

Memorandum – response to Ngai Tai ki Tamaki submission

Ngai Tai ki Tamaki

1. Thank you to Ngai Tai ki Tamaki for the response to the Sunfield application. On behalf of the Applicant – Sunfield Developments Limited (SDL) - we provide comments below in response to comments raised. Where appropriate, we also provide further additional information to contribute to a more detailed response to Ngai Tai ki Tamaki. There will also be points in our response where we will reference analysis or documentation within the broader suite of application documents.

Structure of Response

2. Whilst most of the response from Ngai Tai ki Tamaki are comments, we wish to provide a structured response and in doing so hopefully respond to all the comments. Much of the response goes to your point in the submission around *“the lack of reporting regarding consultation with our whanaunga iwi to reassure us someone representing Te Ao Māori has been alongside this planning process, we cannot support this kaupapa.”*

Introduction

3. My full name is Tiimalu Lauvale Peter Fa’afiu. I am a Partner in Navigator Limited, a management consultancy.
4. I confirm that the report prepared for the Sunfield Fast-track Approvals Act 2024 (FTAA) substantive application, being the Sunfield Mana Whenua Engagement Report (and all its annexes), was prepared in accordance with the Environment Court Practice Note 2023 (Code of Conduct for Expert Witnesses).
5. The Cultural Values Assessments (CVAs) and Cultural Impact Assessment (CIA) that were part of the suite of documents related to engagement with mana whenua Iwi Authorities, were prepared by the respective Iwi representatives. Preparation of those CVAs and CIA were undertaken in accordance with the process set out for the Applicant by those respective Iwi Authorities. That process included site visits, provision of the technical documents (via shared drive link), direct engagement with the Applicant, and engagement with me on points of clarification.
6. I have been asked by the Applicant to provide a response to submissions made by three Iwi Authorities. This Response is in relation to the submission from Ngai Tai ki Tamaki.

Qualifications and Experience

7. As requested by the Expert Panel in its Minute 5 (28 July 2025), details of my qualifications and relevant experience were provided to it by the Applicant and is publicly available online via the FTAA website.



8. In summary, Navigator Limited works with a variety of clients from corporate to charitable, local government and Government departments, and Iwi Authorities. Three of its five Partners are former CEOs of Iwi Authorities.
9. My experience as a former executive of a State Owned Enterprise and Crown company entailed working closely with Iwi Authorities across Auckland / Tamaki Makaurau. Those roles included the design, development and activation of mana whenua engagement strategies. Since 2017 as a Partner and Co-founder of Navigator Limited, I have worked with numerous Iwi Authorities across Auckland, Far North, Northland, Wellington, Hutt City, Manawatu, Horowhenua, Waikato, Bay of Plenty, and the Coromandel.
10. I am also an Independent Commissioner for Fast-track Consenting under the Natural Built Environment and Spatial Planning (Repeal) and Interim-Fast Track Consenting Act 2023, currently sitting on one of the last Panels under this Act.
11. I have been supporting mana whenua engagement by SDL and its parent company, Winton Land Limited (Winton), across a number of projects in the Tamaki Makaurau region.

Background - Introduction of the Sunfield project to Ngai Tai ki Tamaki

12. The Sunfield landholding was first introduced to the Iwi's former Chief Executive, Tama Potaka, when we initially made contact by email on 12 March 2021 (as Auckland was heading into Level 1 under Covid restrictions) and via a subsequent meeting with Mr Potaka on 5 May 2021.
13. In the above correspondence and meeting, it was raised with us by Mr Potaka that Ngai Tai ki Tamaki wished to be fully engaged and apprised of all aspects related to the Sunfield landholding. In email and text message correspondence at the time, Mr Potaka was fully aware of the then Urban Development Act (UDA) process and indicated that if the UDA application were to proceed for assessment (by Kainga Ora) there would be consideration given to the application of the Te Tiriti o Waitangi principles – keeping Ngai Tai ki Tamaki apprised and informed was therefore his expectation. How the Iwi Authority would respond to that information was for the relevant Iwi representatives to decide.
14. Mr Potaka provided us a contact person for further engagement – Zaelene Maxwell-Butler, the Aukaha Pakaekae – Taiaomaurikura (RMA Team) for Ngai Tai ki Tamaki. Ms Zaelene Maxwell-Butler added another expert from her team – Mr Revell Butler – to future correspondence on Sunfield from January 2022 onwards.

