

MEMORANDUM

To: Mary Hill, Drury Metropolitan Centre Expert Panel Chair, via June Cahill, Application Lead, Environmental Protection Authority

From: Russell Butchers, Principal Project Lead – Premium Unit, Planning & Resource Consents, Auckland Council

Masato Nakamura, Consultant Planner, Planning & Resource Consents, Auckland Council

Subject: Fast-Track Approvals Act 2024 (**FTAA**) – FTA-2502-1019 Drury Metropolitan Centre

Date: 29 October 2025

AUCKLAND COUNCIL RESPONSE TO MINUTE 12 OF THE EXPERT CONSENTING PANEL

1. This memorandum is provided in response to Minute 12 of the Expert Panel dated 21 October 2025 ("**Minute**"), concerning the Fast-Track Application by Kiwi Property Holdings No. 2 Limited ("**Applicant**") for the Drury Metropolitan Centre ("**Application**").
2. This memorandum responds to the matters set out in the Minute, including:
 - (a) Draft conditions, including the specific points of feedback sought by the Panel; and
 - (b) Reasons for Consent in relation to Plan Change 79 to the Auckland Unitary Plan ("**AUP**") and I450 Drury Centre Precinct of the AUP.
3. The following subject matter experts have reviewed the draft conditions and provided input in relation to Council's feedback on conditions:
 - (a) Matt Ford and Chris Freke – Auckland Transport
 - (b) Hillary Johnston, Mark Iszard and Dali Suljic – Healthy Waters
 - (c) Mat Collins – Traffic
 - (d) Martin Meyer – Stormwater
 - (e) Chris Butler – Urban Design
 - (f) David Ferrari – Landscape and Visual
 - (g) Christian Turza – Environmental Monitoring

- (h) Cas Hannink – Parks Planning
 - (i) Masato Nakamura – Planning
 - (j) Russell Butchers – Planning.
4. Counsel for the Council and Auckland Transport (Matt Allan / Rowan Ashton) have also provided feedback on aspects of the Council's response.
 5. The draft conditions with the Council's comments and suggested edits are attached to this memo as **Attachment 1**.
 6. This memorandum is further supported by a separate memorandum from Auckland Transport included as **Attachment 2**. AT's comments on the conditions supplement this memo, and provide commentary on any further conditions not covered in this memo.
 7. All conditions that have not been specifically responded to, edited or commented on are supported by the Council, and we have no further feedback in this regard.
 8. We note that the following Auckland Council consent numbers apply to this application and should be reflected in the decision:
 - BUN60447489 (bundled consent reference)
 - LUC60447511 (s9 land use consent)
 - SUB60447512 (s11 subdivision consent)
 - LUS60447513 (s13 streamworks consent)
 - DIS60447515 (s15 discharge of contaminants permit)
 - DIS60447516 (s15 discharge of stormwater permit).

Lapse Period

9. The Council supports the lapse period of 10 years as specified in the draft consent conditions. We support the reasons and conclusions outlined by the Panel in its draft decision for imposing a 10-year lapse period.

Condition 85 / Condition 120

10. The Panel has sought feedback regarding the transport infrastructure upgrade conditions. This relates to the applicant's proposed removal of the reference to s224(c) certificates in condition 85, and the removal of an equivalent condition from the subdivision conditions (condition 120). These conditions tie the release of subdivision titles and occupation of development to the progressive delivery of transport infrastructure upgrades.
11. From a planning perspective, the Council does not support this removal and recommends the inclusion of these conditions in both the land use and subdivision conditions. We note the following matters in this regard:
 - (a) Standard I450.6.2 and Table I450.6.2.1 apply to both subdivision and development in the Drury Centre Precinct. It is evident from the drafting and language in these

provisions – and the associated Precinct objective and policy framework – that s224(c) certificates were intended as a key instrument in controlling compliance with this standard:

