

Delmore Fast Track Application

To: Delmore Expert Panel c/o Environmental Protection Agency
From: Vineway Limited
Date: 4 August 2026
Re: Applicant comments on draft conditions under Section 70(4) of the FTAA

1.1 Introduction

This memorandum responds to the comments received on the draft conditions by invited parties pursuant to section 70 of the Fast-Track Approvals Act 2024 (“FTAA”) in relation to the Delmore Application. The following attachments are included within this memorandum:

- **Attachment 1:** Legal memorandum prepared by Alexander Dorrington
- **Attachment 2:** Technical memoranda prepared by McKenzie & Co, including:
 - **2.1:** Response to Section 4.6 of Westlake comments: Water supply and resilience
 - **2.2:** Response to Section 4.1 of Westlake comments: Flood hazard, plant platform and access levels
 - **2.3:** Response to Section 4.7 of Westlake comments: Third party servicing and reserved capacity
- **Attachment 3:** Tracked change version of the conditions with comment boxes attached
- **Attachment 4:** Email correspondence with NZTA

The Applicant has used the tracked change version of the conditions recently provided to the Panel as a base. To avoid confusion, the changes made as part of this response have been indicated with a comment box beginning with “04/08” and those that were made as part of the 28 July response are indicated with a comment box beginning with “27/07”.

1.2 Response to Comments on Draft Conditions

Table 1 below provides a response to each of the comments on the draft conditions received, aside from Westlake Trustee Limited (“Westlake”).

Table 2 below provides a response to the comments received from Westlake which adopts the same table included as Appendix 2 to that document. Comments from Mr Gardiner span across multiple disciplines including civil engineering, legal and planning, air quality, and hazardous substances and therefore the Applicant has received expert input on those matters from the specialists who have been involved throughout the preparation of this application.

We also acknowledge the following parties who stated they had no further comments on the conditions:

- Minister for Arts, Culture and Heritage;
- Minister for Building and Construction; and
- Heritage New Zealand Pouhere Taonga

Table 1: Response to comments on conditions from all parties other than Westlake

Comments received on the draft conditions (changes to conditions identified in strikethrough or <u>underline</u>)	Applicant Response (changes to conditions identified in strikethrough or <u>underline</u>)
Janet Matthewson	
Questions how adequate schooling will be provided for future residents if there is uncertainty as to whether the Ministry of Education site will be developed as a school.	The Applicant notes that the uncertainty arises from <i>when</i> the school will be developed, which is outside the scope of this consent application. No change to the consent conditions is considered necessary to address this comment.
Seeks clarification on the proposed arrangements for waste and recycling collection and storage. Raises concerns that stored waste could attract rats, adversely affecting native birdlife on the adjoining property, and could generate odour during summer.	All indicative bin locations are included on the Landscape Plans. The purpose of the Waste Management Plan is to manage private waste collection only, where Council confirms that public wastewater trucks cannot service a particular location (eg. Some JOALs). An amendment to Condition 45 of the subdivision consent is proposed below to address concerns identified by Ms Matthewson. This is to clarify that the Waste Management Plan must detail how odour (as part of nuisance) will be avoided. Other matters raised by the comment are captured by the safety and sanitary part of condition 45(a). The applicant's ecological advisors have not

	identified any indigenous bird-specific impacts arising from rubbish bins so no change to that effect is proposed. The Waste Management Plan must be provided to Auckland Council for certification, which the Applicant notes ensures external, independent oversight of the methods adopted to achieve the outcomes specified in the condition. <i>44. Prior to the issue of a s224(c) certificate for a subdivision stage (or sub-stage), the Consent Holder must prepare a Waste Management Plan for all residential lots that may not receive public kerbside collection services and may instead rely on on-site waste collection.</i> <i>45. The Waste Management Plan must be submitted to Council for certification and must:</i> <i>(a) Detail how waste and recycling will be stored on-site in a manner that is safe, sanitary, and does not create a nuisance <u>or odour</u>; and</i> <i>(b) Identify the proposed waste collection point(s) and demonstrate that they are accessible, safe, and do not adversely affect traffic, pedestrian access, or neighbouring properties.</i> <i>The certified Waste Management Plan must be implemented prior to the occupation of any residential dwelling on the lots and maintained thereafter by the Resident's Society.</i>
Considers the proposed financial, infrastructure and environmental responsibilities of the Residents' Society to be potentially beyond what ordinary homeowners would reasonably understand or accept. Questions how contributions and compliance would be enforced where members cannot or will not pay.	The Residents' Society conditions have been prepared in collaboration with specialist property lawyers Alexander Dorrington to ensure that they provide for the most appropriate society structure and management approach for

	the size of the development and the nature of the responsibilities the Society will hold. This has been discussed previously within the Applicant's Response to Comments prepared and submitted to the EPA on 5 June 2026. For this reason, the Applicant considers that the Society as proposed and provided for in the conditions is fit for purpose and no changes to the conditions are considered necessary.
Requests that the prohibition on cats and other specified animals apply across the entire development rather than Stage 2 only.	The evidence previously provided to the Expert Panel is that the prohibition on cats and other specified animals is only required for Stage 2 of the development given the proximity to the Nukumea Reserve. This approach has been supported by both Auckland Council and DOC. Refer to the Applicant's Response to Comments prepared and submitted to the EPA on 5 June 2026. No changes to the conditions are considered necessary.
Raises concern about the effects of excavation near the stand of pine trees along the boundary with 180 Upper Ōrewa Road. Requests that the Applicant accept responsibility for subsidence or tree instability attributable to the works, including associated arborist and tree-removal costs, for 60 months after completion of excavation near the boundary.	The Applicant acknowledges the submitter's concerns regarding potential effects on mature trees located on adjoining properties. The Applicant's proposed conditions include arboricultural and geotechnical management measures to avoid adverse effects during construction. However, to provide additional certainty, the Applicant proposes to strengthen the conditions to require arboricultural assessment and remediation if any trees outside the site are accidentally damaged or removed. See recommended wording below: <u><i>If any tree located on adjoining land that is within or immediately adjacent to the area of works is accidentally</i></u>

	<u>damaged or removed as a result of the earthworks authorised under this consent, the Consent Holder shall notify the Council and the affected landowner within five working days. A suitably qualified and experienced Arborist shall be engaged to assess the damage and recommend any remedial measures. The Consent Holder shall implement the recommended remedial measures to the satisfaction of the Council.</u>
Raises concern that the conditions do not provide sufficient protection if wastewater tankering causes significant odour effects on surrounding properties or Delmore residents. Seeks clarification on how such effects would be managed and remedied.	The dwelling at 180 Upper Orewa Road is located more than 1km from the wastewater filling station and the WWTP. At this distance, Air Matter's expert advice is that any odour is likely to be indiscernible when compared to the existing rural environment. Additionally, the air discharge permit includes conditions that require complaints to be received, investigated and remediated.
Questions what will occur if the odour-control system is ineffective, including who would be responsible for rectifying the issue and bearing the associated costs.	Notwithstanding, the Applicant has undertaken a review of the conditions relating to the air discharge given the submitter's concerns and considering the comments received and has proposed the following amendments: • An additional requirement is proposed within the Utility Company Constitution (refer condition 46(g) of the subdivision consent). This would ensure that the Utility Company has a dedicated contact phone number and email address for receiving complaints. • An amendment to condition 16 of the air discharge permit is proposed to clarify that any complaints recorded should also address the status of the WWTP and/or wastewater filling station and any operational issues or constraints that may have impacted on the generation of odour. • Additional conditions are proposed to ensure that the odour control system for the wastewater filling station is in place
Seeks clarification on whom complaints would be made to and questions how there can be confidence that all complaints will be properly received and recorded by the Applicant.	

	before any wastewater is collected (refer to condition 10 of the air discharge permit). • An amendment to condition 14 of the air discharge permit to clarify that odour surveys are required for both the WWTP commencement and tankering commencement. • An additional condition is proposed which requires the consent holder to manage air discharges in accordance with the OMP for the duration of the air discharge consent (refer to condition 4 of the air discharge permit).
Jon Mason	
The commentor reiterates concerns regarding the proposed Residents' Society and the fast-track process generally.	The Applicant notes that the comments do not propose any specific amendments to the draft conditions. Rather, they reiterate concerns regarding the application and the Fast-track process generally which the Applicant has already responded to in its response to comments under Section 55 FTAA. Accordingly, no amendments to the draft conditions are considered necessary in response to these comments.
NZTA	
NZTA requests the following addition to the Condition 17 of the land use consent: <u>“Should the Culvert Management and Monitoring Plan identify that accelerated scour or erosion has been observed, the consent holder must consult with NZTA to determine whether further mitigation is necessary for the culvert. This may be through the installation of a relief inlet riser (consistent with NZTA P46 standard design) and/or additional embankment interface reinforcement/resilience measures”.</u> Or alternatively, the addition of the following wording to the advice note of Condition 43 of the subdivision consent.	The Applicant has discussed this request directly with NZTA. Those discussions confirmed that the requested amendment arose from a misunderstanding regarding the operation of the Culvert Management and Monitoring Plan. NZTA has subsequently confirmed that the proposed amendment is not necessary, and accordingly the Applicant does not consider any change to the condition or advice note is required. Refer to the email correspondence included as Attachment 4.

“The consent holder should consult with NZTA to determine whether any further mitigation is required and obtain written approval from NZTA prior to commencing any works on the culvert.”

DOC

DOC requests the following addition to Condition 6 of the general conditions:

At least 20 working days prior to the commencement of construction activity for any stage or sub-stage of the development, the management plans and other documents listed below are required under the following conditions must be submitted to Council for certification.

(a) A Construction Management Plan (CMP) – see Condition 2 of land use consent;

(b) An Erosion and Sediment Control Plan (ESCP) – see Condition 3 of land use consent;

(c) A Construction Traffic Management Plan (CTMP) – see Condition 5 of land use consent;

(d) A Construction Air Quality Management Plan (CAQMP) – see Condition 6 of land use consent;

(e) A Construction Noise and Vibration Management Plan (CNVMP) – see Condition 7 of land use consent;

(f) A Chemical Treatment Plan (ChTMP) – see Condition 8 of land use consent;

(g) An Adaptive Management Plan (AMP) – see Condition 9 of land use consent;

(h) A Settlement Monitoring Plan (SeMP) – see Condition 11 of land use consent;

(i) A Tree Management Plan (TMP) – see Condition 12 of land use consent;

(j) A Fauna Management Plan (FMP) – see Condition 13 of land use consent;

(k) A Stream Works Management Plan (SWMP) – see Condition 1 of the stream works consent; and

(l) A Native Fish Capture and Relocation Plan (NFCRP) – see Condition 3 of the stream works consent.

