

File ref: FTC000029

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Dear John

Request for information from Wooing Tree Property Development LP in relation to the Wooing Tree Estate resource consent application under COVID-19 Recovery (Fast-track Consenting) Act 2020

The Wooing Tree Expert Consenting Panel has directed the EPA to request further information from you under clause 25 of Schedule 6 of the COVID-19 Recovery Act 2020 (the Act), relating to the Wooing Tree Estate resource consent application.

The EPA is seeking the information outlined in Appendix 1, to enable completion of draft conditions for circulation.

The EPA considers this information to be necessary and relevant to the Wooing Tree Estate resource consent application.

In accordance with clause 25 of Schedule 6 of the Act the applicant must

- a) Provide electronic copies of the information or report requested; or
- b) Advise the EPA, with reasons that you decline to provide the information or report requested.

Please provide the further information to the EPA by **Friday 10 September 2021**.

Please note, the information will be provided to the panel, the application and every person who provided comments on the application. The information will also be made available on the EPA website.

If you have any questions or further queries please don't hesitate to contact Gen Hewett, by email gen.hewett@epa.govt.nz or phone (04) 474 5523 or 027 839 3760.

Yours sincerely



Gen Hewett
Senior Advisor

Appendix 1: List of information requested

General

1. **Conditions 1 and 2:** Some updates to these Conditions are required to align with the FIR 2 August Response. In particular:

a. Some of the plans referenced in **Condition 1** have been updated with further revisions provided as part of the FIR 2 August response. Please update Condition 1 to provide reference to the most recent and correct iterations of those plans.

b. Some plans provided in the FIR 2 August response do not appear to be expressly referred to in **Condition 2**. These are:

- B1 Hospitality Centre Landscape Plan – FDA: Sheet title is Site Plan: cellar door and café/bike shop (landscape) 1347 A-104-B, Rev B, 11 August 2021.
- C1 Urban Design and Landscape Master Plan – Baxter Design: Plan is titled Concept Masterplan Scheme Revision 5
- C2 Buffer Treatment.
- F Earthworks Plans.
- G Lots subject to reverse sensitivity covenants: C2655 SCM M RS version 10, Rev A, 11 August 2021.

Whilst it is noted that some of these plans are captured by subsequent specific conditions, it is preferable that Condition 2 is inclusive of all relevant plans. **Please update Condition 2 to reflect this.** Any plan references in all subsequent specific conditions should also be checked and updated where necessary to ensure the correct version of plans are referenced.

2. The Panel is considering grouping the conditions into three categories for ease of subsequent administration by the CODC and the consent holder, as follows:

- a. General conditions (Conditions 1-2)
- b. Subdivision (Conditions 3-46); and
- c. Land use (Conditions 46-84A)

However, it seems that the land use conditions do contain some conditions that fall more naturally into the subdivision grouping (particularly those that refer to the consent notice process which is the sole domain of subdivision). **Please identify those conditions within conditions 46 – 84A that are**

principally subdivision conditions along with revisions to them that add any necessary cross-references back to/or from the relevant land use conditions.

3. There are several references in various subdivision consent conditions to “Landscape Plan” as follows:
 - a. *Street Tree Plan* – **Condition 15** dealing with street trees
 - b. *Northern Boundary Landscape and Cycleway Plan* - **Conditions 48 and 52** requiring a Landscape Plan and Cycleway Plan for any stage of the subdivision adjoining Lot 803 / 804
 - c. *State Highway Landscaped Buffer and Bund Plan* – **Conditions 81 C, F and G** requiring a Landscape Plan for lots 806-808 along the boundary with SH6 and SH8B.
 - d. *Northern Landscape Buffer Plan* – **Condition 81L** requiring a Landscape Plan for lots 802 and 803 along the northern boundary.

In addition, **Condition 81P** (Transport) requires detailed landscaping and street furniture and signage plans be submitted to the CODC as part of engineering plan approval process for approval by CODC. **In order to avoid confusion between these various plans, it is requested that the Applicant rename the generic Landscape Plan in each condition with a specific name reflecting the purpose of each specific plan.** As a suggestion the titles in italics in a – d above may be appropriate. **In addition, it is requested that condition 81P be amalgamated into condition 15.**

4. Producer Statements/Certification/As Built Drawings - these conditions are covered by:
 - a. **Conditions 42D-42E** dealing with certification; and
 - b. **Conditions 80-82** dealing with “general matters”

There appears to be considerable overlap between these 5 conditions and some rationalisation may be possible with a regrouping under the subdivision consent conditions. **Please rationalise conditions 42D/E and conditions 80-82 as subdivision conditions.**

