
Joint Witness Statement

Delmore [FTAA-2502-1015]
26 August 2025 from 9:30am to 6:30pm

Independent Facilitator: Dave Serjeant
Supported by: Shuping Ye, Auckland Council

Attendance

The list of participants is included in the schedule at the end of this Statement.

Basis of Attendance and Environment Court Practice Note 2023

All participants agree to the following:

- (a) The Environment Court Practice Note 2023 provides relevant guidance and protocols for the expert conferencing session;
- (b) They will comply with the relevant provisions of the Environment Court Practice Note 2023.

Matters Considered at Conferencing – Agenda and Outcomes

Topic 1 – Consents

- 1.1 The Panel seeks confirmation from the experts that the Application seeks all of the consents required under the Resource Management Act 1991?

Response:

Gerard – Yes we think all the relevant consents and conditions have been appropriately addressed, with the exception of the matter of the Grand Drive extension needed to access the proposal, which is located on AVJ land.

Ila – No. I consider that the Delmore Project does not seek all the consents required specifically in respect of the consents required to construct the Grand Drive Extension. The Delmore project states that it relies on the Ara Hills RC to deliver a road for legal access. However, I consider that the Ara Hills RC does not authorise nor require the consent holder (AV Jennings) to physically construct the Grand Drive extension to the Delmore project boundary. It requires a paper road to vest at stage 2D. AVJ has confirmed to the panel in the comments that they are not contractually obliged to vest the paper road until 2028, but I can confirm that the RC does allow

that to happen earlier if AVJ obtain titles for Stage 2D earlier. I understand that the width of the paper road (30m) is not wide enough to construct the road given topographical constraints in this location hence the extent of works shown on the SGA NOR6 plans for a fill batter. I can confirm that the Ara Hills consent does not include activities nor reasons for consent to construct this portion of road in terms of earthworks, vegetation removal and stream reclamation. The vegetation along this stream is protected by covenant at Stage 2D and is relied upon for earlier stream reclamations elsewhere in the Ara Hills site. The Delmore project relies on the extension of this road but does not include any reasons for consent nor assessment to enable its construction. I identified in para 4.8 of my evidence dated 25 June 2025 that reasons for consent would be triggered under AUP (OP) to construct the road. The condition 13 referenced by Delmore in their response to the AVJ comments is an engineering plan approval condition. I can confirm that this has already been discharged by Council in 2019 and 2023 with s224c achieved for these works. These approvals clearly show that no physical road is being built to the Delmore boundary.

Dylan Pope – I consider that there remains significant information gaps in the application and assessments to confirm that all relevant consents have been applied for and assessed. These information gaps are set out in my planning memo, dated 28 July 2025. There remains a number of unresolved issues specifically in respect to the water supply, the RO waste stream and the alignment of the NoR and generally transportation matters. For these items in particular, there are uncertainties whether those in themselves would generate reasons for consent, in particular for water supply as it is the applicants proposal that it would connect to the public system, however, council position is that this would need to be private water supply. The applicant has not put forward any alternative water supply proposal. A private water supply would generate additional consents that have not been assessed for example groundwater take and corresponding conditions.

In addition regarding the RO waste stream, the applicants position is that it can go to a Watercare treatment plant or alternatively offsite or onsite. If it is to land off site then those additional required consents have not been applied for and the scope of those conditions are not understood at the current time.

In respect to the AVJ land, there is some uncertainty as to the design of those road connections what associated works will be required, for example vegetation removal, stream reclamation, changes to land covenants/consent notices.

Nadine – AT's concerns are outlined in the memo and include, but not limited to, the following:

- The extent of infrastructure is deficient in terms of the design of the subdivision application and the way that the roading and infrastructure are provided, including the lack of provision for NoR 6.
- The access to the site on Grand Drive as there is not enough information. As identified by AVJ there is a gap between the works to be undertaken to construct

this road from where the AVJ road works finish to where the application works start. There is no consent for this work and no access to the site and the NoR provides route protection and does not provide for construction.

- The potential need for upgrades to the Grand drive interchange that needs consent

The above matters would need additional information from the applicant and consent.

Amber – Watercare agrees with Dylan Pope's assessment of the need for a water take consent and possible further consents for discharge of the RO waste stream. I would also point out that the WW discharge consent sought is only sufficient for stage 1 of the development. Where future WW connections to the public network are not available, WW discharge consent would need to be in place to support the full development.

