

5 June 2026

Andrew Fawcett
Vineway Limited

By email only: andrew@mylandpartners.com

Dear Andrew,

DELMORE - INFRASTRUCTURE SERVICING – CONDITIONS PRECEDENT – SECTION 84A FTAA

1. You have asked us to provide legal advice on:
 - (a) The extent to which section 84A of the Fast Track Approvals Act 2024 (“**FTAA**”) changes the ability of FTAA expert panels to impose conditions relating to infrastructure.¹
 - (b) The implications of section 84A FTAA for the Delmore fast track application (“**the Application**”) and specifically whether Vineway Limited’s (“**Vineway**”) proposed conditions of consent relating to the provision of water and wastewater infrastructure are lawful and appropriate in that context.
2. In summary, we consider that:
 - (a) Section 84A FTAA clarifies and arguably extends the ability of expert panels to impose conditions regarding infrastructural capacity on fast-track applications.
 - (b) Useful guidance as to the meaning and application of section 84A FTAA is provided by background government papers, the Hansard record of the relevant Parliamentary debate and subsequent decisions under FTAA.
 - (c) The conditions proposed pursuant to the Delmore fast-track application, which:
 - (i) Anticipate the consent holder providing for infrastructural capacity to service the development through a range of mechanisms including permanent on-site infrastructure, connection to the public network or a combination of those methods; and

¹ Minute 2 of the Expert Panel dated 1 April 2026, at [11](e).

- (ii) Preclude the occupation and operation of activities that would generate adverse effects in the absence of such infrastructure (e.g.: residential use of dwellings)

are both lawful and appropriate in terms of FTAA and section 84A in particular.

3. This letter addresses the following issues:

- (a) The content of and legislative background to section 84A FTAA.
- (b) The meaning and application of section 84A FTAA.
- (c) The infrastructural arrangements and conditions proposed by Vineway for the Delmore development.
- (d) Whether the proposed Delmore conditions are lawful and appropriate in terms of FTAA as now amended.

Content of and Legislative Background to Section 84A FTAA

4. Section 84A FTAA was introduced by the Fast Track Approvals Amendment Act 2025 (“**Amendment Act**”). It provides (emphasis added):

“84A Conditions relating to infrastructure

(1) The panel may set conditions to ensure that the infrastructure in the project area or other infrastructure the project will rely on is or can be made adequate to support—

(a) the project; or

(b) the stage of the project to which the application relates.

(2) This section applies in addition to, and does not limit, any other powers to set conditions under this Act.

(3) To avoid doubt, a condition set under this section may impose an obligation on the applicant only.”

5. The Application requires a range of consents under the Resource Management Act 1991 (“**RMA**”). The tests applying to conditions of consent under FTAA differ from those under RMA in that:

- (a) Clause 17(1), Schedule 5 FTAA provides that, when considering an application, including conditions imposed, the Panel must place the greatest weight upon the purpose of the FTAA.
- (b) Section 83 FTAA provides that, “*When exercising a discretion to set a condition under this Act, the panel must not set a condition that is more onerous than necessary to address the reason for which it is set in accordance with the provision of this Act that confers the discretion.*”

Section 84A FTAA represents another departure from the approach under RMA.

6. The departure from the RMA framework is deliberate and was made explicit during the Parliamentary debates (first and second reading) about the Amendment Act:

- (a) The Application represents the second time that Vineway has sought approval for the Delmore proposal under FTAA. The initial application was subject to a draft decision that envisaged declining the RMA approvals sought, in part due to a lack of certainty as to the servicing solutions for water and wastewater in circumstances where Watercare was unwilling to confirm timing of future connections and in the absence of an alternative, interim or permanent, solution acceptable to Council or Watercare. This was despite conditions being proffered which required provision for servicing.
 - (b) It is apparent from the Hansard record that section 84A FTAA was drafted as a direct response to the Delmore draft decision.
 - (c) During the first reading debate, it was stated that the section was intended to enable applications to be *“granted conditionally without planned future infrastructure, such as roads and services being completed”*.²
 - (d) The Hon Chris Bishop recorded during the second reading debate that³ *“... if the infrastructure’s not there then, as the Delmore decision finds, that is an adverse effect that can be taken into account... However, we have also made the amendments around ... conditional approvals based on the infrastructure. That is also a direct response to Delmore.”*
7. Section 84A FTAA enables a panel to impose conditions of consent that *“ensure”* that infrastructure *“is or can be made adequate”* to support the project or the relevant stage of the project. We consider that the wording envisages circumstances in which, variously:
- (a) Infrastructure capacity is present at the time the application is assessed (i.e.: *“infrastructure ... is adequate to support the project”*);
 - (b) Infrastructure capacity is expected to be in place by the time the project or the relevant stage of it is implemented (i.e.: *“infrastructure [will be made] adequate to support the project”*); or
 - (c) The applicant identifies that there are non-fanciful and feasible methods through which infrastructure capacity can be implemented to enable the project or relevant stage to occur (i.e.: *“infrastructure ... can be made adequate to support the project”*).
- In the latter case, in order for conditions to *“ensure”* that infrastructure capacity is in place by the time the project or relevant stage of it is implemented and, for example, dwellings are occupied (thus generating demand for water supply and wastewater capacity) the conditions should preclude such occupation occurring unless and until the required infrastructure capacity is available.
8. The draft decision on the initial Delmore application did not accept an approach whereby the appropriate solution would be determined at a later stage.⁴ It is that analysis that section 84A is explicitly intended to circumvent.

² [\(6 November 2025\) 787 NZPD \(Fast-track Approvals Amendment Bill – First Reading, Hon. Chris Bishop\)](#).

³ [\(9 December 2025 – continued to 12 December 2025\) 789 NZPD \(Fast-track Approvals Amendment Bill – Second Reading, Hon. Chris Bishop\)](#).

⁴ The Draft Decision appeared to proceed on the basis that the on-site solution would need to be “acceptable” to Council or Watercare (see for example para 349). For completeness we record our view that this is not what the decision making framework of the FTAA (nor the RMA) requires.

The meaning and application of section 84A FTAA

FTAA Framework and Legislative & Policy History

9. The approach set out in paragraph 7 above is consistent with the scheme of the FTAA and its legislative and policy history.
10. The purpose of the FTAA is “to facilitate the delivery of infrastructure and development projects that provide significant regional or national benefits”.⁵ It establishes a separate, and distinct, statutory framework for obtaining approvals under the RMA where a project will deliver significant regional or national benefits. The FTAA framework envisages approval of regionally or nationally significant projects even where they may not have been anticipated under a relevant planning document and such a consent may have warranted decline under the RMA (e.g.: because of misalignment with infrastructure provision).⁶ As noted by the High Court in *Ngāti Kuku Hapu Trust v EPA* [2025] NZHC 2453 (emphasis added):

“In enacting the FTA, Parliament made a deliberate decision to de-emphasise factors which might militate against approval. For example, the cabinet minute which approved the inclusion of the 149 listed projects noted it was the Government’s intention to establish a consenting and permitting process that “makes it substantially easier for projects to be approved than the status quo, with a high bar needing to be reached for a panel to decline a project”. The premium the FTA places on speed and the reduced emphasis on cultural and environmental considerations.”

