

Application for a project to be referred to an expert consenting panel

(Pursuant to Section 20 of the COVID-19 Recovery (Fast-track Consenting) Act 2020)

For office use only:

Project name: «project_name»
Application number: «project_record_id»
Date received: «datetime_Submitted»

This form must be used by applicants making a request to the responsible Minister(s) for a project to be referred to an expert consenting panel under the COVID-19 Recovery (Fast-track Consenting) Act 2020.

All legislative references relate to the COVID-19 Recovery (Fast-track Consenting) Act 2020 (the Act), unless stated otherwise.

The information requirements for making an application are described in Section 20(3) of the Act. Your application must be made in this approved form and contain all of the required information. If these requirements are not met, the Minister(s) may decline your application due to insufficient information.

Section 20(2)(b) of the Act specifies that the application needs only to provide a general level of detail, sufficient to inform the Minister's decision on the application, as opposed to the level of detail provided to an expert consenting panel deciding applications for resource consents or notices of requirement for designations.

We recommend you discuss your application and the information requirements with the Ministry for the Environment (the Ministry) before the request is lodged. Please contact the Ministry via email: fasttrackconsenting@mfe.govt.nz

The Ministry has also prepared [Fast-track guidance](#) to help applicants prepare applications for projects to be referred.

Part I: Applicant

Applicant details

Person or entity making the request: Kiwi Property Holdings No.2 Limited

Contact person: David Schwartzfeger

Job title: Development Manager

Phone: s 9(2)(a)

Email: s 9(2)(a)

Postal address: PO Box 2071, Auckland 1140, New Zealand

Address for service (if different from above)

Organisation: Barker & Associates Limited

Contact person: Nick Roberts

Job title: Director

Phone: s 9(2)(a)

Email: s 9(2)(a)

Email address for service: s 9(2)(a)

Postal address: PO Box 1986, Auckland 1140, New Zealand

Part II: Project location

The application: Drury Centre

Site address / location: 1139, 155, 173 and 189 Fitzgerald Road; 61 Brookfield Road; and 108, 116, 120, 124, 132 Flanagan Road, Drury

Land bound by Fitzgerald and Flanagan Road in Drury as outlined in red in the figure below.



Legal description(s):

Lot 1 DP 101367 (61 Brookfield Road)

Pt Lot 1 DP 62094, Lot 1 DP 80559 (108 and 116 Flanagan Road)

Lot 1 DP 165262 and Lot 10 165262 (120 Flanagan Road)

Part Lot 2 DP 24845 and Part Lot Allotment 26, Part Allotment 29, Part Allotment 31 and Part Allotment 222 Parish of Opaheke (128 Flanagan Road)

Part Allotment 33 Parish of Opaheke (132 Flanagan Road)

Lot 2 DP 57466 (155 Fitzgerald Road)

Lot 4 DP 57466 (189 Fitzgerald Road)

Lot 3 DP 57466 (173 Fitzgerald Road)

Part Lot 1 DP 57466 (139 Fitzgerald Road)

Lot 5 DP 57466 (124 Flanagan Road)

Lot 1 DP 87159 (no physical address)

Registered legal land owner(s):

132, 139, 155, 173 and 189 Fitzgerald Road; 108, 116, 120, 124, 128 and 132 Flanagan Road - Kiwi Property Holdings No.2 Limited ("Kiwi Property")

61 Brookfield Road – Brookfield Road Limited

Detail the nature of the applicant's legal interest (if any) in the land on which the project will occur, including a statement of how that affects the applicant's ability to undertake the work that is required for the project:

Kiwi Property are the registered owners of 139, 155, 173 and 189 Fitzgerald Road and 108, 116, 120, 124, 128 and 132 Flanagan Road as reflected on the Records of Title enclosed with this application in **Appendix 1**.

Kiwi Property have a sale and purchase agreement for 61 Brookfield Road. Kiwi Property has full control of this site for the purpose of rezoning and future development and is able to undertake site works as soon as all relevant approvals are approved.

Part III: Project details

Description

Project name: Drury Centre

Project summary:

Please provide a brief summary (no more than 2-3 lines) of the proposed project.

The Drury Centre project involves the development of approximately 26.2 hectares¹ of Future Urban Zone land into a transit orientated development (TOD) focused around the new Drury Central train station planned to be constructed and operational by 2025 as part of the Government's New Zealand Upgrade Programme. The project includes the development of Large Format Retail (LFR) amounting to 45,200m² GFA; a total of 13 'ready for development' superlots equating to 7.597 hectares of land enabling residential development with a projected yield of up to 600 new dwellings within walking distance to a rapid rail corridor; and the creation of a 4.1 hectare Hingaia Reserve together with revegetation along the Hingaia Stream to restore and enhance ecological values and

¹ We note that the parent site and extent of the project area are different for the Drury Centre Project. The parent site area (as per the records of title) is approximately 48.9 hectares. The project area is 26.2 hectares because development is not proposed across the entire parent site area.

indigenous biodiversity.

The project is associated with private Plan Change 48 (PC 48) submitted by Kiwi Property to rezone the land from Future Urban to a combination of Business - Metropolitan Centre, Business – Mixed Use and Open Space – Informal Recreation enabling the development of a new transit orientated metropolitan centre around the fully funded Drury Central train station planned for completion in 2025. Underpinning the development of PC 48 is the Drury-Opāheke Structure Plan (“Structure Plan”) which was endorsed by the Council on 6 August 2019 following an extensive public consultation process. The Structure Plan sets out the pattern of land uses and the supporting infrastructure network for the future urban growth of Drury-Opāheke. An integral component of this Structure Plan is the development of a metropolitan centre in Drury East directly adjacent to the existing railway network and the funded Drury Central train station. The project is therefore consistent with the land use and roading pattern of the Structure Plan and, in effect, the project will give effect to the overall objectives and aspirations of the Structure Plan developed through an extensive public consultation process in an accelerated delivery timeframe. Should this application for a referred project be accepted, the project is considered to complement the plan change as it would enable development to get underway at rapid pace and give effect to the purpose of the Act, while the plan change will facilitate development in wider areas.

The location and extent of this project relative to boundaries of PC 48, and applications for referred projects pursued by other Drury East developers) are illustrated in the figure overleaf. Further information on the background of PC 48 is in **Appendix 2**.

Plans providing the open space and movement context of the project in relation to the other applications for referred projects by Kiwi Property and Fulton Hogan and the wider Drury-Opāheke Structure Plan area are attached at **Appendix 15**. These plans illustrate how development within the fast track development areas can successfully integrate with development within the wider Plan Change area and in a manner that gives effect to the Drury-Opāheke Structure Plan.

Plans providing the open space and movement context of the project in relation to the other applications for referred projects by Oyster Capital and Fulton Hogan and the wider Drury-Opāheke Structure Plan area are attached at **Appendix 11**. These plans illustrate how development within the fast track development areas can successfully integrate with development within the wider Plan Change area and in a manner that gives effect to the Drury-Opāheke Structure Plan.

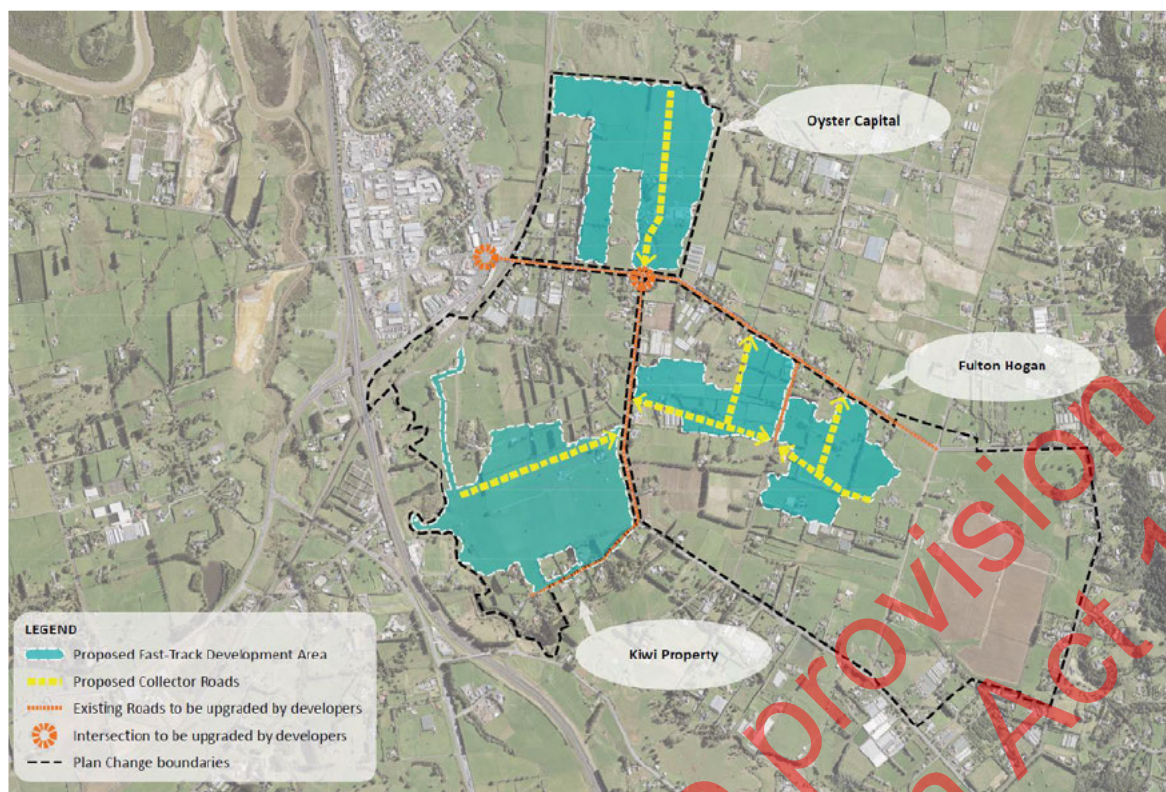


Figure 1: Extent and location of land subject to the applications for referred projects by Kiwi Property, Oyster Capital and FHLDL relative to the private plan change boundaries.

