

02 September 2022

s 9(2)(a)

OI 22 188

Thank you for your email received 19 May 2022 requesting the following information under the Official Information Act 1982 (the Act).

Kainga Ora's assessment and analysis of the pros and cons of the proposed Sunfield project.

The information and analysis Kainga Ora relied on to make its own previous decision assessing the Sunfield project's potential to be formally assessed as a Specified Development Project.

The names of the eight development projects currently considered by Kainga Ora to be strong candidates for assessment as a Specified Development Project, as stated in paragraph 44 of the document named above.

The following documents fall within the scope of the first two points of your request and are enclosed.

- Attachment 1 – Sunfield brief assessment
- Attachment 2 – Sunfield Urban Development Act Meeting
- Attachment 3 – Sunfield Pae Tataki report
- Attachment 4 – Recommendation under s29 of the Urban Development Act – Sunfield

Certain information is being withheld from these documents under sections 9(2)(a) and 9(2)(h) of the Act. Section 9(2)(a) allows for the withholding of information to protect the privacy of natural persons and section 9(2)(h) allows for the withholding of information to maintain legal professional privilege.

Additionally some information is marked as 'out of scope' where it is included in email chains but not relevant to your request.

In addition to the above documents, the proposer of the Sunfield Development, Winton, has published their submission to Kāinga Ora on their website. This proposal and can be found at the following link <https://winton.nz/our-neighbourhoods/sunfield/>.

The final point of your request asked for the 'names of the eight development projects currently considered by Kainga Ora to be strong candidates for assessment as a Specified Development Project'. I am withholding the majority of this information under section 9(2)(f)(iv) of the Act to maintain the constitutional convention protecting the confidentiality of advice tendered by Ministers and officials.

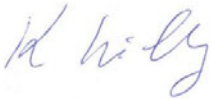
Seven of these projects are actively being considered at this time. It may be appropriate to release this information in the future, however decisions are yet to be taken on these projects.

One project has now been selected for assessment as a potential Specified Development Project. This project is Porirua City's Northern Growth Area. Further details on this project and the recent announcement of selection for assessment can be found here: <https://kaingaora.govt.nz/news/6000-more-homes-possible-for-porirua-as-kainga-ora-considers-using-urban-development-act-provisions/>.

You have the right to seek an investigation and review by the Ombudsman of this response. Information about how to make a complaint is available at www.ombudsman.parliament.nz.

Please note that Kāinga Ora proactively releases our responses to official information requests where possible. Our response to your request may be published at <https://kaingaora.govt.nz/publications/official-information-requests> with your personal information removed.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'K. Lietz'.

Katja Lietz
General Manager –Urban Planning and Design

Out of Scope

[Redacted]

[Redacted]

[Redacted]

[Redacted]

From: Kate Randell <s 9(2)(a)>
Sent: Friday, 8 October 2021 4:26 PM
To: David Clelland <s 9(2)(a)>
Subject: RE: Sunfield brief assessment

Doh/whoops! Will amend title now

From: David Clelland <s 9(2)(a)>
Sent: Friday, 8 October 2021 3:03 PM
To: Kate Randell <s 9(2)(a)>
Subject: RE: Sunfield brief assessment

Hi Kate. It might be a good idea to call it a summary of information rather than assessment

From: Kate Randell <s 9(2)(a)>
Sent: Friday, 8 October 2021 1:12 PM
To: Brendon Liggett <s 9(2)(a)>
Cc: David Clelland <s 9(2)(a)> Hayley Fitchett <s 9(2)(a)>
Subject: FW: Sunfield brief assessment

Hi Brendon

David thought it would be helpful me to pass the attached onto you for review/ahead of your meeting with Winton on Tuesday. Any comments/corrections/thoughts most welcome as this is only my initial thoughts based solely on the proposal document submitted (rather than my own research...)

Kate

From: Kate Randell
Sent: Wednesday, 6 October 2021 2:50 PM
To: Hayley Fitchett <s 9(2)(a)> David Clelland <s 9(2)(a)>
Subject: Sunfield brief assessment

Hi both

Attached is my initial assessment of the SDP proposal document submitted by Winton. Summary of thoughts below:

- Whilst the document contains a very ambitious proposal with some admirable design principles I am of the opinion it does not provide any solid evidence to support the release of the rural land outside the RUB for urban development. As you are aware an SDP can only be established on land in or suitable for urban use. The principle of 'urban development' therefore needs to be robustly scrutinised to ensure it could meet this basic threshold.
- At this stage the developer appears to need a plan change and little else to bring the site forward. Based on this the proposal may not contain the complexity required to justify using the process. On this point, the document also refers to the SDP as a 'fast track' and 'streamline' process. It may be worth setting the developer straight on expected timeframes for the process (am also aware that the discussion on seven sharp last night including an indication the developer was ready to start in January, which is unrealistic from an SDP timeframe point of view as would be challenging to get it established by that point)

- Very limited engagement has been undertaken with stakeholders. Key to establishing the strategic alignment of the proposal with the Council including CCO's Watercare and AT and Waka Kotahi in particular
- The applicant has engaged with mana whenua however we may wish to advise Te Kuratao to ensure our own obligations in this space are being met
- May wish to further explore governance, the applicants proposed structure it set up in a very regulator vs developer manner, important to consider how the project meets objectives and is delivered and what level of influence Kāinga Ora would want over this should an SDP be the appropriate avenue

Hope this helps and happy to discuss

s 9(2)(a)



Kate Randell

Senior Strategic Planner
Specified Development Projects
Urban Planning and Design

s 9(2)(a)

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Sunfield Urban Development Act Meeting

12th October 2021

Attendees: David Clelland, Hayley Fitchett, Brendan Leggitt, Neil Mayo, s 9(2)(a) s 9(2)(a) , s 9(2)(a) and Emily Read

Agenda

- Discuss UDA Process
- Discuss Sunfield UDA Proposal
- Questions from either party

Meeting is being recorded.

UDA Process

- Characterised by initial conversation, not an application process as set out under the Act. SDP Team to give parties guidance about the information presented in line with the UDA.
- Apart from an initial meeting in April with s 9(2)(a) , the proposal for Sunfield hasn't been discussed.
- There has been other information exchanged between Kāinga Ora and Winton about other land but s 9(2)(a) has stated that there is no correlation between this project and that and should be considered irrelevant.
- Mention around a potential conflict of interest between Rachel (KO) with being s 9(2)(a)'s neighbour and s 9(2)(a) knowing her father.
- UDA – first formal step is s29 which is selecting a project for assessment. This can look different but begins with ongoing pre-selection conversation.
- Having received Winton proposal, this is considered as starting the pre-selection process.
- There is an internal process that needs to be followed which includes discussion with the Internal Advisory Board. Part of the process would then be putting a recommendation forward to Katje. It would also need to go to the Urban Development Land and Housing Supply – those conversations precede whatever is on the agenda for urban development.
- Selection decision is delegated to Katje – can take to Board or Committee if she wishes.
- David's role is to pull together conversations and take to the Board, Pae and Katje.
- In media, wording made it appear as if it were a faster process. David has explained that the process to selection is likely to take up to 6 months and then the process through to development plan is 2 years.
- s 9(2)(a) pointed out that the Government sold it to the public as it was a fast track process. That it was modelled under the Australian process under which he was able to get a project through in 3 months.
- There is a process under the UDA that includes requirements that need to be met from s29 to project selection. And this obligation takes time.
- The UDA team are agnostic to the project itself but are the implementers of the Acts mandated process

Sunfield Proposal

- A lot of work has gone into the proposal and it is very innovative.
- A large part of looking into a proposal for an SDP is looking at what problems are trying to be overcome.
- Part of Sunfield's proposal talks about the problem about plan changes, however, can this be done through other plan change avenues?
- Winton has gone through this with other projects and it is a drawn out, and very costly process which is a blockage for getting the project completed at pace.
- Storm water challenges? Infrastructure challenges? Which in Winton's view of the SDP toolkit, what are Winton wanting to trigger and action?
- Winton have comprehensive information but will wait to share that information until an SDP is established as they don't want to bog down and hold up the process.
- Discussion with other land owners? – There has been dialogue and a meeting was set but we went into lockdown and it has not taken place. They seem amenable and no one has come forward with feedback. The proposal is only for rezoning their land and no infrastructure would touch it.
- There has been no discussion with Auckland Council.
- There has been extensive conversations with Iwi.
- The Governance proposal separates project delivery from governance planning. Went for that structure so as not to get bogged down with timeframes. Winton are open minded to suggestions.
- Waka Kotahi and Mill Road – Waka Kotahi don't believe this road will be invigorated and Winton has worked around it. Considered an arterial road.
- DC relief – Brendon believes Council may have a view on how this will impact on their rural policy and funding. Winton are not looking for any funding, all internal funding. Are open to pathways for DC's.
- Ardmore Airport? Winton has engaged and they are fully aware of the proposal. They have met with their town planners. All designed with the noise control constraints in mind.
- Hayley mentioned potential SDP combined project with KO land down the road (Wastney Rd and Mill Rd) but Winton want to progress forward with pace and speed at this stage.

Action

- Internal discussion at Kāinga Ora about decision path and to put their considerations together and come back to Winton
- Winton to share information on project completed in Australia under the UDA

Urban Development, Land and Housing Supply Pae Tātaki

Paper no:	X.X Advisor to insert
Meeting date:	01 November 2021
Paper author:	s 9(2)(a) Manager Specified Development Projects s 9(2)(a)
Business Group:	Urban Planning and Design
Title:	SUNFIELD PROPOSAL FOR A SPECIFIED DEVELOPMENT PROJECT

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Purpose

1. To inform Urban Development, Land and Housing Supply Pae Tātaki about the current list of considerations the Manager Specified Development Projects will take into account when providing a recommendation to the General Manager Urban Planning and Design as to whether to select a project for assessment as a potential Specified Development Project under S.29 of the UDA.
2. To discuss the list of considerations, noting that if any changes are adopted, on the advice of the Pae Tātaki, these would be applied to future selection decisions.
3. To provide the Pae Tātaki with a high-level draft summary of the proposal for a potential Specified Development Project (SDP) known as 'Sunfield' near Takanini, Auckland.

Recommendations

4. It is recommended that Urban Development, Land and Housing Supply Pae Tātaki:
 - a) Note the proposal made by Winton NZ; and
 - b) Guide the Manager Specified Development Projects on the process and factors that should be taken into account when providing a recommendation to the General Manager Urban Planning and Design as to whether to select projects for assessment as potential SDPs.

Next Steps

5. For the Manager Specified Development Projects to:
 - a) Decide whether they have all the information they need to make a recommendation to General Manager Urban Planning and Design;
 - b) Communicate with Winton about any information under consideration which is not part of the proposal or in the public domain and provide Winton with an opportunity to respond;



- c) Make a recommendation to the General Manager Urban Planning and Design as to whether to select the project for assessment as a potential SDP under S.29; and
 - d) Continue to liaise with the Director of Communications, Regional Director, Counties Manukau and the Manager Government Relations to manage communications in relation to the proposal and the SDP Process.
6. For the General Manager Urban Planning and Design to:
- a) Decide whether they have all information they need to make a decision on whether to select the project for assessment as a potential SDP; and
 - b) Make a decision or refer the decision to the Board of Kāinga Ora.

Background / Context

7. On 5 October 2021, Kāinga Ora received a proposal from Winton NZ Ltd for their Sunfield project in Auckland. Winton's Chief Executive Officer stated that the purpose of their email was to formally lodge the Sunfield Specified Development Project application under the Urban Development Act 2020. The email also stated that the Sunfield Specified Development Project Application provides Kāinga Ora with the initial information required to enable Sunfield to be 'classified' as an SDP under the UDA.¹

¹ The terms 'application' and 'classification' have no meaning under the Act, but the SDP team has interpreted the Winton email as requesting that the project be selected for assessment pursuant to S.29 and subsequently be established as an SDP pursuant to S.47 (a decision by the Joint Ministers, ultimately made by an Order in Council) under the Urban Development Act 2020.

