

Memorandum

To: Delmore Expert Panel C/O Environmental Protection Agency

From: Charlotte MacDonald – Barker & Associates Limited; and Carly Hinde – Auckland Council

Date: 8 July 2026

Re: Applicant and Council Response to RFI 2

1.0 Introduction

This memorandum responds to the Request for Further Information 2 (“RFI 2”), dated 29 June 2026 issued by the Environmental Protection Authority (“EPA”) on behalf of the Delmore Expert Panel (“panel”) pursuant to section 67 of the Fast-Track Approvals Act 2024 (“FTAA”). This memorandum has been jointly produced by the applicant and Auckland Council.

The following attachments are included within this memorandum:

- **Attachment 1:** Highlighted version of the proposed condition set
- **Attachment 2:** Tracked change version of conditions
- **Attachment 3:** Scheme plan showing high risk geomorphic areas
- **Attachment 4:** Typical retaining details adjacent to drainage reserves
- **Attachment 5:** Updated acoustic insulation memo

Following the technical workshops held with Auckland Council, all proposed condition wording relating to the matters captured by RFI 2 (geomorphology, dam and PIC assessments, transport matters¹, and retaining) have now been agreed between the applicant and the Council. Each technical matter is discussed in the table below, including a reference to the updated condition set in **Attachment 1** and an explanation for agreed amendments.

To try and assist the panel with both keeping track of the changes that have been made to the conditions at different stages of the process, and with preparing its own draft conditions, two versions of the conditions are attached to this memorandum. For both attachments, the version of the conditions most recently provided to the panel with RFI 1 was used as the base document.

First, within the amended version of the conditions included in **Attachment 1**:

- The conditions highlighted in **green** are those agreed between the applicant and Auckland Council as part of the applicant’s response to RFI 1 on 26 June 2026. For clarity, these conditions have not been amended since then.
- The conditions which have now been agreed between the applicant and Auckland Council in response to RFI 2 are highlighted in **pink**. For clarity, the previous version of these conditions

¹ This includes all transport matters identified in blue highlight in the applicant’s response to RFI 1 on 26 June 2026. All transport matters highlighted in yellow remain not agreed.

was highlighted blue in the conditions document provided with the applicant's and Auckland Council's responses to RFI 1 on 26 June 2026.

- The conditions highlighted in yellow indicate those where the applicant and Auckland Council have different views that have not been able to be reconciled. Auckland Council's preferred version of these conditions has been included and is shown in ~~strike through~~ for deletions, and underline for additions. This is because those changes were shown in this way in the RFI 1 version of the conditions. For clarity, these conditions have not been amended since the applicant's and Auckland Council's responses to RFI 1 on 26 June 2026.

Second, **Attachment 2** includes the conditions with the changes made as part of RFI 2 shown in track changes but with no highlighting. A comment box has been included next to each change to refer to the panel to the reasoning for the change.

The applicant and Auckland Council acknowledge that the list of all documents and plans referenced in Condition 1 will need to be updated as part of the condition review process once the draft decision has been released.

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2.0 Condition Change Summary

Point	Condition Summary	Proposed Condition(s) agreed as between applicant and Auckland Council	Position / Explanation
1	Suite of conditions relating to geomorphology	Refer to: • Condition 32 of the land use consent; • Conditions 31 and 49(k) of the subdivision consent; and • Conditions 3, 9, 10, 11, 12 and 15 of the stormwater discharge permit; within Attachment 1 to this memorandum, which shows the agreed condition wording. A tracked change version showing changes from RFI 1 is included as Attachment 2 to this memorandum.	A summary and explanation of the proposed changes is outlined below: • Condition 32 of the land use consent has been amended to reflect the potential downcutting and stream widening which was identified within the Morhum Geomorphology Assessment. • Attachment 3 to this letter includes the high-risk stream reaches overlaid onto the scheme plan to clarify that all streams will be located within private lots and/or within lots to be held by the Resident's Society. This confirms that the conditions previously included within Auckland Council's RFI 1 amendments relating to the <i>vesting</i> of streams are not required. For clarity, it is noted that the only areas which will be vested to Council that contain streams are the road reserves that contain culverts, which will be stabilised at the time of culvert construction. Some of these culverts are inadvertent dams and the applicant has been working with Auckland Transport separately on conditions regarding detailed design of these areas. These conditions and the related rationale are addressed in row 2 below. • The Resident's Society constitution (Condition 49(k) of the subdivision consent) has been amended to ensure it captures the geomorphology monitoring, and stream stabilisation works, including funding mechanisms for these works if required. Conditions relating to a bond included in

