

IN THE MATTER

of the Fast-track Approvals Act 2024 (“**FTAA**”)

AND

IN THE MATTER

of an application for approvals by Kiwi Properties No.2 Limited to subdivide and develop 48.4 hectares of land within the Drury Centre Precinct including the further subdivision of approved super lots in stage 1, construction of retail, commercial, community, residential and visitor accommodation with associated landscaping, supporting infrastructure, private and public roads, stream and wetland reclamation and enhancement. - Project FTAA-2502-1019 – Drury Metropolitan Centre (“**Drury Centre Application**”)

MEMORANDUM OF STRATEGIC AND PLANNING MATTERS FOR AUCKLAND COUNCIL

Dated: 11 August 2025

SECTION A: INTRODUCTION

1. This Planning Memorandum, prepared by Mr Masato Nakamura, Consultant Planner for Auckland Council (**Council**), sets out the Council’s Statutory Planning Assessment of the substantive application for the Drury Centre application (**Application**) lodged by Kiwi Properties No.2 Limited (**Applicant**) under the Fast-track Approvals Act 2024 (**FTAA**). It is structured as follows:
 - **Section B:** Plan and Policy Context
 - **Section C:** Statutory Planning Assessment
 - **Section D:** Summary of Assessment Outcomes and Proportionality Conclusions.
2. This Planning Memorandum should be read alongside the Legal Memorandum prepared by Brookfields Lawyers dated 11 August 2025, which addresses the legal framework for decision-making under the FTAA, including the statutory tests and considerations that apply to the Panel’s assessment. To avoid duplication, legal framework matters are not restated in this memorandum but are incorporated by reference.
3. The assessment of the Application has been based on the Application material as

lodged, the material provided by the Applicant on 24 July 2025 as part of the response to the s67 matters recommended by the Council, and the supplementary response to flooding matters provided by the Applicant on 5 August 2025.

4. In addition, there are 17 accompanying annexures, as follows, which are referred to throughout this memorandum:

Annexure 1 – Funding and Finance Memo (Brigid Duffield)

Annexure 2 – Economics Memo (James Stewart)

Annexure 3 – Auckland Transport Memo (Chris Freke and Matt Ford)

Annexure 4 – Traffic Engineering Memo (Mat Collins)

Annexure 5 – Development Engineering Memo (Maria Baring)

Annexure 6 – Watercare Services Memo (Janaka Edirisinghe)

Annexure 7 – Healthy Waters Memo (Hilary Johnston)

Annexure 8 – Stormwater (Regional Discharge Permit) Memo (Martin Meyer)

Annexure 9 – Parks Planning Memo (Lea van Heerden)

Annexure 10 – Ecology Memo (Jason Smith)

Annexure 11 – Regional Earthworks Memo (Matt Byrne)

Annexure 12 – Contaminated Land Memo (Fiona Rudsits)

Annexure 13 – Noise and Vibration (Bin Qiu)

Annexure 14 – Urban Design Memo (Chris Butler)

Annexure 15 – Landscape Memo (David Ferrari)

Annexure 16 - Heritage and Archaeology Memo (Mica Plowman)

Annexure 17 - Local Board Comments (Franklin Local Board).

5. It is noted that Auckland Transport (**AT**), Watercare Services Limited (**WSL**), and New Zealand Transport Agency Waka Kotahi (**NZTA**), have not been directly requested to provide comments to this application. The Council's response incorporates the comments from AT and WSL. The response does not incorporate or include any comment or feedback from NZTA.

Qualifications, Experience and Code of Code Conduct

Masato Nakamura

6. Masato Nakamura is a consultant planner at CoLab Planning Limited engaged by the Planning and Resource Consents Department at Auckland Council. Masato holds the

qualification of Bachelor of Planning (Hons) and has 9 years of experience in planning practice. Masato is a full member of the New Zealand Planning Institute. Masato has prepared expert evidence and technical assessments for various resource consent applications for various Councils across the country, including applications under the COVID-19 Recovery (Fast Track Consenting) Act 2020 within the Auckland Region. Masato has appeared as an expert witness before consent authorities prior to this consent application.

7. Masato Nakamura confirms that he has read the Environment Court Practice Note 2023 – Code of Conduct for Expert Witnesses (**Code**) and has complied with it in the preparation of this memorandum. He also agrees to follow the Code when participating in any subsequent processes, such as expert conferencing, directed by the Panel. He confirms that the opinions expressed are within his area of expertise and are his own, except where he has stated that he is relying on the work or evidence of others, which he has specified.
8. Masato undertook a site visit on 18 July 2025.

SECTION B: PLAN AND POLICY CONTEXT

9. **Section B** addresses the plan and policy context for the Application, with a particular focus on the context provided by the Drury Centre Precinct.

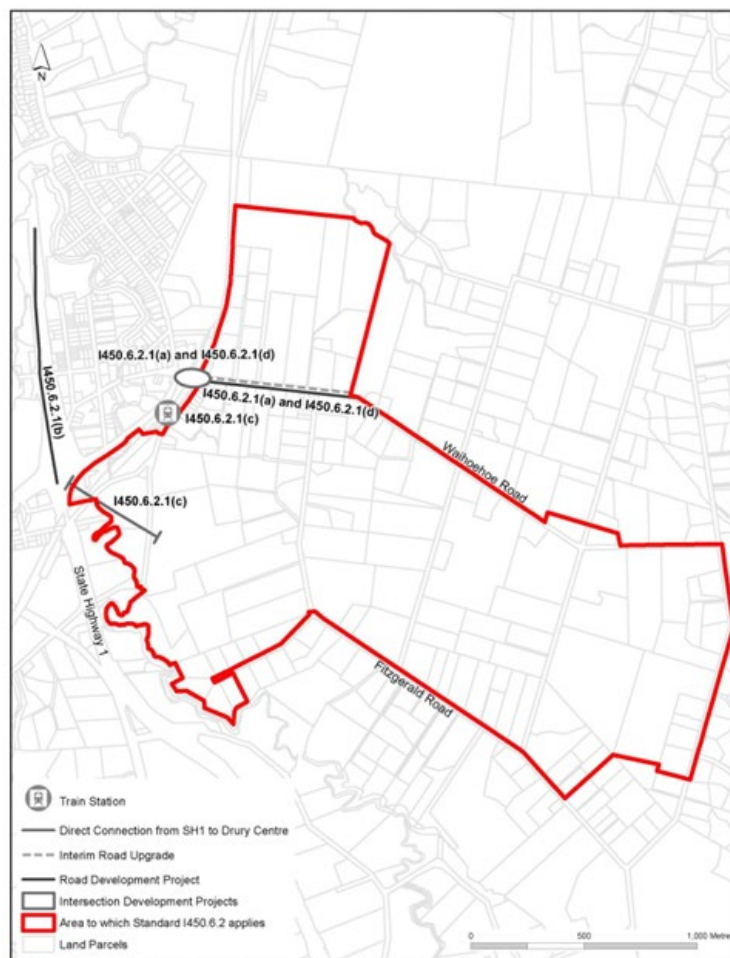
Precinct Provisions

10. The Application site is located within the Drury Centre Precinct, which was one of several in the wider Drury-Opāheke Structure Plan area. The planning framework for this area is notably recent, having been established through a series of private plan changes to the Auckland Unitary Plan (**AUP**) — Plan Change 48 (Drury Centre), Plan Change 49 (Drury East), and Plan Change 50 (Waihoehoe) — which all became operative precincts on 16 December 2022. These plan changes rezoned approximately 328 hectares of Future Urban zoned land, creating a framework for one of Auckland's most significant greenfield urbanisation projects. Each plan change introduced a new precinct into Chapter I of the AUP.
11. The strategic intent of this new planning framework is to manage the transition of rural land into a quality compact urban form. A core principle embedded across all three precincts is the critical integration of development with the timely and logical provision of infrastructure.
12. The Drury Centre Precinct (I450) is positioned as the centre of this new urban area, planned as a high-density, transit-oriented metropolitan centre anchored by the future Drury Central train station (Objective I450.2(1), I450.2(4)). It is supported by the adjacent Drury East (I451) and Waihoehoe (I452) precincts, which are planned as comprehensively developed residential environments.
13. Specifically, the Drury Centre Precinct provides for the highest concentration of employment-generating activities, retail, and residential density. The provisions are designed to create a vibrant, pedestrian-focused environment with a high-amenity main

street and quality open spaces. The precinct framework explicitly prioritises access by public and active transport modes, seeking to integrate rail, bus, pedestrian, and cycle networks to connect key destinations and reduce reliance on private vehicles, consistent with its function as a metropolitan centre.

14. Notably, all three precincts are governed by a common set of development and subdivision thresholds linked to the delivery of specific transport infrastructure upgrades (In the Drury Centre Precinct, this is Standard I450.6.2). There is also a common “Transport Staging Boundary” spanning all three precincts. In the Drury Centre Precinct, this is located at I450.10.4 (Precinct Plan 4), reproduced below for convenience.

I450.10.4 Drury Centre: Precinct plan 4– Transport Staging Boundary



15. The "trigger table" establishes a direct link between the scale of cumulative development over time and the operational capacity of the transport network.
16. This principle of coordinated growth is a foundational element of the Drury Centre Precinct. The framework repeatedly reinforces that development must not outpace the infrastructure required to service it, using directive and strong language. This is explicitly stated in **Objective I450.2(5)**, which requires that *"Subdivision and development does not occur in advance of the availability of operational transport infrastructure,"* and is given effect through **Policy I450.3(20)**, which is *"Require that subdivision and*

development does not occur in advance of the availability of operational transport infrastructure, including regional and local transport infrastructure”.

17. The purposes of Standard I450.6.2 are as follows:

- *Mitigate the adverse effects of traffic generation on the surrounding local and wider road network, consistent with Policy I450.3(18).*
- *Achieve the integration of land use and transport consistent with Policies I450.3(16), (19), (20) and (22).*

18. I consider the above context to be of importance in considering the Application, its supporting material, and the assessment provided by the experts for Council.

Applicant's Assessment

19. The Applicant's assessment provided in Appendix 35 of the Application and AEE, concludes that the proposal is consistent with the relevant objectives and policies of the Drury Centre Precinct. The Applicant considers that the development will be adequately serviced by infrastructure provided prior to or at the same time as the development and that the proposal represents a quality urban design outcome.

Council's Assessment

20. The following are key areas where tension exists between the planning framework of the precinct, identified within the specialist assessments provided by experts from the Council and Auckland Transport.

Funding and Finance

21. The assessment provided by Ms Brigid Duffield (**Annexure 1**) in terms of Council's Funding and Financing highlights a primary concern, which is that the proposal is of a scale that relies on major transport infrastructure for which there is no confirmed funding or delivery timeline. Multi-billion dollar projects, such as the Mill Road connections and the Drury South Interchange, are prerequisites for the later stages of the proposed consented development but remain unprogrammed and unfunded in any central or local government plan. Separate to the assessment provided by Ms Duffield, I also clarify that Mill Road Stage 3, which would connect Papakura to Drury, does not currently have a designation or any route protection in place.

22. Granting consent for development contingent on unfunded infrastructure creates significant uncertainty and risk. It effectively "banks" development capacity without any certainty as to when, or if, the enabling infrastructure will be delivered. This requires careful consideration as it relates to the sequenced approach to growth relative to infrastructure delivery as outlined in the Drury Precinct, particularly as it relates Policy I450.3(21), which requires development to be coordinated with the provision of sufficient infrastructure.

Auckland Transport (AT)

23. Alongside concerns about the Applicant's modelling, including work-from-home adjustments and optimistic retail trip assumptions, which may underestimate traffic impacts concerns, AT's review concludes that the Application substantially exceeds the development thresholds that trigger major transport upgrades under the Precinct provisions.
24. The proposal seeks to proceed with development in advance of the required infrastructure, including the direct connection from State Highway 1 that are outlined in Standard I450.6.2, which (as noted) were identified as necessary through the Plan Change 48 process to manage the adverse effects on traffic generation on the local and wider road network, and achieve integration of land use and transport.
25. Proceeding with development ahead of the required infrastructure creates a tension with the overall thrust of the precinct provisions that aim to ensure that development does not occur in advance of operational transport infrastructure (Objective I450.2(5) and Policy I450.3(20)).