(m) An Ecological Management Plan (EMP) – see Condition 16 of the land use consent

(n) A Wetland Offset Management Plan (WOMP) – see Condition 15 of the land use consent.

The intention of this condition was to outline the management plan activities that were required for construction purposes. Therefore, the EMP and WOMP were not needed within this condition. The Applicant agrees that the CMMP should be added to this list.

<u>(o) A Culvert Monitoring and Management Plan (CMMP) - see Condition 17 of the land use consent.</u>	
DOC requests the following addition to Condition 12 of the land use consent: <i>At least 20 working days prior to the commencement of any vegetation clearance works for any stage or sub-stage of the development, the Consent Holder must prepare and submit to Council a final TMP for certification. The purpose of the TMP is to manage arboricultural effects on vegetation identified within the Arboricultural Report and to specify procedures for restricting the spread of kauri dieback. Measures for kauri dieback management must include:</i> <i>1. Identification and mapping of all kauri trees within or adjacent to the works area and establishment of a Kauri Contamination Zone <u>(means the area within a radius equal to three times the maximum radius of the canopy dripline of a kauri tree)</u>;</i> <i>2. Implementation of vehicle, machinery, equipment and footwear hygiene procedures for any works undertaken within the Kauri Contamination Zone to prevent the spread of contaminated soil and organic material;</i> <i>3. Installation and use of wash-down or cleaning facilities for vehicles, machinery and equipment entering or leaving the Kauri Contamination Zone;</i> <i>4. Management of earthworks to ensure that soil and organic material disturbed within the Kauri Contamination Zone is not transported beyond that area, unless it is disposed of at an approved landfill; and</i> <i>5. Adoption of best practice kauri dieback management protocols, including those relating to tree removal, pruning, and machinery hygiene.</i>	The Applicant agrees to this condition change as it is consistent with the draft Tree Management Plan provided with the application.
DOC requests the following addition to Condition 15 of the land use consent: <i>At least 20 working days prior to the commencement of earthworks on-site, the Consent Holder must prepare and submit to Council for certification, a final Wetland Offset Plan. The Wetland Offset Plan must be prepared with input from a suitably qualified ecologist, hydrologist and stormwater engineer. The objective of the Wetland Offset Plan is to attain a no net loss of natural wetland <u>extent and values</u> areas. The Wetland Offset Plan must be in general accordance with the following documents referenced in Attachment 1, as follows:</i>	The Applicant agrees to this addition for the reasons outlined in DOC's comments.

(a) The Landscape Plans prepared by Greenwood Associates, dated June 2026; (b) The report prepared by WWLA, titled “Wetland and Culvert Assessment”, dated December 2025; and (c) The report prepared by Viridis, titled “Delmore Fast Track Application – Ecological Impact Assessment”, dated December 2025. The Wetland Offset Plan must include the following minimum details: (a) Calculated accountancy for unavoidable wetland reclamation in accordance with the AUP(OP) Appendix 8; (b) The location of the area(s) proposed for wetland creation; (c) Works to ensure wetland hydrology is created and maintained; (d) Planting schedule, including species, density and grade; (e) Legal protection of the new wetlands (e.g. a consent notice); (f) A five-year maintenance and monitoring plan to ensure the wetland(s) and associated planting is successfully established; and (g) Measures to be undertaken if the wetland(s) or planting(s) is not successful. Advice note: The Wetland Offset Plan may be submitted in stages or sub-stages to align with the development staging.	
DOC requests the following addition to Condition 16 of the land use consent: <i>At least 20 working days prior to the commencement of earthworks on the site for any stage or sub-stage of the development, the Consent Holder must prepare and submit to Council for certification, an EMP prepared by a suitably qualified ecologist for all areas identified on the Drawing titled “Ecological and Landscape Management Plans Scope Delineation”, prepared by Greenwood Associates and dated 2 June 2026. The EMP must include as a minimum:</i> (a) The location of all revegetation planting; (b) Planting schedules for ecological revegetation planting (to include species, number of plants and spacings, etc.) <u>targeting indigenous forest type WF11 (kauri, podocarp, broadleaf);</u>	The Applicant agrees to the addition to (b) and (j) for the reasons outlined in DOC’s comments. The Applicant does not agree to the proposed addition to (g). This is because the changes are ambiguous and it would be unreasonable to expect that all weeds such as grass can be removed across large areas. It would be more appropriate to include pests that are listed within the Auckland Regional Pest Management Plan 2020-2030. Furthermore, maintenance visits will be entirely dependent on the pest species, and this

(c) Infill planting schedules for gaps created in existing bush covenant areas and SEA areas following pest plant control activities;

(d) The details and timing of revegetation planting, including which areas will be implemented prior to s224(c) certification for each stage;

(e) Confirmation that plants will be eco-sourced from the Tamaki or Rodney Ecological Districts;

(f) Confirmation that the required extent of revegetation required under the Biodiversity Offset Accounting Model (BOAM) has been achieved;

(g) A programme and specification for ongoing control of pest plants and pest animals in perpetuity, including

- how these activities will be integrated with management of the wastewater irrigation infrastructure related to Consent Notice Area 6079871.2;
- The Consent Holder will undertake regular maintenance visits;
- that all weeds identified during an initial planting or following maintenance or inspection visit will be removed, weeds and grasses shall always be controlled before they flower, set seed or get to half the height of the new plantings.

(h) Locations of pest animal control devices across the site;

(i) Methods for ensuring that the vegetation that has been planted is protected in perpetuity; and

(j) Delegation of responsibilities between the Consent Holder and the Resident's Society, as follows:

- The Consent Holder is responsible for the establishment and maintenance of all new planting as detailed within the Landscape Plans referenced under Attachment 1, until 80% canopy closure has occurred and a minimum survival rate of the plants being 90% of the original density through the entire planting area(s) has been achieved over a minimum 5 year defects liability, period commencing when planting is completed in

should be detailed within the EMP rather than a vague reference to "regular maintenance visits".

The following amendments are proposed instead:

(g) A programme and specification for ongoing control of pest plants and pest animals listed in the Auckland Regional Pest Management Plan 2020-2030 in perpetuity, including how these activities will be integrated with management of the wastewater irrigation infrastructure related to Consent Notice Area 6079871.2. The programme shall identify the monitoring and maintenance regime, including the frequency of inspections and maintenance visits appropriate to the target pest species.

<i><u>the relevant area, unless all relevant planting is required to be completed before</u> on the date that the section 224(c) certificate is issued.</i> ○ <i>Once all new planting is established in accordance with the above, the Resident's Society is responsible for the ongoing maintenance and ongoing eradication of pest plants and animals.</i>	
DOC requests the following addition to Condition 72 of the land use consent: The Consent Holder must submit an annual monitoring report to Council to demonstrate compliance with the certified EMP required under Condition 16 of the land use consent. The Monitoring Report must include but is not limited to the following information: (a) Identification of pest plant and pest animal presence, a description of weed suppression outcomes, and confirmation of control measures undertaken; (b) Photographic records from fixed monitoring points demonstrating vegetation establishment and progression over time and a description of canopy development and species survival rates; (c) Recommendations for remedial planting or maintenance actions where performance criteria are not being met and/or where alternative weed control measures are required; (d) An assessment of whether $\geq 20\%$ drought-related mortality of any species has occurred within the year that is the subject of the Monitoring Report. If this has occurred for any species the consent holder must review the suitability of the species for planting within the site. The assessment must state the basis for attributing mortality to drought, as distinct from other causes such as browsing, poor planting technique, or weed competition. Where a species is found not to be suitable, any replacement species must be WF11-consistent and selected by a suitability suitably qualified ecologist and/or landscape architect and implemented within the next planting year and replacement planting will be undertaken to a level that is sufficient to maintain the intended planting density which is to be reported in the following year's monitoring report; (e) An assessment of whether the required minimum 90% plant survival rate and progression toward 80% canopy closure has been achieved;	The Applicant agrees to the minor spelling and grammar changes.

(f) After five (5) years (or at the end of the establishment period if that period extends beyond year 5) a review of podocarp establishment is undertaken to be included in the monitoring report. This review, at a minimum, should check must include survival and condition of planted podocarps, reported separately from overall plant survival; and evidence of podocarp recruitment where recruitment is reasonably expected. This can be a simple qualitative assessment if quantitative monitoring is not proportionate; and (g) Where the Year 5 check in (f) identifies an obvious shortfall in podocarp establishment relative to the intended WF11 trajectory, limited supplementary podocarp planting is required in suitable microsites within the next planting season. The monitoring report is no longer required when it can be demonstrated that the planting has successfully established in accordance with Condition 16(j) of the land use consent (Ecological Management Plan).	
DOC requests the following change to condition 47 of the subdivision consent: The Resident's Society must ensure the long-term protection of the ecological values of the bush areas in accordance with the consent notice obligations. All maintenance must be undertaken in accordance with the Ecological Management Plan approved and referenced under Attachment 1 prepared and certified in accordance with Condition XX.	The Applicant agrees to this change for the reasons set out in the comments from DOC.
DOC requests the following advice note to be added to the stream works consent: <u>Advice Note: Refer to the Freshwater Fisheries Approval for restrictions on in-stream works relating to fish passage.</u>	The Applicant agrees to this change for the reasons set out in the comments from DOC.
DOC requests the following change to condition 3 of the stream works consent: <i>At least 20 working days prior to the commencement of any stream works (including reclamation of ponds), a NFCRP must be submitted to the Council for certification. The NFCRP must be prepared by a suitably qualified and experienced Freshwater Ecologist and must include the following detail;</i> <i>(a) Methodologies to capture fish within the impact stream, or justification there is no habitat for native fish present at the time of construction;</i>	The Applicant does not agree with this change. Confirmation of the carrying capacity of a relocation site is not considered necessary or appropriate in this instance. Assessing the carrying capacity of a stream is a complex ecological assessment that is typically undertaken at a catchment or reach scale, taking into account habitat availability, flow regime, water quality, food resources, existing fish populations and species interactions. It cannot be meaningfully