The premium placed on speed implies a wish on Parliament’s part for development to occur earlier than might otherwise be the case. That, in turn, suggests that decision makers should be open to accepting or enabling temporary, interim or project-specific solutions where, for example, infrastructure works are not anticipated to be implemented immediately or in a manner that serves the proposal.⁷

11. The purpose and framework of the FTAA, and the High Court’s observations in the *Ngāti Kuku* decision are consistent with an interpretation of s 84A FTAA that does not require certainty of infrastructure delivery at the approval stage. Given Parliament’s decision to prioritise speed and facilitate approval of regionally or nationally significant projects, even where they are misaligned with existing planning or infrastructure frameworks, we consider it is sufficient that infrastructure provision is realistic and deliverable in principle, even if timing, funding, or mechanisms remain to be finalised post-approval.
12. This is further supported by policy documentation that was prepared in support of the Amendment Act:
 - (a) Whilst heavily redacted, the options analysis in a Ministerial Briefing paper noted that the proposal to clarify that approvals can be conditional on subsequent satisfactory approach to infrastructure provision (i.e.: section 84A) would, “*prevent projects being declined on the basis of infrastructure constraints and [make] it a matter for resolution*

⁵ FTAA, s 2.

⁶ FTAA, s 42 (may seek an approval for prohibited activities under RMA); s 85(4) (may not form view s85 threshold met solely on basis of inconsistency with policy); sch 5 cl 17(1)(b) (section 104D RMA excluded) and cl 17(4) (take into account provision requiring decline but must not treat it as requiring decline). See also extract in Maitahi Village Expert Panel Decision dated 18 September 2025, at [51] regarding Parliamentary Intention.

⁷ By way of example, the Application involves a site-specific wastewater solution for Stage 1 (unless an alternative solution is implemented in conjunction with Watercare).

between Councils and applicants”.⁸ The cons identified include matters such as “may result in approved projects which are never delivered or never realise their benefits” and “may be a negative outcome for applicants who could end up with a consent that cannot practically be used”.⁹ This suggests that the intention is that a panel need only be satisfied that agreement with infrastructure providers *may* be reached, not that it will necessarily occur. A copy of this document is attached as **Annexure A**.

- (b) Similarly, the Departmental Report on the Fast-track Approvals Amendment Bill makes clear that approvals can be granted conditional on infrastructure being in place. There is no suggestion that a decision maker needs to be satisfied that this *will* occur, rather that it could happen:

“194. The policy intent of this proposal is for conditions to be placed to facilitate the provision of subsequent infrastructure, by allowing the applicant and the relevant local authority or infrastructure provider to negotiate an agreement later (after approvals are granted). It was not to disrupt existing case law and provide a power to the Panel to impose a legal obligation or costs on a third-party. The questions raised by submitters show that the current drafting is ambiguous and could be clarified”

“196. Officials do not consider imposing time constraints on the exercise of these types of conditions is necessary in the primary legislation – this can be achieved case-by-case as appropriate through specific conditions placed by expert panels.”

“333. Savings provisions are suggested to appropriately accommodate changes so parties are not detrimentally affected. For example, approvals conditional on resolving infrastructure issues will be allowed for applications that are in process but not yet been decided by an expert panel. A table is attached as Appendix 2 of this report.”

- (c) These documents make it clear that the legislative intent was that infrastructure need not be adequate at the time of approval, and to enable conditions that envisage infrastructure capacity being achieved through later works, upgrades or arrangements. Section 84A FTAA enables panels to set conditions that require the provision of infrastructural capacity before development occurs without having certainty as to how that will occur in practice.

Decisions considering section 84A FTAA

13. The analysis set out in paragraph 7 above is consistent with the approach adopted in recent panel decisions under FTAA which have considered the meaning of section 84A FTAA. Those decisions have included findings that:

- (a) By introducing section 84A FTAA, Parliament intended to broaden the circumstances in which approvals may be granted (emphasis added):¹⁰

⁸ Briefing: Advice on additional amendments for inclusion in the FTAA Amendment Bill (11 September 2025) at Appendix 1, Topic 3.

⁹ Ibid.

¹⁰ Pound Road Industrial Development Expert Panel Decision, dated 1 May 2026 at 190.

“190. We consider the deliberate nature of that amendment to be persuasive. The change from “will be made” to “can be made” indicates that Parliament intended to broaden the circumstances in which approvals may be granted...”

- (b) Infrastructure adequacy as contemplated by section 84A FTAA may depend on actions yet to occur (i.e.: infrastructure does not need to be secured at the point consent is granted). To that extent, section 84A FTAA accommodates circumstances where infrastructure upgrades may occur after approval is granted, provided the Panel is satisfied that those upgrades are realistically capable of being delivered (emphasis added):¹¹

“190. ... In particular, the amended wording recognises that infrastructure adequacy may depend on actions yet to occur.

191. In our view, the amendment also reflects the practical reality that infrastructure delivery is frequently undertaken by third-party providers whose investment programmes may not align with the timing of fast-track developments. The wording of s 84A therefore accommodates circumstances where infrastructure upgrades may occur after approval is granted, provided the Panel is satisfied that those upgrades are realistically capable of being delivered.”

- (c) Section 84A FTAA contemplates conditions that regulate the timing or staging of development until the relevant infrastructure becomes available. It does not require certainty that the infrastructure will be provided (emphasis added):¹²

192. In that light, the word “ensure” can properly be read as requiring us to be “certain” or satisfied that there is a credible infrastructure solution available. It does not require certainty that the relevant infrastructure will be in place at the time we make our decision.

193. This interpretation is reinforced by s 84A(3), which clarifies that conditions imposed under the section may impose obligations only on an applicant. We therefore cannot compel a third-party infrastructure provider to design, fund, or construct infrastructure. The statutory scheme instead contemplates conditions that operate on an applicant, including conditions that regulate the timing or staging of development until the relevant infrastructure becomes available.

194. While we agree that a condition precedent is lawful in principle, we have difficulty with interpretations that treat the alternatives “is” and “can be made” as effectively synonymous, both meaning that infrastructure “will” be provided. In our view, such an interpretation would diminish the significance of Parliament’s deliberate choice of language.

- (d) The policy intent that underpins section 84A FTAA recognises that an applicant may need to negotiate an agreement with infrastructure providers after an approval is granted (emphasis added):¹³

¹¹ Ibid, at [190] – [191].

¹² Ibid, at [191].

¹³ *Sunfield* Expert Panel Decision dated 10 March 2026, at [824]. While the *Sunfield* decision has been appealed by Auckland Council, we do not understand this finding to be contested.

824 The infrastructure conditions that the Applicant agrees to be bound to are precisely the type of condition that section 84A contemplates. The policy intent that underpins section 84A recognises that an Applicant may need to negotiate an agreement with infrastructure providers after an approval is granted. That is what is happening here. Agreement with Watercare has not yet been reached.

14. While not binding on a subsequent Panel, we consider these findings to be persuasive in the circumstances and note that they align with a purposive interpretation of section 84A FTAA and legislative history discussed above.

