

## Section 67 Information Gap Identification – Specialist Response Template

Under **section 67 of the Fast-track Approvals Act 2024**, the expert panel may direct the Environmental Protection Authority (EPA) to request further information from the applicant, a relevant local authority, an administering agency, or a party invited to comment. This process is intended to address any **critical information gaps** that materially limit the panel's ability to make a decision under section 81.

As a Council specialist/Asset Owner, you are invited to **identify and describe any essential or missing information** that, in your expert opinion:

- Prevents you from forming a complete or robust assessment within your area of expertise;
- Is fundamental to the panel's understanding of the effects or merits of the proposal; and
- Is of a type that cannot reasonably be deferred to implementation, addressed through conditions, or considered a minor uncertainty.

This is **not** a general request for additional information as might be made under section 92 of the Resource Management Act. Only include items where the information is clearly **necessary to enable a sound assessment and panel decision**.

<b>Project Name:</b>	<b>Drury Metropolitan Centre – Consolidated Stages 1 and 2</b>
<b>Council Reference:</b>	<b>BUN60447489</b>
<b>Specialist Area/Asset Owner Name:</b>	<b>Healthy Waters</b>
<b>Name of Specialist:</b>	<b>Various</b>
<b>Date:</b>	<b>05.06.2025</b>

### **Background**

Kiwi Property Limited (**Applicant**) have lodged an application to amend Stage 1 and to obtain all necessary resource consents for Stage 2 of the Drury Metropolitan Centre Project under the Fast Track Consenting Act for the development including:

- Subdivision of superlots on Stage 1 to create 292 fee simple lots for future residential development; and
- The construction and operation of retail, commercial, community, residential and visitor accommodation activities with associated buildings and ancillary car parking on Stage 2; bulk earthworks to enable the Project; and the construction and installation of reticulation networks and roading infrastructure to service the Project.

The project is within the Private Plan Change 48 – Drury Centre Precinct area, which has been operative since 16 December 2022. Stage 1 of the Drury Centre Precinct was granted resource consent, under the COVID-19 Recovery (Fast Track Consenting) Act 2020, on 17 July 2023.

The development area is subject to a combination of *Business – Metropolitan Centre*, *Business – Mixed Use* and *Open Space – Informal Recreation* zones

### **Regulatory**

Section 6.7.1 of the Fast Track Approval Application report notes that the development is intended to be authorised under the Region-wide Network Discharge Consent (**RWNDC**). However, the relevant stormwater management plan (**SMP**) for this area put forward under Plan Change 48 has not yet been adopted under the RWNDC. Adoption of the SMP remains unresolved at the time of writing these comments. In the interim, the development will require a private diversion and discharge consent which has been sought as part of the fast-track application as an interim solution.

As outlined in Section 6.7.1 of the Application, the Applicant's Agent has indicated that the design of the stormwater network is intended to align with the current version of the SMP (which has not been adopted) and the requirements of the RWNDC. The RWNDC includes specific provisions relating to flooding effects, and it has not yet been demonstrated that these requirements have been met.

## **S67 Information Gap Identification**

This specialist response identifies critical information gaps that prevent proper assessment of the Drury Metropolitan Centre – Consolidated Stages 1 and 2 development proposal under the following subheadings:

1. Flood assessment
2. Erosion assessment
3. Vesting of land
4. Stormwater management devices
5. Stage 1 superlot stormwater management

### **1. FLOOD ASSESSMENT**

#### **Description of Missing Information**

*Clearly describe the specific information or assessment that is missing from the application.*

- 1.1. A copy of the Applicant's flood model for the Fitzgerald Stream including all of the modelled pre-development model and post-development scenarios.
- 1.2. Additional modelling and associated assessment of effects for the Fitzgerald Stream relative to existing land use and no climate change. These scenarios are to be included with copy of the model requested under Item 1.1.
- 1.3. Additional modelling and associated assessment of effects for the Fitzgerald Stream considering 3.8-degree climate change. These scenarios are to be included with copy of the model requested under Item 1.1.
- 1.4. Justification of how the effects of the proposed development can be accurately assessed with the modelled post-development scenario land use and landform assumptions/conditions that include the consented developments of Drury Centre Stage 1 and Fulton Hogan Stage 2 & 3, but exclude the consented development of Fulton Hogan Stage 1.
- 1.5. Overland flow path assessment including catchment plans and representative cross-sections of the overland flow conveyance corridors, with supporting calculations assuming Maximum Probable Development (MPD) and 3.8-degree climate change.
- 1.6. Provide the modelling and associated assessment of effects for the flow attenuation scenario. These scenarios are to be included with copy of the model requested under Item 1.1.

