

BEFORE THE EXPERT CONSENTING PANEL

UNDER the Covid-19 Recovery (Fast-track Consenting) Act 2020

IN THE MATTER of an application to an expert consenting panel for resource consent by **FULTON HOGAN LAND DEVELOPMENT LIMITED** for the Drury East Stage 1 Precinct project located at Drury, South Auckland

BETWEEN **FULTON HOGAN LAND DEVELOPMENT LIMITED**

Applicant

**MEMORANDUM OF COUNSEL REQUESTING
SUSPENSION OF PROCESSING OF DRURY EAST PROJECT**

Dated 10 March 2022



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MAY IT PLEASE THE PANEL:

Introduction

1. This memorandum relates to the resource consent application lodged on 10 December 2021 by Fulton Hogan Land Development Limited ("FHLd") for resource consent to subdivide and build a housing development including 248 residential units, 28 allotments for future development, neighbourhood parks and infrastructure at Drury East, Auckland ("the Project").
2. FHLd is the authorised person for the Project, which has been referred to the Expert Consenting Panel pursuant to Schedule 34 of the Covid-19 Recovery (Fast-track Consenting) Referred Projects Order 2020.
3. The purpose of this memorandum is to request that the processing of the resource consent application be suspended.

Background

4. The Project was referred to the Environmental Protection Authority ("EPA") by Order in Council on 5 November 2021, and an Expert Consenting Panel ("Panel") was appointed.
5. The EPA issued invitations to comment on the Project on 16 February 2022. The deadline for submission of written comments was 8 March 2022.
6. Thirteen comments were received in response; from six surrounding property owners, Kainga Ora, Heritage New Zealand Pouhere Taonga, FirstGas, the Minister for Arts Culture and Heritage, Auckland Council, Auckland Transport, and Watercare.
7. FHLd is required to respond to comments received by 15 March 2022 (5 working days after the receipt of that feedback).
8. Having reflected on the comments received, FHLd has concluded that it will take more time than is presently allocated to enable a proper and fulsome response.
9. In particular, the feedback from Auckland Council and Auckland Transport is very extensive and highly technical. While much of the feedback is the same as was raised by those parties via the hearing process for the Drury East Plan Changes (48-50), it will nevertheless not be possible to provide a comprehensive response to that feedback within the allocated timeframe.

10. In addition, as the Panel will be aware, FHLD has worked closely with Kiwi Property and Oyster Capital on the development scheme for the development of Drury East. The three Drury East plan changes represent one integrated proposal for the development of the area.
11. The Drury Centre and Waihoehoe Precincts are the subject of separate applications for approval under the Covid-19 Recovery (Fast-track Consenting) Act 2020. Feedback on those two applications is due on 15 March and 22 March 2022 respectively.
12. The feedback provided by Auckland Council, in particular, concerning the status of Plan Changes 48-50 and their relevance to this process is directed to all three projects. It is therefore logical for the three applicants to prepare a coherent response.
13. Suspension of the Project for a short period will enable the processing of the Drury Centre and Waihoehoe applications to “catch up” to the Project and enable this coherent response to be provided.

Request for suspension

14. For these reasons, FHLD respectfully requests that the Panel **suspend** processing the Project application pursuant to clause 23(1) of Schedule 6 to the Covid-19 Recovery (Fast-track Consenting) Act 2020 from **today, 10 March 2022**.
15. FHLD anticipates being able to file a comprehensive response by **29 March 2022**. However, FHLD notes that this is subject to a number of matters outside its control (including the potential impact of Covid-19 on consultant availability).
16. This request falls within the timeframe set out in clause 23(2) of Schedule 6 as the resource consent application has been lodged with the Panel, but the Panel has not made a decision on that application.
17. As the purpose of the requested suspension is only to allow for additional time to respond to feedback, FHLD respectfully requests that the Panel continues to consider the application and issue any Further Information Requests as appropriate during the period that processing of the application is suspended. FHLD understands from the EPA that this approach is possible.

18. Counsel thanks the Panel for its consideration of this request.

Dated 10 March 2022



S J Simons / K A Storer

Counsel for Fulton Hogan Land Development Limited