8. Kāinga Ora needs to decide whether to select the project for assessment under Section 29 of the Urban Development Act. This is the first formal step in the SDP process under the UDA. The power to make a decision under S.29 has been delegated to the General Manager Urban Planning and Design by the Board of Kāinga Ora.
9. Kāinga Ora has discretion as to whether to select a project for assessment. While the UDA is prescriptive in process following project selection, it does not provide explicit guidance for the project selection decision. In terms of selection, Kāinga Ora is under no obligation to select a project for assessment unless it has been referred by the joint Ministers (Housing and Finance).

Discussion

Summary of Sunfield proposal

10. The Sunfield proposal involves the development of 221 ha of undeveloped land on the eastern edge of the Auckland urban area. The development concept includes 5,000 new homes and 11,000 jobs along with two schools, and three retirement villages, parks and associated amenities.
11. Approximately one third of the land is zoned future urban and can be considered suitable for urban use. The balance and majority of the area is rural land (zoned mixed rural) outside the Rural Urban Boundary and its suitability for urban use is not established. Notably it is low lying and significant parts are flood prone. A significant part of the area is in the flight path of Ardmore Airport. The proposal documents can be viewed here: [Sunfield UDA Application to Kainga Ora October 2021](#) and further information is available on the project website: [Winton - Sunfield Project](#).
12. The developer has advised that proposed development has a number of objectives, namely:
 - a) A low car dependency objective enabled by a free electric shuttle fleet and an absence of residential driveways and garages;
 - b) Relatively low-cost and affordable housing – enabled in part by developing relatively low cost rural zoned land as well as development efficiencies;
 - c) Relative self-sufficiency for employment, education and retail;
 - d) Together the above features are intended to create a low-energy, low-emissions community; and



- e) The proposal also seeks to address stormwater and flooding issues in a way that reduces risk to property while creating natural and recreational value.
13. This location has not been identified as a priority area for Auckland growth, for council or government investment or as a priority area for Kāinga Ora involvement.

Summary of SDP Process

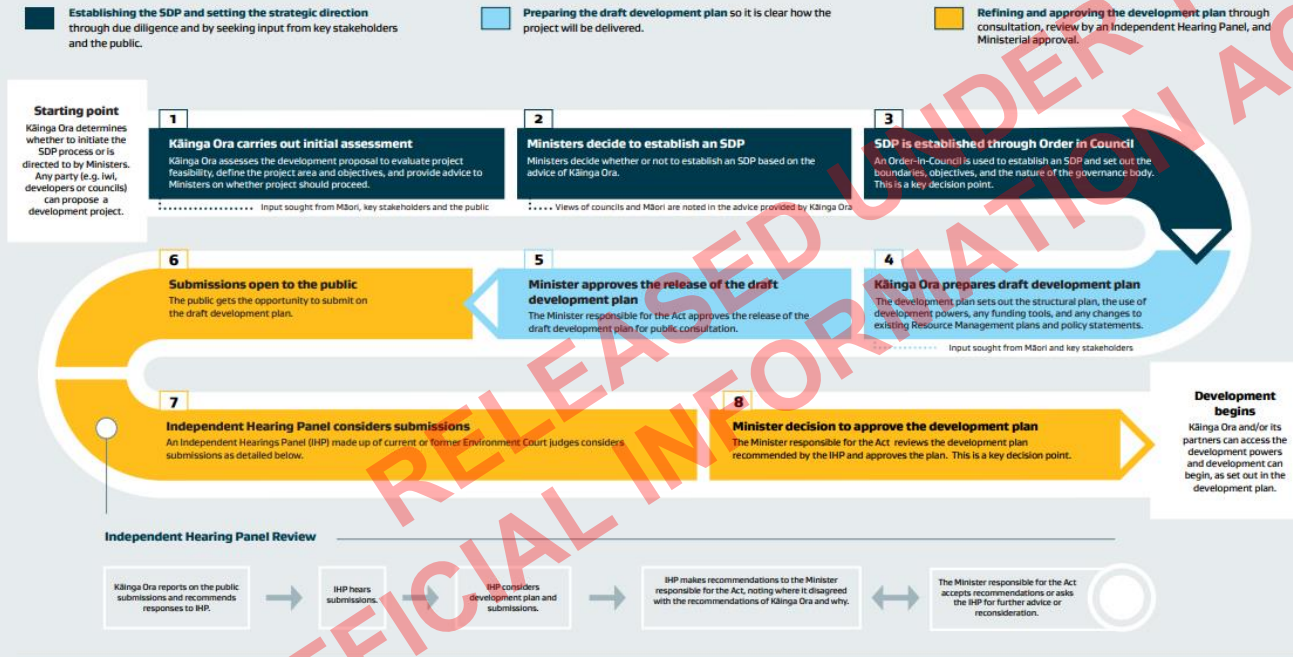
14. **Figure 1** summarises the SDP process. Currently the Sunfield proposal is at the “starting point” – it has not yet been decided whether to select the project for assessment.
15. In the event that the project is selected under S.29, the UDA prescribes a detailed assessment process, including:
- a) Engagement by Kāinga Ora with Māori and key stakeholders;
 - b) Publicly notifying the key features (the boundary, the objectives and the governance entity type) and seeking feedback;
 - c) The provision by Kāinga Ora of a detailed assessment report and recommendation (to establish the project as an SDP or not) which is conveyed to the joint Ministers (Minister of Housing and Minister of Finance) for consideration.
16. Should a proposed Specified Development Project be established by the joint Ministers, the project then proceeds through a two-stage development planning process under the guidance of the designated governance body through to project implementation (as set out in Figure 1). The Kāinga Ora Board remains accountable to the joint Ministers throughout the life of the project for all project outcomes.
17. Further and more detailed information about the SDP process is summarised on our website here: <https://kaingaora.govt.nz/working-with-us/specified-development-project/>.

Figure 1. SDP process

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The Specified Development Project process

Specified Development Projects (SDP) will support Kāinga Ora to transform our towns and cities by providing a new way to do complex urban development. The SDP process is designed so that planning, infrastructure, land use and funding arrangements are sorted upfront, so delivery can get underway quicker. This is balanced with protections for Māori interests, and environmental, cultural, and heritage needs.



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Summary of internal decision making process on S.29 project selection

18. The power to select a project for assessment as a potential Specified Development Project has been delegated to the General Manager Urban Planning and Design following circulation to the appropriate internal advisory group.
19. It is intended that the Manager Specified Development Projects will prepare a report (the *Selection Report*) which provides a recommendation to the General Manager Urban Planning and Design as to whether a project should be selected under S.29 of the UDA.
20. Following receipt of the Selection Report, the General Manager Urban Planning and Design can decide to either select or not, seek further information or refer the decision to the Board of Kāinga Ora.
21. Kāinga Ora has not yet selected a project for assessment as an SDP under the UDA but several conversations are under way. As above, the Act does not provide Kāinga Ora with any requirements as to factors that must be taken into account when selecting projects, and provides Kāinga Ora with discretion in this regard. That said, when exercising this statutory decision-making function, Kāinga Ora should ensure that it acts fairly, reasonably and within its powers, and follows a consistent process.
22. Prior to preparing the Selection Report, the Manager Specified Development Projects is seeking guidance from the Pae Tātaki as to the factors that should be taken into account when making a recommendation as to selection. Advice from the Pae Tātaki in this regard should be applied to future selection decisions for potential SDPs. Based on the legal advice below it may be necessary to provide Winton with advice about key findings in a decision report prior to a final decision being made.
23. The current list of project selection considerations are contained in the Project Selection Considerations and Draft Project Summary document in **Attachment 1**. The list draws from the UDA and other matters identified through discussions within Kāinga Ora.

Operating Principles

24. The use of the UDA involves a commitment to partnering in a formal way under an agreed shared governance structure. Both within and outside of formal structures Kāinga Ora is required to adhere at all times to the operating principles in the Kāinga Ora – Homes and Communities Act 2019. The partnering and engagement principle is elaborated in the Kāinga Ora Partnership and Engagement Framework – He Toa Takitini.

25. Within a specified development project, the Kāinga Ora Board can delegate its powers or functions to the project governance body or elsewhere (*which* powers and the extent of the delegation is discretionary and will depend on the particular project and will be guided by the delegations policy). The Kāinga Ora Board remains ultimately responsible for delivery of those powers and functions. The Act requires Kāinga Ora to ensure that whoever it delegates its powers to, is capable and has the capacity to:
- a) Act in accordance with subpart 1 of Part 1 of the UDA (being sections 3-5);
 - b) To understand and apply Te Ture Whenua Māori Act 1993; and
 - c) To engage with Māori and understand perspectives of Māori.
26. In addition, Kāinga Ora expects that when it enters into partnerships with third parties, those third parties will recognise and act consistently with the operating principles, and assist Kāinga Ora in meeting them.

Treaty of Waitangi and Māori Outcomes Obligations

27. If the project is selected for assessment as a potential Specified Development Project under S.29 of the Urban Development Act, the subsequent stages and general requirements of the Act in relation to Treaty obligations and Māori outcomes would apply.

Implications

Legal Implications

28. s 9(2)(h)
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

29. s 9(2)(h)

30. The legal team was consulted in the preparation of this report.

Financial Implications

31. The SDP team is in place to assess these proposals and funding is in place to procure any external support that may be needed to run the SDP assessment process in the event that the proposal is selected for assessment.

People and Resource Implication

32. There would be significant people and resource implications in the event that a proposal is selected for assessment.

Consultation

33. Following receipt of the proposal the Manager Specified Development Projects convened an advisory group with representatives from Te Kurutao, the Commercial Group, regulatory planning, spatial planning and infrastructure strategy teams in the Urban Planning and Design Group. Input has also been received from Planning and Investment Management team, Legal and Urban Development Delivery.

34. A meeting has been held between the Specified Development Projects Team and the Regional Director Counties Manukau to keep them informed of receipt of the proposal, and the next steps. The regional team will also participate in the preparation of a communications strategy.

Delegations

35. Project selection decisions are delegated to the General Manager Urban Planning and Design but can be referred to the Kāinga Ora Board.

36. The decision to establish a Project as a Specified Development Project is made by the joint Ministers (Housing and Finance) following receipt of a recommendation from the Kāinga Ora Board.