15. During 2022, Navigator also made contact with Ms Zaelene Maxwell-Butler on two of Winton's other projects – both located in the Wynyard Quarter of Auckland City. Response from the Iwi was that both projects were not ones of interest to them nor require further information or involvement. The Iwi representatives for Ngai Tai ki Tamaki therefore understood the process for mana whenua engagement from the Applicant via Navigator Limited and also the role of Navigator to regularly engage with numerous Iwi Authorities given overlapping interests and complexity of those interests.
16. Further specific correspondence throughout 2022 on the Sunfield landholding also explained the different planning pathways with numerous requests from Navigator for meetings and a site visit as determined by the Iwi Authority. We understood the Iwi was significantly involved with its own developments including Beachlands South so all emails provided to Iwi Authorities who were actively engaged on Sunfield, were also provided to Ngai Tai ki Tamaki. This was in line with the expectation provided by Mr Potaka (noted in paragraph 13 above) to keep Ngai Tai ki Tamaki apprised of key steps and milestones for any plan changes or resource consent applications for the Sunfield landholding.
17. During the engagement period of 2021 to 2022 under the UDA process, there was regular email communication with Ms Zaelene Maxwell-Butler and Mr Revell Butler. We hold a contacts log of all of those communications. From our review of these logs, we do not hold a record of *"concerns at the ambitions under the UDA for the site"* (as per the Iwi's submission) in any correspondence from that Iwi Authority.
18. On 15 November 2023, a substantive email was sent by Navigator Limited to Ms Zaelene Maxwell-Butler and Mr Revell Butler outlining a number of substantive matters and requesting again a site visit and hui. Similar emails were provided to the other five Iwi Authorities. The email covered the following:
- Re-cap of the number of engagements to date with the six Iwi Authorities and reaffirming the requirement (and SDL's willingness) for mana whenua engagement.
 - Providing an update on other Winton engagement with mana whenua across Auckland on other projects – Northbrook Wynyard Quarter, Pier 21 / Cracker Bay, Hobsonville, Awakeri Wetlands Stage 2 and 3. This email however was on Sunfield.
 - Next steps for SDL, which included continuing with the submission of a resource consent for Awakeri Stage 2 and 3.
 - SDL wanting to apply under the FTAA when it came into effect. In advance of that application, another request was made to Ngai Tai ki Tamaki for a site visit, hui, and CVA for the whole landholding.

- A follow up email from Navigator on 20 December 2023 provided links to the technical documents for Sunfield. Another request for an onsite meeting was made in the early 2024.
19. In response to that fulsome email of 15 November 2023, Ms Maxwell-Butler responded on 30 January 2024 seeking a site visit and hui *“to discuss the plan and any other matters to bring us up to speed”*. Email exchanges in early February 2024 did not eventuate into a site visit or kanohi ki te kanohi hui notwithstanding SDL’s willingness to meet.

Intention of Fast-track / Intention of Sunfield Developments Limited

20. SDL can only speak to its intention when it comes to engagement with mana whenua or Iwi Authorities in relation to the Sunfield landholding.
21. SDL has been consistent in its engagement with mana whenua that goes beyond the expectations set by each planning or legislative requirement.
22. We are unable to speak to your feeling of skipping due process articulated in your submission. However, the level of engagement with Iwi Authorities with overlapping interests over the Sunfield landholding has been consistent and over and above what the legislation (whether it be RMA, UDA or the latest, FTAA) requires. Part of that consistency has been the four and half years of continuous and unbroken engagement with six Iwi Authorities and the 16 Iwi representative touchpoints across these entities. This engagement has been resourced by SDL including the various CVAs and consultants used by some Iwi Authorities to assess the Sunfield technical documents.
23. Given Ngai Tai ki Tamaki is involved with its own significant development project – Beachlands South – you certainly understand the infrastructure requirements of significant master planned community projects so thank you for the general comment made on the quality of our technical reports. We are aware of the ecological and environmental ambitions the Iwi has through your Beachlands project.
24. As with all master planned community projects, there are risks however we believe those can be managed and mitigated. These are proven through the technical reports provided. The importance of future mana whenua engagement on those management plans will help ensure that people who will reside at Sunfield will have a community which they can be proud of, work in (given the large commercial area), care for the environment and sustainability through its renewable energy ambitions, and provide tangible acknowledgements to Iwi Authorities and their current and future whanau.

