the NEIL PAUP submission in 2018 (over 5 years ago), NEIL is yet to be heard, and awaits a decision on a procedural matter (heard in 2023) before the substantial hearing can occur. The delay in this RMA process has been costly to NEIL. NEIL submitted the Auckland Council Plan Change 78 for an intensification plan in September 2022 while they waited for a hearing on the PAUP, again for greater height and a precinct. Auckland Council has mapped the NEIL land within a walkable catchment of the Metropolitan Zone under the NPS-UD 2020. PC78 is required to enable buildings of at least six stories within this walkable catchment consistent with the NPS-UD 2020. The intended 2-year timeframe for PC78, became 3 years and is currently on hold with Auckland Council. The proposed project is consistent with the NPS-UD2020, it is appropriate to intensify land adjacent so well connected with built infrastructure because enabling that outcome will support climate change mitigation.

The land at 56 Fairview Avenue/129 Oteha Valley Road is partially located within 400m and fully located within 800m of the Auckland Council Walkable Catchment of the edge of the Business and Metropolitan Zone and the Albany Bus Station under the NPS-UD. The Auckland Unitary Plan Operative in Part ("AUP") includes the Terrace Housing and Apartment Building Zone ("THAB") and the Business Mixed Use Zone ("BMU") for NEIL's land. The development capacity of the land is plan-enabled and infrastructure-ready in terms of the National Policy Statement for Urban Development 2020. NPS-UD2020 updated May 2022: Plan-enabled has the meaning in clauses 3.4 (1) (a)-(b) and 3.4 (2) and Infrastructure-ready has the meaning in clauses 3.4 (3). Auckland Council ("AC"), Auckland Transport ("AT"), the Upper Harbour Board, and Waka Kotahi ("NZTA") have spent tens of millions of dollars (Estimated to be more than \$60 million) on infrastructure both in proximity to the NEIL land and on the NEIL land.

The project will increase the housing supply, address housing needs, and contribute to a well-functioning urban environment (within the meaning of Policy 1 of the National Policy Statement on Urban Development 2020). It will deliver significant economic benefits over its construction phases and support the reduction or removal of greenhouse gas emissions over time because the people who dwell at 56 Fairview Avenue can rely on the public transport already available at this location.

Describe the staging of the project, including the nature and timing of the staging

Please write your answer here:

A 10-year lapse period is sought under the fast-track process to enable staging.

Stage 1: In 2024 NEIL is completing paperwork with Auckland Council/Watercare Services for infrastructure work around Medallion Drive and Fairview Avenue.

Stage 2: NEIL is progressing with the implementation of LUS60049673 REG2143619 this consent enables 300m of stream modification and associated diversion of surface water in the main stem of the Waikahiketea Stream. Part of the work will engage with REG2143618 DIS 60049608 which enables approximately 140m of stream works, reclamation, and associated diversion of surface water in the northeastern tributary of the Waikahiketea Stream, parts of LT 2072891 A mixed-use residential and commercial development with an increased number of apartments (increased height) under the fast track process and 3,100m<sup>2</sup> of commercial floor area will be implemented where necessary for the instream works on the Oteha Valley Road side of the stream. The proposed completion is 2026.

Stage 3: Earthworks consent, Documentation, and Construction of the two incoming roads to the development from Fairview Avenue along with the first Apartment Building with increased height and number of apartments through the Fast Track consenting process. This stage establishes the main infrastructure for the other phases to follow. The proposed completion is 2028

Stage 4: Documentation and Construction to complete the mixed-use commercial development on Oteha Valley Road complete with bridging of the stream and earthworks on the Intensive residential side of the stream. The proposed completion is 2029

Stage 5: Earthworks consent, Documentation, and Construction of buildings Q, R, S, - with an increased number of apartments (increased height) under the fast track process. These buildings with underground parking interfaces with Fairview Avenue and Medallion Drive. The bulk earthworks and benching required for Stages 5, 6, and 7 will be carried out during this stage. The proposed completion is 2030

Stage 6: Earthworks consent, Documentation, and Construction of the remaining buildings 120 apartments (increased height) under the fast track process and underground parking, landscaping, and riparian planting. The proposed completion is 2032

Stage 7: Earthworks consent, documentation, and construction of the last building with an increased number of apartments (increased height) under the fast track process with associated bridges, underground parking, landscaping, and riparian planting. the proposed completion is 2034

What are the details of the regime under which approval is being sought?