Parks and Community Facilities

26. The Council's Parks and Community Facilities assessment (**Annexure 9**) identifies a significant shortfall in the provision of formal, publicly accessible open space. The proposal does not include a flood-free, vested neighbourhood park suitable for structured community recreation. Instead, it relies on privately owned spaces, such as Valley Park, which are designed primarily to serve a stormwater management function and for which no enduring public access rights are secured.
27. While there is some recognition in the Drury Centre Precinct of the possibility of privately owned open spaces (I450.1 Precinct Description), the Applicant's approach as lodged does not deliver the level of public amenity and social infrastructure expected for a high-density metropolitan centre. The reliance on dual-use, privately-owned spaces of uncertain accessibility is inconsistent with the objective of creating a quality built environment that provides for the social and recreational needs of the community (Objective B2.3.1) and reinforces the centre as a community focal point (Objective H9.2(2)). These objectives are also supported by policy I450.3(15) which requires open space to contribute to the sense of place, be publicly accessible, and integrate with the network or open spaces within the Drury-Opāheke area.

Economics

28. The review undertaken by Council's Chief Economist Unit (**Annexure 2**) notes that the economic assessment provided by the Applicant relies on input-output modelling, which is described as having limitations that affect its suitability for calculating the benefits (gross or net) of the proposal. It is noted that several of the claimed benefits are more accurately characterised as economic transfers rather than true net benefits.
29. While acknowledging that the Application may generate economic benefits associated

with commercial activity, the review states that a more robust evaluation would entail a cost–benefit analysis (CBA) that compares the full range of incremental costs and benefits against a clearly defined counterfactual.

30. Crucially, the Council review identifies that the Applicant's assessment does not properly account for the material opportunity cost of allocating the limited transport infrastructure capacity available under the shared trigger upgrades to this Application, keeping in mind that other development in the Drury Centre, Drury East and Waihoehoe precincts rely on the same staged transport projects. There is a concern that this omission means the economic assessment provided by the Applicant does not provide a complete or robust analysis of the project's net economic impact, which is a key consideration for a project of this scale that relies heavily on public investment.

Higher Order Statutory Documents

31. The proposal represents a significant urban development that engages key national and regional policy directives. At a high level, the project aligns with the strategic intent of both the National Policy Statement on Urban Development 2020 (**NPS-UD**) and the Auckland Unitary Plan Regional Policy Statement (**RPS**) to create a quality, compact urban form. However, its consistency is dependent upon the timely and integrated delivery of infrastructure and the adequate provision of community amenities and environmental mitigation.

National Policy Statement on Urban Development 2020

32. The NPS-UD seeks to ensure New Zealand has well-functioning urban environments (Objective 1) that are strategically planned and integrated with infrastructure (Objective 6). Subject to my comments below, the proposal for a transit-oriented metropolitan centre at Drury strongly supports these objectives. It concentrates a mix of residential, commercial, and community activities in a location serviced by planned rapid transit, which is consistent with Policy 1. The development is intended to provide significant housing and business capacity (Objective 2) and supports climate change objectives (Objective 8) by promoting a mode shift away from private vehicles. Furthermore, a well-functioning urban environment under Policy 1(c) includes good accessibility to "natural spaces, and open spaces," a matter of direct relevance to the proposal's open space and ecological outcomes.

Auckland Unitary Plan Regional Policy Statement

33. Similarly, the RPS, particularly Chapter B2: Urban Growth and Form, promotes a quality compact urban form (Objective B2.2.1) and directs residential intensification to centres and transport corridors (Policy B2.2.2(5)). The proposal is generally consistent with the objective to create a quality built environment (B2.3.1) that is well-connected and provides for a mix of uses.
34. The integration of land use and transport planning is a central theme, as reflected in both Chapter B2 and Chapter B3: Infrastructure, transport and energy. For example:

- Objective B2.2.1(1)(c):

A well-functioning urban environment with a quality compact urban form that enables all of the following: ...

(c) better use of existing infrastructure and efficient provision of new infrastructure; ...

- Objective B2.2.1(5):

The development of land within the Rural Urban Boundary, towns, and rural and coastal towns and villages:

(a) is integrated with the provision of appropriate infrastructure; ...

- Policy B2.2.2(7)(c):

Enable rezoning of land within the Rural Urban Boundary or other land zoned future urban to accommodate urban growth in ways that do all of the following:

...

(c) integrate with the provision of infrastructure; and ...

- Policy B2.4.2(6):

Ensure development is adequately serviced by existing infrastructure or is provided with infrastructure prior to or at the same time as residential intensification. ...

- Objective B3.2.1(5):

Infrastructure planning and land use planning are integrated to service growth efficiently.

- Objective B3.3.1(1)(b):

(1) Effective, efficient and safe transport that:

(b) integrates with and supports a quality compact urban form; ...

- Policy B3.3.2(5):

Improve the integration of land use and transport by:

(a) ensuring transport infrastructure is planned, funded and staged to integrate with urban growth; ...

35. The RPS is specific on open space and ecological matters, seeking to meet the recreational needs of communities through quality open space (Objective B2.7.1(1)) and to maintain and enhance public access to streams and wetlands (Objective B2.7.1(2)). Furthermore, RPS Chapter B7: Natural Resources directs that indigenous biodiversity is maintained and enhanced where development is occurring (Objective B7.2.1(2)) and that

degraded freshwater systems are enhanced while their loss is minimised (Objective B7.3.1).

Conclusion on Higher Order Policy Alignment

Both the NPS-UD and the RPS aim to ensure that development do not outpace the provision of necessary services. For example, Objective 6 in the NPS-UD and the objectives and policies in Chapters B2 and B3 of the AUP identified above. The reliance of the later stages of the development on major, currently unfunded transport projects creates a tension with these requirements. Similarly, the reliance on privately-owned, dual-function stormwater areas to meet public open space needs, and the uncompensated loss of wetland and stream habitat, creates a tension with the policy direction for providing community amenity and enhancing the natural environment. While the proposal is consistent with the desired form of urban development, its consistency with the required process of integrated growth and environmental management is contingent on resolving the significant uncertainties highlighted elsewhere in this memorandum.

Conclusion

36. In summary, while the Application proposes land use activities that are generally anticipated within the Drury Centre Precinct, the manner in which it proposes to do so (e.g. in terms of staging and transport / parks infrastructure delivery) is at odds with the precinct's recently established integrated staging and infrastructure framework.
37. The proposal seeks to proceed with a scale of development in excess of the capacity of the existing and committed infrastructure network, creating a risk that adverse effects on the transport system and other networks will not be adequately managed in the manner anticipated by the precinct provisions. This approach creates a clear tension with the precinct's staging and infrastructure integration policies, which were designed to ensure a coordinated and sustainable approach to growth, and to ensure that local and wider transport network effects could be mitigated. This, combined with material shortfalls in the provision of public amenity in the form of accessible open space, raises a tension regarding the proposal's consistency with the AUP as outlined by the expert reviews in relation to Transport, Funding and Finance, Economics and Parks Planning.
38. This requires careful consideration and analysis, which is provided in the following sections.
39. I emphasise, in terms of section 85(4) of the FTAA, that my assessment in this memorandum, and my recommendation in **Section D** below, are not based on inconsistency with planning documents alone. My assessment identifies a range of substantive adverse impacts / effects arising from the Application.

SECTION C: STATUTORY PLANNING ASSESSMENT

40. The following section outlines the statutory planning assessment drawing on the various expert inputs provided by experts who have reviewed the Application documents. To provide context, a brief summary of the assessment provided by the Applicant is also

included.

SECTION C.1 CONSTRUCTION EFFECTS

Earthwork (sediment and erosion)

Applicant's Assessment

41. The Applicant proposes extensive earthworks, involving approximately 212,225m³ of cut and 195,873m³ of fill over a 20.85ha area. To manage the potential for erosion and sediment discharge, the Applicant has submitted an Erosion and Sediment Control Management Plan (**ESCP**) and an Adaptive Management Plan (**AMP**).
42. The primary sediment control measures consist of six new and one existing chemically treated Sediment Retention Ponds (**SRPs**). These have been designed to a robust 3% storage criterion, exceeding the minimum requirements of Auckland Council's Guideline Document GD05. Additional measures include super silt fences along stream margins, clean and dirty water diversion channels, progressive stabilisation of completed areas, and stabilised construction entrances. The Applicant proposes to complete the bulk earthworks within a single season (October to April) but has requested a 15-year lapse date for the consent to provide for staged development.

Council's Assessment

43. Council's Regional Earthworks Specialist, Matthew Byrne, has reviewed the proposal and supporting documents (**Annexure 11**). The specialist concurs that the proposed erosion and sediment control measures are in accordance with GD05 and represent industry best practice. The oversizing of the SRPs is supported as a robust approach.
44. The specialist supports the use of an AMP to provide real-time monitoring and control, allowing for adjustments to be made in response to the performance of the control measures. The proposed conditions of consent, including the requirement for finalised ESCPs to be submitted prior to works commencing and the standard seasonal restrictions on earthworks, are considered appropriate. The requested 15-year consent duration is also supported by the specialist, given the nature and staging of the overall development (I comment on the proposed 15 year lapse period more broadly later in this Planning Memorandum).

Conclusions on Sedimentation Effects

45. The scale of the proposed earthworks presents a significant risk of sediment discharge to the surrounding streams, which flow into the Pahurehure Inlet. However, the Applicant has proposed a comprehensive and robust suite of erosion and sediment control measures that meet and, in some cases, exceed the standards of GD05.
46. The combination of oversized, chemically treated SRPs, a full suite of supporting measures, and the implementation of an AMP is considered an appropriate methodology

to manage the potential adverse effects. Council's specialist supports the proposed approach and conditions. It is concluded that the potential effects of the earthworks can be appropriately managed.

47. There are no headline issues identified in relation to the proposed earthworks that require a proportionality assessment.

Geotechnical and Land Stability

Applicant's Assessment

48. The Applicant has provided a Geotechnical Investigation Report prepared by CMW Geosciences. The investigations confirm that the site is generally suitable for the proposed development. Key geotechnical hazards identified include settlement of compressible soils under the load of the proposed fills and future buildings.
49. To mitigate this, the Applicant's geotechnical consultants have recommended ground improvement options, such as pre-loading or the use of deep foundations for future buildings. The report also confirms that the liquefaction potential is negligible and that proposed slopes will meet the required factors of safety. The earthworks, including cuts of up to 8.5m and fills up to 7m, are considered achievable with conventional machinery, although the presence of allophanic soils will require careful management.

Council's Assessment

50. Council's Development Engineering Specialist, Maria Baring, has reviewed the geotechnical aspects of the proposal (**Annexure 5**). The specialist concurs with the findings of the Applicant's Geotechnical Investigation Report and agrees that the site is suitable for the proposed development, provided the recommendations in the report are followed.
51. The specialist supports the proposed approach to managing geotechnical risks and recommends conditions of consent to ensure that all geotechnical works, including the construction of retaining walls and the placement of fill, are supervised and certified by a suitably qualified engineering professional. This includes the requirement for a Geotechnical Completion Report to be submitted to Council upon completion of the works.

Conclusions on Geotechnical and Land Stability Effects

52. The geotechnical investigations have identified potential settlement issues, which is not uncommon for a development of this scale and nature. The Applicant has proposed appropriate mitigation and management measures to address these risks.
53. Council's specialist supports the findings and recommendations of the Applicant's geotechnical assessment. With the implementation of the recommended consent conditions requiring professional supervision and certification, it is concluded that the geotechnical and stability risks associated with the development can be appropriately

managed.

54. There are no significant Geotechnical and Land Stability impacts that require proportionality assessment.

Construction Noise and Vibration

Applicant's Assessment

55. The Applicant has provided a Noise and Vibration Assessment prepared by Styles Group, which assesses construction and operational noise and vibration effects.
56. The assessment identifies that construction noise and vibration levels will comply with the permitted standards in the AUP for the majority of the works. However, it predicts that construction noise may exceed permitted limits by up to 10dB at adjacent receivers in the Business - Mixed Use Zone (BMUZ) and Business - Metropolitan Centre Zone (BMCZ) when high-noise generating activities occur within 50 metres of an occupied building. Similarly, construction vibration may exceed the 2mm/s PPV amenity limit under certain conditions, such as during vibratory compaction near a boundary.
57. To manage these effects, the applicant proposes a detailed Construction Noise and Vibration Management Plan (**CNVMP**). This plan will include measures such as communication with neighbours, use of noise barriers, and monitoring procedures to ensure effects are reasonable. The CNVMP will manage construction noise to not exceed 80 dB LAeq and vibration to not exceed 5mm/s PPV at any occupied building.

