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19 April 2022

Environmental Protection Authority  
Attn: Expert Consenting Panel – Drury Centre  
Via email: <mailto:DruryCentre.fasttrack@epa.govt.nz>

Tēnā koutou

**Kiwi Property No.2 Holdings Limited Response to Minute 1 in relation to Drury Centre Precinct under Covid-19 Recovery (Fast-track Consenting) Act 2020.**

1. This letter addresses comments made pursuant to Schedule 32 of the COVID-19 Recovery (Fast-track Consenting) Act 2020 (“FTCA”) regarding the Drury Centre Precinct 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 FTCA.
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. Kiwi has set out specific responses to the parties that have been invited for comment in the table annexed at Appendix A. The table provides both a summary of the comments received from each party, and Kiwi’s proposed response with supporting technical responses included as attachments as follows:
  - Attachment 1: Planning response prepared by B&A
  - Attachment 2: Comments Memorandum prepared by Ellis Gould
  - Attachment 3 – Drury East developers Term Sheet Infrastructure Agreement
  - Attachment 4 – Flood Management prepared by WOODS
  - Attachment 5 – Stormwater Management/Design prepared by Aurecon
  - Attachment 6 – Stormwater Roof Water Quality memo prepared by Tonkin and Taylor
  - Attachment 7 – Traffic response prepared by Stantec
  - Attachment 8 – Revised Engineering Drawings prepared by Aurecon
5. For completeness, Kiwi has provided responses to all parties that commented.

Yours sincerely | Nā māua noa, nā

**Barker & Associates Limited**



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APPENDIX A: KIWI PROPERTY HOLDINGS NO.2 LIMITED RESPONSE TO PARTIES INVITED TO COMMENTS ON DRURY CENTRE

#	Individual/Entity	Summary of comment/proposed conditions/changes to conditions (if any)	Kiwi Property Holdings No.2 Limited ("Kiwi") Response
1	Xiangbei Gu	<ul style="list-style-type: none"> <li>Request for change of planting type/height and fencing up to 1.8m high along northern boundary of 105 Brookfield Road.</li> <li>Drainage clarifications – gravity sewer network servicing of adjacent land too; and drainage connections/manholes in road reserve to remain.</li> <li>Rating for property following rezoning</li> </ul>	<p>These trees are located within the road reserve of Creek South Road and their removal adjacent to the boundary of 105 Brookfield Road will disrupt of the street trees. Notwithstanding this, the planting as presented in the Landscape Design Report submitted with the application material is conceptual and a more detailed set of final landscaping plans is proposed as a consent condition. Kiwi are agreeable to the suggestion from Auckland Council (Parks Planning) to address the particular planting specifics as part of the EPA process.</p> <p>The wastewater network for Drury Centre has been appropriately sized with capacity to cater for development on adjacent land. Any necessary drainage connections to provide servicing for development on adjacent land will be subject to separate engineering investigations for that particular development in the future.</p>
2	Waka Kotahi	<ul style="list-style-type: none"> <li>Concern regarding extent of development across all three Drury East projects exceed the Transport Upgrade standards in the proposed precinct provisions for PC 48, 49 and 50.</li> <li>Requirement to consider traffic effects on an integrated basis with the Waihoehoe Precinct and Drury East Stage 1 Precinct projects to ensure cumulative effects of all three projects are assessed and appropriate conditions are imposed to manage effects across all three projects.</li> <li>Suitable conditions to manage the potential cumulative effects of this development in combination with any other consents which have been (or may be) lodged and/or granted in the Drury East area and in particular the resource consents for the Waihoehoe Precinct and the Drury East Stage 1 Precinct.</li> </ul>	<p>Kiwi agrees that it is appropriate to assess traffic effects for all three Drury East fast-track applications on an integrated basis. The transport modelling undertaken by Stantec has accordingly considered all three fast-track applications (Drury Centre, Waihoehoe Precinct and Drury East Precinct Stage 1) and has included the extent of development of all three projects in the traffic modelling. In that regard, the traffic modelling and supporting ITA provided with the application material has already assessed traffic generation effects on an integrated basis to provide for a holistic assessment of potential cumulative traffic effects arising from all three projects.</p> <p>The application material includes a set of proposed conditions. Condition 89 specifies the required transport upgrades for development up to specific retail floor space which are necessary to support the project and to ensure adverse effects on the transport network will be appropriately avoided, remedied or mitigated. These transport upgrades are consistent with the approach set out in PC 48 and have been developed as direct output of the transport modelling which has considered and assessed all three Drury East fast-track applications on an integrated basis and are considered to be adequate for the management of traffic effect arising from this project.</p>
3	Minister for Arts, Culture and Heritage	Support comments by HNZPT and requests opportunity to review draft conditions should the Panel decide to grant consent.	Kiwi's response to this comment is provided in item 5 below with the HNZPT responses.
4	Minister for Māori Crown Relations	No comments on the application.	No response from Kiwi.
5	Minister for Local Government	<ul style="list-style-type: none"> <li>Requests for the Panel recognise other Drury East referred applications lodged with the EPA and the related PC's 48, 49 and 50 currently before Independent Hearing Commissioners appointed by Auckland Council.</li> <li>Encourages the Panel to consider comments submitted by Watercare, Auckland Council and Auckland Transport in respective of broader growth and development objectives for Drury.</li> </ul>	<p>Kiwi provides an update on the progress of the related PC 48 for Drury Centre in the separate planning response prepared by B&amp;A included as <b>Attachment 1</b>.</p> <p>Response to comments from Watercare, Auckland Council and Auckland Transport are all provided in this tabulated response or from other Kiwi witnesses relative to the particular subject matters (i.e. transport, stormwater, planning etc).</p>
6	Heritage New Zealand Pouhere Taonga (HNZPT)	<ul style="list-style-type: none"> <li>Requests for an authority to be submitted to HNZPT across the stage 1 project area given the presence of archaeological sites across the wider Drury area.</li> <li>Requests for a Heritage Impact Assessment (HIA) to be undertaken for the project to assess effects on Flanagan Homestead R12/1125 (CHI22183) which is considered to be of</li> </ul>	The Archaeological Report provided with the application material confirms that there are no recorded archaeological sites within the project area but there is the potential for unrecorded sites to exist given the archaeological significance of the wider Drury area. Kiwi acknowledges this potential and has accordingly submitted an authority application to HNZPT for the project area on a precautionary

