BEFORE THE FAST-TRACK EXPERT PANEL

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

AND

IN THE MATTER of an application by Winton Land Limited under section 42 seeking approval for the Sunfield project (FTAA-2503-1039)

MEMORANDUM OF COUNSEL FOR AUCKLAND COUNCIL REGARDING THE APPLICANT'S ECOLOGY RESPONSE TO PARAGRAPH 27 OF MINUTE 13

Dated: 26 November 2025

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LAWYERS

MAY IT PLEASE THE PANEL:

1. The Applicant has lodged an ecology report dated 21 November 2025 prepared by Laura Drummond of Bioresearches in response to paragraph 27 of Minute 13.

2. While not specifically requested by the Panel, the Council's ecologist, Jason Smith, has undertaken a brief technical review of the Applicant's report.

3. The Council respectfully seeks leave to present the findings of that review to assist the Panel's consideration of ecological matters.

4. To enable the Panel to assess this request, and in the interests of efficiency, Mr Smith's review – which identifies a number of outstanding matters in relation to the Applicant's report – is reproduced in **Annexure A**.

DATED the 26th day of November 2025

Matt Allan / Rowan Ashton / Michelle Hooper
Counsel for Auckland Council

ANNEXURE A

REVIEW OF BIORESEARCHES REPORT BY COUNCIL ECOLOGIST (JASON SMITH)

1. It remains unclear where the enhancement stream length is. There is no plan that shows where 'Swale 13', one of the stream reaches to be enhanced, is located. Nor is there a plan that would show the full extent of the 'Main channel'.

2. There is no information that enables a peer reviewer to determine what the length or width of the stream enhancements are.

3. It is not clear if, or how, the length of the stream that is to be culverted, has been considered. The culvert length could be considered as an impact (if it is on an existing watercourse), or the culvert length taken away the stream length that is available to be enhanced (on the proposed enhancement channels.

4. It remains unclear if the stream enhancements (on the Main channel and Swale 13) achieve no net loss of ecological *values,* or to what level the effect of the impacts on the ecological values are addressed.

5. It would have been anticipated the excel calculator used for the modelling of the SEV values be provided for review, as is standard practice. The excel calculator was not provided.

6. The results have been presented as the aggregated 'SEVs Functions'. Most functions are comprised of multiple variables which are not reported individually in the response and, therefore, cannot be reviewed or commented on.

7. Without having reviewed the excel calculator I note concerns with the following:

    a. If the substrate has been 'largely kept consistent' (as reported in page 5, para 2 of the SEV Assessment), how the DOP function increases by such a large degree. The DOP function is comprise of the Vsurf and the Vripfilt variables (and this level of detail has not been provided for review).

    b. 'largely kept consistent', is inconsistent with the second part of that sentence that reads: *however an increase in woody debris and small gravels, which can be placed during the construction of the channel, has been increased*. And later in that same paragraph: *Whilst the stream channels will have a gravel lining ….* This creates doubt as to what the substrate of the bed and banks would be, which is used as a variable in calculating several of the SEV functions.

    c. Vlining is one of three variables used to calculate the Natural Flow Regime (NFR) function and one of two variables used to calculate Connection to Groundwater (CGW) function. The SEV Assessment states that the author has not considered the gravel as an artificial permeable lining, as it won't restrict riparian connectivity. However note that under the SEV methodology 'gravels' range in size from 2 – 64 mm. At that size of diameter rock, I would be concerned if/how the gravels would be able to withstand and remain in place during flood flows. There are no engineering plans for the stream enhancements that would enable this detail to be peer-reviewed.

8. The benefit of providing the excel calculator is that it allows for a sensitivity analysis to see if any of these comments meaningful impact on the overall SEV score.

9. I further note that the placement of woody debris and small gravels would potentially require consent under rule E3.4.1(A5), if considered a substance or E3.4.1(A28) if considered a structure.

10. In addition to the above, I also note concern with the commentary surrounding the SEV methodology:

    a. It is not clear what assumptions have been applied to the potential value of impact stream (SEVi-P).

    b. The subject site is zoned Future Urban and Rural – Mixed Rural, both rural zones, and under the Auckland Unitary Plan provisions riparian yard in these zones is 20 m wide. Therefore, best practice enhancement, which should have been considered in the impact sites potential value (SEVi-P) would be for this entire 20 m width to be restored with native vegetation. Note that the applicant has applied this rationale to the mitigation (SEVm-P) scenario, but not to the impact site. This has the effect of increasing the SEVm-P relative to the SEVi-P score which masks the level of potential ecological value lost and correspondingly over-reports on the relative to the level of gain in the enhancement scenario.

       The riparian planting width is used as an input in several SEV variables.

    c. It is not clear what impacted streams are covered by what SEV scenario.

    d. In the SEV Assessment, under the section 'stream habitat values' para. 3, states:

       An ECR of 0.61 was calculated for SEV1 and 0.94 for SEV2.

       However, Table 2 shows the ECR for SEV1 is 0.94 and for SEV2 the ECR 1.00.

       Having undertaken my own ECR calculations on the applicant's numbers, I concur with the figures used in Table 2. I am not sure where the figures the SEV Assessment states have come from.

    e. Notwithstanding my agreement with the ECR reported in table 2, in section 6.5.5 (page 55) of Auckland Council Technical Report 2011/009:

       If the calculation produces an ECR value of less than 1, then the ECR defaults to 1.

    f. The statement regarding replacing SEVi-C scores with SEVi-P scores is also potentially misleading as this is not how the ECR is calculated when using the SEV methodology. The ECR calculation is given in the methodology as:

       ECR = [(SEVi-P – SEVi-I)/(SEVm-P – SEVm-C)] x 1.5

       Note: there is no input for SEVi-C

11. The fundamental concern regarding how these ecological enhancements will work alongside the stormwater management functions remains unclear. Specifically, if they need to be ‘mucked out’ periodically as part of routine maintenance activities, and therefore be subject to on-going disturbance that limits the potential to reach the reported level of enhancement.

12. In summary, the request for further information remains. How is the applicant going to address these effects from the diversion and culverts? Please provide suitable modelling that demonstrates how no net loss of ecological values will be achieved.