Council's Assessment

58. The noise and vibration matters have been reviewed by Council's Noise and Vibration Specialist, Bin Qiu, as detailed in the Noise and Vibration Memo (**Annexure 13**). The specialist generally concurs with the Applicant's assessment and proposed management approach.
59. The specialist agrees that the predicted construction noise exceedances are likely to be intermittent and can be managed through a comprehensive CNVMP. The proposal to manage construction noise and vibration effects through a detailed CNVMP is supported.

Conclusions on Construction Noise and Vibration

60. The Applicant's assessment appropriately identifies that the primary noise and vibration effects will occur during the construction phase. These effects are temporary and can be managed to a reasonable level through the implementation of a detailed CNVMP, as proposed by the Applicant and supported by Council's specialist.
61. With the implementation of the CNVMP and the recommended consent conditions, the noise and vibration effects of the proposal are considered acceptable and can be appropriately managed.

62. There are no significant residual construction noise and vibration impacts that require proportionality assessment.

Contamination

Applicant's Assessment

63. The application is supported by a series of contamination reports prepared by CMW Geosciences (CMW) and Aurecon, including a Detailed Site Investigation (**DSI**), a Stage 1 Contamination Summary, and a Stage 2 Remedial Action Plan (**RAP**). These investigations identified historical activities on the site that are listed on the Hazardous Activities and Industries List (HAIL), including uncontrolled filling, the presence of buildings with asbestos-containing materials, and the historical storage and use of super-phosphate fertiliser.
64. Soil testing confirmed the presence of contaminants, including heavy metals (lead, nickel, zinc) and asbestos, in localised areas. Specifically, undocumented fill at 64 Flanagan Road was found to contain fragments of asbestos-containing material. At 108 Flanagan Road, historical fill contained asbestos at concentrations equivalent to the human health criterion, as well as lead and nickel above environmental discharge criteria. The Applicant's assessment concludes that while contamination is present, it is confined to specific hotspots.
65. To manage these risks, the Applicant has proposed a remedial strategy focused on the removal of contaminated soil from the identified hotspots, particularly the undocumented fill at 64 Flanagan Road. The handling and disposal of this material will be governed by a detailed Site Management Plan (**SMP**) and the RAP to ensure risks to human health and the environment are appropriately managed. The applicant asserts that with these measures in place, the site will be suitable for the proposed mixed-use development.

Council's Assessment

66. The contamination matters have been reviewed by Council's Contamination Specialist, Fiona Rudsits, whose assessment is detailed in the Contaminated Land Memo (**Annexure 12**). The specialist concurs with the findings of the Applicant's investigations and supports the proposed remedial approach.
67. The Council's specialist agrees that a restricted discretionary activity land use consent under the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (**NES:CS**), along with a controlled activity contaminant discharge consent under Chapter E30 of the AUP, are the appropriate regulatory pathways. These consents will manage the localised areas of contamination identified in the Applicant's DSI.
68. The specialist has reviewed the Applicant's proposed consent conditions and considers them generally satisfactory for managing the contaminated soils on-site. However, to ensure comprehensive oversight, it is recommended that the conditions relating to the

management of contaminated materials apply to both the NES:CS land use consent and the AUP contaminant discharge consent. This will ensure that all aspects of the remediation and soil management are robustly controlled.

Conclusions on Contamination

69. The investigations have confirmed localised contamination on the site, consistent with its historical use. The Applicant's proposed approach of targeted remediation and management through a detailed RAP and SMP is considered appropriate to address the identified risks.
70. Council's specialist supports this approach and agrees with the consenting strategy. The implementation of the recommended consent conditions will ensure that the excavation, handling, and disposal of contaminated materials are managed in a way that protects human health and the environment.
71. With the proposed remediation and the recommended consent conditions in place, it is considered that there are no significant residual contamination impacts that would require a proportionality assessment. The effects of contamination can be appropriately managed to ensure the site is safe and suitable for the proposed development.
72. There are no significant residual contamination impacts identified that would require a proportionality assessment.

Groundwater

73. The Council has reviewed the geotechnical information provided in the Application and the proposal is considered a Permitted Activity when assessed against AUP Standards E7.6.1.6(1) to (3) and E7.6.1.10(1) to (6) and therefore a consent for dewatering and groundwater diversion is not required.

SECTION C.2 ARCHAEOLOGICAL HERITAGE

Applicant's Assessment

74. The Applicant has provided an Archaeological Assessment prepared by Clough & Associates. The assessment identifies one recorded archaeological site within the project area: R12/1125, the Flanagan Homestead, which dates to the 1880s. The homestead building has been removed from its original location for future relocation within the Drury Centre. However, a shell midden of uncertain origin (either European or earlier Māori) was identified in the grounds following the house's removal.
75. The assessment also notes the potential for unrecorded subsurface archaeological remains, particularly in relation to the homestead, the riparian margins of the Hingaia Stream and an unnamed stream, and an area with potential to contain remains of a New Zealand Wars military camp. The proposed earthworks will directly affect the location of the former homestead and the associated midden. To mitigate these effects, the Applicant has obtained an Archaeological Authority (2025/112) from Heritage New

Zealand Pouhere Taonga (**HNZPT**). The Applicant proposes to manage all archaeological matters through an Archaeological Management Plan, which includes archaeological monitoring of preliminary earthworks in specified sensitive areas.

Council's Assessment

76. The historic heritage and archaeological matters have been reviewed by Council's Principal Heritage Advisor, Mica Plowman (**Annexure 16**). The specialist agrees with and supports the findings of the Applicant's archaeological assessment.
77. The specialist confirms that the primary effects are on the subsurface remains of the Flanagan Homestead site (R12/1125) and that there is potential for the discovery of unrecorded archaeological sites. The specialist agrees that obtaining an Archaeological Authority from HNZPT is the appropriate mechanism for managing the modification of the site and that the proposed mitigation, centred on archaeological monitoring during earthworks in specified areas, is sufficient. The proposed consent conditions, which require a pre-start meeting and archaeological supervision of earthworks in the identified sensitive areas, are supported as being adequate to manage the potential effects on historic heritage.
78. There are no significant residual contamination impacts identified that would require a proportionality assessment.

Conclusions on Heritage Values

79. The proposed works will affect a known archaeological site (R12/1125) and have the potential to disturb unrecorded archaeology. The Applicant has correctly identified these effects and has secured the necessary statutory approval from HNZPT to modify the site.
80. The proposed mitigation, involving archaeological monitoring during earthworks under the guidance of an Archaeological Management Plan and the obtained HNZPT Authority, is considered appropriate. Council's specialist supports this approach. It is concluded that the adverse effects on historic heritage and archaeological values will be appropriately mitigated through the investigation, recording, and recovery of information, in accordance with the proposed conditions and statutory processes.
81. There are no significant heritage impacts identified that would require a proportionality assessment.

SECTION C.3 INFRASTRUCTURE EFFECTS

Wastewater and Water Supply Effects

Applicant's Assessment

82. The Applicant's Infrastructure Report asserts that the Drury Centre Stage 1 and 2

development can be adequately serviced by existing and planned water and wastewater infrastructure.

83. For wastewater, the Applicant calculates a total Peak Wet Weather Flow (PWWF) of 59.9 L/s for the combined stages. They state that this demand can be accommodated by the interim capacity of the nearby Flanagan Road Pump Station, which they note was confirmed by Watercare and Veolia as having a capacity of 137 L/s.
84. For water supply, the applicant proposes to connect to the existing 450mm public watermain on Fitzgerald Road and Flanagan Road, which are supplied by the Flanagan Road Bulk Supply Point (**BSP**). Their hydraulic modelling concludes that the public network has sufficient capacity to meet the development's domestic and firefighting demands in compliance with the relevant codes of practice.

Council Assessment

85. The water and wastewater servicing aspects of the application have been reviewed by Janaka Edirisinghe (Development Engineer) on behalf of Watercare Services Limited (**WSL**) (**Annexure 6**). WSL's assessment raises limitations within the network regarding wastewater capacity, which qualify the Applicant's assessment by confirming that only 950 Dwelling Unit Equivalents (**DUEs**) can be serviced with existing infrastructure, with any additional development beyond this reliant on future network upgrades.

Wastewater

86. Mr. Edirisinghe's assessment for WSL states that while there is some existing capacity, it is limited. Watercare can service only the initial stages of development up to a total of 950 DUEs for the entire catchment. The Applicant's proposal, which totals 1,087 DUEs, exceeds this available capacity by 137 DUEs.
87. The assessment clarifies that servicing any development beyond the 950 DUE threshold is dependent on future upgrades to the wider wastewater network, including major upgrades to the Drury South, Hingaia, and Bremner Road Pump Stations. The indicative timelines for these projects are between 2029 and 2033 at the earliest and are not guaranteed. Watercare therefore concludes that the full development as proposed cannot be serviced and recommends that any approval must include conditions to stage the development, preventing it from exceeding 950 DUEs until the necessary infrastructure upgrades are confirmed and operational.

Water Supply

88. Regarding water supply, Watercare confirms that there is sufficient bulk water supply capacity at the Drury South BSP to service the development. However, the assessment identified an important point not fully addressed by the Applicant: the 450mm watermain on Flanagan and Fitzgerald Roads are part of the local network, which is operated by Veolia.
89. Mr. Edirisinghe states that should this local network have insufficient capacity to meet

the development's demands, it is the Applicant's sole responsibility to fund and construct the necessary upgrades. While bulk supply is available, the Applicant has not demonstrated that the local connection points have sufficient capacity, and this represents an unresolved servicing risk and potential cost for the project.

Conclusions

90. As it relates to the Veolia network, the 450mm polyethylene water supply pipe located on Flanagan and Fitzgerald Rd is a local network. If there is insufficient capacity identified, it will be the responsibility of the Applicant to upgrade and fund the infrastructure to accommodate their requirements.
91. While the Applicant's assessment acknowledges insufficient bulk wastewater capacity (e.g. AEE, page 100), Watercare's assessment clearly addresses the position on available infrastructure capacity relating to wastewater. The Applicant's proposal exceeds the confirmed available capacity of the wastewater network. Proceeding with the full development would impact Watercare's ability to service the proposal in terms of wastewater, and in this regard a condition to stage the development based on the 950 DUE limit has been proposed. It is also noted that the timeframes indicated in terms of upgrades in the wastewater infrastructure are indicative and there is no certainty on timing of delivery at this stage.
92. While bulk water supply is available, the capacity of the local network remains unconfirmed. The responsibility and cost for any required upgrades to this local network rest with the Applicant. In this regard proposal currently lacks a confirmed, viable servicing solution for its wastewater needs beyond an initial stage and does not fully resolve the capacity constraints of the local water supply network.

Stormwater Effects

Applicant's Assessment

93. The Applicant's stormwater management strategy, outlined in the Infrastructure Report and Stormwater Assessment Report by Woods, adopts a treatment train approach to manage stormwater quality and quantity. The design proposes two privately owned and maintained wetlands (Wetland 2-1 and Wetland 2-2) as the primary stormwater management devices, designed to meet SMAF-1 hydrological mitigation requirements and provide water quality treatment in accordance with Auckland Council's Guideline Document GD01. The system also incorporates at-source measures, including public and private raingardens and dual-use retention/detention tanks for large format retail roof areas. The Applicant states that the proposed measures are consistent with the draft Drury Centre and Drury East SMP and will adequately mitigate the stormwater effects of the development.

Council's Assessment

Healthy Waters

94. The review by Council's Healthy Waters department (**HW**), detailed in the memo by Ms Hillary Johnston (**Annexure 7**), raises several significant concerns with the proposed stormwater management approach, focusing on erosion, asset ownership, and the robustness of the proposed mitigation. Ms Johnston has outlined the context and background as it relates to the SMP that is currently being considered separately to this Application.
95. A key issue is the risk of erosion within the receiving environment. The Hingaia Stream is already actively eroding, and HW is not satisfied that the Applicant's proposed measures are sufficient to manage the increased peak flows from the development, noting the assessment only considered the 10% AEP event, not the more extreme 1% AEP event. HW recommends a Geomorphic Risk Assessment be undertaken to assess long-term erosion risk to the Hingaia and Fitzgerald Streams, the proposed wetland embankments, and nearby assets like the proposed new road and Building H2.
96. HW does not support the proposed private ownership of Wetlands 2-1 and 2-2. As these devices are intended to receive runoff from the public stormwater network, private ownership presents "significant operational, liability, and compliance risks". HW's preference is for these assets to be vested in Council; otherwise, HW may not accept the upstream public network for vesting.
97. The design also relies on the reuse of runoff from large format retail roofs to achieve SMAF-1 retention volumes. HW has raised concerns regarding this approach, as Large Format Retail (LFR) buildings typically have limited demand for non-potable water. This creates a risk that the required retention volumes in the tanks will not be consistently drawn down between storm events, potentially leading to the underperformance of the downstream wetlands.