		<p>heritage value and considerable local significance to the extent that the Flanagan Homestead should be scheduled in the Auckland Unitary Plan as a Category B Historic Heritage Extent of Place. A new condition of consent is proposed to be inserted requiring a HIA to be undertaken.</p> <ul style="list-style-type: none"> <li>Request to delete condition 71 entirely and amend condition 25, as follows (proposed changes underlined).</li> </ul> <p><i>“The purpose of the meeting is to discuss the erosion and sediment control measures, earthworks methodologies, stormwater management, relevant management plans, timeframes for works to ensure all relevant parties are aware of and are familiar with the conditions of this consents <u>and other regulatory processes applicable to the site including Archaeological Authorities issued under the HNZPTA 2014 and the Accidental Discovery Protocol as advised by the project archaeologist”.</u></i></p> <ul style="list-style-type: none"> <li>Request to insert the following new condition.</li> </ul> <p><i>“Prior to the completion of the development, the consent holder shall provide a Historic Heritage Interpretation Plan for the project area, including detail that relates to the nature, location, and timing of the installation of all such signage, in consultation with Heritage New Zealand, to the approval of Auckland Council.”</i></p>	<p>basis. This application (ref no. 2022/558) has been accepted and, at the time of preparing this response, the application is still being processed by HNZPT.</p> <p>Kiwi does not support the request for a HIA to be undertaken for the Flanagan Homestead or the recommended condition to that effect. It is acknowledged that the Flanagan Homestead is a pre-1900 building and is therefore an archaeological site under the HNZPT Act. However, under D17.9(1) of the AUP, an HIA is only required with an application for resource consent for works affecting <i>scheduled historic heritage places (emphasis added)</i>. As Flanagan Homestead is not a scheduled historic heritage place under the AUP, the request for a HIA is unwarranted and inconsistent with the special information requirement direction of the AUP.</p> <p>In reference to comments that the Flanagan Homestead meets the threshold for scheduling, this is considered to be beyond the scope of considerations for this project and would require a separate RMA process to achieve this particular outcome promoted by HNZPT. Notwithstanding this, we note that HNZPT had sought the inclusion of Flanagan Homestead within Schedule 14.1 Schedule of Historic Heritage under the AUP as a Category B Historic Heritage Place through submissions on PC 48. This submission was not supported by Kiwi or the Council’s Built Heritage Specialist. As part of PC 48, the Council’s Built Heritage Specialist undertook a review of Flanagan Homestead’s values and concluded that it had ‘moderate’ local historic heritage value, rather than ‘considerable’, and the place overall does not meet the required threshold to be eligible as a category B historic heritage place in the AUP, based on the information known.</p> <p>In respect of the recommendation changes to the proposed conditions, Kiwi Property intends to provide a full set of revised conditions as part the request for further information response to the Panel. This revised set of conditions will address the particular recommendations of HNZPT.</p>
7	Watercare Services Ltd	<p>Did not specify support nor objection but confirms that the proposed development can be serviced by Watercare transmission network and that all water and wastewater network will need to be designed, constructed and funded by the developer.</p> <p>Watercare also notes that no water and wastewater flow or water supply demand data were provided as part of this application.</p>	<p>Kiwi agrees that the design, construction and funding of the local water supply and wastewater network to service this project is the responsibility of Kiwi. This is confirmed on page 30 of the Civil Design Report provided with the application material which states “The connection to the Drury South Pump Station in Flanagan Road will be funded, constructed and facilitated by the developer (Kiwi Property)” in respect of wastewater; and page 34 of this same report which states “The connection to the nearest main bulk supply and all internal reticulation will be funded and facilitated by the (Kiwi Property)”.</p> <p>The water supply and wastewater demand calculations for the project were provided with the application material. This is included as Appendix B of the Civil Design Report prepared by Aurecon. These calculations confirm that there is adequate capacity in the Drury South Pump Station and the Watercare water pump station to service the extent of development in this project. The comments from Watercare also provides this same conclusion.</p>
8	Auckland Council	<p><u>Planning / Overall Summary</u></p> <p>Objects the proposed development and recommends that the resource consent is declined for the following reasons:</p> <ul style="list-style-type: none"> <li>The adverse effects are assessed as being more than minor as it relates to; <ul style="list-style-type: none"> <li>the landscape and visual effects at the interface between the urban development site and surrounding rural area;</li> <li>potential flooding effects due to inadequate catchment-wide modelling and stormwater solutions that do not comply with the Council NDC.</li> <li>the adverse traffic effects relating to the quality of the existing rural roads to accommodate / support the implementation of the development proposal, and the quality of the proposed transport mitigation to service the staged development;</li> </ul> </li> </ul>	<p>The comments from Auckland Council raise a broad and extensive range of planning issues, generally in relation the following matters:</p> <ul style="list-style-type: none"> <li>Adverse effects of the activity on the environment being more than minor;</li> <li>The proposal does not pass either of the gateway tests under section 104D;</li> <li>The proposal is contrary to relevant objectives and policies of the Regional Policy Statement (RPS) and the AUP, particularly in relation to the Future Urban Zone (FUZ); and</li> <li>Precedent and plan integrity.</li> </ul> <p>Kiwi considers that these matters have been addressed in the detail within the AEE provided with the application material. Notwithstanding this, Kiwi provides a response to these planning issues identified by the Council. This is included as <b>Attachment 1</b>.</p>