Proposed Infrastructural Arrangements and Conditions for the Project

15. The Application seeks approvals to develop approximately 109 ha of land in Ōrewa to deliver a range of primarily residential urban activities, as well as supporting infrastructure (including an onsite wastewater treatment plant and onsite water supply and treatment in the event that connection to the public networks cannot be provided in a timely manner due to capacity constraints).
16. The land is currently zoned Future Urban (“**FUZ**”) in the Auckland Unitary Plan (“**Unitary Plan**”) and is sequenced for development from 2050+ in the Council’s Future Development Strategy (“**FDS**”) due to infrastructure constraints, including the Army Bay Wastewater Treatment Plant Upgrade.
17. As part of the (new) Application, Vineway’s proposed conditions of consent provide for the ability to service the site either through on-site infrastructure or by connection to the public network.¹⁴

- (a) **Re Water Supply** (parts 1.8.1, 1.8.3, 1.8.4, 2.4, 2.5.2, 2.5.3, 3.1.10, 3.1.11, 3.1.12 proposed Consent Conditions) – The proposal is that the development will be supplied via an approved groundwater take (consent number WAT60456696). While Vineway proposes on-site servicing as a permanent solution, the proposal retains flexibility to supply water via a connection to the public water network either:

- (i) Immediately in the event connections become available in a timely manner; or
- (ii) At a future date once connections become available (i.e.: switching from the onsite supply to the public network).

In summary, there are three options for water supply: permanent onsite supply via the existing consent; interim onsite supply followed by future connection to the public network; or immediate connection to the public network if Watercare is prepared to enable that to occur.

- (b) **Re Wastewater Network** (parts 1.8.1, 1.8.2, 1.8.4, 2.4, 2.5.1, 2.5.3, 3.1.10, 3.1.11, 3.1.12, 3.2.1, 7 and 8 of the proposed Consent Conditions):
 - (i) The applicant proposes on-site treatment and discharge of wastewater capable of servicing **Stage 1** of the development (i.e. a fully private network as a

¹⁴ See Explanatory Note; *General Conditions* Part 1.8 (Servicing Framework); *LUC Conditions* Part 2.4 (Engineering Plan Approvals), 2.5 (Infrastructure Servicing); *SUB Conditions* Section 3.1.10 (Utility Company), Section 3.1.11 (Resident’s Society), Section 3.1.12 (Infrastructure Servicing), Section 3.2.1 (Infrastructure Servicing); *Wastewater Discharge Permit Conditions* Part 7; *Air Discharge Permit Conditions* Part 8.

permanent solution). The proposal retains flexibility, however, to discharge Stage 1 wastewater via a connection to the public water network either:

- Immediately in the event a connection becomes available in a timely manner; or
- In the future, when and if a connection becomes available (i.e.: switching from holding tanks or onsite WWTP to the public network).

That is, there are three options for Stage 1 wastewater – permanent onsite supply; interim onsite supply followed by connection to the public network; or connection to the public network if Watercare is prepared to enable that to occur.

- (ii) With regard to **Stage 2** wastewater, Stage 2 construction is anticipated to occur in approximately 2031 and a consent condition¹⁵ is proposed in accordance with section 84A FTAA that any approvals must be obtained for discharge before titles are issued for any of the lots in Stage 2 (either via connections to the public network or through subsequent approvals for self-contained wastewater infrastructure).¹⁶

18. The conditions listed above create a comprehensive framework for the consent to be undertaken in accordance with the various servicing options. A range of servicing pathways are provided depending on the availability of connections to the public infrastructure. Those pathways, and the conditions that attach to them, are set out in Section 1.8 of the general conditions. In summary, the framework identifies the conditions that apply:

- (a) Where a connection to the public water or wastewater network is available (General Condition 12).
- (b) Where a connection to the public wastewater or water supply network is not available at the time of development and so one of the following options is adopted:
 - (i) Temporary wastewater servicing - only for Stage 1A and only where a public connection will be available prior to 31 December 2031 (General Condition 13).
 - (ii) Wastewater servicing is provided through an onsite treatment and disposal system for stage 1 (General Condition 14), or evidence of suitable provision for the disposal of wastewater for stage 2 (Subdivision Condition 40).
 - (iii) Potable water is supplied from a private water supply and treatment system – stages 1 and 2 (General Condition 15).
- (c) Where a connection to the public water supply or wastewater system becomes available after private infrastructure servicing has commenced resulting in a transition to the

¹⁵ Condition 40 (Subdivision Consent, Section 3.1.12) “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).”

¹⁶ While consent for the onsite solution for this stage is not sought as part of this proposal (noting the very real possibility that Watercare’s current policy regarding connections for out of sequence development may shift in light of the evolving political and strategic context discussed at paras 21 – 22 below), confirmation has been provided by Apex that it is feasible to upsize the WWTP to accommodate Stage 2 (**Annexure E**).

public network and a requirement to decommission the private infrastructure (General Condition 16).

In all cases, the conditions require certification that one of the servicing solutions in (a) or (b) is in place prior to section 224c certificates being issued for the relevant stage (Subdivision Conditions 35-37 and 39-40).

19. Accordingly, in all cases, the Application would enable connection to, the public networks at an appropriate time. That is appropriate given that Watercare's primary opposition to the Application is based on timing issues (i.e.: the issue is when, not if, connections to the public network would occur).¹⁷ Development cannot occur in the absence one of the various servicing options being adopted.
20. The mechanics of this approach (i.e.: connections) will be addressed elsewhere in Vineway's response to comments but for completeness the following is noted:
 - (a) The timing relied upon by Watercare is indicative and does not mean that the bulk infrastructure required to support development in that area cannot or will not be made available ahead of that time.¹⁸
 - (b) The FDS has been drafted with reference to Council and Watercare's preferred timeframe for the implementation of infrastructure and urbanisation of land but there is no guarantee that prioritised landowners will urbanise land once infrastructure is put in place or in accordance with Council's wishes as to timing. There may be resourcing, economic, marketing, personal or other factors that prevent that happening.
 - (c) In contrast, landowners such as Vineway may be ready, willing and able to develop ahead of Council's preferred schedule. In that context, adherence to the FDS will prevent those landowners from undertaking the development when they are ready, thus unnecessarily constraining the supply of urbanised land and maintaining upward pressure on the cost of housing.
 - (d) The logical response is for the Council and Watercare to take a flexible approach to development to depart from the FDS when opportunities arise, such as in the Delmore case. That is the thrust and implication of the FTAA, the Amendment Act, and Objective

¹⁷In that regard this case differs from the *Sunfield* proposal where Watercare's advice was that the development could not and would not be serviced because it is beyond the FUZ and outside the scope of the FDS and no alternative onsite solutions were put forward.

¹⁸ The FDS itself acknowledges that timing of land release is not bound absolutely to that set out in the FDS and that flexibility is provided to bring development of future urban areas forward, particularly if alternative funding methods or partners enable this to occur (see FDS, Appendix 6, page 32). Some relevant extracts are included at **Annexure F**.