Stormwater Specialist (Regional Discharge Permit)

98. The assessment by Martin Meyer, Council's Stormwater Specialist (**Annexure 8**), notes that because the Drury Centre and Drury East SMP has not yet been accepted by HW, the development requires a private stormwater discharge permit. The specialist considers the proposed mitigation to be acceptable for a private discharge consent but notes that aspects of the design are unlikely to be accepted by HW for future vesting under the Network Discharge Consent.
99. The specialist supports the proposed conditions to ensure compliance with the relevant standards under Chapters E8, E9, and E10 of the AUP. However, it is highlighted that if the stormwater devices are not vested in Council, the conditions relating to their operation and maintenance should be transferred to the Land Use Consent to ensure long-term accountability.

Conclusions on Stormwater Effects

100. While the proposed stormwater management approach is considered acceptable in principle for a private discharge consent, significant technical uncertainties remain. Council's specialists have material concerns regarding the unassessed risk of erosion, the long-term viability and ownership of key stormwater assets, and the robustness of some proposed mitigation measures. The proposal cannot be fully supported until these matters, particularly the completion of a Geomorphic Risk Assessment and resolution of asset ownership, are addressed.
101. The adverse effects as it relates to stormwater management and runoff are potentially significant and these require a proportionality assessment to be undertaken. See **Section D** below.

Natural Hazards (Flooding and Overland Flowpaths)

Applicant's Assessment

102. The Applicant's flood assessment, detailed in the Stormwater Assessment Report and Hazard Risk Assessment prepared by Woods, concludes that the proposed development will not increase flood risk to people or property. The assessment is based on a flood management strategy of conveyance, allowing flood flows to pass through the site without attenuation. Hydraulic modelling was undertaken to assess the effects of the development on flood levels, indicating that post-development flood levels will generally decrease compared to the pre-development scenario.
103. This is attributed to works in Stage 1 that reduce the catchment area discharging to Fitzgerald Stream. The applicant asserts that the design ensures building floor levels are set above the 1% Annual Exceedance Probability (**AEP**) flood event, including an allowance for climate change, and that overland flow paths are managed within road corridors. An overland flow path assessment was provided, concluding that the proposed road design complies with the relevant safety and conveyance criteria.

Council's Assessment

104. HW has identified significant concerns with the applicant's flood assessment, as detailed in the memo prepared by Ms Johnston (**Annexure 7**). A primary issue is that HW has not had sufficient time to review and verify the Applicant's flood model, which was provided as part of the s67 response. While the 'no attenuation' approach is considered appropriate in principle, its validation is contingent on a thorough review of the model which is currently underway and in progress.
105. The review of the Applicant's Overland Flow Path Assessment has found this to be deficient. The assessment inappropriately assumes that no overland flows will enter the Stage 2 development from the consented Stage 1 development and that overland flows can be fully accommodated by the piped network in some areas. HW concludes that the Applicant has not yet demonstrated that overland flows can be managed in a way that avoids creating a flood hazard and risk to future public road users.

106. HW has also raised specific risks associated with the development's proximity to the Flanagan Road culvert. The proposed earthworks and building platform for Lot 40 (Building H2) are located less than 10m from the top of the stream bank, which presents a significant risk to the practicability of a critical future upgrade of this culvert. HW recommends that a minimum 20m offset be provided. Furthermore, the assessment highlights the significant risk of flooding to Building H2 in the event of a culvert blockage, with potential flood levels reaching 9.6mRL, well above the proposed finished floor level of 7.8mRL.

Conclusion

107. There are unresolved issues and information gaps in the Applicant's assessment of flooding effects. The Applicant has not yet demonstrated that flood hazards, particularly those concerning the management of overland flow paths and the risks associated with the Flanagan Road culvert, can be safely and appropriately managed.
108. The adverse flooding hazard effects are potentially significant, and these require a proportionality assessment to be undertaken. See **Section D** below.

SECTION C.4 TRANSPORT EFFECTS

Applicant's Assessment

109. The Applicant's Integrated Transportation Assessment (**ITA**), prepared by CKL, concludes that the proposed development can be established with expected and acceptable effects on the function, capacity, and safety of the surrounding transportation network.
110. The assessment asserts that the proposal aligns with the strategic direction for Drury, providing a well-connected, multi-modal transport network that integrates with planned infrastructure, including the new Drury Central Rail Station. The Applicant has proposed a revised development and infrastructure sequencing table which, based on their traffic modelling, justifies deferring certain transport upgrades required by the AUP Drury Centre Precinct. This justification relies on updated assumptions, including a reduction in trip generation due to an increase in work-from-home (**WFH**) practices and a reallocation of land use mix from residential to retail and commercial. The Applicant concludes that through their proposed staging and conditions, the transport network can support the development.

Council's Assessment

111. The transport effects of the Application have been reviewed on behalf of Auckland Council by Mat Collins (Consultant Associate Transport Planner, Abley Limited) and by Matthew Ford (Senior Development Planner) and Chris Freke (Principal Planner) for Auckland Transport (**AT**). Their assessments identify significant concerns and unresolved issues with the Applicant's proposal.

Summary of Assessment by Mat Collins (Abley Ltd)

112. Mr. Collins' review (**Annexure 4**) focuses on the immediate interfaces between the site and the public roading network. While many technical design matters could be addressed through conditions, he identifies two key issues that may have adverse impacts significant enough to weigh against approval:
- a. Public Access to Private Roads: A primary concern is that the Applicant proposes to retain private ownership of key internal roads (including Roads 3, 6, and 13) that are intended to function as integral parts of the future public transport and active mode network. Mr Collins notes that unlike the examples referenced by the Applicant, these roads serve a critical "through" function, connecting to the Drury Rail Station and the wider road network. The lack of a formal legal mechanism (e.g., public access easement) to guarantee public access in perpetuity undermines future network connectivity and is inconsistent with AUP objectives for a well-connected, accessible urban form.
 - b. Lack of Urbanisation of Flanagan Road: The proposal includes direct vehicle access from new lots onto Flanagan Road but does not provide for the urbanisation of the road frontage. This approach could result in safety and accessibility issues and would likely transfer the cost of a necessary upgrade to the Council or AT, despite the Applicant being the primary beneficiary of such an upgrade.
113. Mr Collins explicitly identifies the lack of guaranteed public access to private roads and the failure to urbanise the Flanagan Road frontage as matters that may have adverse impacts significant enough to weigh against approval. This is addressed further below.

Summary of Assessment by Auckland Transport (AT)

114. The review by Mr Ford and Mr Freke for AT (**Annexure 3**) identifies several significant transport-related risks and adverse impacts, concluding that the proposal substantially exceeds development thresholds in the operative AUP Drury Centre Precinct without providing the corresponding and necessary transport infrastructure. Their key concerns are:
- a. Transport Upgrades and Staging: The Application proposes to significantly depart from the AUP's "Trigger Table," which links development scale to the delivery of critical infrastructure. The Applicant seeks to defer major upgrades, including the Direct Connection from SH1, the Drury South Interchange, and the Mill Road connection, based on their revised modelling. AT considers the methodology for this recalculation to be unclear and the justification insufficient. Deferring these upgrades is likely to place significant pressure on the local network, particularly Great South Road and Waihoehoe Road, leading to increased congestion and reduced efficiency for public transport.
 - b. Scale of Consent and Development Feasibility: AT recommends that the scale of development approved should be reduced to reflect only the level that can be supported by committed, funded, or conditioned infrastructure upgrades. Granting

consent for the ultimate scale of development with a 15-year lapse period effectively allows the Applicant to "bank" the development capacity within the environment that includes the three precincts (Drury Centre, Drury East, Waihoehoe). This approach undermines the integrity of the Precinct provisions, making them unworkable for other landowners who would be prevented from developing their sites because the theoretical capacity has already been allocated, even if the Applicant's development does not proceed for many years.

- c. Work-From-Home and Trip Generation Assumptions: AT has significant concerns about the reliability of the applicant's traffic modelling. The WFH discount factor applied to residential and retail trips is considered unsubstantiated and likely overstates the reduction in traffic. Similarly, the assumption that retail trips can be substituted for residential trips without adverse effects is viewed as optimistic and context-sensitive. AT recommends that the trip generation is recalculated without these adjustments to understand the true potential effects on the network.
 - d. Infrastructure Funding Risks: The proposal relies on several major, unfunded transport upgrades to be delivered by public agencies (NZTA and AT). The "banking" of development capacity without a commitment to provide or fund the enabling infrastructure creates significant funding risks for Council, which relies on development contributions from multiple parties to fund its infrastructure programmes.
 - e. Private Roads and Public Transport: Similar to Mr Collins, AT raises concerns about key public transport routes (Roads 6 and 3) being located on private roads. This creates a risk that access could be restricted, adversely affecting the efficiency and reliability of bus services to the new train station. AT recommends that these key collector and public transport routes be vested as public roads.
 - f. Design and Safety Issues: As detailed in their analysis, AT identifies several specific design issues, including a shortfall in the required number of loading bays, vehicle crossings that conflict with cycle paths, and the need for frontage upgrades on Flanagan Road to provide safe active mode connections.
115. A series of conditions and changes to conditions as recommended by the Applicant have been proposed and canvassed in the assessment provided by Mr Freke and Mr Ford. AT's states the outcome of its assessment as follows:

8. AT does not oppose the Application, however this is subject to:

- a. the provision of further information and assessment by the Applicant; and*
- b. the imposition of appropriate consent conditions addressing the matters raised in this specialist response, including to reduce the extent of development consented.*

9. The question of whether a reduction in the extent of consented development can be achieved via conditions, or whether it represents a partial grant/partial

decline, is at least in part a legal matter, which the Council's / AT's legal memorandum will address. However, in terms of the Fast-track Approvals Act 2024 framework, AT's assessment is that there is a prospect that, for the later levels of development that are reliant on unfunded/unprogrammed and therefore uncertain road upgrade projects, the project's adverse impacts would be out of proportion to the project's benefits.

10. Expert conferencing may assist in resolving key concerns and refining draft conditions.

Conclusions on Transport Effects

116. There is a significant divergence between the Applicant's assessment and the reviews undertaken by Council's transport specialists. The Applicant's conclusion that the transport effects are acceptable is heavily reliant on optimistic modelling assumptions and a proposed staging plan that is fundamentally inconsistent with the recently implemented AUP framework for Drury Centre.
117. The Council's assessment finds that, as currently presented, it is not possible to fully understand or confirm the scale and nature of potential transport effects. The key risks stem from the proposal proceeding well in advance of the transport infrastructure required to support it. This approach undermines the integrated land use and transport planning established for the Drury area, creates uncertainty regarding the funding and delivery of critical infrastructure, and poses risks to the safety and efficiency of the transport network that – as the AT memo signals (at paragraph 8) – may be significant.
118. The adverse impacts related to transport are potentially significant, and these require a proportionality assessment to be undertaken.

SECTION C.5 ECOLOGY EFFECTS

Applicant's Assessment

119. The Applicant has provided an Ecological Impact Assessment (**EclIA**) prepared by Tonkin & Taylor. The assessment identifies that the site's ecological values are typical of a modified agricultural landscape, with degraded streams (Hingaia Stream, Stream A, Fitzgerald Stream) and several low to moderate value seepage wetlands.
120. The proposed works will result in ecological impacts, most notably the reclamation of 2,172m² of the natural inland 'Stream A Wetland' and a net loss of approximately 48m² of open stream channel value from the reclamation and realignment of Stream A. To manage these and other effects, the Applicant proposes a suite of mitigation measures, including the daylighting and realignment of parts of Stream A with enhanced habitat features, riparian planting, implementation of various fauna management plans (for fish, bats, birds, and lizards), and robust erosion and sediment controls. The Applicant acknowledges that despite these measures, residual adverse effects will remain, resulting in a net loss of both stream and wetland extent and ecological value.

