

28 August 2025

Environmental Protection Authority
Attn: Expert Consenting Panel – Drury Metropolitan Centre
c/- June Cahill [REDACTED]

Tēnā koutou Expert Consenting Panel

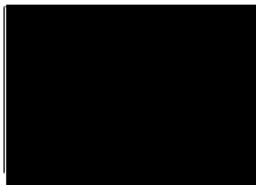
Kiwi Property No.2 Holdings Limited Response to Comments in relation to Drury Metropolitan Centre Consolidated Stages 1 and 2 under Fast-track Approvals Act 2024.

1. This letter addresses comments made pursuant to Schedule 32 of the Fast-track Approvals Act 2024 (“FTAA”) regarding the Drury Metropolitan Centre Consolidated Stages 1 and 2 project (“the Project”).
2. Kiwi Property No.2 Holdings Limited (“Kiwi”) has reviewed the comments provided to the Panel in respect of the Project, and is grateful to all persons and entities who have taken the time to comment, particularly in light of the timeframes available under the FTAA.
3. Kiwi is pleased to be able to respond in a constructive manner to the comments that have been provided, and will continue to work with interested parties as the Project progresses.
4. In light of the tight timeframes available to respond to the comments, and the significant level of detail raised in particular comments (i.e. Auckland Council and Auckland Transport), Kiwi has not provided responses to all comments on the project. Rather, Kiwi’s approach to the responses has been to:
 - a. Respond to comments on particular subject matters that are in contention between Kiwi and the persons/entities;
 - b. Provide responses to particular outcomes or clarifications sought which generally encapsulates comments from the person/entity as a whole;
 - c. Respond to specific recommended conditions which also generally encapsulates comments from the person/entity as a whole; or
 - d. Provide clarification on the approach to assessment of this application and the planning framework for any future applications within the Drury Centre; or
 - e. Provide clarification on of aspects of the application which, in Kiwi’s view, are incorrect or have been misunderstood and thereby requiring clarification for the Panel’s understanding.
5. Kiwi has set out specific responses to the persons/entities that have been invited for comment in the tables annexed at **Appendix A** with supporting technical responses included as attachments as follows:
 - Attachment 1 – March 2025 Hui minutes
 - Attachment 2 – Revised Proposed Conditions of Consent
 - Attachment 3 – Traffic Response
 - Attachment 4 – Traffic Peer Review
 - Attachment 5 – Revised Architectural Plans
 - Attachment 6 – Revised Landscape Concept Plans
 - Attachment 7 – Revised Engineering Drawings
 - Attachment 8 – Legal Memorandum
 - Attachment 9 – Response to Council Conditions
 - Attachment 10 – Kiwi Property’s Response to Funding and Financing Memo
 - Attachment 11 – Economics Response
 - Attachment 12 – Stormwater Response
 - Attachment 13 – Drury Centre Stage 2 Stormwater Assessment V5
 - Attachment 14 – Acoustic Response
 - Attachment 15 – Key Plans Package
6. Attachments 5 – 7 of this response are revised plans for the application which include the relevant architectural drawings, concept landscape design drawings and engineering detail drawings. These revised plans are provided primarily in response to the extensive comments from Auckland Council. To assist the Panel in the navigation of these changes, a summary of the updates relative to the relevant revised plans are listed below:
 - a. Attachment 5 – Revised architectural plans by Ignite:
 - Inclusion of footpath along Flanagan Rd in front of Lot H1, H2 & F1
 - Pedestrian access from Lot C to across the site to Stage 1
 - Lot C carparking number updates for inclusion of pedestrian accessway
 - Location & extent of canopies shown on Building Edge Treatment & Key Connections sheet
 - Updates to Flanagan Rd roundabout to align with Civil drawings

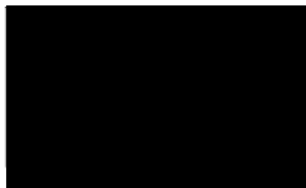
- b. Attachment 6 – Revised concept landscape plans by Boffa Miskell:
 - o Inclusion of the Flanagan Road edge footpath connection to Hingaia Reserve
 - o Roundabout addition at the Flanagan Road and Road 3 intersection
 - o Lot C footpath connection to Road 1 and associated planting
 - o Extension of Road 6 to Lot K
 - o Updated geometry for all intersections to align with the engineering drawings
 - o Urban Ngahere tree coverage analysis
 - c. Attachment 7 – Revised engineering detail drawings from Woods:
 - o Road 3 / Flanagan Road Roundabout revised
 - o Flanagan Road, single sided urbanisation proposed to the development frontage
 - o Stage 1 parking bays revised to avoid vehicle crossings
 - o Road 6 / Road 25 Intersection revised – western leg formalised, and road to vest to be created up to the eastern / neighbouring property boundary
7. To assist the Panel with navigating Kiwi Property's response to comments, a package of key plans is provided at Attachment 15.

Yours sincerely | Nā māua noa, nā

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APPENDIX A: KIWI PROPERTY HOLDINGS NO.2 LIMITED RESPONSE TO PARTIES INVITED TO COMMENTS ON DRURY METROPOLITAN CENTRE CONSOLIDATED STAGES 1 AND 2

Table 1 Ngai Tai ki Tamaki Comment 3

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Table 1 Ngai Tai ki Tamaki Comment

Summary of Comment (Ngai Tai ki Tamaki)	Applicant Response
Ngāi Tai ki Tāmaki expressed concern about the consultation described in the application, noting that their records show the last engagement occurred in 2018. They requested clarification regarding the reference to consultation conducted during a hui for a separate project.	<p>Kiwi Property have consistently consulted and engaged with Ngāi Tai ki Tāmaki throughout all stages of projects in Drury Centre, including this Project. The most recent consultation between Kiwi Property and Ngāi Tai ki Tāmaki in respect of the Project was on 11 March 2025 prior to lodgement of the application in an online hui.</p> <p>The representative from Ngāi Tai ki Tāmaki in this hui was Ms Zaelene Maxwell-Butler in which Kiwi Property provided an update on timing for lodgement of the Stage 2 fast-track consent and particular aspects of the Project of interest to iwi including the works proposed to Stream A, riparian planting and other environmental opportunities to achieve key mana whenua principles. Minutes of this March 2025 hui are included as Attachment 1 to this response.</p> <p>Prior to this, Ms Zaelene Maxwell-Butler was also invited to attend an on-site walkover and hui regarding Stream A on 21 May 2024 to which she sent her apologies and did not attend. This is recorded the meeting minutes attached as Appendix 7 to the Consultation Summary Report.</p> <p>A subsequent hui regarding Stream A was held on 26 June 2024 and Ms Zaelene Maxwell-Butler attended remotely. Minutes from this hui are also attached as Appendix 7 to the Consultation Summary Report.</p> <p>In summary, Kiwi Property have consulted and engaged with Ngāi Tai ki Tāmaki in respect of the Project and do agree with that no meaningful consultation has occurred since 2018 as suggested in the comments.</p>

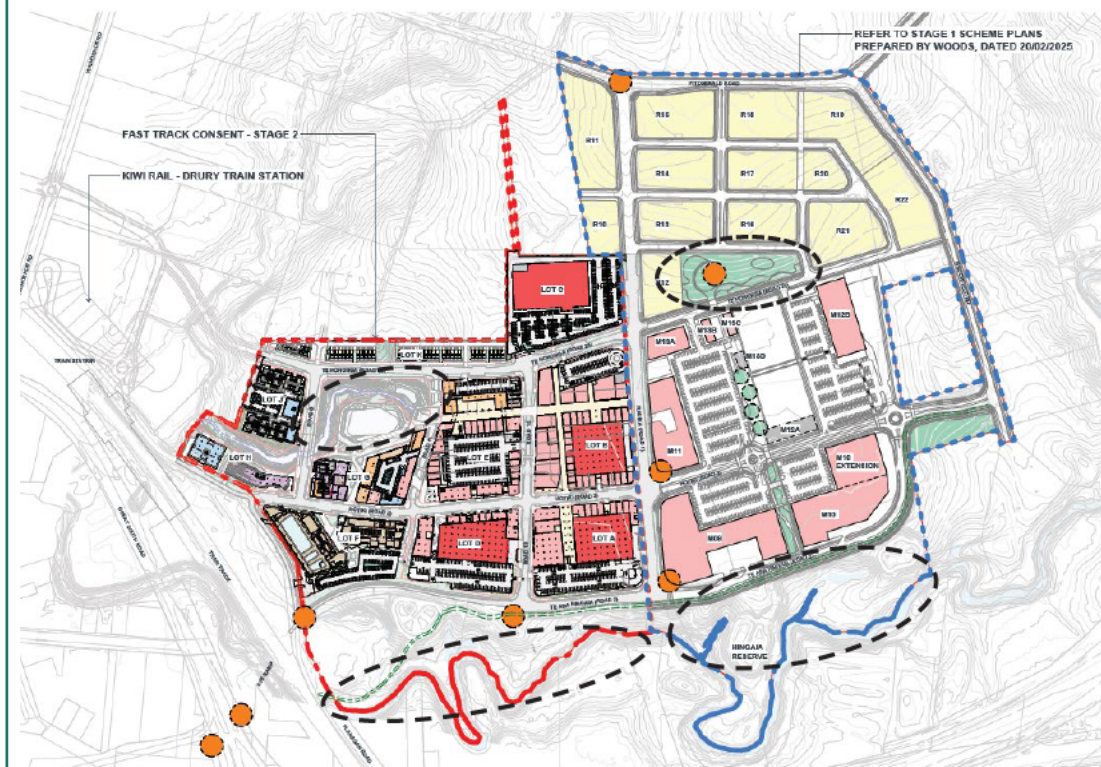
Table 2 Department of Conservation Comment

