

Memo

17 February 2026

To: Sunfield Expert Panel (FTAA-2503-1039)
cc: Ian Smallburn, Tattico
From: Karl Anderson, Senior Planner, on behalf of the Auckland Council Family

Subject: Auckland Council Review of Draft Conditions – Sunfield Fast-Track Application

1. This memo summarises key deficiencies identified in the draft conditions circulated for the Sunfield fast-track application. These comments are intended to support the Panel's assessment and to ensure the final consent conditions are clear, internally consistent, enforceable, and fit for purpose.
2. This memo should be read alongside the tracked changes version of the conditions that the Council has prepared (**Annexure A**). Please note that the Council has not undertaken a wholesale restructuring and renumbering of the conditions. Although we consider this is required, we feel should be undertaken by the persons in charge of preparing the final condition set.
3. A review of the proposed draft conditions has found several structural and formatting problems that make the conditions difficult to interpret and apply. These include:

Poor overall structure and readability

4. The conditions are currently presented in a format that is difficult to follow, with minimal hierarchy or logical sequencing. Most conditions have been placed under a single "land use" header regardless of the activity they relate to. This results in:
 - Conditions appearing out of context
 - Related conditions being separated or fragmented
 - Difficulty identifying which conditions apply to each consent instrument.
5. Improved structure is required to meet the standards typically applied to regional and district resource consents.

Conditions are not grouped by consent number

6. The conditions should be organised by consent type and consent number (e.g., district land use, regional earthworks, land contamination, streamworks, dewatering, subdivision). This is essential to:
 - Ensure statutory clarity
 - Support future compliance monitoring
 - Enable different project phases (bulk earthworks, streamworks, infrastructure delivery, subdivision, built form, etc.) to be clearly identified.
7. At present, conditions relating to separate consents are intermingled, creating ambiguity regarding which consent each condition applies to.

Duration (lapse period and, where relevant, expiry date) is not stated at the beginning of each consent section

8. Each consent instrument must clearly identify its applicable duration, including both lapse period (RMA s125) and expiry date for each regional consent (RMA s123). This should be placed at the very start of each section so that all conditions under that header inherit the same duration unless specified otherwise.

Hierarchy and sequencing of conditions

9. The draft conditions do not follow the standard hierarchy or sequencing used across local and regional consents, which is essential for clarity and enforceability. A robust condition set must clearly distinguish between:
- General conditions applying to all consents;
 - General pre-commencement requirements, typically applying to all consents except subdivision; and
 - Specific activity-based conditions relevant to each individual consent.
10. In addition to this structural hierarchy, conditions must also be organised chronologically to reflect the practical sequence in which compliance occurs. For a development of this scale, it is critical that conditions are grouped in the order they must be complied with — beginning with Pre-Start / Pre-Commencement Conditions, followed by Conditions During Construction, and concluding with Post-Construction / Operational Conditions.
11. At present, several pre-start requirements are embedded within sections that otherwise relate to construction-phase management, resulting in ambiguity around when certain obligations must be met. Without a clear hierarchy and chronological ordering, it becomes difficult to identify which conditions apply at which stage of the project, creating risks for compliance, monitoring, and implementation. Reorganising the conditions to reflect both hierarchy and project lifecycle will significantly improve usability for the consent holder, contractors, and compliance officers, while ensuring the conditions are enforceable and internally consistent.

Recommended Structure for Final Conditions

12. For clarity, enforceability, and alignment with best practice, we recommend restructuring the conditions in the following order:
- a. General conditions applicable to all consents (Council bundle reference BUN60447430)
 - b. General pre-commencement conditions (applying to all consents except subdivision)
 - c. Specific conditions – District land use (LUC60447432)
 - d. Specific conditions – Regional earthworks (LUC60447432)
 - e. Specific conditions – Contaminated land discharge permit (DIS60447438)
 - f. Specific conditions – Groundwater diversion permit (WAT60447434)
 - g. Specific conditions – Streamworks (LUS60459801)
 - h. Specific conditions – Stormwater discharge consent (DIS60447439)
 - i. Specific conditions – Subdivision (SUB60447433).
13. The Council has **attached** the Expert Consenting Panel's consent conditions for Milldale (reference FTAA-2503-1038) (**Annexure B**), which we consider follows a much more logical format than the Sunfield conditions as currently drafted. We recommend that the conditions are redrafted to follow a similar format to Milldale North.

