BEFORE THE FAST-TRACK EXPERT CONSENTING PANEL

UNDER THE	Fast-Track Approvals Act 2024
AND	
IN THE MATTER OF	An application under section 42 for approval to Sunfield, a project listed in Schedule 2 to the Act
BY	**Winton Land Limited** Appellant

MEMORANDUM OF COUNSEL FOR THE APPLICANT
IN RESPONSE TO MINUTE 22

29 JANUARY 2026

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MAY IT PLEASE THE PANEL:

1. INTRODUCTION

1.1 This memorandum has been prepared in response to:

(a) aspects of the memorandum of Auckland Council filed in response to Minute 18, particularly:

(i) its reliance on "Watercare's Board-approved policy not to service land outside the RUB (which remains in effect)";

(ii) its analysis of the Environment Court's decision in *Pinehaven Orchards Ltd v South Wairarapa District Council* W54/2006 and its application to Sunfield;

(iii) its mischaracterisation of Winton's submission on the Amendment Bill; and

(iv) the infrastructure upgrades required to service Sunfield.

(b) the request in Minute 22 for legal submissions on:

(i) the two questions in paragraph 6:

(aa) what are the implications for this proposal of changes made to the Fast Track Approval Act 2024 by the Fast Track Approvals Amendment Act 2025?

(bb) the meaning of the word "significant" in the purpose of the Act in the context of this application?

(ii) the relevance (if any) of the new/amended national instruments introduced on 18 December 2025 to this application?

2. WATERCARE'S BOARD APPROVED POLICY "NOT TO SERVICE LAND OUTSIDE THE RUB"

2.1 The memorandum of counsel for the Auckland Council family filed on 11 December 2025 in response to Minute 17 (**AC Memorandum**) is heavily reliant on "Watercare's Board-approved policy not to service land outside the RUB (which remains in effect)". It is referred to in paragraphs 2.1 and 4.1 – 4.5, 4.13, 5.2, 5.10(a), 5.17, 5.20, 5.21(a) and 5.23(b) and (c) of the AC Memorandum.

2.2 As the policy was neither provided with the AC Memorandum nor available online, the Applicant requested a copy of the policy. This was subsequently provided to the Panel and the Applicant under cover of a further memorandum on 19 December 2025.

2.3 A review of the material provided on 19 December 2025 does not support the position taken by the Council family in the AC Memorandum:

(a) The policy was prepared at the time the Auckland Unitary Plan (**AUP**) was being promulgated.

(b) The initial report to the Board in May 2014[1] was prepared in a context where Watercare:

(i) wished to be "supportive of Auckland Council's strategies for projected growth";[2]

(ii) understood "it is the Council's intention that the RUB will not change for the foreseeable future once the Unitary Plan becomes operative."[3]

(iii) understood its role in enabling development was to "support land developers in the provision of residential, commercial and industrial development to the extent such development is consistent with Auckland Council's growth strategy and Watercare's Service Categories".[4]

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1 Annexure A to the 19 December memorandum, commencing at page 4 of PDF.

2 Section 2, page 5 of PDF.

3 Section 3, page 5 of PDF.

4 Section 4, page 5 of PDF.

(c) In that context, the initial report identified three categories of development within the newly proposed Rural Urban Boundary (**RUB**):

(i) Developments within the Area of Service;[5]

(ii) Developments contiguous with the Area of Service;[6]

(iii) Developments that are not contiguous with the Area of Service.[7]

(d) In all three categories, there was an option for the developer to fund the infrastructure.[8] It was also clear that two of the three categories applied to land currently zoned rural.[9]

(e) The subsequent report to the Board in April 2015[10] identified that:

(i) Category 2 (Developments contiguous with the Area of Service) are "in most cases" zoned rural,[11] with an expectation a plan change would precede development.

(ii) Category 3 (Developments that are not contiguous with the Area of Service) are "within the RUB (or future RUB)."

(iii) Watercare will not provide services outside the RUB.[12]

(f) The Board asked for the report to be "amended to reflect discussions and feedback from the directors."[13]

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5 Category 1, page 6 of PDF.

