



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: Fulton Hogan Land Development Limited

Contact person: Gregory Dewe

Job title: Operations Manager

Phone: s 9(2)(a)

Email: s 9(2)(a)

Postal address: PO Box 39185, Christchurch

Address for service (if different from above)

Organisation: Barker and 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, Shortland Street, Auckland 1140

Part II: Project location

The application: Drury East Precinct

Site address / location: 86 and 94 Fitzgerald Road, 251 and 383 Waihoehoe Road, 65, 76 and 108 Fielding Road, Drury as outlined in red of the figure below.

Notes:

76 and 108 Fielding Road share the same legal address (Lot 2 DP 207189).

The project boundary on the eastern side (near Cossey Road) has been designed to ensure that it does not encroach into the Mill Road corridor alignment under investigation by the New Zealand Transport Agency (NZTA).



Legal description(s):

86 Fitzgerald Road - PT ALLOT 3 DP 119, Lot 1 DP 51324

94 Fitzgerald Road - Lot 2 DP 103102

251 Waihoehoe Road - Pt Lot 5 DP 122231, 1/4 SH Lot 9 DP 122231

383 Waihoehoe Road - Lot 2 DP 154964

65 Fielding Road - Lot 4 DP 62165

76 and 108 Fielding Road - Lot 2 DP 207189

Refer to records of title at **Appendix 1**.

Registered legal land owner(s):

86 Fitzgerald Road - Jean Lowe

94 Fitzgerald Road - Whitebait Trader Limited

251 Waihoehoe Road - Whitebait Trader Limited

383 Waihoehoe Road - Whitebait Trader Limited

65 Fielding Road - Whitebait Trader Limited

76 and 108 Fielding Road - Brian Kerry Hogan, Judith Anne Hogan and Christopher Norman Lord

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:

Fulton Hogan have entered into unconditional sale and purchase agreements for the land which the project will be located on. These agreements provide Fulton Hogan with full control of the sites for development.

Part III: Project details

Description

Project name: Drury East Stage 1

Project summary:

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

The Drury East Stage 1 project involves the development of 32.33 hectares¹ of Future Urban Zone land into a transit-oriented development within close proximity to a fully funded new Drury Central train station to be constructed at Drury Centre by 2025. The project includes the development of up to 248 dwellings and 28 residential superlots (with a projected yield of approximately 345 dwellings) together with supporting roading and servicing infrastructure. The project has a total projected yield of approximately 593 new dwellings within walking and cycling distance to a rapid rail corridor and the planned metropolitan centre. The project will deliver approximately 590 full time jobs (FTE) across the civil and construction sector, providing a much-needed boost to employment opportunities, housing stock and development ready land in Auckland.

The project is associated with private Plan Change 49 ("PC49") submitted by Fulton Hogan to rezone the land from

¹ We note that the parent site and extent of the project area are different for the Drury East project. The parent site area is approximately 36.54 hectares. The project area is approximately 32.33 hectares. The project area is less than the parent site area due to the as eastern boundary of the site (near Cossey Road) has been designed to accommodate the Mill Road corridor alignment.

Future Urban to a mix of residential zones (Terrace Housing and Apartment Building, Mixed Housing Urban and Mixed Housing Suburban) and Business – Mixed Use Zone. This will provide the necessary residential catchment within proximity of the planned transit oriented metropolitan centre and the fully funded Drury Central train station planned for completion in 2025. Underpinning the development of PC 49 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. Integral components of this Structure Plan include the development of a range of housing choices and a compact urban form with increased residential densities close to centres and public transport services. 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 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 the boundaries of PC49, and applications for referred projects pursued by other Drury East Developers are illustrated in **Figure 1** below. Further information on the background of PC49 is in **Appendix 9**. Plans providing the providing the open space and movement context of the project in relation to the other applications for referred projects by Kiwi Property and Oyster Capital and the wider Drury-Opāheke Structure Plan area are attached at **Appendix 12**. 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.