#### **Why is this Information Essential?**

*Explain why the absence of this information significantly limits your ability to assess the project or its effects.*

Healthy Waters requires the missing information to carry out a review of the supporting hydraulic model in order to confirm the modelling assumptions, verify the model performance and outputs, and confirm that the model is 'fit for purpose' to support the associated flood hazard and risk assessment.

Due to the receiving environment being subject to flooding at present (i.e. considering existing land use and no climate change) the modelling of additional scenarios relative to existing land use and no climate change is required to assess the potential effects of the proposed development in the immediate future (i.e. in the short-term).

To align with the directive of Te Tāruke-ā-Tāwhiri: Auckland's Climate Plan, Auckland Council requires flood assessment to be carried out considering the effects of 3.8-degree climate change projections. This is in accordance with the Auckland Council Guideline Document GD15 (Climate

Change Scenarios, March 2024) and consistent with the Auckland Unitary Plan Chapter E36 provisions.

The assessment of effects of the proposed development on flooding cannot be accurately assessed without the missing information identified above due to inconsistency in the post-development scenario land use and landform assumptions (i.e. these include all of the consented developments within the catchment but exclude the consented land use within Fulton Hogan Stage 1). Healthy Waters are concerned that the proposed development is relying on the temporary flood storage areas constructed within Fulton Hogan Stage 1 to support the proposed approach of not providing additional flood attenuation for the Drury Centre Development. The temporary flood storage areas are located within land controlled by Fulton Hogan, and is not within land owned or controlled by the Applicant.

Road corridors are proposed to convey the overland flows to the receiving environment. Details of the overland flow path conveyance design including peak flow, depth, velocity and hazard (depth x velocity) is required so that it can be verified that the flows within the proposed development can be conveyed in a way that does not present hazard and risk to people, property and infrastructure.

The applicant is proposing to discharge flows to Fitzgerald Stream. The downstream existing culverts underneath the railway and Great South Road have limited capacity and do not have capacity to convey post development flows. The Applicant has stated (Section 12.3.1 of the Stormwater Assessment Report) that attenuation of flows discharging to the Fitzgerald Stream results in higher water levels, however no evidence of this has been provided in the reporting and Healthy Waters cannot review this assertion (e.g. modelling assumption including whether attenuation is over 24, 48 hours, or longer). The applicant needs to provide the model so that Healthy Waters can review and confirm that the model is 'fit for purpose'.

## **2. EROSION ASSESSMENT**

### **Description of Missing Information**

*Clearly describe the specific information or assessment that is missing from the application.*

- 2.1. Erosion assessment on the existing wetland and the Hingaia Stream corridor downstream of the proposed rock chute.
- 2.2. Erosion assessment on the stream banks (including Wetland 2-1 embankment) for the stream within the proposed development draining north to the Fitzgerald Stream
- 2.3. Erosion assessment on Wetland 2-2 embankments adjacent to the Hingaia Stream
- 2.4. Please provide the design flows and flow velocities that were used to design Stream A

### **Why is this Information Essential?**

*Explain why the absence of this information significantly limits your ability to assess the project or its effects.*

The proposed development will increase the catchment imperviousness and significantly increase the total catchment area that discharges to an existing wetland and to the Hingaia Stream corridor, downstream of the rock chute. This will consequently increase the magnitude of peak flows and there is a risk that the proposed development will result in an increase in erosion of this receiving environment.

The erosion assessment of the stream banks and proposed stormwater management wetland (Wetland 2-1 and Wetland 2-2) embankments is necessary to demonstrate that the proposed planting is sufficient to minimise the risk of potential erosion which can lead to undermining and slumping of the associated banks and embankments.