6 Category 2, page 6 of PDF.

7 Category 3, page 6 of PDF.

8 See Category 1B, Category 2B and Category 3.

9 See clear acknowledgement in Category 2.

10 Annexure C to the 19 December memorandum, commencing at page 24 of the PDF.

11 See page 26 of PDF.

12 Category 4, page 27 of the PDF.

13 Annexure D to the 19 December memorandum, commencing at page 34 of the PDF - see Item 5 of the Minutes on page 36 of the PDF.

(g) The final report to the Board in May 2015[14] is not as definitive as the AC Memorandum suggests. In particular, the final report clearly states:

(i) Watercare is obliged to provide water and wastewater services in support of "Auckland Council's priorities for growth";[15]

(ii) Watercare's servicing is "based on the Rural Urban Boundary (RUB) concept set out in the Proposed Auckland Unitary Plan";[16]

(iii) Servicing remained available for rurally zoned land within the RUB,[17] and developments within the extent of the "future RUB";[18]

(iv) Servicing is also available "outside the RUB where requested by Council" provided the investment required to service the area is funded by the developer.[19]

2.4 The policy approved by Watercare's Board in 2015 does not, and cannot, set the growth strategy of Auckland Council nor be the determinative factor in consenting under either the RMA or the Act. However, even if it could, the policy is not as prohibitive as implied in the AC Memorandum. It is apparent it is the Council's current opposition to Sunfield that is the true constraint, not the policy approved by Watercare's Board over 10 years ago.

14 Annexure E to the 19 December memorandum, commencing at page 38 of the PDF.
15 Section 2, Obligation to Provide Service, on page 40 of the PDF.
16 Section 3, Service Categories, on page 40 of the PDF.
17 Category 2, on page 41 of the PDF.
18 Category 3, on page 42 of the PDF.
19 Category 4, on page 42 of the PDF.

2.5 For Sunfield:

(a) 56.5 ha of the site is within the RUB;[20]

(b) Approximately 75% of the site is ***within*** the Area of Service[21](and has been since at least 1 July 2021)[22];

(c) The remainder of the site is ***contiguous*** with the Area of Service;

(d) The developer intends to fund the infrastructure upgrades required to service Sunfield;[23]

(e) There is no reason under the policy approved by Watercare's Board in 2015 not to service the site.

3. PINEHAVEN ORCHARDS

3.1 The Council relies on the 2006 decision of the Environment Court in *Pinehaven Orchards Ltd v South Wairarapa District Council*[24] for the proposition that "the inability to connect to public infrastructure [is] a consenting issue."[25]

3.2 The critical aspect of *Pinehaven Orchards* overlooked by the Council is that:

(a) The Court was considering a scenario whereby the subdivision and development would proceed with no connections, relying on on-site sewage disposal instead.[26]

(b) The adverse effects of onsite sewage disposal were "so evident that the appellant's own expert witness agreed that it would not be satisfactory",[27] leading to a conclusion of significant adverse effects.[28]

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20 Planning Report, page 249.

21 Watercare Business Plan 2025-2034 pages 48 & 51

22 Watercare Asset Management Plan 2021-2041 issued 1 July 2021 also included 75% of Sunfield in the Area of Service (see pages 54 & 55).

23 Joint Statement on Infrastructure Funding and Financing, 28 November 2025, Part B.

24 W54/2006

25 See in particular its paragraphs 2.4, 3.10 – 3.17, 4.5, 5.2, 5.12,

26 Clearly explained in paras [37] – [43]

27 At [40].

28 At [56](a).

(c) As a consequence, consent was declined.

(d) In doing so the Court concluded that there was no basis to the argument advanced by the Council that "effects" on the capacity of its services or the potential overloading or impaired performance were of concern.[29]

3.3 In short, the Court found there was no effect of concern if the development connected to the reticulated system (despite Council arguing there was) but significant effects of concern if the development proceeded without the connection and instead relied on on-site sewage disposal.

3.4 That is not what is proposed at Sunfield. The application does not include an alternative if a connection to the public infrastructure is not available. If approved, there will not be effects from the on-site collection and treatment of water, nor the on-site treatment and disposal of wastewater. This is why the Council's current resistance to allowing a connection to the public system is not a consenting issue. The issue is addressed by way of conditions, as addressed in previous memoranda and below.