Project details:

Please provide details of the proposed project, its purpose, objectives and the activities it involves, noting that Section 20(2)(b) of the Act specifies that the application needs only to provide a general level of detail.

This application is for a referred project under section 20 of the Act to enable the accelerated construction and delivery of a large portion of the planned Drury Centre which is considered to result in significant public benefit. These benefits include immediate employment generation in the construction sector and long-term employment in operations and maintenance of the metropolitan centre; increased housing supply through the delivery of 'ready for development' superlots enabling the opportunity for medium to high density residential developments with an overall residential yield of up to 600 dwellings; and a well-functioning urban environment in the form of an integrated, sustainable and transit oriented metropolitan centre to be established around the new Drury Central train station programmed for completion in the final quarter of 2025. It is proposed that the developers will fund a series of infrastructure upgrades to mitigate the effects of the development at no cost to Council.

The Drury Centre project is an exceptional opportunity to develop a well-connected and integrated Transit Orientated Development (TOD) centered around a fully funded new railway station to be constructed at Drury Central by 2025. The project represents the first stage of a new metropolitan centre in Drury which, once completed, is projected to deliver over 3,000 new dwellings and 5,000-6,000 permanent jobs. The project will be transformational for Drury and the growing synergy of South Auckland which is expected to house an additional 120,000 people and 38,000 jobs over the next three decades. The project will be transformational for South Auckland and the aspiration is to develop Drury Centre to be a world-class and sustainable destination where people can work, live and recreate in one location.

Continuing Kiwi Property's long-term commitment to sustainability and reduced resource consumption, the project will be constructed to achieve a 5-Star green community rating benchmark to continue implementing Kiwi Property's philosophy of reducing its environmental footprint.

This project is for the first stage of development in Drury Centre across a land area of 26.2 hectares, all of which is owned by Kiwi Property. The scope of the project will involve the subdivision and development of this land to

provide for the following as illustrated on the masterplan included as **Appendix 3**:

- Six superlots for the development of large format retail (LFR) amounting to 45,200m² GFA which will generate 500 jobs from the design through to the construction sector and 810 permanent jobs in the retail sector following completion of the LFR.
- 13 'ready for development' superlots totaling 7.597ha of land for residential development which will enable the development of up to 600 dwellings. This involves the construction of roads and servicing / infrastructure required to facilitate future development of the superlots (i.e., making these 'development ready'). No dwellings are proposed as part of the project.
- A new 4.1 hectare [Hingaia] Reserve around the Hingaia Stream that will be protected, restored and enhanced as part of the project including planting proposed along the Hingaia Stream. This reserve will be complementary to the existing open space network extending to Drury South.
- Construction of reticulated stormwater, wastewater and water supply networks.
- Formation of ancillary car parking and associated formation of roads to vest within the project area.
- A suite of transport upgrades to the surrounding road network as illustrated in Figure 2 below and safety upgrades to the Waihoehoe / Great South Road intersection to provide safe crossing facilities for pedestrians and cyclists on all approaches. All necessary transport upgrades for the project will be fully funded by Kiwi or on a joint basis with the other Drury East developers.

Excess cut from the LFR and residential superlots will be temporarily stored in the northern part of the site, to the north of Pitt Road. This area will be further developed as part of the next stage of the Drury Centre development.

A wastewater pipe will be trenched in a north-south direction, likely along the proposed Creek road (parallel to the Hingaia Creek).

In terms of whether transport infrastructure will be designed to meet the demand of the three plan changes and the wider Drury-Opaheke catchment, we note that transport modelling for the Drury East Plan Changes (PC48, PC49 and PC50) takes a very conservative approach, assuming a 'worst case' full buildout of the Drury, Pukekohe and Paerata area. It also assumes the SGA upgrade works will not proceed. That modelling confirms that with the interim upgrades proposed by the developers in place, the developments can proceed without the need for major upgrades. In terms of three waters, as noted in the table below, the required wastewater and water upgrades have already been substantially constructed.

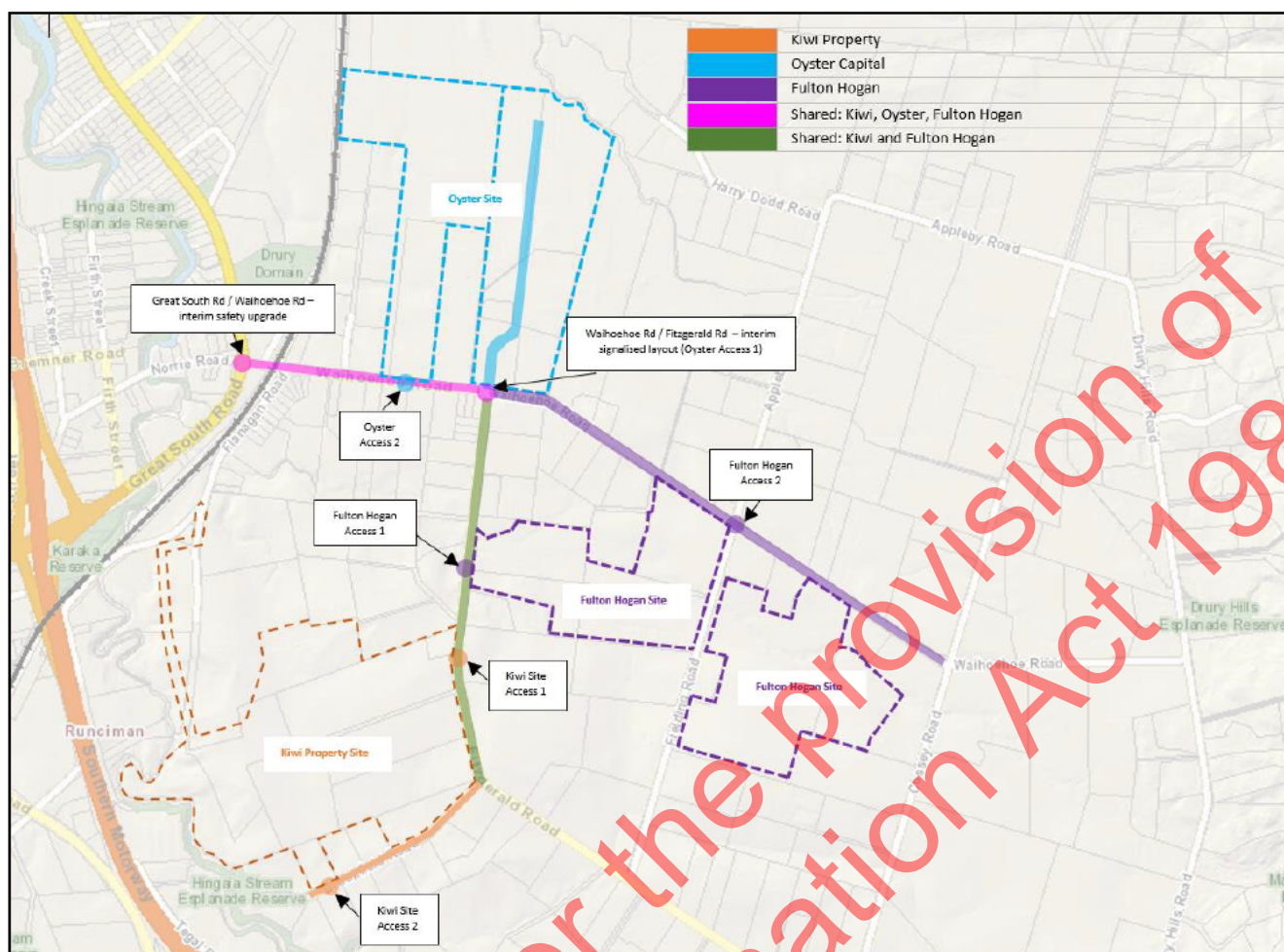


Figure 2: Suite of local transport upgrades to be fully funded by Kiwi and other Drury East developers in relation to the referred project applications.

Infrastructure Requirements

Kiwi is aware of the reported funding shortfall alluded to by the Auckland Council (the "Council") in their submission to PC 48 and in various media statements. Kiwi are engaged in ongoing discussions with the Council to understand Councils concerned on how Council may fund the full build out of Drury in 2048.