(b) Hand search of the base sediments of the stream bed and banks for native fish that may have burrowed into the soils; (c) Fishing effort; (d) Details of the relocation site; (e) Storage and transport measures including prevention of predation and death during capture; (f) Euthanasia methods for diseased or pest species; (g) Confirmation on the habitat availability and <u>carrying capacity</u> of the relocation site to support fish at the time of stream works; and (h) An accidental discovery protocol for aquatic fauna which require specialised handling and relocation effort that is not otherwise covered in the standard methodologies (i.e. regionally threatened species as per the Conservation Status of Freshwater Fishes in Tāmaki Makaurau / Auckland). This includes a protocol to implement the following actions: ...	determined for a single relocation event. In practice, the fish would most likely be relocated to suitable habitat within the same stream or stream reach, or elsewhere within the same catchment where appropriate habitat is available
AVID Hobsonville Ltd (AVID)	
AVID requests the following amendments to the conditions:	
(a) Amend Chapter 3 (Subdivision), Condition 4 as follows: 4) Amendments to the subdivision staging identified in Condition 3 of the subdivision consent may be undertaken, provided that all necessary infrastructure required to service a stage (including roads, wastewater, water supply, stormwater, electricity and telecommunications) have been implemented. <u>Amendments to the location/layout of lots 1930, 1931, 2003 (road to vest) and lots 257, 258, 259 and 1515 for the purpose of altering the location where a roading connection is provided to Lot 1001 DP 582417, provided that the total number of residential lots does not increase (though it may decrease).</u>	The Applicant acknowledges the intent of the requested amendment. Since the Response to Comments was prepared, AVID has shifted the roading connection shown on the PC119 maps for the Ara Hills site, which now conflicts with residential lots proposed within the Delmore site. The Applicant has discussed the requested amendments directly with Auckland Council, which confirmed that any amendments to residential lot boundaries or dwelling locations should be addressed through a section 127 application rather than through the condition wording proposed by AVID.

	However, the Applicant considers there is merit in providing flexibility to relocate the road connection further west within Balance Lot 1930, as this amendment would not affect any residential lots or approved dwellings. The Applicant also considers there is merit in including an advice note clarifying that any changes to the road alignment to shift it east would require a s127 and highlighting that this could arise as a result. The Applicant therefore proposes the following alternative amendment, which is limited to relocating the road connection only: <i>4) Amendments to the subdivision staging identified in Condition 3 of the subdivision consent may be undertaken, provided that all necessary infrastructure required to service a stage (including roads, wastewater, water supply, stormwater, electricity and telecommunications) have been implemented.</i> <u>Amendments to the location/layout of lots 1930 and 2003 (road to vest) may be undertaken for the purpose of altering the location of the road connection to Lot 1011 DP 618921¹.</u> <u>Advice note: Any changes to the roading alignment to shift the road east (for example as a result of an agreement between the Consent Holder and the neighbouring property owner) would require a variation to the consent.</u>
(b) Amend Chapter 3 (Subdivision), Condition 5 as follows: <i>5) Where variations to staging <u>and/or location / layout</u> in accordance with Condition 4 of the subdivision consent are proposed, the Consent Holder shall submit amended staging plans showing the variations to Council for certification. The Consent Holder shall also provide</i>	The Applicant agrees with this change as part of a package of changes responding to AVID's comments, including the changes recommended by the Applicant in the row above.

¹ It appears that the lot reference provided by AVID is incorrect as it relates to a historic legal description. The correct legal description has been included.

evidence that the stages can be serviced with all necessary infrastructure in accordance with Condition 4 of the subdivision consent.	
(c) Amend Chapter 3 (Subdivision) Section 3.1.5 Transport condition 22 as follows: 22) <i>The following additional details must be provided on the roading plans at Engineering Plan Approval stage, unless a departure from the below is agreed with Council as part of Engineering Plan Approval:</i> <i>[insert new sub conditions (l) and m]:</i> <u>(l) all design details, as required by in accordance with any relevant Code of Practice for any alternative intersection location and road stub connecting to Lot 1001 DP 582417 and subsequent changes to site boundaries and sizes for lots 1930, 1931, 2003 (road to vest) and lots 257, 258, 259 and 1515.</u> <u>m) a local road typology (carriageway, footpaths, berm etc) to be constructed to the boundary with Lot 1001 DP 582417 at the approved location.</u>	The Applicant does not agree with this change. This is because the Applicant does not propose to construct this portion of road as part of this application and has not sought consent to do so. The Applicant has proposed to vest a portion of road reserve which AVID can utilise once PC119 has progressed and a suitable location has been confirmed. This was explained in the Applicant's Response to Comments at Appendix 8: A21 Auckland Transport at point 14.
(d) Amend Chapter 3 (Subdivision) Section 3.3 Stage 1B Condition 93 as follows: 93) <i>The Consent Holder must submit a survey plan in general accordance with the approved subdivision scheme plan approved under Condition 1 for Stage 1B. The survey plan must show all lots that have been agreed by Auckland Council to be vested (including roads and reserves), all easements and amalgamation conditions, required by this subdivision consent. <u>Changes to lot 2003 (road to vest) and site boundaries and sizes for lots 1930, 1931 257, 258, 259 and 1515 anticipated by condition 4 and certified by condition 5 are in general accordance with the approved subdivision scheme plan approved under Condition 1 for Stage 1B.</u></i>	Consistent with the comments above, the Applicant proposes the following wording to Condition 93 of the subdivision consent (relating to section 223 approval for Stage 1B): <i>93) The Consent Holder must submit a survey plan in general accordance with the approved subdivision scheme plan approved under Condition 1 for Stage 1B. The survey plan must show all lots that have been agreed by Auckland Council to be vested (including roads and reserves), all easements and amalgamation conditions, required by this subdivision consent. <u>Amendments to the location/layout of lots 1930 and 2003 (road to vest) may be undertaken for the purpose of altering the location of the road connection to Lot 1011 DP 618921.</u></i>

Delmore Fast Track Application

Table 2: Response to comments on conditions from Westlake

Section	Condition No.	Draft Decision Version Condition (commenter amendments in <u>underline</u> and strike through)	Comment	Applicant Response
Infrastructure Servicing				
2.4.1 Private Wastewater Servicing	43	If a connection to the public network is not provided in accordance with Condition 12 (general conditions), Conditions 48 - 55 will apply to the trucking of untreated and/or treating wastewater. For the avoidance of doubt, Conditions 48 - 55 do not apply if a connection to the public network is provided. <u>The Consent Holder shall prepare and submit to Council for certification an Asset Management Plan identifying the equipment replacement schedule and anticipated cost that demonstrates that the Residents' Society has established and maintained a funded renewals (sinking) fund of \$200,000 per year, indexed and certified against that schedule, with the performance bond additionally sized to cover the next imminent major renewal. The Asset Management Plan must be reviewed and re-submitted to Council annually, together with certification by a suitably qualified person confirming that the Residents' Society's current and forecast levies are sufficient to meet the certified operating costs and the renewals schedule for at least the next five years; a certified shortfall must trigger a levy correction and, if unremedied, the bond and step-in. This annual package should be submitted together with the independent annual operational audit (required under Condition 48 of the wastewater discharge permit).</u>		Whilst the Applicant understands the intent behind this condition, the current wording and specification of a dollar figure is not supported. A legal memorandum prepared by Alexander Dorrington is included as Attachment 1 which discusses the reasons for this and the requirement for an Asset Management Plan. The Applicant has subsequently proposed amendments to both the Utility Company condition (refer condition 46 of the subdivision consent) and the Residents Society condition (refer condition 49 of the subdivision consent) to provide for the preparation and implementation of an Asset Management Plan.
Waste Management Plan				
2.4.1 Private Wastewater Servicing	44	At least 20 working days prior to the commencement of any private wastewater servicing for the development, the Consent Holder must prepare and submit a Wastewater Management Plan (WMP) to Council for certification. The purpose of the WMP is to manage and reduce risks to the natural environment and to people from hazardous substances stored for wastewater purposes. <u>The WMP must demonstrate that:</u> <u>(a) 35 Russell Road has been assessed as a sensitive receiver to hazardous substances stored for wastewater purposes.</u> <u>(b) That there is at least a 200m buffer between 35 Russell Road and the location of hazardous substances stored for wastewater purposes.</u> The WMP must include, but not be limited to: (a) Identification of the specific activities conducted on the site; (b) Identification of potential contaminants associated with these activities, including a Hazardous Substance Inventory and associated Material Safety Data Sheets; (c) Methods used to contain identified contaminants and prevent them contacting stormwater runoff as far as practicable, and methods to manage environmental risks from site activities; <u>(xx) Methods used to monitor the effectiveness of the WMP in ensuring that identified contaminants are prevented from contacting stormwater runoff.</u> (d) A Spill Response Plan (which includes the provision that all spills over 20 litres, or any spill or environmentally hazardous substances that has entered the stormwater system, a waterbody or has contacted unsealed ground, must be reported immediately to the Auckland Council's 24- Hour Pollution Hotline (09-377-3107)). If untreated wastewater is to be taken off-site, the Spill Response Plan must include management measures to disinfect small spills or drops that may occur during filling (such as the use of sodium hypochlorite spray); (e) Accurate site drainage plan(s) showing the location of all site catchpits, containment systems, treatment devices and the discharge point(s) of the site stormwater system; (f) An appropriate auditing programme to ensure site performance with all components of the WMP; (g) Methods for providing and recording staff training; (h) Details of processes governing review and updating of the WMP;	Amendments relate to paragraphs [71](g), [71](h), and [96](b) of Westlake's s 53 comments.	With regard to the storage and use of hazardous substances, the response from WWLA (author of the Hazardous Substances Assessment submitted as Appendix 40 to the AEE) is as follows: <i>WWLA Response:</i> For the following reasons it is not necessary to establish a 200m buffer from 35 Russell Road: - The hazardous substances proposed to be stored and used in bulk at the WWTP are in aqueous (liquid) form. Because 35 Russell Road is entirely upgradient of the proposed WWTP it is impossible for the residents or users of that property to be directly exposed to hazardous substances (since the liquids will not flow uphill if a spill occurs). The pathways for exposure by dermal contact or ingestion are therefore incomplete. - Of the substances, only acetic acid and sodium hypochlorite are considered to be volatile, i.e. can generate sufficient vapours or gaseous emissions that could cause an effect. However, these are unlikely to affect neighbouring properties for the following reasons: - The rate of chlorine gas release from sodium hypochlorite is too slow to affect neighbouring properties. - Acetic acid vapour is heavier than air, so will hug the ground and sink into low-lying areas (like the liquids described above) rather than rising. In addition, inhaling acetic acid causes respiratory irritation and coughing, so in the unlikely event that a large enough spill occurred to produce a vapour cloud that was blown to the neighbouring properties, the irritation would cause people to leave the area before any permanent effects occurred. - The diesel proposed to be stored on site is flammable and if a fire occurred the resulting smoke could reach neighbouring properties.

