

26th February 2025

Attn: Sunfield Expert Panel
c/o Environmental Protection Agency (EPA)

Applicant's Feedback on Draft Conditions Comments (Section 70(4) of FTAA)

This memorandum provides feedback on the comments made by invited parties on the 17th February regarding the draft conditions which were distributed by the Panel on 11th February, and addresses Minute 26 and the restructuring of the condition set.

The Applicant has reviewed the feedback from the eight parties, and has updated the draft conditions. These updates are contained within **Attachment A** in a 'tracked-change' version, which includes the Applicant's previous feedback from the 17th February and the new amendments from the 24th February. The new amendments from the 24th February are also in 'tracked-change' but have been **highlighted blue** for ease of reference.

Attachment B is a clean version of the conditions which have been restructured in line with feedback from Auckland Council, as requested by the Panel in Minute 26. The conditions are worded the same, but are in a different order with **Attachment C** containing a table which cross-references the old condition numbers and new condition numbers. Note that the cross-referencing of conditions mentioned within conditions have also been updated and checked. *(Note that the **green highlighted** numbers in **Attachment B** are the old condition numbers to aid navigation, and will ultimately need deleting).*

A number of the suggested changes from invited parties are minor in detail or provide greater clarity, and many of these have been accepted by the Applicant. Comment boxes are also contained within the tracked-change version in **Attachment A**, in order to provide clarity. Where feedback has been provided on more pertinent conditions, comments are made in the below table.

In regard to the feedback from Te Akitai Waiohua, **Attachment D** is a memorandum prepared by Navigator Limited which provides details as to why the proposed changes to the conditions have not been put forward by the Applicant.

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Applicant Comments		
Condition	Invited Party Feedback Summary	Applicant Comment
[1A]	The Council family recommends adding a requirement that the first two residential stages shall not provide dwellings further than 800m from Cosgrave Road.	The Applicant considers this is not necessary, and agrees with the draft decision of the Panel (paragraph [849]1) that this requirement is more onerous than necessary and impacts staging flexibility.
[1C]	The Council family recommend a new condition that ensures no development or subdivision can occur until the written approval from the utility providers is provided confirming that adequate wastewater and water servicing can be provided.	This condition is not supported, and the Applicant agrees with the conditions put forward by the Panel attached to Minute 25, which does not include such a condition. The Panel's draft decision, at paragraph [836] and [837], outlines that capacity is available and that the conditions put forward by the Applicant regarding three-waters infrastructure connections are legally valid. The applicant agrees, and considers these to be acceptable conditions for managing such connections, as outlined within previously submitted information and the covering legal memorandum.
[27BA]	Drainage Management Plan	<p>The Applicant has discussed this condition with the Auckland Council family, with the condition put forward being an agreed condition between the Council and Applicant.</p> <p>The comments of 897 Alpha Limited are noted, however, the farm drains in question are those to the north, hence the Applicant has previously clarified (17th February version) this within the condition.</p>
[39A]	The Council family recommend a condition that information is provided which demonstrates there will be no detrimental ground settlement effects on previously completed building works and infrastructure.	The intent is understood and it is considered to be reasonable, however, the requirement to "demonstrate" before each stage is undertaken sets a very high bar, and an obligation to "certify" <u>no</u> adverse effects on a completed stage when a long term (say 5 year) GSMCP is likely to be operative and a controlling measure. The Applicant has therefore suggested alternative wording based on the likelihood of effects, which is considered more proportionate and reasonable and has been agreed with Council.

[39B]	The Council family recommend a condition that requires an assessment of the bulk fill and any structural implications if materials are used that are susceptible to degradation.	Given the fill is required to comply with project compaction specifications and the GSMCP, the long-term settlement risks are controlled, and foundations will be designed to accommodate expansive soil movements. However, the intent of the assessment (long-term degradation and settlement of placed organic fills) is understood. An alternative condition is proposed which focusses on the assessment required as opposed to the make-up of the soil type and its features.
[40], [179]	The Council family have recommended additional referencing to particular geotechnical standards and specifications.	The Applicant's Geotechnical Engineer, Mr Kyle Meffan has reviewed the proposed amendments and proposes an alternative condition, with the following reasoning provided. <i>"A requirement for a GCR is normal, but the biggest practical issue with the proposed wording from Council is reference to NZS4431, NZGS 0510 as the placement of peat deposits as engineered fill is unlikely to be specified in these two documents. Rather, demonstration with a project specific earthworks specification is required."</i>
[94]	Council has recommended a new condition suggesting that there are no conditions requiring in-stream enhancements.	The Applicant has discussed this with the Council family and amendments to condition [95] have been agreed.
[112C]	The Council family have requested additional monitoring if parking mitigation measures are implemented following a survey.	The Applicant considers this to be excessive, with parking surveys required at: <i>(a) At occupation of 1,350 dwellings (including retirement units), or occupation of 100,000 sqm buildings within the Employment Precinct, whichever comes first; and</i> <i>(b) At occupation of 2,000 dwellings (including retirement units), or occupation of 200,000 sqm buildings within the Employment Precinct, whichever comes first; and</i> <i>(c) At occupation of 3,000 dwellings (including retirement units), or occupation of 300,000 sqm buildings within the Employment Precinct, whichever comes first; and</i>

		<p><i>(d) At occupation of 4,000 dwellings (i.e. including retirement units), or occupation of 400,000 sqm buildings within the Employment Precinct, whichever comes first.</i></p> <p>This will provide enough coverage, with the four surveys monitoring any upgrades and changes to the parking environment as the development progresses.</p>
[114A]	The Council family have requested an additional condition regarding the bus stops and associated infrastructure being provided by the consent holder.	The Applicant agrees to the intent of this proposed condition, and has put forward the condition with minor amendments. These minor changes have been agreed with the Council family.
[117], [120], [175]	The Council family request that the trigger for pipes and ancillary equipment be provided for buildings 'prior to construction' as opposed to 'prior to occupation', particularly for water supply and wastewater.	<p>The Applicant disagrees with this trigger for the following reasons:</p> <ul style="list-style-type: none"> • Construction costs and time can be reduced given work on site will occur at the same time for both development and infrastructure, without it being sequential. • Retro-fitting and upgrading infrastructure is prevented, whilst allowing for flexibility in construction programmes. • The effects on infrastructure do not occur until buildings and developments are occupied. • Future occupiers continue to be safeguarded, with infrastructure provision being provided prior to their occupation, which is self-policing as prospective purchasers won't buy property without the necessary infrastructure. • This is a "developer's risk" as outlined within previously submitted information.
[123A]	Updates have been put forward by the Council family to the transport monitoring condition.	Amendments have been made to the Applicant's 17 th February condition set. These were made in discussion with Auckland Transport, and the Applicant's condition is preferred and retained.
[152B]	The Council family have suggested a post-construction meeting for stormwater assets.	The Applicant disagrees with this condition. Whilst the purpose of the condition is not stipulated or made clear within the condition, it is presumed to be to ensure that the infrastructure has been constructed appropriately.

		This is duplication of the Engineering Plan Approval process, and is therefore considered not to be required.
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Yours faithfully,



Ian Smallburn – **Planning Consultant, Tattico Limited**