Sixteen different Iwi representatives have been engaged on the Sunfield landholding since March 2021

25. The provision of information to each of the Iwi Authorities has been equitably distributed even against the position of one or two representatives advocating for their Iwi to be preeminent or priority. Some Iwi representatives have been more engaged and proactive than others. Given the well-known capacity challenges for some Iwi Authorities, Navigator – on behalf of SDL – has been proactive in correspondence in addition to being equitable in the provision of information. That is, information that an Iwi Authority has requested is provided to all. Moreover, significant email updates are provided to ensure that Iwi representatives can use that correspondence in any communication that they might want to provide to their Boards given the significance of the Sunfield project.
26. The Te Ao Māori understanding of each Iwi representative has been valuable and in turn reflected in the draft conditions. At the same time, the conditions also provide further opportunities for Iwi representatives of the six Iwi Authorities – including Ngai Tai ki Tamaki – to be involved in the implementation of those conditions and development of future design and management plans for Sunfield. The ongoing consultation theme provided by the draft conditions ensures that each Iwi Authority can provide not only a direct Te Ao Māori perspective, but also each Iwi Authority can provide Iwi-specific insights at precinct and stage level activation.
27. Whilst the FTAA process ensures that the draft conditions are available on the FTAA website, Navigator sent a document to the six Iwi Authorities on 7 July 2025 highlighting those conditions which were specific to mana whenua, cultural outcomes and the technical aspects which required “ongoing consultation” with the Iwi Authorities. Out of the 214 draft conditions, 20 fit within that description and a separate document created by Navigator with those 20 draft conditions were provided to each Iwi Authority along with the invitation for them to be discussed directly with SDL.
28. To again achieve equitable provision of information on Sunfield, a separate email on 7 July 2025 was provided to Ms Maxwell-Butler and Mr Butler noting that a Notice of Requirement had been lodged by Waka Kotahi / NZTA on 13 June 2025 in relation to a section of Mill Road Stage 2 which impacted Sunfield. It was made clear in this exchange that this was the most recent significant change relating to Sunfield since the suite of technical documentation was provided via shared drive in December 2023 and December 2024. In the same email, a further update was provided on the Awakeri Stage 2 and 3 resource consent draft conditions which were prepared by Auckland Council.

Mana Whenua Engagement Schedule and Report



29. Your submission raised some concerns around the Mana Whenua Engagement Report not being made public on the FTAA website. As of May 2021, six Iwi Authorities including Ngai Tai ki Tamaki expressed a view to be informed on Sunfield and to be engaged. That explicit expression for Ngai Tai ki Tamaki was provided by its former CEO, Tama Potaka, on 13 March 2021 and reaffirmed via an in-person hui on 5 May 2021. Engagement by each Iwi was dependent on their capacity and other priorities, however, we advised each that equity of information across the six was not an issue.
30. Two other Iwi Authorities – Ngati Maru and Waikato-Tainui – expressed some interest in the Sunfield project. Whilst they did not wish to be fully engaged (from earlier correspondence in the engagement process), there was an expectation on their part that milestone pieces of information would be provided. That expectation was satisfied. In the case of Ngati Maru, given that Iwi Authority was fully engaged on two other Winton projects at Wynyard Quarter, keeping them apprised of Sunfield became the norm. In the case of Waikato-Tainui, we confirm the achievement of this expectation in a specific response to them through this submission process. It's important to note however that on 25 January 2025, we provided Waikato-Tainui a response to their own internal FTAA assessment form which directed that self-assessment of the Sunfield project and application be undertaken through the lens of their 269 page *Environmental Plan – Tai Tumu, Tai Pari, Tai Ao*.
31. A Mana Whenua Engagement Report was provided by Navigator Limited as part of the Applicant's suite of documents for the FTAA substantive application.
32. Attached to the FTAA Mana Whenua Engagement Report were 22 annexes including agreed File Notes of meetings, three CVAs, and one CIA. The Report proper also summarised key aspects of those CVAs. In the case of the four Iwi Authorities who provided CVAs and CIA on the whole "Sunfield project" site – Ngaati Tamaoho, Ngaati Te Ata Waiohua, Te Akitai Waiohua, Ngaati Whanaunga – three of the four did not wish for their CVAs/CIA to be made public nor did they wish for Sunfield Development Limited's "Response Letter to CVA" to also be public given they were confidential to that Iwi and SDL. We believe those are reasonable requests from those Iwi Authorities.
33. Whilst not available to the public, Response Letter to the CVAs and CIA accepted the recommendations of each CVA and CIA. This in turn has been reflected in the draft conditions – this point is detailed further below starting with paragraph 37.
34. In the case of two of those Iwi Authorities mentioned in paragraph 32, they also did not wish for summation of their insights and advice to be made public. The

summation (provided for in the Report) was transferred from the agreed Minutes with each Iwi representative.