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		(i) An Operation and Maintenance Plan for the WWTP (if the WWTP is constructed); and (j) A programme and specification for how maintenance of the wastewater irrigation lines within Consent Notice Area 6079871.2 will be integrated with ongoing control of pest plants and pest animals, as required by the Ecological Management Plan. This must ensure that all works use low impact methods consistent with ecological management practices.		However, as indicated for acetic acid, the irritation would cause people to leave the area before any permanent effects occurred. In addition, storing this volume of diesel is permitted by the underlying zoning, and in both residential and rural zones generally, so the same activity could occur on any property within 200m of 35 Russell Road. In addition to the above factors, best practice principles will be applied during detailed design of the WWTP, whereby hazardous substance storage and use will be set back from the site boundaries, to the extent possible. Given the response provided by WWLA, the Applicant's position is that the following change sought by Westlake is not necessary: <u>The WMP must demonstrate that:</u> <u>(a) 35 Russell Road has been assessed as a sensitive receiver to hazardous substances stored for wastewater purposes.</u> <u>(b) That there is at least a 200m buffer between 35 Russell Road and the location of hazardous substances stored for wastewater purposes.</u> However, the Applicant is willing to agree to including the additional monitoring requirement sought by Westlake, to provide Westlake with certainty about the outcomes to be achieved by the WMP. This is proposed by the Applicant to be added to condition 46 of the land use consent. <u>xx) Methods used to monitor the effectiveness of the WMP in ensuring that identified contaminants are prevented from contacting stormwater runoff.</u>
2.4.1 Private Wastewater Servicing	44A	Prior to the WWTP becoming operational or the commencement of any tankering of treated or untreated wastewater from the site (including any tankering required in the commissioning phase of the WWTP), the Consent Holder must lodge a bond or unconditional bank guarantee equal to one year's maintenance cost plus a 20% loading for Council administration and step-in, callable by Council in its discretion on any breach of the wastewater or air discharge permits (including odour) or the management plans, and reinstatable to full value within three months of any draw-down. <u>The bond must remain in place and continue to be maintained notwithstanding any winding-up of the Consent Holder, so that the security is not extinguished when the developer exits, by providing for transfer and maintenance of the bond to the Residents' Society.</u>	Amendments relate to long term operation risks of private wastewater servicing.	The Applicant does not agree with this addition. It is noted that the proposed bond has not been sought by Council or any of its technical specialists. In circumstances where Council, as the consent authority and enforcement agency, has not identified the need for a bond, the Applicant does not consider it appropriate or necessary to impose such a requirement. The proposed conditions already provide an appropriate framework to ensure the ongoing management and maintenance of the wastewater infrastructure. The Residents' Society constitution must be provided to Council prior to the issue of any section 224(c) certification and is required to include mechanisms for raising and managing funds for the ongoing maintenance and replacement of such infrastructure. In addition, Council retains statutory powers to monitor compliance with the consent conditions and management plans, and to take enforcement action where necessary. The Applicant therefore considers that a bond is not justified and is not aware of any recently consented WWTPs that have included such requirement.
Off-site Wastewater Disposal Management Plan				
2.4.1 Private Wastewater Servicing	45	At least 20 working days prior to the commencement of any tankering of treated or untreated wastewater from the site (including any tankering required in the commissioning phase of the WWTP), the Consent Holder must prepare and submit to Council for certification an Off-site Wastewater Disposal Management Plan (OWDMP). <u>The ODWMP must demonstrate that:</u>	Amendments relate to paragraphs [57], [90](c), and [96](b) of Westlake's s 53 comments.	The Applicant does not agree with this amendment and does not propose to relocate the WWTP/WTP/WWFS as the potential adverse effects can be appropriately managed through conditions which have been prepared based on expert input from multiple technical specialists, not only civil engineering.

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		<u>(a) The WTP, WWTP, WWFS, chemical storage and tanker-loading facilities are located off the external boundary and out of the 1% AEP floodplain, to elevated ground consistent with the eventual public connection.</u> <u>(b) The WTP, WWTP, WWFS, chemical storage and tanker-loading facilities are located to provide a minimum 200 m buffer to 35 Russell Road.</u> <u>(c) 35 Russell Road has been identified as a sensitive receiver for odour and noise with boundary limits assessed against residential criteria.</u> <u>(d) Continuous odour monitoring will be undertaken at the boundary with 35 Russell Road with the data to be provided to Council and the owner of 35 Russell Road quarterly.</u> <u>(e) That the consent holder or Residents' Society has entered into a written agreement with a lawfully authorised receiving facility stating that the facility has confirmed available capacity and that it will accept a named volume of wastewater until such time as public wastewater treatment infrastructure servicing for the Application site is operational.</u> The OWDMP must include but not be limited to: (a) The circumstances in which wastewater may be removed from the site; (b) Whether the wastewater is treated wastewater, untreated wastewater, or sludge; (c) The approved receiving facility or facilities; (d) Maximum daily volumes to be removed; (e) Temporary storage arrangements on site; (f) Truck loading procedures; (g) Hours of operation; (h) Contingency measures in the event the nominated receiving facility is unavailable; and (i) Record-keeping and reporting requirements.		Furthermore, the purpose of the OWDMP is to manage tankering of wastewater, not to manage effects from the operation of the treatment plant itself (this is managed through other conditions of consent). In particular: - The WTP, WWTP and WWFS are already located above the 1% AEP floodplain (refer to the memorandum prepared by McKenzie & Co at Attachment 2.2. However, for clarity, an additional condition of consent is proposed to ensure this is achieved. Refer to Condition 45 of the subdivision consent. - As per the response above from WWLA set out above, a 200m buffer is not required in relation to chemical storage. - The Noise Assessment prepared by noise specialists SLR submitted with the application at Appendix 38 to the AEE confirmed that the proposal will be compliant with the residential noise limits (which is a more conservative limit adopted seeing as the current zoning is Future Urban). Condition 59 of the subdivision consent requires that these limits are complied with. Therefore, there is no need for 35 Russell Road to be identified as a sensitive receptor to noise. - A 200m buffer is also not considered to be required for the reasons provided by air discharge specialists Air Matters provided below, at the bottom of this specific response. - Condition 54 of the subdivision consent requires that wastewater is tankered to an authorised receiving facility identified in the OWDMP. On review of the comments provided, the Applicant considers that the wording of the OWDMP could be strengthened as follows: <i>The OWDMP must include but not be limited to:</i> <i>(a) The circumstances in which wastewater may be removed from the site;</i> <i>(b) Whether the wastewater is treated wastewater, untreated wastewater, or sludge;</i> <i>(c) The approved receiving facility or facilities; Confirmation that the Consent Holder has entered into a written agreement with a lawfully authorised receiving facility which confirms that the facility has available capacity for the named volume of wastewater to be removed;</i> <i>(d) Maximum daily volumes to be removed;</i> <i>(e) Temporary storage arrangements on site;</i> <i>(f) Truck loading procedures;</i> <i>(g) Hours of operation;</i> <i>(h) Contingency measures in the event the nominated receiving facility is unavailable; and</i> <i>(i) Record-keeping and reporting requirements.</i> <i>Response from Air Matters in relation to the 200m buffer:</i> A separation distance is the recommended distance to separate a source of emissions (gaseous and particulate emissions, dust, odour and noise) from sensitive land uses in order to avoid adverse impacts to human health and amenity and is intended as an additional level of mitigation where emissions cannot be contained within the boundary of the industry

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				premises, and to cater for unintended emissions. The separation distance guideline² (referred to in the Air Matters Report provided at Appendix 39 to the AEE) recommended that if the separation guidance is not met, a more detailed risk assessment should be undertaken using a hierarchy of controls (i.e. <u>first</u> avoid or minimise effects, <u>then</u> meet criteria at the boundary, <u>lastly</u> implement separation distances). In the case of the Delmore WWTP, Air Matter’s Report acted as the ‘detailed risk assessment’ and concluded that based on the mitigations proposed, a shorter separation distance could be applied while ensuring the effects at the identified receptors remain acceptable. An odour specific ‘separation distance’ (which triggers a more detailed risk assessment) is different to a ‘buffer’ which is a broader fixed-distance planning tool. A buffer is designed to separate or manage incompatible land uses and may contain multiple separation distances that respond to various risks to human health and amenity – for example, odour, noise, dust and hazardous substances separation. The comments by Mr Gardiner suggest that the employed 200m separation distance should be applied as a fixed buffer which it is not the intended application of this guideline as outlined above. Therefore, the requested 200m buffer is not necessary. To provide further certainty regarding this, Air Matters has completed a survey at a similar (APEX Water designed) WWTP site at Karaka Village with sensitive receptors within 50m of the WWTP and concluded there were not offensive or objectionable odours at the time of the survey at that site.
Wastewater Filling Station				
2.4.1 Private Wastewater Servicing	46	The Consent Holder must construct the proposed turning head and wastewater filling station in accordance with the roading drawings prepared by McKenzie & Co, titled “Wastewater Disposal & Truck Access Plan” as referenced under Attachment 1 <u>subject to:</u> <u>(a) the WWFS and tanker-loading facilities being located off the external boundary and out of the 1% AEP floodplain, to elevated ground consistent with the eventual public connection.</u> <u>(b) the WWFS and tanker-loading facilities being located to provide a minimum 200 m buffer to 35 Russell Road.</u>	Amendments relate to paragraph [95] of Westlake’s s 53 comments.	The Applicant does not agree to this amendment for the reasons outlined above. However, a new condition is proposed with regard to the flood level (refer to the McKenzie & Co memorandum at Attachment 2.2). It is noted that this is what the design already achieves, however the Applicant has proposed a condition for provide further certainty and clarity. <u><i>If a connection to the public network is not provided in accordance with Condition 12 (general conditions), the WWTP, WTP and wastewater filling station platforms and their all-weather access and egress must be constructed at or above RL 19.33 (NZVD 2016). Compliance with this condition shall be demonstrated by an as-built survey prepared by a Licensed Cadastral Surveyor or Registered Professional Surveyor and provided to the Council prior to the commencement of operation of the WWTP and/or WWFS (whichever relevant).</i></u> <u><i>Advice note: RL 19.33 comprises the 1% AEP maximum probable development flood level of RL 18.83 adjacent to the plant sites, plus 500 mm freeboard. RL 18.83 is derived from the Flood Assessment Report (Rev H) flood model adopting the 1% AEP 24-hour rainfall of 309.2 mm</i></u>

² Separation Distance and Landfill Buffer Guidelines: September 2024: The Environment Protection Authority Victoria.