Transport:

- Gerard advises that in respect to the small portion of the Grand Drive Extension within the AVJ land, this is a road that is identified in the NoR, but is not part of the application. Acknowledging there are ongoing discussions between AVJ and Delmore, it is anticipated that connection will be in place to service the development.
- Gerard considers in response to the AT comments made above with respect to the roading network proposed and the infrastructure required as well as the consents and conditions, will be a matter for the Panel to decide on.

Interchange: Leo's position is that there are no upgrades required (provided there is a proposed condition limiting the number of dwellings and resulting traffic out of the site before the Upper Orewa Road connection is established) and therefore, no consents required. This would be discussed further under Topic 5.

Craig and Paul – We consider that the condition which specifies a connection with Upper Orewa Road will not address issues with the Grand Drive motorway interchange upgrade as the distribution traffic is uncertain.

Wastewater: Matt's position is that options exist for the RO waste stream to be disposed of to an appropriate facility and that no consent will be required for that. It is accepted that there will be conditions requiring confirmation of where the RO waste stream will be disposed of.

Water supply: James's position is that there is sufficient physical capacity to service the development and connection and approval for connection will be sought. In the event that approval cannot be obtained then the alternative would be for a water take consent and it is acknowledged that a RC would be required for that which has not yet been sought.

In respect to Dylan Pope's comments, Gerard and Charlottes view is that all other necessary consents have been identified.

1.2 Do the proposed draft conditions of consent address requirements for all consents sought?

Response:

Gerard – We accept that a condition would be required to ensure that the road link for the Grand Drive Extension as it relates to the AVJ land is in place prior to S224c being issued for Delmore lots.

Ila – No. For the reasons outlined in 1.1 I consider that until the road extension is designed and assessed it is not clear what conditions would be necessary. Although it is assumed that conditions would be required to secure the delivery of the road extension including engineering approvals and certifications at s224c, stream works, vegetation removal, and compensation/offsetting for any stream reclamation (which based on the SGA plan and the stream classification work undertaken by AVJ may require 60m stream reclamation). I highlight that until the paper road is vested under Stage 2D of the Ara Hills consent that there is no legal access to the Delmore project from the Ara Hills site and that any works outside the paper road corridor (post vesting) would require land owner approval and/or a commercial arrangement with AVJ or the landowner.

Dylan Pope– No. For the reasons mentioned above in 1.1 I consider that all consents have not been applied for; there are significant gaps in application documents and assessment; and this information includes but is not limited to, AVJ road connection and water supply, RO waste stream, NoR matters and transport infrastructure deficiencies, as outlined in my memo. From a planning point of view, the conditions of consent should not substitute for key or fundamental information gaps specifically where conditions seek to resolve uncertainties or issues around feasibility in the WW and water supply.

Nadine – Because of the concerns outlined in 1.1 above, I consider that the conditions do not cover all transport infrastructure matters.

Paul – I have outstanding concerns with the triggers (number of dwellings) for the Upper Orewa Drive/Road 17 roundabout and other technical traffic engineering design matters.

Topic 2 – Wastewater Infrastructure

2.1 The Panel acknowledges the differences in the position of the applicant and the Council family on the matter of access to wastewater treatment and disposal (and water) infrastructure. However, on the specific matter of on-site wastewater

treatment, are the experts satisfied that the proposed conditions of consent for on-site treatment and disposal of wastewater are appropriate?

Response:

Wastewater

Matt – The conditions as currently proposed have been developed in quite close consultation with council experts and it is in my opinion that they adequately cover the requirements for onsite disposal. The one possible point of contention being the fate of the RO reject as discussed in 1. I would propose a condition requiring an agreement of the disposal of that offsite, for example prior to s224c. Other waste treatment facilities not operated by Watercare exists in the vicinity but commercial agreement would need to be reached with them before proceeding.

Dylan Walton – We have worked closely with the applicant in developing conditions related to the disposal of the wastewater at the site. On the surface of it, I would be open to a condition at s224c requiring certainty or showing certainty that the RO reject stream has somewhere to go or can be taken offsite or disposed of legally. I do have a question about the fate of the 80% of treated wastewater taken away or trucked offsite during summer. My question relates to having some sort of certainty around the feasibility of trucking the 80% treated wastewater to another facility. What are the realistic and feasible options and can any certainty be provided around those.