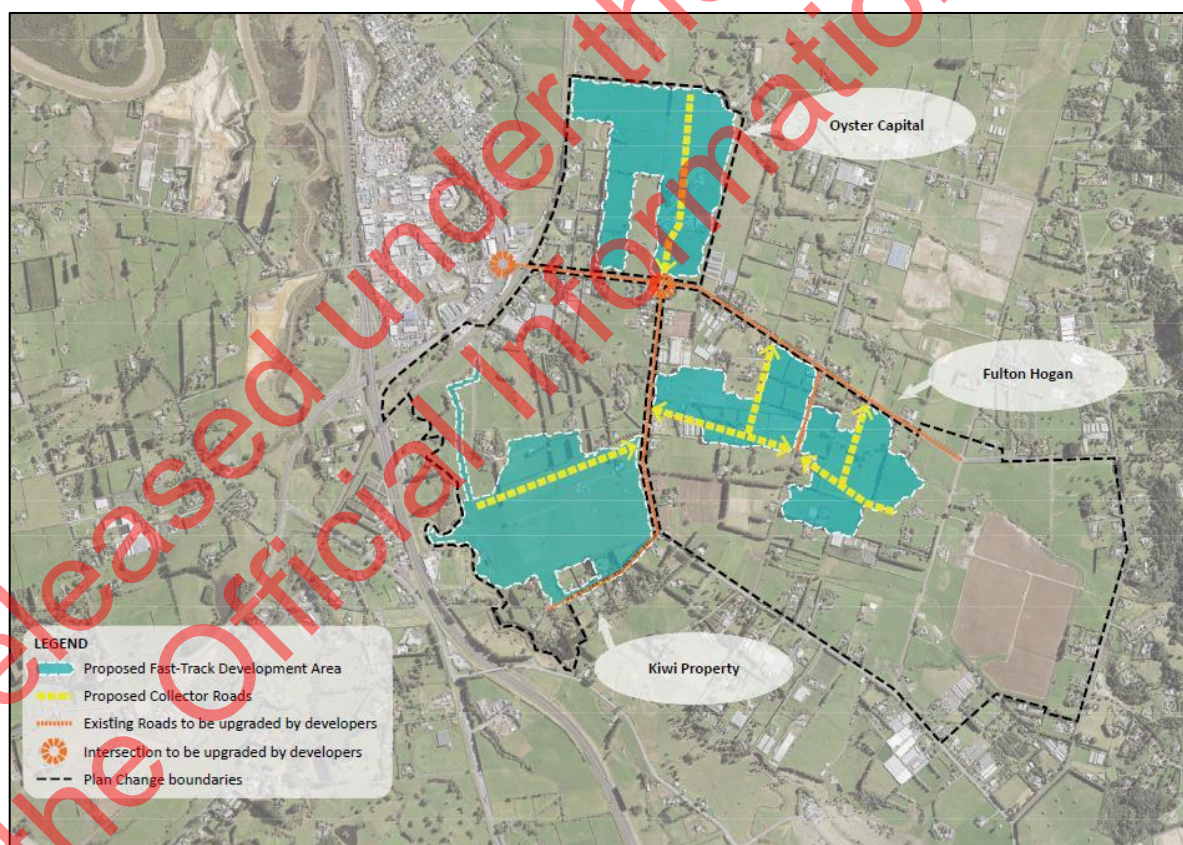


Figure 1: Extent and location of land subject to the applications for referred projects by Kiwi Property, Oyster Capital and FHLDL relative to the private plan change boundaries.

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 for a referred project under the Act is to enable the accelerated construction and delivery of a large portion of the Drury East precinct which is considered to result in significant public benefit. These benefits include immediate employment generation in the construction sector and increased housing supply through the delivery of 'ready for development' residential lots for detached housing and superlots enabling the opportunity for medium to high density residential developments. The project will provide an overall residential yield of approximately 593 dwellings. The project will enable the provision of a well-functioning urban environment in the form of an integrated, sustainable and transit-oriented development within walking and cycling distance to the funded Drury Central Rail Station and the planned Drury metropolitan centre. The project will align the delivery of dwellings (and therefore a future residential catchment) with the planned completion of the Drury Central Rail Station in 2025.

The Drury East Stage 1 project provides an exceptional opportunity for the development of a transit-oriented and comprehensively planned residential development. The project will be delivered by Fulton Hogan, who is one of New Zealand's largest residential land development companies with a proven track record in successfully delivering greenfield residential developments such as Pokeno, Millwater and Milldale (refer to **Appendix 9**). The project represents the first stage of the overall Drury East residential area, which, once completed, is projected to deliver approximately 2,800 dwellings. This development will be a catalyst for the transformation of 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 is for the first stage of development in Drury East across a land area of 38.6ha. The project will provide for the following:

- Up to 248 new (detached) dwellings over 9.65ha;
- 28 residential superlots totaling approximately 4.84ha of land, which will enable the development of approximately 345 dwellings (anticipated to be medium to high density). This involves the construction of roads and servicing / infrastructure required to facilitate future development of the superlots (i.e., making these 'development ready');
- Approximately 8.27ha hectares of open space made up of a neighbourhood park and esplanade reserves alongside tributaries of the Hingaia Stream which are planned to be vested to the Council, including land under the First Gas pipeline (designation number 9104);
- Formation of ancillary roads and laneways;
- Construction of reticulated stormwater, wastewater and water supply networks;
- Formation of a stormwater pond; and
- A suite of transport upgrades to the surrounding road network as illustrated in **Figure 2** below and safety upgrades to the Great South Road and Waihoehoe 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 Fulton Hogan or on a joint basis with the other Drury East developers.

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 with that the interim upgrades proposed by the developers, the developments can proceed without the need for major upgrades. In terms of three waters, as noted in **Table 1** below, the required wastewater and water upgrades have already been substantially constructed.