Attachment 1: Project Selection Considerations and Draft Project Summary

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Project Selection Considerations and project summary **(DRAFT AND CONFIDENTIAL)**

Key points about a location or project identified as a potential specified development project

Location / project name		Sunfield
1	Location description	221ha of rural land in Ardmore/Takanini.
2	Kāinga Ora region	Auckland (Regional Director, Counties Manukau)
3	Territorial authority area	Auckland Council
4	Land / project owners / other parties	<p><u>Landowners/project owners</u></p> <p><u>Winton</u>: Submitted a proposal document to Kāinga Ora for a possible SDP. Has entered an unconditional contract to purchase a 195 ha piece of rural land included in the proposal document. Proposes the rezoning of the land to enable the delivery of a residential led mixed-use project. It should be noted that Kāinga Ora has an existing relationship with Winton who are delivering units in Hobsonville and Kāinga Ora are purchasing superlots from Winton in their Te Kauwhata development.</p> <p><u>Eight separate additional landowners</u>: own the remaining 26ha of land subject to the proposal document (see page 33 of the proposal document for owner details). It should be noted that as stated in paragraph 2.1 page 31 of the proposal document Winton have not engaged with the landowners so their view of the proposal document is not known at this stage.</p> <p><u>Other parties (limited to those whose assets are mentioned as being required to deliver the proposal or any additional bodies with an interest in the land)</u></p> <p><u>Auckland Council (and CCO's – Auckland Transport, Watercare and Healthy Waters)</u>: Responsible for long term planning and infrastructure (including three waters and transport) delivery. Views would be in</p>

		<p>response to direct engagement or the submission of a private plan change. Not automatically opposed but the location would raise concerns (pers com; AC General Manager Plans and Places).</p> <p><u>CMDHB</u>: Proposal document includes a healthcare facility. View of proposal not known</p> <p><u>Kāinga Ora</u>: have no current land interests in the immediate proposal area.</p> <p><u>Waka Kotahi</u>: Transport authority. View unknown.</p> <p><u>Kiwi Rail</u>: Rail Network Provider. View unknown</p> <p><u>Ministry of Education</u>: the proposal document indicates that they have approached MoE who have confirmed they would require two schools to be delivered in the area to service new population.</p> <p><u>Ngai Tai ki Tamaki</u>: Proposal document indicates have expressed an interest in the proposal</p> <p><u>Ngati Te Ata Waiohua</u>: Proposal document indicates have expressed an interest in the proposal</p> <p><u>Ngati Tamaoho</u>: Proposal document indicates have expressed an interest in the proposal</p> <p><u>Te Akitai Waiohua</u>: Proposal document indicates have expressed an interest in the proposal</p> <p><u>Ngati Paoa</u>: Proposal document indicates have expressed an interest in the proposal</p> <p><u>Ngati Whanaunga</u>: Proposal document indicates have expressed an interest in the proposal</p> <p><u>s 9(2)(a)</u>, CEO of Papakura Marae: Proposal document indicates have expressed an interest in the proposal</p>
5	Kāinga Ora project contact	David Clelland, Manager Specified Development projects (as private project)
6	Brief project description (incl. area / approx. housing yield)	<p>Greenfield masterplanned development. Residential led. Proposed to delivery 5,000 new homes</p> <p>From Proposal document (page 5):</p> <ul style="list-style-type: none"> • Sunfield is a 15-minute sustainable neighbourhood across 221hectares of contiguous land which upon completion will comprise: <ul style="list-style-type: none"> • 5,000 healthy homes, consisting of 4,400 individual homes and 3 retirement villages of approximately 600 independent living units and care beds.


		<ul style="list-style-type: none"> • 250,000 sqm of employment, healthcare and education buildings. • a 4 hectare town centre. • 2 schools. • a further 4 retail hubs located throughout the community. • permanent jobs for over 11,000 people. • 22.8 hectares of open spaces, green links, recreation parks and reserves and ecological offsets. • an extensive restoration and native planting of the core stream and wetland network. • the establishment of the Sunfield renewable solar energy network for the community. • the Sunbus autonomous electric shuttle fleet. 						
7	Project history	<p><u>Kāinga Ora SDP team met with s 9(2)(a) in April. Meeting notes below.</u></p> <p>Minutes – Hamlin Road, Mill Road, Cosgrave Road (Ardmore)</p> <p>Meeting held 27/04/2021</p> <p>Attendees</p> <table border="0"> <tr> <td><u>Developer</u></td> <td><u>Kāinga Ora</u></td> </tr> <tr> <td>s 9(2)(a)</td> <td>David Clelland</td> </tr> <tr> <td>s 9(2)(a)</td> <td>Kate Randell</td> </tr> </table> <p><u>Notes</u></p> <ul style="list-style-type: none"> • 200ha site, 25% zoned future urban with remainder rural (and outside the RUB) • Site constraints include flood prone land/Flood Plain and challenges regarding delivery of Mill Road. There is also a high pressure gas line running through the site. 	<u>Developer</u>	<u>Kāinga Ora</u>	s 9(2)(a)	David Clelland	s 9(2)(a)	Kate Randell
<u>Developer</u>	<u>Kāinga Ora</u>							
s 9(2)(a)	David Clelland							
s 9(2)(a)	Kate Randell							

		<ul style="list-style-type: none"> • Applicant proposes amended Mill Road alignment through their site which Waka Kohtahi are supportive of. Waka Kohtahi will continue to fund Mill Road (through Covid-19 infrastructure funding). To facilitate this speeds along Mill Road will need to be reduced. • Applicant also satisfied they have resolved flooding issues through new stormwater infrastructure. The applicant is anticipating they will pay for this infrastructure. • Yield currently achieved 4,500 new homes (1,500 on the future urban zoned land and remainder on the rural). Most standalone dwellings however could be scope for some townhouses close to the town centre piece. • Employment uses to be established on the Ardmore Airport side of the site. • In discussion with the Ministry to deliver two new schools on the site. • Applicant currently undertaking master plan. Believe they have all the information required to submit SDP apart from the governance issue. • Main question for the applicant is what sort of governance structure would you propose. What are the challenges and what powers would you need to do this (under the act). What decisions would we need via board to make this happen. • If looking s.28(h) of UDA should there be no support from Auckland Council would this proposal be in the national interest? – Could consider major infrastructure and zoning package – SW mgmt. solution, realignment of Mill Road, airport noise + comprehensive masterplan of the area. • Applicant questions how to meet climate change obligations when catalyst for development is a roading project (i.e. how does Mill Road upgrade fit in with climate change emergency). <p><u>Actions</u></p> <ul style="list-style-type: none"> • Winton to continue to develop application for SDP (in consultation with Hayley) • Winton to direct queries regarding governance to David in first instance • Application to consider the development for an SDP to be made by applicant (Addressed to Katja Lietz)
8	Dependant or related investments?	Unknown... however reliant on upgrades of 3 water infrastructure.

		<p>It is noted that Healthy Waters have invested recently in the – Takanini Integrated Stormwater Solution (https://www.aucklandcouncil.govt.nz/plans-projects-policies-reports-bylaws/our-projects/projects-south-auckland/Pages/awakeri-wetlands-project.aspx). The proposal document makes reference to this proposal in paragraphs 3.5-3.7 page 35.</p> <p>Site accessed from Mill Road which is subject to safety improvements (downgraded from original NZUP funding). https://www.nzta.govt.nz/assets/planning-and-investment/nltp/2021/regional-summaries/nltp-2021-24-auckland.pdf Mill Road?</p>
9	Clarity of project objectives	<p>Page 43 contains high level discussion objectives and further detail on design objectives contained in the Sunfield Master plan Document (see this document for details). In summary objectives relate to the following taken from the master plan document:</p>

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		 <p>Paragraph 3.34 Page 45 contains suggested objectives for the project governance board which also should be noted:</p> <ul style="list-style-type: none"> • <i>do all things necessary to facilitate the consenting and development of Sunfield in a timely fashion,</i> • <i>ensure that the development of Sunfield creates a sustainable, inclusive and thriving community, and</i> • <i>ensure that the Sunfield Project Committee implements the stated objectives for Sunfield.</i>
10	Clarity of boundary definition	Reasonably clear.

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11	Clarity of governance arrangements	<p>Proposal document includes a governance structure which consists of a committee overseeing the regulatory functions and separate development committee predominantly made up of Winton with one Kāinga Ora and iwi rep. See above for proposed objectives of governance structure.</p> <p>It should be noted that the objective of the governance body is to ensure the delivery of the SDP's objectives.</p>
12	Alignment with purpose and principles in the Act / Government Policy Statement / Kāinga Ora strategic priorities	<p>Not determined.</p> <p>The location being mostly outside the Auckland Rural Urban Boundary is not a priority for council or government investment or for Kāinga Ora.</p>
12	Territorial authority involvement / views	<p>No official position from Auckland Council known. It is understood the council was not consulted in the development of the proposal.</p> <p>Comments from the General Manager Plans and Places referred to above.</p>
13	Land owner views	<p>Winton as majority owner supportive of the proposal (as per submission of the proposal document)</p> <p>Views of other landowners not known</p> <p>Views of adjoining landowners including Ardmore Airport not provided (note the site sits under the airport contour for Ardmore Airport). Kāinga Ora and the Minister have received several expressions of concern about the proposal since it was publicised.</p>
14	Extent of consultation / engagement	<p>Engagement with network utility operators undertaken by proposer Engagement has been undertaken with the 19 tamaki makarau iwi groups (as set out above) of which 6 have expressed an interest. The nature of this engagement reflects that required under the RMA and it is not clear if the principles of participation and partnership have been expressed to these groups Engagement with MoE has indicated an interest in the delivery of two schools.</p> <p>Aware of public engagement via media releases including Seven Sharp and Stuff.co.nz https://www.stuff.co.nz/environment/climate-news/126595493/with-few-roads-a-new-development-</p>

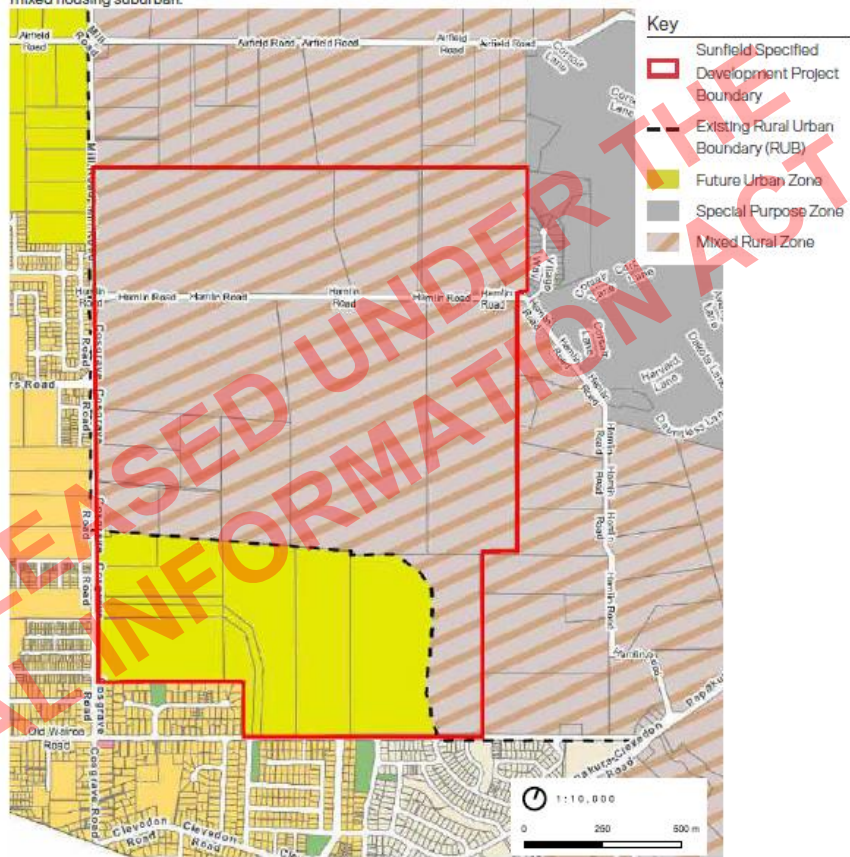
		<p>offers-cheaper-auckland-housing) - should note that this contains some factual errors regarding the SDP process as prescribed by the legislation.</p> <p>No engagement undertaken with adjoining land owners including Ardmore Airport.</p> <p>No evidence of engagement with Council, local board or its CCO's and Waka Kotahi.</p> <p>No engagement with Kāinga Ora SDP team to date on the specific project other than a meeting in April 2020 (see reference to meeting held in April).</p>
15	Māori interests information	<p>As stated in the proposal document six iwi have expressed an interest in the proposal as has the CEO of the Papakura Marae however nature of the interest unclear from the document including whether a development opportunity has been offered or discussed. See page 46 of the proposal document for detail.</p> <p>Of note: The proposal document states that no part of the site falls within the scope of land protected from acquisition and development, and the site does not consist of former Māori land, nor is it subject to RFR. However this should be confirmed.</p> <p>Kāinga Ora not engaged with Māori on their interests (as not aware of the project until the proposal document was received) but this should be discussed with Te Kuratao.</p>
16	Existing zoning / planning status (detail)	<p>The site currently consists of most grazed farmland with a pattern of north south shelterbelts and farm drains.</p> <p>Majority of the site zoned mixed rural zone with a portion identified as future urban zone.</p>

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Auckland Unitary Plan – Zoning Layout

The southern portion of the site is currently zoned future urban and is within the current rural urban boundary. The remainder of the site is currently zoned mixed rural. Ardmore Airport to the east is zoned special purpose. Residential areas abutting the western and southern boundaries are zoned mixed housing suburban.