Tim – Watercare would not currently accept wastewater to our network from the development, including trucked wastewater, though I do acknowledge that the stated suggestions for taking it to a private operator would be possible. However in noting that it is possible, Watercare has extensive experience with trucked wastewater and the experiences are not good and carries a lot of risks and it is important to note that despite this, would be privately operated, Watercare would have reputational risks. Another thing on tankering is that the truck volumes are significantly higher than domestic volumes of discharge and that is generally because of inflow and infiltration. The argument put forth is that the network is brand new, but the experience is the opposite and performs poorly in the network.

Earlier it was mentioned that the expectation was that once available that this development would just connect to the Watercare network and any treatment plant would treat those flows, whilst technically that may be possible, Watercare have significant concerns about the practicality of that and expect that the proposed temporary private treatment would need to be permanent. This position is driven from concerns about vesting of aged assets and there being no practical mechanism for recovering Infrastructure Growth Charges (IGC).

James response to above – It is proposed to connect to the public network at the time of Stage 2 following the completion of the Army Bay upgrade. At that time there is additional capacity available at the treatment plant.

The collection mechanism for the IGC would be using the residents society to collect the IGC from the Stage 1 residents prior to connection to the public network and in response to the aged pipe work, I understand that the Army Bay upgrades will be complete in 2032 so it is proposed to utilise the Engineering Plan Approval process and vested so that there will be approximately 4 years of age at the time the Army Bay treatment plant comes online.

Matt response to tanker volumes above – While the network is new and the system is temporary, the modelling carried out does factor in significant infiltration. In addition to this, a 1 million litre tank is proposed to be provided for the tankered waste which is significantly more than a few plastic farm tanks as has caused issues elsewhere.

Tim response to James comments above - Watercare could not accommodate this development from a bulk wastewater perspective until the stage 2 upgrades of Army Bay treatment plant anticipated in 2050 noting this is currently unfunded (notwithstanding earlier concerns about aged assets and growth charges).

Rue and Mark – Both maintained their (opposing) views in terms of wastewater as expressed in their memo's.

Paul – There is an issue with the trucks to and from the site to remove the wastewater on Russell Road, with regards to horizontal curves and I understand that the applicant may be proposing to undertake curve widening, site benching and vegetation removal to address to issues however I have not seen the drawings showing this, but I understand this can be conditioned.

Leo – I agree and there's a proposed condition 66.

Water

James – Consistent with the wastewater as well, we understand there is physical capacity in the bulk water network albeit we understand Watercare has a view that a connection cannot be provided till 2038.

Tim - In terms of water, Watercare confirms that this development cannot be accommodated from a bulk water perspective until the North Harbour 2 and Orewa 3 pipelines and associated bulk infrastructure are constructed, anticipated 2038.

Topic 3 – Ecological Information

3.1 The Council remains of the view that ecological information typically required for a significant project is missing, both in relation to areas which may qualify for ongoing protection and to the adverse effects of activities on ecological values. Is

the lack of information of a nature that is determinative of the shape and form of development, or can requirements for future investigation prior to development be conditioned in order to specify appropriate protection (including covenant areas) and mitigation measures?

Response:

Mark – I consider that the assessment was appropriately for the nature and type of activity relating to the ecological features. The ultimate question for the Panel is whether the outcomes of the future fauna surveys change our conclusions or recommend mitigation measures and ultimately require amendments to the shape and form of the development. My answer to the question is no because we adopted a conservative approach by assuming the presence of threatened and at-risk species. If the surveys confirm these species are present this will validate our assessment. If not, it will show that our assessment and proposed mitigation measures were conservative.

In relation to Rue's conditions as per July 2025 and in relation to the fauna survey and management conditions, I don't have a fundamental issue with the suggested conditions our approach was to incorporate the required NoR 6 fauna conditions so there is not a conflict.

Rue – I disagree with the applicant's approach. In my opinion structured surveys do indeed inform the scale and layout of development and would be commensurate to the values acknowledged on the site. I have set this out in my memo dated July 2025. In my opinion the conditions set out in my memo sets clear direction of the management required for the construction phases of the development within specific areas of habitat loss.