	<ul style="list-style-type: none"> <li>o the potential for inadequate roading infrastructure and servicing due to significant funding shortfalls.</li> <li>• The proposal is contrary to the thrust of the Future Urban Zone (FUZ) objectives and policies framework;</li> <li>• The application will also be contrary to a number of ‘non-FUZ’ related objectives and policies;</li> <li>• The application fails to pass either limb of the s104D gateway test;</li> <li>• There are significant precedent and plan integrity concerns arising from the application;</li> <li>• The precedent concern relates not only to other FUZ land in Drury, but FUZ zoned land elsewhere in the region.</li> </ul> <p>Specific comments/issues are raised in the following topics below:</p>	
9	<p><u>Legal Matters</u></p> <ul style="list-style-type: none"> <li>• Legal opinion in relation to proposed development and assessment against FUZ provisions including the objectives and policies and relevant case laws, precedent and plan integrity and s104D gateways tests.</li> </ul> <p>The legal opinion also comments on the ability for the Panel to consider “temporary” landscape and visual effects having regard to the RMA definition and case law.</p>	<p>Ellis Gould have prepared a memorandum of counsel dated 19 April 2022 (“Comments Memorandum”) which responds to the broad range of legal issues raised in memorandum of counsel dated 16 March 2022 prepared by Brookfields Lawyers. This is included as <b>Attachment 2</b>.</p>
10	<p><u>Infrastructure Financing and Funding:</u></p> <ul style="list-style-type: none"> <li>• Overall lack of funding. No known solution to finance and fund the infrastructure for this application, in the short or long term. A plan is required as to how the necessary infrastructure can be financed and funded.</li> <li>• The funding gap over the next 10 years just for the transport infrastructure required is between \$365m and \$467m for this application. This is made up of a funding gap of between \$77m to \$96m in the first 4 years to mitigate the direct transport effects for this application, and \$289m to \$371m by 2031 for the additional projects identified to support the proposed development.</li> <li>• The funding gap over the next 10 years to support urbanisation in Drury as estimated through the plan changes in Drury East and Drury West (PPCs 48, 49, 50, 51 and 61) just for the transport infrastructure required is estimated at between \$1.6b and \$2.0b.</li> </ul>	<p>The Council’s comments with respect to infrastructure financing and funding appear to the address the more broader funding issues for the urbanisation of Drury in the context of PC’s 48 49 and 50. That is, they appear to focus on the infrastructure required for the ultimate build out of the Drury area, rather than that required directly to mitigate the effects of these discrete fast track applications. Kiwi’s position is the discussion of these broader infrastructure financing and funding issues are a matter of consideration for the plan changes and the wider progressive development of Drury, and not this project.</p> <p>Notwithstanding the above, Kiwi acknowledges that infrastructure provision is a relevant matter for consideration to the extent that infrastructure is required to service to the project and to ensure adverse effects on the environment are appropriately avoided or mitigated. For this project, the necessary infrastructure is considered to be three waters servicing and transport.</p> <p>In respect of three waters servicing, Appendix 27 of the application material includes the Infrastructure Funding Agreement (IFA) between Watercare and Kiwi which provides a high degree of certainty and confidence that this project will be serviced with the necessary wastewater infrastructure (i.e. the new Drury South Pump Station). The comments provided from Watercare for this application also confirm that there is sufficient flow and pressure to service the project from the new Bulk Water Supply Point (BSP) constructed at Flanagan Road, consistent with the conclusions of Kiwi’s civil engineering experts. Any extensions or local connections from these bulk infrastructure points to the project area and local network connections will be funded, constructed and delivered by Kiwi at no cost the Council. The necessary stormwater network to service the project will also be constructed and funded by Kiwi too and at no cost to the Council.</p> <p>In respect of transport infrastructure, section 6.5.2 of the AEE identifies the local transport upgrades required to service this Drury Centre project by Kiwi and other referred projects in Drury East for the Waihoehoe Precinct and Drury East Stage 1 Precinct submitted by Oyster Capital and Fulton Hogan respectively. Tables 4 and 5 in this section of the AEE clearly specifies the funding and delivery responsibilities for these transport upgrades either by Kiwi or jointly between the three Drury East developers. There is no obligation or reliance on the Council (or Auckland Transport) to contribute to any funding for the transport infrastructure upgrades identified to support this project or the other</p>