4. WINTON'S SUBMISSION ON THE AMENDMENT BILL

4.1 Paragraph 5.24 of the Council's memorandum states:

> *It is noted that the Applicant itself submitted on the Amendment Bill, seeking amendments that would have required infrastructure providers to make infrastructure available to projects and prevented the adequacy of infrastructure from being considered an adverse impact.*

4.2 The Council appears to have overlooked the statement made in the submission as a preface to both amendments, which clearly stated:

> ***On the assumption the Government's intention with** clause 46 (s84A) is that infrastructure providers are to make the infrastructure available to the project, **Winton suggests that may be better achieved by**…*
>
> *(emphasis added)*

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29 See [45] – [48], [59].

4.3 The submission was based on Winton's understanding of the Government's intent and was seeking to identify how, if its understanding was correct, the issue could be better addressed. As it transpired, that was not the intent (or at least not by the time of the second and third readings).

4.4 In any event, Winton's submission on the Amendment Bill is not a relevant matter for the Panel's decision-making and it is curious that Council felt a need to bring the submission to the Panel's attention and provide a copy of the same.[30]

5. INFRASTRUCTURE UPGRADES TO SERVICE SUNFIELD

5.1 The memorandum prepared by Mr Will Moore dated 8 December 2025[31] identified the infrastructure upgrades required to service Sunfield.

5.2 Part B of the Joint Statement on Infrastructure Funding and Financing dated 28 November 2025 confirmed the Applicant's intention to fund all infrastructure upgrades required to service Sunfield.

5.3 While the AC Memorandum endeavours to continue with the still unsubstantiated position that Sunfield cannot be serviced, it is the Applicant's position based on independent expert analysis that:

(a) The wastewater system is proposed to be constructed to only use 65L/s.[32] This capacity is either already available, or will be made available by the completion of the Hingaia diversion in 2029;[33] and

(b) The water capacity concerns[34] are addressed by the proposed upgrades and the developer funding of the same.

5.4 This independent expert evidence should clearly be preferred to the unsubstantiated position of the Council family, that is clearly at odds with the confirmation provided by Veolia that there is capacity for the

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30 Footnote 41.

31 Attachment A to the memorandum of counsel for the Applicant dated 8.12.25.

32 Attachment A to the memorandum of counsel for the Applicant dated 8.12.25.

33 Acknowledged at para 4.12(b)(i) of the AC Memorandum which records 70L/s enabled by the Hingaia diversion.

34 Set out at para 4.12(c) of the AC Memorandum.

1,550 DUE proposed at Sunfield,[35] places undue reliance on a 10-year old Watercare Board policy that does not in fact support the position, and has not been demonstrated as fact.

5.5 As set out in earlier memoranda:

(a) The Applicant has consistently requested more visibility on Watercare's commentary relating to the capacity constraints and planned upgrades for both water and wastewater.[36]

(b) The Applicant met with Watercare on 20 August 2025 and repeated its requests via email on 22 August 2025, 5 September 2025 and 16 September 2025.[37]

(c) After exhausting all reasonable endeavours, on 17 September 2025 the Applicant requested the Panel utilise its power under sections 67(1) and 67(3) to direct the EPA to request the further information the Applicant sought.[38]

(d) The requested direction was made in Minute 7. Minute 8 subsequently directed each person who authored a technical report submitted as part of a response to an invitation to make comments to submit a signed written statement confirming compliance with the Code of Conduct.

(e) The further information was not provided. Instead:[39]

(i) The Council response to Minute 8 advised:[40]

> *Watercare's comments and information were provided in its capacity as the statutory water and wastewater service provider and asset owner, and represent corporate/asset-owner comments. The provision of such comments – and the underlying assessment of matters such as network capacity, connection feasibility, and infrastructure sequencing – necessarily reflects a blend of professional judgment by various*

35 A copy of the email correspondence between Maven and Veolia in June 2023 to April 2024 is **attached**.
36 Memorandum of 17 September 2025, para 1.4.
37 Memorandum of 17 September 2025, para 1.4.
38 Memorandum of 17 September 2025, para 1.5.
39 As set out in Memorandum of 15 October 2025, para 5.4.
40 See paragraph 6 of Mr Butcher's memorandum

Watercare staff members with specialist or professional expertise, alongside corporate knowledge of Watercare's assets, statutory obligations, and planning framework.