6 and Policy 8 of the NPS-Urban Development¹⁹. Indeed, the FDS is intended to be reviewed three yearly to be responsive to this type of situation.²⁰

- (e) The Council's current adherence to the FDS raises significant practical issues. Watercare will not develop water supply and wastewater networks unless and until the relevant land is rezoned or consents are granted because to do so will result in expensive infrastructure being placed in greenfield areas that may not develop for many years. Yet Council and Watercare are actively opposing rezonings and the grant of consents promoted by landowners who can provide certainty that development will occur and hence can help fund the implementation of the relevant infrastructure.
 - (f) Cooperation between Council, Watercare and landowners who are looking to develop will enable the implementation of infrastructure and urban development to coincide in location and time, thus minimising delay and expense.
21. Furthermore, while Watercare's current position is that connections are unlikely to be made available for many years, there is an evolving political and strategic policy context which may necessitate that position being revisited, particularly within the timeframe over which the development is to be delivered. In that regard:
- (a) Watercare has confirmed that it is looking at reviewing its board policy (from 2015) which drives its position that it will not provide connections to FUZ land ahead of that land being live zoned²¹, as part of its response to FTAA applications. A copy of this correspondence is attached as **Annexure B**.
 - (b) The "*Auckland Deal*", signed in April 2026, confirms that Auckland Council will actively support urban development and growth through using new spatial planning and flexible land release mechanisms that are to be enabled under the new resource management system and will take advantage of new funding and financing tools to be made available by Central Government.²²
 - (i) That new land release mechanism is intended to "*respond appropriately for market-driven demand*" and to enable the Council to "*release land for development without a plan change process, provided key conditions like infrastructure standards and expectations are met (including that growth pays for growth)*".²³
 - (ii) This signals a shift away from the current fixed approach to sequencing towards a more flexible, market-responsive approach which would enable greenfields

¹⁹ Objective 6 NPS-UD reads (emphasis added): "*Local authority decisions on urban development that affect urban environments are: a) integrated with infrastructure planning and funding decisions; and b) strategic over the medium term and long term; and c) responsive, particularly in relation to proposals that would supply significant development capacity.*" Policy 8 NPS-UD reads, "*Local authority decisions affecting urban environments are responsive to plan changes that would add significantly to development capacity and contribute to well-functioning urban environments, even if the development capacity is: a) unanticipated by RMA planning documents; or b) out-of-sequence with planned land release.*" [Comment: In our view, the fact that Policy 8 only refers to plan changes does not detract from the fact that the objective is phrased more broadly and the FTAA is expressly intended to add more flexibility to resource consent processes (i.e.: by enabling what might otherwise be a plan change to be brought through as a resource consent). The proposal is consistent with the outcomes sought by the NPSUD i.e.: responsive planning.]

²⁰ As required by cl 3.16 of the NPS-UD.

²¹ Watercare Comments dated 23 April 2026, at [14].

²² Auckland Deal Schedule 10 April 2026, at p. 8.

²³ Ibid.

land supply to be released and developed in advance of current sequencing, with infrastructure delivery supported through revised funding and financing mechanisms, subject primarily to timing and budget decisions rather than planning barriers. This will necessarily change Watercare’s approach to infrastructure delivery.

- (iii) The Auckland Deal also confirms that the Council will revisit the FDS as part of the joint spatial plan to be prepared under the new planning system.²⁴

Relevant aspects of the deal are attached as **Annexure C**.

- (c) There are submissions on PC120 which seek to live zone the Delmore site, and a ministerial direction²⁵ to Auckland Council and the IHP to consider enabling greenfields to meet capacity targets.²⁶
22. In short, there is a very real prospect that the current approach to sequencing development and funding of infrastructure will shift substantially over the next 2 – 4 years. For that reason, we consider conditions that enable the most appropriate servicing solution to be determined and implemented at the relevant time represents the best approach and one that is consistent with the purpose of the FTAA in that it will enable the Project’s regionally significant benefits to be realised. This is because consenting a solution which enables development to commence now (i.e.: by providing flexibility in how servicing occurs) enables the Project’s benefits to be realised more immediately, thus maximising their extent and giving effect to the purpose and intent of the FTAA.

Lawfulness and appropriateness of the Delmore Conditions

23. We consider that the proposed conditions are lawful and appropriate in terms of both the RMA and the FTAA:
- (a) The conditions are proposed in order to address a potential effect of the Project (i.e.: that development might occur without adequate provision being made for water supply and wastewater treatment and disposal).
 - (b) The conditions do so by requiring implementation of one of a number of non-fanciful, environmentally sound and feasible methods (discussed in supporting written material submitted variously with the Application and with Vineway’s response to comments) for providing infrastructure capacity for both Stage 1 and Stage 2 of the development.²⁷
 - (c) The conditions prevent adverse effects arising from a lack of or shortfall in water supply and/or wastewater capacity if none of the anticipated methods or any appropriate

²⁴ Ibid.

²⁵ <https://www.aucklandcouncil.govt.nz/content/dam/ac/docs/plans/unitary/pc-120/pc120-ministers-direction-to-use-spp.pdf>

²⁶ The Minister Responsible for RMA Reform has issued a statement of expectations on PC120 which Auckland Council and the PC120 Hearing Panel are required to have “*have regard to*” (ss 80N(1)(b) RMA, cl 82(1)(b) of Sch 1 RMA, cl 85(2) of Sch 1 RMA. See also cl 105(2)(b)(iii)). That statement of expectations expressly requires that consideration be given to “*testing the appropriate distribution of housing capacity, including enabling greenfield development*” when ensuring PC120 meets its housing capacity requirements.

²⁷ As discussed above, while an onsite wastewater treatment and disposal system for Stage 2 is not being consented as part of this application, a condition is included in reliance on section 84A FTAA that requires this to be in place prior to issue of titles for Stage 2. Using the wording adopted in previous FTAA decisions, such upgrades are realistically capable of being delivered for the reasons outlined at para 17(b)(ii) and it is therefore appropriate to rely on section 84A FTAA.

alternatives can be implemented in accordance with the expected staging of development. They do so by preventing development of the relevant stage from occurring in those circumstances.

- (d) With reference to clause 17(1), Schedule 5 FTAA, the conditions are consistent with the purpose of the FTAA.
 - (e) With reference to section 83 FTAA, the conditions are no more onerous than necessary to address the reasons for which they have been imposed in terms of RMA.
 - (f) The conditions are sufficiently certain, have been accepted by Vineway pursuant to section 108AA(1)(a) RMA and are otherwise legally valid.
24. With reference to section 84A RMA:
- (a) As intended by Parliament, the section successfully avoids the issue that arose in the draft decision on the original Delmore application and explicitly enables imposition of and reliance on the proposed conditions.
 - (b) The conditions will “*ensure*” that the infrastructure concerning and that will be relied on for the Project “*is*” adequate to support the Project in the case of Stage 1, or “*can be made*” made adequate in the case of Stage 2, whether through the relevant approval process or by agreement in future.
 - (c) The conditions only impose obligations on the Applicant.
25. In short, and consistent with the approach adopted by the Panel in the Pound Road²⁸ decision, the conditions are legally available and represent the “*least onerous and most appropriate mechanism for addressing the relevant adverse effects while still giving effect to the purpose of the Act*”.
26. For completeness we record that number of other FTAA decisions have adopted similar approach to provision of infrastructure. These are identified in **Annexure D**.

