

Memorandum – response to Waikato-Tainui

Te Whakakitenga o Waikato Incorporated on behalf of Waikato-Tainui 68 marae and 97,000 tribal members.

1. Thank you to Te Whakakitenga o Waikato Incorporated for its comprehensive response to the Sunfield application. We provide comments below in response to questions and comments raised. Where appropriate, we also provide further additional information to contribute to a more detailed response to Waikato-Tainui. 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. From paragraph 12 onwards, our response headings are those used by Te Whakakitenga o Waikato Incorporated to ensure we don't miss any matters raised.

Introduction

3. My full name is Tiumalu 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 2004 (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 Waikato-Tainui.

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, 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 (Repeal) 2023, currently sitting on one of the last Panels under this Act.
11. I have been supporting mana whenua engagement by Sunfield Developments Limited (SDL) and its parent company, Winton Land Limited (Winton), across several projects in the Tamaki Makaurau region.

Background acknowledged

12. We acknowledge the background and ahi kaa aspect of the Waikato-Tainui response as outlined in your paragraphs 1 – 5.
13. We acknowledge that through your hapuu and collectively as an iwi, Waikato-Tainui has maintained ahi kaa, continues to exercise mana whakahaere, rangatiratanga and kaitiakitanga, and upholds and exercises Waikato-Tainui tikanga, kawa, maatauranga and reo within the Waikato-Tainui Rohe.
14. Notwithstanding private ownership of the landholding, we note the reaffirmation of the intrinsic relationship of Waikato-Tainui with the natural environment within your Rohe. Given the kaupapa of Sunfield, the natural environment, sustainability, and kaitiakitanga concepts are also reflected in the masterplan design principles.
15. We also acknowledge and understand your paragraph 12 in relation to your “central iwi entity” role, while fully respecting the mana and authority of marae and hapuu who have proactively responded on the Sunfield kaupapa over the last four and half years. We confirm that the draft Sunfield conditions make clear, feedback from all Iwi Authorities have been afforded ongoing, meaningful, and appropriate

consideration throughout all phases of planning (since March 2021), design, and in turn the delivery via activation of the conditions.

16. We understand that cultural values and responsibilities should be embedded not only in process but reflected through tangible outcomes on the ground. We provide below further evidence of that.

Waikato-Tainui outstanding and remaining claims

17. We acknowledge your statements in paragraphs 6 – 10 explaining the outstanding and remaining claims of Waikato-Tainui. We take careful note of the following:

“...In absence of settlement protections for these remaining claims, Waikato-Tainui seeks to provide and secure environmental protections for te taiao through other available pathways.”

18. In addition, we also acknowledge that for hapuu and other iwi directly linked to the site that...

“...Their active involvement in the current process should reflect that standing and the multifaceted role they play in protecting and advancing the interests of their people and whenua.”

19. Our response will confirm that these above two aspects have been front of mind when engaging with all Iwi Authorities, including Waikato-Tainui, on the Sunfield landholding. SDL has completed four and half years of mana whenua engagement.

Mana Whenua Engagement Schedule and Report

20. It's important to raise at this point why the Mana Whenua Engagement Report has not been made public on the FTAA website. As of May 2021, six Iwi Authorities - Ngai Tai ki Tamaki, Te Akitai Waiohau, Ngaati Tamaoho, Ngaati Te Ata Waiohau, Ngaati Whanaunga, Ngati Paoa - expressed a view to be apprised and engaged on the Sunfield landholding. Engagement by each Iwi was dependent on their capacity and other priorities however we advised each that equity in provision of information across the six would occur.

21. Two other Iwi Authorities – Ngati Maru and Waikato-Tainui – have expressed some interest in Sunfield. 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 through this submission response the achievement of this expectation.

22. Waikato-Tainui was part of the 19 Iwi Authorities we contacted (under the Auckland Council process) in March 2021 when we first commenced the Sunfield project. The Kaitiaki Manager at the time advised us that Waikato-Tainui did not wish to engage

on Sunfield given that mana whenua of the area was involved specifically Ngaati Tamaoho, Ngai Tai ki Tamaki and Te Akitai Waiohū. The Applicant via Navigator also contacted the Iwi in relation to two other Winton projects: Pier 21 / Cracker Bay in Wynyard Quarter (email sent to two persons in August 2022) and Cosgrave Road Plan Change (email sent to two persons in February 2023). No responses were received to those emails.

