

Fast-track Approvals Act 2024

MINUTE 12 OF THE EXPERT PANEL

Request for comment on draft conditions
Drury Metropolitan Centre [FTAA-2502-1019]

21 October 2025

[1] This minute invites comment on:

- a) The draft conditions of consent from specified parties in accordance with section 70 of the Fast-track Approvals Act 2024 (FTAA); and
- b) The draft decision and conditions from specified Ministers of the Crown in accordance with section 72 of the FTAA.

[2] The draft decision, including the draft conditions which are contained in Appendices 1A and 1B of the draft decision, are **appended** to this Minute.

Section 70

[3] Comments on the draft conditions are invited from the following parties in accordance with section 70 of the FTAA:

- a) The Applicant – Kiwi Property Holdings No. 2 Limited;

- b) Every person or group that provided comments under section 53 of the FTAA;
- c) the local authority or other body with statutory responsibility to enforce or monitor compliance with the conditions – Auckland Council.

Section 72

- [4] Comments on the draft decision including the draft conditions are also sought from the Minister of Māori Crown Relations and the Minister for Māori Development, in accordance with section 72 of the FTAA.

Directions

- [5] The Panel requires all comments to be provided by close of business **Wednesday 29 October 2025**, but would be assisted if comments were able to be provided earlier.
- [6] Any response by the Applicant to comments provided by the parties listed in [3] above must be provided no later than close of business on **Wednesday 5 November 2025**, in accordance with section 70(4) of the FTAA.
- [7] To assist the parties in providing comments on the conditions, the Panel has provided a brief explanation below of the key changes made by the Panel to the condition set provided by the Applicant on Monday 13 October 2025. For ease of reference, the Panel has also provided a track change version of the conditions which show the changes made by the Panel. Both the clean and tracked versions are appended to the draft decision as Appendices 1A (clean) and 1B (tracked).

- [8] To assist the Panel in finalising its decision, the Panel seeks specific clarification from the Applicant and views from the parties on certain matters, which are set out in the commentary below.

Panel's comments on conditions

Land Use Consent (LUC)

General

- [9] The lapse dates have been amended to reflect the Panel's finding that a 10 year rather than 15 year period is appropriate, for the reasons set out in the draft decision.
- [10] The introductory wording to the management plan conditions regarding the relevant objective has been re-framed so it reads as a valid condition. The management plan condition has also been adjusted to provide a certification process for amendments.
- [11] Other changes are of an editorial nature, including to ensure consistency of terminology or relevant references. Despite changes or deletions to some LUC conditions, the original numbering has been retained (through the use of A, B, C additions as required) to ensure accurate cross-referencing to comments in the JWS and other documents. Changes to the subdivision (SUB) conditions are more extensive and therefore have been renumbered sequentially (and cross-references updated).
- [12] Text in yellow highlight signals consent number reference or contact details to be added by the Council, or matters that are drawn to the parties' attention as explained in the comments below.

Transport Infrastructure Upgrades

- [13] The Panel notes the Applicant's change at LUC Condition 85 (Transport thresholds) to delete a corresponding reference to the SUB provisions, and the Applicant's explanation for this deletion is included in highlighted text. A placeholder copy of the original conditions (amended to align with the revised thresholds within Condition 85) has been retained in the SUB conditions (following Condition 119) to assist the parties in commenting on the proposed deletion (originally Condition 141 in the Applicant's 13 October version of the SUB conditions). The Panel notes these thresholds are described in the Drury Centre Precinct as relating to both subdivision and development. The Panel seeks the parties' comments on the proposed deletion.
- [14] The Panel has considered the threshold provisions contained in the Condition 85 table, alongside the further transport modelling update provided by Hughes Traffic and Transportation (13 October 2025). That modelling indicates (at Figure 3) that the activities that align with a traffic threshold of 2,883vpd (Row (d)) represent retail floorspace over 45,000m² and 2,196 – 2,660 dwellings (Figure 3). The preceding rows in Figure 3 also incorporate a dwelling component, from zero to 2,196 dwellings. However, dwellings are not included in the Condition 85 table until Row (d) and are limited to 400. The Panel seeks clarification from the Applicant about the reasons for limiting dwellings in this manner, and what the dwelling numbers relate to, given they do not appear to align with the total future yields set out in Advice Note 1 to the condition. The Panel wishes to ensure that an indication in the consent conditions of excess dwelling capacity (i.e. capacity that is not provided for) is not utilised at a future stage to support an increase in

retail development that may not be in accordance with the associated requirements in Column 2.

