

**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**)

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**MEMORANDUM OF COUNSEL FOR AUCKLAND COUNCIL, AUCKLAND  
TRANSPORT, AND WATERCARE SERVICES LIMITED**

**Dated: 3 November 2025**

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**AUCKLAND**

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LAWYERS

**MAY IT PLEASE THE PANEL:**

1. This memorandum on behalf of the Council family is filed to:
  - (a) outline the Council family's initial thoughts as to next procedural steps;
  - (b) clarify Auckland Transport's stance in relation to outstanding issues; and
  - (c) update the Panel briefly on Watercare's provision of further information following the 15 October 2025 workshop with the applicant.

**Initial thoughts as to next procedural steps**

2. The Panel's Minute 9 identifies expert witness conferencing, topic-based hearings, and further information requests as potential procedural steps to advance issues in contention.
3. As a general observation, this is a slightly unusual situation as the applicant's response to comments has resulted in a materially amended proposal in response to the Mill Road notice of requirement. In these circumstances, the Council family considers that it would be appropriate for all commentators to have the opportunity to provide further input regarding the amended aspects of the proposal.
4. At the same time, the Council family is also mindful of the need for efficiency in this fast-track process, and proposes that further input on the amended proposal could occur through a range of avenues. For example:
  - (a) Where expert witness conferencing is directed, additional comment could be provided in advance of conferencing sessions through the filing and exchange of summary statements / 'will say' briefs, forming part of the record.
  - (b) If discrete hearings are directed on any topics, then additional comment could be provided by way of statements of evidence and legal submissions.

- (c) For all other topics not suitable for conferencing or hearings, additional input on the amended proposal could be provided through further written comments.

5. In the table below, the Council family offers some initial views on potentially appropriate processes by topic.

Topic(s)	Potential Process	Brief rationale for potential process
<ul style="list-style-type: none"> <li>• Economics</li> <li>• Transport</li> <li>• Water and Wastewater</li> <li>• Groundwater / Engineering</li> <li>• Stormwater</li> <li>• Loss of highly productive land</li> <li>• Urban design</li> </ul>	Expert witness conferencing	<p>These are technical areas with several key issues in contention.</p> <p>Witness conferencing has a reasonable prospect of narrowing some issues, or where that is not possible, clearly articulating the divergence of expert views.</p> <p>Given the differences between the Applicant and the Council family as to the framing of issues in contention, the preparation of conferencing agendas will likely benefit from Mr Serjeant's facilitation and assistance.</p> <p><b>Note:</b></p> <p>(1) Auckland Transport has an interest in the stormwater topic, and will participate in any conferencing on that topic.</p> <p>(2) Watercare does not consider it appropriate for conferencing to address non-technical matters such as its policy on not servicing rural zoned land (although it may be appropriate for conferencing to acknowledge such matters as relevant context).</p>
<ul style="list-style-type: none"> <li>• Ecology</li> </ul>	Further information required from applicant, and opportunity for further written comments	<p>Further information is required to enable a proper assessment of the ecological impacts. See paragraph 7 below.</p> <p>The Council proposes to provide further written comments, once that information is at hand.</p>
<ul style="list-style-type: none"> <li>• Parks &amp; Open Space</li> </ul>	Further written comments	Further written comment from Council Parks specialists is appropriate in light of the amended application.
<ul style="list-style-type: none"> <li>• Infrastructure Funding &amp; Financing</li> </ul>	Further written comments	This topic is not appropriate for expert witness conferencing due to lack of comparable experts as between the Council and applicant.

		Further written comment on the amended application in light of any narrowing of infrastructure issues is therefore considered to be the most appropriate way to advance this topic. It is suggested that this should logically occur <b>after</b> expert witness conferencing on transport and three waters matters.
• Legal	Lodgement of written submissions	There are several key legal issues in contention arising from the comments and the Applicant's response. <sup>1</sup> It is respectfully considered that the Panel may be assisted by more detailed submissions on each of those issues at an appropriate stage in the process.