- i. The Precinct description at I450.1 sets the scene and refers several times (at page 2) to “subdivision and development” being coordinated with upgrades. I450.6.2 is expressly referenced here.
 - ii. Turning to the Precinct objective / policy framework, Objective I450.2(5) is ***“Subdivision and development does not occur in advance of the availability of operational transport infrastructure, including regional and local transport infrastructure”*** (i.e. the upgrades required by I450).
 - iii. The transport, infrastructure and staging-related policies reflect this. For instance, Policy I450.3(20) closely follows the Objective in referring to “subdivision and development” not occurring in advance of infrastructure. Standard I450.6.2 refers throughout to the staging of subdivision and development with transport upgrades. Standard I450.6.2(1)(b) and (c) (while noting that both provisions outline the requirements that demonstrate compliance with table I450.6.2.1), both explicitly anticipate upgrades being completed and operational *“prior to... the issue of a section 224(c) RMA certificate in the case of a subdivision consent application”*.
 - iv. I450.6.2(2) states that applications lodged in terms of (1)(b) or (c) must confirm the applicant’s express agreement in terms of section 108AA(1)(a) and on an *Augier* basis that *“no section 224(c) certificate shall be issued and no subdivision survey plan shall be deposited until the relevant infrastructure upgrades are constructed and operational”*.
- (b) For further context, the AUP in section E27 also requires the consideration of subdivision, not just land use development, in E27.1 and E27.6.1 as it relates to traffic generation effects. Policy E38.2(4) - *“Infrastructure supporting subdivision and development is planned and provided for in an integrated and comprehensive manner and provided for to be in place at the time of the subdivision or development”* - is also noted.
- (c) The application, as lodged, appeared to reflect the requirements of the Drury Centre Precinct provisions, with the applicant ‘offering’ conditions tied to release of s224(c) certificates for residential lots. Specifically, the AEE stated at page 107 that:
- “To ensure that the actual traffic effects of the proposal are as assessed in this application, **the applicant offers consent conditions** requiring development to be in accordance with the new development/infrastructure sequencing table prior to the occupation of any retail, commercial or community uses **and prior to the occupation of any dwellings or release of 224(c) for residential lots under this consent application.**”*
- (d) The applicant’s proposed amendments now seek to depart from this approach, contrary to the I450 provisions (as briefly canvassed above), which clearly anticipate upgrades being completed and operational prior to the issue of section 224(c) certificates in the case of subdivision.

- (e) The release of titles, and potential sale of individual vacant lots, creates unnecessary risks for purchasers who will face uncertainty and delay if the required supporting infrastructure is not in place when they wish to build.
 - (f) The Council also has genuine concern about the impact on the integrity of the precinct provision framework applying to the three Drury precincts east of State Highway 1, if consent is granted on the basis now proposed by the applicant (excluding subdivision control for vacant lots). It is very likely that other applicants will seek similar exemptions from subdivision controls, undermining the carefully crafted framework established for these precincts through a comprehensive negotiated settlement involving a number of parties (including the applicant), which was confirmed by an Environment Court Consent Determination dated 1 November 2022 (*Kainga Ora v Auckland Council & Others* [2022] NZEnvC 218).
 - (g) We also note that the proposed removal would cause potential monitoring and enforcement issues. This is particularly the case where there is no guarantee over single ownership, particularly in relation to the further subdivision of 292 lots in the stage 1 area.
 - (h) In view of the above matters, including the express wording of standard I450.6.2 (which directs a section 224(c) requirement for vacant lot subdivisions), we recommend to the Panel that the section 224(c) requirements should be retained in the conditions.
12. If the Panel is not persuaded by the above, and grants consent with the inclusion of only the applicant's proposed land use-focused conditions, then at a minimum the Council requests the inclusion of additional language to explicitly capture the 292 lots in the stage 1 area in condition 85 to read as follows (new text in bold):
- 'Prior to the occupation of dwellings (including any dwellings constructed on the vacant lots approved in the Stage 1 area), retail, commercial and/or commercial floor space...'*
13. Further, we also recommend that consent notices be included for these allotments that tie back to this condition. This mechanism has been captured in new condition 135A in **Attachment 1**. While the use of consent notices for individual allotments may still present some challenges from a monitoring and enforcement standpoint for the Council, this approach ensures that any restriction on occupation is effective and enforceable, and provides clear notice to future lot owners through title registration.
14. The above alternative is proposed as a 'fall back' approach – again, our strong recommendation is that the s224(c) requirement for the vacant lots is retained.
15. It is also noted here that Auckland Transport has provided separate and detailed commentary and suggested edits to condition 85.

Stormwater

16. The Panel has invited clarification regarding stormwater matters in paragraph 16 and 17 in the Minute. While we observe that this is primarily for the applicant to respond to, we note the following matters:

- (a) With regard to paragraph 16 and reference to the area for wetland 2-2, we agree that the Scheme Plan should be updated. Our understanding is the location of Wetland 2-2 should be shown as Area A, Lot 600, not Lot 604 as currently shown.
- (b) With regard to the matters raised in paragraph 17, we agree that the drawings should also be amended. Our understanding was that the extent of public network would terminate at the discharge to the private devices. If the drawings are not updated, we support the inclusion of Condition 11 as currently drafted.
- (c) In addition to the above, we also note that the reference for Wetland 2-2 in Condition 10 of the stormwater discharge permit should be updated to be 'Area A, Lot 600', not 'balance Lot 40'.