Council's Assessment

121. Council's Consultant Ecologist, Jason Smith, has reviewed the application and EclA (**Annexure 10**). The specialist generally concurs with the Applicant's description of the site's ecological values and the assessment methodology used. However, the specialist has identified concerns with the unaddressed residual adverse effects.
122. Specifically, the specialist notes that the reclamation of the 2,172m² Stream A Wetland results in a 'Moderate' adverse effect under the EIANZ guidelines, for which no offset or compensation is proposed. Furthermore, there is an unaddressed loss of ecological value for approximately 48m² of open stream channel. The specialist also raises concerns about the under-reporting of effects on the hydrology of 'Wetland 1', which is expected to have its catchment reduced by 50%, creating uncertainty about its long-term viability.
123. Due to the net loss of stream and wetland values and extent, and the uncertainty regarding hydrological effects on an existing wetland, the Council specialist concludes that they are unable to support the Application as currently proposed. The specialist recommends a condition requiring the residual adverse effects to be addressed through a comprehensive Streamworks Environmental Effects Management Plan (**SEEMP**) that addresses the residual effects not addressed by the proposal.
124. As it relates to terrestrial ecological effects, Mr Smith has supported the proposal noting that the Applicant's EclA outlines appropriate measures including management plans for birds, bats, and lizards. These have been provided as part of the application material as part of the draft Ecological Management Plan (**EMP**), and align with best practice.

Conclusions on Ecology

125. The proposal will result in significant and permanent adverse ecological effects, primarily through the reclamation of a natural inland wetland and sections of a stream. The Applicant has proposed a range of mitigation and enhancement measures, including creating new stream sections, which will address a portion of the effects but will not achieve a 'no net loss' outcome.
126. There is a clear shortfall in the proposed mitigation, resulting in a net loss of both wetland and stream habitat and function. Council's specialist does not support the granting of consent for the proposal in its current form. There is a disagreement between the Applicant and the Council specialist on the acceptability of the residual ecological effects.
127. Putting the above into context from a planning perspective, it is noted that the EclA in support of the Application confirms that no offset or compensation is proposed within proposal and on the subject site. In this regard, the conditions proposed by Mr Smith would require offsets to be provided as part of this proposal. The I450.10.2 Precinct Plan 2 outlines the location of roading infrastructure within the precinct, and the location of the project site constrained by the Hingaia Stream, State Highway 1 and the rail line.

While it is accepted that a level of reclamation was required in this specific context, I agree with the assessment provided by Mr Smith that further offsets are required to address the residual effects from the proposal through a condition of consent or an amendment to the proposal that includes an offsite offset/compensation.

128. In terms of ecological effects, I accept the assessment provided by Mr Smith and note that the extent of stream and wetland loss, compounded by the reduction in the catchment area would typically warrant refusal under the standard RMA process.
129. The adverse ecological impacts are potentially significant, and these require a proportionality assessment to be undertaken. See **Section D** below.

SECTION C.6 LANDSCAPE AND VISUAL EFFECTS

Applicant's Assessment

130. The Applicant has not provided a specific Landscape and Visual Effects Assessment (**LVEA**). The Assessment of Environmental Effects (**AEE**) states that the significant physical and visual change from a rural to an urban character is contemplated by the AUP zoning and the Drury Centre Precinct. The AEE concludes that the development is consistent with the planned future character, responds to the site's natural landscape features through the integration of the Hingaia Stream corridor and the creation of open spaces, and that any adverse landscape and visual effects will be less than minor.

Council's Assessment

131. Council's Principal Landscape Architect, David Ferrari, has reviewed the proposal (**Annexure 15**). The specialist notes the absence of a formal LVEA but provides an assessment based on the Application documents. The specialist generally supports the proposed bulk, scale, and massing of the development, considering it aligned with the metropolitan centre zoning.
132. However, several concerns are raised. The specialist notes that the extensive earthworks, which create a flattened landform, are at odds with the Drury Centre Precinct's objective of using the natural landform to create a sense of place. There are also concerns regarding the visual quality of the arrival experience from the new SH1 off-ramp, particularly the façade treatment of large carparking buildings (Lots A and D) which front key public areas, including the Hingaia Stream reserve.
133. A primary issue identified is that the Application documents, particularly the architecture and landscape plans, lack the level of detail typically required for a resource consent application of this scale. To address this uncertainty and ensure high-quality outcomes are achieved, the specialist recommends additional consent conditions requiring a staged design review process. This would involve the Applicant submitting 'developed design' plans for both architecture and landscape elements to Council for review and approval prior to the submission of final detailed plans for certification.

Conclusions on Landscape and Visual Effects

134. The proposed development will transform the site's character from rural to a high-density metropolitan centre, a change that is anticipated by the AUP and the Drury Centre Precinct. While the overall scale and massing of the development are considered generally appropriate, there are areas of concern regarding the lack of detailed design information provided in the Application.
135. This lack of detail creates uncertainty about the quality of the final built outcomes, particularly at key public interfaces such as the arrival experience from SH1 and the edges of the Hingaia Stream reserve. Council's specialist has highlighted that the proposed conditions requiring final plans at the building consent stage are insufficient to manage these risks. The recommendation to include an additional 'developed design' review stage through consent conditions is critical to ensure that potential adverse landscape and visual effects are appropriately managed and that the development delivers a high-quality public realm consistent with the objectives of the precinct.
136. While there are no significant landscape visual impacts identified that would require a proportionality assessment, this is subject to the additional measures recommended in terms of consent conditions.

SECTION C.7 URBAN FORM, CHARACTER AND AMENITY

Character and Urban Form

Applicant's Assessment

137. The Applicant has provided an Urban Design Assessment (**UDA**) which concludes that the proposal is appropriate for its context and aligns with the relevant urban design objectives and policies of the AUP. The UDA states that the street network and block structure are well-connected, respond to site constraints, and are consistent with the Drury Centre Precinct plans. The built form is described as providing a high-quality design response that reinforces the centre as a community focal point, with building heights, massing, and articulation creating visual interest and a positive pedestrian environment, particularly along the key retail street.
138. The Application also includes the subdivision of 292 vacant residential lots within the Stage 1 area. The UDA asserts that these lots are configured to support good levels of on-site amenity and a range of future housing typologies consistent with the Business - Mixed Use Zone, noting that new buildings on these allotments would require a separate resource consent that would be subject to Council's review and approval. The Applicant concludes that the overall development will create a vibrant, walkable, and attractive metropolitan centre.

Council's Assessment

139. Council's Team Leader Urban Design, Chris Butler, has reviewed the proposal (**Annexure 14**). The specialist notes that the site is live-zoned for the type of

development proposed and is broadly supportive of the street network, block structure, and the general building mix and scale. However, a number of significant urban design concerns are raised. The key issues are itemised as follows:

- a. Connectivity: A primary concern is the lack of road connections to the eastern boundary of the site. This creates a large, impermeable urban block of approximately 400m in length (North-South), which could significantly hinder connectivity and integration with adjacent future developments, contrary to the precinct's objective for a well-connected network.
- b. Street Activation: The specialist identifies a risk of poor street activation, particularly where retail tenancies have dual frontages to both a public street and an internal pedestrian accessway or carpark. There is a concern that retailers may prioritise internal-facing entrances, leading to inactive or 'dead' frontages on public streets, which would undermine the vitality and safety of the public realm.
- c. Street Network Design: Further concerns are raised regarding the detailed design of key streets, including a lack of clarity on the future upgrade and function of Flanagan Road as it interfaces with the proposal (H1 and H2), and an insufficient provision of on-street parking along the key retail street (Hotiki Road) to support its level of vibrancy expected under the Precinct.
- d. Stage 1 Residential Subdivision: With respect to the subdivision of the Stage 1 superlots, the specialist notes that the reliance on JOALs (Jointly Owned Access Lots) and the creation of numerous rear lots without accompanying detailed design guidance creates a significant risk of poor-quality and uncoordinated development outcomes.

140. To address these issues, the specialist recommends several additional conditions of consent. These include conditions requiring the formation of road connections to the eastern boundary to improve network permeability, and conditions to ensure building frontages are activated and prioritised towards the public street. For the Stage 1 subdivision, it is recommended that future development on these lots be undertaken in a comprehensive and coordinated manner to ensure a high-quality residential environment is achieved.

Conclusions on Form, Character and Amenity

141. The proposal is generally consistent with the planned urban form for a new metropolitan centre as anticipated by the AUP and the Drury Centre Precinct. The overall layout, building mix, and scale are considered appropriate for a transit-oriented development of this nature.
142. However, there are unresolved issues regarding the detailed design and its implementation that create uncertainty and risk poor urban design outcomes. The concerns raised by Council's specialist regarding the lack of connectivity to the east, the potential for inactive street frontages, and the need for greater design quality control for the Stage 1 residential lots material issues relative to the anticipated outcomes of the

precinct.

143. I note here that there is alignment around between Mr Butler (Urban Design), Mr Collins (Transport) and Auckland Transport regarding concerns over the status of road 6, as well as the interface of the proposal with Flanagan Road.
144. As it relates to the Stage 1 subdivision, it is noted that this was a matter not previously discussed in pre-application meetings and requires careful consideration. As noted by Mr Butler, the examples presented include projects with an entirely different context. Vinegar Lane included a Design Manual that was conditioned that added a series of design controls to achieve this outcome, which is not the case here. In this regard, to address the concerns as outlined by Mr Butler it is recommended that a design manual is prepared and placed on the titles as consent notices.
145. The proposal relies heavily on future detailed design to resolve these fundamental urban design challenges. It is concluded that robust conditions of consent, including those recommended by the Council's specialist to secure road connections and active frontages, are necessary in this specific instance.
146. While noting that the expert has recommended conditions to address the issues identified, I consider the adverse effects in relation to form, character and amenity are potentially significant and these require a proportionality assessment to be undertaken. See **Section D** below.

Operational Noise

Applicant's Assessment

147. For operational noise, the assessment concludes that the proposed activities can comply with the relevant noise standards in the AUP (Chapter E25) and the Drury Centre Precinct (Chapter I450). This is due to the high noise limits in the business zones and the masterplan design, which sets back sensitive activities (like residential apartments) more than 60 metres from the rail corridor. All buildings with activities sensitive to noise will be acoustically treated to meet internal noise standards as required by the AUP.

Council's Assessment

148. The noise and vibration matters have been reviewed by Council's Noise and Vibration Specialist, Bin Qiu, as detailed in the Noise and Vibration Memo (**Annexure 13**). The specialist generally concurs with the Applicant's assessment and proposed management approach.
149. Regarding operational noise, the specialist agrees that the proposed activities can comply with the relevant AUP noise standards, given the zoning and separation distances. The specialist also agrees that compliance with the internal noise level requirements of standard E25.6.10 will adequately address noise effects for future residents from adjacent transport corridors like the state highway.

150. The specialist has reviewed the Applicant's proposed conditions and finds them appropriate. However, an additional condition is recommended to ensure robust implementation of acoustic design for noise-sensitive spaces. This condition would require an Acoustic Certificate to be provided at the building consent stage, confirming that the design complies with the relevant AUP standards (E25.6.9 and E25.6.10).

Conclusion on Operational Noise Effects

151. Operational noise is expected to comply with all relevant AUP standards. The inclusion of a condition requiring an Acoustic Certificate at the building consent stage will provide an additional layer of assurance that future residents will be protected from unreasonable noise. I consider this appropriate noting that a range of activities can be established as of right within the zone, and activities and spaces sensitive to noise is required to be designed in manner that reflects this context. It is also noted that the proposed further subdivision of super lots on stage 1 are also within the Business – Mixed Use Zone, and in this regard, I consider that the conditions and measures outlined above by experts should extend to these allotments in the form of consent notices.
152. There are no significant residual operational noise effects on any amenity that require proportionality assessment.

SECTION C.8 OPEN SPACE PROVISION

Applicant's Assessment

153. The Applicant proposes a network of publicly accessible open spaces, including Valley Park, the Hingaia Stream Reserve, and riparian corridors along Stream A. These spaces are intended to deliver a mix of recreational, amenity, drainage, and ecological outcomes.
154. Valley Park, a 2.2-hectare area, is the central civic space, integrating a large stormwater management basin (Wetland 2-1), extensive planting, a hardscaped promenade, and terraced landforms. It is designed to connect with adjacent plazas and a pedestrianised section of road. The Applicant proposes that Valley Park will remain in private ownership and be maintained by Kiwi Property, while being publicly accessible.
155. The Hingaia Stream corridor is proposed to be vested in Auckland Council as an esplanade reserve, securing public access and management. The riparian corridors along the daylighted and realigned sections of Stream A are proposed to be vested as local purpose (drainage) reserves. The Applicant asserts that this network of private and public open spaces provides a high-quality amenity and is consistent with the Drury Centre Precinct provisions, which anticipate the integration of blue-green networks. The Applicant also notes that the 7,826m² neighbourhood park approved as part of Stage 1, while privately owned, contributes to the open space provision for the wider precinct.