			Auckland Council's RFI 1 amendments are therefore agreed to not be required as the funding can be captured through the Resident's Society. • The conditions requiring additional consent notices on the title as included in Auckland Council's RFI 1 response have been removed as the subdivision conditions already require the specific recommendations of the GCR to be included on the titles of each lot and therefore were considered duplication. • The conditions requiring the T-Bar devices to be monitored by the Resident's Society have been removed as all on-lot stormwater devices (including rainwater tanks, and T-bar devices) will be maintained by the individual lot owners, given these are located within private lots. Condition 6 of the stormwater discharge permit requires an Operation and Maintenance Plan (OMP) to be prepared by the consent holder, and the OMP will be included as consent notices on the titles (refer to Conditions 87, 108 and 128 of the subdivision consent). • Conditions 3, 9, 10, 11 and 12 of the stormwater discharge permit have been agreed which together provide for geomorphic baseline surveys, a geomorphic adaptive management plan which includes stream movement monitoring, and a stream stabilisation plan if monitoring shows an intervention trigger has been reached. The monitoring frequency included in the conditions is 2-3 years because this is an appropriate time gap to identify change and to ensure the work required can practically be completed. If two consecutive monitoring reports demonstrates that the relevant stream reaches have stabilised, monitoring can cease and no stream stabilisation plan is needed. Overall, this approach has been agreed and adopted based on a shared acknowledgment that whilst engineering measures have been incorporated into the design to mitigate the identified geomorphic risks, the adaptive monitoring and management framework
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			provides an additional layer of certainty by enabling any ongoing stream adjustment to be identified, monitored and, if necessary, remediated. Condition 15 of the stormwater discharge permit includes a review condition which has similarly been adopted within the consent conditions for earthworks, wastewater trucking and groundwater diversion and dewatering. Both parties agree that it would be appropriate for Council to review the conditions if significant effects are identified that were not apparent at the time of resource consent.
2	Suite of conditions relating to the culverts which have been identified as inadvertent dams	Refer to: Conditions 35 – 42 of the subdivision consent within Attachment 1 to this memorandum, which shows the agreed condition wording. A tracked change version showing changes from RFI 1 is included as Attachment 2 to this memorandum.	A summary and explanation of the proposed changes is outlined below: - A full Potential Impact Classification (“PIC”) assessment consistent with the NZ Building / NZ SOLD guidelines has been completed for the inadvertent dams. This was provided to the panel on 5 June 2026 as part of the applicant’s response to comments under section 55 of the FTAA². Auckland Transport has confirmed this assessment is generally satisfactory but has asked for additional assessment to be provided at Engineering Plan Approval Stage for Embankment 3 and 4 where Embankments 6 and 11 fail. Amendments to the conditions have been proposed to reflect this. - The scope of the dam assessment and modelling was discussed and agreed with Auckland Transport prior to the submission of the applicant’s response to comments under section 55 of the FTAA³. However, on review of this information, Auckland Transport identified one culvert (embankment 5) which will require further assessment and acknowledged that this can be undertaken at Engineering Plan Approval stage. Amendments to the conditions have been proposed to reflect this.

² Refer to Appendix 8 – A21 Auckland Transport (stormwater)

³ Refer to Appendix 8 – A21 Auckland Transport (stormwater)

			- Both parties agreed that no additional conditions are required relating to fish passage, as this has been assessed by the Council's ecologist and suitably addressed within the stream works conditions. - Both parties agreed that other minor amendments to condition wording were required to ensure that the conditions were fit for purpose.
3	Acoustic mitigation for dwellings adjacent to the NOR6 arterial road.	Refer to: Conditions 91, 112 and 132 of the subdivision consent within Attachment 1 to this memorandum, which shows the agreed condition wording. For clarity, the previous condition document did not include any consent notice conditions relating to acoustic mitigation.	Both Auckland Council and the applicant agree that a consent notice is required to secure ongoing compliance with the acoustic mitigation measures following construction of the dwellings. Additionally, on request of Auckland Transport, a clearer image has been provided which shows the lots which require an acoustic design report to be prepared. This is included as Attachment 5 to this memorandum.
4	Vehicle tracking	Refer to Condition 22(c) of the subdivision consent within Attachment 1 to this memorandum, which shows the agreed condition wording. For clarity, no changes have been proposed to this condition from the 26 June 2026 version.	The proposed Engineering Plan Approval condition (Condition 22(c) of subdivision consent) requires vehicle tracking diagrams to be provided to Auckland Council as part of the detailed engineering design. It also expressly anticipates that detailed engineering matters may be refined through the Engineering Plan Approval process and provides a mechanism for departures from the specified engineering standards, where agreed by Auckland Council. This is an orthodox approach for refining detailed matters relating to vehicle tracking and is commonly used throughout Auckland. Following discussions with Auckland Transport, it confirmed that it does not object to the proposed condition wording and the reason for the condition at the conceptual level.