6. There are some areas where it would be helpful for additional information to be provided by the applicant. The Council family envisages that such information would be provided in advance of conferencing – where conferencing occurs – to provide a proper foundation for expert discussions.

7. These include, in particular, the following information:

- (a) **Water / Wastewater:** Whether the applicant has any proposals for water and wastewater servicing of the rural-zoned land *[and potentially the Future Urban Zone land – see comment below]* in view of Watercare's position that the rural-zoned land cannot be serviced by the bulk public networks as it is outside Watercare's servicing area?

**Comment:** *Watercare is mindful that Veolia Water Services (Veolia) is responsible for local infrastructure and connections for the Sunfield site – both Future Urban- and Rural-zoned land.*

- (b) **Transport:** Information relevant to issues 5.1 to 5.7 in the Council family's table of issues. This should include, from Auckland Transport's perspective:

- (i) Sensitivity testing of intersections (to be identified and agreed with Auckland Transport) to enable further assessment / consideration of the appropriate trip rate; and

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<sup>1</sup> Issues are identified as legal or legal in part at 2.7, 3.1, 7.1, 9.2, 11.2, 12.1 – 12.3 of Auckland Council's table of issues.

- (ii) Further information concerning the required upgrades to support development, and concerning the ‘triggers’ for those upgrades (and associated matters – e.g. drawings for upgrades, appropriate conditions etc).

In addition, for the Panel’s information, Auckland Transport is preparing a more detailed list of information queries arising from its review of the applicant’s response to comments. That list has not been finalised at the time of filing this memorandum.

- (c) **Stormwater:** Information relevant to issues 2.1 to 2.6 in the Council family’s table of issues.
- (d) **Groundwater:** The groundwater report does not address groundwater drawdown with respect to the deepest excavation areas, and the groundwater levels recorded at those locations. Further information is sought in this regard.
- (e) **Stormwater / Groundwater:** Given the conflicting information between the Earthtech groundwater memo (Appendix M) and the stormwater response (Appendix N), is the design intent for the attenuation basins to maintain permanent water levels or to operate as dry basins?
- (f) **Ecology:** There is no modelling provided demonstrating that impacts on the ecological / biodiversity values associated with the primary watercourse diversion and culverts are acceptable. Modelling should employ a recognised methodology, such as the Auckland Council Technical Report 2011/009: Stream Ecological Valuation (SEV): a method for assessing the ecological functions of Auckland Streams, and the associated Ecological Compensation Ratio (ECR) method should be utilised for this purpose. It would be helpful to receive a short memorandum that is clear on the impacts considered as well as where the effects will be addressed.
- (g) **Urban design:** Potentially information relevant to issue 8.1 in the Council family’s table of issues.

### **Auckland Transport stance in relation to outstanding issues**

8. Paragraph 2.2 of the applicant's memorandum of 29 October 2025 states the applicant's understanding that the issues raised by Auckland Transport (**AT**) have been largely addressed as a result of continued and ongoing dialogue. AT confirms that there has been constructive engagement with the applicant in recent weeks. However, as matters stand, it is not accurate to say that AT's issues are "largely addressed". There is still information to be provided by the applicant for review by AT, and the transportation issues at 5.1 - 5.7 of the table attached to our memorandum of 30 October 2025 all remain live.

### **Further information from Watercare**

9. Following the workshop attended by Watercare and the applicant on 15 October 2025, Watercare agreed to provide the following additional information:
  - (a) the Watercare statement of intent (which is publicly available);
  - (b) the size, location, route and timing of the replacement Takanini 2 watermain which currently ties into the Hunua 3 Watermain and Waikato 1 Watermain;
  - (c) Auckland Council contact details for the population growth projections;
  - (d) the total capacity that can be currently serviced by the Airfield Road BSP; and
  - (e) details of what the Takanini 2 Watermain and Airfield Road BSP can service once they have been upgraded.

For the Panel's information, the minutes of that workshop are **attached** to this memorandum (with 'actions' identified in the right-hand column).