These issues are considered to be irrelevant to this project because all the necessary transport and civil infrastructure to service this project (and others pursued by other Drury East developers) are either already in place or near completion to sufficiently service the project, or will be fully funded and delivered by the Kiwi or on a joint basis with Drury East developers at no cost to the Council. This infrastructure provision has been planned in an integrated manner to coordinate with the proposed land uses in this project and those of other Drury East developers such that the projects will be adequately and appropriately serviced with infrastructure with no reliance on the Council to deliver that infrastructure. This is summarised in **Table 1** below.

Further, we note that irrespective of the order of the delivery of the projects, the developers are in the process of formalising an agreement for the construction of the required upgrades. Therefore, the projects are not dependent on others to proceed.

Infrastructure	Upgrades Proposed	Implementation/Funding	Cost to Council
Transport	- Interim safety upgrade of Waihoehoe / Great South Road intersection - Upgrades along Fitzgerald Road	To be privately funded by Kiwi and on a joint basis with other Drury East developers.	Nil

	• Construction of new intersection to Fitzgerald Road • Upgrades to Brookfield Road		
Water Supply	• Construction of a local reticulated water supply network to service the development area • New bulk water supply point adjacent to existing Waikato pump station.	To be fully funded and constructed by Kiwi.	Nil
Stormwater	• Construction of a reticulated stormwater network to service the development area • No offsite upgrades required (receiving environment is Hingaia Stream)	To be fully funded and constructed by Kiwi.	Nil
Wastewater	• Construction of a reticulated wastewater network to service the development area • All off-site upgrades by Watercare now substantially complete and agreed with Kiwi.	Local reticulated network to be fully funded and constructed by Kiwi.	Nil
Parks/Community Facilities	• New 4.1hectare Hingaia Reserve	To be funded by development contributions	Nil

Where applicable, describe the staging of the project, including the nature and timing of the staging:

Should the project be accepted, the engineering design for the bulk earthworks and stormwater will immediately commence in the first quarter of 2021 with the objective of having this completed by the final quarter of 2021. This would then enable the first phase of bulk earthworks to be carried out in the of 2021-2022 earthworks season and enable construction of the large format retail and residential superlots to then commence. Civil construction and formation of the residential superlots will continue until the following earthworks season of 2022-2023 arrives, where the second and final stage of bulk earthworks will be completed. Construction of the large format retail is programmed to start in the third quarter of 2023.

Consents / approvals required

Relevant local authorities: Auckland Council

Resource consent(s) / designation required:

Section 9 land use consent; section 11 subdivision consent; and potentially section 15 discharge consent under Resource Management Act (RMA) 1991 and potential consent under the National Environmental Standards for Assessing and Managing Contaminants to Soil to Protect Human Health Regulations.

Relevant zoning, overlays and other features:

Please provide details of the zoning, overlays and other features identified in the relevant plan(s) that relate to the project location.

Legal description(s)	Relevant plan	Zone	Overlays	Other features
Lot 1 DP 101367 (61 Brookfield Road)	Auckland Unitary Plan Operative in Part	Future Urban	High-use aquifer management overlay – Drury Sand Aquifer. Quality-sensitive aquifer management area overlay – Drury Sand Aquifer.	Streams; overland flow paths; flood plain; and flood prone areas.
Pt Lot 1 DP 62094, Lot 1 DP 80559 (108 and 116 Flanagan Road)	Auckland Unitary Plan Operative in Part	Future Urban	High-use aquifer management overlay – Drury Sand Aquifer. Quality-sensitive aquifer management area overlay – Drury Sand Aquifer. National Grid Corridor Overlay – Uncompromised; and National Grid Subdivision Corridor. Coastal Inundation 1 per cent AEP plus 1m control – 1m sea level rise	Overland flow paths; flood plain; and flood prone areas. 'Natural wetland' under the National Environmental Standard for Freshwater 2020 (NESF)
Lot 1 DP 165262 and Lot 10 165262 (120 Flanagan Road)	Auckland Unitary Plan Operative in Part	Future Urban	High-use aquifer management overlay – Drury Sand Aquifer. Quality-sensitive aquifer management area overlay – Drury Sand Aquifer. National Grid Corridor Overlay – Uncompromised; and National Grid Subdivision Corridor.	Streams; overland flow paths; flood plain; and flood prone areas.

Part Lot 2 DP 24845 and Part Lot Allotment 26, Part Allotment 29, Part Allotment 31 and Part Allotment 222 Parish of Opaheke (128 Flanagan Road)	Auckland Unitary Plan Operative in Part	Future Urban	High-use aquifer management overlay – Drury Sand Aquifer. Quality-sensitive aquifer management area overlay – Drury Sand Aquifer. National Grid Corridor Overlay – Uncompromised; and National Grid Subdivision Corridor.	Streams; overland flow paths; flood plain; and flood prone areas. 1% AEP plus 1m control – 1m seal level rise
Part Allotment 33 Parish of Opaheke (132 Flanagan Road)	Auckland Unitary Plan Operative in Part	Future Urban	High-use aquifer management overlay – Drury Sand Aquifer. Quality-sensitive aquifer management area overlay – Drury Sand Aquifer. National Grid Corridor Overlay – Uncompromised; and National Grid Subdivision Corridor. Coastal Inundation 1 per cent AEP plus 1m control – 1m sea level rise	Streams; overland flow paths; flood plain; and flood prone areas. ‘Natural wetland’ under the National Environmental Standard for Freshwater 2020 (NESF)
Lot 2 DP 57466 (155 Fitzgerald Road)	Auckland Unitary Plan Operative in Part	Future Urban	High-use aquifer management overlay – Drury Sand Aquifer. Quality-sensitive aquifer management area overlay – Drury Sand Aquifer. National Grid Corridor Overlay – Uncompromised; and National Grid Subdivision Corridor.	Streams; overland flow paths; flood plain; and flood prone areas.
Lot 4 DP 57466 (189 Fitzgerald Road)	Auckland Unitary Plan Operative in Part	Future Urban	High-use aquifer management overlay – Drury Sand Aquifer. Quality-sensitive aquifer management area overlay – Drury Sand Aquifer. National Grid Corridor Overlay – Uncompromised; and National Grid Subdivision Corridor.	Streams; overland flow paths; flood plain; and flood prone areas.

Lot 3 DP 57466 (173 Fitzgerald Road)	Auckland Unitary Plan Operative in Part	Future Urban	High-use aquifer management overlay – Drury Sand Aquifer. Quality-sensitive aquifer management area overlay – Drury Sand Aquifer. National Grid Corridor Overlay – Uncompromised; and National Grid Subdivision Corridor.	Streams; overland flow paths; flood plain; and flood prone areas.
Part Lot 1 DP 57466 (139 Fitzgerald Road)	Auckland Unitary Plan Operative in Part	Future Urban	High-use aquifer management overlay – Drury Sand Aquifer. Quality-sensitive aquifer management area overlay – Drury Sand Aquifer. National Grid Corridor Overlay – Uncompromised; and National Grid Subdivision Corridor.	Streams; overland flow paths; flood plain; and flood prone areas.
Lot 5 DP 57466 (124 Flanagan Road);	Auckland Unitary Plan Operative in Part	Future Urban	High-use aquifer management overlay – Drury Sand Aquifer. Quality-sensitive aquifer management area overlay – Drury Sand Aquifer. National Grid Corridor Overlay – Uncompromised; and National Grid Subdivision Corridor.	Streams; overland flow paths; flood plain; and flood prone areas.

Rule(s) consent is required under and activity status:

Please provide details of all rules consent is required under. Please note that Section 18(3)(a) of the Act details that the project **must not include** an activity that is described as a prohibited activity in the Resource Management Act 1991, regulations made under that Act (including a national environmental standard), or a plan or proposed plan.

The following table provides a detailed list of the proposal's reasons for consent under the Auckland Unitary Plan (Operative in Part) 2016 and the relevant National Environmental Standards.

The overall consenting strategy is to seek land use and subdivision consents for the commercial activity, which will be a non-complying activity under the FUZ. In the absence of a 'live' urban zoning, the zoning framework identified for the site in the Drury-Opaheke Structure Plan, being a large-scale 'Centre', will be used to inform the function and design of development on the site. Consistent with this, retail activity is proposed, together with a network of connected streets and open spaces.

Subdivision consent will be sought for the 13 super lots, which will also be a non-complying activity under the FUZ. Land use consents for buildings on these sites do not form part of this proposal. The superlots are of a size and dimension to accommodate a range of housing types, including terraces and apartments. Resource consent(s) for future dwellings and subdivision of the superlots will be made to Auckland Council under either the operative FUZ

provisions, or under the new zoning framework once PC48 becomes operative.