35. One of the four did not wish for their Minutes, Actions, or Notes of discussions to be made public notwithstanding the approval of their draft Minutes. Their view was that their insights in relation to cultural values were through the lens of their Iwi and they had previous experience of other Iwi Authorities taking public issue with those. **However, Navigator's Report has been made available to the Expert Panel in addition to the numerous annexes and CVAs.**

36. Given the diverse views on the Report, its annexes and CVAs, we took the view that we respect the requests made by some Iwi Authorities and ensure that all information was provided to the Expert Panel who are the decision makers in this process. The telling aspect of taking this position is that we respect the decision those kaitiaki leaders have made.

Draft conditions reflect the Mana Whenua Engagement Report

37. Given the above in relation to what information can be made public, we confirm that the Sunfield draft conditions reflect the common recommendations of all of the CVAs. Navigator Limited has reviewed the 214 draft conditions to ensure that common recommendations across the three CVAs and one CIA are reflected. These draft conditions are public and as such each Iwi representative can view them, however, the Applicant requested that Navigator also undertake this with the Iwi Authorities to ensure that their feedback has been taken into account and where they have not then Navigator is to engage with them on that point. This is critical in relation to conditions related to consultation on future management plans for Sunfield, detailed design opportunities, and project monitoring. These common recommendations are covered by seven explicit deliverables by the Applicant for mana whenua under draft conditions 88 and 89.

38. In addition, Navigator provided a document to all six Iwi Authorities on 7 July 2025 noting the 20 draft conditions specific to the six Iwi Authorities. This included a column noting with Iwi representatives of what this means in practice. This was done to support their own review of the conditions via this submission process. Te Akitai Waiohū provided feedback on the draft conditions via this submission process. Ngaati Te Ata Waiohū provided feedback directly to the Applicant via Navigator Limited. No other Iwi Authority provided feedback on the draft Sunfield conditions.

39. There were specific requests from some Iwi Authorities. These were provided directly during online and in person meetings and via CVAs and CIA. Most of these differences relate to the implementation stage of the project. For example, three Iwi

Authorities were adamant that Stage 2 and 3 of Awakeri Wetlands was critical to their cultural values. Ongoing engagement on stormwater plans is now covered for all six authorities under condition 27 – Stormwater Management Plan.

40. Another Iwi representative developed the earlier thinking to what is now a major precinct – Wai Mauri Stream Park – so wished to be intimately involved with the detailed planning of this and wished for that involvement to be explicit within their individual Iwi Outcomes Agreement. Draft condition 31 (consultation on final landscape design and specifications) covers this point and consultation is available to all six authorities. Moreover, this same representative is in the middle of developing a specific “Outcomes Agreement” specific to their Iwi Authority and the cultural design skills and talents of that Iwi.

41. In addition to the Sunfield draft conditions reflecting the themes from the Iwi Authorities on the Sunfield landholding, three further structural opportunities are provided for within the conditions set, being:

a) Mana Whenua Consultative Group

Draft condition 88 seeks the establishment of a Mana Whenua Consultative Group for the six Iwi Authorities. The condition also provides a way forward for the Group including a structure and an independent intermediary (being Navigator) who will monitor the activation of it. This structure will allow the project to have continuous direct Te Ao Māori exposure in addition to that provided by the Applicant’s consultants. In addition, there is an opportunity through that Group for each of the Iwi Authorities to provide their own Te Ao Māori experts beyond their kaitiaki representatives. One Iwi Authority has made this explicit in a draft “Outcomes Agreement” with the Applicant which they wish to develop outside of this FTAA submission process.

b) Iwi Outcomes Agreements

Whilst there are common themes of feedback, some Iwi representatives have expressed to the Applicant that a parallel structure be provided to each Iwi Authority to engage individually. There is an Advice Note under draft conditions 88 and 89 that reaffirms the Applicant is open to developing an Outcomes Agreement specific to that Iwi. Two Iwi Authorities – that did not provide comment through the FTAA submission process – are currently developing Outcomes Agreements. Both those Iwi Authority do not wish to be named publicly; for them, developing specific agreements will complement the draft Sunfield conditions.

c) Intermediary services provided by Navigator

The Applicant is able and has been able to engage directly with each Iwi Authority. However, given the overlapping interests and given the importance of mana whenua engagement,



Navigator will support future engagement as directed. This reflects the acknowledgement by the Applicant that authentic engagement also requires an understanding of the capacity challenges Iwi Authorities might have and to provide the support to that engagement process. This will be critical given some of the conditions relate to consultation processes with the six Iwi Authorities on specific management plans e.g. draft condition 91 – Ecological Management Plan; draft condition 27 – Stormwater Management Plan.