10. Watercare has provided (a), (b) and (c). In relation to (d) and (e), for the Airfield Road BSP, Watercare has confirmed that there is sufficient capacity to service the existing live zoned land and the FUZ land and has provided high-level details about the upgrades.
11. Watercare also agreed to look into whether or not it could provide the current flow and design capacity of each pipe / component of the wastewater network

along with the population growth numbers for each relevant catchment. It has not been possible in the time available to provide this further information as yet, however Watercare is working on providing this information.

12. Finally, Watercare considers it important that Veolia is included in any processes going forward insofar as they relate to local network water supply and wastewater servicing and connections. Veolia is responsible for approving connections to the public water supply and wastewater networks and all new local infrastructure within their service area, including the proposed LPS system. Watercare's comments are focused on the bulk network and the proposal's impact on the bulk network.

**DATED** the 3<sup>rd</sup> day of November 2025



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

**ANNEXURE A**

**Minutes from Workshop**



# Minutes of meeting

Time and date: 15/10/2025 1pm – 2pm

Subject: Watercare and Winton – Sunfield Modelling Workshop

Attendees: Oliver MacKinnon (Watercare), Anna Jennings (Watercare), Maria Utting (Watercare), Nathan Donald (Watercare), Annika Swanberg (Watercare), David Osborne (Winton), Simon Ash (Winton), Jignesh Patel (Maven), Will Moore (Maven).

Location: Online

## Purpose and introduction

The purpose of this workshop is to go through Watercare's wastewater model. Watercare noted that as this was an online workshop, no-one was to take snips of the model as this should not be taken out of context.

## Discussion

Comments	Actions
<b>Water supply</b>	
Watercare noted that the Airfield Road Bulk Supply Point (BSP) is no longer planning on being removed so will be able to service the Future Urban Zoned (FUZ) land within the Sunfield development. However, this will need to be upgraded at some point in the future.	Watercare to provide the total capacity that can be currently serviced by the Airfield Road BSP.  Watercare to provide details of what the Airfield Road BSP can service once it has been upgraded.
Watercare explained that there will be a renewal of the Takanini 2 watermain which comes off Hunua 3 and is funded within Watercare's Asset Management Plan (AMP) and currently due to be complete by 2031.	Watercare to confirm the size, location, route and timing of this replacement pipe.
<b>Wastewater</b>	
Watercare showed the existing and future model for wastewater and explained that the blue areas indicated that there is sufficient capacity in the pipe and red indicates that there is more flow going through the pipe than it can take. Winton asked to clarify what tips a pipe from blue to red? Watercare explained that this would be anything above 100% capacity.	
Winton asked what rainfall event the model was based on? Watercare responded that the model is based upon the rain event that on average causes 6 monthly overflows which is determined by the average	

<p>rainfall in the area. This is determined across a five year period to ensure data is more accurate.</p> <p>Winton noted calculations were normally made using wet weather assumptions as per Watercare's standards.</p> <p>Watercare explained that when talking about bulk infrastructure Watercare uses more complex work to understand flows and Watercare's standards are designed for developers to use as a guide when assessing their developments for local infrastructure.</p>	
<p>Watercare noted that the model is currently being updated with Auckland Councils most recent growth predictions, Watercare's planned works, and the updated FUZ areas based on the Future Development Strategy. However, Watercare noted that the existing scenario would be unlikely to change significantly.</p> <p>Winton asked when the model would be updated? Watercare responded that it would be updated within the next 6 weeks.</p>	
<p>Winton asked whether the impact of the Sunfield development could be calculated for each pipe which is showing as having a capacity constraint? Watercare explained that this cannot be done as a static excel calculation and would need to be done as a whole of network modelling exercise as the development may have upstream and downstream effects and these need to be considered.</p>	
<p>Winton asked what was the assumptions of the future scenario? Watercare explained that this was based on a 50 year time horizon or an interim horizon of 20 years.</p>	
<p>Winton asked about servicing the rural zoned portion of their proposed development.</p> <p>Watercare responded that in line with Watercare's statutory obligations, which include requirements to support growth areas identified by Auckland Council, Watercare's does not provide water supply and wastewater servicing to rural zoned land, such as the project area. This position is further outlined in Watercare's annual Statement of Intent, which responds to Auckland Council's Letter of</p>	<p>Watercare agreed to supply the Statement of Intent.</p>