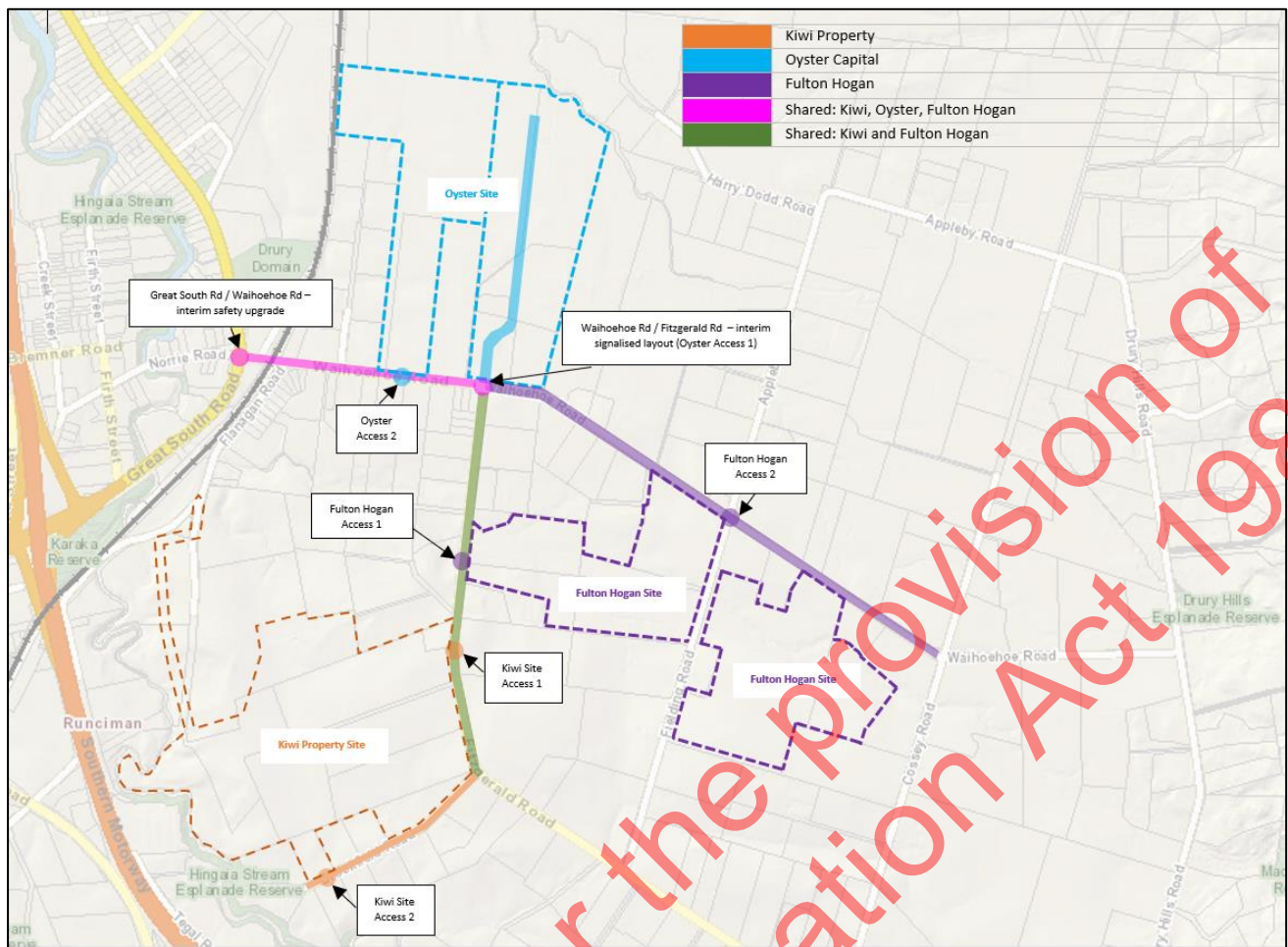


Figure 2: Suite of local transport upgrades to be fully funded by FHLDL and other Drury East developers in relation to the referred project applications.

Infrastructure Requirements

Fulton Hogan is aware of the reported funding shortfall alluded to by the Auckland Council (the “Council”) in their submission to PC 49 and in various media statements. Kiwi are engaged in ongoing discussions with the Council to understand Councils concerns 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 Fulton Hogan 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 Drury East developers such the projects will be adequately and appropriately serviced with infrastructure with no reliance on the Council to deliver that infrastructure. This is summarised in the **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.

Table 1: Summary of infrastructure upgrades and funding arrangement for the project

Infrastructure	Upgrades Required	Implementation/Funding	Cost to Council
Transport	- Safety upgrade of the Great South Road and Waihoehoe Road intersection - Upgrades to Waihoehoe Road and Fitzgerald Road - Signalised Waihoehoe Road and Fitzgerald Road intersection	To be privately funded by Fulton Hogan and on a joint basis with other Drury East developers.	Nil
Water Supply	- Construction of a reticulated water supply network to service the development area, which will connect to the bulk supply point on Flanagan Road - A new watermain connection to service the site is proposed by Watercare	To be fully funded and constructed by Fulton Hogan.	Nil
Stormwater	- Construction of a reticulated stormwater network to service the development area - No offsite upgrades are required (as runoff will be held on the site)	To be fully funded and constructed by Fulton Hogan.	Nil
Wastewater	- Construction of a reticulated wastewater network to service development area, which will connect to the pump station on Flanagan Road - No off-site upgrades required	Local reticulated network to be fully funded and constructed by Fulton Hogan.	Nil
Parks / Community Facilities	No site upgrades are required with wider open space and community resource provision to be funded through the standard development contribution process	To be funded by development contributions.	Nil

In alignment with Fulton Hogan's long terms commitment to sustainability and environmental goals, the company philosophies are to:

- Have a sustainable supply chain
- Reduce the production of greenhouse emissions
- Reuse, recycle, create and circulate.

Fulton Hogan propose to apply these same overarching sustainable development philosophies to the project.

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 next earthworks season of 2021-2022 and enable construction of the residential lots and super lots to then commence. The first dwellings are anticipated for completion and ready for occupation by the end of Q4 2023.

The timeline at **Appendix 4** and in **Figure 3** below illustrates the proposed staging and timing of the project in relation to the delivery of the first dwellings, and also compares this to the project timelines anticipated under the standard consenting process.