Yours faithfully
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²⁸ Pound Road Industrial Development Expert Panel Decision, dated 1 May 2026 at [301].

Annexure A – Ministerial Briefing Paper ‘Briefing: Advice on additional amendments for inclusion in the FTAA Amendment Bill (11 September 2025)’



Briefing: Advice on additional amendments for inclusion in the FTAA Amendment Bill

Date submitted: 11 September 2025

Tracking number: BRF-6770

Sub Security level: In-Confidence

MfE priority: Urgent

Actions sought from Ministers		
<i>Name and position</i>	<i>Action sought</i>	<i>Response by</i>
To Hon Chris BISHOP Minister Responsible for RMA Reform	Provide direction in light of options presented in Table (Appendix 1) and feedback from panel conveners on existing amendments (Appendix 2)	16 September 2025

Actions for Minister's office staff

Forward this briefing to:

Hon Shane JONES, Minister for Regional Development

Return the signed briefing to the Ministry for the Environment (advice@mfe.govt.nz).

Appendices and attachments

- Options table
- Panel convener feedback on existing technical / machinery amendments

Key contacts at Ministry for the Environment

Position	Name	Cell phone	First contact
Principal Author	Oliver Sangster		
General Manager	Ilana Miller	s 9(2)(a)	✓

Minister's comments

Key messages

1. Cabinet has agreed to introduce a Fast-track Approvals Act Amendment Bill (the Amendment Bill), for passage s 9(2)(f)(iv) by December 2025, to enable the grocery sector to access the Fast-track Approvals regime to help increase retail competition. The Amendment Bill will also include a suite of technical and machinery amendments to the Fast-track Approvals Act 2024 (FTAA). Cabinet also authorised you, in consultation with the Minister for Regional Development, to approve further ‘technical and machinery’ amendments for inclusion in the Amendment Bill [CAB-25-MIN-0290].
2. One of the amendments Cabinet agreed was to address the Schedule 2 listed projects description scope issue (identified in the High Court judicial review decision on *Stella Passage Development*¹). In **Appendix 1**, we have identified proposed amendments. Some of these options represent substantive policy changes that would require Cabinet agreement. s 9(2)(g)(i)
3. As you requested, Appendix 1 also sets out options in response to matters raised from the recent proposed draft decision by an expert panel for the *Delmore Housing Development* project². Many of these options are necessarily substantive in nature and will require Cabinet agreement if pursued in the Amendment Bill. s 9(2)(g)(i)
4. s 9(2)(g)(i)
5. s 9(2)(g)(i)
6. s 9(2)(h)
7. We will need to work through appropriate transitional provisions to ensure processes in-train prior to commencement are not unduly disrupted by changes. Substantive amendments also increase the risk of delays in the timeframe for enacting the Amendment Bill and enabling grocery sector access to the FTAA to increase grocery retail competition.

¹ CIV-2025-485-375 [2025] NZHC 2453

² [Delmore - draft decision and conditions | Fast-track website](#)

8. s 9(2)(h)
9. **Appendix 1** also includes other matters that have been raised by different sector participants. We have set these issues out for your consideration.
10. Following your meeting with the panel conveners last week, we sought and received feedback on the existing list of technical and machinery amendments (**Appendix 2**). Feedback from the conveners was generally supportive but raised some workability challenges. We recommend that the panel conveners views can be considered through the drafting and Select Committee process (where the wider sector has an opportunity to comment). Alternatively, you may choose to stop work on some of the proposed amendments, in response to their feedback.
11. If you wish to include further substantive changes in this Amendment Bill, we suggest you engage with Minister Willis in her capacity as Acting Minister of Commerce and Consumer Affairs to ensure continued alignment with the grocery retail competition package timeframes.

Recommendations

We recommend that you:

- a. **note** that Cabinet agreed to a suite of technical and machinery amendments to the Fast-track Approvals Act 2024, to proceed alongside amendments to support grocery retail competition, to be passed this calendar year
- b. **note** we have identified different legislative reform options (in Appendix 1) on wider matters that address:
 - a. the Schedule 2 listed project 'scope' issue identified in the recent High Court judicial review decision on the *Stella Passage Development* project.
 - b. the recent *Delmore Housing Development* expert panel draft decision
 - c. other issues raised by sector participants
- c. **indicate** which options in Appendix 1 you wish to progress further
- d. **note** that including any substantive Fast-track Approvals Act reforms through the current Amendment Bill will require Cabinet approval, and may risk delaying the timeframe that Ministers have announced in respect of the grocery retail competition amendments
- e. **note** panel conveners feedback on the technical and machinery amendments already agreed by Cabinet (Appendix 2)

f. s 9(2)(g)(i)

h. **forward** this briefing to the Minister for Regional Development to confirm agreement on the issues and options outlined in this briefing.

Signatures



Ilana Miller
General Manager
Investment Strategy & Operations
11 September 2025

Hon Chris BISHOP
Minister Responsible for RMA Reform

Date

12. This briefing seeks your direction on possible additional amendment options for inclusion in the Fast-track Approvals Act Amendment Bill, which is proceeding s 9(2)(f)(iv) with a truncated Select Committee process to enable enactment before the end of 2025.

An agreed Fast-track Approvals Act Amendment Bill to be enacted before the end of 2025

13. In early August:
 - i you agreed with Minister Willis, in her capacity as Acting Minister of Commerce and Consumer Affairs, that the FTAA would be amended to provide greater certainty that the grocery retail sector can access the fast-track process (BRF-6599 refers), and
 - ii you agreed that a suite of technical and machinery FTAA amendments would also proceed alongside the grocery retail competition related amendments (BRF-6001 / BRF-6672), as a wider scope would likely require further policy development and risk delaying the Amendment Bill (BRF-6001).
14. Cabinet subsequently agreed these amendments on 25 August [CAB-25-MIN-0250], for an Amendment Bill to pass before the end of this year. On 27 August, Minister Willis announced the grocery retail competition amendments and the end-of-year timeline (as part of a wider package supporting grocery retail competition).
15. You have delegated approvals, with Hon Minister Jones in his capacity as the Minister for Regional Development, to agree further amendments in advance of the Amendment Bill introduction [CAB-25-MIN-0250]. However, Cabinet's agreed scope for this is "technical and machinery amendments", in line with previous overarching policy decisions reflected in the original 2024 Fast-track Approvals Bill process and passage through Parliament.

s 9(2)(h)

s 9(2)(g)(i)

Other issues raised through consultation with Ministers and other sector participants

19. Through engaging with panel conveners and other sector participants, we have identified a small number of new issues beyond those already identified and agreed by Cabinet. As you have been authorised, in consultation with Minister Jones, to approve additional technical and machinery amendments to be added to the Amendment Bill, we have set these out in this paper for your consideration and direction.