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				<i>including the 3.8 degree climate change allowance, the culvert blockage factors documented in that report, and the NZTA culvert relief inlet riser secured by Condition 28. The level stated in this condition is not altered by subsequent amendments to the flood model, the Stormwater Code of Practice, TP108 or related guidance.</i>
2.4.1 Private Wastewater Servicing	50	The Consent Holder must undertake regular visual inspections of the unsealed section of Russell Road between the proposed turning head and Upper Orewa Road. If it is identified that a high proportion of fine (dust-generating) material is present, the Consent Holder must replenish the surface layer with gravel. <u>If any damage is identified that is attributable to tanker movements the Consent Holder must immediately repair the damage.</u>	Amendments relate to paragraph [90](e) of Westlake's s 53 comments.	The Applicant does not agree with this amendment. Russell Road is an existing rural road that is used by a range of vehicles. In this context, it would not be practicable to determine whether any particular damage is directly attributable to tanker movements associated with the consented activity, as opposed to other road users or normal wear and tear. The proposed requirement is therefore not capable of being objectively monitored or enforced. The upgrades and maintenance required to Russell Road were discussed with Auckland Council as part of the overall suite of upgrades being provided by the Applicant, and the condition as proposed by the applicant was agreed as reflecting the appropriate level of intervention and maintenance by the Applicant for Russell Road.
Wastewater Tankering				
2.4.1 Private Wastewater Servicing	51	Prior to wastewater removal being required (<u>including in any commissioning phase</u>) and transported via on Russell Road, the Consent Holder must at their own expense, widen Russell Road so that a there is sufficient space for a 19.5m long truck and trailer tanker to pass a 6.3m long van travelling in the opposite direction with a minimum of 0.5m clearance between the vehicles and between the edge of the vehicles and the edge of the carriageway. Road widening must also be undertaken at the intersection of Russell Road and Upper Orewa Road to ensure that a 19.5m long truck and trailer tanker can turn left from Russell Road onto Upper Orewa Road without crossing into the northbound traffic lane on Upper Orewa Road. <u>The works must ensure continued safe and unobstructed access to 35 Russell Road.</u> This work must be in accordance with the Auckland Council Code of Practice for Land Development and Subdivision Development Chapter 3 Transport.	Amendments relate to paragraph [90](e) of Westlake's s 53 comments.	The Applicant agrees to this condition amendment.
2.4.1 Private Wastewater Servicing	54	The Consent Holder must keep a record of every tanker load removed from the site, including: (a) The date and time of collection; (b) The tanker operator; (c) The wastewater type (i.e. treated or untreated); (d) The load volume; (e) The destination facility; and (f) Evidence of receipt / disposal. <u>(xx) Records of any spills along route and spill response taken.</u> A summary of all off-site wastewater removed from the site shall be provided to Council every three months.	Amendments relate to paragraph [90](c) of Westlake's s 53 comments.	The Applicant agrees to this condition amendment.
WWTP Design				
2.4.1 Private Wastewater Servicing	56	If a WWTP is constructed on the site in accordance with Condition 14 (general conditions), it must be designed and constructed in general accordance with the "Delmore Water and Wastewater Treatment Plant Design Report" prepared by Apex and referenced under Attachment 1- <u>subject to the following requirements:</u> <u>(a) The WWTP, WWFS and associated chemical storage and other facilities must be located:</u> <u>(i) off the external boundary and out of the 1% AEP floodplain, to elevated ground consistent with the eventual public connection.</u> <u>(ii) to provide a minimum 200 m buffer to 35 Russell Road.</u> <u>(b) The WWTP must be designed and constructed with sufficient physical capacity and appropriately located connection points to accommodate future urban development anticipated in the Upper Orewa Concept Structure Plan.</u> (c) The WWTP may be constructed in stages to align with the development staging.	Amendments relate to paragraphs [71](a), [95], and [96](a) of Westlake's s 53 comments.	The Applicant does not agree with this amendment for the reasons outlined above and within the memorandum prepared by McKenzie & Co at Attachment 2.2 and 2.3. It is not appropriate to include a condition that requires the WWTP to reserve sufficient capacity for neighbouring properties as it has only been designed for the current proposal. This condition would therefore be considered more onerous than necessary pursuant to section 83 of the FTAA. Furthermore, as outlined within the memorandum prepared by McKenzie & Co, the proposal is not precluding any neighbouring properties from connecting to the public network as there are additional connection points available (such as further south where additional FUZ land is located).

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2.4.1 Private Wastewater Servicing	57	If a WWTP is constructed on the site in accordance with Condition 14 (general conditions), the WWTP and pump station must be designed to comply with the applicable residential noise standards under the Auckland Unitary Plan as referenced below: <table><tr><th>Time Period</th><th>Noise Level</th></tr><tr><td>Monday to Saturday (7:00am to 10:00pm)</td><td>50dB LA_{eq}</td></tr><tr><td>Sunday (9:00am to 6:00pm)</td><td></td></tr><tr><td>All other times</td><td>40dB LA_{eq}</td></tr><tr><td></td><td>75dB LAF_{MAX}</td></tr></table> [Delete Table]	Time Period	Noise Level	Monday to Saturday (7:00am to 10:00pm)	50dB LA _{eq}	Sunday (9:00am to 6:00pm)		All other times	40dB LA _{eq}		75dB LAF _{MAX}	Amendments relate to paragraph [96](e) of Westlake’s s 53 comments – applicable noise standards for out of sequence development should anticipate the future urbanisation of the surrounding area	The Applicant does not support this amendment. The residential noise limits were volunteered on a conservative basis and are more stringent than the noise limits currently applicable to 35 Russell Road under the Future Urban Zone. Replacing the specified residential limits with a general reference to the “applicable noise limits” could therefore either result in the less stringent Future Urban Zone standards applying or uncertainty about what limits apply and therefore difficulties with compliance and enforcement. See below: Table E25.6.3.1 Noise levels in the Rural – Mixed Rural Zone, Rural – Rural Production Zone, Rural – Rural Coastal Zone or the Future Urban Zone <table><tr><th>Time</th><th>Noise level</th></tr><tr><td>Monday to Saturday 7am-10pm</td><td rowspan="2">55dB L_{Aeq}</td></tr><tr><td>Sunday 9am-6pm</td></tr><tr><td>All other times</td><td>45dB L_{Aeq} 75dB L_{AFmax}</td></tr></table>	Time	Noise level	Monday to Saturday 7am-10pm	55dB L _{Aeq}	Sunday 9am-6pm	All other times	45dB L _{Aeq} 75dB L _{AFmax}
Time Period	Noise Level																				
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2.4.1 Private Wastewater Servicing	<u>xx</u>	If a WWTP or WFS is constructed on the site in accordance with Condition 14 (general conditions), the plant <u>platform and its all-weather access and egress must be set at or above the 1% AEP maximum-probable-development flood level including the blocked-culvert scenario and climate change, plus 500 mm freeboard not less than RL 22.14 m), whether or not the plants are ever connected to the public network, with sufficient on-site emergency storage sized to ride through flood conditions when tankering is interrupted.</u>		The Applicant does not agree with this condition amendment for the reasons outlined above and within the memorandum prepared by McKenzie & Co at Attachment 2.2. Whilst the WWTP/WFS have been designed above the flood level, the Applicant acknowledges that no condition currently exists that currently requires this. This was because locating the plant above the flood level was an inherent part of the design. However, the following condition is proposed to provide certainty regarding this outcome and is included at condition 45 of the land use consent. <i><u>If a connection to the public network is not provided in accordance with Condition 12 (general conditions), the WWTP, WTP and wastewater filling station platforms and their all-weather access and egress must be constructed at or above RL 19.33 (NZVD 2016). Compliance with this condition shall be demonstrated by an as-built survey prepared by a Licensed Cadastral Surveyor or Registered Professional Surveyor and provided to the Council prior to the commencement of operation of the WWTP and/or WWFS (whichever relevant).</u></i> <i><u>Advice note: RL 19.33 comprises the 1% AEP maximum probable development flood level of RL 18.83 adjacent to the plant sites, plus 500 mm freeboard. RL 18.83 is derived from the Flood Assessment Report (Rev H) flood model adopting the 1% AEP 24-hour rainfall of 309.2 mm including the 3.8 degree climate change allowance, the culvert blockage factors documented in that report, and the NZTA culvert relief inlet riser secured by Condition 28. The level stated in this condition is not altered by subsequent amendments to the flood model, the Stormwater Code of Practice, TP108 or related guidance.</u></i>																	
Water Supply																					