			<p>referred projects by Oyster Capital and Fulton Hogan. The Council (and AT) also identifies the potential risk of individual developers not proceeding with their respective development and the transport upgrades not being delivered as a result. The drafting of proposed Condition 89 is such it directly addresses an adverse effect of the activity on the environment, and they require the imposition of mitigation measures to address traffic effects, as a prerequisite to the commencement of the retail activities. This is considered to be an appropriate condition precedent that must be satisfied by Kiwi in order to commence operation of the retail activities. If the transport upgrades cannot be satisfied to the extent that they are constructed and operational as required by the condition, Kiwi simply cannot commence operation of the retail activities. Notwithstanding this, there is agreement in principle with respect to joint funding between the Drury East developers and a Term Sheet Infrastructure Agreement documenting this is provided in <b>Attachment 3</b>.</p> <p>The transport modelling by Stantec also identifies that the SH1 Widening – Stage 1B and the Drury Central train station both need to be constructed and operational to support various stages of this project. The two infrastructure projects are also fully funded by Central Government as part of the South Auckland package included in the wider \$2.7 billion allocation in the New Zealand Upgrade Programme. Again, Kiwi emphasises that no financing or funding is required from the Council in this regard.</p> <p>In summary, any necessary three waters servicing and transport infrastructure to service this project is either already funded, there is an existing funding agreement in place, will be funded jointly between the three Drury East developers or by Kiwi only. There is no obligation or reliance on the Council or Auckland Transport for any funding to physically implement and deliver this project.</p>
11		<p><u>Urban Design</u></p> <p>Largely agrees with Urban Design Assessment submitted with application and proposal is acceptable from urban design perspective. However, the following issues have been identified:</p> <ul style="list-style-type: none"> <li>• Pedestrian lane through R21 and R22 needs to be increased in width</li> <li>• Concern regarding the potential for residential activity to be developed on the ground floor of the balance lots and compromising the future urban form of Drury Centre and outcomes envisaged in the Structure Plan.</li> </ul>	<p><u>Pedestrian lane</u></p> <p>The pedestrian lane through R21 and R22 is proposed to be 8m in width. Its primary intent is to help break down the overall block structure and increased pedestrian/ cycling permeability in towards the proposed retail centre. The width of this space has been aligned to the requirements for pedestrian access ways set out within Auckland Transport’s Engineering Design Code – Footpaths and the Public Realm Version 1 (Page 17). An 8m width can facilitate the inclusion of a shared path up to 4m wide with at least a 2m landscaped buffer on either side. A 4m width is more than sufficient to accommodate conflicting pedestrian and cycling movements, while a landscaped buffer of at least 2m provides sufficient deep soil opportunities that can support mature tree planting with canopies as well as opportunities for seating. Detailed design of this space will ultimately be subject to a future resource consent application.</p> <p>In terms of building separation, 8m is considered appropriate for a mid-block break (noting that this could increase depending on final building configurations). 8m is able to accommodate primary outlook space of 3x3m from habitable rooms (excluding the primary living room) on either side of the lane within the Business – Mixed Use zone proposed as part of PC 48. The Outlook space standards are intended to provide a reasonable level of privacy between adjacent habitable rooms in different buildings and to provide a sense of openness and reduce visual dominance. In terms of informal surveillance opportunities, this can be assessed as part of applications for new buildings on sites adjacent to the pedestrian lane. It is also important to note that the length of the lane (50m from R21 and 60m for R22) combined with their direct route aligned with Road 10 also supports good sightlines through these spaces and is aligned with good CPTED practice and Auckland Transport’s Engineering Design Code – Footpaths and the Public Realm Version 1 requirements.</p>