Panel convener feedback on existing technical and machinery amendments

20. On 3 September, as agreed at your meeting with the panel convener's we sent them the list of technical and machinery amendments Cabinet has agreed to. We received their feedback on 9 September (Appendix 2), which expressed:

- i support or no comment for many of the amendments
- ii specific feedback to promote the workability of some amendments s 9(2)(g)(i)

Analysis and advice

Advice on new matters – Appendix 1

21. We have set out options, for your consideration and direction, on the above subjects in Appendix 1. Each option outlines the suggested outcome sought, specific proposal, pros and cons. Advice on the Stella Passage Development and Delmore Housing Development matters is set out s 9(2)(g)(i)

- BRF-6770

Other considerations

Consultation and engagement

28. s 9(2)(g)(i)

29. We have been working jointly with Ministry of Business, Innovation and Employment (MBIE) on overall Amendment Bill development in their capacity as supporting the Associate Minister for Commerce and Consumer Affairs on the grocery retail competition package. However, we have not consulted with them on these specific options. If you were to consider proceeding with wider amendments, we recommend you discuss the process going forward with Minister Willis.

s 9(2)(h)

s 9(2)(h)

s 9(2)(h)

Financial, regulatory and legislative implications

38. There are no financial implications.
39. As noted above, any amendments that go beyond 'technical or machinery' would be beyond your existing joint delegation scope (with Minister Jones), so would require further Cabinet agreement if amendments are considered.
40. For the previously agreed grocery retail competition and technical/machinery amendments, we obtained an exemption from undertaking RIA from the Ministry for Regulation on the grounds that the economic, social or environmental impacts of the proposals were limited and easy to assess. Any more substantive amendments, particularly those that impact on decision-making arrangements and roles under the FTAA, may require a separate RIA.
41. Regulations to amend existing project descriptions (if you opt to amend the FTAA to enable that) would be able to be made after the Amendment Bill passes.

Next steps

42. We will discuss this advice at the weekly officials' meeting on 16 September and take your direction on which option(s) outlined in the table you wish to progress.
43. We also recommend you share this briefing with Minister Jones. Decisions on any 'technical or machinery' amendments need to be made jointly with him under the delegation from Cabinet.
44. If you wish to progress any wider amendments (beyond technical and machinery), we can provide you with further advice on process and timeline implications.
45. As a reminder, the current milestones we are working to for Bill introduction and progress (including a truncated Select Committee process) are as follows:

s 9(2)(f)(iv)

s 9(2)(f)(iv)

Appendix 1 – Options table

Appendix 2: Feedback from panel conveners

Appendix 2 is withheld in full under s9(2)(g)(i).

Topic no.1	Options	MfE Analysis	Minister's decisions
Amend project descriptions and providing more certainty for Stella Passage Project Option A will minimise drafting complexity under current Bill timeframe Options A & B for this topic fit within the existing Ministerial delegation from Cabinet.	Option A: Amend FTAA to provide more flexibility to depart from Schedule 2 project description, provide more certainty for Stella Passage Project) and a new <u>narrow</u> regulation-making power to amend project descriptions (<u>limited to errors</u>) 1. Amend FTAA to allow EPA and Panels to consider other information that was considered during the preparation of Schedule 2 (e.g. applications for projects to be listed, Fast-Track Projects Advisory Group (FTPAG) report) AND 2. Amend Stella Passage project description and location in Schedule 2. AND 3. Amend FTAA to provide a regulation making power to amend Schedule 2 project descriptions and locations, <u>to correct errors</u> in reflecting original project descriptions provided to	<u>Pros</u> • Supports Stella Passage application and Expert Panel consideration. • Clarifies Schedule 2 project descriptions are not exhaustive and allows Panels to consider information beyond the short Schedule 2 project description. • Regulation making power allows for a more extensive review of potential drafting errors in all 'listed project descriptions' if needed. <u>Cons</u> • s 9(2)(g)(i) [REDACTED] • The "other information" Panels can consider will be limited to project information known at the time of the creation of Schedule 2	Yes / No

	Ministers (e.g. exclusion of Mt Maunganui wharf).	• s 9(2)(g)(i) [REDACTED] • Is limited to fixing errors in Schedule 2 project descriptions and locations and will not accommodate other changes in listed projects (which could be minor, or reasonable).	
	Option B: Same as Option A above, but with a broader regulation making power to amend project descriptions (<u>not</u> limited to errors) 4. Amend FTAA to allow EPA and Panels to consider other information that was considered during the preparation of Schedule 2 (e.g. applications for projects to be listed, FTPAG report) AND 5. Amend Stella Passage project description and location in Schedule 2. AND 6. A new regulation making power to amend Schedule 2 project	<u>Pros</u> Allows greater ability to reflect changes to projects since the original application to have a project included on the list was submitted. • s 9(2)(g)(i) [REDACTED] <u>Cons</u> • Similar cons identified for Option A (other than limiting the fixes to errors) • s 9(2)(h) [REDACTED]	Yes / No

	descriptions and locations; <u>not limited to errors, but subject to constraining criteria</u>, (for example): a. the project must still deliver significant quantifiable regional or national benefits consistent with the benefits of the project as originally described b. the applicant must still have legal authority to carry out the project (including access to the land) c. the amendment to the description must not materially change the nature of the project	s 9(2)(h) • May encourage 'listed project' applicants to seek rolling amendments to Schedule 2 as their projects or circumstances change.	
	s 9(2)(g)(i) [REDACTED] [REDACTED] [REDACTED] [REDACTED]	[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]	Yes / No

[IN-CONFIDENCE]

		- s 9(2)(g)(i)	
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Topic no.2	Options	MfE Analysis	Minister's decisions
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Clarify in the FTAA that 'listed projects' have met the threshold for significant regional or national benefits Options A & B for this topic fit within the existing Ministerial delegation from Cabinet. Options A and B could be progressed together or individually. Option B offers less certainty than Option A and could involve complex drafting of the GPS depending on scope.	Option A: Amend the FTAA to remove procedural confusion between determining if a project has regionally or national benefits, and balancing the level of that benefit against identified adverse impacts 9. Amend the FTAA to clarify that listed projects <u>have</u> 'significant regional or national benefits' and still maintain the panel's function to consider whether those adverse impacts are sufficiently significant to be out of proportion to the level of benefit. s 9(2)(g)(i) [Redacted] [Redacted] [Redacted] [Redacted]	<u>Pros</u> • Reflects intended different roles for Executive, Parliament and Panels in the Act and provides some certainty to applicants • Ensures applicants provide evidence on the level of significant regional or national benefits to the panel and focuses the Panel on the balancing test. • Regulations will not impact on legislative timetable for Amendment Bill or Groceries GPS. s 9(2)(g)(i) [Redacted] [Redacted] [Redacted] [Redacted]	Yes / No
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		s 9(2)(g)(i)	
	s 9(2)(g)(i)		s 9(2)(g)(i)

	s 9(2)(g)(i) [REDACTED]	[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]	
	s 9(2)(g)(i) [REDACTED] [REDACTED]	[REDACTED] [REDACTED] [REDACTED] [REDACTED]	[REDACTED]

	provide the standard for Panels to [REDACTED]	s 9(2)(g)(i) [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]	
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Topic no.3	Options	MfE Analysis	Minister's decisions
s 9(2)(g)(i)	[REDACTED]		

