

FAST-TRACK APPROVALS ACT 2024 (FTAA) – FTAA-2503-1039 – SUNFIELD

RESPONSE TO MINUTE #1 OF THE PANEL CONVENOR

**To:** Helen Atkins, Associate Panel Convenor, via Daya Thompson, Application Lead, Environmental Protection Authority

**From:** Winton Land Limited (The Applicant)

**Date:** 3<sup>rd</sup> June 2025

**Minute #1**

1. Minute #1 from the panel convenor outlined that a conference will be held on 6<sup>th</sup> June 2025 to inform decisions regarding the appointment of panel members and the timing of the panel decision.
2. The minute also requested persons, including the Applicant, to provide information in a written response to the matters set out in Schedule 1 and 2 prior to the conference. This memorandum is in response to that request.

**Schedule 1**

3. Schedule 1 outlines a number of matters to consider when preparing for the conference, and includes a number of questions and prompts. The below table provides a response to these matters.

Schedule 1 – Matters of Consideration	Response
<b>Approvals</b> [1] The number and range of approvals sought.	<p>The proposal is for a resource consent for subdivision, land-use, water permit and discharge consents under the Resource Management Act (RMA). The proposal therefore does not involve a range of approvals under other Acts, as enabled by the FTAA e.g. wildlife approvals, conservation and reserves approvals, archaeological authority, mining permits etc...</p> <p>This is therefore considered to have a relatively narrow scope, which in turn reduces the complexity.</p>
<b>Complexity</b> [2] The level of complexity will have a bearing on the appropriate frame for decision making and may include: (a) Legal Complexity: novel or difficult legal issues –	<p>As outlined under question 1, the complexity is reduced given the nature of the requested approvals.</p> <p>Putting aside the scale of the project and the regional benefits, the proposal is a development and subdivision</p>

<ul style="list-style-type: none"> <li>(i) involve untested law or interpretation of statute;</li> <li>(ii) involve application for multiple approvals;</li> <li>(iii) interface with two or more statutes; and</li> <li>(iv) engage constitutional law and public law.</li> </ul> <p>(b) Evidentiary Complexity: stemming from the volume, type, or technical nature of evidence –</p> <ul style="list-style-type: none"> <li>(i) include challenges like managing expert reports or dealing with conflicting factual or opinion evidence; and</li> <li>(ii) often involve technical or scientific analysis.</li> </ul> <p>(c) Factual Complexity: arises from the volume and nature of evidence –</p> <ul style="list-style-type: none"> <li>(i) requires careful management of extensive information or reports, including expert opinion in specialised fields; and</li> <li>(ii) necessitates analysis if technical, scientific, or highly specialised subject matter are involved.</li> </ul>	<p>request canvassing matters that are not out of the norm for a large greenfield development. The proposal is therefore considered:</p> <ul style="list-style-type: none"> <li>(a) not to involve legal complexity given the approvals are sought under one piece of well understood legislation, the RMA, notwithstanding the over-arching FTAA being in its relative infancy.</li> <li>(b) to have known key issues, which are clearly identified and addressed. However, it is appreciated that the volume of material regarding these key issues is extensive, which lends itself to an extension of time for robust decision making.</li> </ul>
<p><b>Issues</b></p> <p>[3] Issues identified by the applicant and other participants:</p> <ul style="list-style-type: none"> <li>(a) during consultation; and</li> <li>(b) any disputed fact or opinion, or legal issue, that is or is likely to be of consequence to the determination of the application.</li> </ul>	<p>As outlined under question 2, the key issues are considered to be known and have been identified through the applicant's assessments and consultation with other parties.</p> <p>Post lodgement, Auckland Council (Healthy Waters) approached the applicant for additional information regarding the stormwater solution for the development, and the applicant has referred them to the FTAA substantial application on the website and provided details of our EPA advisor, noting that any request for additional information should be made to them in the first instance.</p>
<p><b>Panel membership</b></p> <p>[4] Consider:</p> <ul style="list-style-type: none"> <li>(a) the knowledge, skills and expertise required to decide the application under clause 7(1) of Schedule 3.</li> <li>(b) whether there are factors that warrant the appointment of more than four panel members, such as: <ul style="list-style-type: none"> <li>(i) the circumstances unique to a particular district or region; or</li> </ul> </li> </ul>	<p>Recognising the nature of the application, it is considered that the following panel members would be beneficial:</p> <ul style="list-style-type: none"> <li>• Chair – A skilled RMA legal practitioner, with extensive chair experience to ensure the process runs smoothly, and legal matters can be appropriately addressed given the relative infancy of the FTAA.</li> <li>• An experienced planner, given urban growth and staging considerations and the detailed set of proposed consent conditions put forward.</li> <li>• An Environmental Engineering Specialist (or similar skillset) recognising the scale of the development and</li> </ul>

