

MEMORANDUM

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

From: Russell Butchers, Principal Project Lead – Premium Unit, Planning & Resource Consents, Auckland Council

Subject: Fast-Track Approvals Act 2024 (**FTAA**) – FTAA-2503-1039 - Sunfield Fast-track Proposal (AC ref BUN60447430)

Date: 5 June 2025

AUCKLAND COUNCIL RESPONSE TO MINUTE #1 OF THE PANEL CONVENER

1. Auckland Council acknowledges receipt of Minute #1 from the Panel Convenor dated 27 May 2025. This memorandum provides Auckland Council's response to the matters set out in Schedules 1 and 2 as requested.

Schedule 1 Response

2. A table is attached as **Annexure A** in landscape format, which provides Auckland Council's response to the Schedule 1 matters, alongside the Applicant's responses for comparison and convenience.

Schedule 2 Response

3. Auckland Council has reviewed the Applicant's comments on timeframes and proposed timeframe extensions. The Council acknowledges the Applicant's openness to extending timeframes to allow for effective decision-making.
4. From Council's perspective, as addressed further in **Annexure A**, extended timeframes for decision-making are required given the scale and complexity of the proposal (such a proposal would normally proceed via a Schedule 1 private plan change process), and the level of review required by the Council's team of over 20 specialists across the Council family (including Healthy Waters, Watercare and Auckland Transport).
5. The Council notes that the proposal is larger in scale than the live Delmore FTAA proposal, in respect of which an extended time frame for decision-making was recently approved.
6. The Council offers the following further comments:
 - (a) The Council has no objection to the Applicant's proposed extension to the section 55 period for its response to comments (from 5 to 15 working days).

- (b) The Applicant proposes, in terms of section 79 and timing of the Panel's decision, that this be extended from the default period of 30 working days to 50 working days. In this regard:
- i. The Council notes that the period in section 79 begins **after** the date specified for receiving comments under section 53;
 - ii. The Council considers that the extended period proposed by the Applicant will suffice **provided that** the 50 working days commences after the provision of the Applicant's response to comments (rather than after the date for receiving comments);
 - iii. The proposal's scale (for a resource consent application) is nearly unprecedented in the Auckland region. Its scale and technical complexity requires additional time for conferencing, expert meetings, and iterative assessment processes to ensure statutory timeframes can be met, allow for proper engagement, and enable thorough assessment.
- (c) As addressed further in **Annexure A**, the Council is in the process of preparing a comprehensive request to the EPA / Panel for the Panel to exercise its section 67 powers to obtain further information from the Applicant on a range of key technical matters and information 'gaps'. While this request is not a substitute for the Council's full substantive comments under section 53 (which will follow in due course), the scope and nature of the information gaps identified may assist the Panel Convener in determining an appropriate timeframe for decision-making.

Conference Attendance

7. Auckland Council will be represented at the 6 June 2025 conference by:
- Russell Butchers – Principal Project Lead – Premium Unit, Planning & Resource Consents
 - Karl Anderson – Senior Planner – Planning & Resource Consents
 - Dean Williams – Manager – Premium Unit – Planning & Resource Consents
 - Matt Allan / Rowan Ashton – Legal Counsel, Brookfields Lawyers (NB: Mr Ashton is likely to attend Friday's conference, as Mr Allan has a prior conflicting conference).



Russell Butchers

Principal Project Lead – Premium Unit, Planning & Resource Consents

ANNEXURE A

SCHEDULE 1 MATTER	APPLICANT RESPONSE	AUCKLAND COUNCIL RESPONSE
<p>Approvals</p> <p>[1] The number and range of approvals sought.</p>	<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>	<p>While approvals are sought under the RMA only, the scale and integrated nature of this development requires consideration and co-ordination across multiple Council departments as well as Watercare and Auckland Transport. The proposal has significant infrastructure implications. There is therefore significant complexity from Council's point of view. Initial Council family review has also identified some missing consent requirements (i.e. reasons for consent) – e.g. for stormwater diversion and discharge.</p>
<p>Complexity</p> <p>[2] The level of complexity will have a bearing on the appropriate frame for decision making and may include:</p> <ul style="list-style-type: none"> (a) Legal Complexity: novel or difficult legal issues - <ul style="list-style-type: none"> (i) involve untested law or interpretation of statute; (ii) involve application for multiple approvals; (iii) interface with two or more statutes; and (iv) engage constitutional law and public law. (b) Evidentiary Complexity: stemming from the volume, type, or technical nature of evidence - <ul style="list-style-type: none"> (i) include challenges like managing expert reports or dealing with conflicting factual or opinion evidence; and (ii) often involve technical or scientific analysis. (c) Factual Complexity: arises from the volume and nature of evidence - <ul style="list-style-type: none"> (i) requires careful management of extensive information or reports, including expert opinion in specialised fields; and (ii) necessitates analysis if technical, scientific, or highly specialised subject matter are involved. 	<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 request canvassing matters that are not out of the norm for a large greenfield development. The proposal is therefore considered:</p> <p>(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.</p> <p>(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.</p>	<p>Refer to the answer to Q1 above.</p> <p>Auckland Council considers there to be complexity justifying an extended period beyond the default period under the FTAA. The proposal is larger in scale than the Delmore proposal, in respect of which an extended timeframe for decision-making was approved. Such a proposal would often typically proceed via private plan change, rather than resource consent.</p> <p>The Council considers that the timeframe for Sunfield should be at least as long as that directed for Delmore, noting:</p> <ul style="list-style-type: none"> • The significant scale of this development (almost 4,000 homes, 460,000 sqm of employment, healthcare and education, a town centre etc). • There has been extremely limited pre-application engagement by the Applicant with the Council. • As the Applicant acknowledges, the over-arching FTAA framework is in its relative infancy. • There are complex issues to work through – e.g. in relation to transport, three waters, and infrastructure delivery generally.