Council's Assessment

156. Council's Senior Parks Planner, Lea van Heerden, has reviewed the proposal and raised

significant concerns regarding the provision of open space (**Annexure 9**). The specialist assessment concludes that the proposal results in significant adverse effects on the provision of community infrastructure and does not meet Council's strategic or policy expectations for a metropolitan centre.

157. The key issues identified are:

- a. Lack of Formal Recreation Space: The proposal fails to provide a flood-free, publicly vested neighbourhood park within Stage 2. The specialist notes that land designed primarily for stormwater management, such as Valley Park, cannot be relied upon to deliver consistent, safe, and year-round formal recreation (e.g., kick-about areas, courts, playgrounds, or community buildings).
- b. Privately Owned Public Space: There is a heavy reliance on privately owned land (Valley Park) to deliver the primary civic and recreational functions. The specialist raises concerns about the lack of a legal mechanism to secure public access in perpetuity, creating long-term uncertainty. This also creates a reputational and operational risk for Council, as the public may expect public-level standards of service and maintenance on private land.
- c. Inadequate Civic Space: The proposed civic plaza (800–1,375m²) is significantly undersized compared to the Council's benchmark for metropolitan centres (2,000–4,000m²) and its constrained layout limits its functionality for large public gatherings.
- d. Strategic Gap in Network: The assessment confirms that the Drury Centre is isolated by significant transport barriers (SH1, rail line), limiting access to other nearby parks. This reinforces the need for a self-sufficient internal open space network. The absence of a formal neighbourhood park in Stage 2 creates a critical service gap for the future high-density population.

158. To address these deficiencies, the specialist recommends the inclusion of an additional, flood-free neighbourhood park of at least 3,000m² within Stage 2 (in the vicinity of Lot 36), to be vested in Council as a recreation reserve. This is considered essential to align with the Drury Centre Precinct Plan and Council's open space strategies. Due to the significant shortfalls identified, the specialist does not support the Application from a parks and open space planning perspective.

159. Further matters raised by the specialist include concerns with the proposed streetscape landscaping, where the species palette is considered to lack diversity and resilience for an urban environment and may not achieve Council's canopy cover targets. The specialist also notes that critical implementation details, such as tree pit design and soil volumes, are absent, creating uncertainty about the long-term viability of public assets. Finally, issues of connectivity and long-term maintenance are highlighted, particularly the risk of public access to the vested Hingaia Stream Reserve being compromised by surrounding private land ownership, and the lack of clarity on funding and maintenance responsibilities for the privately-owned, publicly-accessible spaces.

Conclusions on Open Space Effects

160. There is a divergent view between the Applicant and Council's specialist on the adequacy and function of the proposed open space network. While the Applicant has proposed a network of publicly accessible green spaces integrated with the blue-green network, these are largely privately owned and/or have a primary stormwater function.
161. Council's specialist has concluded that this approach fails to deliver the secure, flood-free, and functional formal recreation space that is a core requirement for a high-density metropolitan centre. I acknowledge that the Precinct recognises the potential for some privately owned public open spaces for the development of this centre. This is noted in both the description of the precinct in I450.1, and in assessment criteria I450.8.2 (2) (g). However, I do not interpret these provisions as endorsing privately owned open spaces in all instances; the extent to which this is appropriate would be a matter for assessment as part of any resource consent.
162. The reliance on private land for public outcomes in this specific instance, and as presented within the proposal, creates long-term risks regarding access and maintenance, and the dual use of land for stormwater and recreation compromises its usability. The lack of a vested neighbourhood park is considered a significant adverse effect on the provision of essential community infrastructure, leading to the specialist's recommendation that the proposal in its current form be declined.
163. The potential adverse impacts related to open space provision within the proposal are significant, and these require a proportionality assessment to be undertaken. See **Section D** below.

SECTION D: SUMMARY OF ASSESSMENT OUTCOMES AND PROPORTIONALITY CONCLUSIONS

Overview

164. This concluding section provides a brief overview of the outcome of the overall Council assessment of the Application, based on an objective assessment of the Application material as at 11 August 2025.
165. The section is structured as follows:
- **Section 85 adverse impacts / proportionality assessment:** Analysis under section 85(3) of the Fast Track Approvals Act, examining whether adverse impacts are sufficiently significant to be out of proportion to the project's regional or national benefits.
 - **Key information gaps:** Identification of residual information deficiencies and their implications for decision-making by the Panel.
 - **Key findings:** Again, as at the date of providing these comments (11 August 2025), with my recommendation to the Panel.

Section 85 adverse impacts / proportionality assessment

166. Under section 85(3) of the FTAA, the Panel **may** decline an approval where adverse impacts are sufficiently significant to be out of proportion to the project's regional or national benefits.

167. This assessment requires consideration of:

- The nature and significance of adverse impacts identified through the section 81(2) process;
- The project's regional or national benefits as assessed under section 81(4);
- Whether proposed conditions or Applicant modifications could adequately address adverse impacts;
- Whether the proportionality threshold is met even after accounting for mitigation measures, compensation etc.

168. For the avoidance of doubt, the Council's assessment has not identified any reasons why the application **must** be declined in terms of section 85(1) of the FTAA.

Headline issues identified

169. Based on the detailed analysis in **Sections B and C** above, the following adverse impacts have been identified, individually and collectively, as potentially meeting the section 85(3) threshold:

- Infrastructure funding, delivery, and servicing (Transport and Wastewater)
- Transport network effects
- Open space provision
- Ecological effects
- Urban Design.

Project benefits summary

170. The Applicant has outlined a range of significant regional and national benefits that will be delivered by the project. These are detailed in the AEE and economics assessment in support of the application. The key benefits identified by the Applicant include:

- a. Economic Growth and Employment: The project is projected to have a substantial positive impact on the Auckland regional economy. The EIA estimates a total economic injection of over \$1.45 billion over the 11-year development period. The construction phase is expected to generate approximately 7,750 full-time equivalent (FTE) job years, including direct,

indirect, and induced employment. The development is described as creating significant direct employment in the construction sector and as also stimulating growth in associated industries such as professional services, retail trade, and manufacturing.

- b. Delivery of a Metropolitan Centre: The project will deliver a comprehensively planned, transit-oriented metropolitan centre, which is a key component of Auckland's growth strategy as identified in the Drury-Opaheke Structure Plan. This will create a new hub for retail, commercial, and community activities, providing essential services and amenities to the rapidly growing South Auckland population. The Applicant states that the project will accelerate the development of the Drury Centre, catalysing further growth and investment in the area.
- c. Increased Housing Supply: The proposal includes the creation of 292 residential lots in Stage 1 and 102 residential units (apartments and terrace houses) in Stage 2. The Applicant asserts that this will make a significant contribution to increasing housing supply and improving housing affordability in a high-growth area, consistent with the objectives of the National Policy Statement on Urban Development.
- d. Alignment with Infrastructure Investment: The development is strategically located adjacent to major public infrastructure projects, including the new Drury Central Train Station and upgrades to State Highway 1. The Applicant asserts that the project will leverage and support this significant public investment by creating a vibrant destination that encourages the use of public and active transport modes, thereby contributing to a more efficient and sustainable urban form.
- e. Enhanced Amenity and Community Facilities: The project will deliver a range of new public amenities and community facilities, including an aquatic centre, a library, and a network of publicly accessible open spaces. The Applicant highlights the creation of "Valley Park" and the restoration and enhancement of the Hingaia Stream and Stream A corridors as key features that will provide high-quality recreational opportunities and improve the local environment.
- f. Improved Land Use and Infrastructure Efficiency: The Applicant contends that the development represents an efficient use of live-zoned land within the Rural Urban Boundary. By concentrating a mix of uses in a compact form, the project makes efficient use of existing and planned infrastructure, including transport networks and three waters services.

171. However, the Council's assessment informed by expert reviews in relation to economics, transport and parks planning is that these asserted regional benefits are overstated and should be treated with caution.

172. The assessment of claimed regional and national benefits has been considered holistically across all adverse impact assessments and informs the tabular

proportionality assessment below.

173. This assessment draws on:

- a. The Applicant's Assessment of Environmental Effects and supporting technical reports, including the Applicant's economic assessment;
- b. The Council's economics review by Mr Stewart (**Annexure 2**);
- c. The Council's Parks Planning team's input (**Annexure 9**).

174. In summary, my assessment is that:

Economics

175. The review undertaken by Council's Chief Economist Unit (**Annexure 2**) raises concerns with the Applicant's economic assessment, concluding that the claimed benefits may be overstated. The specialist, James Stewart, states that the input-output (I-O) modelling methodology used has limitations which "which may overstate the economic benefits by not fully accounting for opportunity costs, displacement effects, and resource constraints".
176. The specialist assessment notes that I-O analysis does not account for crucial economic factors such as opportunity costs, displacement effects, and resource constraints. As a result, a number of the claimed benefits are more accurately described as economic transfers rather than net benefits. For instance, the creation of 7,750 FTE job years is considered a transfer of employees from other potential projects or industries, with there being "*no basis to assume that these employees would otherwise be unemployed....*"
177. A key omission identified in the Applicant's assessment is the opportunity cost that arises from allocating infrastructure capacity to this project. Mt Stewart states:

19. I understand that if this FTAA application is approved, it would contribute towards the cumulative infrastructure capacity allocated to the precinct. Additionally, resource consents are enabling and there is no obligation on the consent holder to give effect to the consent. This suggests that the infrastructure capacity allocated to the proposed development may be held in abeyance until effect is given to it, or the consent lapses. This reservation of capacity could potentially limit the availability of infrastructure capacity for other developments, i.e. represent a cost on third parties.

20. This is a material opportunity cost generated by the Proposed Development that warrants consideration, particularly as none of the stated benefits would arise in this circumstance.

178. The review concludes that a more robust cost-benefit analysis is required to provide a clear picture of the project's net economic value.

Open Space

179. The parks planning assessment (Ms Lea Van Heerden) concludes that the benefits are overstated as the proposal relies heavily on privately owned land and dual-purpose stormwater areas to deliver public recreation outcomes. Key spaces like Valley Park, while designed to be publicly accessible, will remain in private ownership without any formal legal mechanism, such as an easement, to guarantee public access in perpetuity. This creates uncertainty and these spaces cannot be relied upon to function as genuine public parks or to meet the long-term recreational needs of the community.
180. As outlined by Ms Van Heerden, the open space network is considered deficient for a high-density metropolitan centre of this nature as it fails to provide a secured, flood-free, and publicly owned neighbourhood park suitable for formal and active recreation. The reliance on land that primarily serves as a stormwater management function means these areas may be frequently unusable due to inundation or maintenance, undermining their reliability for consistent, year-round community use. The proposed civic plaza is also identified as falling significantly short of the size benchmark for a metropolitan centre, limiting its capacity for public events and gatherings.
181. In this regard, the asserted benefits of the open space provision are not fully realised and risk creating a long-term recreation deficit for Drury.

Conclusion

182. Having noted the above matters, I conclude that the extent of benefits derived from the proposal is to a reduced degree than what has been asserted by the Applicant. It is considered that the regional benefits are not as pronounced, and there is no national benefit. Even if the Panel were to accept the Applicant's assessment of regional benefits, the Council's assessment is that there remain a number of adverse impacts that are sufficiently significant to require consideration in terms of proportion to these benefits.

Assessment

183. A detailed assessment is provided below in tabular form.

Adverse impacts	Section 85 assessment
Infrastructure Funding, Staging, and Delivery Risk	<u>Significance Assessment:</u> The proposal is at odds with the precinct's provisions and core principle of integrating development with infrastructure delivery. It relies on multi-billion dollar transport projects (e.g., Mill Road, Drury South Interchange) that are unprogrammed and unfunded with no delivery timeline (Annexure 1). Furthermore, AT (Annexure 3) has significant concerns that the Application seeks to "bank" the development capacity of the area that includes the three precincts (Drury Centre, Drury East, Waihoehoe), by obtaining consent far in excess of that provided for in table I450.6.2.1 , undermining the planned, sequenced approach to growth and impacting the development feasibility for other landowners.