Summary of Comment (DoC)	Applicant Response
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DoC comments suggest that a Wildlife Act approval and Complex Freshwater Fisheries approval <i>may</i> be required for the Project.	<p>In response, Kiwi Property’s project ecologists advise that:</p> <p><u>Wildlife Act Approval</u></p> <p>Due to the low risk of native lizards being present on site, a Wildlife Act Approval has not been sought to handle, capture, relocate, injure, or kill native lizards. The Draft EMP (Appendix 25A) outlines passive management measures and an accidental discovery protocol for native lizards. If native lizards are detected during the construction works, and handling, capture, relocation, injury or killing native lizards is required then a Wildlife Act Approval will be sought.</p> <p><u>Complex Freshwater Fisheries Approval</u></p> <p>Kiwi Property and its advisors are of the understanding that the proposed works do not require a complex freshwater fisheries approval but will engage with Department of Conservation staff in an effort to reach consensus on this matter. A complex freshwater fisheries approval will be sought separately outside the Fast-Track process should DOC staff consider it is required following that engagement between Kiwi Property’s advisors and DOC.</p> <p>Overall, the permits as suggested by DoC are considered to not be required for the Project and therefore those approvals have not been sought as part of this fast-track application. Kiwi Property acknowledges that should those permits be required then the necessary applications will need to be made and separately obtained. Appropriate advice notes to that effect are included in the revised proposed consent conditions as Attachment 2 to this response.</p>
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Table 3 Papakura Local Board Comment

Summary of Comment (Papakura Local Board)	Applicant Response
The comments from the Papakura Local Board generally relate to the provision of open space, active mode connections within the Project and connections with the broader area, stormwater treatment and piping of Stream A.	<p>We respond relative to those topics below:</p> <p><u>Provision of Open Space</u></p> <p>The Project includes the provision of open space in the form of Valley Park and extension of the 20m wide esplanade reserve along the Hingaia Stream as shown on the Landscape Design Report provided with the application. Those landscape plans show Valley Park will feature a series of informal pedestrian paths and boardwalks through riparian planting to support amenity, recreation and activity around the central stormwater basin and along the stream. The area of Valley Park is approximately 2.2ha which incorporates the riparian margins of Stream A and is significantly larger than the indicative neighbourhood park (as expressed through Auckland Council’s Open Space Provision Policy) as shown on Precinct Plan 2. It is therefore considered that the Project does provide open spaces and opportunities for recreation.</p> <p>We also consider that it is relevant and appropriate to look at the extent of public open spaces provided in the Drury Centre Precinct more broadly. The figure below shows the Stage 1 and 2 fast-track areas and the open spaces provided are circled in black dashed lines. When considered holistically for Drury Centre as a whole and particularly across these two large projects being delivered by Kiwi Property, it is considered that the provision of open space is appropriate and will provide sufficient opportunities for recreation.</p>



Tree planting/coverage

In respect of the tree coverage comments, Boffa Miskell have assessed the proposed planting in the Project against Auckland Council's Urban Ngahere canopy cover targets requirement of 12–30%. A site-wide canopy analysis has been undertaken to assess the Project against the urban ngahere principles and it is identified that the Project currently achieves a 13% canopy coverage using a conservative estimation method.

With further design development in the subsequent detailed design stages there is the potential to reach the 15% minimum target. This is likely to be achieved through greater use of larger "generic" (8m diameter) trees within streetscapes, where medium (5m diameter) trees have been conservatively assumed to date. For a metropolitan centre of this density, the current 13% achieved demonstrates strong responsiveness and intent to meaningfully contribute to canopy cover.

Active Mode Connections

The Project provides for active mode connections in terms of walking and/or cycling on all the roads within the Stage 2 area including planning for an interim and ultimate through bus route too. These active mode connections within the project area then connect to either Fitzgerald Road and Brookfield Road both of which will be upgraded to an urban standard (as required in consent conditions of the Stage 1 fast-track consent) and also includes provision for active modes such as walking and cycling thereby providing the opportunity for connections to the wider Drury East area.

Kiwi Property supports the Local Board's sentiment for the provision of off-road shared pedestrian/cycleway connections in the wider Drury East area. However, the list of places for the Project to provide active mode connections to under paragraph (x) of the comments are extensive and beyond the project area such that it is unreasonable for Kiwi Property to do so.

In respect of the alternative to public transport comments in paragraph (viii), the Project will include compliant provision of bike parking throughout the centre. The final locations of the bike parking spaces will be determined at later detailed design stages and proposed condition 24 requires the final location of those spaces to be shown.

Summary of Comment (Papakura Local Board)	Applicant Response
	<p><u>Stormwater Treatment</u></p> <p>The stormwater assessment (Section 9) undertaken demonstrates appropriate treatment is being proposed prior to discharge to the receiving environment via a combination of the following:</p> <ul style="list-style-type: none"> • Two wetlands providing water quality treatment to GD01 standard with pre-treatment provided via a forebay or a proprietary device • A large communal raingarden • Roofed areas of Large Format Retail (LFR) providing tanks (combination of retention and detention/ retention) which is considered Best Practicable Option (BPO) for water quality treatment of roofed areas • A combination of at-source raingardens <p><u>Piping of Stream A</u></p> <p>The Drury Metropolitan Centre is not proposing to pipe Stream A. The Ecological Impact Assessment (Section 2) outlines the works to include infilling (with earth) of the upper tributaries of Stream A and Stream A wetland to allow for the Drury Metropolitan Centre development. The upper reach of Stream A will be realigned in an open channel with banks planted in riparian vegetation on either side. The downstream Stream A reach is currently piped, which the project proposes to 'daylight' and realign. 'Daylighting' stream means to remove a piped section of stream and retuning it to an open, naturalised channel. After 'daylighting' and realignment, this reach will also be planted with riparian vegetation.</p>

Table 4 Te Ākitai Waiohū Comment

Summary of Comment (Te Ākitai Waiohū)	Applicant Response
<p>The comments from Te Ākitai Waiohū relate to the 15-year lapse date sought by Kiwi Property and the following minor amendments to the conditions:</p> <ul style="list-style-type: none"> ○ Include an invitation for mana whenua to attend archaeological monitoring. ○ Add a condition requiring maintenance of baseflow in Stream A. ○ Add a condition for accidental discovery of lizards, particularly copper skinks to ensure sufficient mitigation is provided for. ○ Add a condition for archaeology accidental discovery protocols similar to condition 78 of Stage 1 consent. 	<p>The 15-year duration of consent is necessary given the scale of the project and timeline for construction as outlined in the AEE with works commencing October 2025 (subject to the Fast-track consent being granted) and the last building being in Year 2034. While this anticipated construction period is less than 15 years, flexibility is necessary to manage construction and supply chain risks and to account for other matters outside Kiwi Property's direct control. The 15-year duration will provide Kiwi Property certainty for the development so that they can go to the market and secure tenants.</p> <p>With respect to the amendments to the conditions, the following comments are made:</p> <ul style="list-style-type: none"> • Condition 34 has been updated to include archaeology monitoring as one of the milestones where provision is made for Mana whenua to undertake cultural monitoring, karakia, placement of tohu, and/or other such cultural ceremonies on the site. • Conditions 6-8 of the Streamworks consent requires a Stream Enhancement Plan (SEP) to be prepared prior to streamworks commencing. The SEP will detail how baseflows will be provided to Stream A. Conditions 34-35 of the Streamworks consent include post-construction monitoring conditions to confirm whether the new streams are on a trajectory or have reached the required stream ecological value detailed in the SEP. As such, the implementation of the SEP including the post-monitoring conditions will ensure maintenance of baseflow in Stream A. • The Ecological Management Plan (as required by conditions 21-23 of the Land use consent) include a Lizard Management Plan which will outline passive management measures and an accidental discovery protocol for native lizards. • An Authority has been issued by HNZPT for the entire Stage 2 area and therefore the accidental discovery protocols do not apply and a consent condition to that effect has not been included. By way of background, an accidental discovery protocol condition was included with the Stage 1 fast-track consent decision because only a specific portion of the Stage 1 project area was covered under the Authority (i.e. some areas were excluded from that Authority). Therefore, it was appropriate to include the condition to include an accidental discovery protocol condition to cover the areas excluded from the Authority.

Table 5 NZTA Waka Kotahi Comment

Summary of Comment (New Zealand Transport Agency – Waka Kotahi)	Applicant Response
<p>NZTA records that it is neutral with respect to the application and notes that the land use is broadly in line with what was anticipated at the time of the plan change. NZTA’s memo addresses the following issues:</p> <ul style="list-style-type: none"> ○ A concern that the traffic assessment has overstated the effect of work from home (WFH) on trip demand, while noting this is unlikely to have a significant bearing on the effects generated by a predominantly commercial development; ○ The proposed land uses and the impacts on internalisation rates utilised in traffic assessment. NZTA requests a sensitivity test be undertaken using higher trip rates to compensate for the lower level of internal trips; ○ The proposal to defer community activities to later stages and the impact on internalisation rates. Considers they should remain as per the Precinct trigger table; ○ The reasoning behind moving the requirement for the Drury Access Ramp to an increased level of development in the trigger table; and <p>The need for clarification as to how the proposed consent interacts with future consents for other developers in the Drury East area and how the conditions relate to the Precinct provisions.</p>	<p>Kiwi Property’s traffic and transport experts respond to the technical matters regarding the robustness of the ITA and particular items listed in Attachment 3 of this response. In summary, those responses from the experts consider that:</p> <ul style="list-style-type: none"> • The WFH issue is addressed at section 1 of Mr Parlane’s letter (Attachment 4) and sections 1 and 5 of Mr Hughes’ report (Attachment 3). In summary, the proportion of people who work from home and related travel forecasts reflecting an 8% reduction in peak traffic generated by households and a 1.5% reduction in peak hour retail traffic are justified in terms of the Census data, and considered to be at the conservative end at what may be expected. • The issue regarding internal trips is addressed at section 2 Mr Parlane’s letter (Attachment 4) and section 2 of Mr Hughes’ report (Attachment 3). A sensitivity test was carried out, as addressed at para 1.7 of Mr Hughes report (Attachment 3). In summary, the assumed level of internalisation starting at 6% and finishing at 12% is a very conservative assumption because the larger a centre is the higher level of internal trips will be. Given that Drury Centre is planned and will be developed as a Metropolitan Centre, this will be second in scale and intensity to the City Centre zone. In reality, the percentage of internal trips are expected to be well over 15% potentially even over 20% because the cost of travel increases and decarbonization becomes a greater focus. • The proposal to defer community activities to later stages is addressed at section 2 of Mr Hughes’ report (Attachment 3). • The rationale for deferring the Drury Access ramp is addressed at section 3 of Mr Parlane’s letter (Attachment 4) and section 3 of Mr Hughes’ report (Attachment 3). In summary, the direct link to Drury Centre from SH1 (the Drury Access Ramp) was always intended to occur after the development of Drury Centre had occurred. This is supported in the transport modelling which indicates that the direct link is still required but can be constructed later than originally intended and therefore deferred to support an increase level of subdivision/development consistent with the levels proposed in this application. <p>With respect to the clarification sought and comments under the ‘Interaction with other consents and precinct provisions’ heading under paragraphs 3.13 – 3.15, we disagree with NZTA and do not consider that the Project proposes to ‘use up’ development potential for the three precincts¹ because the project is not for all the subdivision and development thresholds for the specified land uses in Column 1 of the transport triggers standard. While the Project does involve a substantial amount of retail activities, we note that the Drury Centre Precinct was always intended to be the primary location for retail activities in Drury East as would be reasonably expected for a metropolitan centre reflected by the underlying Metropolitan Centre and Mixed Use zoning of the land and precinct provisions.</p> <p>Subdivision and development in this common transport staging boundary was always intended to be on a ‘first come first serve’ basis in practice and this is reflected in the monitoring special information requirement of the precinct provisions which requires any proposal for land use or subdivision for dwellings, retail, commercial and/or community activities to demonstrate compliance with the transport triggers standard. The 15 year duration sought for the consent reflects the significant scale of this transformational urban development project which effectively involves the development of a new metropolitan centre. This inherently involves retail as the predominant land use but also a combination of dwellings and community activities which collectively support and underpin a vibrant metropolitan centre in terms of a combination of land uses. This 15 year duration also reflects the realistic construction period to give effect to development of the Project at this scale and provide certainty to support Kiwi Property’s continued investment in Drury East. Should this consent be granted, other persons making applications for subdivision or development in the Drury East transport staging boundary will need provide the necessary special information requirement regarding monitoring, apply the necessary consents and go through the appropriate resource consent assessment process for any non-compliance with the transport triggers standard just as Kiwi Property are doing so now. The scale and activities proposed by Kiwi Property in this application do not preclude future resource consent applications to be lodged and for those to be assessed on a case by case basis with consideration of the relevant receiving environment at the time.</p> <p>See also sections 7 and 8 of Mr Hughes’ report (Attachment 3)</p>