- [15] The Panel considers that the review condition (LUC Condition 92) is too general and does not clearly relate to any specific condition. We anticipate, having regard to the corresponding advice note, that the review is intended to be confined to Conditions 85 – 86 (transport infrastructure and intersection upgrades). The review condition also refers generally to any adverse effects, without any parameters. The Panel invites comments from the parties as to what condition(s) the review should relate to, whether the proposed annual review within the specified three month period is sufficient to deal with any latent effects, the effects to be addressed (potentially with reference to the acceptable limits referred to in the advice note), and the range of possible mitigation measures that could arise from such a review.

Stormwater Discharge Consent

- [16] The last row of the table (left column) within Condition 10 refers to a private raingarden within Lot 605 (amended from Lot 604), which reflects the updated scheme plan for Stage 2.6.1 provided with the Applicant's "Response to Comments" dated August 2025 (Attachment 15 – Key Plans Package). In reviewing the updated clause and the subdivision plans of 18 August 2025 relating to Wetland 2-2, the Panel questions whether the delineation of this area as "Lot 604" (Woods Drawing P24-447-01-3003-DR) is accurate, noting that this is the same lot reference for the location of Wetland 2-1. Scheme plan P24-447-02-0013-SC shows this area as 'Area A' (new easement to be created), within Lot 600. We note there is no reference to Lot 604 within SUB

Condition 3(c).

[17] Further to [16] above relating to the public or private ownership of Wetlands 2-1 and 2-2, the Panel's stormwater expert Nigel Mark-Brown has noted that, contrary to the agreements at expert conferencing (reflected in the JWS), the new Woods Drawing P24-447-01-3003-DR of 7 October 2025 appears to show:

- a) the discharge pipes from the private wetlands to be public rather than private (refer Outlet 'AB-03' [Wetland 2-1] and 'Outlet/02 [Wetland 2-2]); and
- b) the discharge pipe from the raingarden to be private (refer unlabelled outlet shown at south end of the raingarden).

If this change is intended, the Panel considers that this should also be addressed by way of an amendment to the Woods Drawing P24-447-01-3003-DR. This matter is highlighted in the condition set to enable any updates to be made to this drawing reference. Alternatively, a new condition (DIS Condition 11) has been included in the draft conditions. This can be removed from the final conditions if an updated drawing is provided by the Applicant.

Contaminated Land Discharge Permit

[18] The Panel has incorporated reference to the Site Management Plan into CST Condition 3, to reflect the corresponding advice note and the reference to the Site Management Plan within CST Condition 5. This acknowledges that the Applicant has now provided the Site Management Plan to the Panel on 19 September 2025 (Attachment 9).

Subdivision

- [19] The Applicant's conditions of 13 October 2025 include the following comment at Condition 3:

Add demonstration of ultimate and interim bus routes with alternative staging. Future/interim connections to Drury Centre train station, until such time that the ultimate bus route is provided.

The Panel assumes this matter is addressed by Condition 3A, but would appreciate confirmation.

- [20] SUB Condition 91 (formerly 99), relating to infrastructure servicing for Stage 2.6.1 (and as amended by the Panel), requires that:

The Consent Holder must design and construct the privately owned stormwater assets (Wetland 2-1) within Lot 603 in accordance with the requirements of the Council and Healthy Waters. Certification from the utility provider that works have been satisfactorily undertaken must be provided when applying for a certificate under section 224(c) of the RMA.

The Panel seeks confirmation as to whether:

- a) the condition should also incorporate the raingarden proposed for Lot 605; and
- b) a corresponding condition in respect of Wetland 2-2 in easement Area 1 (or "Lot 604" as noted at [16] above) should be included as part of the Stage 2.3 condition.

Points of clarification sought from Applicant or interested parties*Reasons for consent*

[21] The Panel seeks confirmation (if possible) of the extent to which the proposal does not meet the requirements of AUP Rules I450.4.1(A5) and (A6), as it wishes to clearly reference these in the “reasons for consent” (Appendix B to the Panel’s decision).