Stormwater Diversion and Discharge Consent (DIS60447439)

14. It is essential that all conditions relating to stormwater diversion and stormwater discharge are clearly grouped under the specific stormwater discharge consent (reference DIS60447439). In

the current draft, these conditions are dispersed across the land use section in a way that may give the impression that the proposal is authorised under the Regionwide Network Discharge Consent (NDC). This is incorrect, as the NDC cannot authorise discharges from land that is not zoned urban. To avoid any ambiguity regarding the legal authorisation pathway, these conditions must be consolidated under DIS60447439.

15. Council also recommends the inclusion of a new Condition [152B], being the standard post-construction meeting requirement for private stormwater discharge consents.

16. Council considers that the following conditions should form part of consent DIS60447439:

- Condition [27]
- Condition [27A]
- Condition [27B]
- Condition [27BA]
- Condition [27C]
- Condition [27D]
- Condition [118]
- Condition [152B] (new recommended condition)
- Condition [171]
- Condition [171A]
- Condition [171B]
- Condition [172].

17. Clear grouping and correct allocation of these stormwater conditions are necessary to ensure lawful authorisation, enforceability, and effective long-term management of stormwater effects.

Drainage Management Plan Condition

18. The Council supports the inclusion of a Drainage Management Plan (**DMP**) condition, however we consider the current drafting would benefit from further refinement and strengthening. The Council's revised DMP condition strengthens the original drafting to ensure it is workable, fair, and able to be effectively implemented and monitored. The key changes address three main issues:

Ensuring Accountability

19. The original condition allowed DMP obligations to fall away permanently if a landowner declined access, even if only a single request had been made. The revised wording now requires the Consent Holder to demonstrate reasonable steps to obtain access, continue engagement annually, and report access issues to Council. This maintains accountability and avoids unintended loopholes.

Protecting Landowners and Supporting Reasonable Engagement

20. Clear engagement requirements have been added to ensure landowners receive reasonable notice, information about proposed works, and opportunities to discuss concerns. It is also now explicit that maintenance works are undertaken at the Consent Holder's cost. This ensures landowners are not disadvantaged by the development.

Strengthening Monitoring and Compliance

21. An annual reporting requirement has been introduced to provide Council with visibility of maintenance activities, drain condition, and any ongoing access constraints. This improves enforceability and ensures stormwater effects remain appropriately managed over time.

22. Overall, the revised condition maintains the original intent – ensuring drains relied upon by the development continue to function at pre-development capacity – while providing clearer

responsibilities, better transparency, and more robust protection for both landowners and downstream environments.

Water and wastewater servicing – proposed new condition [1C] and related amendments

23. This section addresses the Council family’s proposed new condition [1C], which is intended to give effect to the draft decision’s approach to water and wastewater servicing. It also briefly outlines associated amendments to existing infrastructure conditions and advice notes. Those related amendments are explained in the tracked conditions and accompanying comment boxes and are not repeated in detail here. These include:
- Amending certain triggers from “occupation” to “construction”, so that water and wastewater servicing and infrastructure matters are addressed before substantive building works begin; and
 - Including new and amended advice notes which, by way of example, clarify that:
 - no agreement has yet been reached with Watercare / Veolia regarding the provision of water and wastewater servicing or the acceptance of infrastructure for vesting;
 - any proposed vesting remains subject to the relevant utility provider’s standards, operational requirements, and formal acceptance; and
 - the Water Supply and Wastewater Network Bylaw 2015 and applicable Watercare Codes of Practice continue to govern connection, design, and construction matters independently of the resource consent.
24. The principal issue addressed in this section is the proposed new condition [1C].
25. The draft decision contemplates that the question of water and wastewater servicing will be resolved through commercial negotiation between the Consent Holder and Watercare (draft decision at [573]). Indeed, the Panel records that it was the Applicant’s agreement to be bound by conditions requiring agreement with Watercare that allowed the Panel’s “initial concerns around servicing” to fall away ([573]). The Panel notes that the Applicant has acknowledged that this is a risk it bears (at [827] and elsewhere) and indicated a willingness to accept conditions precedent ([819]). For its part, the Council family submitted that, if consent were to be granted, robust and clearly worded conditions precedent would be essential to prevent subdivision / development proceeding unless and until public water and wastewater servicing and capacity is confirmed ([820(e)]).
26. The draft decision acknowledges the limits of what conditions can achieve. For example, the draft decision records that:
- a. The Panel cannot compel Watercare to provide connections to the public network, accept vesting of infrastructure, commit funding for infrastructure, or change its policy of not servicing land outside the Rural Urban Boundary ([829]–[831]);
 - b. “*Watercare will remain in control of ensuring that its reasons have been appropriately addressed*” before providing infrastructure ([831]);
 - c. Commercial negotiations would need to overcome all of Watercare’s objections, which “*may come at significant cost*” ([833]).
27. A condition precedent operating solely on the Consent Holder – requiring it to obtain and produce written confirmation of water and wastewater servicing before commencing a stage – is the mechanism that works within these constraints and gives proper effect to the acknowledged risk that agreement may not be reached.
28. The Council family has proposed a new condition [1C] to give effect to what the draft decision appears to contemplate:
- a. It would require the Consent Holder to provide formal written confirmation from the utility provider(s) that adequate servicing from the public water and wastewater networks is