Antoinette – My concerns are regarding freshwater fauna and values, streams and wetland. In particular, I have concerns regarding the stream erosion since this is already an eroded system. I am concerned that additional stormwater input and catchment changes as well as undersized culverts will contribute to increased erosion and consequences of erosion is elevated sediment loads which will affect sensitive fish. This has been included in my memo, dated July 2025.

Mark - In response to Antoinette comments, this is outside my area of expertise and I have had to rely on the applicant's stormwater engineers in relation to the appropriateness of the stormwater measures to effectively mitigate erosion and sediment.

Topic 4 – Residential Society

The long-term management of infrastructure and environmental protections is to reside with a proposed Residential Society. While the Panel is familiar with Body Corporates and the obligations of consent notices for specific properties, it seeks the views of the experts as to their experience with and the viability of such an extensive obligation as is proposed for the Residential Society.

4.1 Can the experts advise as to examples they are familiar with of resident groups with such extensive obligations?

Response:

(Council have not reviewed the report prepared by Phillip Lockyer. Council would seek to provide comments to each topic item once the report has been circulated by 5pm Thursday 28th August).

Phillip Lockyer has provided four examples:

- 25 unit development and completed in 2020, which involves significant planted areas. The 5 ha were originally farmland and gorse and effectively stripped back to clay and grass and the bush is now in some places 5-6m high in manuka and kanuka and other native trees. The society spends \$150,000 for weed eradication which is moth weed, asparagus weed and tobacco weed. There are significant gabions, stormwater and rain gardens. There are archaeological sites and iwi sites that are required to be maintained and protected. They spend \$43,000 a year on pest management. Total budget \$400,000.
- 81 lot development and developed as vacant lots and communal facilities comprising a pavilion/community hall, indoor swimming pool, spa pool, tennis court, gym, and extensive roads. On the shore of Lake Taupo, so the runoff from the roads must be adequately filtered through sand cobbles. It is 20 years old and going through Resource consent to install additional stormwater devices i.e water garden and biofilters. The budget is \$300,000 on maintaining the site.
- 67 lot society – road is 5km long and \$250,000 on maintaining the road and recreational facilities.
- 151 lot society – terrace houses in central Wellington. \$300,000 a year for insurance. \$200,000 a year for general maintenance of the development and management. The cost is \$3,500 per lot.

4.2 What has been the track record of these residents groups in performing obligations?

Response:

Phillip Lockyer states all contracts that the society is required to enter into are signed prior to the settlement of the sale of the first lot. This ensures that all obligations are

met by the society of its contractual obligations. And these contracts are part of the opening resolutions of the society and include the approved budget and levy per lot.

The controlling member is the developer. Controlling member has one more vote than all other lots combined to ensure that the developer can complete the development and all the contracts and works that are required are undertaken. The constitution will provide that it cannot be changed without the controlling members consent and the controlling member no longer forms part of the society once the controlling member no longer owns a lot in the society. It is imperative that the constitution is worded appropriately to ensure that the ongoing obligations such as maintenance and funding are defined.

4.3 What has been the means by which the obligations have been funded?

Response:

Phillip Lockyer – funded through levies. In the administration of 4500 lots contained in 140 societies, we have never failed to collect a levy and in the broader picture of 23,000 lots in 1000 multiunit developments we have never failed to collect a levy.

4.4 What is the estimated annual cost of these obligations?

Response:

Phillip Lockyer – Stage 1 projected total budget is \$751,650 which equals \$1,555 per lot. That budget includes \$531,000 for the wastewater treatment plant. Once the WW plant is decommissioned the budget will reduce to \$455 per lot.

Stage 2 levy - \$450 per annum which includes ecological and landscape maintenance and all pest management contingency and compliance and society management. The council charges as part of its rates take rubbish and recycling rates as the JOAL will have private collections. There will be a private collection costs of \$380 per lot. There will be a rebate application made to council of which the likely rebate will be \$315 per lot. The difference between those would be \$65 per lot on a JOAL.