Relevant plan / standard	Relevant rule / regulation	Reason for	Activity status	Location of proposed activity
Auckland Unitary Plan (Operative in Part)	E8.4.1(A11)	Diversion and discharge of stormwater runoff from an existing or a new stormwater network	Discretionary	Application site
Auckland Unitary Plan – Operative in Part	E9.4.1(A6)	New carpark >5,000m ²	Controlled	Application site
Auckland Unitary Plan – Operative in Part	E9.4.1(A7)	New high use road >5,000m ²	Controlled	Application site
Auckland Unitary Plan (Operative in Part)	E11.4.1(A5)	General earthworks greater than 50,000m ² outside the Sediment Control Protection Area	Restricted discretionary	Application site
Auckland Unitary Plan – Operative in Part	E11.4.1(A9)	Earthworks > 2,500m ² within a sediment control protection area	Restricted discretionary	Application site
Auckland Unitary Plan – Operative in Part	E12.4.1(A6) and (A10)	Earthworks > 2,500m ² and > 2,500m ³	Restricted discretionary	Application site
Auckland Unitary Plan – Operative in Part	E23.4.2(A53)	Comprehensive development signage	Restricted discretionary	Application site
Auckland Unitary Plan – Operative in Part	E25.4.1(A2)	Potential exceedances to construction noise	Restricted discretionary	Application site
Auckland Unitary Plan – Operative in Part	E27.6.1.1(T1)	Trip generation for >100 new dwellings	Restricted discretionary	Application site
Auckland Unitary Plan – Operative in Part	E27.6.1.1(T8A)	Trip generation for > 1667m ² GFA of retail activities	Restricted discretionary	Application site
Auckland Unitary Plan – Operative in Part	E36.4.1(A27)	New buildings within the 1% AEP flood plain	Restricted discretionary	Application site

Auckland Unitary Plan – Operative in Part	E36.4.1(A28)	Use of new buildings within the 1% AEP flood plain accommodating more vulnerable activities	Restricted discretionary	Application site
Auckland Unitary Plan – Operative in Part	E36.4.1(A41)	Diverting the entry or exit point of an overland flow path	Restricted discretionary	Application site
Auckland Unitary Plan – Operative in Part	E39.4.1(A8)	Subdivision of land in the 1% AEP flood plain	Restricted discretionary	Application site
Auckland Unitary Plan – Operative in Part	E39.4.1(A28)	Subdivision in Future Urban Zone for open spaces	Discretionary	Application site
Auckland Unitary Plan – Operative in Part	E39.4.1(A29)	Subdivision in Future Urban Zone not provided for	Non-complying	Application site
Auckland Unitary Plan – Operative in Part	H18.4.1(A2)	New buildings for dwellings in Future Urban Zone	Non-complying	Application site
Auckland Unitary Plan – Operative in Part	H18.4.1(A2)	New building for large format retail in Future Urban Zone	Discretionary	Application site
Auckland Unitary Plan – Operative in Part	H18.4.1(A28)	More than 1 dwelling per site in the Future Urban Zone	Non-complying	Application site
Auckland Unitary Plan – Operative in Part	C1.7(1)	Large Format Retail in the Future Urban Zone not otherwise provided for	Discretionary	Application site
National Environmental Standards for Assessing and Managing Contaminants to Soil to Protect Human Health	Regulation 10(2)	Disturbance of contaminated soil >25m ³ per 500m ²	Restricted discretionary	Application site

National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health 2011	Regulation 10(2)	Subdividing and changing use of a piece of land which is not a permitted or controlled activity	Restricted discretionary	Application site
National Environmental Standard for Freshwater 2020	Regulation 54(a)	Vegetation clearance within, or within a 10m setback from, a natural wetland	Non-complying	108, 116 and 132 Flanagan Road
National Environmental Standard for Freshwater 2020	Regulation 54(b)	Earthworks within, or within a 10m setback, from a natural wetland (which does not result in the complete or partial drainage of all or part of a natural wetland)	Non-complying	108, 116 and 132 Flanagan Road

Resource consent applications already made, or notices of requirement already lodged, on the same or a similar project:

Please provide details of the applications and notices, and any decisions made on them. Schedule 6 clause 28(3) of the COVID-19 Recovery (Fast-track Consenting) Act 2020 details that a person who has lodged an application for a resource consent or a notice of requirement under the Resource Management Act 1991, in relation to a listed project or a referred project, must withdraw that application or notice of requirement before lodging a consent application or notice of requirement with an expert consenting panel under this Act for the same, or substantially the same, activity.

No applications for resource consent or a notice of requirement have under the Resource Management Act 1991 have been lodged in relation to this application for a referred project.

The applicant has lodged a request for a private plan change (PC 48) to the Auckland Council for rezoning the land from Future Urban Zone to Business – Metropolitan Centre, Business – Mixed Use and Open Space Informal Recreations. Further background information and progress to date on PC 48 is provided in **Appendix 2**.

Resource consent(s) / Designation required for the project by someone other than the applicant, including details on whether these have been obtained:

There are no other resource consents or designations required for the project by someone other than the applicant. All proposed works can be delivered by the applicant, subject to obtaining the necessary resource consents as a referred project under this Act.

Auckland Transport have lodged Notice of Requirements (NoRs) for the Drury Arterials Network with Auckland Council. None of the NORs lodged affect any of the land owned by Kiwi Property or land as included as part of this project. The delivery and implementation of this project is not reliant on the works proposed in this NOR either.

The Drury Centre rail station is not impacted by the project.

The project is not impacted by any other projects.

Other legal authorisations (other than contractual) required to begin the project (eg, authorities under

the Heritage New Zealand Pouhere Taonga Act 2014 or concessions under the Conservation Act 1987), including details on whether these have been obtained:

Building consents for the LFR buildings and dwellings under the Building Act 2004. These consents have not been obtained but will be in due course as the project advances to the detailed design stages required to prepare and compile all the consent documentation. Kiwi Property does not anticipate any challenges with obtaining the necessary building consents, nor would this process delay the ability to deliver this project.

Construction readiness

If the resource consent(s) are granted, and/or notice of requirement is confirmed, detail when you anticipate construction activities will begin, and be completed:

Please provide a high-level timeline outlining key milestones, e.g. detailed design, procurement, funding, site works commencement and completion.

Kiwi Property is New Zealand's largest listed property company and directly own \$3.2 billion of New Zealand property. Kiwi Property therefore has capacity and strong capability to successfully deliver the project. Kiwi has sufficient funds immediately available for the delivery of this project.

All land where this project will occur is already owned by Kiwi Property which will enable the works to immediately be physically implemented following resource consent approval.

We confirm that this project is construction ready subject to obtaining resource consent allowing for the enabling works to commence, and building consent allowing for physical construction of the buildings. The consultant team that will prepare all the necessary documentation for the resource consent has already been appointed and, should this project be successfully referred by the Minister, the consultant team will immediately commence preparation of the resource consent application in the March-May of 2021 along with bulk earthworks and stormwater design occurring over March- September 2021.

Target dates for key milestones of the project as follows:

- Lodgement of resource consent to expert consenting panel – June 2021
- Bulk earthworks and stormwater design – Q1 to Q3 2021
- Civil infrastructure design and consenting (LFR and residential) – Q1 2021 to Q1 2022
- Season 1 bulk earthworks – Q3 2021 to Q1 2022
- Season 2 bulk earthworks - Q3 2022 to Q1 2023
- Civil construction (including residential superlots) – Q2 2022 to Q3 2023
- Building consent design and consenting (LFR) – Q1 2021 to Q2 2023
- Building construction (LFR) – Q3 2023 to Q3 2025
- Construction completion – Q4 2025

Further detail of this programme is provided in **Appendix 4**. The full delivery team from consenting and design through to construction is included as **Appendix 5**.

Part IV: Consultation

Government ministries and departments

Detail all consultation undertaken with relevant government ministries and departments:

A pre-application meeting with MfE in respect of this project was held on 3rd February 2021.

A site walkover with the Minister of Housing, Energy and Resources, and Research, Science and Innovation, Hon Dr Megan Woods, was also carried out on 27th January 2021 to discuss this project and the projected number of dwellings this could enable.

Local authorities

Detail all consultation undertaken with relevant local authorities:

The project, as part of the wider Drury Centre, in this location first commenced in 2017. Since then, Kiwi Property have actively engaged with the Auckland Council which included preparation of the developer-led Drury-Opaheke Structure Plan in 2018 and lodgment of the Drury Centre Private Plan Request (PC 48) in December 2019.

Over the course of three years, extensive consultation has been undertaken with Auckland Council, Auckland Transport and the Southern Growth Alliance (SGA) as part the wider developments in Drury which this project forms part of. Kiwi Property intends to continue consultation with local authorities with upcoming meetings planned in March 2021.

A summary of the submissions received in respect of PC 48 from local authorities can be found in **Appendix 2**.

Other persons/parties

Detail all other persons or parties you consider are likely to be affected by the project:

Key stakeholders for this project include Iwi, Council, the local community, adjacent residential owners' and the local businesses with existing operations adjoining the development.

Detail all consultation undertaken with the above persons or parties:

In addition to the extensive consultation with local authorities as mentioned above, Kiwi Property have organised and hosted three community open days (20 March 2019, 10 December 2019 and 13 October 2020) in relation to PC 48 for Drury Centre which this project forms part of. One dedicated community liaison officer residing in Drury has also been appointed by Kiwi Property to maintain a continuous point of contact and presence in the local community to openly receive feedback.

Kiwi Property are also in on-going discussions with the Papakura and Pukekohe Business Associations.

A summary of the submissions received in respect of PC 48 from the local community can be found in **Appendix 2**.

Part V: Iwi authorities and Treaty settlements

For help with identifying relevant Iwi authorities, you may wish to refer to [Te Kāhui Māngai – Directory of Iwi and Māori Organisations](#).

Iwi authorities and Treaty settlement entities

Detail all consultation undertaken with Iwi authorities whose area of interest includes the area in which the project will occur:

The project location is in a mana whenua area of interest. The relevant mana whenua groups and consultation undertaken to date is summarised below.

