

22/09/2025

s 9(2)(a)

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I write in response to your request dated 25 August 2025, for information under the Official Information Act 1982 (the Act):

Please provide the following:

The details of all court cases Kāinga Ora was involved in with Winton Land and/or its subsidiaries, including the location of the High Court each claim was heard in, the date the claim was first lodged, the date the claim was settled (or the current status if a case is still live) and the particulars of each claim, in terms of what Winton was alleging and how Kāinga Ora was responding.

For each of the cases, please detail the number of billable hours incurred on lawyers defending the claim, and the total spend by Kāinga Ora on external legal costs?

In addition, for each of the cases please detail any relevant internal expenses incurred by Kāinga Ora in defending against the claim.

Please provide copies of the settlement agreements in each case.

For each case, please provide any relevant communications from Winton Land or its subsidiaries to Kāinga Ora proposing a settlement.

Please see the below table for the details of the court cases Kāinga Ora – Homes and Communities was involved in with Winton Land Limited.

	Commerce Act	Lakeside
Court file number	CIV-2022-404-2048	CIV-2022-404-3063
Parties' names	Winton Land Limited (First Plaintiff), Sunfield Developments Limited (Second Plaintiff) and Kāinga Ora-Homes and Communities (Defendant)	Lakeside Developments 2017 Limited (First Plaintiff), Winton Land Limited (Second Plaintiff), Housing New Zealand Build Limited (First Defendant) and Kāinga Ora-Homes and Communities (Second Defendant)
Location of the High Court	Auckland	Auckland
Date claim lodged	19 October 2022	26 November 2024
Current status	Discontinued on 21 August 2025	Discontinued on 21 August 2025
Particulars of each claim	Winton claimed that Kāinga Ora had breached section 36 of the Commerce Act in relation to its urban development functions.	Winton claimed that Kāinga Ora had breached the terms of an agreement between the parties in relation to the Lakeside development at Te Kauwhata

How Kāinga Ora was responding	Denied the allegations and defended the claim	Denied the allegations and defended the claim
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The total spend as at 31 July 2025 is set out in the table below. These amounts cover the total costs to Kāinga Ora associated with these cases including both legal costs and disbursements such as expert witness fees and external discovery provider fees for electronic discovery (for example, in the Commerce Act proceeding discovery involved the collation and review of 7.5 million potentially discoverable documents).

Matter	Amount (ex GST) as at 31 July 2025
Commerce Act	\$9,438,855.33
Lakeside	\$778,055.14
Internal expenses	\$5,841.74
Total	\$10,222,752.21

Internal expenses have been included in the table above. Kāinga Ora has not recorded the number of staff, nor the number of hours, involved in responding to the claims, therefore this part of your request is refused under section 18(g) of the Act, as the information is not held.

Billed hours are noted in the table below. The billed hours represent work from a range of law firm staff including non-lawyers (e.g. law clerks or litigation support staff).

Matter	Billed hours
Commerce Act	23,255.15
Lakeside	2,070.6
Total	25,325.75

The settlement agreements and relevant communications between Kāinga Ora and Winton Land Limited are withheld in full under the following sections of the Act:

- 9(2)(ba) to protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the information would be likely to prejudice the supply of similar information, or information from the same source, and it is in the public interest that such information should continue to be supplied or would be likely otherwise to damage the public interest
- 9(2)(b)(ii) to protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information

- 9(2)(j) to enable a Minister of the Crown or any public service agency or organisation holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)
- 9(2)(h) to maintain legal professional privilege (in relation to the correspondence only)
- 9(2)(i) to enable a Minister of the Crown or any public service agency or organisation holding the information to carry out, without prejudice or disadvantage, commercial activities

I have considered the public interest considerations in section 9(1) of the Act. I consider that the withholding of the information from this response is not outweighed by considerations that render it desirable in the public interest to make that information available.

You have the right to seek an investigation and review by the Ombudsman of this decision. There is information about how to make a complaint at <https://www.ombudsman.parliament.nz> or by freephone on [0800 802 602](tel:0800802602).

Please note that Kāinga Ora proactively releases some responses to official information requests where possible. Our response to your request may be published at <https://kaingaora.govt.nz/publications/official-information-requests/>, with your personal information removed.

Nāku iti noa, nā



Tracey Taylor
Chief People and Assurance Officer