	<p><u>Site constraints</u></p> <p>Below is an additional list of site constraints identified on Auckland Council Geomaps and Unitary Plan Maps. Of note, is the Ngāti Tamaoho statutory acknowledgment area which passes over part of the site, neighbouring cultural heritage sites, flood plain and the gas transmission line. The site also does not currently have any reticulated wastewater or water infrastructure.</p> <ul style="list-style-type: none"> • Flood Plain • Gas Transmission Line (Designation 9104 Pukekohe to East Tamaki Gas Pipeline) • Part of site (south-west corner) within Ngāti Tamaoho statutory acknowledgment area • Flood Prone Land • Cultural Heritage Inventory (CHI) (Adjoining) • Aircraft Noise Overlay (Ardmore Airport) (whole site) • Overland flow paths • Archaeological Surveyed (Adjoining) • Airspace restriction designations – ID200 Ardmore Airport – Height restrictions • Airspace restriction designation – ID1102, Protection of aeronautical functions – obstacle limitation surfaces, Auckland International Airport
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		Details of the proposal with regards to mix of uses, compact urban form, sustainability principles aligns with relevant planning documents.
17	Alignment with local gov't growth plans	<p>As set out above there is no indication in any of the Councils long term planning documents that the area outside the RUB should be rezoned for residential. At this stage, residential development on this portion of the land is not considered to align with local growth plans.</p> <p>The Future Urban zoned part of the site is identified in the Future Urban Land Supply Strategy as the Cosgrave Road Area and is sequenced for Decade One 2nd half (2023 – 2027).</p>
18	Infrastructure / funding issues (detail)	<p>It is understood there are significant stormwater constraints and flood risk across the site. The proposal document does solution to stormwater issues. See below from proposal document:</p> <p><i>Stage 2 and 3 of the Takanini Stormwater Conveyance Channel is to be constructed on land that is already owned by Auckland Council, which is bordered by the Property, and is designed, consented and ready for construction. While Auckland Council had scheduled stages 2 and 3 for construction in 2021, the commencement of these works was put on hold to reflect budgetary constraints due to the impact of COVID-19. As such, Winton proposes to undertake the construction of Stage 2 and 3 on behalf of Auckland Council and to seek appropriate development contribution offsets for undertaking these works.</i></p> <p>3.6. <i>The additional stormwater augmentation for the Property is effectively 'Stage 4' of the Takanini Stormwater Conveyance Channel and has been designed on the same basis as Stages 1, 2 and 3. The Takanini Stormwater Conveyance Channel not only provides a functional / practical infrastructure solution for stormwater across the entire Property but also creates a quality public asset in the form of an attractive public space including a board walk network along the edge of the channel. The Sunfield Three Waters Report prepared by Maven Associates, which details the proposed engineering and infrastructure solution for the Sunfield development (including the stormwater solution outlined above), has been independently peer reviewed by MPS and Woods. These peer reviews are available upon request'.</i></p> <p>Developer proposes to pay for internal infrastructure (subject to DC relief) (see paragraphs 3.65, 3.69-and 3.70 on page 59 of the proposal document).</p>

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		<p>At this stage, there is no proposed funding plan for ongoing maintenance and or any required upgrades outside of SDP boundary.</p> <p>Proposal document does not provide any discussion potential use of infrastructure and funding tools under the UDA in a manner beyond that could be achieved using BAU processes (i.e. refer to AC DC policy rather than need for bespoke arrangements).</p> <p>Proposal 'car lite' due to Mill Road down grade however this is heavily reliant on an autonomous shuttle system which is untested. Would need to be scrutinised to ensure it could work. Whilst car lite it is noted the site is not within walking distance of a train station. Any public transport upgrades not identified.</p> <p>Need for new schools identified by MoE but unclear whether there is capex or opex funding allocated or available for these.</p> <p>Proposal document indicates no utility constraints (see page 47 paragraph 3.54.3).</p>
19	Key project challenges (more detail)	<p>Land rural zoned so a number of planning processes needed to enable regulatory framework for residential development.</p> <p>The proposal document does not contain detail of any other challenges the developer faces to bring the site forward other than the zoning.</p>
20	UDA tools needed for delivery	<ul style="list-style-type: none"> • Planning tools to enable residential zoning • Resource consents <p>The developer does not appear to require any other tools under the UDA.</p> <p>Infrastructure funding plans are included in the proposal but have not been discussed with the Council.</p>
21	Reasons for (pros) / against (cons) using SDP / UDA / UDA tools needed for project delivery (SDP team view)	<p>At this stage, based on the information submitted it is not clear whether there is any benefit in the proposal being established as an SDP. The document only indicates that a plan change is required to bring it forward so it may not contain the complexity required to justify the process. It is however, potentially contentious.</p> <p>Council may find it difficult to support (and it is not clear that the proposal would fall within an agreed definition of 'within the national interest').</p>

		<p><u>Pros</u></p> <ul style="list-style-type: none"> • Potential to achieve better urban development outcomes. • Ability to deliver plan changes, designations and more flexible permitted standards to enable sustainable development outcomes. <p><u>Cons</u></p> <ul style="list-style-type: none"> • Only requires a plan change which could be delivered through BAU processes (potentially in a quicker fashion). Shared governance proposal mainly covers planning and consenting phase. • The appropriateness of the land outside the RUB to be brought forward for urban development needs to be further explored and robustly justified to utilise the SDP. This could result in additional time delays.
22	IMF status (eg., opportunity memo approved)	Private proposal not subject to the IMF.
23	Key risks / issues for Kāinga Ora	<ul style="list-style-type: none"> • Auckland Council may not support the project or Kāinga Ora involvement. • Eight other landowners – lack of clarity of their role, stakeholders or parties to SDP? Proposal itself while ambitious relies on untested transport solutions and ambitious employment targets. • Unsure whether developer understands the role of Kāinga Ora under an SDP, would need to ensure Kāinga Ora had enough control over the project to ensure it was delivered in its ideal form. • If only requires a plan change set the precedent that the SDP can be used to ‘rezone’ rural land (when primary purpose is to unlock complex projects) in suitable locations. • Proposal document and media releases appear to pre-empt legislative decision making which could pose additional reputational risk.
24	Other notes / next steps	Subject to discussion at Nga Pae Tataki Urban Development Land and Affordable Housing.
	Recommendations and decisions	
25	Nga Pae Tātaki advice	Pending

	Manager SDP recommendation	Pending
	GM Urban Planning and Design decision / recommendation (if referred to the Kāinga Ora Board)	Pending
	Urban Development and Planning Committee / Kāinga Ora Board decision (if required)	

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Recommendation on whether to select a proposal for assessment as a potential SDP under S29 of the Urban Development Act - Sunfield Proposal

Report prepared by: David Clelland, Manager Specified Development Projects

Executive Summary

The Urban Development Act 2020 empowers Kāinga Ora to initiate, facilitate and undertake transformational, complex urban development that contributes to sustainable, inclusive and thriving communities.

Specified Development Projects (SDPs), established under the Act, provide a new way for Kāinga Ora to work with councils, iwi and private developers to deliver such transformational, complex urban developments.

Progressing a proposal under the Urban Development Act (UDA) deviates from the traditional process under the Resource Management Act (RMA) that is administered by local government and that is well understood by communities, Mana Whenua and stakeholders.

As such it is important to be satisfied that progressing a proposal under this new Act and in partnership with Kāinga Ora is appropriate as part of the selection decision-making process.

After carefully considering the proposal against the selection framework set out in this report (including the adequacy of the proposal documentation provided and the level of engagement undertaken by the proposer), along with the stated expectations of the proposer regarding the UDA process, Kāinga Ora officers do not consider that Kāinga Ora would be able to add value to this proposal by utilising the powers under the UDA.

In this case the proposer has said it is seeking an expedited or fast-track consenting process compared to the traditional process. The proposer is a capable developer that is well-funded, and does not require access to the funding and financing aspects of the UDA, nor do they seek Kāinga Ora's assistance with the completion of the development. In fact a partnership with Kāinga Ora as anticipated by the UDA may add complexity and uncertainty to a project that generally appears well suited to the traditional RMA authorisation pathways.

In addition, officers have concerns regarding the consistency of the proposal with the purpose and principles of the UDA and with existing national direction under the RMA.

For the reasons set out in this report, the Manager Specified Development Projects recommends that the General Manager Urban Planning and Design **does not select** the Proposal received for assessment as a possible SDP under s 29(a) of the UDA at this time.

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Purpose

1. This report sets out Kāinga Ora Homes and Communities' ("**Kāinga Ora**") officers' recommendation regarding whether or not the proposal received by Winton Group ("**the Proposer**") for an urban development project described as 'the Sunfield development' ("**the Proposal**") in Auckland should be selected as a potential Specified Development Project ("**SDP**") pursuant to s 29 of the Urban Development Act 2020 ("**UDA**").
2. Section 29 of the UDA provides that a potential urban development project, or an urban development project that is already being carried out, may be selected for assessment as a potential SDP in one of two ways: either Kāinga Ora selects the project for assessment; or the joint Ministers direct Kāinga Ora, in writing, to assess the project as a potential SDP. At the time of writing this report, Kāinga Ora had not received direction from the joint Ministers to assess this project as a potential SDP.
3. This recommendation is for the General Manager – Urban Planning and Design to assist her to make a decision as to whether or not the Proposal submitted by the Proposer should be selected by Kāinga Ora pursuant to s 29(a) of the UDA. This recommendation is based on information provided to Kāinga Ora by the proposer and other parties as at 15 November 2021.

Background

4. Kāinga Ora received the Proposal from the Proposer on 5 October 2021.
5. The Proposal site ("**the Site**") consists of 221 hectares of contiguous land parcels, made up of 195 hectares under the control of Winton Group and 26 hectares of land owned by eight separate owners. The Site is located between the townships of Takanini and Papakura in south Auckland. Ardmore Airport is located immediately adjacent to the east of the Site. Mill Road, Cosgrave Road, Hamlin Road and Old Wairoa Road bound the Site.
6. The Site currently consists mostly of grazed farmland with a pattern of shelterbelts running north-south, and farm drains. Two thirds of the Site is zoned under the Auckland Unitary Plan ("**Unitary Plan**") as Rural – Mixed Rural zone and sits outside of the Rural Urban Boundary ("**RUB**"). The remaining one third of the Site sits within the RUB and is zoned Future Urban in the Unitary Plan.

7. The following site constraints are identified on Auckland Council Geomaps and Unitary Plan Maps:

- Flood Plain
- Gas Transmission Line (Designation 9104 Pukekohe to East Tamaki Gas Pipeline)
- Part of site (south-west corner) within Ngāti Tamaoho statutory acknowledgment area
- Airspace restriction designation – ID1102, Protection of aeronautical functions – obstacle limitation surfaces, Auckland International Airport
- Flood Prone Land
- Cultural Heritage Inventory (CHI) (Adjoining)
- Aircraft Noise Overlay (Ardmore Airport) (whole site)
- Airspace restriction designations – ID200 Ardmore Airport – Height restrictions
- Overland flow paths
- Archaeological Surveyed (Adjoining)

8. The Proposal comprises:

- 4,400 new residential units;
- 3 new retirement villages of approximately 600 independent living units and care beds;
- 250,000 sqm of employment, healthcare and education floorspace within a new town centre;
- 22.8 hectares of open space;
- The restoration of an existing stream and the creation of new wetlands;
- A new renewable solar energy network; and
- Limited car parking which will be mitigated via the establishment of an autonomous electric shuttle fleet.