### **3. VESTING OF LAND**

#### **Description of Missing Information**

*Clearly describe the specific information or assessment that is missing from the application.*

- 3.1. Supporting information that demonstrates how the proposed extent of the Local Purpose Reserve (Drainage) pertaining Lot 601, Lot 602 and Lot 603 is delivering both an essential stormwater function and additional public benefit or function (e.g. passive or active recreation, amenity, etc.) which cannot otherwise be achieved if these areas remained in private ownership.

#### **Why is this Information Essential?**

*Explain why the absence of this information significantly limits your ability to assess the project or its effects.*

The land (Lot 601, Lot 602 and Lot 604) generally containing the stream, including its riparian margins, discharging north to Fitzgerald Stream is proposed to be vested to Healthy Waters as Local Purpose Reserve (Drainage). The extent of this land likely exceeds what Healthy Waters are willing to accept. In this regard, acceptance of the proposed land is at the discretion of Auckland Council Healthy Waters and is subject to (but not limited to) meeting all necessary criteria requested from the Applicant. Noting that any land proposed to vest to Auckland Council Healthy Waters should be in the form of 'Land in Lieu of Reserve' not 'Local Purpose Reserve (Drainage)' in any case. Demonstration and/or justification of additional public benefit or function is needed to determine if the proposed vesting of land is appropriate.

#### **4. STORMWATER MANAGEMENT DEVICES**

##### **Description of Missing Information**

*Clearly describe the specific information or assessment that is missing from the application.*

- 4.1. Details of the proposed legal mechanisms that will ensure that the proposed Wetland 2-1 and Wetland 2-2 will be maintained and operated in a way that achieves the required stormwater management outcomes in perpetuity.
- 4.2. Supporting information that demonstrates the proposed 'Large Format Retail' (LFR) roofs/buildings will be able to consistently re-use the retention volume at source.
- 4.3. Updated calculations for Wetland 2-2 which are consistent with the calculations provided for Wetland 2-1 or justification of why this is not applicable.

##### **Why is this Information Essential?**

*Explain why the absence of this information significantly limits your ability to assess the project or its effects.*

The stormwater management wetlands (Wetland 2-1 and Wetland 2-2) are proposed to remain in private ownership, however discharges from public stormwater network are proposed to be directed into these wetlands. Based on this arrangement, Healthy Waters will rely on the operation of these privately owned devices to ensure the required water quality treatment and hydrology mitigation standards are achieved in accordance with the RWNDC. This presents a significant compliance risk for Healthy Waters due to reliance on a third party (and private entity) to meet its required discharge consent obligations.

Retention volume credit has been incorporated into the design and sizing of both Wetland 2-1 and Wetland 2-2. This is based on the assumption that LFRs will re-use the captured water on a consistent basis. There is a concern that this cannot be realised due to the limited potential non-potable water demand of the LFRs and that these volumes will be discharged directly to the stormwater management wetlands. As the wetlands have not been sized to accommodate these volumes, there is a risk that they will not achieve the required stormwater management outcomes.

In order to meet the required design performance in accordance with the Auckland Council guidelines (GD01), stormwater management wetlands are required to be sized based on the entire contributing catchment area. This approach has been implemented for Wetland 2-1 but not for Wetland 2-2 (i.e. the device sized based on the entire catchment area with at-source volume reduction credit applied as appropriate). There is a concern that Wetland 2-2 is undersized relative to its contributing catchment area and that there is a risk that it will not achieve the required stormwater management outcomes.

## **5. STAGE 1 SUPERLOT STORMWATER MANAGEMENT**

### **Description of Missing Information**

*Clearly describe the specific information or assessment that is missing from the application.*

- 5.1. Breakdown of the total JOAL impervious area per superlot (as relative to the 18% imperviousness allowance in the constructed downstream wetlands) and clarification on whether the future individual lot hardstand areas will be consequently required to deliver all necessary stormwater management outcomes at-source.

### **Why is this Information Essential?**

*Explain why the absence of this information significantly limits your ability to assess the project or its effects.*

This information is required to assess how the proposed superlot development complies with the requirements of the Stage 1 Stormwater Implementation Management Plan (SIMP).