Engagement with your whanaunga Iwi

42. I wish to provide further information below which reaffirms Iwi engagement has been over and above what is required under the FTAA. Some of this information is reaffirmation of points made in the document before the Expert Panel – *Schedule of provisions relevant to Māori* ; dated 22 January 2025 – which is a public document on the FTAA website.

a) Engagement on the Sunfield landholding in line with RMA

Since March 2021, the guiding principles on consultation with mana whenua has been in line with the *Land, Air, Water Association vs Waikato Regional Council* Environment Court decision of 2001. The phases of engagement – To Inform, To Understand, To Consider Feedback, To Show Iwi how feedback impacts the project – were also used. These processes, methodologies and results of these are within the Mana Whenua Engagement Report before the Expert Panel. Activation of these guiding principles has been consistent and unwavering by SDL.

b) Fast-track Approvals Act 2024 provision related to Māori is satisfied

The publicly available document named ‘Schedule of provisions relevant to Māori : 22 January 2025’ explains how provisions related to Māori under the FTAA has been satisfied. This document details the provisions of the FTAA relevant to Sunfield Māori related considerations. In each case the relevant statutory provision is identified together with a statement of what that statutory provision provides for or requires. Under each heading, a response is provided which identifies whether the provision is applicable and therefore relevant, identifies what if any applicable heading requires to be identified and provides any other information required by that heading. The Ngai Tai ki Tamaki submission refers to this document and implies it has been reviewed.

c) Opportunities for Iwi engagement are the same since March 2021

The first email to all 19 Iwi Authorities in March 2021 was an Auckland Council requirement – it was from that first contact that six Iwi Authorities expressed their interest in the Sunfield project.

Notwithstanding SDL’s willingness to engage with each of the Iwi Authorities, there has not been any active engagement by Ngai Tai ki Tamaki since 2021 when its previous CEO, Tama

Potaka, was engaging and provided the expectation of being apprised and informed, which has occurred.

d) *FTAA Bill and then legislation updates*

On 22 November 2024, Navigator emailed Ms Zaelene Maxwell-Butler and Mr Revell Butler noting that Sunfield had been announced as a listed project under the FTAA.

It was explained in that email exchange that updated technical documents for Sunfield were available. On 16 December 2024, a request for these technical reports was made by Mr Butler and they were provided that day. Another request for an onsite meeting by SDL (February 2025 email exchanges) did not eventuate. The request for a hui was to discuss the technical reports which were provided and for SDL to obtain feedback. It was made clear from this communication that it was SDL's intention to lodge a substantive application for Sunfield under the FTAA. On 29 May 2025, emails to Iwi Authorities including Ngai Tai ki Tamaki confirmed that the FTAA substantive application had been accepted by the EPA as 'complete'. It was also reaffirmed that the CVAs and annexes would be requested to not be made public in line with the request of some Iwi Authorities.

d) *Numerous CVAs / CIA over the same landholding*

We confirm that several Iwi Authorities have provided CVA's for the Sunfield landholding.

For the whole Sunfield landholding, CVAs were provided by Te Akitai Waiohua, Ngaati Tamaoho, Ngaati Te Ata Waiohua. A CIA (Cultural Impact Assessment) was provided by Ngaati Whanaunga.

The cost of the development of the CVAs and CIA, which included assessment of the technical documents by the designated Iwi representative, was at SDL's cost.

Waikato-Tainui

43. We respond separately to the submission of Waikato-Tainui. However, for completeness, that Iwi Authority has only commented on the FTAA process since their first contact with the Applicant by email in November 2024.
44. **In conclusion**, Ngai Tai ki Tamaki can be assured that 16 Iwi representatives across numerous Iwi Authorities have been provided the opportunity to engage on the Sunfield landholding. Some Iwi representatives have been more active than others.
45. The draft Sunfield conditions provide mechanisms and structures for further engagement on the Sunfield project (as it progresses) with Iwi representatives with Te Ao Māori experience in addition to those from whanaunga Iwi who are already actively engaged on the Sunfield kaupapa.

Tiumalu Peter Fa'afiu

Partner

Navigator Limited

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