

Fast-track Approvals Act 2024

MINUTE 9 OF THE EXPERT PANEL

Update on the Application
Drury Metropolitan Centre [FTAA-2502-1019]

(29 September 2025)

Update from the Panel

[1] The Panel thanks the parties for their comments on Minute 6 and the Applicant for its clarification in relation to the follow up matters raised by the Panel in Minute 8.

[2] The Panel does not intend to make a jurisdictional finding. The matter of jurisdiction raised in the Holland Beckett advice relates to whether the EPA ought properly to have determined that the substantive application was complete and in scope pursuant to s 46. The EPA determined that it was, and the application was referred to the Panel. Unless and until that finding is overturned, the Panel must proceed on the basis that the application is in scope and that the Panel has jurisdiction to consider the application on its merits.

[3] The Panel has the ability, pursuant to s 81 of the Act, to grant the approvals sought in the application and set any conditions, or to decline the approvals sought. The Panel has asked the Applicant to address the issue of whether the application might be reduced in scope. The Applicant has provided an alternative proposal although maintaining its primary position that the application should be granted in its original form.

[4] The Panel intends to consider both the original application and the alternative proposal on its merits. The Panel has the ability to reduce the scope of the proposal in any event (i.e., notwithstanding the Applicant's alternative proposal), provided that the proper process is followed under the Act (which requires the Panel to invite and consider comments from the Applicant).

[5] At this stage the Panel intends to seek input from its own experts (on stormwater and traffic effects) in relation to both the original and the revised proposal alongside the opinions of the experts of the other parties who have been invited to participate in expert conferencing (the Applicant, Auckland Council and NZTA). It will consider the outcome of the conferencing processes (expected to be Joint Witness Statements outlining areas of agreement and disagreement in relation to both alternative proposals) before issuing further directions.

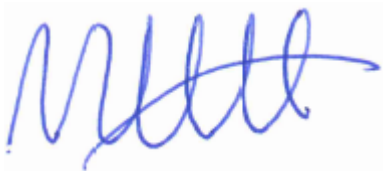
[6] If the Panel determines as a result of the expert conferencing process and its own assessment that the applicant should be invited to formally amend the proposal to avoid the original proposal being declined, then that will be the subject of a separate direction. The Panel notes the advice of the Applicant that it will require up to 7 days to prepare revised plans to reflect a revised proposal and that it would request a commensurate suspension of the processing timeframe to ensure that the Panel is not subject to unreasonable time constraints in deliberating on an amended proposal and issuing its decision.

[7] The Panel signals that, if it determines that an amended proposal meets the purpose of the Act and determines to proceed with the Applicant's alternative proposal rather than declining the approvals sought for the original proposal, it does not consider that the Panel is required to seek, nor would it benefit from, comments from other parties on the revised proposal apart from through the requirement to seek comments on proposed amended conditions. That is on the basis of the Panel's understanding that the substance of the amendments would reduce the scope and scale of the original proposal and therefore the envelope of

effects which might be anticipated to arise from the proposal. It will be important to understand the position of other parties (particularly Auckland Council and NTZA) on the detail of any proposed amendments. That feedback can be provided through the requirement to obtain feedback on the proposed conditions on the amended proposal.

[8] The Panel has the ability to regulate its own procedure as it thinks appropriate, without procedural formality, and in a manner that best promotes the just and timely determination of the approvals sought in a substantive application. The process outlined above is considered to achieve those statutory outcomes.

[9] For the avoidance of doubt, the Panel has not made any substantive decision in relation to the scope of the proposal (including whether it should be amended) at this stage. Any necessary decisions of that nature will be made following the expert conferencing.



Mary Hill (Chair)

On behalf of the Drury Metropolitan Centre Expert Panel