(ii) The authors of the Watercare comments confirmed they represented corporate / asset owner comments[41] and that "appropriate experts" would be identified and put forward in the event expert conferencing were to occur.[42]

(iii) The memorandum of counsel for the Auckland Council family of 26 September 2025 proposed a cost of $48.4K+GST and a 6-week timeframe to undertake the necessary assessments.

(f) Given the earliest the Council could make the requested information available was 10 November, and the latest the Applicant could resume processing of the application (under the Act as it was) was the earlier date of 17 October, the Applicant did not agree to incur the additional cost.[43]

5.6 Auckland Council then amended its position, as recorded in Part C of the Joint Statement on Infrastructure Funding and Financing dated 28 November 2025 and the legal memorandum of 3 December 2025,[44] to suggest an 18 – 24 month period was needed to "understand the required upgrades of the southern interceptor" ***before*** first establishing ***any*** impact from Sunfield on the capacity in the southern interceptor. This is clearly well outside the timeframes of the Act. It is also not necessary, given the already demonstrated availability of the 65L/s discharge capacity that is required.

5.7 The Applicant is committed to its Sunfield project and has provided robust independent expert analysis to demonstrate, and draft conditions to ensure, that the infrastructure the project will rely on is or can be made adequate to support its project. The Auckland Council family has not provided reliable evidence to the contrary.

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41 See paragraph 3(a) of Watercare's statement attached to Mr Butcher's memorandum.

42 See paragraph 3(e) of the above.

43 Memorandum of 15 October 2025, para 5.5.

44 See para 15(c).

6. FAST TRACK APPROVALS AMENDMENT ACT 2025

6.1 The Fast-track Approvals Amendment Act 2025 (**FTAAA25**) received Royal Assent on 16 December 2025 and with the exception of the sections set out in section 2(2) came into force on 17 December 2025.

6.2 The Schedule to the FTAAA25 provides the transitional provisions:

(a) Clause 6(1) provides that the Act, as in force immediately before 17 December 2025, continues to apply in respect of any substantive application lodged before that date.

(b) Clause 6(2) provides that for substantive applications where the approvals sought "have not been decided under section 81" by 17 December 2025 the following provisions apply "in respect of that application on and after" 17 December 2025:

(i) New section 60;[45]

(ii) New sections 62 – 66;[46]

(iii) New section 81;[47]

(iv) New section 84A;[48]

(v) New clause 20 of Schedule 11.[49]

(c) Clause 6(3) provides that if the section 81 decision has not been made by 31 March 2026 then from that date the following provisions also apply:

(i) New sections 68A and 68B;[50]

(ii) New section 88.[51]

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45 Where "Minister" in s60(1)(b) is replaced with "panel convenor" and "the panel" in s60(1)(c) is replaced with "the panel convenor or the panel".

46 Similar amendments to the above, but also with the maximum cumulative length of applicant requested suspension extended from 50 to 100 days as sought in Winton's submission.

47 Where the Panel under s81(2)(a) must consider "a relevant Government policy statement" and in s81(2)(e)(e) "may impose conditions under section 84A".

48 Being the new section specific to conditions relating to infrastructure.

49 Relating to mining permits.

50 New sections enabling an applicant to reduce the scope of a substantive application once lodged.

51 A new section enabling decisions on multiple approvals to be issued separately.

6.3 For the Panel's consideration of Sunfield, it is the changes to section 81 and the insertion of new section 84A that are relevant.