9. The scale of the Proposal is significant. For example, 4,400 residential units is equivalent to Hobsonville Point (which will contain 4,500 homes once completed) and the proposed area of employment, healthcare and education floorspace is about twice as large as the floorspace within Sylvia Park Metropolitan Centre zone. The combination of residential units, employment, healthcare and education, is likely to generate significant demands on infrastructure and potential management of stormwater would need to be carefully assessed. The proposed establishment of a number of noise sensitive activities, including residential, healthcare and education activities, within the Ardmore Aircraft Noise Overlay, will also need careful consideration as to its appropriateness.

Section 29 assessment

10. As noted above in paragraph 2, under s 29 of the UDA, a urban development project may be selected for assessment as an potential SDP through a decision by Kāinga Ora to select the project for assessment (s 29(a), UDA), or pursuant to a direction from the joint Ministers to select the project for assessment (s 29(b), UDA). No direction from the joint Ministers has been received.
11. Section 29(a) does not identify any specific statutory criteria to which Kāinga Ora must have regard when exercising its discretion as to whether or not to select a project to take through the assessment process. Any such discretion must not be exercised arbitrarily or capriciously, rather it should be exercised in a consistent and rational manner. In exercising a discretion, all relevant facts and factors should be considered, with due regard given to the breadth of any discretion conferred and any mandatory considerations, and in furtherance of the statutory objectives.
12. Having regard to above principles, Kāinga Ora has applied the following framework to this report's recommendation as to whether or not the Proposal should be selected for further assessment under s 29(a) UDA:
 - Does the Proposal contain key outputs and outcomes ("**Proposed Objectives**") that the project intends to deliver?
 - Are the boundaries of the Proposal area clearly defined and easily identifiable in practice?
 - Is the specified development project process likely to be suitable for the proposal?
 - Do any Treaty of Waitangi settlement obligations and participation arrangements apply to the Proposal area, or is any land within the Proposal area RFR land or former Māori land as defined by the UDA?
 - Is the Proposal consistent with the purpose and principles set out in ss 3, 4 and 5 of the UDA?
 - Is the Proposal and the Proposed Objectives consistent with existing national direction under the Resource Management Act 1991 ("**RMA**")?
 - Has the engagement with communities, Māori, Auckland Council, and other key stakeholders to date been appropriate and commensurate with the nature and likely scale of potential effects of the Proposal?
 - Is the information provided by the proposer adequate to determine whether the proposal should be selected for assessment
13. Having regard to the nature and scale of the Proposal and any resultant potential adverse effects, along with the degree of engagement and consultation undertaken by the Proposer, does Kāinga Ora have sufficient information to be able to assess the above matters, and would proceeding now with a decision to select the Proposal for assessment be consistent with its obligations under sections 22, 23 and 24? When exercising any discretion under the UDA, Kāinga Ora is also required to apply those provisions of the Kāinga Ora – Homes and Communities Act 2019 that guide its decision making.

Information considered

14. In preparing this report, Kāinga Ora officers have reviewed and considered the following information:
 - (a) the Proposal documents [Sunfield UDA Application to Kāinga Ora October 2021](#); and
 - (b) correspondence between Kāinga Ora and the Proposer since 5 October 2021.
15. Following receipt of the Proposal, Kāinga Ora received correspondence from Ardmore Airport, Ardmore Airport operators, Waka Kotahi and Auckland Council. A record of this correspondence is included in **Appendix 1** of this report. The common theme in this correspondence was that none of those parties were informed of the Proposal prior to its provision to Kāinga Ora on 5 October 2021. This lack of prior engagement with the territorial authority and other key stakeholders is addressed later in this report.

Assessment under section 29(a)

Does the Proposal contain key outputs and outcomes ('Proposed Objectives') that the project intends to deliver?

16. The project objectives are defined by the UDA as the project objectives set out in an establishment order (i.e. an Order in Council) for a SDP. Under Section 27(1) of the UDA, the project objectives for an SDP 'must set out the key outcomes and outputs that the project aims to deliver'. Because an establishment order represents the conclusion of the process, and an assumption that a Proposal has first been selected, then assessed, and then established as a SDP, we have applied this matter as though it refers to the proposed project objectives as described in the Proposal.
17. On that basis, the documentation provided by the Proposer describes some key outcomes and outputs that the Proposal aims to deliver. These outcomes and outputs are currently very generic. Kāinga Ora would expect that, if the Proposal were selected, assessed and established as a SDP, then these objectives would need to be described with much greater specificity in any establishment order. For the purposes of this recommendation, Kāinga Ora officers conclude that there are some objectives specified and, given the nature of the s 29(a) assessment, they are sufficient.

Boundaries of proposal area clearly defined and identifiable?

18. The boundaries of the Proposal Area are clearly defined and would be easily identifiable in practice.

Is the specified development project process likely to be suitable for the proposal?

19. The UDA provides a comprehensive planning and delivery process for complex, transformational projects that would have difficulty being consented under existing planning pathways.
20. The UDA sets out a rigorous assessment process that must be completed before an SDP can be established and the delivery of an SDP can begin. This enables proposed urban development projects to be shaped by local needs and aspirations, and the benefits of urban development to be balanced against environmental, cultural and heritage considerations. The UDA provides for a project to be delivered under a single governance structure through the life of the project and for a shared project, this relies on a high degree of collaboration and trust between the parties to achieve the project objectives. This is different from the traditional model where the regulatory process under the RMA are legally separate from project delivery and completion.
21. The substantive assessment phase that occurs after a project is selected as set out by the UDA, includes a detailed assessment of constraints and opportunities (including identification of any protected land, alignment with strategy documents, infrastructure constraints and funding options, and risk of natural hazards), engagement with Māori and key stakeholders, along with public notification of the proposed key features. Kāinga Ora officers estimate that this process could take in excess of 6 months. The amount of time needed for an assessment will vary between projects, as it would be dependent on factors such as the amount of technical information required, as well as the level of stakeholder and/or public interest in a project. In this case, there has been no prior engagement with some key stakeholders, which will likely further extend this stage of the process.
22. As noted earlier, even if a project was selected to be assessed, there is no guarantee that the proposal would be established as an SDP through an establishment order. Following establishment, a development plan would need to be drafted, be publicly notified, then considered and supported by an independent hearings panel and subsequently approved by the responsible Minister. Kāinga Ora officers estimate that the complete process from selection to approval of a development plan could take more than two years, assuming that the independent hearing panel's recommendation is to approve the draft development plan in full and the responsible Minister approves the panel's recommendation.
23. It is therefore important for Kāinga Ora to consider at this early stage: (a) whether or not there are other processes available for progressing the Proposal and if so, whether or not they may be more suitable; and (b) whether or not there are any other reasons why the SDP process might be suitable for the Proposal.
24. In the Proposal and in other information made public by the Proposer, the Proposer has stated that it considered the SDP to be an expedited process, including referring to the SDP process as a 'fast track UDA consent application'^[1] and the 'fast tracking of the rezoning and consenting'^[2].

25. Kāinga Ora has explained to the Proposer that the UDA process should not be characterised as a fast-track process. It is better characterised as a comprehensive, integrated decision-making process, which has significant complexity in the planning phase, but which, for complex development proposals, may save time in the long run in terms of project delivery. For more straight-forward large urban development proposals, other consenting pathways are likely to be quicker and more appropriate than using the UDA process.
26. The Proposal, and subsequent correspondence, states that the Proposer has developed appropriate solutions for all known infrastructure issues. (As discussed below, Kāinga Ora officers cannot confirm whether or not such solutions have been developed or are feasible because the Proposer has declined to provide these reports until Kāinga Ora selects the project and proceeds to a substantive assessment.) Nevertheless, on the basis of the Proposer's assertions that it has developed these solutions already, it appears that the Proposer's desire to use the UDA/SDP process relates far more to a perceived timing benefit, than a need for Kāinga Ora's assistance to resolve complex multi-party challenges relating to the delivery and funding of infrastructure and/or land acquisition issues.
27. The Proposer already has significant experience in the delivery of large master-planned residential developments under business-as-usual planning and delivery models. From the information provided, there is no obvious need for the Proposer to partner with Kāinga Ora to bring the Proposal forward for successful development, beyond their intent to use the SDP planning pathway under the UDA. The proposed project governance provides for significant Kāinga Ora input in the planning phase, but relatively minor input in the delivery phase, further supporting this conclusion.
28. Kāinga Ora officers consider that the Proposer's objectives of an expedited or fast-track process and certainty of delivery are likely to be inconsistent with the SDP process, because:
- (a) a decision to select the Proposal for assessment does not guarantee that the Proposal would be established as an SDP; and
 - (b) the Proposal would likely take at least two years to a final development plan and may take longer, given the known technical constraints of the Site; the lack of engagement with key stakeholders to date (noting our earlier comment that the Proposer has declined to engage with key stakeholders at this stage); and the likelihood, partly because of the absence of proactive and early engagement, for there to be challenges to the Proposal from key stakeholders.
29. The Proposer has also not explained why any of the more traditional RMA processes could not be utilised by the Proposer to establish the suitability of the site for residential-led mixed urban development, or why the UDA/SDP process would be quicker. While a party seeking to utilise the UDA/SDP process is not required to explain why alternative processes were not pursued, in circumstances where Kāinga Ora officers have some concerns about the appropriateness of the

UDA process, it would have been of assistance to understand why existing RMA processes are not viewed as equally or more appropriate by the Proposer.

30. For those reasons and on the basis of the information Kāinga Ora has received from the Proposer, the Proposal does not appear well suited for an SDP.

Any Treaty of Waitangi, Treaty settlement obligations and RFR land issues?

31. The Proposal does not provide any specific confirmation that there are no Treaty settlement obligations and participation arrangements applying to the Proposal Area, or that none of the Proposal Area land is RFR land or former Māori land, as defined by the UDA. This could be confirmed reasonably easily by the Proposer. We address more broadly below our inability to undertake an initial assessment of cultural values because the Proposal does not include any Cultural Values Assessments (“CVAs”) from any of the affected Mana Whenua.
32. Section 4 of the UDA states that in achieving the purpose of the Act, all persons performing functions or exercising powers under the Act must take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi). The Kāinga Ora Board has adopted the principles identified by the New Zealand Court of Appeal in *New Zealand Māori Council v Attorney General* [1987] 1 NZLR 641 (Lands Case), namely partnership, active protection and redress. When Kāinga Ora interprets the principles it reflects comments that other people have made about the principles, including the Courts, the Government and the Waitangi Tribunal.
33. While Kāinga Ora is not a Treaty partner, it must recognise and respect the Crown’s responsibility to consider and provide for Māori interests. In addition, the partnership and active protection principles of the Treaty are reflected in the operating principles of Kāinga Ora:
- a) s 14(1)(k) requiring Kāinga Ora to partner and have early and meaningful engagement with Māori, and offering Māori opportunities to participate; and
 - b) s 14(1)(i) requiring Kāinga Ora to identify and protect Māori interests in land, and recognise and provide for the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wahi tapu and other taonga (this operating principle is consistent with the obligation at s 5 of the UDA, which is considered at paragraph 43 below).
34. While noting that the Proposer has undertaken some engagement with Mana Whenua, the Proposal does not state what opportunities for participation or partnership in the development project may be available for Māori, or whether Mana Whenua have expressed interest in participation. As set out in more detail below, as far as Kāinga Ora officers are aware, no CVAs have yet been received and so it is not yet possible to undertake even an initial identification of what aspects of the Proposal might be of concern to Mana Whenua, whether or not there are Māori interests in the land, or how the relationship of Māori and their lands may be recognised and provided for.

