

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 CONCERNING DECISIONS ON DRURY EAST PLAN CHANGE

Dated 5 May 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 ("FHL") 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 Application").
2. FHL 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 advise the Panel that the decision on Plan Change 49 ("PC49") (and Plan Changes 48 and 50) was issued on 5 May 2022. A copy of the decision and approved precinct provisions are attached as **Attachment A**.
4. Notably, in respect of the issue raised in Section 5 of the memorandum prepared by counsel for Auckland Council and Auckland Transport¹ ("Council memorandum") concerning the integration of land use / urbanisation with transport infrastructure, the decision states:

"179 We do not agree with the ACS and AT's primary position for the reasons already set out (lack of funding and financing issues and therefore a lack of integration between planning and funding). Their approach assumes that infrastructure planning (and funding) and zoning need to happen sequentially – i.e. only live zone land where there is certainty of funding. In our view, the essence of integration is those matters happen contemporaneously, in a complementary way, and over time. This is what the plan change proponents are promoting; and we outline later below why we find that the 'package of precincts provisions' proposed, and those we have imposed (in particular the transport triggers), will ensure that appropriate infrastructure is in place to support the level of development proposed.

¹ Memorandum to the Expert Consenting Panel appointed to consider Fulton Hogan's Drury East Stage 1 Precinct Application concerning "legal issues arising from the application" by counsel for Auckland Council and Auckland Transport dated 8 March 2022.

...

227 *On this basis it is our decision that all of Drury East can be rezoned now given that the area is signalled for urban development in the future (through the AUP (OP), DOSP and FULSS) and there are programmes and business cases in place (in particular the Supporting Growth Programme) that identify the necessary infrastructure. Together these factors mean that urban development in Drury East is consistent with the long-term planning documents, integrates with existing rapid transit networks and the necessary integration between land use and infrastructure can be achieved. It also means, in our view that rezoning all of Drury East now will result in a more holistic and integrated development.*

[our emphasis]

5. The Application represents Stage 1 of the development of the Drury East Precinct in accordance with PC49. As recorded in FHLD's response to the Council memorandum, all of the infrastructure necessary to cater for development enabled by the Application is available and will be provided.

Consistency with the Application

6. FHLD's expert team is reviewing the approved precinct provisions to identify any changes to the provisions as proposed by FHLD that may give rise to inconsistency with the Application. FHLD will update the assessment of the Application against the provisions of PC49 in Appendix 28 and 29 to the application documents and will provide that to the Panel as soon as possible. The decision makes few changes to the provisions proposed by FHLD and it is not anticipated that any notable issues of consistency will arise.

7. Counsel thanks the Panel for its consideration of this memorandum.

Dated 5 May 2022



S J Simons / K A Storer

Counsel for Fulton Hogan Land Development Limited

ATTACHMENT A
PLAN CHANGE 49 DECISION AND PRECINCT PROVISIONS