Iwi authority	Consultation undertaken
Ngai Tai Ki Tamaki Ngati Maru Ngati Tamaoho Ngati Te Ata Te Ahiware – Waiohūa Te Akitai Waiohūa Waikato Tainui	This project for Drury Centre has an association with PC 48 and Kiwi Property have actively engaged and consulted with these iwi authorities since 2017 on a continual and ongoing basis. The consultation undertaken to date includes presentation of the masterplan, several hui (a total of 15 thus far), two hikoī with mana whenua on site and site visits examine the streams and wetlands on site. Cultural Value Assessments have also been prepared by Ngati Te Ata; Ngati Tai Ki Tamaki; Te Akitai; and Ngati Tamaoho. Hui with Mana Whenua in respect of this project were held on 1 March 2021, 15 March 2021 and most recently on 29 March 2021. At the most recent hui on 29 March 2021, positive discussions were held around design initiatives which give effect to cultural awareness and aspirations within the site. A summary of the iwi consultation undertaken to date is included with Appendix 10.

Detail all consultation undertaken with Treaty settlement entities whose area of interest includes the area in which the project will occur:

Treaty settlement entity	Consultation undertaken
The project will not occur on land returned under Treaty Settlement. The land is however located in a Treaty Settlement Statutory Acknowledgement area and the settlement party for this is Ngati Tamaoho. This statutory acknowledgement is in relation to 'Hingaia Stream and its tributaries' – plan reference OTS-129-06.	Ngati Tamaoho have been consulted on the Drury Centre project as part of PC 48 since 2017. This consultation is ongoing and representative(s) from Ngati Tamaoho attended the hui in relation to this project on 11th February 2020. Ngati Tamaoho also prepared a Cultural Value Assessment (CVA) for PC 48. The overall position of this CVA is neutral and provides a list of recommendations founded on their environmental values. These environmental values are embodied in the philosophy of the masterplan for this project. Further consultation and engagement with Ngati Tamaoho will be undertaken as part of the resource consent if this project is successfully referred by the Minister.

Treaty settlements

Treaty settlements that apply to the geographical location of the project, and a summary of the relevant principles and provisions in those settlements, including any statutory acknowledgement areas:

Section 18(3)(b) of the Act details that the project **must not include** an activity that will occur on land returned under a Treaty settlement where that activity has not been agreed to in writing by the relevant land owner.

The project would not occur on land returned under a Treaty Settlement. However, as mentioned above, the land is located in a Treaty Settlement Statutory Acknowledgement area as it relates to 'Hingaia Stream and its tributaries' – see figure below. The settlement party for this statutory acknowledgement is Ngati Tamaoho.

The Auckland Unitary Plan provides the following explanation with respect to this statutory acknowledgement.

"The Hingaia Stream drains from the plains below Te Maketu. From here it flows north-west toward the Drury Creek connecting with this awa near the site of Opāheke Pā. From here it joins Pahurehure Inlet and the wider Manukau. As such it connects several of Ngāti Tamaoho's most important sites of occupation and was a key travel route in the area. The Hingaia Stream would have historically been far wider, deeper and faster flowing. Traditional evidence recalls that the river was navigable to a point very close to the Te Maketu sites."

A map illustrating the geographical extent of this statutory acknowledgement area is provided below.

Hingaia Stream and its tributaries (OTS-129-06)

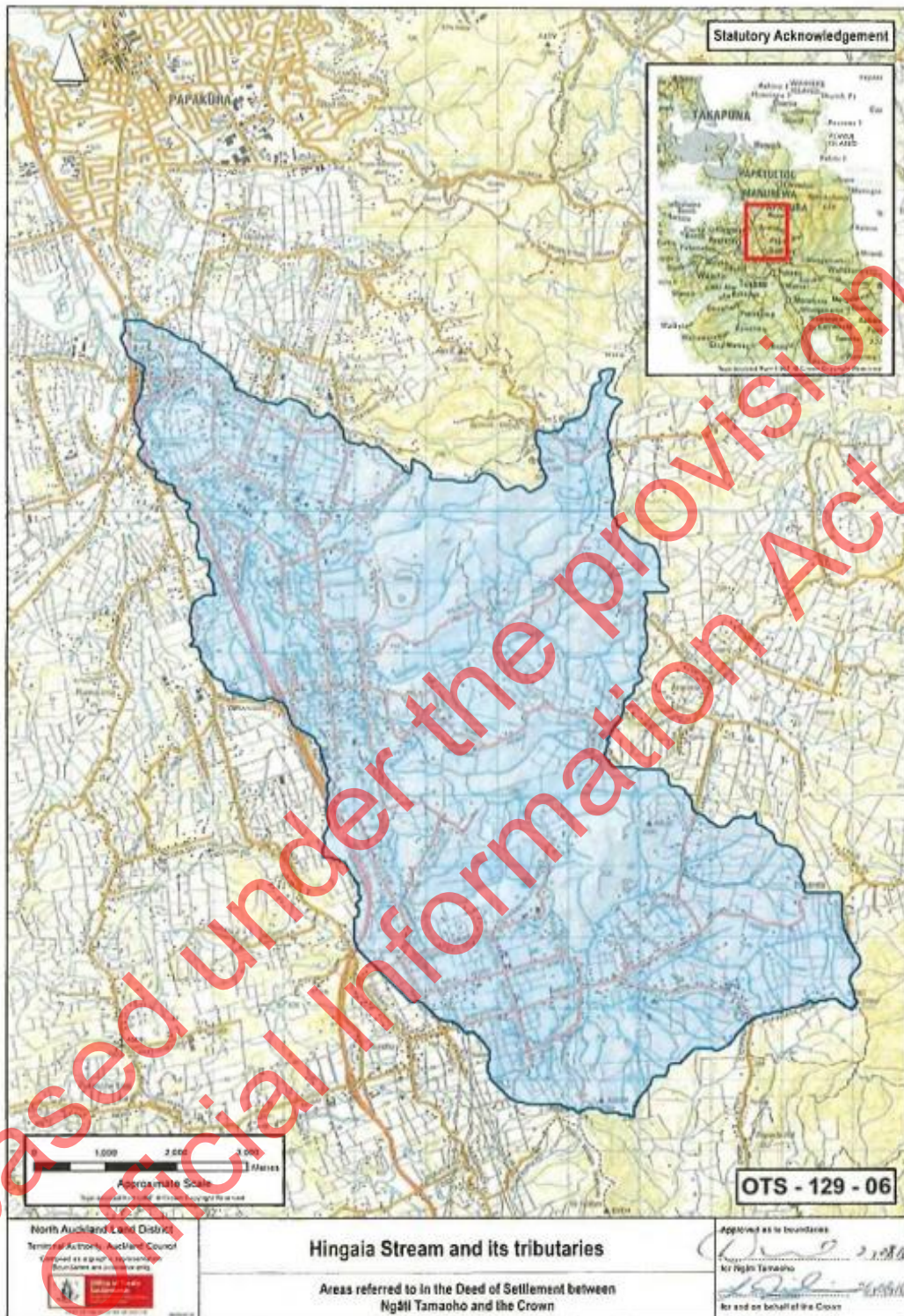


Figure 3: Hingaia Stream and its tributaries Treaty Settlement Statutory Acknowledgement area.

Part VI: Marine and Coastal Area (Takutai Moana) Act 2011

Customary marine title areas

Customary marine title areas under the Marine and Coastal Area (Takutai Moana) Act 2011 that apply to the location of the project:

Section 18(3)(c) of the Act details that the project **must not include** an activity that will occur in a customary marine title area where that activity has not been agreed to in writing by the holder of the relevant customary marine title

order.

The Project would not occur in a customary marine title area under the Marine and Coastal Area (Takutai Moana) Act 2011.

Protected customary rights areas

Protected customary rights areas under the Marine and Coastal Area (Takutai Moana) Act 2011 that apply to the location of the project:

Section 18(3)(d) of the Act details that the project **must not include** an activity that will occur in a protected customary rights area and have a more than minor adverse effect on the exercise of the protected customary right, where that activity has not been agreed to in writing by the holder of the relevant protected customary rights recognition order.

The Project would not occur in a protected customary rights area.

Part VII: Adverse effects

Description of the anticipated and known adverse effects of the project on the environment, including greenhouse gas emissions:

In considering whether a project will help to achieve the purpose of the Act, the Minister may have regard to, under Section 19(e) of the Act, whether there is potential for the project to have significant adverse environmental effects. Please provide details on both the nature and scale of the anticipated and known adverse effects, noting that Section 20(2)(b) of the Act specifies that the application need only provide a general level of detail.

The project will not generate significant adverse environmental effects because any adverse effects on the environment will be appropriately avoided, remedied or mitigated to be minor in nature. Key potential adverse effects are addressed in general below and should be reviewed in conjunction with the supporting technical assessments accompanying this application.

Transportation Effects

The transportation memo prepared by Stantec in **Appendix 6** has carried out a high-level trip generation assessment of the project and this appropriately takes into account the densities of residential development proposed in other applications for referred projects in the surrounding Drury area (i.e. Oyster Capital and Fulton Hogan) to enable an holistic consideration of transportation effects on the surrounding road network. In overall summary, the trip generation assessment carried out by Stantec confirms that there is sufficient capacity in the existing transport network to accommodate the projected vehicle trips during the morning, afternoon and weekend peak periods without the need for any major capacity upgrade of the existing local road network.

