

BEFORE AN EXPERT CONSENTING PANEL

IN THE MATTER of the Fast-track Approvals Act 2024 (**FTAA**)

AND

IN THE MATTER of an application for approvals by Winton Land Limited to subdivide and develop 244.5 hectares at Old Wairoa Road, Cosgrave Road, and Airfield Road between Takanini and Papakura, Auckland into approximately 3,854 homes, consisting of individual homes and 3 retirement villages containing independent living units and associated features such as a 7.5 hectare town centre, a school, 4 local hubs, open spaces, green links, recreation parks and reserves and ecological areas (**Application**)

**‘WILL SAY’ STATEMENT FOR EXPERT WITNESS CONFERENCING BY RUTH
UNDERWOOD (AUCKLAND COUNCIL)**

**Loss of Highly Productive Land – Rural Productivity / Soil and Land Use
Capability**

Dated: 7 November 2025

1. INTRODUCTION

- 1.1 This 'will say' statement is provided by Ruth Underwood on behalf of Auckland Council in relation to expert witness conferencing for the Sunfield Fast-track Application under the FTAA.
- 1.2 This statement relates to issues concerning the loss of highly productive land (**HPL**) as a consequence of the Application and proposed development, and specifically whether the exemption in clause 3.10 of the National Policy Statement on Highly Productive Land (**NPS-HPL**) is met. I address this from a rural productivity perspective.
- 1.3 I previously prepared a report for the Council on these matters entitled "Annexure 16: Highly Productive Land" dated 4 August 2025 (**the Report**).

2. QUALIFICATIONS AND EXPERIENCE

- 2.1 I am a consultant with Fruition Horticulture. My specialist area is rural productivity and HPL, in particular horticulture. I have a Bachelor of Horticultural Science with First Class Honours, from Massey University awarded in 1986, and over 35 years relevant consulting experience. My qualifications and experience are set out in brief form at paragraphs 2 – 4 and 15 of my Report, however I provide a more detailed summary at **Attachment 1**.

3. CODE OF CONDUCT

- 3.1 I confirm that I have read the Environment Court Practice Note 2023 – Code of Conduct for Expert Witnesses (**Code**) and have complied with the Code in the preparation of this statement. I agree to follow the Code of Conduct when participating in expert conferencing and any subsequent processes directed by the Expert Panel. I confirm that the opinions I express are within my area of expertise and are my own, except where I state that I am relying on the work or evidence of others, which I have specified.

4. CONFIRMATION OF PREVIOUS REPORT

- 4.1 I confirm that I am the author of the Report, and that I stand by the analysis, conclusions and recommendations contained in the Report (which are not repeated), subject to:

- (a) The updated opinions expressed in **Section 5** of this statement, which are provided in response to the revised Application and updated information received from the Applicant in response to comments; and
- (b) Any refinements or clarifications that may arise through the expert conferencing process.

5. UPDATE AND SUMMARY COMMENTS

- 5.1 Conferencing has been directed to occur on the topic of highly productive soils generally, however both the Council's and applicant's lists of issues identify a specific question as to whether the Application meets the exemption criteria of clause 3.10 of the NPS-HPL. My comments below address this issue from my perspective as a rural productivity expert.
- 5.2 The Applicant has provided a report "Sunfield NPS-HPL Assessment" prepared by Sean Alexander of AgFirst, dated September 2025. This report is an assessment of the site and development proposal and asserts the Sunfield proposal meets the clause 3.10 tests for exemption from NPS-HPL.
- 5.3 My opinion was that detailed site assessment regarding the NPS-HPL would be unlikely to meet the Clause 3.10 test. This test requires, among other criteria, that:

"(a) There are permanent or long-term constraints on the land that mean use of the highly productive land for land-based primary production is not able to be economically viable for at least 30 years;".
- 5.4 Land based primary production is occurring on the land, and has been for decades, managing through the site constraints. The most common activities are pastoral, through grazing of horses and cattle. Recent changes to the land-based primary production occurring appear likely to be due to commercial arrangements as part of the development process this proceeding relates to. Two horse businesses were noted operating or previously operating at the site. Both appear to have relocated their operation to other sites within nearby rural Auckland¹.

¹ <https://abernethyracingstables.co.nz/facilities.html> <https://www.woodlandsstud.co.nz/about-us>

- 5.5 The constraints identified in the AgFirst report (summarised on page 40) are, broadly:
- (a) Non-reversible land fragmentation;
 - (b) Soil limitations, particularly wetness;
 - (c) Lack of financial viability as assessed in the representative pastoral and seasonal-arable land uses; and
 - (d) Lack of site suitability to more intensive land uses than the current pastoral grazing, such as year-round arable or vegetable production or fruit production.
- 5.6 Dr Guinto addresses soil constraints.
- 5.7 Dr Meade addresses economic considerations.
- 5.8 The areas within my area of expertise are the NPS-HPL and the role of more intensive land uses such as horticulture. In addition to the views expressed in the Report, I set out below replies to the Applicant's response to comments with a focus on whether there are permanent or long-term constraints on the land that cannot be overcome with reasonably practicable options, and the effects of loss of HPL.