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Water Supply Servicing	xx	The Consent Holder shall <u>prepare and submit to Council for certification an Asset Management Plan identifying the equipment replacement schedule and anticipated cost that demonstrates that the Residents' Society has established and maintained a funded renewals (sinking) fund of \$200,000 per year, indexed and certified against that schedule, with the performance bond additionally sized to cover the next imminent major renewal.</u> <u>The Asset Management Plan must be reviewed and re-submitted to Council annually, together with certification by a suitably qualified person confirming that the Residents' Society's current and forecast levies are sufficient to meet the certified operating costs and the renewals schedule for at least the next five years; a certified shortfall must trigger a levy correction and, if unremedied, the bond and step-in.</u> <u>This annual package should be submitted together with the independent annual operational audit (required under Condition 48 of the wastewater discharge permit).</u>		Whilst the Applicant understands the intent behind this condition, the current wording and specification of a dollar figure is not supported. A legal memorandum prepared by Alexander Dorrington is included as Attachment 1 which discusses the reasons for this and the requirement for an Asset Management Plan. The Applicant has subsequently proposed amendments to both the Utility Company condition (refer condition 46 of the subdivision consent) and the Residents Society condition (refer condition 49 of the subdivision consent) to provide for the preparation and implementation of an Asset Management Plan.
Review Conditions				
2.10.1 Private Wastewater Servicing Condition Review	87	Under section 128 of the RMA, the conditions of this consent associated with the off-site disposal of wastewater may be reviewed by the Manager Resource Consents at the Consent Holder's cost: (a) To address significant adverse effects on the environment arising from the off-site disposal of wastewater which were not apparent at the time of granting consent, including in relation to traffic, noise, odour, spills, or effects on the receiving environment. <u>The assessment of effects on the receiving environment may take into account any changes in zoning that occur within the operational life of the WWTP and WFS and any residential activity reasonably anticipated to the south of the site.</u> The review must be limited to an update to the Off-Site Wastewater Disposal Management Plan.		This amendment is not accepted by the Applicant as the review condition already addresses effects that would need to be considered if the site were to be rezoned for urban purposes.
Subdivision Consent				
General Subdivision Conditions				
3.1.4 Engineering Plan Approvals	xx	<u>Prior to applying for an EPA for any water or wastewater servicing infrastructure the Consent Holder shall consult with Watercare about a Long-Term Servicing Strategy that:</u> <u>(a) Identifies Watercare's eventual requirements and connection point; demonstrates that the reticulation can be transferred to the public system at Grand Drive without significant reworking; expressly provides for, locates, sizes and costs the works needed to connect to the public system and to decommission the private plant; legally safeguards the plant land against redevelopment until that connection is made; and confirms the plant is clear of the 1% AEP floodplain.</u> <u>(b) Demonstrates that the private servicing arrangement does not foreclose the efficient, coordinated (gravity-based) servicing of the surrounding n land in the natural catchment, and does not impose on the owners of 35, 11 and 3 Russell Road, or other Future Urban land in that catchment, servicing costs they would not have borne under a Watercare or Council-coordinated infrastructure delivery process.</u> <u>(c) Provides that if (b) cannot be demonstrated, the treatment plant(s) and networks are be designed and sized to service the natural catchment, or reserve the physical, processing and hydraulic capacity and provide located connection points to do so.</u> <u>The Consent Holder shall submit the Long-Term Servicing Strategy to Council certification along with any comments received from Watercare.</u>		This amendment is not accepted by the Applicant for the following reasons: - While the Applicant supports ongoing engagement with Watercare regarding the long-term servicing of the area, the proposed condition extends beyond what is necessary to manage the effects of the proposal and is also inconsistent with the treatment plant as sought to be consented. - The consent conditions already place specific requirements on the Consent Holder regarding when and in what circumstances a connection can be provided to the public network at different points in the development. Whether that occurs at the start of the development or part way through will depend on the circumstances, as will the nature and level of information required. In that context, it is not necessary or practical to require the preparation of a long term servicing strategy prior to EPA for any water or wastewater servicing. The Applicant considers that this proposed condition is more onerous than necessary to manage the process. - As McKenzie & Co has explained in Attachment 2.3, development of the Delmore site does not preclude Westlake from connecting its property to the public network. - As noted above, the plants have been designed to be outside the floodplain but a condition confirming this as a requirement is proposed to be included. - The proposed changes seem to be requesting that the on-site treatment plant, if required, is designed to be sufficient to treat wastewater generated by the entire catchment. The treatment plant

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				has been specifically designed to have capacity to treat the Delmore development, because that is the development to which the Application relates. The Applicant is not under an obligation to also treat the wastewater from external properties, which can treat their own wastewater or connect to the public system in the longer term.
3.1.12 Utility Company	46	If a connection to the public network is not provided in accordance with Condition 12 (general conditions), then prior to the issue of a s224(c) certificate for the first subdivision stage, the Consent Holder must provide evidence that a Utility Company has been legally established to operate the WWTP, the WTP and/or associated infrastructure, and implement (if and when required) decommissioning of the WWTP, the WTP and/or associated infrastructure. The evidence provided must include a copy of the company constitution. The constitution shall outline that the utility company must: (a) Operate and maintain the private wastewater and water infrastructure including the reticulation network, treatment plants, reservoirs, bores, pump stations, and dispersal fields to meet the requirements of this consent and WAT60456696; (b) Monitor water usage for each dwelling in accordance with the Water Supply Management Plan in accordance with Condition 61 of the land use consent and implement actions required by the Water Supply Management Plan if trigger levels are reached; (c) Hold a registered leasehold title over the land on which the WWTP and WTP are located, at the completion of the relevant subdivision stage; (d) Be responsible for ensuring that any necessary future consents or alternative management of wastewater discharges and water supply are in place prior to the expiry of this consent and WAT60456696; and (d) Ensure that all water supplied for human consumption from the development complies at all times with the applicable requirements of the Water Services Act 2021, the Drinking Water Standards for New Zealand, and the Drinking Water Quality Assurance Rules issued or administered by Taumata Arowai, including any amendments or replacements in force from time to time; and (f) Implement (if and when required) decommissioning of the WWTP, the WTP and/or associated infrastructure. <u>(xx) Ensure that there are physical connection points and reserved processing and hydraulic capacity in the WWTP, the WTP and/or associated infrastructure and networks for 35, 11 and 3 Russell Road, with legal connection mechanisms.</u> <u>(xx) Ensure that adjacent landowners are to be notified on any decommissioning/transfer of the WWTP, the WTP and/or associated infrastructure.</u> <u>(xx) Must not enter into any Watercare-transition or connection arrangement that would exclude those 35, 11 and 3 Russell from equivalent connection rights.</u>	Amendments relate to paragraph [71](a) of Westlake's s 53 comments.	The Applicant does not agree with this condition amendment for the reasons outlined above and within the memorandum prepared by McKenzie & Co at Attachment 2.3. It is not appropriate to include a condition that requires the WWTP to reserve sufficient capacity for neighbouring properties as it has only been designed for the current proposal. This condition would therefore be considered more onerous than necessary pursuant to section 83 of the FTAA. Furthermore, as outlined within the memorandum prepared by McKenzie & Co, the proposal is not precluding any neighbouring properties to connect to the public network as there are additional connection points available (such as further south where additional FUZ land is located). Furthermore, the commentator has not provided any evidence which confirms why adjacent landowners would need to be notified of the decommissioning.
3.1.13 Resident's Society	xx	<u>In the event that a connection has not been made to the public network in accordance with Condition 12 (general conditions), the Residents' Society and its members, and any operator engaged by the Resident's Society for the WTP, WWTP and WWFS agree that they shall not object to, make a submission against, complain of, or rely on the proximity of the plants as a ground to oppose or constrain existing rural uses or the subdivision, development or residential use of 35 Russell Road or other adjoining Future Urban land, notwithstanding the separation distance between any building on that land and the plant boundary. This condition shall be complied with on a continuing basis and shall be imposed by way of a Consent Notice pursuant to section 221 of the Resource Management Act 1991 and registered against the Record of Title for the site at the time of certification under section 224(c) of the Act. The Consent Holder shall meet all costs associated with the preparation, execution and registration of the Consent Notice.</u> <u>In the event that a connection has not been made to the public network in accordance with Condition 12 (general conditions), the first subdivision of the site will register a covenant over the treatment plant lot (Lot 5002) in favour of Auckland Council and the owner of 35 Russell Road, giving the Council and that owner the express right to require the Residents' Society and operator to investigate and remedy, within a defined period at their cost, any odour or other effect of the plant that reaches the boundary of 35 Russell Road and, failing</u>		The Applicant does not agree with the proposed condition. The effect of the first component of the condition is that future owners could not have input into any future use of the Westlake site, regardless of scale, intensity, or nature. Given the breadth of potential activities that is an unreasonable request. Planning instruments applying to the area will determine when consent is required for an activity and when it is not, and then if consent is required, when neighbours are affected and thus provided an opportunity to comment. In a context where there is a wide suite of activities that could occur on an adjoining site, those statutory processes are the appropriate way of determining when neighbours will be able to have a say and when they will not. In a similar vein, any complaints that are made will be made to Auckland Council who would exercise any enforcement powers with reference to similar considerations.