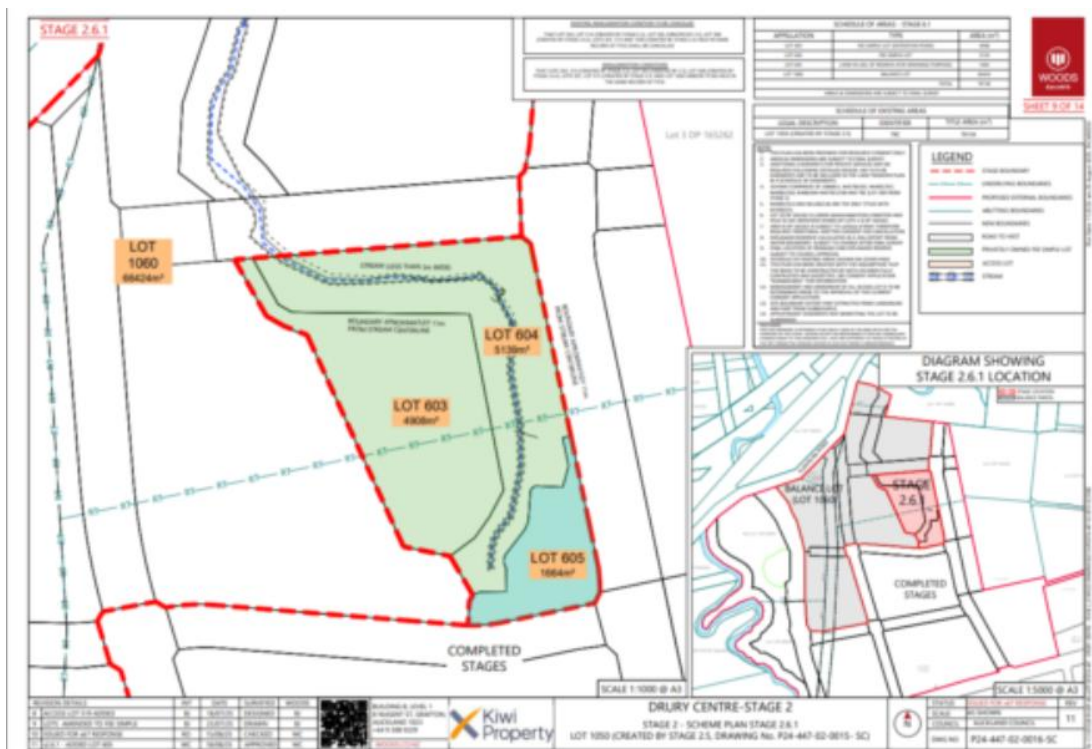
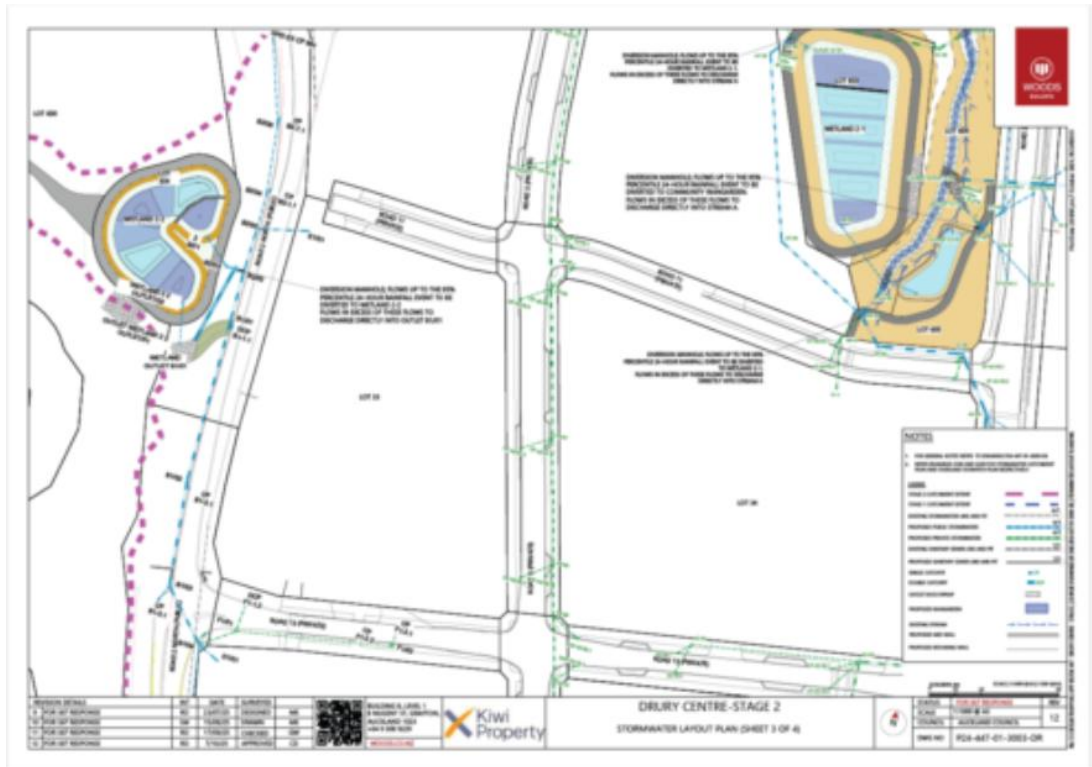
[22] The Panel also seeks clarity on the extent of infringements of the rules in Plan Change 79 (see Rule E27.6.3.2(A)).