4.5 Have such arrangements included assurance or bonding measures on the consent holder?

Response:

Phillip – The 25 lot society has a bond of \$250,000 for a period of 5 years, the balance of the bond will be paid next month. The bond was paid by the developer but the bond was returned to the society. The society performed the obligations of the bond and so where the bond was paid for by the developer, it was returned to the society. Most RC or development that we manage where there are ongoing responsibilities those RC or consents are then assigned to the society, so the obligations then

become the society's and the constitutions should refer to the Resource Consent and must comply with their ongoing consent requirements as set out in the Resource Consent.

4.6 How and to what extent would the implementation of such arrangements detract from the stated benefits of the project?

Response:

Charlotte – In terms of the costs as Philip has demonstrated, the costs of a residential society is not substantial. With the wastewater management in place the costs would be approximately \$30 per week per lot in stage 1 which is temporary. Once the wastewater plant is removed that would drop to about \$8 per week per lot in stage 1. There would be no Watercare or wastewater costs for each of the lots in stage 1 as they are not connected to the public wastewater system. So the average costs for water and wastewater through Watercare would be \$1200 per annum of which 60% is wastewater, which would be \$720 per year. So even when the lot owners are paying \$1555 per annum in stage 1 they are not paying for wastewater through Watercare.

Ecological benefits – new wetlands areas would be established by the consent holder and then the resident society would have ongoing obligations for maintenance such as pest control. In terms of the benefits, we consider it a positive outcome as it ensures one entity has overall responsibility rather than leaving it to individual land owners.

Topic 5 – Strategic Roothing and Transport Matters

The Application includes the approval of a scheme plan of subdivision setting in place the spatial layout of future development. The Panel seeks advice as to the extent to which the various components of the scheme plan are agreed between the experts.

5.1 The Project includes land that provides for strategic roading infrastructure or interfaces with such infrastructure. This infrastructure includes NoR6, the new connection between Milldale and Grand Drive, Orewa, the delivery of which underpins some the Project benefits claimed by the applicant. Do the experts consider that the partial delivery of NoR6 or any variance of the alignment from the designated route is able to be remedied by the imposition of conditions?

Response:

Nadine – No because the alignment termination point on the southern boundary does not join with the NoR alignment instead it is proposed to link to third party land. It cannot be conditioned for the road to be constructed on third party land. Given the design of the arterial within the application the road would need to be extended all the way down to Upper Orewa Road and Russell Road over this third party land and the application does not include information on this needed

extension to the arterial. There's no funding for any construction works for the NoR so developers would need to build the road to Upper Orewa Road and Russell Road.

Robert – The applicant's alignment does not comply with appropriate standards as it has an 8% grade over an extended length which is not suitable for an arterial road with active mode facilities. Also includes a vertical sag curve across the proposed bridge which is on third party land and involves a bridge across two streams increasing the construction complexity. It is also unclear what the tie in detail at the roundabout on Upper Orewa Road would be.

Gerard – We have not previously understood the nature of the concern with the NoR alignment, in so far as it related to the southern section. The Delmore team would like some time to understand the implications of what AT have advised with respect to matching the tie in with the concept designation alignment.

James – In terms of Robert's comments with respect to the 8% grade, there is nothing in the TDM that states that grades over 8% for carriageway are non-compliant.

Paul – The TDM states for footpaths, the gradient must not be over 8% without a departure from standards.

5.2 The Project roading hierarchy, including the provision of collector roads, remains inadequate to enable public transport and connectivity. This has implications for the overall scheme plan. Do the experts consider that this matter can be addressed by the imposition of conditions?

Response:

Leo – In my opinion the inclusion of collector roads cannot be addressed with conditions, and the reason is that changing local roads to collectors will alter the overall subdivision layout. Further, I maintain my position that collectors are not required.

Nadine and Paul agree that the changing of local roads to collectors cannot be achieved with conditions. The reason being that it will alter the overall subdivision layout and therefore the scheme plan. As changes to the scheme plan will be needed to provide for collector roads, this requirement cannot be conditioned. Collector roads are needed. One of the main reasons for collector roads are to provide for active modes (separate cycle ways and footpaths) and public transport.

Topic 6 – Transport Standards

6.1 Multiple transport aspects of the roading, access and lot layout have implications for the scheme plan. Does the existing scheme plan account for compliance and acceptable standards as necessary or is this able to be a matter for conditions?

Response:

Leo – My position is that, with the exception of the collector road issue, I consider the other compliance standard issues can be conditioned.