35. The adequacy of the engagement to date by the Proposer is further addressed from paragraph 50.

Is the proposal consistent with the purpose and principles of the UDA?

36. The purpose and principles of the UDA, ss 3-5, apply directly to any decision made under s 29(a) to select a project for further assessment, and they also apply indirectly pursuant to an assessment of project objectives under the criterion described in s 28(b)(i).
37. Section 3 of the UDA describes its purpose as being to facilitate urban development that contributes to sustainable, inclusive, and thriving communities.
38. Based on the information provided there are aspects of the Proposal that would appear to be consistent with the purpose of the UDA, given the Proposal is for a low-emissions development of housing and related commercial, community, infrastructure and facilities. However, there are also key aspects of the Proposal, which given the limited information provided on matters such as the reverse sensitivity effects on Ardmore Airport, the provision of infrastructure (including transport and community infrastructure), and part of the Proposal area not currently being earmarked for future urban use, along with the lack of prior engagement with stakeholders (other than some very early engagement with Māori interests¹), which has meant that Kāinga Ora is not able to satisfy itself at this time that the Proposal would be consistent with the purposes of the UDA.
39. Section 4 of the UDA is addressed in paragraph 32 above.
40. Section 5 of the UDA sets out the following principles that as a person performing functions or exercising powers under it in relation to a SDP, Kāinga Ora must have particular regard to. Specifically, subsection (1) requires that Kāinga Ora, in selecting a proposal for a SDP under s 29(a), must have particular regard to providing or enabling:
- i. integrated and effective use of land and buildings; and
 - ii. quality infrastructure and amenities that support community needs; and
 - iii. efficient, effective, and safe transport systems; and
 - iv. access to open space for public use and enjoyment; and
 - v. low-emission urban environments.
41. As described, the Proposal is for a low-emissions urban development, which includes the provision of amenities within the development itself to support some community needs.

¹ Noting that, as yet, no CVA from any of the affected Mana Whenua have been received by the Proposer or provided to Kāinga Ora, and accordingly Kāinga Ora has no understanding of any particular cultural values associated with the site, or how any works proposed on the site (including any potentially significant infrastructure works) might impact on those values.

However, based on the information provided by the Proposer, Kāinga Ora officers have not been able to satisfy themselves that the Proposal could provide or enable integrated and effective use of land and buildings, as limited information has been given regarding the way in which the Proposer will address the reverse sensitivity effects arising from its location immediately adjacent to the established and busy Ardmore Airport, such that it might be considered as enabling integrated and effective use of land and buildings. Further, there has been no engagement with the operators or users of Ardmore Airport in this regard. Nor is it apparent from the information provided how the relevant infrastructure requirements of the Proposal (including transport and community infrastructure) will be met, particularly given that part of the Proposal Area falls outside the land area identified by Auckland Council for urban development in the Auckland Unitary Plan. The Proposer has declined requests by Kāinga Ora officers to engage with Auckland Council in respect of such issues prior to Kāinga Ora making its selection decision under s 29(a). This refusal to engage was surprising given other statements by the Proposer that they had already prepared detailed technical reports that demonstrate that there are solutions to the infrastructure challenges at the Site (particularly as regards potential flooding effects).

42. For these reasons, Kāinga Ora officers have not able to satisfy themselves at this time that the Proposal has regard to or enables the matters set out in s 5 of the UDA.
43. Section 5 further requires that the Proposal promote the sustainable management of natural and physical resources and, in doing so,—
 - (i) recognise and provide for the matters in s 6 of the RMA; and
 - (ii) have particular regard to the matters in s 7 of that Act; but
 - (iii) recognise that amenity values may change.
44. As noted, as far as Kāinga Ora officers are aware, no CVAs have been received from Mana Whenua, and as such, it is not possible for Kāinga Ora officers to assess how s 6(e) and 7(a) will be addressed. The Proposal makes various assertions that there are no areas of significant indigenous vegetation or significant habitats of indigenous fauna, but there has been no reports provided to substantiate those statements. There has also been no indication in the documentation provided by the Proposer as to whether or not any wetlands or streams will be affected or reclaimed by any of the proposed works, such that Kāinga Ora officers can assess matters under s 6(a) or 7(d).
45. For the reasons stated above, at this time Kāinga Ora officers do not have sufficient information to be able to satisfy themselves that sections 6 and 7 of the Resource Management Act will be recognised and provided for (in the case of s 6) and had particular regard to (in the case of s 7).

Are the proposed objectives consistent with existing national directions under the Resource Management Act 1991?

46. Whilst the project objectives are not established at this stage, there is no assessment provided in the information received as to how the Proposal will be more generally consistent with the existing national directions under the RMA. For the reasons stated above, whilst there are some general

statements in the Proposal about the consistency with Part 2 of the RMA, there is no supporting evidence provided and a number of aspects of Part 2 have not been commented on at all. Kāinga Ora officers have concerns with the likely consistency of the Proposal with a number of national directions, including the National Policy Statement: Urban Development (**NPS-UD**), in terms of the Proposal's contribution towards a well-functioning urban environment, given no information is provided as to how the Proposal will address potentially significant reverse sensitivity issues with the long established Ardmore Airport which is immediately adjacent to the Proposal. Furthermore, no information has been provided regarding the details of how infrastructure challenges for the Site will be addressed, nor has any engagement been undertaken with the relevant territorial authority.

47. Other national direction instruments such as the National Policy Statement for Freshwater Management; National Environmental Standards for Freshwater; National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health and the proposed National Policy Statement for Highly Productive Soil would also appear potentially relevant to consideration of Proposal, but have also not been considered in the Proposal documents.
48. For the reasons set out above, Kāinga Ora officers do not consider that they have sufficient information to be able to conclude that the Proposal would, in a general sense, be consistent with existing national directions.

Has the engagement to date been appropriate?

49. Engagement is required directly by s 22, UDA (along with a duty under s 23 to cooperate with relevant local authorities and infrastructure providers), and indirectly through the Operating Principles contained within the Kāinga Ora – Homes and Communities Act 2019 at s 14(1)(k) and 14(1)(l). Kāinga Ora officers have concerns about the level of engagement undertaken to date, considering that the proposer notes that the development plan and infrastructure solutions are well advanced and that this has occurred without engagement with stakeholders or Auckland Council.
50. As noted earlier, while there has been some engagement with Mana Whenua, no CVAs have yet been received and so it is not possible to identify – even at a high level – what aspects of the Proposal might be supported or be of concern to Mana Whenua.
51. The failure to engage with the operator of Ardmore Airport is of particular concern given the extent of proposed development within the Airport Noise Overlay. The Auckland Unitary Plan defines “Activities sensitive to aircraft noise” as “Any dwellings, boarding houses, marae, papakāinga, integrated residential development, retirement villages, supported residential care, care centres, education facilities, tertiary education facilities, hospitals, and healthcare facilities with an overnight stay facility”. The Proposal does not specify where on the site these activities will occur, but it is inevitable that many of these sensitive activities will be within the Airport Noise Overlay.
52. The Proposer has also not taken up Kāinga Ora officer's invitation that engagement be undertaken with Auckland Council prior to Kāinga Ora making its s 29(a) decision. Because the Proposer declined to engage with Auckland Council and certain key infrastructure providers, Kāinga Ora's

obligation under s 23 to co-operate with those entities and give them reasonable assistance to enable them to perform their respective functions, powers, rights and duties means that Kāinga Ora may be required to consult with them directly about the Proposal. This duty applies directly to projects being assessed as potential SDPs and so applies to Kāinga Ora's decision to select a project for assessment, as well as the substantive assessment itself.

Adequacy of information provided?

53. Since receipt of the Proposal, Kāinga Ora officers have been in correspondence with the Proposer to discuss the Proposal and to seek further information that would assist Kāinga Ora to determine whether or not it should select the Proposal as an SDP under section 29(a) of the UDA. In that regard, information on a number of matters that were considered relevant to consideration of the Proposal for selection by Kāinga Ora (as demonstrated in the above discussion) were not contained in the Proposal received on 5 October 2021.

54. By email dated 14 October 2021 Kāinga Ora officers stated that they would be seeking further information from the Proposer in order to undertake an assessment of whether or not it should select the Proposal for assessment as a potential SDP, noting that it is still available for the joint Ministers to direct Kāinga Ora to assess the Proposal as a potential SDP under section 29(b) of the UDA.

55. In email response dated 19 October 2021 the Proposer stated:

At risk of repeating myself, we firmly believe that there is no additional information that you could possibly require to designate this project as an SDP that is not already contained in our application materials that were sent to you on the 5th October.

As stated on our call last week, as soon Sunfield is designated an SDP, you will have all of the extensive Iwi consultation, as well as all the technical reports, landscape assessments, planning reports and other matters that relate to the detailed design and delivery of Sunfield on your desk within the hour. These have all been compiled well regarded experts and in most cases have been peer reviewed by two other equally reputable independent expert consultancies. As experienced developers of projects of this scale, we wouldn't be putting the effort in that we are if we weren't entirely confident that all of the finer detail pertaining to the proposed project worked.

56. In an email dated 4 November 2021, Kāinga Ora officers again requested further information regarding the Proposal. Specifically, Kāinga Ora officers wrote to the Proposer stating:

We consider that additional information is needed before a selection decision can be made, particularly on some of the technical challenges for the project.

We have had an initial conversation with Auckland Council but would like to extend this as a three-way, more detailed conversation to give us confidence that the infrastructure solutions (technical and funding) proposed by Winton are acceptable, or that the parties have confidence that an acceptable solution can be agreed. The proposal relies on reaching such an agreement with Council and we consider it important to have a reasonable level of confidence in these matters before selection. This conversation would also aim to identify any other issues that may prevent Council from supporting the proposal.

57. In response, by way of email dated 8 November 2021, the Proposer declined to provide further information for the following reasons:

The additional information / engagement you have requested below is not required as part of section 29. We acknowledge that this information / engagement is required to allow Kāinga Ora to complete an assessment of the project as is detailed in section 31, however this occurs after the project has been selected for assessment as a potential specified development. Section 31 clearly states: “Kāinga Ora must assess a project selected in accordance with Section 29 by –”).

Once Sunfield has been selected by Kāinga Ora for assessment as a potential specified development project, we are happy to work constructively with you on following matters that you have outlined below:

- *Enter into a letter of Intent with Kāinga Ora to set out how we work together through the process to establish Sunfield as a Specified Development Project.*
- *Engaging in dialogue with Kāinga Ora and Auckland Council on the project’s infrastructure solutions (both technical and funding).*
- *To bring Kāinga Ora into the Mana Whenua engagement for the Sunfield project which has now been ongoing for in excess of a year.*

58. Kāinga Ora officers have consistently requested further information from the Proposer in order for it to determine whether or not the Proposal should be selected for assessment as potential SDP, both by way of email and in meetings with the Proposer. At the date of this report this requested information has not been provided.
59. Kāinga Ora officers do not consider it has sufficient information on the Proposal at this stage to be able to select it for assessment as a potential SDP pursuant to s 29(a) of the UDA.

Overall assessment

60. After considering the above matters individually, it is appropriate for Kāinga Ora to consider whether, overall, it should exercise its discretion under s 29(a) to select the Proposal for assessment as a potential SDP. While there are aspects of the project that might meet some of the higher order purposes and principles of the UDA, at this stage Kāinga Ora officers consider that there is insufficient information to properly assess the Proposal against some other important higher order purpose and principles of the UDA.
61. In respect of the information that has been provided, Kāinga Ora officers are concerned in particular that the Proposer declined to engage with Auckland Council or with other key stakeholders such as Waka Kotahi and the operators of Ardmore Airport prior to the proposal being selected, and the failure to document the position of Council infrastructure entities (e.g. Healthy Waters, Watercare and Auckland Transport).
62. At this early stage, there would appear to be potentially significant effects arising from the establishment of a large number of activities sensitive to aircraft noise (e.g. including residential, retirement villages, healthcare and education) within the Ardmore Airport noise overlay. Related to those matters is a concern about the lack of alignment with important aspects of national directions, including the NSP-UD, the need to ensure integration between urban development and infrastructure, and a lack of information to properly assess how the proposal aligns with RMA Part 2 matters including, in particular potential impacts on Mana Whenua interests, and the effects on wetlands and streams.