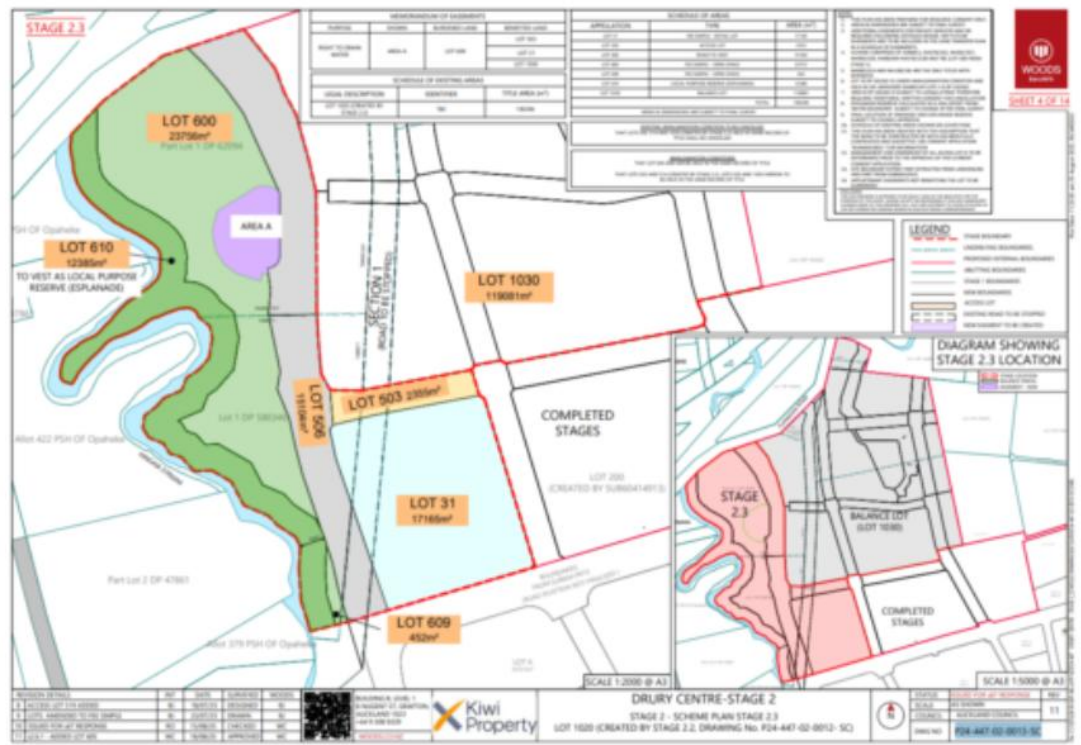
Mary Hill

Drury Metropolitan Centre Expert Panel Chair

Engineering and scheme plan drawings (see [16] above)



Scheme plan (Stage 2.6.1) – showing arrangement of Lots 603 – 605



Scheme Plan (Stage 2.3) – Wetland 2-2 shown as an easement area, not a lot.