5. **Condition 46A:** Remediation Action Plan (RAP) – this condition requires “*the consent holder shall fully implement the Remediation Action Plan forming part of this application*”. This Plan is referred to in Condition 1. Please confirm whether the Plan is a draft or a final version, and whether it applies only to Stage 2 or to all remaining stages. Furthermore, while there is reference in Condition 46B to a contaminated land specialist suitably qualified and experienced in contaminated land management (a SQEP) overseeing the implementation and monitoring of the RAP, there is no reference to whether it is to be certified by the SQEP or the CODC. **Please clarify through condition revision what process it must go through** (the framework of the CMP – with alterations – as per below may assist). If the Plan is limited to Stage 2, please clarify the condition amendments necessary to provide for amendment of the current RAP or creation of a new RAP, to address the balance of the site and remaining stages.
6. **Conditions 53-60:** Construction Management Plan (CMP) and Construction Traffic Plan (CTP) – these conditions usefully outline what the CMP must contain (but not the CTP). Further it is not clear who

should produce such Plans and what the certification process should be. **Please clarify through condition revision what the CTP should include and who should produce the CMP and CTP and what process they must go through.**

7. **Conditions 61-66B:** “Hospitality Centre” - These conditions need to be clarified/reworded.

Condition 61 refers to the “hospitality centre on lots 601-602”. The building on Lot 601 is consistently referred to as the cellar door in plans. The building on Lot 602 is referred to as “Bike shop/café” (1347 A-104B) and “Hospitality & Tourism” (1347 A-102 L). Consistent individual descriptions of the buildings would assist – for example is the “hospitality centre” referring to both buildings or just the building on lot 602?

The Panel understand that consent is sought for both the bulk and location & the design and appearance of the buildings. **Please confirm if this is the case.** Assuming it is, then the Panel notes that:

- Reference is made to construction of the hospitality centre on lots 601-602 being “generally developed in accordance with the plans...” (Condition 61). The plans listed in Condition 61 are understood to all relate to the cellar door on Lot 601 with the exception of 1347 PSK 097 Rev A which appears to be a concept for the building on Lot 602 (**confirmation of this required**).
- None of these plans are properly dimensioned. No height is identified. The Panel note the Urban Design evidence of Mr Baxter in response to comments states at para 37 that “a more appropriate height may be lower than [10m]... in order to maintain an appropriate scale”. **Please clarify what maximum height should be specified in conditions or provide updated plans with dimensions.**

Condition 62 states “detailed design of the building shall be generally in accordance with the location and building envelope shown on the FDA plans...” Presumably “building” should be amended to “buildings” (i.e. the condition is intended to address buildings on both Lot 601 and 602)? The Panel also have a concern about the degree of discretion reserved to the Planning Manager to approve the design given this is essentially reserving a discretion to the Council (the absence of clear dimensions on the plans is also a concern). The plans should either be sufficiently detailed in both bulk and location & design and appearance content to enable the Panel to approve them or if they are not then an alternative consent process should prevail. Please provide a reasoned response addressing this concern, including (if the proposed discretion remains appropriate in the Applicant’s view) commentary on whether the proposed discretion is lawful.

8. **Condition 71(b):** Signage – This condition refers to FDA plan number 1347 A 102 L - dated July 2021. Is this the correct plan to reference? 1347A 102 L is a site plan, it does not contain signage dimensions, only a reference to “proposed location of totem sign”. There are 3 plans showing permanent signage – FDA Signage Schedule 1354 A901 Rev B 16 August 2021; and Baxter Design Entrance Walls Signage 2953-WD46 Rev B 16 August 2021 and Baxter Design Entrance Walls Signage 2953-WD47 Rev C 16 August 2021. **Please clarify through condition revisions the correct plans to be referenced.**

9. Condition 76: Temporary signage - This condition refers to a plan by Veros dated April 2021 drawing numbers 1-8. The Panel does not appear to have received this updated version. **Please provide a copy of the updated Veros plan.**

10. Condition 81O: Underpass – This condition sets out requirements for the underpass. It potentially replicates some earlier subdivision conditions dealing with the underpass and may be redundant. **Please assess the need for condition 81O and if deemed to be necessary integrate it through condition revisions into earlier subdivision conditions relating to the underpass.**

Note on condition numbering.

The numbering of conditions referred to in the ten questions above refers to the numbering used in *RFI2_Wooring_Tree_Suggested_conditions_of_consent_16_August_2021_v_10*. The Panel notes that there are numbering anomalies in those suggested conditions (e.g. repetition of numbering and out of sequence numbering). This is something the Panel will address in the final set of draft conditions to be circulated to the parties. In the meantime, it requested that the current numbering is referenced in the response to the above 10 questions.