Nadine and Paul – There are issues with roundabouts and tracking and active modes through the site, this can impact the scheme plan. Given the information we have, we consider that these issues are not able to be addressed through conditions. There are also other extensive matters outlined in our memo and they cannot be conditioned where they require a redesign. Some of the upgrades may require construction on third party land which cannot be conditioned.

Nadine – There are issues with active modes, connections along the periphery along the site between access points along Upper Orewa Road and Russell Road. Provision for an interim path within the existing road reserve providing for this along the southern boundary from one side of the development to the other (road 17 to road 1) along the north side of Upper Orewa Road and Russell Road could be conditioned.

Craig – Access via Upper Orewa Road and Wainui Road cannot be conditioned as the road and intersection with Wainui road is substandard and the upgrades required have not been agreed or defined.

Paul – I consider that a roundabout at the Upper Orewa Road and Wainui Road intersection is required and consider that a roundabout design would need to be agreed prior to grant of consent.

Paul - The intersection of Upper Orewa Road and Russell Road has preexisting driver sightline issues for drivers turning right into Russell Road which the proposal would exacerbate by increasing the volume of traffic on Upper Orewa Road and also by wastewater tankers turning right onto Russell Road. I consider that this cannot be addressed via conditions as the visibility is obstructed by vegetation on third party land.

Leo – I consider the upgrades to Upper Orewa Road and Wainui Road, including provision of an interim path within the existing road reserve, and the intersections are not required to mitigate the effects of this development. I do however consider a condition could be developed to require the upgrades, apart from the existing issue regarding sightlines at Upper Orewa Road and Russell Road. My position has been noted in previous memos to the Panel.

Confirmed in person: 26 August 2025

Expert's name and expertise	Party	Expert's confirmation
Charlotte MacDonald (Barkers, Planner)	Vineway Limited	Yes
Gerard Thompson (Barkers, Planner)	Vineway Limited	Yes
Leo Hills (Commute, Traffic Engineer)	Vineway Limited	Yes
James Kitchen (McKenzie Co, Civil Engineer)	Vineway Limited	Yes
Matt Savage (APEX Water, Wastewater Engineer)	Vineway Limited	Yes left conferencing at 2:24pm following wastewater/water topic
Mark Delaney (Viridis, Ecologist)	Vineway Limited	Yes left conferencing at 2:58pm following ecological topic
Ian Campbell (Public Works Advisory)	Vineway Limited	Yes left conferencing at 5:10pm
Phillip Lockyer (Director – Strata Title Administration)	Vineway Limited	Yes
Ila Daniels (Campbell Brown Planning, Planner)	AVJ Hobsonville Pty Ltd	Yes left conferencing at 2:53pm following ecological topic
Mitch Roberts (Airey, Civil Engineer)	AVJ Hobsonville Pty Ltd	Yes left conferencing at 5:10pm
Ashley Watson (Airey, Civil Engineer)	AVJ Hobsonville Pty Ltd	Yes left conferencing at 5:10pm
Dylan Pope (DCS, Planner)	Auckland Council	Yes
Carly Hinde (Planner)	Auckland Council	Yes

Dylan Walton (GWE Consulting, Wastewater)	Auckland Council	Yes left conferencing at 2:24pm following wastewater/water topic
Ray Smith (Development Engineer)	Auckland Council, AT, HW, Geotechnical	Yes left conferencing at 3pm following ecological topic
Antoinette Bootsma (Freshwater Ecologist)	Auckland Council	Yes left conferencing at 2:58pm following ecological topic
Rue Statham (Terrestrial Ecologist)	Auckland Council	Yes left conferencing at 2:58pm following ecological topic
Tim Scheirlinck (Engineer)	Watercare, water and wastewater	Yes left conferencing at 2:24pm following wastewater/water topic
Amber Taylor (Planning)	Watercare	Yes left conferencing at 2:24pm following wastewater/water topic
Craig Richards (Beca, Transport Engineer)	Auckland Transport	Yes left conferencing at 5:10pm
Paul Schischka (PTM Consultants, Transport Engineer)	Auckland Transport	Yes
Robert Mason (Beca, Transport Engineer – Supporting Growth Alliance)	Auckland Transport	Yes left conferencing at 5:52pm
Nadine Perera (Planner)	Auckland Transport	Yes