available for a stage before any development, subdivision, or physical works within that stage may commence.

- b. It contains a narrow exception for genuinely preliminary activities – geotechnical investigations, archaeological survey, ecological surveys, and cadastral survey.
- c. Several supporting advice notes are also proposed.

29. This condition is appropriate and justified because:

- a. The existing conditions, even as proposed to be amended by the Council family, do not address the threshold question.
- b. The existing infrastructure conditions – including conditions [117], [120], [162], [167]–[168], [175], and [205] – appear to be drafted on the premise that servicing from the public water and wastewater networks will be available. They regulate matters such as engineering design, construction, and certification. But they do not address the prior question of whether servicing will be available – which is the very question the draft decision leaves open at [827] and [829]–[833].
- c. Proposed condition [1C] seeks to fill that gap. It appropriately seeks to ensure that the Consent Holder resolves the servicing question on a stage-by-stage basis before significant works are undertaken, capital is committed etc.
- d. The condition does not displace the existing infrastructure conditions (although the Council proposes some improvements to those conditions). It operates ‘upstream’ of them. Conditions [117], [120], and [175] would govern what must be in place before buildings are “constructed” (as proposed to be amended by Council). Condition [162] continues to govern engineering plan approval. Conditions [167]–[169] and [205] continue to require utility provider certification at the s 224(c) stage. Condition [1C] simply ensures that before any of these downstream processes are engaged, the threshold question of whether the public network can service the stage has been answered.

30. The Panel is respectfully invited to include proposed condition [1C] (or a condition to similar effect) in the final conditions of consent.

Changes to conditions sought by Healthy Waters & Flood Resilience (HWFR)

- 31. HWFR has requested minor changes to conditions and advice notes as set out in the tracked changes version that accompanies this memo. In addition to these minor changes, the following other changes are noted.
- 32. New condition [39A]: an additional condition is proposed to ensure that each stage has no detrimental ground settlement impacts. Tattico’s memorandum dated 19 December 2025 has noted in response (Ref. 32) that they have addressed 1A Geotechnical concerns in conditions from 38 onwards. However, this specific condition is not contained within the Geotech conditions.
- 33. Amendment to conditions [40] & [179]: HWFR maintains that NZS4431 and NZGS 0510 are referenced as the standards that apply to earthworks for engineering and development purposes in New Zealand. These standards / guidelines do not preclude construction on undisturbed peat in the foundation soils. The standards put significant and pragmatic constraints on the excavation, treatment and re-use of peat as a construction fill material under a building platform or in a road formation. It is agreed that these specifications are not applicable to peat. However, HWFR notes the foundations (which by definition includes engineered fill materials required to raise formations or form building platforms) should not be constructed of peat.