Review condition (Condition 92)

- 17. The applicant has offered a review condition framed in a broad manner, and we understand that the applicant remains content with this broad formulation. Section 128(1)(a)(i) RMA contemplates review conditions potentially being framed in this way, and there is nothing in s128 that prevents such a review condition (or that requires review conditions to specify particular conditions that may be the subject of any review). Accordingly, we accept the broad review condition as offered by the applicant.
- 18. In the alternative, should the Panel prefer a more targeted approach, we recommend narrowing the scope of any review to:
 - (a) traffic and transport effects; and
 - (b) conditions relating to traffic, transport and infrastructure upgrades, including (without limitation) condition 85.
- 19. We also recommend that the advice notes be deleted from the review condition for the reasons set out in Auckland Transport's memo (**Attachment 2**).
- 20. Auckland Transport has provided additional comments regarding the review condition and these are not repeated here, although we note that Auckland Transport have questioned the breadth of the review condition.
- 21. We also observe that as currently drafted the s128 condition is only applied to the land use consent. We support this approach, noting that we do not see the need for the review condition to apply to discharge permits and subdivision consents.

Compliance Monitoring and Other

- 22. The conditions have been reviewed by the Council's Compliance and monitoring team, who have suggested various changes. The suggested changes and edits are technical in nature and improve the effectiveness and enforceability of the conditions. The changes relate to:
 - (a) Specification of timeframes

- (b) Roles and responsibilities
 - (c) The addition of 'vibration' in condition 8(g) (CNVMP)
 - (d) Decommissioning of sediment control measures (condition 17)
 - (e) Advice notes in relation to winter works conditions
 - (f) Reference to sediment retention ponds to reflect the proposal (condition 73)
 - (g) The trigger points related to the pre-start meetings.
23. Minor edits have been made in throughout the conditions in terms of consent and permit references, references to the latest documents, clarification of roles, and references to Council. Any further updates to documents would require reflection within these conditions.
24. In terms of condition 85A (Road 6) extension, we have some concern related to the timing of the delivery as suggested in the conditions. As currently drafted the delivery will not occur until occupation of all dwellings within blocks 1-4 of Lot K, which could unreasonably delay the extension of Road 6. There is also the potential here that this could see the construction or sale of the final dwelling withheld in order to avoid constructing this road. We recommend the revised wording to require this extension prior to construction of the dwellings.

Parks Planning (Subdivision Conditions)

25. A number of edits and updates are recommended in relation to the subdivision conditions. These changes and suggestions are intended to ensure that roles and responsibilities are clear, and that the assets are vested in accordance with the requirements of Council. It is recommended that the following matters and their corresponding conditions contained in the parks planning memorandum dated 11 August 2025 (specifically **Annexure 9(b)** of the Council's response) are addressed. For clarity, these previous parks conditions are included in this response as **Attachment 3**. Recommendations include:
- (a) The conditions should refer to the 'Manager Parks Planning' rather than 'Parks Planning Team Leader';
 - (b) Lot 605 maintains a land in lieu of reserve description (SUB condition 3). Given that the only reserve to be vested is the esplanade reserve (Lot 610), this reference must be incorrect.
 - (c) The conditions as proposed do not include any 'as-built' plan conditions relating to parks matters, only for relevant engineering matters such as stormwater. As-built requirements for Parks infrastructure are included in Council's records and geospatial mapping that is used by service providers as well as suppliers performing maintenance of assets.
 - (d) Naming references relating to land in lieu, and to distinguish between 'stormwater' and 'recreation' purposes, have not been included. While the applicant has stated that only the esplanade reserve will vest, this is incorrect, as the proposal includes both drainage reserves and esplanade reserves. It is also noted that Council's Healthy Waters and Property departments each maintain their own reserve portfolios, and without clear identification of the intended purpose of each area, there is potential for confusion regarding which department will be responsible for their ongoing management.

- (e) The streetscape planting plan condition has been included as Condition 40. However, the standard Parks Planning Engineering Plan Approval (EPA) conditions for each stage have not been included in the condition set. Council continues to encounter issues at the section 224(c) stage where required parks infrastructure has not been implemented before titles are issued. This results in an unnecessary and unreasonable cost and burden being placed on Council to complete infrastructure that should be the responsibility of the developer.
- (f) No retaining or boundary wall conditions have been included from Annexure 9b of the Council response. We recommend that the Panel reconsiders whether these are required.
- (g) Specific Esplanade Reserve EPA condition points (k) and (l), relating to the upper and lower riparian zones and the placement of transformers along the boundary, have not been included. These infrastructure elements limit the intended purpose of the reserve as defined under section 229 of the Act and impose additional constraints, such as buffer requirements, on the land. Points (k) and (l) are included below for clarity.

k) Planting within the Upper and Lower Riparian Zones must consist of species that are suited to the environmental conditions and functional requirements of each respective zone.

l) No transformers are to be located within or on the boundary of the reserve.