A series of upgrades will also be implemented along Waihoehoe Road, Fitzgerald Road and Brookfield Road with the provision of footpaths and cycling facilities to encourage active modes and support the overall philosophies of the project as a transit orientated development. Importantly, the analysis by Stantec confirms that these upgrades can be achieved within the existing public road corridor without any reliance on private land owned by third parties. The Great South Road/Waihoehoe Road intersection will also be upgraded by installing raised pedestrian and cycling crossings at each arm.

Infrastructure

The infrastructure memo prepared by Blue Barn Consulting Engineers in **Appendix 7** confirms that the nature and level of development in this project will be sufficiently serviced in respect of stormwater, wastewater, water supply and telecommunications. This memo confirms that a trunk water and wastewater reticulation was recently constructed by Watercare Services Limited ("Watercare"). Discussions with Watercare also confirm that this project can be fully serviced with the necessary infrastructure. Overall, there is a high degree of confidence that the project will be adequately serviced in terms of infrastructure.

Stormwater Management and Flooding

The stormwater assessment by Tonkin + Taylor ("T+T") in **Appendix 8** provides an overview of the proposed approach for the management of stormwater and flooding. With reference to this assessment, the proposed approach is based on water sensitive design principles to deliver water quality, conveyance, hydrological and flood mitigation outcomes. These approaches will also be embedded in a Stormwater Management Plan (SMP) for the project area to ensure that development on site is consistent the stormwater management principles in this area of Drury. At and near-source water quality treatment is proposed to avoid and mitigate adverse effects on water quality, and hydrological mitigation will be provided for water quantity management of all impervious surfaces retention by infiltration and rainwater harvesting.

The land area of Drury Centre is also located on an elevated terrain and largely outside of the flood plain such that with any necessary and appropriate flood protection can be implemented to protect people and from flooding effects.

Ecology

The ecology memo by Tonkin + Taylor ("T+T") in **Appendix 9** illustrates the extent of ecological features across the site and provides an overview of the ecological values. In overall summary, the terrestrial ecology values are assessed as low as a consequence of historical modifications to the land and it is considered that effects arising from any vegetation removal can be appropriately managed by way of management plans. There are also two National Policy Statement for Freshwater Management 2020 (NPSFM) qualifying wetlands on the site, identified in the ecological memo as wetland 1 and wetland 2. These wetlands will be adjacent to the proposed services corridor. The services corridor and construction methodology will be designed to minimize potential adverse ecological effects on the site by maintaining and protecting the hydrology of both wetlands within the site. There are no other streams or wetlands across the development areas of the project and tributaries of the Hingaia Stream will be protected and enhanced through establishment of the Hingaia Reserve with proposed riparian planting. Overall, the effects in respect of ecology on the environment will be positive.

Cultural Values

Kiwi Property have proactively engaged and consulted with Ngati Tamahoe in respect of Drury Centre since 2017 and more recently at a hui on 11 February 2021. This statutory acknowledgement area is in association with the Hingaia Stream and its tributaries and as detailed the ecology memo, these tributaries will not be affected by the project because they are located outside of the development footprint. Conversely, the quality and values of these tributaries and the Hingaia Stream itself will be enhanced with the proposed riparian planting. Further engagement and consultation with Ngati Tamahoe will be undertaken should this projected be successfully referred.

Earthworks and Land Modifications

Bulk earthworks for the project will be carried out in accordance with best practice appropriate erosion and sediment control measures to ensure that the potential for sediment to discharge into receiving waters is avoided and minimised. Earthworks are also programmed to be carried out during the summer earthworks season to further reduce the potential discharge of sediment to receiving waters.

The bulk earthworks will change the existing landform character of the site. However, the Future Urban zoning of the site provides a clear signal that the planning framework for this project location anticipates change and transition from its current rural character to an urban environment. There are no natural heritage overlays that apply over the site under the AUP either which further supports our conclusion that modifications to the existing landform and character from earthworks and development will not be an adverse effect.

Part VIII: National Policy Statements and National Environmental Standards

General assessment of the project in relation to any relevant national policy statement (including the New Zealand Coastal Policy Statement) and national environmental standard:

National Policy Statement on Urban Development 2020 (NPSUD)

The proposal is consistent with the objectives and policies of the NPSUD as it will provide well-functioning urban environments that enable all people and communities to provide for their social, economic and cultural well-being (Objective 1, Policy 1). In particular, the project is a comprehensively planned, transit-oriented development which will enable the development of dwellings. The development will provide development ready residential super lots to provide residential capacity in the medium term (Policy 2) for housing stock within walking and cycling distance to the Drury Central Rail Station which is due for completion in 2025 (Objective 3, Policy 3). Though the proposal is out of sequence with planned land release, the early release of land is supported by significant background analysis to date and the proposal will significantly add to development capacity and contribute to well-functioning urban environment (Policy 8).

National Policy Statement for Freshwater Management 2020 (NPSFM)

The purpose of the NPSFM is to provide local authorities with direction on how to manage freshwater under the RMA. In particular, the NPSFM seeks to ensure that:

- Tangata whenua are actively engaged in freshwater management and Maori freshwater values are identified and provided for (Policy 2);
- Freshwater is managed in an integrated way that considers the effects of the use and development of land on a whole-of-catchment basis (Policy 3);
- The health and well-being of degraded water bodies and freshwater ecosystems is improved (Policy 5);
- There is no further loss of extent of natural inland wetlands, their values are protected and restoration promoted (Policy 6);
- The loss of river extent and values is avoided to the extent practicable (Policy 7); and
- Communities are able to provide for their social, economic and cultural wellbeing (Policy 15).

The proposal is consistent with the NPSFM, and in particular the relevant policies above. With respect to tangata whenua engagement (Policy 2), on-going consultation has occurred between Kiwi Property and iwi authorities since 2017 which has enabled the active involvement by tangata whenua in freshwater management. Agreements have been made with iwi regarding streams and stormwater treatment which are reflected in the project.

In terms of managing stormwater in an integrated way (Policy 3) and improving the health of freshwater ecosystems (Policy 5), the stormwater management principles proposed in the Stormwater Management Plan (SMP) for PC48 will be applied to the project area. This will ensure that freshwater is managed in an integrated manner and whole of catchment basis, with stormwater treatment, hydrological mitigation, stormwater conveyance and flood risk management measures proposed. For example, freshwater quality will be maintained by minimising the generation of contaminants (e.g., by using inert building materials), and where contaminants are generated, by using green infrastructure for treatment of contaminants close to the source.

The proposal will not result in the loss of natural inland wetlands, with roading and lot boundaries designed to ensure that these will be maintained (Policy 6). Similarly, the proposal does not propose the loss of rivers or streams (Policy 7).

The proposal is also considered to provide for the social, economic and cultural-well-being of people and communities as it will deliver housing and employment, while meeting the purpose of the NPSFM (Policy 15).

Existing ecological values within the project area will be protected and enhanced by way of creating the new

Hingaia Reserve which will contain the existing streams and undertaking revegetation along the Hingaia Stream itself and its tributaries. This protection and enhancement of streams is consistent with the policy direction of the NPSFM.

National Policy Statement on Electricity Transmission 2008 (NPSET)

The NPSET provides for local authorities on how to recognise the national significance of the national grid in Resource Management Act 1991 (RMA) planning documents and local decision-making. These documents include regional policy statements, regional plans and district plans. In the context of this project, the national grid yard to the west of the project location has been accommodated and respected on the masterplan. There is no development proposed directly beneath this national grid yard. Rather, this would be located over the proposed Hingaia Reserve which would be retained as open space. Therefore, the project will not compromise this national grid yard of national importance.

National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health 2011 (NESCS)

The purpose of the NESCS is to ensure that land affected by contaminants in soil is appropriately identified and assessed before it is developed (and remediated if necessary). The proposal is consistent with the intent of the NESCS as the site will be remediated to protect human health.

National Environmental Standards for Freshwater 2020 (NESF)

The NESF sets out requirements for carrying out certain activities that pose risks to freshwater and freshwater ecosystems. In relation to the project, the NESF seeks to protect existing inland wetlands. The proposal is consistent with the intent of the NESF as the assessment above confirms the project is consistent with the policy framework of the NPFM, and as the project has been designed to protect freshwater systems and wetlands (refer to adverse stormwater and ecological effects assessments above). The proposal does not involve the complete or partial drainage of a natural wetland.

Part IX: Purpose of the Act

Your application must be supported by an explanation how the project will help achieve the purpose of the Act, that is to “urgently promote employment to support New Zealand’s recovery from the economic and social impacts of COVID-19 and to support the certainty of ongoing investment across New Zealand, while continuing to promote the sustainable management of natural and physical resources”.

In considering whether the project will help to achieve the purpose of the Act, the Minister may have regard to the specific matters referred to below, and any other matter that the Minister considers relevant.

Project’s economic benefits and costs for people or industries affected by COVID-19:

The project will offer accelerated economic benefits for people and industries affected by the impacts of Covid-19. The project will deliver a significant quantum of LFR which provides the opportunity for ‘big’ brand names and retailers to first establish in this part of Drury Centre and that will in turn attract other smaller and more fine gain commercial activities and businesses to establish in the wider Drury Centre. In effect, and with the planned construction of the Drury Central train station, this area of Drury will become a vibrant and increasingly more attractive location for people to live which will in turn generate increased demand for housing and ongoing employment opportunities in the construction sector.