23. On 26 November 2024, the Iwi contacted the Applicant as part of the Iwi's process of contacting all listed projects within your rohe as part of the FTAA Bill. Navigator responded on behalf of the Applicant with a recap of mana whenua engagement, shared link to the masterplan documents, and request for a site visit. I understand an email was also sent on 16 October 2024 by the Iwi to five Iwi Authorities with which you have strong whanaunga links, seeking confirmation on the extent of engagement that those five had with the Sunfield Applicant and whether CVAs had been provided for the Sunfield project. Four of those five are on the Applicant's list of six Iwi Authorities that are engaged on Sunfield since March 2021. The fifth – Te Ahiwaru o Waiohū – had reaffirmed in December 2024 to the Applicant their original position of 2021; they did not wish to engage on the Sunfield project given it was not within their cultural rohe.
24. In January 2025, we provided Waikato-Tainui a response to your own internal FTAA assessment form (sent to the Applicant on 26 November 2024), which directed that self-assessment of the Sunfield project and application be through the lens of your 269-page *Environmental Plan – Tai Tumu, Tai Pari, Tai Ao*.
25. A Mana Whenua Engagement Report was provided by Navigator Limited to be part of the Applicant's suite of documents for the FTAA substantive application.
26. 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 site – Ngaati Tamaoho, Ngaati Te Ata Waiohū, Te Akitai Waiohū, Ngaati Whanaunga (CIA) – three of the four did not wish for their CVAs 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 Sunfield Developments Limited. We believe those are reasonable requests from those Iwi Authorities.
27. Whilst not available to the public, Response Letter to CVAs / CIA accepted the recommendations of each CVA / CIA. This in turn has been reflected in the draft conditions – this point is detailed further below.

28. In the case of two of those Iwi Authorities mentioned in paragraph 26, they also did not wish for the summation (within the Report proper) of their insights and advice to be made public. The summation was transferred from the agreed Minutes with each Iwi representative.
29. 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 was 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.**
30. 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.

Iwi engagement

31. We acknowledge your points made in paragraphs 13 – 16. It's important to note however that engagement since March 2021 has not been unbroken or discontinued. It has been a consistent approach from the Applicant with Navigator's support. We seek to provide evidence to this point also respecting the views of some Iwi representatives of not wishing for the results of their engagement to be made public – paragraphs 20 – 30 above.

Engagement with Iwi Authorities

32. I wish to provide further information below which reaffirms Iwi engagement has been over and above what is required under the FTAA processes. 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 detailed within the Mana Whenua Engagement Report submitted as part of the Sunfield Substantial Application. Activation of these guiding principles has been consistent and unwavering. Opportunities for feedback, amended feedback, and other comments have been provided to all six Iwi Authorities who

first confirmed their “interest” in the site and Sunfield kaupapa in response to the Applicant’s first email contact of March 2021.

By being in line with the principles outlined in the Environment Court, the practical opportunities for engagement offered up by the Applicant has not diminished under the FTAA application process. The practice remains and in turn reflected in the draft conditions for future ongoing engagement. That is, there are number of management plans that require consultation with the six Iwi Authorities e.g. Stormwater Management Plan (condition 27), Ecological Management Plan (condition 91), Landscape detailed design and specifications (condition 31).

In response to one of the concerns raised by your submission, whilst the FTAA has reduced timeframes for consultation, the Applicant has developed draft conditions that ensures ongoing consultation with the six Iwi Authorities as the Sunfield project progresses. It’s the conditions which provides for renewed opportunity for continued meaningful engagement and input to the detailed design stage and in turn the activation at precinct and stage level.

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.

c) Opportunities for Iwi engagement are the same since March 2021. Responses from Iwi Authorities have been amended accordingly.

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. Waikato-Tainui was not one of the six.