Table 6 Associate Minister of Transport Comment

Summary of Comment (Associate Minister of Transport)	Applicant Response
The Associate Minister records his support for the Project.	The Associate Minister’s support for the Project is noted by Kiwi Property.

¹ Drury Centre Precinct, Drury East Precinct and Waihoehoe Precinct.

Table 7 Auckland Transport Comment

Summary of Comment (Auckland Transport)	Applicant Response
<p>Auckland Transport (AT) does not oppose the application but raises concerns in respect to the traffic/transport modelling of the ITA provided in the application, particularly in relation to:</p> <ul style="list-style-type: none"> • Work from home adjustments; • Retail trip assumptions; • Timing for SH1 direct connection; • Seeking consent to authorize levels of development beyond the capacity of funded and committed infrastructure upgrades; • 15 year lapse period sought for the consent; • Use of private roads for public transport; • Insufficient loading bays; and • Safety risks at intersections and crossings. 	<p>The comments from AT are structured into topics and we respond relative to those topics.</p> <p>Responses in relation to the following key topics are provided by Kiwi Property’s traffic and transport experts included as Attachment 3 and 4 of this response.</p> <ul style="list-style-type: none"> • Work from home adjustments to trip rates; • Land use mix and internalisation; • SH1 direct connection; • Vehicle crossings; and • Loading bay provision and on-street loading risk. <p>We respond to the other key issues and topics which generally distill AT’s comments overall.</p> <ul style="list-style-type: none"> • <i>Proposed Private Roads</i> AT (and the traffic engineering comment from Auckland Council) are concerned with private roads in the Project in terms of public access and the impact of bus operations in the event of potential road closures. In relation to these concerns, AT (and Auckland Council’s traffic engineer) recommend that specific sections of private roads in this Project are vested as public roads, public access easements are granted on private roads and consent conditions requiring Kiwi Property to notify of AT (and NZTA) in the event of any road closures are imposed. These recommendations are not supported by Kiwi Property. Kiwi Property currently have private roads within their other metropolitan centres without public access easements, as such easements are unnecessary. The vesting of roads is also a land tenure matter and decision for Kiwi Property and should not be inappropriately imposed by AT. The success and economic viability for Kiwi Property’s metropolitan centres, in Drury Centre, relies on visitors and the general public coming to those centres. It is not in Kiwi Property’s interest to close roads or prevent people and buses from arriving or travelling through their centre. For these reasons, and because have no intention to close any private roads (either on a permanent or temporary basis), Kiwi Property do not support the recommendations of AT or Auckland Council traffic engineering comments in relation to the private roads. In relation to the comments regarding ownership and operational responsibility for signals serving private roads, the intent is for ATOC to operate these signalisation assets. Any maintenance to maintain levels of service will be completed as required and on-charged to Kiwi Property. In situations where upgrades are sought, Kiwi Property as the asset owner is to be consulted and these upgrades can be agreed and implemented with more flexibility in procurement, offering better value to both parties. This issue is also addressed at paragraphs 42 to 47 of the Legal Memorandum included as Attachment 8. • <i>Staging</i> The flexibility sought in the subdivision staging is necessary for a significant urban development project of this scale and Kiwi Property have no intention to unreasonably delay the provision of key connections. However, Kiwi Property needs to maintain flexibility in being able to logically and progressively advance subdivision stages relative to any preceding stages in Stage 1 and to be able to develop the centre with the realms of the annual or available budget at time. While the roading proposed within the Project will provide for more direct and efficient connections to the Drury Central train station in the long term, Kiwi Property also notes that there are alternative existing road connections such as Waihoehoe Road and Fitzgerald Road in the surrounding area which will also provide feasible connections to the train station. These roads are also in process of being upgraded to an urban standard which are partly funded and to be delivered by Kiwi Property. • <i>Frontage Upgrades</i> Kiwi Property have reflected on the comments of AT (and the traffic engineering and urban design comments from Auckland Council) in relation to the recommended frontage upgrade along Flangan Road and consider that it would be appropriate to upgrade the frontage where buildings in the project have direct frontage or access from Flanagan Road (i.e. buildings H1, H2 and F1 only). This frontage upgrade along Flanagan Road is reflected on the revised plans included as Attachments 5-7 of this response and will be upgraded prior to occupation of those buildings. Kiwi Property notes that Flanagan Road is currently in poor conditions and there is some damage to this road by the heavy vehicles using it associated with construction of the Drury Central train station. In that regard, Kiwi Property does not consider it be fair and reasonable to be responsible for repairing any current damage to Flanagan Road by KiwiRail. While Kiwi Property agrees to upgrading a portion of Flanagan Road to an urban standard, that upgrade must reasonably be from a repaired condition.

Summary of Comment (Auckland Transport)	Applicant Response
	<ul style="list-style-type: none"> • Loadings Bays This matter is addressed by Kiwi Property transport expert in Attachment 3. Kiwi Property does not support AT's recommendation for a body corporate or the loading management plan condition because the land will be owned and maintained by Kiwi Property and it is considered that this land tenure arrangement will provide sufficient management for loading activities. • Draft CTMP Kiwi Property acknowledges that should any construction traffic related to the Project damage the public roads vested in the Stage 1 area, then the responsibility will be for Kiwi Property to repair and/or reinstate those roads if they have been vested. Kiwi Property accepts the recommended condition by AT and this is captured in the revised consent conditions (condition 68A) in Attachment 2. • Proposed Conditions Kiwi Property's response to the recommended conditions is provided as Attachment 9 of this response.

Table 8 Auckland Council Comment

	Summary of Comment (Auckland Council)	Applicant Response
1	Funding and Financing	
1.1	Para 1.6 - A significant amount of this infrastructure is not funded and is not currently programmed to occur. The Applicant has not provided any explanation of how this significant gap of infrastructure will be funded and aligned with the development. Within limited Council (and Crown) resources, supporting new development is typically a matter of prioritisation of resources	<p>Kiwi Property's representative, Mr Schwartfeger responds to these comments at [Attachment 10]. The Legal Memorandum (Attachment 8) addresses this at paras 32 to 37. As noted in that memorandum, the consent conditions already provide a clear and enforceable mechanism that links development to infrastructure delivery:</p> <p>Urban development in and around the Drury Centre cannot be occupied until water, wastewater and other services are in place. In practice, such development will not be undertaken until the developer has certainty in that regard (lest capital is sunk in unproductive assets).</p> <p>Given the constraints on development in the proposed conditions precedent, development of the Drury Centre will necessarily be tied to implementation of the specified roading infrastructure. Unless and until that infrastructure is implemented, the Drury Centre development will be constrained to the specified threshold.</p>
1.2	Paras 1.7 and 5.3 - It would seem premature to be approving consent for the parts of the Application where there is considerable uncertainty about when the consents could be implemented / given effect to, given the uncertain funding and delivery status of the projects.	<p>The Legal Memorandum (Attachment 8) addresses this at paras 28 to 30, 33.</p> <p>The proposed conditions precedent already tie Drury Centre development to the delivery of specified roading infrastructure, meaning development cannot exceed defined thresholds until that infrastructure is in place. This approach applies equally to other developments in Drury East and Waihoehoe Precincts, so some uncertainty around timing and funding for council will exist regardless.</p> <p>Approving the consent can actually improve certainty for infrastructure funding and delivery by signalling commitment to growth in the area, which supports investment decisions by both public and private sectors. Not approving the consent would only act to delay a key anchor project, and presumably lead to the very challenges the funding and financing memorandum says it is seeking to avoid (e.g.: risk of expected revenue not being collected if growth does not occur, or occurs more slowly than forecast). Conversely, approving the Proposal as sought will assist in Council being able to collect development contributions to fund delivery of infrastructure.</p>