The project is therefore considered to a significant stimulator for economic benefits. It will provide immediate economic benefits for people that have become unemployed as a consequence of Covid-19; people in the professional services sector with respect to the planning and design of Drury Centre; immediate economic benefits in the construction sector and long-term economic benefits of full-time employment opportunities in the operations and maintenance of this new centre.

Project’s effects on the social and cultural wellbeing of current and future generations:

The project will generate significant positive social and cultural effects on current and future generations. The project represents the first phase of a new large metropolitan centre planned for Drury East and will effectively

stimulate the development of subsequent stages of the centre by attracting more businesses and commercial activities to establish and operate in this location, thereby reinforcing its vitality and viability. The project will provide a diverse range of amenities and services too, in time, which will serve daily needs of the emerging residential community for what will be current and future generations.

The project will also enable the accelerated delivery of a significant number of dwellings to the Auckland housing market where population growth continues, thereby also providing for the social wellbeing current and future generations.

Whether the project would be likely to progress faster by using the processes provided by the Act than would otherwise be the case:

The construction programme in **Appendix 4** demonstrates that the project will significantly benefit from the fast-track resource consent processes provided for under the Act. By utilising the fast-track process, the project can be delivered the third quarter of 2025 whereas if it were to proceed under the standard RMA processes the earliest time of when the project can potentially be delivered is the final quarter of 2027. The fast-track processes under the Act therefore provides the benefit of advanced progression by 2 years.

In terms of the residential superlots, utilizing the processes provided by the Act will allow enabling works (such as earthworks, construction of roads and servicing / infrastructure) to occur while PC48 is processing. This will result in development ready land which will provide for the construction of dwellings either once live zoning is in place, or if the site is still FUZ, via non-complying resource consents under H18.4.1(A28) of the AUP for dwellings within the FUZ that do not comply with the standards.

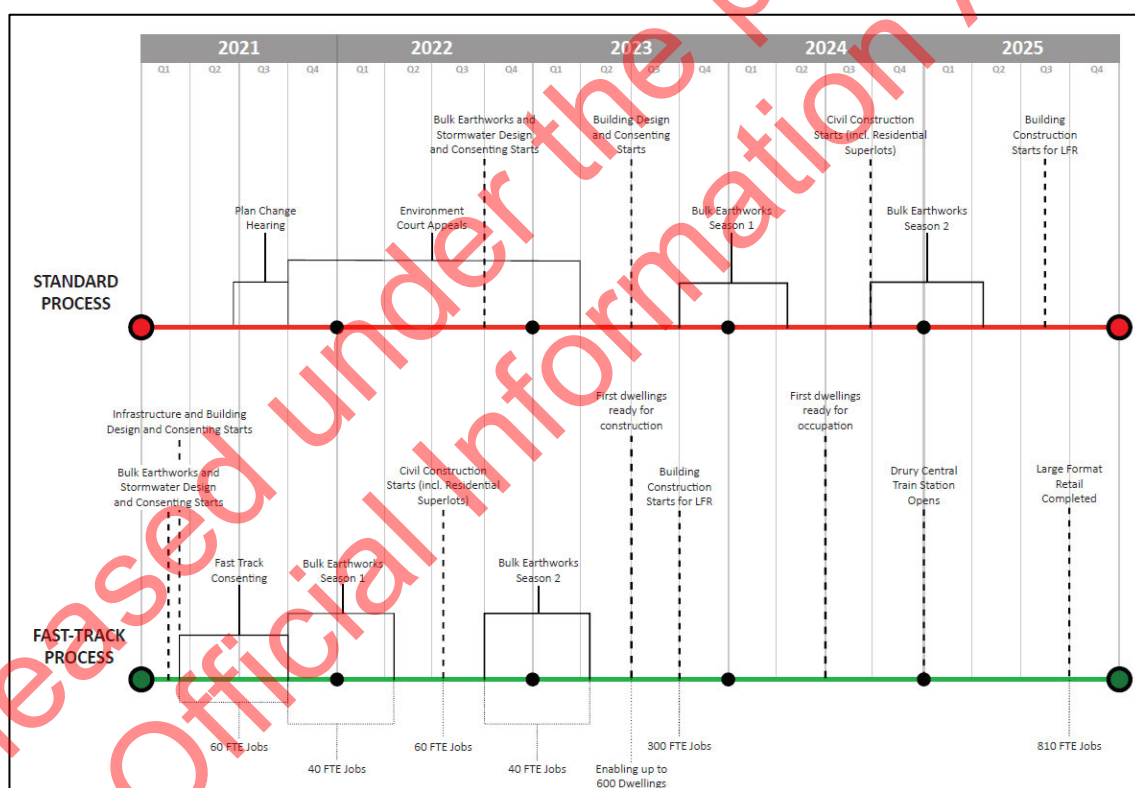


Figure 4: Comparison timeline of standard versus fast-track process.

Whether the project may result in a 'public benefit':

Examples of a public benefit as included in Section 19(d) of the Act are included below as prompts only.

Employment/job creation:

The planning and design phase of Drury Centre will generate between 60 jobs in the professional services sector.

A further 440 jobs are expected to be created in the earthworks, civils and construction phase of the project. In the long term, a further 810 FTE jobs will be created in this part of Drury Centre which only accounts for the LFR

component in this project.

Housing supply:

The project will bring forward and accelerate the availability and delivery of housing stock. The residential superlots proposed in this project will enable the development of between 400-600 new dwellings in Auckland which is the largest metropolitan city in New Zealand and where there is highest housing demand and supply issues.

Contributing to well-functioning urban environments:

The project has been comprehensively designed and will be within walking and cycling distance to planned public transport and provides a range of dwelling typologies and sizes to contribute to well-functioning urban environments. In particular, we note that the project will deliver dwellings to align with the planned completion of the Drury Central Rail Station in 2025 to ensure there is an established residential catchment to support the new rail station.

The project will also facilitate the delivery of upgrades along existing transport corridors surrounding by way of the provision of public footpaths and cycleways to support the use of these active modes, as well as supporting the success of new Drury Central train station programmed for completion in 2025 which is also aligned with the timeframes for delivery of this project.

Providing infrastructure to improve economic, employment, and environmental outcomes, and increase productivity:

The project includes the delivery of a suite of transport infrastructure upgrades on the surrounding road network that would be funded by Kiwi Property and in conjunction with other developers in Drury East. This includes the signalisation of a new intersection with Fitzgerald Road and Pitt Street, together with upgrades along Waihoehoe and Fitzgerald Road in terms of the provision of shared footpaths and cycleways. These infrastructure upgrades will improve the safety and efficiency of the transport network and thereby increasing the productivity of people with faster journey times, and will also contribute to improved environmental outcomes by the use of active and more sustainable travel modes. In turn, this will also support the use and success of the new Drury Central train station as a preferred mode of sustainable transport to the wider Auckland region and thereby improving environment outcomes with reduced private vehicle use.

Improving environmental outcomes for coastal or freshwater quality, air quality, or indigenous biodiversity:

The project includes the creation of a new 4.14 hectare Hingaia Reserve which would contain tributaries of the Hingaia Stream (Streams B and C). Planting is also proposed along the margins of the Hingaia Stream, in addition to the reaches of Streams B and C, which will collectively improve the freshwater quality and ecological values of this blue-green network.

The project will adopt water sensitive stormwater management approach which will work to preserve, protect and enhance streams within the Blue-Green Network. Water quality treatment will be provided to eliminate and minimise generation of contaminants and hydrological management will reduce potential for in-stream erosion. The land is not classified as productive land and the conversion of the land to residential and LFR will reduce pressure of production land in neighbouring catchments.

Overall, the project will significantly improve environmental outcomes in respect of freshwater quality, indigenous biodiversity and ecological values which are aligned with cultural values too.

Minimising waste:

Kiwi Property is committed to delivering a brighter New Zealand by reducing resource consumption and waste production. This has led to the development of a corporate sustainability strategy for the next three years that focuses on continued commitment to the planet. This sustainability strategy includes the key focus of reducing waste to landfill and increased recycling rates, reduced energy consumption and increased energy usage from renewable sources. Kiwi Property recognises the needless loss of resources that waste represents and, as such, has a waste management programme in place which strives to divert waste from landfill to areas where the resources can be reused or recovered. Ninety percent of all waste is generated in Kiwi Property's mixed-use and retail centres are primarily by visitors and customers. Kiwi Property's waste programmes work closely with visitors and customers to increase the use of the recycling facilities provided. This overall sustainability strategy and targeted objectives of

reducing waste will be applied to the project and annually audited by Kiwi Property to measure success and to identify where any improvements can be implemented.

Contributing to New Zealand's efforts to mitigate climate change and transition more quickly to a low-emissions economy (in terms of reducing New Zealand's net emissions of greenhouse gases):

Kiwi Property are committed to actively responding to climate change. A formalised carbon reduction strategy has been developed to ensure adaptation to the impacts of climate change through a range of business programmes which include:

- Targeted 5-star green community for the Drury development
- All new office builds targeting 5 Star Green Star ratings
- Continuous improvement programmes to reduce energy, waste and water usage
- Supporting public transport, and
- Increasing solar electricity generation and water collection.