			Rather, its concern relates to the technical merits of some of the resource consent level drawings.
5	Sight distance assessments	Refer to: - Condition 74 of the land use consent - Conditions 22(d), 92 and 135 of the subdivision consent within Attachment 1 to this memorandum, which shows the agreed condition wording. For clarity, no changes have been proposed to this condition from the 26 June 2026 version.	The applicant's traffic engineering advice is that, subject to compliance with the consent notice requirements applying to the affected residential lots, the vehicle crossings will achieve the required sight distance standards. While Auckland Transport has questioned the practicality of this approach, the applicant considers that it is both practical and commonly used across Auckland where sight distances are dependent on features located within private property. The proposed consent notices clearly identify the areas that must remain free of visual obstructions and provide an enduring legal mechanism to ensure that the required sightlines are maintained by future landowners. Auckland Transport confirms that it does not object to the proposed consent notice wording and that conditions of this nature are an orthodox management method for this type of issue. Rather, its concern relates to the practicality of maintaining compliance with the sight distance restrictions over time.
6	Temporary pathway to be constructed from the termination point of the AT designation 14108 arterial road	Refer to Condition 22(g) of the subdivision consent within Attachment 1 to this memorandum, which shows the agreed condition wording. A tracked change version is included as Attachment 2 to this memorandum.	Auckland Transport had previously requested a temporary pathway to be constructed from the termination point of the AT designation 14108 arterial road in Stage 1 down to Upper Orewa Road. The applicant has since discussed this with Auckland Transport and explained that the temporary pathway would require a bridge for a stream crossing. As this would ultimately need to be replaced by the arterial road, the applicant's position has been that this would be an inefficient use of resources. Auckland Transport has agreed not to include this requirement on that basis. Auckland Transport also advised that the code of practice was incorrectly referenced within that condition and it should instead read "<i>Auckland Council Code of Practice for Land Development and Subdivision Chapter 3 Transport</i>".

			The applicant agrees that the correct code of practice should be referenced and the condition has been amended to address this.
7	Paper road stopping	Refer to Condition 25 of the subdivision consent within Attachment 1 to this memorandum, which shows the agreed condition wording. A tracked change version is included as Attachment 2 to this memorandum.	Amendments have been made to make it clear that the paper road stopping needs to be in place prior to section 224(c) for both Stage 2A-1 and 2A-3. This is because the existing paper road traverses both Stage 2A-1 and 2A-3. Previously Stage 2A-3 was excluded which was an error. The requirement to have a legal agreement for the sale and purchase of the land has been removed as this is not necessary to include as a requirement on the subdivision consent. The key requirement is that the paper road is stopped.
8	Retaining walls adjacent to drainage reserves	Refer to: • Condition 77 of the land use consent • Conditions 61 and 63 of the subdivision consent within Attachment 1 to this memorandum, which shows the agreed condition wording. A tracked change version is included as Attachment 2 to this memorandum.	Due to the steep topography at the site, retaining is required adjacent to the drainage reserves that will be larger than 1m in height. As part of the Section 55 Response to Comments, the applicant amended the drainage reserves to ensure all retaining was located outside the reserve boundary. The applicant has prepared typical design details for retaining in these areas, which is included at Attachment 4 to this memorandum. The conditions have been amended to require the applicant to provide detailed plans to Auckland Council at EPA stage and that the detailed plans would be generally in accordance with those provided in Attachment 4. This requirement has been included to ensure that the proposed retaining will be designed to minimise visual effects. The conditions have also been amended to require the drainage reserves to include security fences and lockable gates. This is because the drainage reserves are to function solely as stormwater devices and should not allow for public access.

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3.0 Conclusion

As a result of the further engagement undertaken between the applicant and Auckland Council, the remaining areas of disagreement on the conditions are those which were outlined to the Panel as part of the response to RFI 1.

The applicant is able to assist the Panel if any further detail is required in addition to that set out above.