Fragmentation

- 5.9 In my opinion, fragmentation of the land is neither significant, nor irreversible. The figures in the AgFirst Table 1 'Description of Parcels within Site zoned MRZ' show 15 parcels including the 0.2 hectare 'Shared Driveway', across an area of 188 hectares, making the average parcel size 12.5 hectares. Seven of the parcels are over 10 hectares in size, four are over 20 hectares, two are over 30 hectares and five are under 4 hectares in size, including the 0.2 hectare shared driveway. In reviewing the AgFirst report Figure 1, it appears five of the smaller parcels are clustered at the south-west of the proposed development site, across the road from the existing urban area to the west and immediately north of the western edge of the Future Urban zoned land.
- 5.10 This indicates to me that site fragmentation is not significant, in terms of the sizes of the land parcels and their location with respect to larger land parcels.

- 5.11 Aerial views of the site do not immediately illustrate the land parcel boundaries, suggesting the land is similar and may be used for similar purposes, and may be operated across parcel boundaries. It is not uncommon for land based primary production to occur across several physical sites, not necessarily adjoining, and the definition of a 'landholding' in the NPS-HPL incorporates such an operation.
- 5.12 The map at **Attachment 2** from Manaaki Whenua Landcare Research and shows the Sunfield area with NZLRI LUC and LINZ parcels. Please note the subject site and the surrounding land are LUC Class 2 and no LUC Class 1 land is within the area illustrated in this map. The land parcels underlying the proposed Sunfield site do not appear to be notably small when compared to other land parcels in the land to the east, further indicating fragmentation is not a feature of the land on the proposed site.
- 5.13 In my opinion, site fragmentation is also not irreversible. This development proposal illustrates this, as the proposal includes all the land parcels in the area covered by the proposal, which presumably were not under common stewardship previously.

Site suitability to more intensive land uses

- 5.14 The test in the NPS-HPL does not require the land-based primary production to be intensive, nor more intensive than the current and recent uses. This is a point of discussion at various points in the AgFirst report² and, for example, at paragraphs 1.1 and 2.4 of Dr Hill's response to Auckland Council Specialist Memos from Dr Guinto (Annexure 17: Soil and Land Use Capability and myself (Annexure 16: Highly Productive Land).
- 5.15 I consider the past and current use of the land for land-based primary production shows the constraints are not to the high level I believe are envisaged in the NPS-HPL Clause 3.10 that prevent land-based primary production at the site from being economically viable for at least 30 years.
- 5.16 The test in NPS-HPL Clause 3.10 (1) (a) is forward-looking, requiring the constraints on the land mean its use *"for land-based primary production is not able to be economically viable for at least 30 years."* Reasonably practicable options to overcome any constraints must be evaluated. This

² For example page 51 "Imperfectly drained soils, limiting areas that would be suitable for CVP or horticulture".

requires some consideration of production practices that may change over the coming 30 year period. Plant breeding is a significant technology which continues to advance, with the likelihood of new varieties of many types of plants becoming available within the coming 30 years that have greater tolerance of varying soil and climate conditions. Both conventional breeding processes and, with the prospect of significant regulatory change in New Zealand regarding Genetically Modified Organisms (GMO's), potential gene technology processes are plausible sources of new plant varieties in the next few decades. Example plant breeding advances include pasture, forage, vegetable and fruit varieties with root systems that tolerate variable soil moisture conditions and fruits that have a low requirement for winter chilling. Technology is also advancing in other areas affecting stock management, fencing, security, transportation and crop production methods. These forward-looking technological changes have not been adequately evaluated in the AgFirst assessment.