Reasons for Consent

Plan Change 79

- 26. The submitted Integrated Transport Assessment does not specify the higher figure derived from the methodology for calculating the accessible parking requirement under E27.6.3.2(A)(4)(i) using Appendix 23 under PC79 as it relates to the non-residential components of the proposal.
- 27. While deferring to the transport experts for the applicant, we estimate the shortfall under standard E27.6.3.2(A) to be in the order of 90 spaces related to the non-residential land uses and 6 spaces for the residential spaces. With the proposal providing 65 non-residential and 3 residential parking spaces the overall shortfall would be 28 spaces.

I450 Drury Centre Precinct

- 28. Based on the development thresholds outlined in condition 85 relative to standard I450.6.2, we suggest the following to be included as the reasons for consent:

I450.4.1(A5) - Non-Complying Activity:

The proposal involves subdivision and development that does not comply with Standard I450.6.2 (Staging of Subdivision and Development with Transport Upgrades) with respect to the infrastructure upgrades listed in Table I450.6.2.1, rows (a), (b), and (c)(i) (Drury Central train station).

- (a) Infringement of Table I450.6.2.1 Row (a): The proposal enables up to 5,000m² of retail GFA to be occupied with no upgrades required where the standard requires

"Interim upgrade to Great South Road/Waihoehoe Road..." to enable development up to 710 dwellings.

- (b) Infringement of Table I450.6.2.1 Row (b): The proposed condition 85 row (c): Defers the "SH1 widening to six lanes..." (the row (b) upgrade) until development exceeds 32,000m² retail GFA. Where the Precinct requires the row (b) column 2 upgrades including "SH1 widening - Stage 1 to enable development up to 24,000m² retail GFA.
- (c) Infringement of Table I450.6.2.1 Row (c)(i): Proposed condition 85(b): Lists the train station as a co-requisite for the stage up to 32,000m² GFA, but infringes Table row (b) (as noted above) by not first requiring the SH1 widening. This is while Table I450.6.2.1 Row (c): Requires "Drury Central train station..." to enable development exceeding 24,000m² GFA (up to 32,000m²).

I450.4.1(A6) - Discretionary Activity

The proposal involves subdivision and development that does not comply with Standard I450.6.2 with respect to the infrastructure upgrades listed in Table I450.6.2.1, rows (c)(ii), (d), (e), and (f).

- (d) SH1 Direct Connection (Infringement of I450.6.2.1 row (c)(ii)): Proposed Condition 85(e): Defers the upgrade until development exceeds 78,500m² retail GFA (plus associated commercial, community, and residential GFA/units), where table I450.6.2.1 row (c)(ii) requires this upgrade to enable development up to 32,000m² retail GFA.
- (e) Ultimate Waihoehoe Road Upgrade (Infringement of I450.6.2.1 row (d)): The proposed condition 85(d): Triggers this upgrade at 45,000m² retail GFA. While this appears earlier, the proposal first relies on a different interim upgrade (the "NZTA / RoRS Design" in Condition 85(b)) which is not specified in the Precinct Table I450.6.2.1, thereby deferring the full ultimate upgrade required by the standard. Precinct Standard (d) requires this upgrade to enable development up to 56,000m² retail GFA.
- (f) Mill Road Southern Connection / Drury South Interchange (Infringement of table I450.6.2.1 row (e)): Proposed Condition 85(e): Defers this upgrade until development exceeds 78,500m² retail GFA (plus associated GFA/units), where precinct table I450.6.2.1 (e) requires this upgrade to enable development up to 64,000m² retail GFA.
- (g) Mill Road Northern Connection / Opāheke Northern Connection (Infringement of Table I450.6.2.1 row (f)):
 - i. Proposed Condition 85(f): Defers the trigger for these upgrades until development exceeds 78,500m² retail GFA (plus associated GFA/units), where Precinct table I450.6.2.1 row (f) requires these upgrades to enable development up to 97,000m² retail GFA.



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Attachment 1: Conditions with Comments and Edits

Attachment 2: Auckland Transport Comments

Attachment 3: Parks Planning Conditions (previously Annexure 9(b) from Auckland Council Response