6.4 Section 81(2) now reads:

> *For the purpose of making the decision, the panel—*
>
> *(a) must consider the substantive application and any advice, report, comment, or other information received by the panel under section 51, 52, 53, 55, 58, 67, 68, 69, 70, 72 or 90:*
>
> *(b) must apply the applicable clauses set out in subsection (3) (see those clauses in relation to the weight to be given to the purpose of this Act when making the decision):*
>
> *(c) must comply with section 82, if applicable:*
>
> *(d) must comply with section 83 in setting conditions:*
>
> *(e) may impose conditions under section 84:*
>
> *(ea) may impose conditions under section 84A*
>
> *(f) may decline the approval only in accordance with section 85.*

6.5 This means that, in relation to conditions:

(a) The provisions of Parts 6 (Resource Consents) and Part 10 (Subdivision) of the RMA that are relevant to setting conditions on a resource consent apply;[52]

(b) However, the panel must not set a condition that is more onerous than necessary to address the reason for which it is set in accordance with the provision of this Act that confers the discretion;[53]

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52 Clause 18 of Schedule 5, referenced in s81(3) and therefore applicable under s81(2)(b).

53 Section 83, applicable under s81(2)(d).

(c) Section 84A specifically authorises the imposition of conditions relating to infrastructure:

> *(1) The Panel may set conditions to ensure that the infrastructure in the project area or other infrastructure the project will rely on is or can be made adequate to support-*
>
> *(a) the project; or*
>
> *(b) the stage of the project to which the application relates.*
>
> *(2) This section applies in addition to, and does not limit, any other powers to set conditions under this Act.*
>
> *(3) To avoid doubt, a condition set under this section may impose an obligation on the applicant only.*

(d) In the event the Panel forms the view there are one or more adverse impacts[54], it must take into account "any conditions that the panel may set in relation to those adverse impacts";[55]

(e) If, after taking into account any such conditions, the Panel forms the view the adverse impacts are ***still*** "sufficiently significant to be out of proportion to the project's regional or national benefits that the panel has considered under section 81(4)" the Panel ***may*** decline the approval.[56]

6.6 The conditions offered by the Applicant will ensure that both the infrastructure in the project area and other infrastructure the project will rely on is made adequate to support the project.

6.7 Proposed conditions 120 and 175 specify the infrastructure required for each stage and require it be "constructed and operational prior to any building within that stage being occupied". Proposed conditions 162 (for stormwater), 167 (wastewater) and 168 (water) require the

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54 Being any matter considered by the panel in complying with section 81(2) that weighs against granting the approval (as per s85(5)).

55 Section 85(3)(b).

56 Section 85(3).

infrastructure to be appropriately designed and certified, and condition 117 emphasises the requirement for the three waters infrastructure to be connected prior to occupation of any building. These conditions ensure that both the infrastructure in the project area and other infrastructure the project will rely on is made adequate to support the project.

6.8 These conditions:

(a) can be set by the Panel, in accordance with section 84A;

(b) must be taken into account in the event the Panel determines that the Council's concerns as to servicing are a relevant consenting matter and, in turn, an adverse impact, in accordance with section 85(3)(b) as a way to address the same.

7. SIGNIFICANT BENEFITS

7.1 The purpose of the Act is:

> *…to facilitate the delivery of infrastructure and development projects with significant regional or national benefits*

7.2 The purpose of the Act is specifically considered in decision-making:

(a) For the purpose of making its decision the Panel must:[57]

> *apply the applicable clauses set out in subsection (3) (see those clauses in relation to the weight to be given to the purpose of this Act when making the decision)*

(b) The relevant clause set out in subsection (3) (being clause 17 of Schedule 5) requires the Panel to give "the greatest weight to" the purpose of the Act when considering the application.

(c) Section 81(4) clarifies that "when taking the purpose of this Act into account under [clause 17] the panel must consider the extent of the project's regional or national benefits."

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57 Section 81(2)(b).

(d) Adverse impacts that are still "sufficiently significant to be out of proportion to the project's regional or national benefits that the panel has considered under section 81(4)" after consideration of all potential conditions may lead to a decline of consent.

7.3 A project needs to have significant regional or national benefits in order to utilise the consenting process under the Act. The fact that all listed projects indeed ***have*** significant regional or national benefits has been clarified in the FTAAA25 with Schedule 2 renamed[58] to "Listed projects with significant regional or national benefits".