Loss of HPL and Comparison of LUC Class to regional land resource

- 5.17 I acknowledge that the proposed site land is HPL via the interim definition, and this classification as HPL may change when regional mapping is completed. However, at present the land is HPL as defined. Regarding the NPS-HPL Clause 3.10 (1) (b), the effect on the HPL land resource should this proposal proceed is two-fold:
- (a) Removal of the area of HPL of 188 hectares under the interim definition of HPL and the loss of its associated potential for primary production.
 - (b) Precedent for a basis for removal of other parcels of HPL, affecting the total quantity of the HPL resource.
- 5.18 The AgFirst Figure 11 and commentary in the preceding paragraph makes a comparison of the site land, by LUC Class, to the regional land resource by LUC Class, finding the proposal land is 0.15% of the district HPL. In my opinion, this is not an appropriate metric to adopt when undertaking assessments under clause 3.10. Comparison of any individual parcel(s) of land to any regional land resource is likely to indicate the parcel(s) comprise a small percentage of the regional resource. When the comparison is made to the regional LUC Class 2, the percentage approximately doubles. The AgFirst figure 11 also illustrates how scarce the LUC Class 1 land, which fits

the characteristics described required for Commercial Vegetable Production (CVP) in various parts of the AgFirst report, such as year-round ability to cultivate soil.

LUC mapped in NZLRI versus on-site assessment

- 5.19 The NZLRI LUC for the proposed site is all LUC Class 2. The on-site assessment of LUC Class has roughly half each of LUC Class 2 and LUC Class 3.
- 5.20 The NZLRI map (Annexure 16 Figure 6) shows the site is part of an extended area of land mapped as LUC Class 2 in the NZLRI, extending eastwards that is mostly bordered by LUC Class 3 land. Should a similar on-site assessment of other land in the area also find around half of it is site-assessed as having characteristics of LUC Class 3, the regional land resource classification would be significantly changed, and LUC Class 2 land be more scarce than current mapping indicates.

Conclusion

- 5.21 In my opinion, the proposal assessment regarding the NPS-HPL Clause 3.10 does not indicate the tests in Clause 3.10 have been met for the areas relating to my expertise.

DATED the 7th day of November 2025

Ruth Underwood

ATTACHMENT 1

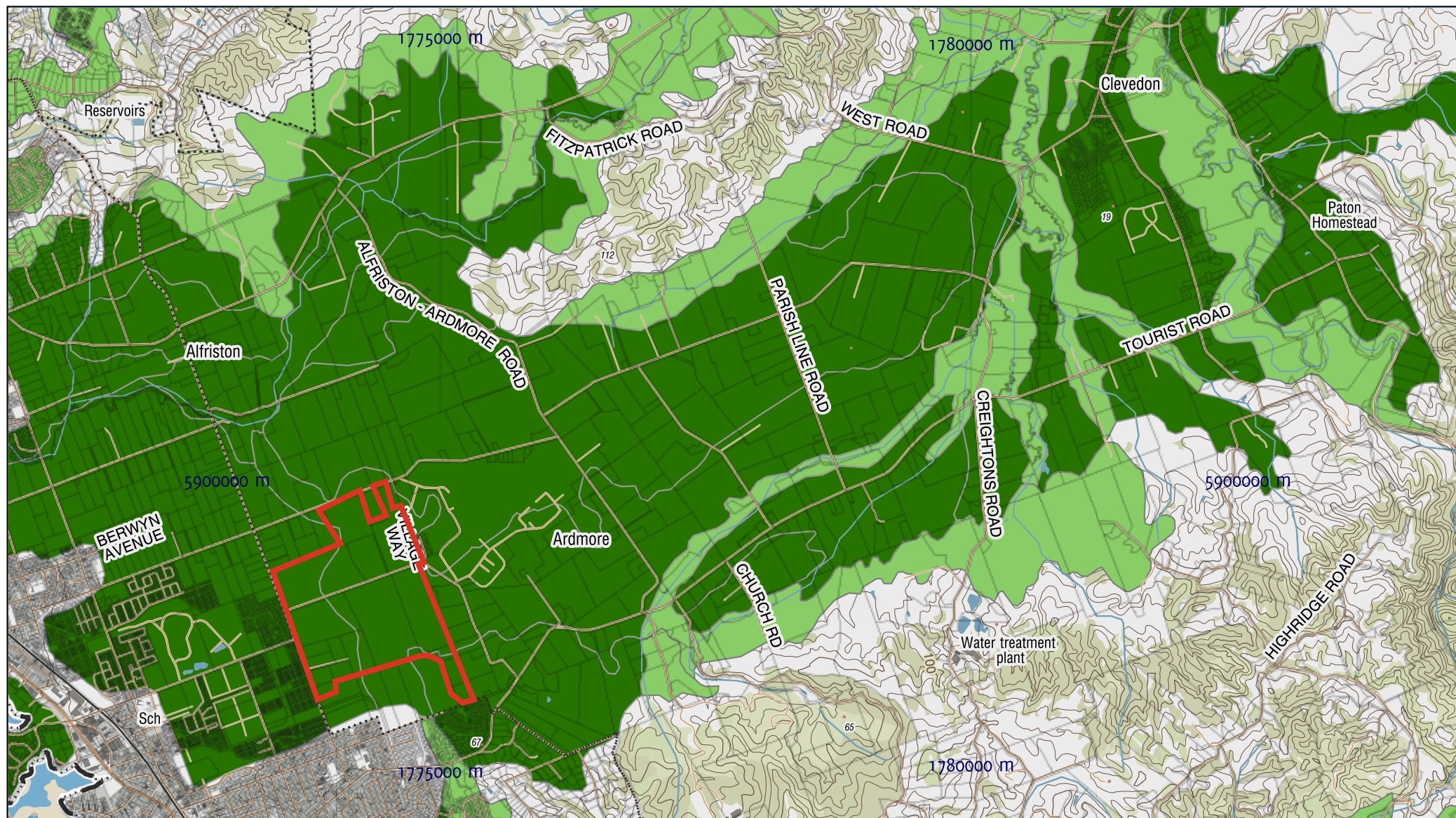
Qualifications and Experience of Ruth Underwood