Summary of Comment (Auckland Council)		Applicant Response
1.3	Paras 1.8 and 5.4 – A 15-year lapse period can create challenges for Council, including difficulty forecasting Development Contribution revenue and aligning infrastructure investment priorities. Delayed or unpredictable development sequencing may reduce the efficiency of planned infrastructure delivery and pose funding risks across the wider network.	The Legal Memorandum (Attachment 8) addresses this at paras 21 to 25. As noted above, approving the consent can actually improve certainty for infrastructure funding and delivery by signalling commitment to growth in the area. The quicker development occurs, the quicker the Council is able to recover development contributions.
1.4	Para 2.6 – considers the status of the funding for the neighbourhood park and civic space is unclear.	Both the neighbourhood park and civic space are being provided by Kiwi Property. While the Council may not support the solution, Kiwi Property's expert advisors consider the proposal to be appropriate. We also note that development contributions are being collected for parks (acquisition and development) and community infrastructure. See also the response from Kiwi Property's representative at page 3 of (Attachment 10).
1.5	Paras 3.1 – 3.2 – Identifies the risk of expected revenue not being collected if growth does not occur, or occurs more slowly than anticipated.	Not consenting the Project (either in full or in part) now will slow the delivery of growth, deferring development contribution revenue for Council.
1.6	Para 6.2 – in the absence of a formal infrastructure or funding agreement, seeks that conditions be imposed which address the matters raised in the planning memorandum and AT's comments.	See response to comments on conditions attached at (Attachment 9).
1.7	Section 2 of the memo identifies infrastructure requirements of the application and summarises Council's view on their current funding status.	Kiwi Property's representative responds to these comments at (Attachment 10).
2	Economics	
2.1	<u>Economic impact and employment calculations (paras 6, 9 to 12, 28)</u> Paras 6 and 28 - Raises concerns regarding the use of input-output modelling and considers identified limitations may result in economic benefits being overstated.	See Economics Response (Attachment 11) at sections 7 and 9. Limitations identified in the Council review are considered to be overstated. Kiwi's economic expert remains of the view that the costs and benefits identified in the original report considers this provides the most appropriate information to evaluate the economic benefits of the applications under the FTAA.
2.2	<u>Paras 7 and 12 - Does not consider number of FTE's during development should be considered as a benefit as they would be otherwise employed.</u> Para 15 - Considers claimed benefits are transfers rather than net gains (e.g.: increased employment opportunities and economic activities, greater levels of investment in the local market, greater levels of growth). Others would benefit from further substantiation or clearer linkage to additional societal value (operational efficiencies and increased competitiveness, sector specific growth, increased internalization of retail and Drury Centre expenditure).	See Economics Response (Attachment 11) at section 9. While the review suggests employment is a zero-sum outcome, we disagree because the Fast Track process was intended to stimulate construction activity when the sector was underutilised. With Auckland's unemployment at 6.1%, assuming additional employment from the project is both reasonable and significant to its overall economic impact.
2.3	<u>Economic costs and benefits (paras 7 - 8, 13 - 27, 29 – 32)</u> Paras 7 - 8, 13 - 27, 29 – 32 -Considers key economic costs — such as infrastructure funding pressures and congestion impacts — may be understated. The opportunity cost of the reservation of limited infrastructure capacity has been omitted entirely and this may represent a significant cost particularly if effect to the Proposed Development consent is not given until much later	Responses in relation to the following topics are provided by Kiwi Property's economic expert at Attachment 11 . See sections 7 and 9, and comments in 2.1 above in relation to Council's comments on transfer effects and further substantiation of positive effects. See section 7 responding to Council's view that economic costs have been understated and opportunity costs omitted. In summary, while it is acknowledged that models are inherently limited by the information available, the Council's review overstates those limitations. The supply constraints identified in the review are only temporary and reflect the economic

Summary of Comment (Auckland Council)		Applicant Response
		<p>conditions at the time. Because of wider economic factors, it is reasonable for the modelling to assume that some resources, like labour, would not be fully used.</p> <p>This issue is also addressed in the Legal Memorandum at paragraphs 38 - 41 (Attachment 8).</p>
2.4	<p>Para 8 - Considers a cost-benefit analysis (CBA) should have been undertaken, following Treasury guidance, that compares a full range of incremental costs and benefit against a clearly defined counterfactual.</p>	<p>Kiwi Property's economic expert responds to the need for a CBA and the value of a counterfactual at sections 6 and 8 of Attachment 11. In summary:</p> <ul style="list-style-type: none"> • A CBA is not appropriate for FTAA applications because the process already allows for weighing non-economic effects, which are inherently subjective and not easily monetized. CBAs are costly, complex, and require assumptions that make results difficult to compare. Requiring one would impose a higher standard than the RMA for resource consents, and the FTAA does not mandate economic efficiency, only that economic impacts are considered alongside potential adverse effects. • While CBAs are routinely used by Treasury and NZTA the purpose of such CBAs is very different to the evaluation required under the FTAA. The purpose of the former is to guide investment or policy decisions and involves choices between different options. The evaluation under the FTAA requires judgment as to whether an individual proposal should be upheld or declined consent. • There is no realistic counterfactual involving a different use of the land. There is no realistic counterfactual involving relocating the proposal. There is no realistic counterfactual involving delay the development promoted the FTAA to facilitate consenting and development of major projects to support economic growth. <p>The Legal Memorandum (Attachment 8) also addresses this comment at para 30, and in particular the suggestion that a full CBA (including counterfactual) is required. In summary:</p> <ul style="list-style-type: none"> • A cost-benefit analysis is not required by the FTAA. Adverse impacts (or costs) are taken into account as part of the section 85 FTAA assessment. • The Drury Metropolitan Centre zone was confirmed through PC48 which itself involved an extensive cost benefit analysis in accordance with the explicit requirement in section 32 RMA. That process confirmed that the rezoning and subsequent development would have a net benefit.
3	<p>Urban Design</p> <p>The urban design report appears generally supportive of the urban design approach adopted for the Project. As such, this summary only identifies areas where the urban design memo identifies concerns.</p>	
3.1	<p><u>Street network and urban block structure</u></p> <p><i>Eastern Boundary - Accessibility / Block Lengths (Paras 9 to 12, Recommendation A)</i></p> <p>Issue – Identifies a lack of road connection to the eastern boundary from Road 6 and length of blocks. Considers this raises issues regarding connectivity and impacts on accessibility from Sub Precinct C, the lack of certainty for neighbours given lack of road connection. Also raises concerns regarding its impacts for the continuation of a logical and efficient block structure east of the subject site.</p>	<p>The plans have been amended to fully form Road 6 through to the Site boundary. No additional road connection to the south (as suggested) is proposed. Lot 42/Lot K already incorporates a 24m wide area of open space that accommodates an overland flow path from east of the Site.</p> <p>The landscape plans included as Attachment 6 of this have also been updated to include provision for a pedestrian connection through this open space to the adjoining site. This open space will be unfenced and publicly accessible consistent with all other public open spaces in Drury Centre. For the avoidance of doubt, no public access easement will be granted over this open space for this pedestrian connection either.</p>

Summary of Comment (Auckland Council)		Applicant Response
	Recommendation - Road 6 be fully formed and extended to the eastern site boundary to provide certainty for neighbouring landowners. Provide a second road connection further south within Lot K between Road 11 and Road 13.	
3.2	<p><i>Inactive Street Frontages (Paras 13 – 15, Recommendation B)</i></p> <p>Issue – Concerned buildings with two frontages (e.g. to a street and internally to the pedestrian accessway or car park) may focus on opening up to the covered pedestrian accessways and ‘turn their back to the street’ (e.g.: potentially using the street face for advertising, signage or ‘back of house’ activities). This is noted to have negatively impacts in terms of visual quality and interest of streets, activation; passive surveillance opportunities.</p> <p>Recommendation - condition of consent require all lots that have a frontage to a street (public or private), ensure access is provided directly from the street to the store front during opening hours. This could be in addition to any secondary access which may be provided to that store from a covered pedestrian accessway or internal car park</p>	The full suite of architectural plans provided with the lodgment (including renders, elevations, and signage plans) demonstrate that all commercial / retail buildings fronting public and private streets, as well as areas of open space have been designed to engage with and activate streets. Concern has been raised principally around those retail units which also share a frontage with the proposed pedestrian laneways – primarily on Lots A and B with a frontage to Road 13. The buildings on Lots E and G2 have not been designed to open out onto an internal parking building. To address this concern, a condition of consent (Condition 24A) has been proposed.
3.3	<p><i>Securing Public Access on Private Roads (Para 16)</i></p> <p>Comment - Agrees with concern raised by AT re public access for public transport and emergency services along private roads.</p> <p>Recommendation - Supports further investigation of the merits of possible access easements (as proposed by AT).</p>	<p>Kiwi Property opposes the suggestion that access easements be provided for public transport and emergency services. The reasons and rationale for this are given in the applicant’s response to the AT comments on this same matter in Table 7 above and is also addressed at paragraphs 42 to 47 of the Legal Memorandum (Attachment 8).</p> <p>As outlined in that response, a key practical concern for Kiwi Property, based on its ownership and management of other large commercial centres in New Zealand (e.g.: Sylvia Park, LynnMall, and Te Awa-The Base in Hamilton), is the need to retain control over the internal road network so the centre can be redeveloped, improved or augmented over time without having to work through road closure / land swap processes or contractual arrangements with councils or other authorities. At Sylvia Park, Kiwi Property has maintained public vehicle, bus, rail, and emergency access for 20 years while retaining full control to adjust internal road layouts and traffic flows to improve the operation of the centre.</p>
3.4	<p><i>Form of Road 11 (Para 17)</i></p> <p>Comment – Intent and final form of Road 11 is unclear. Inconsistency between architectural package and landscape design report, and engineering drawings.</p>	Kiwi Property confirms that the form and design intent for Road 11 is a pedestrian oriented and low speed environment as depicted on the architectural drawings and landscape concept plans. The engineering drawings primarily convey engineering design details for the Project and do not present urban design details or qualities of the Project. For clarity and the avoidance of doubt, a note has been added on the relevant roading plan (Dwg no. P24-447-01-2003-DR) for Road 11 which cross references to the design details for Road 11 in the landscape and architectural plans as taking precedence in Attachment X.
3.5	<p><i>Flanagan Road (Para 18, Recommendation C)</i></p> <p>Comment – Queries who is being tasked with upgrading Flanagan Road to ensure access and connectivity to Buildings H1 and H2 and the Drury Train Station</p> <p>Recommendation – further clarity should be provided for who is responsible for the delivery of pedestrian footpaths at the northern end of Flanagan Road to ensure access and connectivity to Buildings H1 and H2 and the Drury Train Station.</p>	The plans have been amended to include provision for a footpath and frontage upgrades along the development frontage of Flanagan Road to the Aquatic Centre (F1) and Buildings H1 and H2. This is reflected on the revised plans included as Attachment 5 to 7 of this response. Consent condition 85B is also proposed to ensure this frontage upgrade along Flanagan Road.