7.4 There can now be no doubt that:

(a) the purpose of the Act is to facilitate the delivery of the listed projects (and others);

(b) while the ***extent*** of a project's benefits are to be considered:

(i) when taking the purpose of the Act into account under clause 17; and

(ii) in the event there are adverse impacts that cannot be resolved through conditions

those benefits are, at least, significant.

7.5 The starting proposition is that all projects allowed to utilise the fast-track process have significant benefits and that consent will be granted, unless the adverse impacts are sufficiently significant to be out of proportion to the benefits (in which case, consent may be refused but there is no obligation to do so).

7.6 To assist the Panel, we have reviewed other decisions made under the Act where consent was granted to housing or land development projects (in the order in which they were made):

(a) For Maitahi Village,[59] a development of 180 residential dwellings (50 to be Ngāti Koata iwi-led housing), a commercial centre, and a retirement village (of

58 By section 52(2) of the FTAAA25.

59 Decision dated 18 September 2025.

approximately 194 townhouses, 36 in-care facility units, a clubhouse, and a pavilion) the Panel used ""sufficiently great or important to be worthy of attention; noteworthy" as a working definition of "significant"[60] and referred to the criteria listed in s22 of the Act "for guidance on relevant considerations"[61] before concluding the benefits are "very significant."[62]

(b) For Milldale,[63] the Panel relied on the applicant's Economic Impact Assessment to find the creation of 1,100 new residential sections "will generate significant regional benefits".[64] This was considered to represent "a highly significant boost in housing supply",[65] that would "help the market to be more responsive to growth in demand",[66] "help to foster competition in Auckland's land market"[67] and "catalyse Auckland's economic growth".[68]

(c) For Drury Metropolitan Centre,[69] the Panel also considered the s22 criteria "provide useful guidance as to what might amount to 'significant' regional or national benefits".[70] The Panel had "no difficultly in concluding that the Project will generate significant benefits to the Auckland region",[71] referring to:

> *identification as a priority project in central and local government documents, enablement of new regional infrastructure, increasing the supply of housing and contribution to a well-functioning urban environment, delivery of significant economic benefits (including through increased employment), and consistency with local and regional planning documents*

60 At [516].
61 At para 529.
62 At para 538.
63 Decision dated 3 October 2025
64 At paras 187-188.
65 At para 187.2.
66 At para 187.3.
67 At para 187.4.
68 At para 187.5.
69 Decision dated 7 November 2025
70 At para 271.
71 At para 272.

(d) For Rangitoopuni,[72] the Panel was satisfied the 208-lot countryside living subdivision and retirement village consisting of 260 retirement units and 36 care units would "have a number of direct and indirect economic and quasi-economic benefits",[73] concluding:[74]

> *we are satisfied that it will have significant regional and national benefits: regionally in the provision of more retirement housing options; and, significantly, regionally and nationally because of the social, cultural, economic and environmental benefits it will bring to Te Kawerau ā Maki.*

7.7 This is consistent with the approach set out in paragraphs 6.2 – 6.3 of our memorandum of 15 October 2025:

(a) As a necessary precursor to its listing, the Ministry for the Environment (**MfE**) undertook an initial assessment of whether Sunfield would have significant regional or national benefits.[75] The MfE analysis answered positively in relation to the following statements:[76]

(i) The project will increase the supply of housing, address housing needs, or contribute to a well-functioning urban environment:[77]

> *Yes – the applicant considers there can be no doubt that Sunfield will increase the supply of housing, address Auckland housing needs, and contribute to a well-functioning urban environment.*

72 Decision dated 27 November 2025

73 At para 272.

74 At para 280.

75 Available at: https://environment.govt.nz/acts-and-regulations/acts/fast-track-approvals/fast-track-projects/sunfield/

76 Which are now reflected in s22(2) of the Act for consideration when assessing a referral application.

77 Now s22(a)(iii).

(ii) The project will deliver significant economic benefits:[78]

Yes – the total economic impact on business activity within Auckland as a result of the Sunfield development to 2044 is estimated to be around $4.7 billion. In terms of employment multipliers this would contribute around 8,130 full time equivalents during the peak development and operation year within Auckland, with a total number of full-time equivalents at around 24,700 over the development period.

