BEFORE THE FAST-TRACK EXPERT PANEL

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

AND

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

MEMORANDUM OF COUNSEL FOR AUCKLAND COUNCIL FAMILY IN RESPONSE TO MINUTE 17 AND APPLICANT'S MEMORANDUM DATED 2 DECEMBER 2025

Dated: 3 December 2025

Matthew Allan
Partner
[redacted]
P O Box 240
DX CP24134
AUCKLAND

BROOKFIELDS
LAWYERS

MAY IT PLEASE THE PANEL:

Introduction

1. This memorandum of counsel for the Auckland Council family addresses:

   (a) Paragraph 16 of Minute 17 dated 2 December 2025 regarding ecology matters;

   (b) Plan Change 120 matters raised in Minute 13; and

   (c) The Applicant's Memorandum of Counsel dated 2 December 2025 regarding the joint statement on infrastructure funding and financing.

Ecology Matters (Minute 17, paragraph 16)

2. Minute 17 directed Auckland Council to produce Mr Smith's technical review pursuant to section 67(1)(a)(iv) of the FTAA by 1pm, Wednesday 3 December 2025. The Council appreciates the opportunity to do so.

3. By memorandum dated 26 November 2025, the Council had attached a draft technical review by Mr Smith. In response, the Applicant has provided:

   (a) An ecology response dated 1 December 2025 from Laura Drummond of Bioresearches addressing the matters raised in Mr Smith's draft review (filed as Attachment E to the Applicant's memorandum dated 2 December 2025); and

   (b) The SEV excel calculator (provided by email on 2 December 2025).

4. In light of this additional information, Mr Smith has prepared a slightly revised version of his technical review. This revised review – which identifies some ongoing areas of concern – is attached as **Annexure A**.

Plan Change 120

5. By paragraph 25 of Minute 13, the Panel requested from the Applicant *"a planning assessment as to the relevance of Plan Change 120 to this application"*, noting that the Panel was not requesting an assessment of weight.

6. The Applicant's planning consultants, Tattico, have prepared a memorandum dated 21 November 2025 addressing Plan Change 120.

7. The Council notes that Minute 13 at paragraph 26 records that *"other parties will be given an opportunity to comment on the relevance (or otherwise) of Plan Change 120 following the receipt of the Applicant's response"*.

8. The Council respectfully asks whether the Panel would be assisted by any comment from the Council on the planning assessment provided by Tattico, or whether the Panel considers it has sufficient information on the relevance of Plan Change 120 for its purposes.

Infrastructure Funding and Financing

9. The Applicant's memorandum dated 2 December 2025 raises concerns about the approach to the joint statement on infrastructure funding and financing, and requests that the Panel pay no regard to Part C prepared by Council's infrastructure funding and financing specialist, Brigid Duffield. A letter from Simon Ash is attached as Annexure F to the Applicant's memorandum.

10. The Council respectfully submits that debate over the process for preparing the joint statement does not assist the Panel's consideration of substantive infrastructure matters. However, for completeness, the Council responds briefly to the Applicant's characterisation below.

The Process

11. The three-part approach to the joint statement was proposed by Auckland Council on Tuesday, 25 November at 12:20pm, with a draft template provided. Counsel for the Applicant responded on Thursday, 27 November at 11:16am proposing only minor edits, advising that Mr Ash was completing Part B as suggested, and not disagreeing with the overall approach.

12. It was only at 9:56am on Friday, 28 November – with the statement due at 5pm that day – that the Applicant proposed a fundamentally different approach. By that point, Ms Duffield had substantially completed Part C based on what was understood to be an agreed three-part structure, and it was not practicable to pivot to a different methodology at that late stage.

The Meeting of 12 November

13. From Ms Duffield's perspective, the meeting between Mr Ash and Ms Duffield on 12 November 2025 was convened to initiate discussion on how the joint statement might be prepared, not to agree positions on infrastructure funding.

We are instructed that Ms Duffield explained at the meeting that, given the emerging technical disagreements between the parties' experts, it was likely that the parties would identify different infrastructure requirements and would therefore need to present different perspectives in the statement. The Applicant's account of the meeting in Mr Ash's letter differs from Ms Duffield's recollection in this regard.

The Value of Part C

14. Part C represents Auckland Council's position on the infrastructure funding and financing matters that the Panel directed be addressed. It should be considered alongside Part B, not disregarded.