Summary of Comment (Auckland Council)		Applicant Response
3.6	<p><i>Lack of onstreet car parking along Hotiki Road 3 (Para 19, Recommendation D)</i></p> <p>Comment – Considers inclusion of additional on street car parking opportunities particularly for the key retail street (Hotiki – Road 3) would have signalled a stronger endorsement for future retailers located along this ‘key retail frontage’ and supported the vibrancy of the main street with more people able to access the fronts of shops directly from adjoining on-street car parking.</p> <p>Recommendation - provision of additional on-street car parks along Hotiki (Road 3) to improve activation and support the intent of the main street / key retail frontage condition within the Centre.</p>	<p>No additional on-street car parks are proposed (or are considered necessary). The application already provides for regular parking bays along the length of Hotiki Road. Additional parking would require the removal of landscaping areas, including street trees. High levels of activation will be provided through the combination of retail frontages, pedestrian laneway entrances, community / civic uses (e.g. library), entrances to offices / commercial activities and the proposed hotels.</p>
3.7	<p><u>Built Form, scale, massing and appearance</u></p> <p><u>Detailed Design Drawings (Para 26 – 27)</u></p> <p>Comment - external design and appearance has not been as clearly articulated e.g. commercial buildings 63 and 39 in Lot E. Notes the elevations also indicate building 63 is a multi-level commercial building and yet there is only one commercial floor plan provided.</p> <p>Recommendation – a full set of floor plans and detailed / colored elevations should be provided as a condition of consent.</p> <p><i>Car park building façade (Para 29)</i></p> <p>Comment – Supports articulation of the facades of the car parking buildings</p> <p>Recommendation – details of this be provided through a condition of consent,</p>	<p>Condition 24 of the proposed consent conditions relates to the provision of final architectural design plans including material and finishes. It is through this proposed consent condition where the final design and appearance of buildings will be clearly articulated including the facades of car parking buildings of particular interest to the Council’s urban designer.</p> <p>These final architectural design plans will be provided to Council at the time of building consent for certification and an additional advice note has been added in relation to this condition clarifying that the Council’s Urban Design Unit will review these final design plans to ensure they are consistent with the design intent of the approved plans.</p>
3.8	<p><u>Commercial and Retail Development</u></p> <p><i>Verandahs (Para 30, Recommendation E)</i></p> <p>Comment – unclear whether all buildings that address a key retail frontage include a continuous verandah canopy.</p> <p>Recommendation - all buildings located along a key retail frontage (Hotiki) Road 3, provide a verandah over the footpath to provide weather protection and reinforce the main street experience anticipated by the application and under the key retail frontage provisions of the Precinct. The details of building verandah along Road 3 are to be provided as a condition of consent</p> <p><i>Lot C pedestrian crossing (Para 31, Recommendation F)</i></p>	<p><i>Verandahs</i></p> <p>Drawing 00-1101 has been updated to clearly demonstrate the various architectural design elements designed to provided weather protection along Hotiki Road (Road 3). These include canopies, recessed ground floors / entrances, extended roof forms and atriums. Whilst continuous coverage is not proposed, the Plan demonstrates that substantial amounts of weather protection via these architectural elements is proposed. In addition, in time as street trees mature additional protection will be afforded via expanding tree canopies.</p> <p><i>Lot C pedestrian crossing</i></p> <p>The plans have been amended to incorporate an additional pedestrian path to the building entrance on Lot C from Rauika Road.</p>

Summary of Comment (Auckland Council)		Applicant Response
	<p>Comment – no direct pedestrian crossing from Road 1 to the building entrance on Lot C which negatively impacts the ability for this site to integrate into the immediate context and provide travel options for users. Important given large residential area directly to the south of Road 1.</p> <p>Recommendation - a direct pedestrian path to the building entrance on Lot C should be provided from the southern boundary of the lot. Detail regarding location of connection provided.</p>	
3.9	<p><u>Residential Development</u></p> <p><i>Stage 1 residential superlots</i> (Paras 32 – 35, Recommendation G)</p> <p>Comment – different functions of JOALs will dictate design. Aspects such as lighting, fencing, pedestrian footpaths and JOAL landscaping should all be comprehensively designed and considered up front for super lots where ‘child lots’ have sole frontage to a JOAL.</p> <p>Recommendation - future land use consents / design of residential lots (R10-R22) be undertaken comprehensively to improve the likelihood of coordinated and quality development outcomes.</p>	<p>Future development of Lots R10-R22 remains subject to the provisions of the Auckland Unitary Plan. Notably, all future buildings require resource consent as a restricted discretionary activity where matters of design can be appropriately considered and addressed as part of the consent process.</p> <p>This matter is further addressed in the Planning response to comments below.</p>
3.10	<u>Comments on Conditions</u>	Attachment 9 responds to the recommended urban design conditions.
4	Parks Planning	
4.1	<p>Council has filed extensive comments from Parks and Communities. While lengthy, the key issues appear to be encapsulated at para 1.9 which records that while privately owned community facilities, civic space and amenity elements are proposed, these are located on land that is privately owned and primarily functions as part of the stormwater management network. Key significant adverse effects the Parks Review identifies are:</p> <ul style="list-style-type: none"> Unsecured public access: Without a formal easement or vesting arrangement, there is no legal guarantee that public access will be maintained in perpetuity. This creates long-term uncertainty regarding community benefit and use. Dual-use conflicts: Land designed primarily for stormwater management may be subject to periods of inundation or restricted access during maintenance or weather events. This undermines its ability to support consistent, safe, and year-round recreation. Perception of public space: The physical form and design of these areas, especially if they include promenades, play nodes, or shared paths, may lead to public misperception that they are part of the formal public open space network. This creates a reputational and operational risk for Council, as the public may expect the same level of service, safety, and maintenance as in vested parks, despite the land being privately owned and managed. Limitations on formal recreation delivery: Land not classified or secured as recreation reserve cannot be relied upon to accommodate social infrastructure typically associated with neighbourhood parks in metropolitan environments (e.g. courts, clubrooms, public 	<p>Paragraph 1.9 of the Parks memo identifies four “key significant adverse effects” with the application from a park’s perspective. In short, the four items raised could be described as a combination of things that are not adverse effects, are highly speculative in nature, could be equally cast in the other direction, or ignores key features of the application as lodged. With regards to the four key “adverse effects”, the following observations are made:</p> <ol style="list-style-type: none"> Unsecured public access - The application documents expressly provide for physical design features, and activation that demonstrate clear intent for public use and enjoyment. Further, the commercial viability of the precinct relies on attracting people (and providing access to buildings / retail premises). This provides a strong incentive for the applicant to maintain ongoing access. Dual-use conflicts - Designing open spaces to serve multiple functions (e.g. stormwater management, recreation, ecology, and amenity) represents an efficient and sustainable use of scarce urban land (i.e. it could be considered a positive effect). Auckland itself has adopted stormwater parks and green infrastructure corridors on the same principle. In intensifying cities, such integrated solutions reflect best practice in urban design and landscape architecture. Further, in reality any potential issue raised around this “conflict” is highly unlikely to materialise as it is unlikely that the public would be seeking to promenade or relax in this space simultaneously with a future 1-in-100-year rain event (or worse) centred over Drury. Perception of public space / reputation risk – A hypothetical reputational risk to an organisation from an applicant choosing to fund and provide high quality public open space is not considered to be an adverse impact under the FTAA. Putting that to one-side, it is observed that as a publicly listed commercial landlord, the applicant has a much

Summary of Comment (Auckland Council)		Applicant Response
	toilets, playgrounds). This limits Council's ability to plan and deliver adaptable, multi-generational assets aligned with long-term community needs.	<p>greater incentive than Council to adequately maintain these spaces to ensure they remain attractive to prospective tenants and visitors who are critical for the viability of surrounding retail, office, hospitality and visitor accommodation to provide a return on their investment.</p> <p>4. Limitations on formal recreation delivery – Retaining ownership privately avoids Council having to fund capital or operational costs for these spaces and will allow for the redeployment of scarce Council funds to enhance other public open spaces in the vicinity of the Site. As such, this is considered a potential positive effect on open space provision generated from the proposal (noting that the realisation of this benefit is dependent on Auckland Council Parks themselves). It is also noted that Valley Park and the Civic Space have been deliberately co-located with the proposed Aquatic Centre and Library which provide complimentary public spaces (including public toilets, meeting rooms / spaces and the opportunity to engage in formal recreational / leisure activities). It is also observed that the Council group has significant landholdings (approximately 1.2ha) north of Flanagan Road and in close proximity to their recommended additional neighbourhood park location on the site of the proposed Hotel on Lot G1 and the site of "Park 1" as identified in Figure 1 of their Memo. This land is flat, largely free of flood hazards and only a small portion is required for the Watercare pumpstation.</p> <p>Aspects of this issue are also addressed in the Legal Memorandum at paragraph 53(f) (Attachment 8).</p>
4.2	Other concerns that appear to be raised generally relate to inconsistency with Council policy and provision expectations, particularly around the role, extent, and delivery of formal open space in the form of a neighbourhood park and adequate civic space (see paras 1.6 and 1.8, 2.8) and inconsistency with AUP outcomes (para 1.7,).	<p>In identifying and analyzing the perceived issues with the Project from a parks and open space perspective, the Council places heavy reliance on its open space policy. That document has no formal standing under the FTAA. Neither the RMA nor the FTAA requires the Council to consider it. Rather, it is an internal policy document which guides internal council decisions as to the acquisition of land. In this case, land is not proposed to be vested in Council.</p> <p>The key issue underpinning the Council's concerns appears to be the fact that open space within the Centre will generally be privately owned. Despite emphasizing the weight that must be placed on the Drury Precinct provisions (e.g.: at para 2.5), the comments omit to consider those Drury Precinct provisions which expressly provide for and anticipate that open spaces may be privately owned (e.g.: in the Precinct Description). Where land is proposed to be privately owned, those provisions direct a focus on maintenance arrangements (e.g.: at I450.8.2(2)) rather than on how access will be formalised, or concerns about how community infrastructure will be located. See responses to those matters at 4.1 above.</p>
5	Legal Memorandum	
5.1	<p>Council's legal memorandum summarises the outcome of the Council's assessment of the application and recommendations, summarises the relevant FTAA legal framework and includes commentary of specific legal issues. Namely:</p> <ul style="list-style-type: none"> • The Panel's ability to grant the Application in part. • The appropriate lapse date for this Application (including the framework for conditions on Resource Management Act 1991 (RMA) approvals under the FTAA). • The appropriate use of conditions precedent. • Relevance of infrastructure funding and delivery. 	The Legal Memorandum (Attachment 8) identifies and responds to key areas of difference between the Council's legal position, and Kiwi Property's.