<p>(ii) the number of applications that have to be considered in that particular district or region; or</p> <p>(iii) the nature and scale of the application under consideration; or</p> <p>(iv) matters unique to any relevant iwi participation legislation; or</p>	<p>the significant environmental considerations associated with three waters.</p> <p>The Applicant does not consider that there are any factors that warrant more than four panel members.</p>
<p><b>Tikanga</b></p> <p>[5] Iwi authorities and Treaty settlement entities are invited to advise:</p> <p>(a) whether tikanga is relevant to any aspect of the applications for approval.</p> <p>(b) how the panel might receive assistance on those matters.</p> <p>(c) the time required to adequately respond.</p>	
<p><b>Procedural requirements</b></p> <p>[6] Consider and prepare to indicate:</p> <p>(a) willingness to engage directly with the panel as necessary to advance progress of the application efficiently (briefings, meetings, conferencing).</p> <p>(b) likelihood of any form of hearing process being required and, if so, time that should be allowed for such process in the time frame allocated by the panel convener. Forms of hearing include:</p> <p>(i) Disputed fact or opinion or</p> <p>(ii) Selected topics or issues which the panel seeks clarification (whether disputed or not).</p> <p>(iii) Proposed conditions.</p> <p>(iv) Legal issues.</p>	<p>The applicant is willing to fully engage with the panel directly in order to advance the application efficiently, whether it be through briefings, meetings, conferencing or written statements.</p> <p>The applicant is of the view that a hearing process is not deemed necessary for the application, recognising the key matters are known and the range of approvals being sought. However, it is noted that given the volume of information at hand, expert conferencing for certain matters, such as the proposed conditions, may be beneficial between the relevant parties to ensure robust decision making.</p> <p>Ultimately, the applicant is open to an iterative and dynamic process given the timeframes involved and the scale of the process. This will ensure that an efficient and effective assessment is undertaken.</p>
<p><b>Anything else?</b></p> <p>[7] Is there any other information needed to decide time frames or panel composition?</p>	

## Schedule 2

- Schedule 2 outlines the respective timeframes for the various tasks under the FTAA. Notwithstanding the intent of the Act to ensure the efficient processing of large-scale projects of significant benefit, it

is recognised that timeframes need to be considered in the context of the specifics. Therefore, the Applicant is open to the extending of timeframes to allow for effective decision making.

5. The Applicant therefore puts forward the following two changes to the timeframes outlined within the FTAA.
  - a) Section 55 – Applicant response to received comments. It is proposed to extend this timeframe to 15 working days, from 5 working days. Whilst the applicant can suspend the application under s64, it is recognised that 5 working days is a short period of time to review, reflect and respond to any comments made from key parties. This therefore ensures that such comments are carefully and respectfully considered.
  - b) Section 79 – Timing of panel decisions. It is proposed to extend this timeframe to 50 working days, from 30 working days. This will allow for robust decision making, as well as enabling an iterative and dynamic process, which may involve conferencing, briefings and meetings at short notice.

#### **Conference Attendees**

6. In order to be transparent, it is proposed that the following attendees will be present at the conferencing on 6<sup>th</sup> June 2025 on behalf of the Applicant:
  - Bronwyn Carruthers KC – Barrister
  - Simon Ash – Applicant, Winton Land Limited
  - Ian Smallburn – Planner, Tattico
  - Vijay Lala – Planner, Tattico
  - Tiumalu Peter Fa’afiu – Author of Sunfield Mana Whenua / Māori Engagement Report, Navigator

7. We trust this meets the requirements of Minute #1.



Ian Smallburn

Planning Consultant for Sunfield