15. Part C identifies infrastructure requirements and funding uncertainties that are either not addressed or understated in Part B. These differences reflect the parties' different technical assessments and positions on what infrastructure is required, its feasibility, and how and when it can be delivered. Three brief examples are offered below to illustrate this point:

    (a) **Stormwater**: Part C identifies Council experts' view that a new northern conveyance system draining to the Papakura Stream is the most resilient long-term solution. This infrastructure would not be on Sunfield land, would require land purchase and development, and is currently unplanned and unfunded. This is not addressed in Part B.

    (b) **Transport**: Beyond the Sunbus service itself, Part C identifies that the Papakura Train Station requires major investment to accommodate the additional services (not funded or planned). Further, Council has no funding to provide replacement services or deal with increased congestion/parking if the private service ceases. Part C also identifies uncertainty about whether all required intersection upgrades have been captured and formally provided through the application. Part B does not address these matters.

    (c) **Wastewater**: Part C identifies that experts did not agree on the proposed solution for wastewater, for example including what system is most appropriate (gravity vs low pressure system), what bulk infrastructure upgrades are required etc. Part C also specifically identifies that southern interceptor upgrades are required beyond the Hingaia WWPS diversion, that Watercare would need 18-24 months

for detailed modelling and 5-8 years for delivery, and that Watercare does not have this work scheduled or resourced. Part B mentions the southern interceptor only in passing and does not identify these specific upgrade requirements, timeframes, or resource constraints. Part B simply states generically that *"any other future upgrades to the Bulk Network"* will be funded by the Applicant without identifying what those upgrades are or the feasibility of delivering them.

16. Ultimately, the Panel directed both parties to provide an update on infrastructure funding arrangements. Part C provides Auckland Council's position on those matters as required by Minute 13. The fact that the Applicant disagrees with or is disappointed by that position does not provide any basis for it to be disregarded. The Panel is well-placed to consider both parts and reach its own conclusions on the infrastructure funding and financing issues raised by the Application.

DATED the 3rd day of December 2025

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

ANNEXURE A

REVIEW BY COUNCIL ECOLOGIST (JASON SMITH)

Technical Memo– Specialist Unit

To:	Karl Anderson, Processing Planner
From:	Jason Smith – Consultant to Earth, Streams & Trees, Specialist Unit
Date:	03/12/2025

APPLICATION DESCRIPTION

Application and property details

Applicant's Name:	Winton Land Limited
Application Numbers:	BUN60447430 Fast Track Approval Act-2502-1039
Scope:	Freshwater Ecology
Site Address(es):	55 Cosgrave Road, Ardmore

Qualifications and Experience

Introduction

My full name is Jason Graham Smith.

I have been engaged by Auckland Council to provide a peer-review of the freshwater ecology aspects of Winton Land Development's Sunfield Proposal (reference: Fast Track Approval Act-2502-1039).

I previously provided a 'Specialist Response' (dated 01/08/25). Subsequently I have provided a review of the Applicant's ecological response to minute 13 issued by The Panel: '*Sunfield Fast Track Application – Stream Ecological Assessment*', memorandum prepared by Bioresearches, dated 21 November 2025 (hereon **SEV Assessment**). That review was appended (as a draft) to the memorandum of counsel for Auckland Council dated 26 November 2025. The Applicant's agents have provided a response to my draft review of the SEV Assessment on 2 December 2025 through:

- *SEV Calculator v.2.5 October 2017* (SEV calculator).

- *Ecology Response,* from Laura Drummond, dated 1st December 2025.

TECHNICAL ASSESSMENT

The assessment below follows the same points and order as my draft peer review of the SEV Assessment, and takes into account the further information provided by the Applicant on 2 December:

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

   This Assessment: The location of Swale 13 is shown in the Infrastructure Report, part f, *Proposed Swales/Diversion Path Plan Sheet 4.*

   I am still not clear on where the 'Main channel' is located. Based on the ecological reporting, mainly the proposed SEV scores, I infer on that the 'Main channel' is the Wai Mauri Stream Park through the centre of the site. However, without explicit confirmation in the ecological reporting, the 'Main channel' could also be taken as referring to the diversion channel near Mill Road.

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

   This Assessment: The concern remains. In addition the location of the 'Main channel', for Swale 13 it is not clear what length is 'stream'. The Applicant's calculations to date have used the SEV calculator for a permanent stream. However it is not clear how much water Swale 13 would receive, or commentary that would give confidence that it would remain a permanent stream along its entire length. Most likely Swale 13 would feature both intermittent and permanent stream length.

   The Applicant's response does address this matter. There is a second, separate methodology for applying the SEV methodology to intermittent streams[1]. Technical report 2016/023, specifically states that the interchangeable use of intermittent and permanent SEV scores in ECR calculations is not supported (paragraph 4 , page ii).