<p>Expectation. In alignment with these obligations, Watercare is committed to supporting the Auckland Plan 2050 by working closely with Council and its partners to service identified growth areas; following the FDS for infrastructure planning; coordinating infrastructure projects with other utility providers; ensuring full recovery of growth-related costs; and complying with expectations set for Council-controlled organisations.</p>	
<p>Watercare explained and showed on the model that there are significant constraints in Southern Interceptor as part of the existing scenario. Under the future scenario, constraints are predicted to occur on the Takanini Branch Sewer in addition to worsening of constraints on the Southern Interceptor. The network is complex and interrelated, for example there are constraints upstream and adding additional flows downstream could have a negative impact hydraulically.</p>	
<p>Winton asked about what the population growth projections were based off. Watercare explained that they would need to contact Auckland Council for this information.</p>	<p>Winton to contact Auckland Council – Ian Koppers – <a href="mailto:ian.kloppers@aucklandcouncil.govt.nz">ian.kloppers@aucklandcouncil.govt.nz</a> Anna to provide a heads up to Ian (complete)</p>
<p>Winton enquired whether the Pump Station at Wattle Reserve had unutilised capacity. Watercare responded that it does not. The South Western Interceptor is due to be duplicated by approximately 2035/2036 and is required before any upgrades of the Southern Interceptor can be considered. There is a current project to divert flows from the Hingaia PS off the southern interceptor. This will mitigate existing issues however, will not provide capacity for growth.</p>	
<p>Winton asked what is the catchment area of the Takanini Branch Sewer? Watercare explained that it is more complex and is determined on a number of things including, but not limited to, contours, how developments are connected to the system. This is normally done by developers to understand how they can connect via gravity to the network.</p>	
<p>Winton asked whether the future scenario contained climate change information?</p>	

<p>Watercare responded that the model which was being shown only contained the projected population increase, not climate change scenarios.</p>	
<p>Winton asked if they could work with Watercare to undertake upgrades that are showing red/ under capacity constraints? Watercare responded that the model does not include the Sunfield development so it is uncertain what other parts of the network may need upgrading due to the impact of the development. Further, the development contains a large portion of rural land. As stated above and within Watercare's annual Statement of Intent, Watercare will act consistently with the relevant aspects of Council's Plans and Strategies. Watercare does not service rural land. It is noted that funding on its own does not ensure certainty of providing bulk infrastructure earlier than planned. Other matters such as resourcing, statutory approvals, and construction timeframes constrain the ability to bring forward bulk infrastructure ahead of the planned programme. Watercare has planned to enable development of this area of FUZ in line with the timing as set out in the FDS of 2050+.</p>	
<p>Winton explained what they would really like to know is what impact the Sunfield development would have on the capacity of the network. Watercare explained that while this could be supplied, the full impact on the network (PS, local network etc) can only be understood by hydraulic modelling.</p>	<p>Watercare to look into whether or not they can provide the current flow and design capacity of each pipe/ part of the network plus the population growth numbers.</p>
<p>Winton asked what Watercare's issues were with a Low Pressure System (LPS)? Watercare provided an email to Winton dated 29/09/2025 on the issues of a LPS.</p> <p>As described in the workshop, Watercare will not consider LPS networks of this scale as per our Code of Practice. Operation of these assets is highly challenging due to septicity issues, particularly in regards to staging of flows. This issues would impact all of the network downstream of the development. No evidence has been provided regarding</p>	

the feasibility of a gravity network for this site.	
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**Post meeting advice note:** *It is not the responsibility of Watercare to model the development proposed by the Applicant. As noted at the meeting and in the minutes, the majority of the Applicant's site sits in a Rural Zone which has not been planned or provided for in Watercare's models.*