Panel decision-making – other matters	Option A: s 9(2)(g)(i) consideration/decisions on infrastructure issues s 9(2)(g)(i) 14. Clarify that approval can be conditional on subsequent satisfactory approach to infrastructure provision. N.B. Current proposed technical and machinery amendments will also provide the ability to progress projects in stages under FTAA. So, panel approvals and conditions could apply to project stages.	<u>Pros</u> - Prevents projects being declined on the basis of infrastructure constraints and makes it a matter for resolution between Councils and applicants. <u>Cons</u> - In practice, will not solve the issue in situations where there are significant barriers to project viability such as compliance with other legislation or funding issues for infrastructure. s 9(2)(g)(i) - May result in approved projects which are never delivered or never realise their benefits. s 9(2)(h) - May be a negative outcome for applicants, who could end up with a consent that cannot practically be used. s 9(2)(g)(i)	Yes / No Yes / No
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	s 9(2)(g)(i) [REDACTED] [REDACTED] [REDACTED] [REDACTED]	[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]	[REDACTED] [REDACTED]
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		• s 9(2)(g)(i) [REDACTED] • [REDACTED] • [REDACTED] • [REDACTED]	
	s 9(2)(g)(i) [REDACTED] [REDACTED] [REDACTED]	• [REDACTED] • [REDACTED] • [REDACTED] • [REDACTED]	[REDACTED]

		• s 9(2)(g)(i) [REDACTED]	
	s 9(2)(g)(i) [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]	[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]	[REDACTED] [REDACTED]

Topic no.4 – Other matters	Options	Analysis	Minister's decisions
Improving process efficiency by defining 'relevant portfolio Ministers' that must be invited to comment on applications (Recommended) This proposal fits within the existing Ministerial delegation from Cabinet.	20. Amend FTAA to include a definition of "relevant portfolio Minister" NB: Minister Bishop has agreed to this amendment (BRF-6601 refers) but not included in Cabinet paper Annex (administrative error).	<u>Pros</u> - Improves process efficiency through consistent determinations about which Ministers must be consulted - Reduces the risk of omitting important Ministerial input, over-consulting unnecessarily, and generating delays or procedural inefficiencies - The Minister for Infrastructure and expert panels will still retain the option to invite comment from other Ministers, if they consider that justified in the circumstances case-by-case. <u>Cons</u> - Overly prescriptive definition or list may result in redundant portfolios being referred to.	Yes / No
s 9(2)(g)(i)			

s 9(2)(g)(i) [REDACTED] [REDACTED]	[REDACTED]	[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]	
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		s 9(2)(g)(i)	
s 9(2)(g)(i)			

Annexure B – Correspondence from Watercare

From: [Anna Jennings](#)
To: [Madeleine Wright](#); [Amber Taylor](#)
Cc: [Gerard Thompson](#); [Charlotte MacDonald](#); [Andrew Fawcet](#); [Andrew Allsopp-Smith](#)
Subject: Re: Delmore
Date: Monday, 11 May 2026 4:32:46 pm
Attachments: [afe786ff-74c0-414f-9212-e42a530a0737.png](#)
[70f69828-9c89-4851-ab5c-75c73be0eb9b.png](#)
[125f5418-84a5-4075-af14-79c845670f71.png](#)
[Outlook-fmiixuzf.png](#)
[Outlook-swqoz3va.png](#)
[Outlook-tklrhvz5.png](#)

Kia ora Madeleine

Thank you for your email and question.

Watercare along with the wider Auckland Council group are working together on responses to Fast Track applications. The output of this work may result in updates to our existing policy.

Nga mihi

Anna

From: Madeleine Wright <Madeleine.Wright@millslane.co.nz>
Sent: Thursday, May 7, 2026 6:31 AM
To: Anna Jennings <Anna.Jennings@water.co.nz>; Amber Taylor <amber.taylor2@water.co.nz>
Cc: Gerard Thompson <gerardt@barker.co.nz>; Charlotte MacDonald <charlottem@barker.co.nz>; Andrew Fawcet <andrew@mylandpartners.com>; Andrew Allsopp-Smith <andrew.as@mylandpartners.com>
Subject: Re: Delmore

Kia ora Anna

Thank you for providing these documents. Further to our conversation, can you please confirm that Watercare is reviewing its policy in light of the fast-track process.

Kind regards

Madeleine

Madeleine Wright | Barrister

M +64 27 468 7778

Level 27, 125 Queen Street, Auckland, 1010
 PO Box 537, Shortland Street, Auckland 1140



From: Anna Jennings <Anna.Jennings@water.co.nz>

Sent: Thursday, April 30, 2026 12:05 PM

To: Amber Taylor <amber.taylor2@water.co.nz>; Madeleine Wright
<Madeleine.Wright@millslane.co.nz>

Cc: Gerard Thompson <gerardt@barker.co.nz>; Charlotte MacDonald
<charlottem@barker.co.nz>; Andrew Fawcet <andrew@mylandpartners.com>; Andrew
Allsopp-Smith <andrew.as@mylandpartners.com>

Subject: Re: Delmore

Kia ora Madeleine

Thank you for your time this morning. As promised, attached is our current policy that we provided to the Sunfield FT Panel along with an explanation note which should provide the context you need.

In addition, here is a link to the webpage containing our current Statement of Intent that I outlined - <https://www.watercare.co.nz/home/about-us/what-we-do/reports-and-publications>.

I am happy to discuss any questions you have after reviewing this policy.

Nga mihi

Anna

From: Amber Taylor <amber.taylor2@water.co.nz>

Sent: Wednesday, April 29, 2026 8:29 AM

To: Madeleine Wright <Madeleine.Wright@millslane.co.nz>

Cc: Gerard Thompson <gerardt@barker.co.nz>; Charlotte MacDonald
<charlottem@barker.co.nz>; Andrew Fawcet <andrew@mylandpartners.com>; Andrew
Allsopp-Smith <andrew.as@mylandpartners.com>; Anna Jennings
<Anna.Jennings@water.co.nz>

Subject: RE: Delmore

Morena Madeleine,

Anna Jennings is best placed to give you a call on the below.

Anna will reach out to confirm a time, noting that our team is out of the office today on a site visit.

Nga mihi

Amber

From: Madeleine Wright <Madeleine.Wright@millslane.co.nz>
Sent: Friday, 24 April 2026 8:35 pm
To: Amber Taylor <amber.taylor2@water.co.nz>
Cc: Gerard Thompson <gerardt@barker.co.nz>; Charlotte MacDonald <charlottem@barker.co.nz>; Andrew Fawcett <andrew@mylandpartners.com>; Andrew Allsopp-Smith <andrew.as@mylandpartners.com>
Subject: Delmore

Kia ora Amber

Matt Harrison from the AUDO has directed me to you as the person at Watercare to discuss the Auckland Council-led 'policy block' Watercare has referred to as the reason for its current position in relation to the proposed Delmore development. For completeness I note that Watercare's technical team has confirmed it agrees with the applicant's analyses that there is technical capacity to support Delmore (post Army Bay stage 1 upgrade for WW) and that there are no logistical / technical reasons preventing it providing connections to the Delmore site.