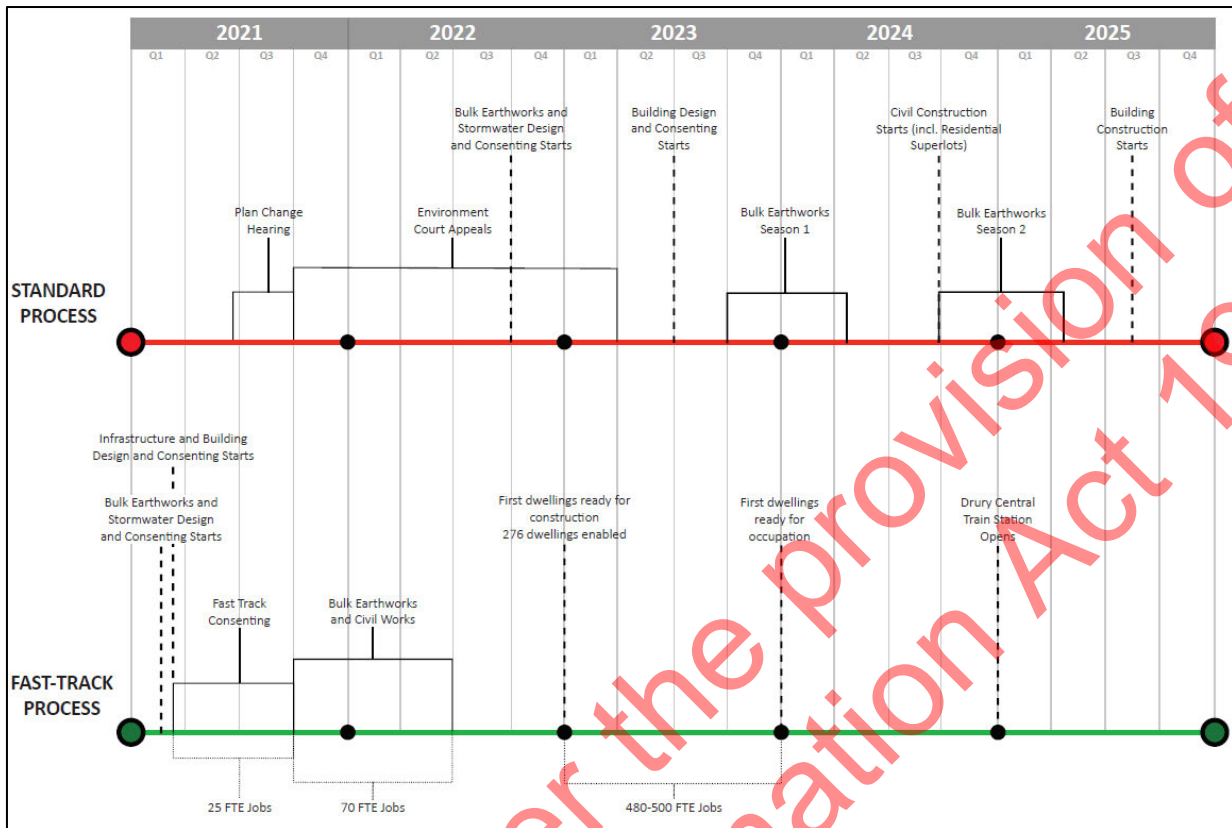


Figure 3: Timeline showing the delivery of the project under the fast-track process versus the standard consenting process

Consents / approvals required

Relevant local authorities: Auckland Council

Resource consent(s) / designation required:

Section 9 land use consent; section 11 subdivision consent; section 13 consent under the National Environmental Standards for Freshwater 2020 (NESF); 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 (NESCS)

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
86 Fitzgerald Road - PT ALLOT 3 DP 119, Lot 1 DP 51324	Auckland Unitary Plan (Operative in Part)	Future Urban	Natural Resources: High-Use Aquifer Management Areas Overlay [rp] - Drury Sand Aquifer Natural Resources: Quality- Sensitive Aquifer Management Areas Overlay [rp] - Drury Sand Aquifer Controls: Macroinvertebrate Community Index – Rural Designations: Designations – 9104, Pukekohe to East Tamai Gas Pipeline, Designations, First Gas Limited	Streams Overland flow paths Flood prone area Flood plains 'Piece of land' under the NESCS
94 Fitzgerald Road - Lot 2 DP 103102	Auckland Unitary Plan (Operative in Part)	Future Urban	Natural Resources: High-Use Aquifer Management Areas Overlay [rp] - Drury Sand Aquifer Natural Resources: Quality- Sensitive Aquifer Management Areas Overlay [rp] - Drury Sand Aquifer Controls: Macroinvertebrate Community Index – Rural	Streams Overland flow paths Flood prone area Flood plains 'Piece of land' under the NESCS
251 Waihoehoe Road - Pt Lot 5 DP 122231, 1/4 SH Lot 9 DP 122231	Auckland Unitary Plan (Operative in Part)	Future Urban	Natural Resources: High-Use Aquifer Management Areas Overlay [rp] - Drury Sand Aquifer Natural Resources: Quality- Sensitive Aquifer Management Areas Overlay [rp] - Drury Sand Aquifer Controls: Macroinvertebrate Community Index – Rural Designations: Designations – 9104, Pukekohe to East Tamai Gas Pipeline, Designations, First Gas Limited	Streams Overland flow paths Flood plains 'Piece of land' under the NESCS
383 Waihoehoe Road - Lot 2 DP 154964	Auckland Unitary Plan (Operative in Part)	Future Urban	Natural Resources: High-Use Aquifer Management Areas Overlay [rp] - Drury Sand Aquifer Natural Resources: Quality- Sensitive Aquifer Management Areas Overlay [rp] - Drury Sand Aquifer Controls: Macroinvertebrate Community Index – Rural	Streams Overland flow paths Flood prone area Flood plains 'Piece of land' under the NESCS