Please write your answer here:

Resource Management Act 1991 for resource consent

If you seeking approval under the Resource Management Act, who are the relevant local authorities?



Please write your answer here:

The relevant local authority is Auckland Council a Unitary Authority.

What applications have you already made for approvals on the same or a similar project?

Please write your answer here:

There are no current applications for resource consent or any notice of requirement under the RMA1991 for the land with Auckland Council.

As outlined NEIL holds multiple regional and land use consents for the land and is advancing the implementation of work under its held consent while awaiting Auckland Council decisions on the PAUP (from 2014) and PC78 (from 2022) to lodge section 127 amendments to intensify development on the land.

Is approval required for the project by someone other than the applicant?

No

Please explain your answer here:

The applicant company has the same ownership as the land ownership.

If the approval(s) are granted, when do you anticipate construction activities will begin, and be completed?

Please write your answer here:

Stage 1: Construction work in progress to be completed in 2024

Stage 2: Documentation and early meetings Water Care Services commenced in 2023, detailed design by late 2024 early 2025 with commencement in 2025 on site and completion in 2026.

Stage 3: Completion in late 2028

Stage 4: Completion in late 2029

Stage 5: Completion in late 2030

Stage 6: Completion in late 2032

Stage 7: Completion in late 2034

### Section 3: Consultation

Who are the persons affected by the project?

Please write your answer here:

Auckland Council Unitary Authority,  
Auckland Transport  
Water Care Services  
Ngāti Whātua o Kaipara  
Ngāti Whātua  
Ngāti Te Ata Waiohū Metiria Kaihau  
Ngāti Manuhiri  
Te Kawerau a Maki  
Te Akitai Waiohū  
Ngāti Whanaunga  
Ngāti Maru  
Ngai Tai ki Tamaki

Detail all consultation undertaken with the persons referred to above. Include a statement explaining how engagement has informed the project.

Please write your answer here:

Te Hao o Ngāti Whātua and Ngāti Paoa Whānau Trust Board (Formerly referred to in the decision as Ngāti Paoa Management Committee) provided affected party consent to NEIL for the land. the NEIL land use consents held were fully notified and none of the Iwi Authorities submitted, attended hearings, or joined the land use appeals. NEIL holds consents for all regional work including instream works, reclamation, and stormwater effects required that support the project. Auckland Transport undertook further consultation with Ngāti Whātua o Kaipara, Ngāti Whātua, Ngāti Te Ata Waiohū Metiria Kaihau, Ngāti Manuhiri, Te Kawerau a Maki, Te Akitai Waiohū, Ngāti Whanaunga, Ngāti Maru and Ngai Tai ki Tamaki, Mana Whenua in 2018 for the resource consents required for the Medallion Drive Link through the land at 56 Fairview Heights under the Public Works Act. Auckland Transport provided NEIL with all technical investigations with the authority for NEIL to reference and rely on the information and consultation undertaken on the land.

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Describe any processes already undertaken under the Public Works Act 1981 in relation to the land or any part of the land on which the project will occur:

Please write your answer here:

The land has been subject to works under the Public Works Act 1981. Between 2018 and 2022 Auckland Transport established Medallion Drive Link through the land at 56 Fairview Avenue. This section of Medallion Drive has been operational since March 2022. The designation has not been removed from the Auckland Unitary Plan Operative in Part and the Land Valuation Tribunal Hearing is outstanding. Auckland Transport has not completed its obligations to NEIL per the [2016] NZEnvC 216 decision.

#### Section 4: Iwi authorities and Treaty settlements

What treaty settlements apply to the geographical location of the project?

Please write your answer here:

Ngāti Whātua o Kaipara  
Ngāti Maru  
Te Kawerau a Maki  
Te Akitai Waiohū  
Ngāti Manuhiri  
Ngāti Wai  
Ngāti Whanaunga  
Ngāti Te Ata Waiohū

Are there any Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019 principles or provisions that are relevant to the project?

No

If yes, what are they?:

Are there any identified parcels of Māori land within the project area, marae, and identified wāhi tapu?