There were two separate but related consultation processes on the same Sunfield landholding: a resource consent application by SDL on behalf of Healthy Waters in relation to Awakeri Wetland Stage 2 and 3 and separately “Cosgrave Plan Change” in relation to 52 HA of Future Urban Zoned land. Both those two processes between 2022 and now, were with the same six Iwi Authorities. There was separate correspondence and engagement process on those two projects. In February 2023, the Applicant contacted Waikato-Tainui seeking its interest in the Cosgrave Plan Change, without a response to that email. That same email provided an update in the planning strategy.

This clear communication around change in planning strategies resulted in active engagement by three Iwi Authorities – Te Akitai Waiohū, Ngaati Tamaoho, Ngaati Te Ata Waiohū – who provided CVAs, resourced by the Applicant, to both sets of processes mentioned above. The representatives from those Iwi Authorities fully understood the processes and *amended* their original feedback to fit both processes and respond to specific technical reporting as part of both processes.

d) *FTAA Bill and then legislation updates*

In April / May 2024, emails were provided to the six Iwi Authorities noting that it was the Applicant's intention to seek approval for Sunfield to become a "listed project" under the new Fast-track Approvals Bill being considered by Parliament.

In November 2024, Sunfield was announced as a listed project under the FTAA. On 22 November 2024, Navigator emailed representatives of the six Iwi Authorities that Sunfield had been announced as a listed project and that it was SDL's intention to submit a substantive application under the FTAA in early 2025. It was explained in that email exchange that the Sunfield technical documents had been updated and could be provided on request. Four Iwi Authorities requested links to those updated technical reports.

On 26 November 2024, Waikato-Tainui sought from the Applicant a self-assessment of the project vis a vis the Iwi's Environment Plan; a completed form (in relation to being a FTAA listed project) was provided to the Iwi by the Applicant on 25 January 2025.

On 29 May 2025, emails to Iwi Authorities confirmed that the Sunfield 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 CVAs for the Sunfield landholding. In relation to the FTAA application – "Sunfield project" CVAs were provided by Te Akitai Waiohū, Ngaati Tamaoho, Ngaati Te Ata Waiohū. A CIA 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.

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

33. The provision of information to Iwi Authorities has been equitably distributed. 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 Winton or 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, long email updates are provided to ensure that Iwi representatives can use that correspondence in any communication that they might want to provide their Boards given the significance of the Sunfield project.

34. 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 to be involved in the implementation of those conditions and development of future design and management plans. 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.
35. Whilst the FTAA process allows for the draft conditions to be 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 six Iwi Authorities. Out of 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 for feedback.
36. To again achieve equitable provision of information on Sunfield, a separate email on 7 July 2025 was provided to the six Iwi Authorities noting that a Notice of Requirement was 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 for Sunfield since the suite of technical documentation was provided via shared drive in December 2023 and then again December 2024. In the same email, a further update was provided on the Awakeri Wetland Stage 2 and 3 resource consent draft conditions which were prepared by Auckland Council.

Draft conditions reflect the Mana Whenua Engagement Report

37. Given the matters raised by some Iwi representatives (above paragraphs 20 – 30) about information that can be made public, we confirm that the draft conditions for Sunfield reflect the common recommendations of all 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 undertook this with the Iwi Authorities to ensure that their feedback has been considered 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 Wetland 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 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 draft conditions reflecting the themes from the Iwi Authorities on the Sunfield landholding, three further structural opportunities are provided 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 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.

Auckland Council engagement

42. The Council “family” has through the FTAA submission process provided significant responses to the Applicant. Their responses are on the FTAA website, and the Applicant will respond to these in due course when the process is lifted from suspension by the Expert Panel.

43. The questions from Waikato-Tainui in its paragraphs 17 – 22 are being responded to through this public Expert Panel process. The FTAA process is very transparent, and “Council’s stance” is on the FTAA website.

Flood Risk and Productive Land

44. Whilst no specific questions are raised, we reaffirm that the Applicant’s suite of technical reports provide robust responses.

Recommendations from Waikato-Tainui

45. We acknowledge the recommendations provided by Waikato-Tainui. We leave to the Expert Panel how it treats those recommendations. However, we are confident that



the Expert Panel will see that each of the five recommendations have already been satisfied and will be reaffirmed further on an ongoing basis, through Sunfield's conditions.

Tiumalu Peter Fa'afiu

Partner

Navigator Limited

August 2025