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		<u>timely remedy, to require the Council to call on the performance bond to remedy the effects up until the time that WTP, WWTP and WWFS are decommissioned.</u>		Second, in relation to the second component of the condition, the Applicant has put forward a comprehensive suite of consent conditions regulating the design, operation, monitoring and maintenance of the wastewater treatment and pumping infrastructure, which have been agreed with the Council. Those conditions are enforceable by Council and that provides an appropriate mechanism for addressing any adverse effects should they arise and enforcing compliance with the condition. Westlake would itself be able to take enforcement action in accordance with the RMA if it considered this was necessary. The Applicant's position is therefore that the proposed no-complaints consent notice and covenant are not necessary to manage the effects of the proposal and are unreasonable.						
3.1.13 Resident’s Society	47	Prior to the issue of a s224(c) certificate for the first subdivision stage, the Consent Holder must prepare the necessary documentation to create a society, body corporate, association or other body acceptable to the Council (hereafter referred to as the Resident’s Society) for management of the Common Infrastructure identified below. <table><tr><th>Common Infrastructure</th><th>Ownership and Management Responsibilities</th></tr><tr><td>JOALS</td><td> JOALs are to be owned and managed in equal shares by all residential lots that access the JOAL, as identified within the approved Scheme Plan under Condition 1. This shall be a sub-group within the Resident’s Society. The carriageway, lighting, planting, and all other infrastructure (e.g., any required stormwater devices and culverts) within the JOAL shall be operated, maintained and, when required, renewed by the relevant JOAL sub-group on an on-going basis. All costs shall be borne by that JOAL sub-group. Where rubbish collection is to be via “private service” the JOAL responsibilities shall also include the ongoing retention of the private service contact. </td></tr><tr><td>Lots 1901, 1904, 1905, 1930, 1931, 1932, 1908, 1628, 5025, 1920, 1910, 3000, 1270</td><td> Lots 1901, 1904, 1905, 1930, 1931, 1932, 1908, 1628, 5025, 1920, 1910, 3000, and 1270 are to be transferred to the Resident’s Society at the time of subdivision. The Resident’s Society must ensure the long-term protection of the ecological values of the bush areas in accordance with the consent notice obligations. All maintenance must be undertaken in accordance with the Ecological Management Plan approved and referenced </td></tr></table>	Common Infrastructure	Ownership and Management Responsibilities	JOALS	JOALs are to be owned and managed in equal shares by all residential lots that access the JOAL, as identified within the approved Scheme Plan under Condition 1. This shall be a sub-group within the Resident’s Society. The carriageway, lighting, planting, and all other infrastructure (e.g., any required stormwater devices and culverts) within the JOAL shall be operated, maintained and, when required, renewed by the relevant JOAL sub-group on an on-going basis. All costs shall be borne by that JOAL sub-group. Where rubbish collection is to be via “private service” the JOAL responsibilities shall also include the ongoing retention of the private service contact.	Lots 1901, 1904, 1905, 1930, 1931, 1932, 1908, 1628, 5025, 1920, 1910, 3000, 1270	Lots 1901, 1904, 1905, 1930, 1931, 1932, 1908, 1628, 5025, 1920, 1910, 3000, and 1270 are to be transferred to the Resident’s Society at the time of subdivision. The Resident’s Society must ensure the long-term protection of the ecological values of the bush areas in accordance with the consent notice obligations. All maintenance must be undertaken in accordance with the Ecological Management Plan approved and referenced		The Applicant does not agree with this amendment. The reason the private infrastructure has been removed from this table is because the Utility Company will own and operate the private infrastructure (not the Resident’s Society). The Residents Society will pay levies to the Utility Company to ensure there are adequate funds to operate and maintain such infrastructure.
Common Infrastructure	Ownership and Management Responsibilities									
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		<table><tr><td></td><td> under Attachment 1. The Resident’s Society must ensure the public walkways are maintained to a reasonable standard. </td></tr><tr><td>Bush covenant areas: Lots 14–17, 76–86, 106–119, 155–167, 229, 251–268, 260–262, 277–279, 303–307, 315–318, 352–359, 471, 610–615, 931–948, 952–958, 999–1023, 1031–1047, 1052–1055, 1057–1058, 1060, 1069–1070, 1215–1216, 1218–1238, 1246–1250, 1269, 1270–1272, 1274–1278, 1401.</td><td> The ‘bush covenant’ areas identified on the scheme plan are to remain in private ownership. The overall responsibility for the implementation of all ongoing management and maintenance measures necessary to protect the ecological values of these areas, including pest and weed control, shall belong to the Resident’s Society in accordance with the Ecological Management Plan approved and referenced under Attachment 1. </td></tr><tr><td><u>Lot 1800 (Stage 1 park)</u> <u>Lot 5020 (Stage 2 park)</u></td><td><u>Lot 1800 and Lot 5020 will be transferred to the Resident’s Society, if it is not vested to Auckland Council.</u></td></tr></table>		under Attachment 1. The Resident’s Society must ensure the public walkways are maintained to a reasonable standard.	Bush covenant areas: Lots 14–17, 76–86, 106–119, 155–167, 229, 251–268, 260–262, 277–279, 303–307, 315–318, 352–359, 471, 610–615, 931–948, 952–958, 999–1023, 1031–1047, 1052–1055, 1057–1058, 1060, 1069–1070, 1215–1216, 1218–1238, 1246–1250, 1269, 1270–1272, 1274–1278, 1401.	The ‘bush covenant’ areas identified on the scheme plan are to remain in private ownership. The overall responsibility for the implementation of all ongoing management and maintenance measures necessary to protect the ecological values of these areas, including pest and weed control, shall belong to the Resident’s Society in accordance with the Ecological Management Plan approved and referenced under Attachment 1.	<u>Lot 1800 (Stage 1 park)</u> <u>Lot 5020 (Stage 2 park)</u>	<u>Lot 1800 and Lot 5020 will be transferred to the Resident’s Society, if it is not vested to Auckland Council.</u>			
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		<u>Insert: the WWTP, WTP, WWFS and all associated water supply and wastewater network infrastructure throughout the application site.</u>									
		*Expert Panel accepts amendment in red above.									
3.1.13 Resident’s Society	49	The Consent Holder must provide written evidence to Council that the Resident’s Society Constitution includes the following written items: (a) The ownership and management responsibilities of the Resident’s Society, including the operation, maintenance, repair and renewal of the Common Infrastructure within the development. This includes the public walkways and associated infrastructure (signage etc.) located within the balance lots, as well as stage 2 park (Lot 5020) if it is not vested to Council; (b) The responsibility of the Resident’s Society relating to the ongoing management and protection of the areas identified in the Ecological Management Plan, noting that such responsibilities may be carried out by suitably qualified contractors or third parties, provided that overall responsibility remains with the Resident’s Society; (c) Mechanisms for the raising of funds from members to adequately finance the operation, maintenance, repair and renewal of the Common Infrastructure, including any private water and wastewater infrastructure which shall be paid to the utility company; (d) Decision making and dispute resolution requirements; (e) The obligation on the Resident’s Society to comply with all resource consents; (f) Provision for the nomination and maintenance of a primary contact person (and alternate, if applicable) for the Resident’s Society, including up-to-date contact details to be provided to Council at all times, who shall be authorised to received and respond to enquiries and complaints from Council in relation to this consent; <u>(xx) In the event that a connection has not been made to the public network in accordance with Condition 12 (general conditions), a warranty that, the Residents’ Society and its members, and any operator engaged by the Resident’s Society for the WTP, WWTP and WWFS, shall not object to, make a submission against, complain of, or rely on the proximity of the plants as a ground to oppose or constrain existing rural uses or the subdivision, development or residential use of 35 Russell Road or other adjoining Future Urban land, notwithstanding the separation distance between any building on that land and the plant boundary.</u> (g) In the event a connection has not been made to the public network in accordance with Condition 12 (general conditions), mechanisms for the raising of funds from members to adequately finance the re consenting, future decommissioning of any on-site wastewater treatment plant, or on-site water take and treatment; (h) In the event a connection has not been made to the public network in accordance with Condition 12 (general conditions), mechanisms for the raising of funds from members to adequately finance the infrastructure works required to enable future connections to the public water supply and wastewater networks;		Amendments relate to paragraphs [62], [71](c), [71](d), [71](g), [71](h), [96](d), and [113](a) of Westlake’s s 53 comments.	The Applicant does not agree to these amendments for the reasons set out above.						

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		(i) In the event a connection has not been made to the public network in accordance with Condition 12 (general conditions), mechanisms for the raising of funds from members to adequately finance the payment of future Infrastructure Growth Charges that may be payable to the public water and/or wastewater utility provider; and <u>(xx) Agreement that the performance bond for maintenance costs required by [condition 44A] of the land use consent shall remain in place and continue to be maintained notwithstanding any winding-up of the Consent Holder, by the obligations being transferred to the Residents' Society.</u> <u>(xx) Provide a mechanism to require the Residents' Society to set and collect levies sufficient to meet the operating and renewal obligations and to maintain the sinking fund (with adequacy demonstrated annually to Council) under the Asset Management Plan and the performance bond.</u> <u>(xx) Enable the Residents' Society to be able to enter into and provide for infrastructure-services agreements with, and connection by, adjacent landowners.</u> (j) An education and communication strategy for informing prospective purchasers, new residents, and existing residents of the cat and pest animal prohibition within Stage 2 of the development, including at the point of sale, at settlement, and on an ongoing basis. (k) The responsibility of the Resident's Society for the geomorphology monitoring in accordance with Condition 11 of the stormwater discharge permit (geomorphic monitoring) and Condition 12 of the stormwater discharge permit (stream stabilisation works), including mechanisms for raising funds if required to satisfy these conditions.		
Private Wastewater Servicing and Water Supply				
3.1.14 Infrastructure Servicing	53	If a connection to the public network is not provided in accordance with Condition 12 (general conditions), then prior to the issue of a section 224(c) certificate, a legal agreement must be prepared and executed between the Consent Holder (or nominated entity) and Auckland Transport to document the terms and conditions that provides the basis for the Consent Holder to reticulate, own and maintain private reticulation pipes that sit within the vested road reserve. <u>The agreement with Auckland Transport is to be binding and incapable of cancellation or expiry for as long as private infrastructure remains in the road reserve (or until the infrastructure transfers to a public supplier).</u>	Amendments relate to new longer term the risk that if the licence is ever cancelled or expires, the network remains lawfully in place and operating.	The Applicant does not agree with this amendment as the terms of the agreement need to be established between Auckland Transport and the Consent Holder. It is noted that Auckland Transport and Auckland Council have confirmed the condition as put forward by the Applicant is acceptable.
3.1.14 Infrastructure Servicing	54	If a connection to the public water supply network is not provided in accordance with Condition 12 (general conditions), then prior to the issue of section 224(c) certification for any subdivision stage, the Consent Holder must provide certification from a suitably qualified hydrogeologist and water engineer confirming that: (a) The groundwater take authorised for the development is sufficient to service that stage and all previously completed stages; (b) Adequate residual capacity remains for later stages consistent with the approved staging plan; and (c) The abstraction regime will not compromise the long-term sustainable yield of the source or any minimum performance requirements specified in the groundwater take consent.	These provisions could be improved by requiring the same financial-security, flood-immunity, buffer and enduring-tenure conditions as the wastewater plant; require demonstrated internal network pressures and firefighting flows (SNZ PAS 4509) to Watercare standards.	A response to the amendments requested are addressed within Attachment 2.1 prepared by McKenzie & Co. It is noted that the groundwater take consent has been granted by Council and includes conditions which the consent holder will need to comply with. To provide additional certainty to address the comments raised by Mr Gardiner, the following amendments are proposed in relation to the Water Supply Management Plan condition included at condition 63 of the land use consent: 63. <i>Prior to commissioning of the on-site potable water supply system, the Consent Holder must submit to Council for certification a Water Supply Management Plan prepared by a suitably qualified water engineer and drinking-water specialist. The Plan should include:</i> (a) <i>Source description and bore construction details;</i> (b) <i>Sustainable yield assessment;</i> (c) <i>Peak day, average day, and seasonal demand calculations for each stage and full build-out;</i> (d) <i>Treatment process description and design capacity;</i> (e) <i>Storage volumes for operational, emergency and fire-fighting purposes;</i>