65 Fielding Road - Lot 4 DP 62165	Auckland Unitary Plan (Operative in Part)	Future Urban	Natural Resources: High-Use Aquifer Management Areas Overlay [rp] - Drury Sand Aquifer Natural Resources: Quality- Sensitive Aquifer Management Areas Overlay [rp] - Drury Sand Aquifer Controls: Macroinvertebrate Community Index – Rural Designations: Designations – 9104, Pukekohe to East Tamai Gas Pipeline, Designations, First Gas Limited	Streams Overland flow paths Flood prone area Flood plains 'Piece of land' under the NESCO 'Natural wetland' under the NESF
108 Fielding Road - Lot 2 DP 207189	Auckland Unitary Plan (Operative in Part)	Future Urban	Natural Resources: High-Use Aquifer Management Areas Overlay [rp] - Drury Sand Aquifer Natural Resources: Quality- Sensitive Aquifer Management Areas Overlay [rp] - Drury Sand Aquifer Controls: Macroinvertebrate Community Index – Rural	Streams Overland flow paths Flood prone area Flood plains 'Piece of land' under the NESCO

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 248 (detached) dwellings, 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-Opāheke Structure Plan, being Mixed Housing Urban (MHU) zone on that part of the site where the residential lots are proposed, will be used to inform the design of dwellings on the site. No submissions on PC49 have sought to amend the MHU zoning on the site and it is therefore not a matter in contention.

Subdivision consent will be sought for the 28 super lots, which will also be a non-complying activity under the Future Urban zone. Land use consents for buildings on these sites do not form part of this proposal. The super lots are of a size and dimension to accommodate a range of development, including detached, terrace housing and/or apartments, consistent with the policy intent of the Terrace Housing and Apartment Building (THAB) and MHU zones as per the zoning framework identified for the site in the Drury-Opāheke Structure Plan. Resource consent(s) for future dwellings and subdivision of the superlots will be made to Auckland Council either under the operative FUZ provisions, or under the new zoning framework once PC49 becomes operative.

Relevant plan / standard	Relevant rule /	Reason for consent	Activity status	Location of proposed activity
National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health 2011	Regulation 10(2)	Soil disturbance on a piece of land exceeding 25m ³ per 500m ² and removal of soil exceeding 5m 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	65 Fielding 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	Non-complying	65 Fielding Road
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(A7)	Development of a high use road greater than 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)	General earthworks greater than 2,500m ² within the Sediment Control Protection Area	Restricted discretionary	Application site
Auckland Unitary Plan (Operative in Part)	E12.4.1(A6)	General earthworks exceeding 2,500m ²	Restricted discretionary	Application site
Auckland Unitary Plan (Operative in Part)	E12.4.1(A10)	General earthworks exceeding 2,500m ³	Restricted discretionary	Application site

Auckland Unitary Plan (Operative in Part)	C.1.9(2)	For an infringement to the following standards of E12 Land disturbance – District: E12.6.2(1) Earthworks exceeding 5m² and 5m³ within riparian vards	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)	For an infringement to the following standard of E25 Noise and Vibration: E25.6.27 Construction noise levels	Restricted discretionary	Application site
Auckland Unitary Plan (Operative in Part)	E26.4.1(A55)	Stormwater detention/retention ponds/wetlands	Controlled	Application site
Auckland Unitary Plan (Operative in Part)	E27.6.1.1(A3)	Exceedances to trip generation standard E27.6.1.1(T1), being greater than 100 dwellings	Restricted discretionary	Application site
Auckland Unitary Plan (Operative in Part)	E30.4.1(A6)	Potential discharges of contaminants into air, or into water or into land not meeting the permitted activity standards	Controlled	Application site
Auckland Unitary Plan (Operative in Part)	E36.4.1(A37)	All other new structures and buildings within the 1 per cent AEP floodplain	Restricted discretionary	Application site
Auckland Unitary Plan (Operative in Part)	E36.4.1(A38)	Use of new building to accommodate more vulnerable activities within the 1 per cent AEP	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)	E36.4.1(A42)	Buildings or structures, including retaining walls, located within or over an overland flow path	Restricted discretionary	Application site
Auckland Unitary Plan (Operative in Part)	E39.4.3(A28)	Subdivision in the Future Urban Zone for open spaces, reserves or road alignment	Discretionary	Application site

Auckland Unitary Plan (Operative in Part)	E39.4.3(A29)	Subdivision in the Future Urban Zone not provided for	Non-complying	Application site
Auckland Unitary Plan (Operative in Part)	H18.4.1(A2)	New buildings for dwellings	Non-complying	Application site
Auckland Unitary Plan (Operative in Part)	H18.4.1(28)	Dwellings that do not comply with Standard H18.6.8 (which permits a maximum of one dwelling per site)	Non-complying	Application site

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 notices of requirement under the Resource Management Act 1991 have been lodged in relation to this application for a referred project.

The applicant has however lodged a request for a private plan change (PC 49) to the Auckland Council for rezoning the land from Future Urban Zone to residential zones (Terrace Housing and Apartment Building, Mixed Housing Urban and Mixed Housing Suburban) and Business – Mixed Use Zone. Further background information and progress to date on PC49 is provided in **Appendix 9**.