Summary of Comment (Auckland Council)		Applicant Response
6	Ecology	
6.1	Para 14 - There is also uncertainty as to the effects that could arise from the modification of the catchment to Wetland 1. The size of the contributing catchment of Wetland 1 is expected to be reduced by 50%. The applicant's ecologist has ascribed this as ranging from a 'low', up to a 'moderate' magnitude of effect. The applicants' effects assessment is focused on the area of the wetland changing as a result of the reduced surface water inputs. However, there is no assessment if sufficient hydrology would remain to retain a wetland in this location permanently, or the duration throughout the year suitable hydrology would be retained. I consider then that this is an underreported effect and not to be adequately managed.	The ecological impact assessment on Wetland 1 has been further clarified through a response to s67 request from Auckland Council (Item 64). The response prepared by Kiwi Property's ecologist outlined that Wetland 1 is groundwater fed from the Hingaia Stream and any surface water input will contribute to the hydrology of Wetland 1 but is NOT the sustaining hydrological feature. In summary, in a worst-case scenario we expect a loss of a moderate portion of Wetland 1 due to changes in hydrology from reduced surface water inputs, which we assessed as moderate magnitude of effect. Combined with a low ecological value of Wetland 1, the overall level of effect was assessed as low. As the overall level of effect is considered low, no further effects management measures are considered necessary.
6.2	Para 21 - Although it would not be the preferred course of action, if the Panel was minded to grant consent, then I would encourage them to consider a condition requiring the residual adverse effects from the stream and wetland reclamations to be addressed [suggested wording set out].	<p>When assessing RMA approvals under the FTAA, greatest weight must be given to the purpose of the FTAA – namely facilitating the delivery of infrastructure and development projects with significant regional or national benefits.</p> <p>The Ecological Impact Assessment outlines that residual adverse ecological effects remain (Appendix 15, Section 6) and are not proposed to be offset or compensated for. The level of residual effects are not significant and are considered appropriate in the context of the FTAA having regard to the significant regional benefits of the project.</p> <p>Kiwi Property's response to conditions also addresses the proposed conditions, see Attachment 9.</p>
7	Traffic Engineering	
7.1	<p>The Council's traffic engineering comments provide a list of matters that can be addressed through consent conditions with further assessment on these matters to be provided as the design progresses.</p> <p>Two matters are identified that may have adverse impacts sufficiently significant to weigh against the approval of the Project, though acknowledges that these matters could potentially be resolved through conditions. Those two matters are:</p> <ul style="list-style-type: none"> Public access to private roads; and Lack of urbanisation of Flanagan Road. 	<p>Attachment 9 of this response records Kiwi Property's position on the recommended conditions.</p> <p>In relation to the two other matters identified as weighing against approval of the Project:</p> <ul style="list-style-type: none"> <i>Public access to private roads</i> Kiwi Property's response to this matter is recorded in Table 7 (Response to Auckland Transport) and in the legal response included as Attachment 8 (at paragraphs 42 - 47). We do not consider this discrete matter of public access to private roads, which is ultimately a land tenure issue, to be of sufficient significance to weigh against approval of the Project. <i>Lack of urbanisation of Flanagan Road</i> As detailed on the responses above, Kiwi Property proposes to upgrade the frontage where buildings in the project have direct frontage or access from Flanagan Road (i.e. buildings H1, H2 and F1 only). This frontage upgrade along Flanagan Road is reflected on the revised plans included as Attachments 5-7 and in amendments to conditions. <p>For the reasons given above and amendments to the application providing for the frontage upgrade to Flanagan Road, it is considered that these two discrete and minor traffic and land tenure matters are considered to be resolved and do not overall outweigh the significant regional benefits of the Project to warrant declining consent.</p>
8	Development Engineering	

Summary of Comment (Auckland Council)		Applicant Response
8.1	The comments from Council's Development Engineering focus on geotechnical and land stability with comments relating to infrastructure and natural hazards deferred to Watercare and Healthy Waters. With respect to geotechnical and land stability, the specialist comments generally concur with Kiwi Property's assessment but provide recommended changes to the conditions relating to professional supervision and certification of geotechnical works such as the construction of permanent earth bunds, retaining walls and building foundations and the placement and compaction of fill material.	Kiwi Property consider these recommended conditions standard conditions for this type of development and are therefore accepted (refer to Attachment 2 of this response for the updated set of conditions).
9	Watercare	
9.1	Wastewater capacity is limited to 950 Dwelling Unit Equivalents (DUEs), while the proposal seeks 1,087 DUEs, requiring future network upgrades with uncertain timing (2029-2033+).	Condition proposed to restrict occupation of buildings beyond 950 DUE if future network upgrades have not been completed (refer to Attachment 2 of this response for the updated set of conditions).
10	Healthy Waters	
10.1	The comments from Healthy Waters primarily relate to flooding, erosion risk assessment, ownership of stormwater management devices and Stage 1 vacant lot subdivision stormwater management. Comments on Kiwi Property's proposed conditions were also provided.	<p>The specific comments raised by Healthy Water are addressed in the response prepared by Woods and included as Attachment 12. A copy of the updated Stormwater Assessment is included as Attachment 13. In summary, the following is noted:</p> <ul style="list-style-type: none"> • A final copy of the hydraulic model will be provided to Healthy Waters prior to EPA submission. • As addressed in the Stormwater Assessment Report, the proposed works will result in displacement of floodplain storage. However, this displacement does not generate any adverse effects within the Fitzgerald Stream 1% AEP floodplain. As such, it is not necessary to demonstrate no loss of storage as part of the final proposed finished surface design. • The overland flow path assessment dated 14/07/2025 and submitted as part of the Section 67 responses to Auckland Council memorandum was undertaken in accordance with Section 4.3.5.6 of Auckland Council's Stormwater Code of Practice (SWCoP) (Version 4, July 2025). • The building in Lot 40 is proposed to be developed with a minimum freeboard of 500mm above the 1% AEP + climate change allowance, with the appropriate flood level determined by the culvert(s) operational at the time of occupation. A condition is proposed to this effect. Based on this, Kiwi Property does not support the provision of a 20m green space offset from the Flanagan Road culvert. • A detailed stream erosion assessment has been undertaken for both the Hingaia Stream and Fitzgerald Stream at the specified locations. Overall, the assessment demonstrates that appropriate erosion management outcomes can be achieved at the Engineering Plan Approval stage. A condition of consent is offered to ensure Wetland 2-2 is designed with adequate protection to protect it from on-going erosion of the Hingaia Stream. • It is confirmed that both Wetland 2-1 and Wetland 2-2 are proposed to remain in private ownership. In accordance with this approach, the stormwater network upstream of the devices discharging to these two stormwater management wetlands can also be made private, if required by Healthy Waters. <p>Attachment 9 responds to the recommended Healthy Water conditions.</p>

Summary of Comment (Auckland Council)		Applicant Response
11	Stormwater (Regional Discharge Permit)	
11.1	The comments from Council's Stormwater Specialist are supportive of the proposal including the mitigation proposed from a private stormwater discharge perspective but defer to Healthy Waters comments with respect to NDC. The specialist recommends that if the treatment devices are not vested then the stormwater management works, operation and maintenance plan and maintenance report conditions for these private treatment devices are transferred to the Land Use consent.	Kiwi Property accepts this recommendation. The conditions relating to private stormwater devices ongoing operation and maintenance are transferred to the Land Use Consent. Refer to Attachment 2 for a revised set of consent conditions.
12	Regional Earthworks	
12.1	The comments from Council's Regional Earthworks Specialist are supportive of the proposal overall and consider the erosion and sediment control measures proposed are in accordance with GD05 and represent industry best practice. Kiwi Property's proposed conditions are also supported and are considered appropriate by the Council specialist. Of particular relevance, the Council specialist supports the 15-year lapse period given the nature and type of earthworks proposed and staging of the overall development.	Kiwi Property notes the supportive comments from Council's Regional Earthworks Specialist.
13	Contaminated Land	
13.1	The comments from Council's Contaminated Land Specialist are supportive Kiwi Property's approach of targeted remediation and management through a detailed Remediation Action Plan (RAP) and Site Management Plan (SMP) and consider these appropriate to address identified risks. The comments provide recommended changes to the conditions.	The recommended changes to the conditions are accepted by Kiwi Property and included in the revised condition set in Attachment 2 of this response.
14	Noise and Vibration	
14.1	<p>The comments from Council's Noise and Vibration Specialist are generally supportive of Kiwi Property's construction noise and vibration assessment and management approach through a detailed Construction Noise and Vibration Management Plan (CNVMP).</p> <p>With respect to operational noise, while the specialist generally concurs with Kiwi Property's assessment overall, an additional condition is recommended in relation to the requirement of an acoustic certificate for the design of a building containing activities sensitive to noise.</p>	This suggested condition is accepted in part by Kiwi Property and is addressed in more detail in the response provided by Kiwi Property's noise expert included as Attachment 14 of this response and is reflected in the updated conditions set included as Attachment 2 .
15	Historic Heritage and Archaeology	
15.1	The comments from Council's Historic Heritage and Archaeology Specialist are supportive of the findings of Kiwi Property's archaeological assessment including the proposed mitigation involving archaeological monitoring during earthworks under the guidance of an Archaeological Management Plan and the obtained HNZPT Authority.	The Authority has been issued by HNZPT for the entire Stage 2 area and therefore the accidental discovery protocols do not apply. Following review of the proposed conditions, it is now clarified that the inclusion of accidental discovery protocol at the pre-start meeting is not required. Condition 33 has been amended to remove reference to accidental discovery protocol (refer to Attachment 2 for the updated set of conditions).