	<p><u>Regional/National Benefits Considered:</u> The Applicant's claimed benefits are contingent on infrastructure that may not be delivered for many years. This makes the realisation of benefits highly speculative.</p> <p><u>Proposed Conditions/Mitigation/Compensation:</u> The funding and staging issues are too significant to be resolved by conditions on a single application. AT recommends reducing the scale of the consent to align with committed infrastructure.</p> <p><u>Proportionality Conclusion:</u> The adverse impact of approving a development that is dependent on unfunded infrastructure, and which subverts the established staging framework is significantly out of proportion to the claimed benefits. It creates major risks for Council's infrastructure planning and funding, as well as exhausting the development capacity within the area.</p>
Transport: Use of Private Roads for Key Public Transport Routes	<p><u>Significance Assessment:</u> AT identifies that key public transport routes (Roads 6 and 3) are proposed to be located on private roads. This creates a significant risk that access could be restricted by the private owner, adversely affecting the efficiency, reliability, and viability of bus services to the new train station. This is contrary to AUP policies requiring public transport to operate efficiently.</p> <p><u>Regional/National Benefits Considered:</u> The key benefit of a transit-oriented development is compromised if the public transport system cannot function effectively due to the private ownership of critical routes.</p> <p><u>Proposed Conditions/Mitigation/Compensation:</u> AT recommends that these key routes be vested as public roads. This represents a fundamental change to the Applicant's proposal and ownership model.</p> <p><u>Proportionality Conclusion:</u> The adverse impact on the public transport network is significant and directly undermines a primary strategic goal for the Drury Centre. The reliance on private roads for essential public services is out of proportion to the project's benefits, as it creates an unacceptable level of risk and uncertainty for a critical infrastructure service.</p>
Flooding and Natural Hazard Risk	<p><u>Significance Assessment:</u> Healthy Waters (Annexure 7) has identified the Applicant's Overland Flow Path assessment as deficient and has highlighted a significant, unmitigated flood risk to people and property. In particular, the potential</p>

	<p>for the Flanagan Road culvert to block could raise flood levels to 9.6mRL, well above the proposed 7.8mRL finished floor level for Building H2. The Applicant has not demonstrated that these flood hazards can be safely managed.</p> <p><u>Regional/National Benefits Considered:</u> The Applicant claims the project will not increase flood risk. HW's assessment shows this is unverified and that specific, significant risks exist.</p> <p><u>Proposed Conditions/Mitigation/Compensation:</u> HW recommends a full review and verification of the flood model and a redesign to safely manage overland flow and mitigate the culvert blockage risk, including providing a greater building setback.</p> <p><u>Proportionality Conclusion:</u> The unresolved and potentially significant flood risk to people and property is a significant adverse impact. The failure to demonstrate that the development will be safe from flood hazards is out of proportion to the project's benefits.</p>
Stormwater Management & Asset Ownership	<p><u>Significance Assessment:</u> HW (Annexure 7) has identified significant risks related to the stormwater proposal. The proposal to vest key stormwater wetlands (which receive public runoff) in private ownership creates significant operational and liability risks for Council. The reliance on uncertain water reuse from LFRs to meet retention targets further undermines the robustness of the mitigation.</p> <p><u>Regional/National Benefits Considered:</u> The Applicant claims a high-quality stormwater solution. HW's assessment indicates this benefit is uncertain and carries unacceptable operational risks for Council.</p> <p><u>Proposed Conditions/Mitigation/Compensation:</u> HW recommends that key assets be vested in Council. This is a fundamental requirement that has not been met in the application.</p> <p><u>Proportionality Conclusion:</u> The unacceptable operational and liability risks associated with the proposed private ownership of public-serving assets are significant adverse impacts. Without resolution, these effects are out of proportion to the benefits of the proposed stormwater system.</p>
Wastewater Servicing Constraints	<p><u>Significance Assessment:</u> The Watercare memo confirms that while there is initial capacity, the full development (1,087 DUEs) exceeds the available wastewater capacity</p>

	<p>(950 DUEs). Servicing the full development is contingent on future pump station upgrades, with indicative timings from 2029-2033+, which are not guaranteed. This creates a significant constraint on the delivery of the latter stages of the project.</p> <p><u>Regional/National Benefits Considered:</u> The benefits associated with the full build-out of the centre cannot be realised until the wastewater servicing constraints are resolved.</p> <p><u>Proposed Conditions/Mitigation/Compensation:</u> Watercare recommends conditions to stage development to not exceed 950 DUEs until upgrades are complete. Such a condition will need to tie into specific upgrades being completed prior to the progressing of the development. This would also require an infrastructure capacity assessment that demonstrates at each building or stage (until the upgrades come online) remains within this limit.</p> <p><u>Proportionality Conclusion:</u> The adverse impact of approving development beyond the capacity of the wastewater network is significant. While staging conditions can manage this, it underscores the disconnect between the scale of development sought and the readiness of enabling infrastructure, which is a recurring theme for this Application.</p>
<p>Open Space: Lack of Formal Recreation & Civic Space</p>	<p><u>Significance Assessment:</u> The proposal fails to provide a flood-free, publicly vested neighbourhood park for structured community recreation. The primary civic space (Valley Park) is privately owned with no legal mechanism to secure public access in perpetuity, and the proposed public plaza is significantly undersized for a metropolitan centre. The Parks specialist concludes this is a significant adverse impact on the provision of essential community infrastructure which falls short of what is anticipated within the precinct.</p> <p><u>Regional/National Benefits Considered:</u> The Applicant asserts that the proposal delivers a high-quality network of open spaces. The Council's assessment is that these benefits are overstated, as the spaces are not functionally appropriate for a metropolitan centre's needs and are not secured for public use.</p> <p><u>Proposed Conditions/Mitigation/Compensation:</u> The Council's specialist recommends the provision of an additional, flood-free neighbourhood park of at least 3,000m² to be vested in Council. It is acknowledged that this has not been offered by the applicant and would represent a modification to the proposal.</p> <p><u>Proportionality Conclusion:</u></p>

	<p>The proposed does not provide essential, functional, and publicly secured open space for a high-density community is a significant adverse impact. This deficit is out of proportion to the project's claimed (but uncertain) benefits. The impact cannot be adequately addressed without modification to the open space provision within the proposal.</p>
Ecological Effects	<p><u>Significance Assessment:</u> The proposal results in the permanent loss of 2,172m² of a natural inland wetland and a net loss of stream channel value, for which the applicant has proposed no offset or compensation. Due to the unaddressed net loss of ecological values, the specialist does not support the Application.</p> <p><u>Regional/National Benefits Considered:</u> The Applicant points to benefits from stream daylighting and riparian planting. However, these measures do not fully mitigate the effects and do not achieve a 'no net loss' outcome for the values being permanently lost.</p> <p><u>Proposed Conditions/Mitigation/Compensation:</u> The Council's ecologist recommends a condition requiring a comprehensive Streamworks Environmental Effects Management Plan (SEEMP) to deliver off-site offsets to address the residual effects. This is a measure not proposed by the Applicant would represent a modification to the proposal.</p> <p><u>Proportionality Conclusion:</u> The uncompensated loss of a natural wetland and stream habitat is a significant adverse ecological impact, contrary to the policy direction of the AUP and NPS-FM. The impact is out of proportion to the project's benefits, as the core principle of addressing residual effects has not been met in the application as proposed, and require the inclusion of an offset proposal to be provided for through conditions of consent.</p>
Urban Design	<p><u>Significance Assessment:</u> The proposal contains several urban design flaws that undermine the integrity of the precinct. The lack of road connections to the east creates a major barrier to movement and integration. The risk of inactive street frontages and the uncoordinated subdivision of Stage 1 lots threaten the creation of a vibrant, high-quality public realm. These issues collectively represent a significant adverse impact on the intended character and function of the metropolitan centre.</p> <p><u>Regional/National Benefits Considered:</u> The Applicant claims the project will deliver a vibrant, walkable, and attractive metropolitan centre. The Council's assessment is that these</p>

	<p>benefits are at significant risk of not being realised due to the unresolved design issues.</p> <p><u>Proposed Conditions/Mitigation/Compensation:</u> Council specialists have recommended extensive conditions to secure road connections, mandate active frontages, and require comprehensive design for residential areas. The need for such fundamental interventions via conditions highlights the deficiencies in the Application as lodged.</p> <p><u>Proportionality Conclusion:</u> The adverse impacts on achieving a well-connected, high-quality, and functional urban form as envisioned by the precinct plan are significant. While conditions may address some issues, the proposal as submitted fails to deliver on key urban design principles for a metropolitan centre. The cumulative effect of these design issues is out of proportion to the benefits, as it compromises the core function and identity of the planned centre.</p>
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Key Information Gaps

184. On 24 July 2025, the Applicant provided a response to the s67 matters raised by Council in the memo dated 23 June 2025. The Council has identified remaining information gaps within the Application material that are included in the table below.

Information gap	Nature of deficiency	Decision-making impact	Risk / uncertainty created
Stormwater: Geomorphic Risk Assessment (Refer to Annexure 7)	Healthy Waters has requested this assessment to understand the long-term erosion risk to the Hingaia and Fitzgerald Streams and the stability of proposed stormwater assets. It has not been provided.	Cannot determine the long-term stability of the receiving environment or the proposed wetland embankments. The full extent of erosion-related effects is unknown.	High Risk: Potential for significant, unmitigated stream bank failure, damage to public and private assets, and increased sediment discharge.
Transport: Unreliable Trip Generation Assumptions (Refer to Annexure 3)	AT has concerns regarding the reliability of the Applicant's traffic modelling, particularly the unsubstantiated Work-From-Home (WFH) discount factor and optimistic retail trip assumptions. The methodology is unclear, and the supporting analysis has not been provided.	Cannot accurately assess the potential adverse impacts on the transport network (congestion, safety, public transport efficiency). The current assessment likely underestimates the traffic impacts.	High Risk: Approving the development based on this modelling could lead to severe, unmitigated congestion and network failure, undermining the precinct's viability. It also sets a problematic precedent for future applications in the Drury area.
Transport: Public Access over Private	The application proposes key public transport and	Cannot be certain that future network	High Risk: Public access could be restricted by the private

Roads (Refer to Annexures 3 & 4)	active mode routes on private roads (Roads 3, 6, 13) but provides no formal legal mechanism (e.g., public access easement) to guarantee public access in perpetuity.	connectivity for public transport, walking, cycling, and emergency services will be maintained, which is a core objective of the precinct.	owner, compromising the efficiency of the bus network, undermining active mode connectivity, and creating a fragmented transport system.
Transport: Loading Bay Shortfall (Refer to Annexure 3)	The proposal provides 13 loading bays where 19 are required by the AUP. The Applicant's proposal to manage the shortfall via a body corporate is considered to lack certainty.	Cannot be certain that servicing and deliveries can be managed without adversely affecting the transport network.	Medium Risk: Delivery vehicles may be forced to park illegally on public or private roads, blocking traffic lanes and cycleways, and creating safety hazards and operational disruption.
Open Space provision: Security of Public Access (Refer to Annexure 9)	Key open spaces intended for public use (Valley Park) are to remain in private ownership, and vested reserves (Hingaia Stream) are encircled by private land, with no formal legal mechanism to guarantee public access in perpetuity.	There is uncertainty over how the public will have enduring access to the primary civic and recreational spaces of the centre, undermining their public function.	High Risk: Public access could be restricted or revoked in the future, leading to the loss of community amenity and creating a fragmented and inaccessible open space network.
Parks: Long-term viability of Streetscape Landscaping (Refer to Annexure 9)	The landscape plans lack critical implementation details, including species quantities, tree pit design, soil volumes, and a maintenance plan. The proposed species palette is considered to lack diversity and resilience for an urban environment.	Cannot be certain that the proposed street trees and landscaping will survive and thrive to provide their intended amenity (shade, character) and ecological (canopy cover) benefits.	Low Risk: Failure of public assets (street trees), leading to increased long-term maintenance and renewal costs for Council, and failure to meet urban ngahere (forest) canopy targets. Conditions proposed to address the issues.
Ecology: Hydrological effects on Wetland 1 (Refer to Annexure 10)	The application identifies that the catchment for 'Wetland 1' will be reduced by 50%, but provides no detailed assessment of whether sufficient hydrology will remain to ensure the wetland's long-term viability.	Cannot determine the full extent of adverse ecological effects, as the potential degradation or loss of Wetland 1 due to hydrological changes has not been quantified.	High Risk: The ecological effects are under-reported as a result. There is a risk that the project will result in the loss of a second wetland, an effect that has not been assessed or mitigated.
Landscape & Urban Design: Insufficient design information for a developed proposal (Refer to Annexures 14 & 15)	The architecture and landscape plans lack the level of detail required for a consent of this scale, functioning more as a high-level design guide. Critical details for key public interfaces, building facades (e.g. carparks), tree pits, and material specifications are absent.	Cannot be certain that the final development will achieve the high-quality outcomes described in the Application or that public assets (like street trees) will be viable long-term.	Medium Risk: Potential for poor quality built outcomes at key public frontages (e.g. SH1 arrival, Hingaia Stream). There is a risk of asset failure (e.g., street trees) and a public realm that does not meet the standards expected of a metropolitan centre. Additional step suggested in terms of conditions to provide developed designs for both design and landscaping.
Economics: Deficient	The Applicant's economic assessment uses a input-	The Panel cannot accurately weigh the	High Risk: The project may be approved based on an over-