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				(f) Backup power and critical spares <u>including duty and standby pumping arrangements and standby power generation where a direct boost supply is used;</u> (g) Network layout and pressure management, <u>including demonstration that each lot achieves the minimum service pressure and the SNZ PAS 4509 firefighting flow at residual pressure, with pressure zones and pressure reducing valves identified where required.</u> (h) Monitoring, sampling, reporting and incident response procedures; (i) Water conservation and demand management measures; (j) Triggers for restricting use, staging occupation, or augmenting supply; (k) Operation, maintenance and asset renewal responsibilities; (l) A Water Demand Monitoring Programme detailing how potable water demand, groundwater abstraction, and the performance of water conservation measures will be monitored and reported; (m) Performance criteria demonstrating how the assumed potable water demand adopted within the Water Balance Assessment will be verified during operation; (n) Trigger levels where actual potable water demand materially exceeds the modelled demand assumptions, together with the actions to be implemented should those trigger levels be exceeded; (o) An adaptive management framework identifying demand management measures, supplementary water supply, infrastructure upgrades, or staging restrictions should monitoring demonstrate that the assumed demand reductions are not being achieved; and <u>(p) Demonstration that the Stage 1 water supply level of service, including firefighting supply, will be maintained at all times during the construction, commissioning and changeover of the Stage 2 infrastructure.</u>
3.1.14 Infrastructure Servicing	55	Prior to the issue of any section 224(c) certificate within Stage 2 of the development, the Consent Holder must provide evidence that suitable provision has been made for the disposal of wastewater, or a connection can be provided to the public wastewater network in accordance with Condition 12 (general conditions). <u>Suitable provision requires written confirmation from a lawfully authorised receiving facility stating that it has confirmed available capacity and that it will accept a named volume of wastewater until such time as the treatment plant is commissioned and is operational.</u>	Amendments relate to paragraph [96](f) of Westlake's s 53 comments.	The commentator has misinterpreted the purpose of this condition, which is to ensure that a wastewater strategy is in place for Stage 2 (ie. either discharge on site or off-site, or connection to the public system) prior to section 224(c) certification because this has not been sought as part of this application. The amendment put forward by Westlake would arguably commit the Applicant to a strategy of transporting wastewater off-site for all of Stage 2 which is not something the Applicant wants to be committed to and does not align with the indicative disposal examples provided to the panel. However, the Applicant considers that adding this level of specificity to the condition relating the transportation of wastewater from Stage 1 would help to ensure clarity and certainty and so proposes that confirmation of a receiving facility should be provided prior to section 224(c) stage for Stage 1 of the development. This has been included at Condition 56 of the subdivision consent and repeated below: <u>If a connection to the public wastewater network is not provided in accordance with Condition 12 (general conditions), then, prior to the issue of a section 224(c) certificate for the first subdivision stage, the Consent Holder must provide Council with confirmation that it has entered into a</u>

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				<u>written agreement with a lawfully authorised receiving facility, which confirms that the facility has available capacity for the named volume of untreated wastewater and/or treated wastewater (as applicable).</u>
8.0 Air Discharge Permit (s15 of the RMA)				
8.1.1 Odour Management Plan	2	The Consent Holder must prepare and submit to Council a Final OMP for certification. The OMP must incorporate a series of monitoring, management and operational procedures, methodologies and contingency plans, and together must accurately record all information required to comply with the conditions of this consent. The OMP <u>is to be prepared on the basis that the WWTP and the WWFS are a permanent odour generating activities and must be in general accordance with the Draft OMP provided under Condition 1 (general consent conditions) and must include the following:</u> (a) Identification of all point sources for discharges of contaminants into air, including a map and schematic diagram showing the location of each source; (b) Procedures to minimise discharges of contaminants into air (including odour), including details of the inspection, maintenance, monitoring and contingency procedures in place for the wastewater treatment plant and the trucking of untreated wastewater off-site (if required); (c) The operating parameters of odour control equipment and the frequency and scope of the regular checks to be performed on emissions control equipment; including testing of the carbon bed saturation; (d) Procedures for the monitoring of odour, including details of inspection procedures, recording requirements and contingency measures; (e) The identification of staff responsibilities; and (f) The procedures for the receipt, recording and handling of air quality complaints received. <u>(xx) A requirement to impose boundary odour limits assessed against residential criteria at 35 Russell Road; and require continuous emission/odour monitoring with data made available to Council and the landowner of 35 Russell Road.</u>	Amendments relate to paragraphs [96](c) and [96](d) of Westlake's s 53 comments.	The Applicant does not consider this amendment to be necessary as the intention is that the OMP will be in place for the duration of the air discharge permit. However, on review, the Applicant agrees to add the following condition for clarity: <u>The Consent Holder must ensure that the discharges to air are managed in accordance with the certified OMP for the duration of this consent.</u> <i>Air Matters response:</i> The current conditions require non-offensive odours beyond boundary and independent odour surveys to be undertaken in the first 12 months to verify this requirement. These are considered appropriate boundary odour limits and monitoring for emissions from the WWTP.
8.1.1 Odour Management Plan	3	The OMP must be reviewed on an annual basis and any subsequent changes to the certified OMP must be submitted to the Council for certification prior to implementation. The Council will advise the Consent Holder in writing if any aspects of the OMP are considered to be inconsistent with achieving the provisions of this consent. <u>The annual OMP review must recognise the permanent-operation basis of the WWTP and WWFS and to assess the effects on reasonably foreseeable residential development of the Future Urban land to the south of the site.</u>		As per above, no changes are required to the OMP. There would be no reason to assess "reasonably foreseeable residential development" when that development does not yet exist and could take a myriad of potential forms.
8.1.2 Air Discharge Limits	5	Discharges of contaminants into air from the site must not cause: (a) Odour that is noxious, dangerous, offensive or objectionable effect beyond the boundary of the site, in the opinion of an enforcement officer; and (b) Visible emissions (other than water vapour/steam or heat haze) that cause a dangerous, offensive or objectionable effect, in the opinion of an enforcement officer. <u>The assessment of whether odour that is noxious, dangerous, offensive or objectionable effect beyond the boundary of the site is to take into account and assess the effects on reasonably foreseeable residential development of the Future Urban land to the south of the site.</u>	Amendments relate to paragraph [96](c) of Westlake's s 53 comments.	The Applicant does not support this amendment. The condition already requires that odour cannot be offensive or objectionable beyond the <u>boundary of the site</u> . This applies whether the site is rural or urban.
8.1.3 Untreated Wastewater to be Taken Off-Site	xx	<u>If untreated wastewater is to be transported and disposed of off-site, the Consent Holder must require the holding-tank and filling-point odour-control systems to be installed, commissioned and independently verified as operational before any raw wastewater is collected, stored, transferred or loaded (not merely before the WWTP commences treatment); require active septicity management and a maximum retention time for stored raw wastewater; require the uphill transfer main and the loading point to be sealed and odour-controlled, with standby power and continuous boundary odour monitoring covering the trucking-only phase.</u> <u>No lots may be occupied until both the proven off-site disposal and the odour control required under these conditions are in place.</u>		The Applicant agrees that the odour control system must be in place before any untreated wastewater is collected. This was always the intent. A new condition is proposed at condition 10 to address this. <u>If untreated wastewater is to be transported and disposed of off-site, the Consent Holder must require the holding-tank and filling-point odour-control systems to be installed, commissioned and independently verified as operational before any raw wastewater is collected, stored, transferred or loaded.</u>

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8.1.3 Untreated Wastewater to be Taken Off-Site	6	If untreated wastewater is to be transported and disposed of off-site, the Consent Holder must design and construct an odour control system for air that is displaced from the tankers during filling. The odour control system must be designed so that the discharge will not cause odour that is noxious, dangerous, offensive or objectionable to any residential dwellings <u>and also take into account and assess the effects on reasonably foreseeable residential development of the Future Urban land to the south of the site.</u>		The Applicant does not support this amendment. The condition already requires that odour cannot be offensive or objectionable beyond the <u>boundary of the site</u> . This applies whether the site is rural or urban.
8.1.5 Monitoring and Reporting	12	Within two months of the first operation (<u>including any operation or tankering in the commissioning phase</u>) of the Wastewater Treatment Plant and/or commencement of tanker filling activities (whichever occurs first), the consent holder must engage a SQEP to undertake a post-commissioning odour assessment. The assessment must: (a) Include field-based odour observations at and beyond the site boundary under representative operating conditions for both the WWTP and tanker filling activities; (b) Be carried out in general accordance with the Ministry for the Environment's Good Practice Guide for Assessing and Managing Odour (2016); (c) Identify any odour that is, in the opinion of the SQEP, offensive or objectionable beyond the boundary of the site <u>(recognising that whether odour that is noxious, dangerous, offensive or objectionable effect beyond the boundary of the site is to take into account and assess the effects on reasonably foreseeable residential development of the Future Urban land to the south of the site);</u> and (d) Recommend corrective actions where necessary to avoid future odour effects. Within 20 working days of completing the assessment, the consent holder must provide the odour assessment report to the Council and implement any corrective actions identified in the report within the timeframe specified by the SQEP.	Amendments relate to paragraph [96](g) of Westlake's s 53 comments.	The Applicant does not support this amendment. The condition already requires that odour cannot be offensive or objectionable beyond the <u>boundary of the site</u>. This applies whether the site is rural or urban. The Applicant has instead proposed amendments to this condition that clarifies that the odour surveys must be undertaken for both the commencement of the WWTP and the commencement of the tankering. Refer to condition 16 of the air discharge permit.