			<p><u>Residential activity on superlots</u></p> <p>There appears to be some confusion in the assessment by Council’s urban design specialist between the Structure Plan and Plan Change. The superlots identified within the architectural plans are located in an area identified for medium to high density housing while PC 48 proposes Business – Mixed Use zone across this area. Under both scenarios, the recommendation by Council is inappropriate. The Business - Mixed Use zone provides flexibility for the expansion of commercial activities outside of centre zone should demand arise over time. This helps to supports key urban design principles relating to robustness and variety. Importantly, the zone does not specifically require a mix of uses on individual sites or within areas. Nothing within the application has proposed to restrict commercial uses developing on the superlots. However, it is envisioned that they will predominantly incorporate residential activity consistent with the intent of the Business – Mixed Use Zone. The proposed condition raises a number of concerns that are considered to give rise to adverse urban design outcomes. These include:</p> <ul style="list-style-type: none"> <li>(a) The condition would act as a mandate that may require developments to provide untenable/ unviable ground floor commercial spaces in order to obtain a resource consent;</li> <li>(b) The superlots have approximately 3.5km of frontage with streets and public open spaces. It is not clear what economic evidence has been used to formulate a position that all superlots must feature ground floor commercial uses and could support this level of commercial frontage (given the proposed LFR precinct and future phases of development closer to the Drury Central Rail Station. It is noted that economic evidence prepared as part of PC 48 identified sufficient commercial land would be provided for within the proposed Metropolitan Centre Zone extent;</li> <li>(c) In light of (a) above, development may not proceed at all due to commercial viability or consenting risk issues. The effect of this may be to block early stages of residential development required to support the emerging Drury Centre as well as patronage at Drury Central Rail Station;</li> <li>(d) Prolonged periods with vacant land or commercial spaces would not support the amenity and vitality of this area which appears to be the key motivation behind the recommended condition;</li> <li>(e) Applicants would likely be required to repeatedly seek s127 consents to infringe/ alter this condition with a high degree of uncertainty;</li> <li>(f) It reduces design flexibility to respond to market signals around residential development.</li> </ul> <p>Overall, from an urban design perspective, we have significant concerns with this recommended condition and believe it would give rise to adverse effects in urban design terms. It is noted that all future buildings would be required to go through a resource consent process where issues around streetscape amenity/ interface can be appropriately considered by Council officers.</p>
12		<p><u>Stormwater Discharge: Healthy Waters</u></p> <p>Concerned with the information provided, in particular as it relates to the following – Flooding:</p> <ul style="list-style-type: none"> <li>• Relationship of the application to Plan Change 49;</li> <li>• Flood management and relationship to other referred projects in the vicinity; and</li> <li>• Review of assumptions and technical information in the application.</li> </ul>	<p>The comments from Healthy Waters raise issues with respect to flood management and stormwater management/design for the project. A broad range of issues on specific subject matters are commented on and Kiwi’s approach to these responses have been to identify key themes and respond according to these themes.</p> <p>Kiwi’s technical experts on these subject matters have reviewed the comments and the relative responses are enclosed as follows:</p> <ul style="list-style-type: none"> <li>• <b>Attachment 4</b> – Flood Management prepared by WOODS.</li> </ul>