Changes to conditions sought by Auckland Transport (AT)

34. AT has requested minor changes to conditions and advice notes as set out in the tracked changes version that accompanies this memo. In addition to these minor changes, the following other changes are noted.
35. Amendment to condition [1A] to clarify the extent of transport infrastructure required, rather than a simpler reference to roads. In addition, AT suggests that the first two stages be restricted to being no further than 800m from Cosgrave Road, to ensure that there is some access to existing public transport available during this initial period before the consent holder implements a public transport system. AT considers that this expansion of its original 250m suggestion to 800m is more proportionate.
36. Amendment to condition [112C], requiring a follow up parking survey within 6 months of any mitigation measures being implemented in accordance with the condition, to verify that these measures are achieving the intended outcome.
37. New condition [114A], requiring the consent holder to provide the infrastructure needed to support the public transport proposal, outside of the subject site. This additional infrastructure, particularly bus stops at rail stations, will require additional consideration and other approvals (potentially including leases or licences). AT considers that with this additional condition imposed, the PTOIP condition [114] is considered appropriate. If condition [114A] is not adopted, AT would request that its content be integrated into condition [114].
38. Amendment to condition [123A], increasing the two ITAs to four (at occupation of 900, 1800, 2700 and 3600 residential dwellings). AT considers that only two iterations of review over the lifetime of the development would result in a considerable number of years before the consent holder needs to identify and review adverse effects, and the increase to four iterations will assist in managing this.

Other specific changes to conditions sought by Auckland Council

39. Condition [94] was deleted by the applicant due to there being no stream offset site. However, there are no conditions in the draft set requiring the in-stream enhancements that are necessary to achieve the intended outcomes of the ecological mitigation package. Council recommends a replacement condition [94] as proposed in Council's original comments, with updates to reflect the SEV score stated by the applicant.
40. New condition [39B] is proposed to separate condition [23(h)] from the ESCP requirements, as this is not an ESCP matter and could otherwise unduly cause delay for the ESCP review. It is more appropriately placed with the suite of geotechnical conditions.

General comments on conditions

41. The Council has further general comments to make that we have not necessarily made as tracked changes to the document. These are changes that we recommend that the conditions author makes across the conditions when the final set is produced. These general comments are set out below.

Standardised Council Formatting and Wording

42. Conditions should follow Auckland Council's standard formatting and language conventions to ensure consistency and efficient monitoring. In particular, the Council's standard approach is to use 'must' rather than 'shall' within resource consent conditions. The draft conditions use a combination of both terms. We recommend that "must" is applied across this consent (where grammatically accurate).

Clear and Consistent Condition Triggers

43. Except where a broad condition precedent is deliberately proposed (such as proposed condition [1C]), condition triggers should specify the exact activity that must not begin until compliance is achieved:
- Avoid imprecise wording such as “*prior to any works commencing.*”
 - Adopt Council’s standard trigger wording, e.g.: “Prior to the commencement of [specific activity], the consent holder must submit a [Plan] to Council for certification...”
 - Pre-start meeting requirements should clearly indicate whether one meeting applies across all work stages, or whether separate meetings are required for earthworks and construction.

Consolidation of Management Plan Conditions

44. Many management plan requirements are split across multiple conditions (one to require the plan, another to describe its contents). The Monitoring Team recommends consolidating each management plan into a single condition to avoid confusion and ensure ease of enforcement.

Requirements for Consent Notices

45. Many land use conditions make references to requirements for consent notices to be registered on the record of title for particular lots. Consent notices cannot be imposed for land use consents and there needs to be corresponding subdivision consent conditions for all of these restrictions.
46. Of particular concern is condition [110A], which only appears in the land use consent but makes reference to an identified lot. However, due to the complex staging proposal, the affected lot might not legally exist at the time that a covenant is to be created in accordance with this condition. It is therefore necessary that these matters are correctly covered in the subdivision consent.

Conclusion

47. Given the unprecedented scale and complexity of the Sunfield proposal, it is essential that the final conditions are not only comprehensive but also practical, internally consistent, and readily enforceable. These conditions will govern the delivery, staging, environmental management, and long-term operation of the development for many years, and this fast-track process provides the opportunity to ensure they are correct. It is therefore critical that sufficient time is taken at this stage to refine and restructure the conditions, even if this requires a further suspension of the application to allow for full resolution of the issues identified.
48. A robust, clear, and logically structured condition set is fundamental to enabling effective monitoring, reducing compliance risk for the applicant, and ensuring the environmental and infrastructure outcomes anticipated by the Expert Panel are achieved. The Council family remains fully committed to working collaboratively with the applicant to resolve these matters, refine the drafting, and ensure that the final conditions are of a standard appropriate for a development of this scale and complexity.



Karl Anderson
Senior Planner
Auckland Council