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		<ul style="list-style-type: none"> • The interface between the fast-track process and the existing regional planning framework for rural and future urban zoned land also gives rise to complexity. • The proposal requires extensive technical analysis across multiple disciplines. The Council has formed a team of specialists across the Council family, however there is a significant amount of review work required. Site visits still need to be arranged. • While officers are still reviewing the application, there appear to be material information gaps (merely by way of example, Healthy Waters requires a range of information concerning flood assessment, stormwater assets, water quality, and streamworks).
<p>Issues</p> <p>[3] Issues identified by the applicant and other participants:</p> <p>(a) during consultation; and</p> <p>(b) any disputed fact or opinion, or legal issue, that is or is likely to be of consequence to the determination of the application.</p>	<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>As noted, there has been an extremely limited pre-application engagement by the Applicant with the Council.</p> <p>Council's technical review team (comprising over 20 specialists from Council, Watercare, and Auckland Transport) has identified significant information gaps requiring detailed consideration.</p> <p>Noting the Applicant's preference that requests for information are directed to the EPA, these gaps are being formally collated and will be submitted to the EPA and Panel shortly, with a request that the Panel exercise its powers under section 67 of the FTAA to obtain comprehensive information from the Applicant. This submission will provide an initial picture of the scope and scale of the key issues.</p>

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<p>Panel membership</p> <p>[4] Consider:</p> <ul style="list-style-type: none"> (a) the knowledge, skills and expertise required to decide the application under clause 7(1) of Schedule 3;⁴ (b) whether there are factors that warrant the appointment of more than four panel members, such as: <ul style="list-style-type: none"> (i) the circumstances unique to a particular district or region; or (ii) the number of applications that have to be considered in that particular district or region; or (iii) the nature and scale of the application under consideration; or (iv) matters unique to any relevant iwi participation legislation; or 	<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"> • 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. • An experienced planner, given urban growth and staging considerations and the detailed set of proposed consent conditions put forward. • An Environmental Engineering Specialist (or similar skillset) recognising the scale of the development and the significant environmental considerations associated with three waters. • The Applicant does not consider that there are any factors that warrant more than four panel members. 	<p>Council supports the Applicant's recommendations with regards to the make up of the Panel. Given that only resource consent approvals are sought, a Panel of four members would be appropriate.</p>
<p>Tikanga</p> <p>[5] Iwi authorities and Treaty settlement entities are invited to advise:</p> <ul style="list-style-type: none"> (a) whether tikanga is relevant to any aspect of the applications for approval. (b) how the panel might receive assistance on those matters. (c) the time required to adequately respond. 		<p>Council defers to iwi authorities and Treaty settlement entities on tikanga matters.</p>

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<p>Procedural requirements</p> <p>[6] Consider and prepare to indicate:</p> <ul style="list-style-type: none"> (a) willingness to engage directly with the panel as necessary to advance progress of the application efficiently (briefings, meetings, conferencing). (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: <ul style="list-style-type: none"> (i) Disputed fact or opinion or (ii) Selected topics or issues which the panel seeks clarification (whether disputed or not). (iii) Proposed conditions. (iv) Legal issues. 	<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>Council is committed to full engagement with the process but requires adequate time for technical review given the proposal's complexity and the significant issues arising.</p> <p>Council confirms its willingness to participate in any processes that may be directed (i.e. meetings, conferencing etc).</p> <p>While a matter for the Panel, expert conferencing is likely to be desirable across a range of substantive issues / topics (not only in relation to proposed conditions).</p>
<p>Anything else?</p> <p>[7] Is there any other information needed to decide time frames or panel composition?</p>		<p>The Council observes that the Panel Convener may wish to await the Council's request for exercise of the section 67 power – as, while not a substitute for full comments (those will follow later), the Council's queries and identified information gaps may inform the appropriate timeframe for decision-making.</p>