1. I hold the qualification of Bachelor of Horticultural Science with First Class Honours from Massey University, awarded in 1986. The four-year degree was a mix of science and business subjects, including soil science, horticultural production, management and economics, plus practical work.
2. I have completed continuing education courses through Massey University concerning natural resource and environmental economics (in 1991), sustainable nutrient management (in 2009 and 2011), agricultural greenhouse gas emissions and management (in 2011), and freshwater farm planning (in 2023).
3. I have spent over 35 years as a consultant in the horticultural industry. Since 2003 I have worked for Fruition Horticulture (BOP) Ltd based in Tauranga, a company I co-own. Previously I had worked as a Horticultural Consultant with Agriculture New Zealand in Tauranga and a Horticultural Advisory Officer in Hawkes Bay and Tauranga with the Ministry of Agriculture and Fisheries (**MAF**), as it was then named.
4. A significant part of my consultancy has been in assessing land suitability for horticultural use, consulting on growing strategies and advising horticultural businesses on production. This includes financial performance analysis of actual and prospective horticultural enterprises, such as Gross Margins, Development Budgets and performance benchmarking.
5. I have contributed to MAF/Ministry for Primary Industries (**MPI**) horticultural monitoring programme including lead of a team contracting for kiwifruit financial monitoring, which includes data collection, preparation of budgets and reports, and preparation of Gross Margins for several other fruit crops.
6. I am familiar with different soils and landforms including their limitations and their suitability for horticultural use. I am familiar with methods for assessing land into Land Use Capability (**LUC**) classes 1-8 and the use of the Land Use Capability Handbook, New Zealand Land Resource Inventory (**NZLRI**) Worksheets (maps), and extended legends which I have used regularly over the years. I also regularly use the online soil mapping tool 'S-Map online' and New Zealand Land Atlas maps produced by Manaaki Whenua Landcare Research, and regularly 'ground truth' information from this resource for specific land parcels.
7. I have from time-to-time prepared horticultural reports and land assessments, which have more recently referred to the NPS-HPL. I have also been involved in other reviews of horticultural properties or assessment of properties being considered for use for horticultural production in the Auckland region over the years.
8. From time to time I have been an expert witness in disputes relating to horticultural matters.

9. I have also contributed to a series of reports on the impact of subdivision on the productivity of rural land in the Western Bay of Plenty District: I was co-author, with colleague Sandy Scarrow, of the report based on surveying owners of subdivided land: "Agricultural Productivity Changes Due to Rural Subdivision in the Western Bay of Plenty District – 2005 Update", a report prepared for the Western Bay of Plenty District Council and MAF. This report updated two previous projects which I also participated in, following changes in land use following subdivision of rural properties through that time.
10. I tutor soil science, botany and management courses for Diploma of Horticulture students of Lincoln University's Regional Programme in the Bay of Plenty and for people studying towards a NZ Certificate in Horticulture. Several field visits during this tutoring have been to horticultural properties in the Auckland region. I hold two Level 5 National Certificates in education areas that complement my technical qualifications.
11. I am a member of The New Zealand Institute of Agricultural and Horticultural Science (NZIAHS), and the Australasia-Pacific Extension Network (APEN), the Bay of Plenty Agricultural Advisory Committee and Bay of Plenty Primary Sector Co-ordination Group. These Bay of Plenty groups have participants from across the primary industry, support services and government sectors, and meet regularly to discuss current conditions and topical regional and national issues.

ATTACHMENT 2

Sunfield NZLRI HPL and LINZ parcels



OUR ENVIRONMENT

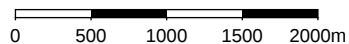


Manaaki Whenua
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Legend

Land Use Capability

 LUC Class 1

 LUC Class 2

 LUC Class 3

OUR ENVIRONMENT



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