A Notice of Requirement (NoR) has recently been lodged by Auckland Transport (AT) for the Waihoehoe Road (West) Frequent Transit Network (FNT) and Waihoehoe Road (East) upgrades, which are located to the north of the site. Fulton Hogan plans to engage in discussions with AT and the Southern Growth Alliance (SGA). However, the delivery of this project is not reliant on those discussions and can still be implemented.

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

N/A – there are no other resource consents or designations required for the project that have been lodged or obtained by persons 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.

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 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. Fulton Hogan 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.

Fulton Hogan is an established land developer with a proven track record in greenfield residential development (refer to Fulton Hogan company profile within the planning assessment as **Appendix 9**). Fulton Hogan is also highly experienced in the construction and delivery of infrastructure and roads. Therefore, Fulton Hogan have the expertise, experience and available resourcing to successfully deliver the project. Fulton Hogan also have unconditional sale and purchase agreements for all land where this project will occur and this provides Fulton Hogan with full control for development of the land. Fulton Hogan has sufficient funds available for the delivery of this project.

We confirm this project is construction ready, subject to obtaining resource consent allowing for the enabling and site works to commence, building consent allowing for physical construction of the buildings and engineering plan approvals (EPAs) for the necessary infrastructure. The consultant team to 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 Q1 or Q2 2021.

Target dates for key milestones of the project are as follows:

- Construction (civil and earthworks) is scheduled to begin at the beginning of Q4 2021
- Civil and earthworks is estimated for completion in Q2 2022;
- Construction of the dwellings to commence immediately following completion of civil and earthworks in Q2 2022;
- Completion of first dwellings ready for occupation at the end of Q3 / start of Q4 2023.

A high-level timeline outlining the proposed stages and milestones of the project is included as **Appendix 4**. The full delivery team from consenting and design through to construction is included as **Appendix 3**.

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.

The Fulton Hogan Land Development CEO and Operations Manager met with the Minister of Housing on site to discuss the wider Drury East project on 27 January 2021.

The Ministry of Housing and Urban Development (MHUD) made a submission in support of PC49.

Local authorities

Detail all consultation undertaken with relevant local authorities:

The project, as part of the wider Drury East, in this location first commenced in 2017. Since then, Fulton Hogan 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.

Fulton Hogan intends to continue consultation with local authorities with upcoming meetings planned in March 2021.

A summary of the submissions received in respect of PC 49 from local authorities can be found in **Appendix 9**.

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:

Extensive consultation has been undertaken with the wider community as part of the Drury Structure Plan process (refer **Appendix 9**).

A summary of the submissions received in respect of PC49 from the local community can be found in **Appendix 9**.

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	This project for Drury East Stage 1 has an association with PC 49 and Fulton Hogan 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 12 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 Waiohū; 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 in Appendix 10 .
Ngati Maru	
Ngati Tamaoho	
Ngati Te Ata	
Te Ahiware – Waiohū	
Te Akitai Waiohū	
Waikato Tainui	

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 East project as part of PC 49 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 49. The overall position of this CVA is neutral and provides a list of recommendations found 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)