No

If yes, what are they?:

Throughout the multiple consent processes to date by successive owners (former owner Ngarie Glass), current owner Heritage Land Limited, and through the works by Auckland Transport and further liaison with local iwi there have been no wāhi tapu areas of special spiritual, cultural, and historical significance to the tangata whenua of Aotearoa identified concerning this land.

Is the project proposed on any land returned under a Treaty settlement or any identified Māori land described in the ineligibility criteria?

No

Has the applicant has secured the relevant landowners' consent?

Yes

Is the project proposed in any customary marine title area, protected customary rights area, or aquaculture settlement area declared under s 12 of the Māori Commercial Aquaculture Claims Settlement Act 2004 or identified within an individual iwi settlement?

No

If yes, what are they?:

Has there been an assessment of any effects of the activity on the exercise of a protected customary right?

No

If yes, please explain:

Upload your assessment if necessary:

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#### Section 5: Adverse effects

What are the anticipated and known adverse effects of the project on the environment?

Please describe:



The effects on the environment of this proposal were the subject of 15 Joint Witness Statements between 2010 and 2016 when the Environment Court granted the NEIL land use consents and the related Medallion Drive Link Notice of Requirements. Adding additional height to the existing buildings is consistent with the known assessed effects of the development consented to by the Court. NEIL holds regional consents for instream works for the further building and bridge to building on the southern portion of the land. There are no adverse effects of the proposal that cannot be mitigated through the adoption and updated staging of the conditions granted by the Environment Court [2016] NZEnvC139 attached.

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[2016] NZEnvC 139 - North Eastern Investments Limited v Auckland Council.pdf was uploaded

## Section 6: National policy statements and national environmental standards

What is the general assessment of the project in relation to any relevant national policy statement (including the New Zealand Coastal Policy Statement) and national environmental standard?

Please write your answer here:

The National Policy Statement on Urban Development 2020 is directly relevant, as previously outlined to enable buildings of at least six stories on the land to accommodate additional residential units. To meet the NPS-UD requirements additional accelerated capacity is required which this project seeks to achieve.

National Policy Statement for Highly Productive Land 2022. The land is zoned for residential and business mixed-use under the AUP OIP, the NPS-HPL is not relevant to the proposal. The proposal is for brownfield development appropriate to the land's zoning and physical location.

National Policy Statement for Freshwater Management 2020 and National Environmental Standard Freshwater have been considered. NEIL holds existing consent for all instream works for the proposal.

Stormwater mitigation for the buildings has already been considered and consented to. All effects are controlled by the existing consent conditions at the time of implementation.

National Policy Statement for Indigenous Biodiversity 2023

There are no material indigenous biodiversity values associated with the site. The land is not a significant environmental area. NEIL's consents include significant riparian planting throughout the development.

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## Section 7: Eligibility

Will access to the fast-track process enable the project to be processed in a more timely and cost-efficient way than under normal processes?

Yes

Please explain your answer here:

In 2003 NEIL lodged Land Use Consents and Regional Consents. In 2004 the Regional Consents were granted by the former Auckland Regional Council. A few of the NEIL Regional Consents expired before they could be implemented. When reapplied for they were granted but expired again before they could be implemented. Others were extended under s 125 as NEIL worked to obtain land use consent.

The land use consents were not heard until 2009. They were declined and appealed with consent granted in 2016 by the Environment Court. NEIL sought further regional consent from Auckland Council for instream works and reclamation granted in 2017 on the back of the Auckland Transport Notice of Requirement decision from the Environment Court for Medallion Drive Link through 56 Fairview Avenue.

NEIL contends the land is important and should be developed to its full potential as a comprehensive integrated development as part of the highly connected urban fabric. Throughout the period between 2004 and 2024, a 20-year period NEIL continued to participate in numerous Auckland Council (and former North Shore City Council plan changes) and Auckland Transport Notice of Requirements affecting the land at 56 Fairview Avenue to protect their investments in the consents held and to enable an intensive development on the land. NEIL has also participated in the Gills Road Notice of Requirement, the Auckland Council Proposed Unitary Plan, the Auckland Council Healthy Waters Regionwide Network Discharge Consent, Auckland Council Plan Change 71, Plan Change 78, Plan Change 79, and Plan Change 80 for the same reason.