	<p>Stormwater:</p> <ul style="list-style-type: none"> <li>• Non-compliance with AC Network Discharge Consent (NDC) and the proposed Drury East Stormwater Management Plan (SMP);</li> <li>• Use of TP108 and Rational Method;</li> <li>• Retention and Infiltration;</li> <li>• Location of stormwater trunk mains and manhole lids;</li> <li>• Minor design details and issues;</li> <li>• Site specific stormwater management plan and proposed consent conditions; and</li> </ul> <p>Selection of Best Practical Option and layout retention devices</p>	<ul style="list-style-type: none"> <li>• <b>Attachment 5</b> – Stormwater Management/Design prepared by Aurecon.</li> <li>• <b>Attachment 6</b> – Stormwater Roof Water Quality memo prepared by Tonkin and Taylor</li> </ul>
	<p><u>Stormwater Discharge: Technical Assessment</u></p> <p>Broadly supported from a stormwater perspective subject to recommended changes to conditions and addition. A site specific SMP is recommended including inclusion of consent notice regarding on lot stormwater management requirements.</p>	<p><b>Attachment 5</b> - Stormwater Management/Design prepared by Aurecon also addresses the technical stormwater discharge matters.</p> <p>Kiwi does not support the recommendation of a site specific SMP or imposition of consent notices on the super lots. This is considered to be an unnecessarily duplicative request when there is already a comprehensive SMP for this area of Drury East prepared for PC 48 (and PC 49) both of which are in the Hingaia Stream catchment. This SMP was provided in Appendix 11 of the application material and is currently awaiting provisional approval from Healthy Waters/Auckland Council.</p> <p>As explained in the AEE, the stormwater management approach for this with respect to water quality treatment and hydrological mitigation for the project has been designed to be in accordance with the Drury East SMP and ultimately the Council’s Network Discharge Consent (NDC). This includes the design of the retail buildings, roads to vest, ancillary car parking and associated accessways which are proposed to be established in this consent. The proposed superlots are also proposed to be established in this consent but only way of creating these as individual sites. No development and therefore no impervious areas will be created on these sites requiring immediate water quality treatment or hydrological mitigation.</p> <p>Future development on these superlots will require a separate land use consent, notwithstanding that this application ensures that they will be ‘ready for development’ in terms of suitable building platforms and underground services. Given that the decision for PC 48 is imminent (end of April 2022), it is expected that development on these superlots will be assessed under the Drury Centre Precinct provisions which contain specific standards to be complied with for Stormwater Quality and will be assessed against associated objectives and policies regarding stormwater. PC 48 also proposes application of the SMAF 1 control over the plan change area (which includes this project area and superlots) which will ensure the Auckland-wide provisions of E10 Stormwater management area – Flow 1 and Flow 2 will be applied.</p> <p>In the unlikely event that PC 48 is declined or future development on the superlots precedes the Drury Centre Precinct provisions becoming operative, the existing Auckland-wide provisions of E9 Stormwater quality will apply thereby ensuring stormwater quality treatment. The applicant will need to ensure stormwater discharge is compliant with the Drury East SMP or the Council’s NDC to be captured under this existing discharge consent. Alternatively, the applicant will need to seek their own separate discretionary activity discharge consent under the AUP and the Council will have discretion to thoroughly assess the appropriateness of that consent, request specific mitigation for hydrological mitigation or decline the consent if deemed to be unsatisfactory.</p> <p>Overall, it is considered that there are adequate avenues either by way of the existing AUP framework or that proposed in PC 48 to ensure there will be appropriate water quality treatment and hydrological mitigation for future development on the superlots to the extent that a site specific SMP or imposition of consent notices are not required.</p>