In alignment with Kiwi Property's long-term commitment to sustainability and mitigating climate change, the buildings in this project will be constructed to achieve a 5-Star green rating benchmark.

Further context on this matter can be found in the Drury Centre Visioning material in **Appendix 3**.

In 2019 Kiwi Property joined over 60 leading New Zealand companies on the Climate Leaders Coalition. This group, which has now grown to over 80 companies, represents over 50% of New Zealand's carbon footprint and has committed to transitioning New Zealand to a low carbon economy. Kiwi Property also supports the efforts of other businesses and organisations to reduce climate change.

Kiwi Property's mixed-use assets and retail centres also offers electric vehicle and electric bike charging stations and free water filling stations. As avid supporters of renewable energy, Kiwi Property are also on the way to becoming New Zealand's largest commercial user of solar energy due to a ground-breaking agreement with Meridian Energy. This ethos and commitment to actively responding to climate change will also be applied to the project in its mission to achieve a 5-Star green rating.

In 2017, Kiwi Property also set greenhouse gas emission reduction target rates to contribute to a rise in global temperature below 2°C. To achieve the target rates, an annual emission reduction programme will be set to progress towards achieving these targets. This reduction plan will be broken down to set individual building targets and energy and waste reduction plans. Facilities Managers will be responsible for achieving their individual building targets and programmes.

Promoting the protection of historic heritage:

There are no objects of historic heritage or recorded archaeological sites within the project area.

Strengthening environmental, economic, and social resilience, in terms of managing the risks from natural hazards and the effects of climate change:

The project includes the "Pass forward flows" flood management approach in the SMP developed which captures the site. The SMP is supported by a flood hazard assessment carried out using the Auckland Council flood model for the Hingaia Stream catchment which confirmed suitability of the "Pass forward flows" flood management approach.

Other public benefit:

The project will boost employment opportunities in the construction sector, which has been identified as one of the key sectors in assisting with the social and economic recovery of COVID-19. It will provide employment opportunities for people who were working in industries hit hardest by COVID-19, such as hospitality and tourism.

The project will result in the delivery of much needed housing stock to Auckland.

The project will provide a residential catchment ahead of the delivery of the Drury Central Rail Station in 2025. An established residential catchment will be critical to the success of the rail station. It is noted that without the process offered under the Act, that it would be highly unlikely that there would be any residential development or catchment within Drury East to support the Drury Central Rail Station before its planned completion in 2025.

Whether there is potential for the project to have significant adverse environmental effects:

It is considered that there would not be any significant adverse environmental effects. The adverse effects assessment at Part VII and supporting technical memos confirm that potential adverse effects of the project can all be avoided, managed or remedied.

Whether the proposal promotes the sustainable management of natural and physical resources:

A referral application under Section 20 of the Act does not require an assessment under Section 104D or 104 of the RMA as this stage of the process is not concerned with a “merits assessment” of the proposal. However, given the Future Urban zone and the non-complying activity status of the project, we have turned our mind to the assessment required under Section 104D (the “gateway test”) and Section 104 and provide commentary below for completeness.

Before granting an application for a non-complying activity, a council must be satisfied that the proposal passes the “gateway test”, which requires the proposal to pass at least one of the following tests in order to be eligible for approval:

- The adverse effects of the activity on the environment will be minor (s104D(1)(a)); or
- The proposed activity will not be contrary to the objectives and policies of a proposed plan and/or plan (s104D(1)(b)).

Section 104D(1)(a) – Adverse effects of the activity on the environment will be minor

To pass the test under s104D(1)(a), a proposal must demonstrate that the adverse effects of the activity on the environment will be minor. We understand that the effects evaluation required under section 104D(1)(a) is to be undertaken on a holistic basis looking over the entire application and the range of effects, not only discrete aspects of it. Consequently, an activity can still pass the effects threshold even if, considered in isolation, there are some adverse effects arising from it that are more than minor. The initial technical investigations undertaken thus far (as assessed in Part VII above and in the appended technical memos) indicate that the projects are feasible and that there will be no adverse effects on the environment that are more than minor.

Section 104D(1)(b) – Activity will not be contrary to the objectives and policies of a plan

To pass the test under s104D(1)(b), it must be demonstrated that the proposal will not be contrary to the objectives and policies of the AUP. We understand that the evaluation required under s104D(1)(b) is not whether the proposal complies entirely with each and every relevant objective and policy, but rather whether, reading the relevant objectives and policies, it can be said that the proposal is contrary to them as a whole. In addition, the absence of support for an activity in the objectives and policies of a plan does not equate with “contrary to”, which requires repugnancy or opposition. Therefore, the assessment under s104D(1)(b) should be taken as a whole, rather than considering whether the activity is not contrary to each and every relevant objective and policy.

While an assessment against the objectives and policies of the AUP is not strictly required in this referral application, a high-level assessment has been provided at **Appendix 12** of the proposal against the key FUZ objectives and policies, as well as commentary on other relevant AUP objectives and policies. In our view, this assessment confirms that the project is not contrary to the AUP objectives and policies as a whole.

There may be concern that the FUZ does not contemplate urban development until a ‘live’ urban zoning is in place, and that enabling development ahead of the Plan Change process will lead to uncoordinated and piecemeal development. In our view, this will not be the case and the processes will be complementary, given that the project has been specifically designed to successfully integrate with development in the wider Drury East area.

While Objective H18.2 seeks to avoid urbanization until land has been rezoned, this is in the context of Objective H18.2(3), which seeks to ensure that urbanization is not compromised by *premature* subdivision, use and development [emphasis added]. In our view, this proposal does not constitute premature subdivision, given that it accords with the Drury-Opāheke Structure Plan and AUP policy framework overall, and can be serviced with appropriate infrastructure that can integrate with development in the wider area. This is illustrated by the context analysis included at **Appendix 11**.

Section 104 – Consideration of Applications

In addition to the requirements of s104D, the RMA requires applications for resource consent to be considered more widely under s104. This is a broader assessment of the actual and potential effects of the environment (including positive and adverse effects), the relevant provisions of policy statements and plans, and any other matters the authority considers relevant. This is a holistic assessment of the application and requires a balanced consideration of the effects of the proposal on the environment and the relevant policy documents. While the FUZ objectives and policies will form an important part of the assessment, they are not the only consideration.

Notwithstanding our conclusion regarding the degree of consistency with the FUZ policy framework, when viewed in the wider context of s104, in our view, the proposal will have positive effects on the environment. It will expedite the provision of commercial and residential development ready land while avoiding or mitigating any adverse effects on the environment (refer to Part VII above). It will also be consistent with the relevant national direction, including the NPS-UD in particular, and the AUP policy framework as a whole.

Part X: Climate change and natural hazards

Description of whether and how the project would be affected by climate change and natural hazards:

All stormwater modelling undertaken by Tonkin + Taylor to date for this project has accounted for the long-term effects of climate change. The project area is also located on an elevated terrain and is therefore outside of the flood plain despite a large part of the wider Drury area is located in in the flood plain. If necessary, appropriate flood protection measures can be integrated into the detailed design to ensure the project is protected from natural hazards.

Part XI: Track record

A summary of all compliance and/or enforcement actions taken against the applicant by a local authority under the Resource Management Act 1991, and the outcome of those actions:

No compliance and/or enforcement actions have been taken against Kiwi Property by a local authority under the RMA.

Part XII: Declaration

I acknowledge that a summary of this application will be made publicly available on the Ministry for the Environment website and that the full application will be released if requested.

By typing your name in the field below you are electronically signing this application form and certifying the information given in this application is true and correct.

David Schwartfeger

26 February 2021

Signature of person or entity making the request

Date



Important notes:

- Please note that this application form, including your name and contact details and all supporting documents, submitted to the Minister for the Environment and/or Minister of Conservation and the Ministry for the Environment, will be publicly released. Please clearly highlight any content on this application form and in supporting documents that is commercially or otherwise sensitive in nature, and

to which you specifically object to the release.

- Please ensure all sections, where relevant, of the application form are completed as failure to provide the required details may result in your application being declined.
- Further information may be requested at any time before a decision is made on the application.
- Please note that if the Minister for the Environment and/or Minister of Conservation accepts your application for referral to an expert consenting panel, you will then need to lodge a consent application and/or notice of requirement for a designation (or to alter a designation) in the approved form with the Environmental Protection Authority. The application will need to contain the information set out in Schedule 6, clauses 9-13 of the Act.

Checklist

Where relevant to your application, please provide a copy of the following information.

«udf_correspondence_from_the_registered_l»	Correspondence from the registered legal land owner(s)
«udf_correspondence_from_persons_or_parti»	Correspondence from persons or parties you consider are likely to be affected by the project
«udf_written_agreement_from_the_relevant_»	Written agreement from the relevant landowner where the project includes an activity that will occur on land returned under a Treaty settlement.
«udf_written_agreement_from_the_holder_of»	Written agreement from the holder of the relevant customary marine title order where the project includes an activity that will occur in a customary marine title area.
«udf_written_agreement_from_the_holder_of»	Written agreement from the holder of the relevant protected customary marine rights recognition order where the project includes an activity that will occur in a protected customary rights area.