The Environment Court and the Court of Appeal have found in NEIL's favour in granting decisions on Auckland Council (former NSCC) Plan Changes 22-24 and Plan Change 32 and the PAUP. On occasion, the Court has found the actions of Auckland Council to be unlawful in their treatment of NEIL at this address.

NEIL's application of a fast-track decision that facilitates the delivery of this project is appropriate because of the significant regional benefits it brings.

What is the impact referring this project will have on the efficient operation of the fast-track process?

Please write your answer here:

We are unaware of any likely impact, however, this is best answered by MfE.



Has the project been identified as a priority project in a:

Other

Please explain your answer here:

The land was zoned for the highest residential intensity when it was purchased under the NSCC district plan 2002. It is infrastructure-ready and zone-enabled, the NPS-UD identifies the land as appropriate for development for at least six-storey development. There are no relevant qualifying matters that restrict the land's intensive development under the proposal.

Will the project deliver regionally or nationally significant infrastructure?

Not Answered

Please explain your answer here:

The regionally significant infrastructure, the Northern Corridor Improvements by Waka Kotahi and the Medallion Drive Link by Auckland Transport have already been completed. These multi-million dollar investments support intensive development and connectivity of the land at 56 Fairview Avenue in Albany.

Will the project:

increase the supply of housing, address housing needs, contribute to a well-functioning urban environment

Please explain your answer here:

As outlined above, 56 Fairview Avenue is a strategically important greenfield site that is suitable to provide greater residential intensity. The land has been investigated through multiple (ongoing) Auckland Council and Auckland Transport planning processes and through NEIL's land use and regional consents already held.

Will the project deliver significant economic benefits?

Yes

Please explain your answer here:

As outlined the complete fully staged process has been valued at NZ\$1 billion. During the documentation and construction phase, it is expected to employ over 1000 people.

Will the project support primary industries, including aquaculture?

No

Please explain your answer here:

Will the project support development of natural resources, including minerals and petroleum?

No

Please explain your answer here:

Will the project support climate change mitigation, including the reduction or removal of greenhouse gas emissions?

Yes

Please explain your answer here:

Supplying a greater quantity of housing within a walkable catchment of the Albany Bus Station, the Albany Metropolitan area, adjacent to a Rapid and Frequent Transport network near the on-ramp and off-ramps to the State Highway, supports the use of public transport and a reduction of greenhouse gas emissions.

Will the project support adaptation, resilience, and recovery from natural hazards?

Yes

Please explain your answer here:

The land at 56 Fairview Avenue is protected by the Auckland Council Healthy Waters Regionwide Network Discharge Consent, the NEIL NDC requires mitigation of stormwater from all development Lucas Creek Catchment upstream of NEILs land inclusive from all tributaries. The consent ground floor habitable floors for the NEIL development were survey-checked after the January 2023 stormwater events and reported to be unaffected by those events.

Will the project address significant environmental issues?



No

Please explain your answer here:

The project provides significant improvements to the stream environments as an outcome of the project as it includes extensive riparian planting and stormwater management control, and both will improve the degraded stream environment.

Is the project consistent with local or regional planning documents, including spatial strategies?

Yes

Please explain your answer here:

The land is zoned for THAB and BMU under the AUP OIP and infrastructure has been completed to support intensification of the land in the Fairview Heights Catchment. The project is fully consistent with well-established growth planning envisaged by the National Policy Statement for Urban Development.

Anything else?

Please write your answer here:

Expert reports on all aspects of this project are available on request.

Does the project includes an activity which would make it ineligible?

No

If yes, please explain:

## Section 8: Climate change and natural hazards

Will the project be affected by climate change and natural hazards?

No

If yes, please explain:

As previously discussed the NEIL land is protected in the Lucas Creek Catchment from upstream development through the Healthy Waters Regionwide Network Discharge Consent.

## Section 9: Track record

Please add a summary of all compliance and/or enforcement actions taken against the applicant by any entity with enforcement powers under the Acts referred to in the Bill, and the outcome of those actions.

Please write your answer here:

The applicant has never had any compliance or enforcement action taken on any projects or activities.

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## Declaration

Do you acknowledge your submission will be published on environment.govt.nz if required

Yes

By typing your name in the field below you are electronically signing this application form and certifying the information given in this application is true and correct.

Please write your name here:

Amanda Coats (Proarch Consultants Limited) on behalf of North Eastern Investments Limited

Important notes