63. On the basis of the information received, Kāinga Ora officers consider that the Proposer’s objectives of an expedited or fast-track process are likely to be inconsistent with the SDP process, and the Proposal does not appear to be well suited for an SDP.

Recommendation

64. For the reasons set out above, the Manager Specified Development Projects recommends that the General Manager Urban Planning and Design **does not select** the Proposal received by the proposal on 5 October 2021 for assessment as a potential SDP under s 29(a) of the UDA at this time.

Report prepared by: David Clelland, Manager Specified Development Projects

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Appendix 1 - Correspondence

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Appendix 1

Email Correspondence with Winton

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5 th October 2021	Kāinga Ora	Winton	Sunfield Urban Development Act Application	3
14 th October 2021	Kāinga Ora	Winton	Sunfield Urban Development Act Application	4
19 th October 2021	Winton	Kāinga Ora	Sunfield Urban Development Act Application	5
4 th November 2021	Kāinga Ora	Winton	Sunfield Project	6
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From: s 9(2)(a)

Sent: Tuesday, 5 October 2021 3:14 PM

To: Neil Mayo s 9(2)(a) David Clelland s 9(2)(a)

Subject: Sunfield Urban Development Act Application

Dear Neil and David

The purpose of this email is to formally lodge the Sunfield Specified Development Project Application under the Urban Development Act 2020 (UDA).

The Sunfield Specified Development Project Application provides Kāinga Ora with the initial information required to enable Sunfield to be classified as a Specified Development Project under the UDA.

The stated purpose of the UDA is “to facilitate urban development that contributes to sustainable, inclusive, and thriving communities”. It is clear to Winton that the UDA has been specifically created for the purpose of fast tracking the rezoning, consenting and delivery of large-scale projects such as Sunfield. Winton firmly believes that the Sunfield development has all of the attributes required to be classified as a Specified Development Project under the UDA.

It would be appreciated if you could please confirm your respective addresses for service, so that bound hard-copies of the Sunfield Specified Development Project Application can be sent to you. In the meantime, the link to the full document is here:

[Sunfield UDA Application to Kainga Ora October 2021](#)

Winton looks forward to working collaboratively with Kāinga Ora to initially classify Sunfield as a Specified Development Project and the subsequent delivery of the Sunfield development in a timely manner.

Winton welcomes the opportunity to meet with Kāinga Ora to discuss the proposed development and to answer any queries Kāinga Ora may have at any time.

Best regards

s 9(2)(a)

From: David Clelland

Sent: Tuesday, 5 October 2021 6:28 PM

To: s 9(2)(a)

Subject: RE: Sunfield Urban Development Act Application

Hi s 9(2)(a)

Thanks for sending this through. I can see a lot of work has gone into it. We'll have a close look and make a time for a conversation over zoom in the first instance.

I'm thinking next week some time. Do you have any particular days that would suit best? – Friday looks pretty good.

From this end I will probably include Hayley Fitchett, Brendon Liggett and someone from the commercial team – possibly Neil.

Our physical address is normally 107 Carlton Gore Road but our website has the following postal address.

Kāinga Ora – Homes and Communities
PO Box 74598, Greenlane
Central Auckland 1546

Kind regards

David

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From: David Clelland
Sent: Thursday, 14 October 2021 11:38 AM
To: s 9(2)(a) [REDACTED]
Cc: Katja Lietz s 9(2)(a) [REDACTED]
Subject: RE: Sunfield Urban Development Act Application

Dear s 9(2)(a) [REDACTED]

Thank you for your time on Tuesday regarding the proposed development 'Sunfield'.

We will be in touch with you in early November to confirm whether:

- a) A decision under s.29 can be made on the basis of the information provided to date (and any additional information you may choose to provide); or
- b) Further consideration is needed, including the possibility of a report to the Urban Development and Planning Subcommittee of our Board, which next meets on 22 November.

If, in forming a view on your proposal, we take account of information you have not addressed in your proposal we will advise you and invite you to comment on that information.

One matter we would like to follow up on directly is your comment that the process from S.29 selection through to the establishment decision at S.46 can be significantly shortened compared to the time we would expect it to take. We would like to better understand Winton's view on this this and ask if we could talk directly to s 9(2)(a) [REDACTED] or someone else to help us understand this at a technical level.

I also want to advise that Auckland Council has enquired as to the status of the proposal and we think it is important to talk to them about it given their overall role in planning and development matters under both normal and UDA processes. I note that following any s.29 decision to select the project for assessment we are required to formally seek Auckland Council's view, and engaging with them now will assist in surfacing any concerns early.

Best regards

David

From: s 9(2)(a)
Sent: Tuesday, 19 October 2021 4:39 PM
To: David Clelland
Cc: Katja Lietz s 9(2)(a)
Subject: Re: Sunfield Urban Development Act Application

Thanks David,

At risk of repeating myself, we firmly believe that there is no additional information that you could possibly require to designate this project as an SDP that is not already contained in our application materials that were sent to you on the 5th October.

As stated on our call last week, as soon Sunfield is designated an SDP, you will have all of the extensive Iwi consultation, as well as all the technical reports, landscape assessments, planning reports and other matters that relate to the detailed design and delivery of Sunfield on your desk within the hour. These have all been compiled well regarded experts and in most cases have been peer reviewed by two other equally reputable independent expert consultancies. As experienced developers of projects of this scale, we wouldn't be putting the effort in that we are if we weren't entirely confident that all of the finer detail pertaining to the proposed project worked.

You are welcome to talk to s 9(2)(a) (copied) about any aspect of the Sunfield proposal at any time.

Is entirely your decision as to whether or not you engage with Auckland Council at this stage. You will of course be aware that at this stage you are not required to however, and we believe that doing so at this stage will only serve to slow down the process of Sunfield reaching SDP status. As an aside, we have received some thousands of emails of support to our project through our website. Some of the notable letters of support come from the highest levels of Auckland Council and as a result, we are confident of their willingness to firmly embrace the project.

We re-iterate that this government has specifically introduced the UDA legislation to improve the supply of healthy homes. It has legislated elsewhere to improve matters pertaining to the environment, carbon emissions and transport. The Sunfield project delivers extremely strong outcomes on all four legislated intentions, so we believe that is incumbent on you to ensure that it is granted SDP status over the coming days or weeks such that the detail that logically follows can then be processed in the most efficient manner possible.

Best regards,

s 9(2)(a)

From: David Clelland
Sent: Thursday, 4 November 2021 3:54 PM
To: s 9(2)(a)
Cc: Katja Lietz
Subject: Sunfield project

Dear s 9(2)(a)

Further to the conversation between Katja and yourself yesterday I am putting in writing the key points we wanted to convey.

Thank you again for submitting your Sunfield proposal for selection under section 29 of the Urban Development Act. The email of 14 October indicated that we would be in touch with you in early November to confirm whether:

- a) A decision under s.29 can be made on the basis of the information provided to date (and any additional information you may choose to provide); or
- b) Further consideration is needed, including the possibility of a report to the Urban Development and Planning Subcommittee of our Board, which next meets on 22 November.

Following internal discussion and without limiting our discretion in project selection, we would like to proceed on the following basis.

We consider that additional information is needed before a selection decision can be made, particularly on some of the technical challenges for the project. We have had an initial conversation with Auckland Council but would like to extend this as a three-way, more detailed conversation to give us confidence that the infrastructure solutions (technical and funding) proposed by Winton are acceptable, or that the parties have confidence that an acceptable solution can be agreed. The proposal relies on reaching such an agreement with Council and we consider it important to have a reasonable level of confidence in these matters before selection. This conversation would also aim to identify any other issues that may prevent Council from supporting the proposal.

Working together under the Urban Development Act relies on a high-level of trust and collaboration. We propose developing an agreement with you setting out how we will work together in the event the project is selected for assessment. This could be a letter of intent covering:

- the way we will engage with each other, with Mana Whenua, Auckland Council, affected land owners and any other stakeholders identified;
- confidentiality and information sharing; and
- how we will deal with any disagreements.

Please let me know if you are able to proceed on this basis so we can act on these proposals.

Signed

David Clelland

From: s 9(2)(a)
Sent: Monday, 8 November 2021 4:43 PM
To: David Clelland <s 9(2)(a)>
Cc: Katja Lietz
Subject: Re: Sunfield project

Dear David,

Thank you for your email below.

We firmly believe that we have presented you with all of the information required for Kainga Ora to select Sunfield for assessment as a potential specified development project under section 29 of the Urban Development Act 2020 (UDA).

The additional information / engagement you have requested below is not required as part of section 29. We acknowledge that this information / engagement is required to allow Kainga Ora to complete an assessment of the project as is detailed in section 31, however this occurs after the project has been selected for assessment as a potential specified development. Section 31 clearly states: "*Kainga Ora must assess a project selected in accordance with Section 29 by –*".

Once Sunfield has been selected by Kainga Ora for assessment as a potential specified development project, we are happy to work constructively with you on following matters that you have outlined below:

- Enter into a letter of Intent with Kainga Ora to set out how we work together through the process to establish Sunfield as a Specified Development Project.
- Engaging in dialogue with Kainga Ora and Auckland Council on the project's infrastructure solutions (both technical and funding).
- To bring Kainga Ora into the Mana Whenua engagement for the Sunfield project which has now been ongoing for in excess of a year.

As I have outlined above and previously, Winton is willing to work together collaboratively with all stakeholders through the UDA process to establish Sunfield as a Specified Development Project. We have expended a significant amount of investment to bring the project to this point and we now need Kainga Ora to agree that this is a project for serious consideration under the UDA to move forward.

As I have mentioned previously, we have engaged with a broad range of technical experts on this project (with the majority of these reports having been fully peer reviewed) and we are confident that any technical concerns raised in relation to the development of this project have been alleviated.

I would like to take this opportunity to re-state that while Winton welcomes the opportunity of engagement with Auckland Council in regard to this project, the UDA specifically does not require that Auckland Council provides it support to the project. This is clearly set out in section 28 h (ii) of the UDA.

We therefore request that the Sunfield Specified Development Project Application as lodged with Kainga Ora on 5 October 2021 be selected for assessment as a potential specified development project under section 29 of the UDA by either you or the joint Ministers by 5pm this Friday 12 November 2021 latest.

Best regards,

s 9(2)(a)

From: Katja Lietz
Sent: Wednesday, 10 November 2021 2:36 PM
To: s 9(2)(a)
Cc: David Clelland
Subject: RE: Sunfield project

Kia ora s 9(2)(a)

Thank you for your email dated 8 November 2021.

As we have stated in our previous discussions with you, the decision under s.29 of the Urban Development Act is discretionary. Kāinga Ora is under no obligation to select any project for assessment (unless it has been referred to Kāinga Ora by the joint Ministers). While there are no mandatory statutory considerations or criteria stipulated for the s.29 decision, one of the things Kāinga Ora is likely to take into account in deciding whether to select a particular project for assessment is the likely feasibility of the project.