(iii) The project will support climate change mitigation, including the reduction or removal of greenhouse gas emissions:[79]

Yes – the Sunfield concept masterplan providing a clear framework that will enable a dramatic reduction in car dependence which will promote healthier transport options.

(iv) The project will support adaptation, resilience, and recovery from natural hazards:[80]

Yes – the primary risk and only known natural hazard relating to the Property is the matter of the flood plain which affects the Property. A comprehensive and significant engineering solution has been developed to manage the stormwater that affects the Property.

(v) The project will address significant environmental issues:[81]

Yes – the applicant states the Sunfield development will move away from a reliance on private motor vehicles toward a future

78 Now s22(a)(iv).
79 Now s22(a)(vii).
80 Now s22(a)(viii).
81 Now s22(a)(ix).

> *thinking people centric collection of liveable neighbourhoods. This approach has unlocked a number of doors that will lead to healthier and more sustainable outcomes now and the future. Meeting the needs of communities requires that Sunfield considers all aspects of life and integrates housing, employment opportunities, amenity and open space as we look to our neighbourhoods to become more self-sufficient and provide for higher standards of living in compact ways. Sunfield will provide a sustainable and environmentally friendly 15 minute sustainable neighbourhood, not seen before in New Zealand.*

(b) Delivering "significant economic benefits" is just one way[82] in which a project may have "significant regional or national benefits"[83].

(c) Sunfield is not being advanced solely on its "significant economic benefits".

7.8 Consistent with the approaches taken to other substantive applications:

(a) the Panel can be guided by the s22 criteria with s22(2)(a)(iii), (iv), (vii), (viii) and (ix) all relevant for Sunfield.

(b) the project needs to be "noteworthy" (but not "transformative" as suggested by Dr Meade), which is clearly the case for Sunfield.

(c) a boost in supply that fosters competition is a significant benefit. The "boost" in supply of housing provided by Sunfield is far in excess of that provided by these other smaller-scale projects.

7.9 In our submission there is no doubt that Sunfield has significant regional benefits.

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82 See s22(2) for list of potential benefits in (a) and the ability for the Minister to consider any other matter s/he considers relevant in (b). This factor is in (iv).

83 Section 22(1).

8. NATIONAL INSTRUMENTS

8.1 On 18 December 2025 the Government introduced three new national instruments and amended seven existing national instruments, with all in force from 15 January 2025.

8.2 All 10 national instruments are potentially relevant to the Panel's decision:

(a) Under s81(2)(b) the Panel must apply the applicable clauses set out in subsection (3);

(b) The applicable clauses in subsection (3)(a) are clauses 17 to 22 of Schedule 5;

(c) Clause 17 of Schedule 5 requires the Panel to take into account Part 6 of the RMA;

(d) Section 104 sits in Part 6 of the RMA;

(e) Section 104(1)(b)(i) RMA requires regard to be had to any relevant provisions of national environmental standards and section 104(1)(b)(iii) RMA requires regard to be had to any relevant provisions of national policy statements;

(f) While s88A(2) is not applicable,[84] it is well-settled law that it is the "up-to-date circumstances prevailing at the time of the decision" that are to be considered under the RMA.[85]

(g) It is the new and amended national instruments that the Panel must take into account under s104(1)(b).

9. ATTACHMENTS

9.1 **Attachment A** is the planning analysis undertaken by Mr Smallburn to identify the relevant provisions from the 10 national instruments in force from 15 January 2026 and provide an updated assessment. Attached to that planning analysis are addendums prepared by:

(a) Mr Moore in relation to the new NPS Natural Hazards;

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84 As the national instruments are not a "plan or proposed plan".

85 *Far East Investments Ltd v Auckland City Council* [2002] NZRMA 433, at [19] – [28].

(b) Mr Hunt in relation to the amendments to the NPS Highly Productive Land.

9.2 **Attachment B** is the updated economic assessment requested in Minute 22.

9.3 **Attachment C** is the email correspondence between Maven and Veolia in June 2023 to April 2024.

DATED 29 January 2026

B S Carruthers KC / W Goldsmith

Counsel for Winton Land Ltd