Economic Assessment (Refer to Annexure 2)	output modelling methodology that has limitations and may overstate benefits, treats economic transfers as net gains, and omits significant costs, such as the opportunity cost of reserving infrastructure capacity.	project's benefits against its adverse impacts as required by the FTAA. The true net value of the project, which is central to the s85 proportionality test, is unknown.	inflated assessment of its benefits, meaning the adverse impacts could be significantly out of proportion to the actual benefits.
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Key Findings

Assessment

185. While the Application proposes land use activities generally anticipated by the Drury Centre Precinct, it conflicts with key aspects of the higher-order planning framework and recently established precinct framework, particularly the principle that applications for resource consent and development / subdivision must be integrated with timely provision of enabling infrastructure.
186. My assessment has identified significant adverse effects relating to transport, wastewater servicing, open space provision, ecology, and urban form. These impacts are of such scale and nature that they would be disproportionate to the project's claimed regional and national benefits, which I consider to be overstated.
187. As matters stand, as discussed below under the subheading “**Conclusion and Recommendation**”, given the identified adverse impacts and information gaps, I have recommended that the Application be **approved in part / declined in part** (e.g. with approval of development only to the extent that it can be adequately serviced by existing, funded, and committed infrastructure).
188. However, the identified adverse impacts are not necessarily insurmountable. The proposal could potentially be approved subject to the robust framework of modifications and conditions recommended throughout this assessment. Without these changes, the Application would not represent a quality outcome and would not be consistent with the purpose of the FTAA.
189. To resolve outstanding issues and refine consent conditions, I recommend expert conferencing on the following matters: transport, stormwater/flooding/erosion, urban design, open space provision, ecology, wastewater capacity, and economics.

Conditions and Potential Modifications

190. As noted in the preceding sections of this report, I note that there are areas of modifications and required for this proposal. While I acknowledge that experts for the Council have recommended conditions to secure some of these modifications, the

following are of such significance that they warrant individual highlighting:

- a. Reduction in the Scale of Consented Development: As recommended by Auckland Transport, the scale of development granted consent requires reduction. The approval should be staged and limited to a level that can be demonstrably serviced by existing, funded, and committed infrastructure. This addresses the critical risk of the applicant "banking" the development capacity of the precincts (Drury Centre, Drury East, Waihoehoe) in the environment with a 15-year lapse period, which undermines the AUP's sequenced approach to growth and prejudices the development feasibility for other landowners in the precinct.
- b. Direct Connection to SH1: As recommended by Auckland Transport, there should be a requirement to provide the direct connection from SH1 at an earlier stage of development. The timing of this should be determined after further assessment which also takes into the account the commitments towards the ultimate upgrade of Great Road / Waihoehoe Road intersection and Waihoehoe Road, as well as AT's other feedback on appropriate modelling assumptions.
- c. Change to Road Ownership: To guarantee public access and ensure the efficient operation of the public transport network, key collector routes, specifically Road 6 and the portion of Road 3 connecting to the Drury Train Station, must be vested as public roads rather than being held in private ownership.
- d. Change in ownership of stormwater devices: To mitigate significant operational and liability risks for Council, the key stormwater management devices that receive public runoff (Wetlands 2-1 and 2-2) must be vested in Council, consistent with the preference of Healthy Waters.
- e. Flood Risk for Building H2: To safely manage flood hazards, further setback for Building H2 from the Flanagan Road culvert is required.
- f. Open Space: The primary civic space, Valley Park, must have public access secured in perpetuity via a legal mechanism such as a public access easement.
- g. Provision of a Public Neighbourhood Park: To address the significant shortfall in community infrastructure, the proposal must be modified to include an additional, flood-free, publicly vested neighbourhood park of at least 3,000m² suitable for formal and active recreation.
- h. Ecological Offset Proposal: The Application must be amended to include a formal off-site offset or compensation package to address the unmitigated residual adverse effects resulting from the permanent loss of the natural inland wetland and stream habitat. To secure this, Mr Smith (Ecology) has recommended a condition for a SEEMP.
- i. Design Manual / Guide: As it relates to the subdivision of the super lots for stage 1, it is recommended that should a comprehensive proposal not be

developed, a design manual or guideline is prepared that specifically applies to this aspect of the proposal. The design manual and guideline would then be imposed on the titles as consent notices.

- j. Reduction in length of Lot K: Further to the modification recommended in relation to the ownership of Road 6, it is recommended that Road 6 is also extended to the eastern boundary of the project site to provide for future connections that would be in accordance with the type 2 collector road connection outlined in I450.10.2 precinct plan 2. An additional connection to the east is also recommended as outlined in **Annexure 14**.

191. Should the Panel be minded to grant consent, it must be subject to an extensive and robust set of conditions that go beyond standard practice, reflecting the deficiencies in the Application as lodged. While this is not an exhaustive list of recommended new and changes to recommended conditions, I highlight the following as the key conditions that require careful consideration:

- a. Interface controls: Noting the extent of dual frontages proposed within the development, conditions have been recommended to require the street frontage (private road or public road) is prioritized in terms of public and customer access.
- b. Design Controls: To secure the intended design outcomes as stated within the application material, conditions are also required in relation to:
 - i. A 'developed design' review stage for all architecture and landscape plans. This is in addition to the requirement of detailed design certification in the recommended conditions prepared by the Applicant.
 - ii. The preparation and implementation (via a consent notice) of a comprehensive Design Manual or guideline as it specifically relates to Stage 1 residential superlots, to ensure coordinated and high-quality outcomes.
- c. Detailed Transport Design Review: I recommend that aspects internal to the development that require detailed review, refinement and provision are secured through a detailed transport design review condition. This condition can canvass more detailed matters as highlighted by Mr Collins (Transport – **Annexure 4**) and Mr Butler (Urban Design – **Annexure 14**).
- d. Stormwater and Flooding Pre-requisites: Conditions requiring the completion of a Geomorphic Risk Assessment and a verified flood model and Overland Flow Path (OFP) assessment to the satisfaction of Council prior to detailed engineering design approval.
- e. Private Stormwater Asset Management: A condition requiring that if key stormwater assets are not vested in Council, the conditions relating to their ongoing operation and maintenance are transferred to the Land Use Consent

to ensure long-term accountability rests with the landowner.

192. In terms of the lapse period proposed by the Applicant, reflecting on the comments provided from AT, Funding and Finance, and economics, and the uncertainty that the extended lapse period of 15 years would bring, I recommend that the lapse period is amended to 10 years. It is acknowledging that a standard 5-year lapse period would be unrealistic given the scale and nature of the proposal, but proportionate to the risks associated with the uncertainty an extended 15 year lapse period would bring, particularly as it relates to the delivery of infrastructure.

Section 85(4) consideration

193. My assessment and recommendation below are not based on inconsistency with planning documents alone. The proportionality assessment is based on the substantive significance of impacts relative to benefits, not (for instance) mere policy inconsistency.

Relevance of information gaps to assessment

194. The identified information gaps (detailed above) create additional uncertainty in the assessment. However, the adverse impacts identified above meet the section 85(3) threshold even accounting for this uncertainty, as the core constraints are sufficiently clear and significant.

Recommendation and Conclusion

195. Based on my assessment as outlined in the preceding sections of this report, I **RECOMMEND APPROVAL IN PART / DECLINE IN PART**, subject to consent conditions and any modifications agreed to or proposed by the Applicant above.
196. I note that the Council's Legal Memorandum prepared by Brookfields dated 11 August 2025 addresses the legal issues relating to partial approval / decline of applications under the FTAA, as well as the possibility of approving an application subject to conditions which reduce the scale of consented development (without amounting to a 'decline in part').
197. I emphasise that my recommendation is based on the proposal as it stands, and acknowledge that the process under the FTAA is an iterative one with potential for further modifications and amendments to conditions as the process continues (whether as a result of expert conferencing or otherwise).
198. The recommendation is on the grounds that:
199. The adverse impacts identified, particularly in respect to the disconnect between the scale of development and the delivery of enabling transport and wastewater infrastructure; the tension with the provisions of Drury Centre Precinct's sequenced growth framework; unresolved flood hazard and erosion risks; the deficit in publicly secured, functional open space; the unmitigated residual adverse ecological effects from wetland and stream loss; and the unresolved urban design issues that risk poor

connectivity and amenity, are collectively and individually of a scale that would otherwise be out of proportion to the project's claimed regional benefits.

200. My assessment and this recommendation have been made in accordance with the FTAA. In particular, the assessment has had regard to all matters identified through the section 81(2) process and has been guided by the statutory purpose of the FTAA to facilitate infrastructure and development projects with significant regional or national benefits. While that purpose directs decision-makers to place the greatest weight on enabling such projects, it does not override the requirement to assess whether adverse impacts are sufficiently significant to outweigh those benefits.
201. In this regard, the assessment has identified adverse impacts that are significant in both scale and nature. These include the risk of severe transport network effects from premature development, the uncertainty of wastewater servicing, unmanaged flood and erosion risk, the deficiencies associated with the opens space provision within the development, the permanent loss of ecological habitat without compensation, and the creation of a fragmented urban form. Even taking into account the project's claimed regional benefits – which, as noted, are considered to be overstated – these adverse impacts are of a level that would be disproportionate to the benefits unless addressed through the recommended modifications and conditions. This conclusion is not based merely on inconsistency with statutory instruments or policy (section 85(4)) but reflects a substantive assessment of the effects on the environment.
202. I consider this recommendation to be consistent with the purpose of the FTAA, which is to enable significantly beneficial projects, not those where adverse impacts are so significant as to outweigh the benefits.
203. I have also given consideration to the purpose and principles in sections 5 to 7 of Part 2 of the RMA. In doing so, I have taken into account that the RMA's purpose is afforded lesser weight than the FTAA's purpose (in section 3, FTAA).
204. It is my assessment that the proposal, as lodged, does not meet the purpose of the RMA which is to promote the sustainable management of natural and physical resources. The proposal does not contribute to a well-functioning urban environment and does not adequately provide for the social, economic, and cultural well-being of the future community. I consider the proposal also does not promote the sustainable management of natural and physical resources as it has not been demonstrated that the proposal will avoid, remedy or mitigate the significant adverse ecological effects resulting from the development.
205. In relation to section 6 of the RMA, the proposal is contrary to the protection of significant indigenous vegetation and significant habitats of indigenous fauna (section 6(c)) due to the uncompensated loss of the natural inland wetland.
206. In relation to section 7 of the RMA:
 - a. It is questioned whether the proposal achieves the efficient use and development of natural and physical resources in terms of section 7(b), given

the non-integrated approach for the delivery of infrastructure, the fragmented urban form, and the risk of sterilising development potential for other landowners.

- b. The proposal will not maintain and enhance amenity values (section 7(c)), noting the lack of secured public parks, the risk of poor street activation, and the unresolved connectivity issues that create poor urban design outcomes.
- c. The proposal will not maintain and enhance the quality of the environment (section 7(f)), given the unmitigated ecological losses and the risks to stream stability.

207. Overall, the application as lodged is not considered to meet the relevant provisions of Part 2 of the RMA or achieve the purpose of the RMA. While I acknowledge that Part 2 of the RMA is afforded lesser weight than the FTAA's purpose, the proposal's failure to meet the RMA's purpose and a number of important principles reinforces our assessment of the significance of the adverse impacts identified as part of the review by the Council. This Part 2 assessment provides additional support for the conclusion that the adverse impacts are sufficiently significant to warrant the substantial modifications and conditions recommended to make the project acceptable under the broader framework of the FTAA.

DATED the 11th day of August 2025



Masato Nakamura

Planning Consultant for Auckland Council

Approved for release by:



Russell Butchers

Principal Project Lead, Planning and Resource Consents, Auckland Council

11 August 2025