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

   This Assessment: This concern remains. As commented on above it is not clear where enhancement streams are located and if the length of enhancement includes the length of any proposed culverts.

   For the avoidance of doubt, it is my opinion that the culverted length should not be counted as enhancement.

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

   This Assessment: This concern remains due to the lack of confidence in the SEV and ECR assessment provided. Further commentary on this is offered below.

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

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[1] Auckland Council. Technical Report 2016/023: *Stream Ecological Valuation: application to intermittent streams.*

This Assessment: The SEV Calculator has now been provided.

I note that there is an error with data entered for the Vsurf variable. Each row of the substrate category should sum to 10, and the total of each cross-section should sum to 100.

I would also question if the Vdecid variable for the 'Main Drain' should have been scored as a 1 at each transect, (rather than the 0 that has been entered), as no deciduous vegetation has been noted in the description of the riparian zone.

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

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

   a. If the substrate has been '*largely kept consistent'* (as reported in page 5, para 2 of the SEV Assessment), how the DOP function increases by such a large degree. The DOP function is comprise of the Vsurf and the Vripfilt variables (and this level of detail has not been provided for review).
   b. 'largely kept consistent', is inconsistent with the second part of that sentence that reads: *however an increase in woody debris and small gravels, which can be placed during the construction of the channel, has been increased*. And later in that same paragraph: *Whilst the stream channels will have a gravel lining* …. This creates doubt as to what the substrate of the bed and banks would be, which is used as a variable in calculating several of the SEV functions.
   c. Vlining is one of three variables used to calculate the Natural Flow Regime (NFR) function and one of two variables used to calculate Connection to Groundwater (CGW) function. The SEV Assessment states that the author has not considered the gravel as an artificial permeable lining, as it won't restrict riparian connectivity. However note that under the SEV methodology 'gravels' range in size from 2 – 64 mm. At that size I would be considered if/how the gravels would be able to withstand the flood flows. There are no engineering plans for the stream enhancements that would enable this detail to be peer-reviewed.

This Assessment: Please refer to the assessment in point 8 below.

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

This Assessment: the concerns regarding the SEV scoring have been resolved through the provision of the SEV Calculator and further commentary provided by the Applicant (points 7 a and b).

Concern remains about the fine gravels being able to withstand the flood flows (point 7 c). I, and Auckland Council, are unsure as to what document is being referenced as the 'Geomorphic Risk Assessment'. Potentially this is intended to refer to the memorandum *Sunfield Development – Ardmore, Auckland,* provided by CKL, dated 10/10/2015. However, that CKL memorandum assess the stream bed and bank stability in flood events. The CKL assessment does not consider the mobilisation of fine gravels.

Naturally fine gravel streams may not lose all their substrates during storms; however, naturally fine sediments have a natural source of such sediment to replenish that sediment.

Therefore, the concern remains regarding how the stream substrate would remain in place to provide the reported ecological benefit.

Fundamental uncertainties remain, as noted in points 2, 5, 7, 8 and 10.

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

This Assessment:. From a technical, freshwater ecology, perspective this matter has been resolved.

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

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

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

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

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

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

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

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

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

e. However, and notwithstanding, the concurrence with the ECR used in table 2, in section 6.5.5 (page 55) of Auckland Council Technical Report 2011/009:

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

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

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

Note: there is no input for SEVi-C

This Assessment: The concern regarding the potential values remains (points a and b). The area is currently zoned rural, and the potential values (included the riparian planting width) should be assessed on that basis.

Through the provision of the SEV calculator it can be determined what SEV score is attributed to what reach, notwithstanding it remains a point of uncertainty where those streams are (point c). The applicant has acknowledged the typographical error (point c); and clarified the points regarding the ECR (point d, e and f (including that SEVi-C was not used in the ECR calculation)).

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

    This Assessment: The Applicant's response has clarified this matter that Swale 13 and the Main channel would not perform a stormwater treatment function.

Summary

In summary, whilst several points arising from the minute 13 response have been clarified and addressed there are several points that remain in contention.

I still consider that there is a lack of clarity in the SEV figures calculated and used, as well as in relation to where the stream enhancements will take place and over what length.

Until these matters are resolved, I cannot confirm that the proposal achieves no net loss of ecological values or adequately addresses the effects of stream diversions and culverts.

REVIEW

Memo prepared by:

Jason Smith

Consultant Specialist – Earth, Streams & Trees, Specialist Unit, Resource Consents

Date: 3 December 2025