I understand, based on your correspondence, that:

- Winton will not make its technical reports as to project feasibility available to Kāinga Ora unless and until the project is established as an SDP under s.47 of the UDA. Kāinga Ora has requested that this information be provided.
- Winton will not participate in a three-way conversation with Auckland Council, or enter into a letter of intent with Kāinga Ora unless and until the project is selected for assessment. I note that the position in your email is contrary to statements you made to me in our telephone call on 3 November 2021, in which you indicated that, prior to any selection decision, Winton would agree to meet with Kāinga Ora and the Council, and that Winton would consider an outline of an agreement for working together.

Please let me know promptly if the above is not accurate in relation to your intent regarding the additional information, the meeting with Council or the agreement we discussed.

Kāinga Ora is, of course, only able to consider whether to select a project for assessment based on the information available to it.

As noted above, Kāinga Ora has discretion whether to select a project for assessment under s.29 of the UDA. You have asked Kāinga Ora to make its decision on whether to select the Sunfield project for assessment by Friday 12 November 2021.

Although Kāinga Ora will ensure that its decision about whether to select your project is made within a reasonable timeframe, Kāinga Ora is not under any obligation to make any selection decision (or procure such a decision from the joint Ministers) by the date you have stipulated.

Ngā mihi

Katja Lietz

From: s 9(2)(a)

Sent: Wednesday, 10 November 2021 4:03 PM

To: Katja Lietz s 9(2)(a)

Cc: David Clelland s 9(2)(a)

s 9(2)(a)

Subject: Re: Sunfield project

Thanks Katja,

My comments are outlined in green below.

Best regards,

s 9(2)(a)

[Redacted]

[Redacted]

[Redacted]

From: Katja Lietz s 9(2)(a)

Date: Wednesday, 10 November 2021 at 2:38 PM

To: s 9(2)(a)

Cc: David Clelland s 9(2)(a)

Subject: RE: Sunfield project

Kia ora s 9(2)(a)

Thank you for your email dated 8 November 2021.

As we have stated in our previous discussions with you, the decision under s.29 of the Urban Development Act is discretionary. Kāinga Ora is under no obligation to select any project for assessment (unless it has been referred to Kāinga Ora by the joint Ministers). While there are no mandatory statutory considerations or criteria stipulated for the s.29 decision, one of the things Kāinga Ora is likely to take into account in deciding whether to select a particular project for assessment is the likely feasibility of the project. We disagree. The criteria for the S29 assessment is very clearly spelt out by Kāinga Ora and comprises the 10 questions that we very comprehensively answered within the c240 page application documents that were given to you on the 5th of October. Many of these answers go directly to the feasibility of the project.

I understand, based on your correspondence, that:

- Winton will not make its technical reports as to project feasibility available to Kāinga Ora unless and until the project is established as an SDP under s.47 of the UDA. Kāinga Ora has requested that this information be provided. This is not correct. We have stated below that we would provide these technical reports once Sunfield has been selected for assessment under section 29 (not section 47 which relates to the establishment of the Specified Development Project).
- Winton will not participate in a three-way conversation with Auckland Council, or enter into a letter of intent with Kāinga Ora unless and until the project is selected for assessment. I note that the position in your email is contrary to statements you made to me in our telephone call on

3 November 2021, in which you indicated that, prior to any (SDP) selection decision, Winton would agree to meet with Kāinga Ora and the Council, and that Winton would consider an outline of an agreement for working together. Our position on this remains that we will agree to this further engagement once Sunfield is selected under s29. It is in step with the correct process outlined in the legislation.

Please let me know promptly if the above is not accurate in relation to your intent regarding the additional information, the meeting with Council or the agreement we discussed.

Kāinga Ora is, of course, only able to consider whether to select a project for assessment based on the information available to it.

As noted above, Kāinga Ora has discretion whether to select a project for assessment under s.29 of the UDA. You have asked Kāinga Ora to make its decision on whether to select the Sunfield project for assessment by Friday 12 November 2021.

Although Kāinga Ora will ensure that its decision about whether to select your project is made within a reasonable timeframe, Kāinga Ora is not under any obligation to make any selection decision (or procure such a decision from the joint Ministers) by the date you have stipulated. Respectfully, we disagree. We believe we have provided you with very sound responses to the 10 questions that you have required us to answer in order for Sunfield to be selected under s29. We also believe that the 36 days that have now elapsed since we lodged this with you should comprise a reasonable timeframe within which you would have read and considered its c240 pages of information and enabled you to confirm the selection of Sunfield under s29 by the end of this week.

Ngā mihi

Katja Lietz

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Correspondence with Other Parties

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19 th October 2021	s 9(2)(a)	Specified Development Projects	Expression of Concern Sunfield Development, Papakura	15 - 17

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From: s 9(2)(a)
Sent: Wednesday, 6 October 2021 5:14 PM
To: s 9(2)(a) Kerrie Young s 9(2)(a)
s 9(2)(a) David Clelland
Subject: Winton

Afternoon all,

We have recently become aware of this Winton Sunfield development concept at Takanini at but have had no prior knowledge of it. They state in the promo that it's a UDA application.

<https://winton.nz/our-neighbourhoods/sunfield/>

Do you have anymore information on it you can share with us please. Let me know if you have discussed with others at Waka Kotahi.

Thanks

s 9(2)(a)

[Redacted]

[Redacted]

[Redacted]

[Redacted] / w.nzta.govt.nz

Auckland Office / Level 6, AMP Centre
29 Custom Street West, Private Bag 106602

Auckland 1143, New Zealand

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From: s 9(2)(a)
Sent: Thursday, 7 October 2021 10:52 AM
To: David Clelland; s 9(2)(a); Hayley Fitchett
Cc: s 9(2)(a)
Subject: Takaanini proposal

Kia ora David and Hayley

I hope you're surviving OK. We're certainly feeling a bit of fatigue set in here at Plans and Places. Just wondering whether you've heard much about this proposal? s 9(2)(a) and her team may have briefly discussed the proposal with the developer, but certainly not in any great detail. It seems they're looking to rely on the Urban Development Act. If they have had conversations with KO, it would be good to discuss. Happy to coordinate things at our end.

[With few roads, a new development offers cheaper Auckland housing | Stuff.co.nz](#)

Regards | Ngā mihi

s 9(2)(a)
Auckland Council, Level 24, 135 Albert Street, Auckland
Visit our website: www.aucklandcouncil.govt.nz

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From: s 9(2)(a)
Sent: Friday, 8 October 2021 1:27 PM
To: Kate Randell s 9(2)(a) >
Subject: Winton SDP

Hi Kate

I hope you're well. We met some time ago at your Carlton Gore Road office.

I'm wondering if you can give me a quick call about the above? Ardmore Airport is our client and they are wanting an update on where this is at in the process and I'm just wanting to understand timeframes etc.

Regards

s 9(2)(a)

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From: s 9(2)(a)
Sent: Tuesday, 19 October 2021 4:50 PM
To: Specified Development Projects s 9(2)(a)
Subject: Expression of Concern Sunfield Development, Papakura

Dear Mr McKenzie and Ms Lietz

Please find attached our formal letter of concern in regards to a recently submitted proposal to Kāinga Ora from developers Winton for their Sunfield development, Papakura.

Kind regards

s 9(2)(a)

New Zealand Warbirds Assoc.
Mob: s 9(2)(a)

NEW ZEALAND WARBIRDS ASSOCIATION (INC.)

De Havilland Lane, Ardmore Airport.

P.O. Box 283 049

Ardmore Airport, Papakura, Auckland 2166



19 October 2021

Andrew McKenzie
Chief Executive
and

Katja Lietz
General Manager Urban Planning & Design
Kāinga Ora – Homes and Communities National Office
PO Box 2628
Wellington 6140

Dear Mr McKenzie and Ms Lietz

Expression of Concern – Proposed Sunfield Development and Ardmore Airport Operators.

I am writing on behalf of a group of Ardmore Airport operators, namely Ardmore Flying School, AucklandAero Club, Southern Wings Ltd, Airline Flying Club and NZ Warbirds Association.

We are established flying organisations at Ardmore Airport, Papakura, South Auckland and are concerned at the possible ramifications of a proposed large-scale residential development proposed by the Winton Group.

I refer to the Sunfield Village which has been widely promoted in the media over the past two weeks. The developer extolls the environmental virtues of the design and proximity to existing infrastructure facilities, however, omits its immediate neighbour is New Zealand's busiest general aviation airport, which was formed and has been operating since 1942.

Our group applauds the overall environmental concepts of the proposal. Our concern is with the location. If this development were to proceed it will only be a matter of time before there is a clash of wills between the new residents of Sunfield and the existing aircraft operators at Ardmore.

Our primary concern is that, should this proposed development proceed it is inevitable that the new homeowners and residents, who have been wooed with a promise of an environmentally friendly lifestyle will find they are living adjacent to the country's busiest general aviation airport, specially directly under the take off and approach pathways to the main runway. This leads to two major conflicts;

1. the first is safety in the event of an aircraft malfunction and
Land Use Restriction: Rural Aerodrome Protection Areas (Fixed Wing Aircraft Operation). *The land use restriction is essential as aircraft pass over the Rural Aerodrome Protection Areas on landing and take-off at low altitudes. These areas are subject to a high level of aircraft noise and there is also a relatively greater risk of aircraft accident in these areas than elsewhere.*
<https://unitaryplan.aucklandcouncil.govt.nz/html/Designations/Ardmore%20Airport%20Ltd.htm>
2. the second is noise
Land uses within the Rural Aerodrome Protection Areas which may be adversely affected by aircraft noise or which may detrimentally affect the safe operation of aircraft should be avoided.

As a proposal submitted to be assessed as a Special Development Project, to provide an environmentally friendly residential subdivision, we have concerns that the people who may purchase in this type of development can expect a reasonable and quiet enjoyment of life. Largely promoted as a carless suburb the developer has publicly stated that living in such an environment, most people will not want to leave home more than they would if living in other suburbs. In living and staying local they will not have the ability to gain any respite from aircraft noise. Indeed, if residents want to get out and walk or take part in recreational activities around the development's own parks and reserves, they will be subjected to even more noise – 7 days a week and evenings. We believe this will compromise people's feeling of wellbeing and compound any sensitivity to noise.

There is also protection for an established user from new developments in the Resource Management Act. Specifically, 'Reverse Sensitivity', see
<http://www.nzli.org/nz/journals/CanterLaw/2006/1.html>

Reverse Sensitivity is the vulnerability of an established land use (i.e., Ardmore Airport) to complaint from a newly established more sensitive land use (i.e., new houses). In practice such complaints can compromise the established land use.

It is our understanding that the proposal has been submitted under the Urban Development Act (UDA) which initially bypasses the standard planning and consent procedures. We also understand that the UDA was established to promote *shovel ready* projects to stimulate the economy post the 2020 Covid lockdown. We fail to see how this new proposal should be considered under that act as there are a number of factors that deserve closer scrutiny. Those readily identified are;

- The land under consideration for the proposal is currently zoned Mixed Rural that is it requires to be re-zoned for this development.
- We understand at the time of submission both Auckland Council and Auckland Transport may not have been consulted and Ardmore Airport Ltd have not been consulted. All are key stakeholders in the proposed development.
- The development shows removal of a significant portion of Hamlin Road. This is a key local transport route to Ardmore Airfield and Papakura – Clevedon.

The above points reinforce our view that the Sunfield proposal is not *shovel ready* and we believe it should come under the scrutiny of well-established existing planning requirements. This process ensures all interested and affected parties have the opportunity to present their position in a fair and equitable way.

It is our understanding that that this proposal has been submitted to yourselves at Kāinga Ora. Our group is extremely concerned for the future viability of our businesses should this development gain approval.

As key people working within the Urban Development Act, we ask that you ensure we are recognised as affected parties and be kept apprised of any developments with this proposal.

Yours sincerely

s 9(2)(a)

NZ Warbirds Association Inc

On behalf of

- Airline Flying Club
- Ardmore Flying School
- Auckland Aero Club
- New Zealand Warbirds Association
- Southern Wings Ltd