Summary of Comment (Auckland Council)		Applicant Response
16	Landscape	
16.1	The comments from Council's Landscape Architect are generally supportive of the proposed bulk, scale, and massing of the development and considered that it aligned with the Metropolitan Centre zoning. Concerns were raised however regarding the lack of detailed design information in the application material and conditions are recommended by the specialist to address these concerns.	Kiwi Property does not support the recommended developed design conditions and consider that there is adequate information with the material submitted to determine any effects. This additional review and approval by Council will add unnecessary step to the consenting process. It is further noted that there is already a requirement to submit finalised set of architectural detail drawings at the time of building consent.
17	Planning	
17.1	<p>Key Information Gaps</p> <p>The Council's planning comments identifies a range of matters considered to be "remaining information gaps" within the application material that are all at risk of impacting on the decision-making. The identified 'information gaps' include:</p> <ul style="list-style-type: none"> (1) Geomorphic Risk Assessment (2) Unreliable trip generation assumptions (3) Public access over private roads (4) Loading bay shortfall (5) Security of public access over private open space (6) Long-term viability of streetscape landscaping (7) Hydrological effects of Wetland 1 (8) Insufficient design information for development of this scale (9) Economics deficient 	<p>Kiwi Property does not agree that there are any information gaps on these topics. We clarify as follows on each topic:</p> <ul style="list-style-type: none"> (1) Geomorphic Risk Assessment <p>An erosion risk assessment was provided by Kiwi Property in response to the Council's second s67 further information recommendation on the 5th August 2025. The geomorphic risk assessment has been completed and is provided as part of this response in Attachment 12.</p> (2) Unreliable trip generation assumptions <p>This is addressed in the ITA provided with the application material and further addressed by the transport/traffic experts in Attachments 3 and 4.</p> (3) Public access over private roads <p>This matter is not considered to be an 'information gap'. The Council simply does not agree with Kiwi Property's proposition to retain certain roads in private ownership which does not mean insufficient information has been provided to assess the effects of the application. This matter is addressed in the legal response in Attachment 8, the traffic response in Attachment 3 and throughout the tables above (Table 7, and Row 7.1 of Table 8).</p> (4) Loading bay shortfall <p>This matter is not considered to be an 'information gap'. The Council is concerned with the effects of the loading space shortfall as opposed to insufficient information has been provided. This matter has been addressed in the ITA provided with the application and traffic response in Attachment 3.</p> (5) Security of public access over private open space <p>This matter is not considered to be an 'information gap'. The Council is concerned about open spaces within the Project being retained in private ownership without any legal mechanisms to ensure public access. This does not mean that insufficient information has been provided. Responses to this matter are provided in the table above.</p> (6) Long-term viability of streetscape landscaping <p>This matter is not considered to be an 'information gap'. A landscape design report has been provided with the application material and these landscape plans were always intended to convey a conceptual level of detail as would normally be expected in an application for resource consent approval. The proposed conditions require a final set of landscape plans and design details to be provided to Council for review and certification prior to implementation. It is in these final landscape plans where the final detailed designs</p>

Summary of Comment (Auckland Council)	Applicant Response
	<p>items will be provided. This approach is consistent with all other resource consents which include a landscaping component and the Stage 1 fast-track consent approved.</p> <p>(7) Hydrological effects of Wetland 1</p> <p>The hydrological effects assessment of Wetland 1 was provided by Kiwi Property in response to the Council's s67 further information recommendation on the 24th July 2025. This assessment has been provided again as part this response in point 6.2 of this table and is not considered to be an 'information gap'.</p> <p>(8) Insufficient design information for development of this scale</p> <p>This matter is not considered to be an 'information gap'. The architectural plans provided with the application material convey a conceptual level of detail as would normally be expected in an application for resource consent approval but most importantly sufficiently illustrates the overall bulk, location, form and massing the buildings proposed. Condition 24 of the proposed consent conditions relates to the provision of final architectural design plans including material and finishes. It is through this proposed consent condition where the final design and appearance of buildings will be clearly articulated including the facades of car parking buildings of particular interest to the Council's urban designer.</p> <p>(9) Economics deficient</p> <p>This matter is not considered to be an 'information gap'. The Council simply does not agree with the applicant's economic assessment and the modelling within that assessment which does not mean insufficient information has been provided. This matter is addressed in the economic response in Attachment 11 and the Legal Memorandum at Attachment 8.</p>
<p><u>SUMMARY OF ASSESSMENT OUTCOMES AND PROPORTIONALITY CONCLUSIONS</u></p> <p>Headline issues identified to decline consent under s85(3)</p> <ul style="list-style-type: none"> • Infrastructure funding, delivery and servicing (transport and wastewater); • Transport network effects; • Open space provision; • Ecological effects; • Urban design. 	<p><u>In addition to the comments below, see paragraphs 51 – 54 of the Legal Memorandum (Attachment 8).</u></p>
<p>Infrastructure Funding, delivery and servicing</p> <p>Council's comments are concerned with the Project relying on transport projects that are currently unprogrammed and unfunded with no delivery timeline. AT are also concerned that the Project "banks" development capacity across the three Drury East Precincts. Council considers the funding and staging issues to be significant and cannot be resolved by conditions.</p>	<p>The Project proposes to maintain the same approach of staging subdivision and development with the required transport infrastructure upgrades which is consistent with the approach of the transport upgrades standard in the precinct provisions. Consent condition 85 also requires the necessary transport infrastructure to be constructed and operational prior to occupation of dwellings, retail, commercial and/or community floor space; and/or prior to the release of any s224(c) certificate. The drafting of this condition is also consistent with the requirements of the transport upgrade standard in the provisions. Kiwi Property understands the risks associated with the reliance on transport infrastructure that is currently unfunded and unprogrammed. However, just because that transport infrastructure is unfunded and unprogrammed at this point in time, that does not automatically mean it is unacceptable because that is the appropriate mitigation identified by experts and it is specifically identified in the precinct provisions too. These comments of Council in terms of the infrastructure currently being unfunded and unprogrammed also fail to recognise or acknowledge that infrastructure planning can change over time and that change may practically occur the duration of this consent. In our view, planning is</p>

Summary of Comment (Auckland Council)		Applicant Response
		<p>not static or stagnant at a particular point in time only but good planning practice should extend to the planning for the future also in an effective and efficient manner.</p> <p>If subdivision or development sufficiently advances to the stage that requires a transport infrastructure upgrade which cannot be delivered by Kiwi Property and is reliant on another entity to deliver, then the consent condition is simply unsatisfied and Kiwi Property will not be able to occupy the relevant floor space or apply for s224(c) certificate. In practice, this is considered to be a condition precedent that is regularly used and applied in resource management planning which is not an unusual method. This same condition precedent approach of staging subdivision or development with transport infrastructure upgrades was also applied and granted in the Stage 1 fast-track consent for Drury Centre and for development projects in the Drury East and Waihoehoe Precincts too because the expert panels found the conditions to be appropriate and enforceable.</p> <p>In respect of the comments regarding the Project 'banking' development capacity, we do not agree with Council's planning comments and refer to our responses in Table 5 above on this same matter.</p> <p>Overall, this do not consider issue of infrastructure funding, delivery and servicing to be out of proportion with the significant regional benefits of the Project.</p>
17.1	<p>Transport network effects</p> <p>AT are concerned that key public transport routes (Roads 6 and 3) are proposed to be located on private roads and the risk that access could be restricted by the owner and thereby adversely affecting the efficiency, reliability, and viability of bus services to the new train station.</p>	<p>The key public transport routes of Roads 6 and 3 in the Project being owned and maintained as private roads is not an adverse effect that significantly outweighs the significant regional benefits of the Project. In our view, this is ultimately a land tenure issue and not a significant adverse environmental effect. Kiwi Property is a publicly listed company and highly experienced in the successful delivery and operation of metropolitan centres. Kiwi Property has no intention to close these roads and the probability of this occurring is low because the applicant has a much greater incentive than Council to ensure these roads remain open and unobstructed so that their tenants and visitors can maintain efficient access which is critical to the of surrounding retail, office, hospitality and visitor accommodation to provide a return on their investment.</p> <p>Kiwi Property have no issues with public transport being provided along Roads 6 and 3 which are to remain in private ownership of Kiwi. We highlight again that similar public transport routes are provided along private roads in Sylvia Park, which is another major metropolitan centre development by Kiwi Property and no issues with public transport thoroughfare or road closures have occurred to date. That is not in the best or commercial interests of Kiwi Property.</p> <p>Overall, we do not consider issue of transport network effects principally in relation to public transport routes on private roads to be out of proportion with the significant regional benefits of the Project.</p>
17.2	<p>Open Space Provision</p> <p>Council considers the Project does not provide a flood-free, publicly vested neighbourhood park for structured community recreation. Valley Park is privately owned with no legal mechanism to secure public access in perpetuity, and the proposed public plaza is considered to be undersized for a metropolitan centre.</p>	<p>The proposal provides for essential and functional open spaces appropriate for a metropolitan centre's needs.</p> <p>Valley Park will feature a central stormwater basin which adjoins the western edge of Stream A as well as a 15-30m wide pedestrian promenade along its western boundary. It will include a series of informal pedestrian paths and boardwalks through riparian planting to support amenity, recreation and activity around the central stormwater basin and along the stream. The Civic Space/Town Square is located directly west of the Valley Park promenade. Valley Park and the Civic Space have been deliberately co-located with the proposed Aquatic Centre and Library which provide complimentary public spaces (including public toilets, meeting rooms / spaces and the opportunity to engage in formal recreational / leisure activities).</p>

	Summary of Comment (Auckland Council)	Applicant Response
		<p>Hingaia Reserve is located on the western edge of the site and incorporates Hingaia Stream and a stormwater filtration basin, alongside areas designed to showcase natural play elements. It provides for social and recreational opportunities for visitors and residents within Drury.</p> <p>As discussed in section 4.1 above, the key issue underpinning the Council's concerns appears to be the fact that open space within the Centre will generally be privately owned. The Drury Centre Precinct provisions in the AUP clearly contemplate privately owned open spaces in the Precinct Description and Assessment Criteria. The provision of a privately owned open space is not considered a significant adverse effect for the reasons outlined in this response. While no easement is proposed to formalise public access (similar to Stage 1), the open spaces provide for physical design features, and activation that demonstrate clear intent for public use and enjoyment.</p> <p>Overall, the open spaces proposed will meet the needs of the Drury Metropolitan Centre including its visitors and residents. It will create a focal point for civic and public activity which is further reinforced by the addition of other key community amenities in the form of the aquatic centre and library. As such, we do not consider the issue of open space provision to be out of proportion with the significant regional benefits of the Project.</p>
17.3	<p>Flooding and Natural Hazard Risk</p> <p>AT are concerned that key public transport routes (Roads 6 and 3) are proposed to be located on private roads and the risk that access could be restricted by the owner and thereby adversely affecting the efficiency, reliability, and viability of bus services to the new train station.</p>	<p>Kiwi Property's engineering experts carried out the overland flow path assessment (dated 14/07/2025 and submitted as part of the Section 67 responses to Auckland Council memorandum) in accordance with Section 4.3.5.6 of Auckland Council's Stormwater Code of Practice (SWCoP) (Version 4, July 2025). This assessment has therefore been undertaken in accordance with current stormwater practice and is not deficient as suggested in the Council's planning comments.</p> <p>The building in Lot 40 is proposed to be developed with a minimum freeboard of 500mm above the 1% AEP + climate change allowance, with the appropriate flood level determined by the culvert(s) operational at the time of occupation. A condition is also proposed to this effect. Therefore, it is considered that the applicant has sufficiently demonstrated that this flood hazard can be safely managed and, for these reasons, Kiwi Property does not support the provision of a 20m green space offset from the Flanagan Road culvert.</p> <p>While the proposed works will result in displacement of floodplain storage, Kiwi Property's experts have demonstrated that this displacement does not generate any adverse effects within the Fitzgerald Stream 1% AEP floodplain. As such, it is not necessary to demonstrate no loss of storage as part of the final proposed finished surface design.</p> <p>Kiwi Property also agrees to providing a final copy of the hydraulic model to Healthy Waters prior to EPA submission.</p> <p>In summary, the key flood assessment recommendations from the Healthy Waters comments have either been:</p> <ul style="list-style-type: none"> (a) Demonstrated in the assessments already provided to Council; (b) Addressed in the expert responses; or (c) Addressed in the revised proposed consent conditions. <p>Therefore, the flood risks are considered to be resolved and it has been demonstrated that the flood risks to people and property will not be a significant adverse impact to the extent that any flood hazards arising from the Project will not be out of proportion to the Project's benefits. In our view, the Council's planning comments on this topic are also over exaggerated and do not actually reflect Healthy Water's comments where they have stated in paragraph 3.8 that they have not had sufficient time to review the models and assess the effects but that based on their preliminary review of the model, the proposed management of flooding to downstream properties, implementing a 'no attenuation' approach, is considered appropriate in principle.</p>