	<p><u>Transport</u></p> <p>The Panel is directed to comments made by Auckland Transport. The Council adopts and endorses comments from Auckland Transport in respect of transportation and roading matters.</p>	<p>Kiwi’s response to transport matters is addressed in the response to Auckland Transport comments below.</p>
	<p><u>Parks Planning</u></p> <ul style="list-style-type: none"> <li>Streetscape landscaping – tree species selection considered to be inadequate overall due to reliance on planting of monocultural trees throughout different roads. Recommendation to introduce a mixture of native and exotic trees to enable increase in ecology and bird diversity. Consent conditions recommended to require design refinement and street trees species selection at the Engineering Plan Approval (EPA) stage.</li> <li>Esplanade Reserve (Lot 102) – provision of esplanade reserve is supported but notes the application seeks to provide an <i>average</i> width of 20m. Unclear delineation of riparian planting vs. non-riparian planting within esplanade reserve and unclear as to extent of flood hazards or public amenity structures within the esplanade reserve. Recommended that the esplanade is established with appropriate riparian planting with clear delineation to meet the purpose of an esplanade and weed provision along with a 3m wide informal shared path and lookout deck. Esplanade reserve is to be vested no cost to Auckland Council and the consent holder develops and maintains it for a minimum 5 years after practical completion.</li> <li>Hingaia Reserve (Lot 100) – location of the proposed Hingaia Reserve adjoining the esplanade reserve does not meet the Council’s Open Space Policy for acquisition but is considered to provide a suitable location for recreation and green networks. Location of national grid corridor structures in this location are considered to be a safety and visual concern.</li> <li>Neighbourhood [Community] Park (Lot 101) – expressed interest to acquire this open space albeit that it does not meet Council Policy in terms of shape and size requirements for acquisition. Recommendation for the applicant to develop this open space in its entirety prior to vesting and maintained for a period of 10 years after it is vested. Also recommended that the open spaces is vested as Land-in-lieu of Reserve under the Local Government Act (LGA) to enable flexible development, and should Council forfeit the acquisition.</li> <li>Market Square, East-west Spine – recommended that privately owned infrastructure is sign posted to inform the users of its nature and the maintenance responsibilities over it. Private pockets of open space required to have legal instruments binding the legal entity responsible for the open space whilst also absolving Council of any maintenance or liability responsibilities over this east-west link. Confusion regarding vesting of the east-west link and public access easement required to enable access between open spaces.</li> </ul>	<ul style="list-style-type: none"> <li>Streetscape landscaping – the planting as presented in the Landscape Design Report submitted with the application material is conceptual and a more detailed set of final landscaping plans is proposed as a consent condition. Kiwi are agreeable to the suggestion of addressing the particular planting specifics as part of the EPA process.</li> <li>Esplanade reserve – the subdivision scheme plans provided with the application material confirms the esplanade reserve will be a minimum width of 20m, not an <i>average</i> width of 20m. Appropriate consent conditions are now proposed to address where the proposed riparian planting is required and at what stage of the Project. Kiwi confirms that the esplanade reserve will be vested at no cost to the Council and the maintenance period has now been updated to 5 years in line with standard Council practice.</li> <li>Hingaia Reserve – as explained in section 6.4 of the AEE, the Hingaia Reserve will be privately owned by Kiwi. The national grid yard and support structures in this location are existing and are considered to be nationally significant infrastructure which Kiwi does not have the ability to relocate. Transpower have been consulted in respect of this Project and appropriate documentation has been provided with the application confirming that this open space (and Project) can be safely developed as proposed.</li> <li>Neighbourhood [Community] Park - as explained in section 6.4 of the AEE, the Neighbourhood Park will be privately owned and maintained by Kiwi. The recommendation conditions in relation to the vesting of this open space are therefore unnecessary and not supported by Kiwi.</li> <li>Market Square - as explained in section 6.4 of the AEE and shown on the subdivision scheme plans, the Market Square forms part of the retail precinct which will be privately owned and managed by Kiwi. The on-going maintenance obligations are well understood by Kiwi and the suggestion to impose legal instruments requiring this are unnecessary and not supported by Kiwi.</li> </ul>
	<p><u>Local Board</u></p> <ul style="list-style-type: none"> <li>Does not support the development of a Metropolitan Centre in this location, consistent with their submissions for PC 48.</li> <li>Ensure provision of green spaces for recreational amenity.</li> <li>Connectivity, parking and road widths</li> <li>Provision of public transport</li> <li>Stormwater management</li> </ul>	<p>The planning for a metropolitan centre in this location is contemplated in the Council’s Structure Plan. The Project for retail centre forming part of a larger planned metropolitan centre is therefore part of the planned future urban environment.</p> <p>The Project includes provision for a high-quality network of public open spaces for recreational amenity, the Project has been planned to ensure a high degree of connectivity with prioritisation of active modes and appropriate stormwater management. The Project also supports the uptake and success of public transport. However, as acknowledged by AT during the Plan Change 48 hearings, the provision of such is the responsibility of Auckland Transport and other Government agencies.</p>
	<p><u>Resource Consent Conditions</u></p>	<p>It is noted that Auckland Council has provided some recommended conditions if the Panel is of mind to grant consent. Kiwi have reviewed these draft conditions alongside the Council’s comments on the</p>