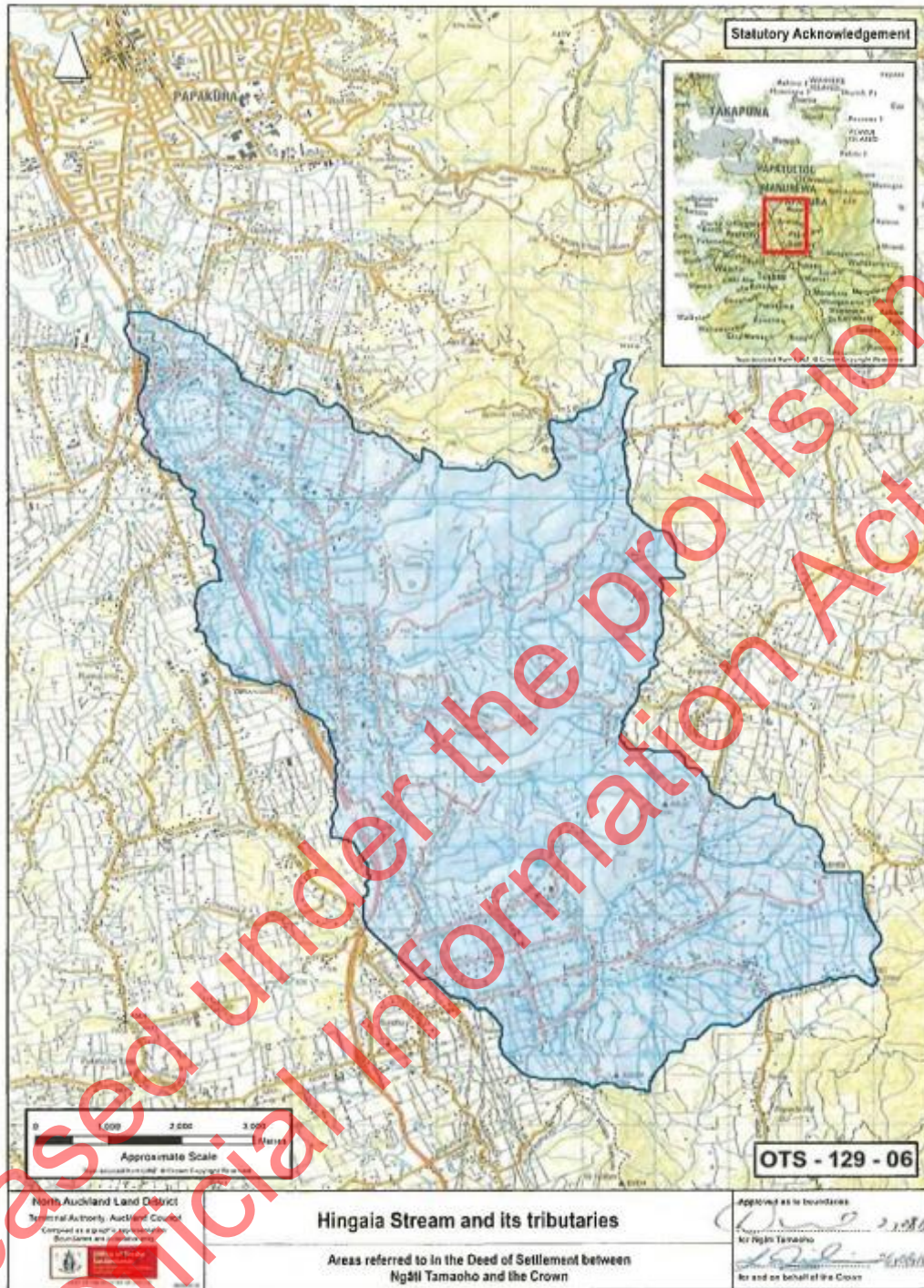


Figure 4: Hingaia Stream and its tributaries Treaty Settlement Statutory Acknowledgement area.

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 is considered to not result in any long term, adverse effects on the environment, noting that the site is earmarked for future urban development by way of its Future Urban zoning and approved structure plan. The project seeks to bring this development forward to enable immediate public benefits, including much needed housing stock and employment opportunities to assist with New Zealand's recovery from the economic and social impacts of COVID-19.

Key potential adverse effects are addressed in general below and should be reviewed in conjunction with the supporting technical assessments accompanying this application.

Earthworks

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 is considered to not be an adverse effect.

Transport

The transportation memo prepared by Stantec in **Appendix 5** includes 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. Kiwi Property and Oyster) to enable a holistic consideration of transportation effects on the surrounding road network. In 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 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.

Servicing and infrastructure

The infrastructure memo prepared by Aurecon at **Appendix 8** confirms that the nature and level of development in this project will be sufficiently serviced in respect of 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 also 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 and flooding

The stormwater assessment by Woods in **Appendix 7** 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 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. In terms of flooding, as the existing stormwater infrastructure does not have capacity for the full maximum probable development, temporary on-site flood attenuation will be provided in devices such as detention basins, wetland and ponds. Stormwater will then be released at a rate which does not exceed pre-development peak flows, ensuring that there will be no net effect on the extent of flooding on downstream properties or receiving environments.

Ecology

The ecology memo by The Ecology Company (**Appendix 6**) illustrates the extent of ecological features across the site and provides an overview of the ecological values. In summary, the terrestrial ecology values are assessed as very low as a consequence of historical farming and rural residential land uses, to the extent that any adverse effects arising from any vegetation removal can be appropriately managed by way of management plans. The development plan for this project has been designed to maintain and provide a suitable buffer around the 'natural wetland'² on site to minimize potential adverse ecological effects and to maintain the hydrology of this wetland. The proposal provides opportunities for restoration of degraded habitats on the site and to create new habitats to increase

² As defined under the National Policy Statement for Freshwater Management 2020 (NPSFM)

ecological connections in the wider Drury area. Overall, it is considered that the proposal will appropriately avoid adverse ecological effects and will generate positive ecological benefits.

Cultural values

Fulton Hogan 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, the proposal seeks to maintain the majority of streams within the site. Further engagement and consultation with Ngati Tamahoe will be undertaken should this project be successfully referred.

Heritage and Archaeology

The site does not contain any historic heritage or archaeological features. A survey of 94 Fitzgerald Road was undertaken in 2019 to support the private plan change request (PC49) and this confirmed that there were no archaeological features within this site. Should the project be accepted as a referred project, field surveys of 86 Fitzgerald Road, 251 and 383 Waihoehoe Road, 65 and 108 Fielding Road will be undertaken as part of the resource consent process to identify any other potential archaeological sites and ensure that the appropriate authority processes are adhered to.

Greenhouse gas emissions

The project supports the reduction in greenhouse gas emissions through the development of medium to high density residential typologies adjacent to the rapid corridor and the full funded Drury Central Rail Station which will encourage the future residential population this catchment to take up this more sustainable mode of public transport, thereby reducing private vehicle use and the generation of greenhouse gas emissions.

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:

The project is considered to be consistent with, and give effect to, the following national policy statements and environmental standards for the following reasons:

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 deliver dwellings of a range of typologies and sizes to contribute to a diverse and vibrant community. The development will provide dwellings and development ready residential super lots to provide residential capacity in the short to 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 Fulton Hogan 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), a water sensitive design. The stormwater approach considers water quality, conveyance, hydrological and flood mitigation to ensure that freshwater is managed in an integrated manner and whole of catchment basis (see **Figure 4** below, sourced from the Stormwater Report at **Appendix 7**). 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 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).