Summary of Comment (Auckland Council)		Applicant Response
17.4	<p>Stormwater Management and Asset Ownership</p> <p>Council is concerned that the two stormwater wetlands which will receive public runoff in private ownership creates significant operational and liability risks for Council.</p>	<p>Kiwi Property maintains their position and preference that both Wetland 2-1 and Wetland 2-2 are proposed to remain in private ownership. In accordance with this approach, the stormwater network upstream of the devices discharging to these two stormwater management wetlands can also be made private, if required by Healthy Waters. Again, this is a discrete ownership of stormwater devices matter which does not amount to any form of fundamental issue or requirement of the Project as stated in the Council's planning comments.</p> <p>Ongoing maintenance consent conditions have been proposed in the land use condition set which will ensure that any operational or liability risks perceived by Council will rest with Kiwi Property as the consent holder and owner of the land to which the consent relates.</p> <p>For these reasons, we do not consider the private ownership of stormwater assets to have any significant adverse impacts that would be out of proportion to the significant regional benefits of the Project.</p>
17.5	<p>Wastewater Servicing Constraints</p> <p>Council is concerned that the Project exceeds the available wastewater capacity and servicing the full development is contingent on future pump station upgrades, with indicative timings from 2029-2033+ and thereby constraining delivery latter stages of the project.</p>	<p>The application transparently acknowledges that the Project exceeds the interim capacity of the Drury South Pump Station and the long-term upgrade and capacity planned for the pump station will be required to service the project. This long-term upgrade to the Drury South Pump Station is planned for approximately year 2027-2033 which generally aligns with Kiwi Property's programme for construction of the first building planned for 2027. In that regard, the planned staged implementation of the consent and incremental construction of buildings is such that it will be generally aligned with the long-term capacity planned for the Southern Wastewater Network and the Drury South Pump Station which will provide sufficient wastewater infrastructure capacity for the project in the long term.</p> <p>The recommendation from Watercare to impose a condition staging development to not exceed 950 DUEs until upgrades are complete are supported by Kiwi Property and this is reflected in the revised consent conditions in Attachment 2 as condition 36A.</p> <p>In our view, this condition will sufficiently and appropriately ensure that subdivision and development is staged relative to the capacity of wastewater infrastructure and give effect to objective I450.2(8) of the precinct in terms of <u>"Development is coordinated with the sufficient supply of water, energy and communications infrastructure."</u></p> <p>Overall, we do not consider this wastewater servicing constraints issue to be out of proportion with the significant regional benefits of the Project particularly given that there is sufficient interim capacity and a staging condition is now proposed to manage this issue.</p>
17.6	<p>Ecological Effects</p> <p>Council does not support the Project because 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 there is no proposed no offset or compensation and therefore a loss of ecological values</p>	<p>As addressed in the AEE and accompanying material, the Project results in the total loss of 176m stream length (211m² stream bed area), 112m (modified) piped stream (56m²) and 2,172m² of a natural inland wetland. The current ecological value of Stream A is considered to be moderate, typical of rural streams while Stream A Wetland is considered to have a low current ecological value due to its modification.</p> <p>The effects management hierarchy has been applied as far as practicable to address the effects of the proposed reclamation. Offsetting is proposed on site through daylighting, riparian planting and habitat creation. In the absence of the project being undertaken, Stream A would remain in their current degraded state. In that context, the project provides for an ecological improvement for those streams that are to be improved despite a net loss in ecological values and extent. There are also other positive freshwater ecology outcomes as the proposal will maintain base flows, provide good stormwater outcomes, provide for fish passage and naturalisation of the stream including returning portions to its natural</p>

	Summary of Comment (Auckland Council)	Applicant Response
		<p>alignment. When considering the current ecological value of the Stream A and Stream A Wetland and the ecological improvements proposed, it is considered that any adverse effects will not be significant and are considered appropriate in the context of the FTAA having regard to the significant regional benefits of the project.</p> <p>Overall, we do not consider that any adverse impacts arising from the proposed reclamation are out of proportion with the significant regional benefits of the Project.</p>
17.7	<p>Urban Design</p> <p>Council considers the Project to present several urban design flaws including:</p> <ul style="list-style-type: none"> • lack of road connections to the east creates a major barrier to movement and integration. • risk of inactive street frontages; • and the uncoordinated subdivision of Stage 1 lots threaten the creation of a vibrant, high-quality public realm. 	<p>The Council's significance assessment in the planning memo seems to be somewhat at odds with the tenor of the Council urban design comments, which are generally supportive of the Project other than the six recommendations. The issues raised in the urban design comments are not considered to be particularly problematic and have been addressed in our responses to these comments in section 3 above. In short, most of the Council's recommendations have been accepted by including design changes to the Project to reflect those recommendations and/or updates to the consent conditions have been made. These minor urban design adjustments to the application highlight that the Project is not flawed or deficient as suggested in the Council's planning comments. Having regard to our responses to the urban design comments above, and noting that Kiwi Property have accepted most of the Council's urban design recommendations, we do not consider any outstanding urban design issues to be out of proportion with the significant regional benefits of the Project.</p> <p>The Council's planning comments also recommend conditions and potential modifications for a design manual/guide for subdivision of the superlots in Stage 1. This same recommendation is not reflected in the Council's urban design comments or recommendations so its origins from any expert is unclear. We clarify that no development is proposed on any of the proposed vacant lots in the Stage 1 area and separate resource consent(s) will be required in future for the development of any new buildings on these vacant lots. As the underlying zoning of the superlots is Business – Mixed Use, any new building in this zone requires restricted discretionary activity consent under rule H13.4.1(A45). Resource consent for new buildings is also required as a restricted discretionary activity under rule I450.4.1(A3) of the Drury Centre precinct provisions and those provisions also contain additional standards for residential activities over and above those required in the Mixed Use zone relating to the provision of Outdoor Living Space, Outlook Space and Daylight. Therefore, any future development on these individual vacant lots will not be permitted and will require restricted discretionary activity consent. This provides an opportunity for the Council to assess the application against the relevant planning framework including the Drury Centre precinct provisions and any design-based assessment criteria in the Mixed Use zone which will collectively ensure a qualitative assessment will be undertaken. It is not clear how future buildings and development that will be subject to a future design and consenting process can be considered an issue of such significance, let alone any significance. Therefore, the recommendation for a design manual/guide to be applied is considered to be unnecessary and superfluous given that this will be addressed by the consenting framework and processes of the AUP. The absence of any such design manual/guide in our view does not amount to being out of proportion with the significant regional benefits of the Project.</p>

Summary of Comment (Auckland Council)		Applicant Response
17.8	<u>Summary and Conclusions</u>	<p>In summary, we do not agree with the Council’s planning comments that any of these “headline issues” generate adverse impacts that are either individually or collectively out of proportion to the significant regional benefits of the Project to weigh against granting approval. In effort to proactively and constructively respond to these “headline issues” of the Council’s comments, Kiwi Property have as part this response (and where appropriate):</p> <p>(a) Proposed conditions to directly address those adverse impacts identified; and</p> <p>(b) Agreed to undertaking modifications to the Project which will avoid, remedy or mitigate for those adverse impacts.</p> <p>Having regard to the above, we maintain the view that the Project will generate significant regional benefits on the environment which cannot be replicated elsewhere in the region. That includes:</p> <ul style="list-style-type: none"> • The delivery of a development project with significant regional benefits, through the provision of a new Metropolitan Centre comprising a variety of intensified land uses to support the accelerated delivery of surrounding infrastructure, including the Drury Central Rail Station, and rapidly increasing residential population in the receiving environment; • A significant contribution to regional GDP and job availability, through the direct creation of approximately 3,420 FTE years in the construction sector, and a total construction expenditure of approximately \$1.47 billion. The total economic impact on business activity within the Auckland region as a result of the subject development over a 11-year period is estimated to be just over \$1.45 billion; and • A regionally significant contribution to Auckland’s well-functioning urban environment with combination of proposed infrastructure, housing, community and commercial activities, along with the careful integration and support of the surrounding Drury East developments, will provide for a vibrant and attractive location for people to live.

Table 8 Response to Franklin Local Board Comments

Summary of Comment (Franklin Local Board)	Applicant Response
Franklin Local Board supports the development and request Kiwi Property to work with the Franklin Local Board on the community facility and open space provision through a partnership arrangement to ensure facilities are provided for new residents in a more timely and less disruptive manner.	Kiwi Property notes the request to work with the Franklin Local Board on the community facility and open space provision through a partnership arrangement.

Table 9 Response to Chorus Comments

Summary of Comment (Chorus)	Applicant Response
Chorus comments relate to the inclusion of fixed line open access fibre connections to each Lot or potential end user to ensure that residents and businesses owners do not end up with limited choice on service.	Kiwi Property notes this request from Chorus and this will be addressed at Engineering Plan Approval stage as part of the telecommunications design.