			<p>application. A full set of revised conditions is provided with Kiwi's response to the Panel's request for further information (RFI) dated 8 March 2022 which addresses the Council's recommended conditions and the Panel's comments on the conditions included with the RFI.</p>
Auckland Transport		<p>Overall, AT does not support the development. In addition to Auckland Council's comments on infrastructure financing and funding, precedent and plan integrity and application of the FUZ provisions and s104D gateway test, AT has raised concerns on the following:</p> <ul style="list-style-type: none"> <li>• Additional transport upgrade projects, beyond those proposed by the application will be required to support the development and mitigate its effects;</li> <li>• Upgrades are being proposed that are to be 'jointly funded' by three separate and unrelated developers, some of which are proposed outside of the subject site, creating uncertainty that these upgrades will be able to be delivered;</li> <li>• The proposed transport upgrades are not sufficient to provide access to the future Drury Central Rail Station;</li> <li>• Safety and traffic effects arising from the proposed design, particularly as it relates to interim or hybrid designs;</li> <li>• Active mode provision is not appropriately provided for;</li> <li>• Construction traffic;</li> <li>• Traffic generation and integrated traffic modelling completed with no standalone assessment and planned road network facilities in the absence of a modelling assessment focused on this individual fast-track application;</li> <li>• Transport upgrades condition is not supported and a condition of consent, should require that Drury Central train station must be constructed and operational prior to s224(c) and prior to the occupation and operation of any commercial and retail activities;</li> <li>• Design of new roads;</li> <li>• Stormwater management devices within the road reserve; and</li> <li>• The proposed shared path.</li> </ul>	<p>The comments from Auckland Transport raise similar planning issues to Auckland Council, namely that:</p> <ul style="list-style-type: none"> <li>• Adverse effects of the activity on the environment being more than minor;</li> <li>• The proposal does not pass either of the gateway tests under section 104D;</li> <li>• The proposal is contrary to relevant objectives and policies of the Regional Policy Statement (RPS) and the AUP, particularly in relation to the Future Urban Zone (FUZ); and</li> <li>• Precedent and plan integrity.</li> </ul> <p>Kiwi's response on these matters, including the approach to undertake integrated traffic modelling for these Drury East referred projects, is set out in the Planning response included as <b>Attachment 1</b> prepared by B&amp;A.</p> <p>Other technical transport matters are addressed in the memorandum prepared by Stantec included as <b>Attachment 7</b>.</p>