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, should the project be accepted as a referred project under the Act, Detailed Site Investigations (DSI's) will be undertaken to identify potential areas of contamination and a Remediation Action Plan (RAP) will be prepared and implemented to ensure that the site is appropriately 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 concludes that 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 COVID-19, noting the wide range of industries that would be involved in the design and delivery phases of the project. The design / consenting phase involves at least 20 full time employees (FTE), including architects, planners, structural engineers, civil engineers, geotechnical engineers, traffic engineers, ecologists, environmental scientists and project managers. There will also be indirect economic benefits to the resource and building consent authority and service and network providers. During the construction phase, the project will provide approximately 590 full time jobs (FTE).

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

The project will result in positive effects on the social and cultural wellbeing of current and future generations. In terms of the current generation, the proposal will provide much needed employment opportunities in the construction sector and will significantly contribute to Auckland's housing stock. With a range of housing sizes and typologies proposed, the development will attract people and households of varying profiles to create a vibrant, diverse community which will also benefit 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 proposal is anticipated to progress at least two years faster by using the processes provided by the Act than would otherwise be the case, with the first season of bulk earthworks commencing in at the end of Q3 2021 versus Q3 2023, and construction of the dwellings estimated to commence at the end of Q3 2022 versus Q3 2025.

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 PC49 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.

This is demonstrated by the timeline provided at **Appendix 4**.

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 project will support employment and job creation in the construction sector for the reasons described above and in Part VII above.

The project will bring forward significant employment opportunities in the civil and construction sectors, with construction being one of the key sectors filling the unprecedented unemployment generated by the COVID-19 pandemic. The project will generate approximately 590 jobs, with 570 of these being in the construction sector.

The project will bring forward these much-needed employment opportunities where there is an immediate high demand to the end of Q3 / start of Q4 2021, rather than the end of Q3 /start of Q4 2023 as forecasted under the standard process (refer to timeline in **Appendix 4**).

Housing supply:

The project will significantly bring forward the availability of housing stock (a total of up to 248 dwellings and 28 construction ready residential super lots with a yield of 345 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, is 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 either before or in alignment with the planned completion of the Drury Central Rail Station in 2025 to ensure there is an established residential catchment to support the use and success of this new train station.

The project will also facilitate the delivery of upgrades along the surrounding transport corridors by the installation 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 Fulton Hogan and in conjunction with other developers in Drury East (refer to Part III). These infrastructure upgrades will improve the safety and efficiency of the transport network and thereby increase 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 will improve environmental outcomes for freshwater quality as it will remove historical farming activities from the land, where appropriate, the enhancement of degraded streams and wetlands through riparian planting. While the site has very low indigenous biodiversity values, the planting of native species, particularly along riparian margins, will contribute to improving indigenous biodiversity values across the site.

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.

Minimising waste:

Fulton Hogan recognize the importance of avoiding unnecessary loss of resources, and therefore has sustainability and environmental policies in place. Their environmental policy requires that Fulton Hogan always considers how to reduce, reuse and recycle and to minimize their environmental footprint through being energy and resource efficient.

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):

Fulton Hogan are committed to responding to climate change. Fulton Hogan's sustainability policy requires the reduction of emissions and promoting the use of products and services that use sustainable materials and reduce their carbon footprint. Fulton Hogan also applies innovative, life-cycling thinking and effective planning to drive sustainable performance. Specifically, Fulton Hogan's Environment Policy is guided by the following strategies and ongoing commitments:

- Minimise impact on the environmental footprint through innovation and being energy and resource efficient
- Always consider how to reduce, reuse and recycle
- Respect and care for our environment, encompassing diverse aspects including flora, fauna, water, community and cultural interests
- Work with subcontractors and suppliers to help them meet Fulton Hogan's expectations
- Consider the environment when in the design, planning and delivery of Fulton Hogan projects

- Make proactive use of established environmental management systems
- Set measurable objectives and targets to ensure continual improvement

These overall sustainable development initiatives of Fulton Hogan are considered to positively contribute to New Zealand's efforts to mitigate climate change.

Promoting the protection of historic heritage:

There are no known historic heritage features on the site. As noted in Part VII above, additional archaeological field surveys will be undertaken of 86 Fitzgerald Road, 251 and 383 Waihoehoe Road, 65 and 108 Fielding Road to confirm that there are no unrecorded archaeological sites that will be affected by the project.

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

The project has been designed to account for the effects of flooding hazards and climate change, with temporary on-site attenuation provided to ensure that the proposed development will be protected from flooding hazards and that there will be no net effect on the extent of flooding on downstream properties or receiving environments (refer to stormwater memo at **Appendix 7**).

Other public benefit:

The project will boost employment opportunities in the construction sector (with the ability to provide 590 jobs), which has been identified as one of the key sectors in assisting with the social and economic recovery of COVID-19.

The project will result in the accelerated delivery of much needed housing stock to Auckland where there is consistent high demand.

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.

Finally, the project will the provision and vesting of esplanade reserve(s) adjacent to tributaries of the Hingaia Street that have an average width of 3 metres or more. This provides a significant public benefit in terms of contributing to the protection of conservation values, enabling public access and recreational use that would not otherwise be realised without the project facilitating the delivery of these outcomes of public benefits (and at no cost the public).

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 FUZ 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 13** 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 12**.

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 on 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 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 by Woods to date for this project has accounted for the long-term effects of climate change. The stormwater management approach for the site takes into account climate change, with flood modelling scenarios having been undertaken taking into account future rainfall that allows for increases in temperature and sea level rise. The habitable finished floor levels recommended in the SMP and size of the primary network design have allowed for climate change.

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 Fulton Hogan 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.

Gregory Dewe

25 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)
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«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.

Released under the provisions of
the Official Information Act 1982