Are you available for a call to discuss Tuesday next week? Happy to fit in with your timing.

Have a nice long weekend.

Kind regards

Madeleine

Madeleine Wright | Barrister

M **+64 27 468 7778**

Level 27, 125 Queen Street, Auckland, 1010
PO Box 537, Shortland Street, Auckland 1140



Annexure C – Auckland Deal (relevant extracts)

Schedule 1 – Summary of Commitments

1. Partnership for Growth: A long-term partnership to align priorities, integrate planning and coordinate delivery, unlocking Auckland's full growth potential.

To ensure a long-term, integrated partnership between the public and private sector and long-term planning that is robust and stable, the following commitments form the basis of the Deal:

1. At least three meetings per year between the Prime Minister and the Mayor.
2. Regular meetings between the Mayor and senior Ministers to share views on policy settings for matters that affect Auckland (with each minister determining cadence between monthly to biannually).
3. Regular reporting and monitoring on agreed commitments.
4. Auckland Council and Central Government will together prepare to implement the new transport reform and resource management system in Auckland in advance of the new legislation being enacted. This includes:
 - The Government will continue to work with Auckland Council on PC120 and will take steps to deliver the council more flexibility around how and where Auckland grows as a part of this plan change.
 - Regional Spatial Plan with regulatory weight.
 - Elements of national direction such as standard zoning provisions.
 - A 30-year transport plan.
 - Key transport projects, including the Waitemata Crossing.

2. Innovation, technology and science: Commitments to grow Auckland's globally competitive innovation economy, anchored in research, precinct development and advanced industries, with strong international positioning.

Joint Commitments

Auckland Council and Central Government will work together to support the growth of Auckland's globally competitive innovation economy. This will include working together on:

1. Recognition of the national importance of Auckland as a centre for innovation.
2. Support for coordinating Auckland's innovation ecosystem and precincts.
3. Policy and regulatory settings to support growth of the innovation economy.
4. Global positioning, international relationships and investment attraction.

The initial spatial areas that are recognised as an innovation focus for the Deal include:

1. City Centre to Newmarket Innovation Corridor (Wynyard – City Centre – Parnell – Newmarket).
2. Te Puna Creative Innovation Precinct (West Auckland).
3. Southern Manufacturing, Logistics & Energy Corridor.

Year-1 Joint priorities, Innovation

Auckland Council and Central Government will advance the following specific joint priority initiatives for Year 1 of the Deal:

1. Launch the NZ Institute for Advanced Technology (NZIAT) and pursue co-location with the NZ Defence Tech Accelerator and Research and Education Advanced Network New Zealand (REANNZ) to create a centre of excellence for research, startups and industry collaboration.

	Central Government will continue to progress legislation to support greater use of tolling. All new roads, including the Auckland roads of national significance, will be assessed for tolling to support investment in their construction and maintenance. Auckland Council will be consulted on each relevant tolling proposal in line with statutory requirements for public consultation.
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5. Natural Environment & Harbour

Joint Commitments

Central Government and Auckland Council will work together to realise the aspirations of Predator Free 2050, Pest-Free Auckland, the Auckland Indigenous Biodiversity Strategy and to restore the biodiversity of the Hauraki Gulf.

Auckland Council will continue to lead the delivery of Pest-Free Auckland and other environmental initiatives it is responsible for in Auckland. Central Government will investigate the resource it can bring to this opportunity, including in relation to Central Government land.

6. Urban Development and Growth: Enable quality urban growth through targeted density, transport-oriented development, and sustainable greenfield expansion, supported by sequencing, funding, and infrastructure investment.

Joint Commitments

Central Government and Auckland Council have a shared commitment to develop a more responsive housing system that boosts affordability, productivity, and economic growth.

Overall, the Government's position is that New Zealand needs to grow up and out to make housing more affordable and to lift economic growth and prosperity – we need bigger cities, and we need more homes.

Auckland's position is that the city should grow up and out in a way that protects and lifts long-term living standards. Most growth should occur within the existing urban area, where demand is strongest and where development supports a more productive, liveable, and affordable city with better access to jobs, services, and infrastructure. Greenfield development also has a role and should be enabled where it can be serviced affordably, without undermining existing commitments or causing significant congestion or service failures. Auckland Council is clear that growth has never paid for growth in the past and acknowledges the positive work the Government is doing to change this, together with council.

Both parties commit to working together on a jointly prepared Regional Spatial Plan for Auckland, including considering how the Spatial Plan aligns with infrastructure investment and Crown-delivered services.

The Government is also establishing a flexible infrastructure funding and financing system to match our new flexible planning system – including replacing Development Contributions with a new Development Levy system and amending the IFF Act. The intent is to better enable growth to pay for growth and give councils greater flexibility to recover growth costs, significantly reducing the burden on ratepayers.

Below is a set of principles, jointly agreed by Central Government and Auckland Council on when greenfield development should be supported.

Principle 1 – Growth pays for growth.

- The growth-related costs of infrastructure needed to enable new development (including the proportionate cost of upgrading network and bulk infrastructure) are met by those who benefit from that development, not by existing communities elsewhere in the region, or by general ratepayers.
- This could look like the capital expenditure necessary to provide capacity for growth being fully funded by any or all of: Infrastructure Growth Charges; Development Contributions/Levies; Infrastructure Funding and Financing Levies; targeted rates; upfront developer-led funding, or developers committing to provide services necessary to enable development (where those services meet agreed standards).

Principle 2 – *Market-led and economically efficient*

- Economics drive the development. The location of development is market demand-led, based on demand and commercial feasibility, and informed by clear and efficient price signals about the costs and constraints of providing infrastructure and services to support the development.
- For prices to drive economic efficiency, they need to reflect the full costs of growth (including operational and network-wide impacts). Where they do not, planning and sequencing remain important to ensure efficient outcomes.

Principle 3 – Credible and timely delivery commitments.

- Developers have a robust, credible, and appropriate plan for Greenfield development – including the timely provision of and/or payment for infrastructure that is necessary to provide capacity for growth. Developers action their plans in a timely manner, particularly where a private plan change has been sought.

Principle 4 – Accounting for current and future capacity.

- The location of development is informed by the jointly prepared Regional Spatial Plan and the capacity and timing of key infrastructure networks, including transport, water, and social infrastructure, so development occurs where it can be serviced effectively without creating unacceptable impacts or service failures. Where development is out-of-sequence, this includes identifying when permanent local solutions are feasible and required.

To give effect to these principles, Central Government and Auckland Council will work together to ensure the new funding and financing system operates consistently with the goals of growth paying for growth and efficient price signals.

Both parties will collaborate in good faith to address any gaps where this is not yet achievable in practice. Both parties will work to improve transparency around infrastructure costs, constraints, and timing to better support informed market decisions.

Auckland Council and Central Government will work together on priority urban development locations (including as set out below), with a shared commitment to coordinated planning and delivery. Both parties will seek to align their work to ensure the programme identifies and implements a full set of enabling actions, including changes to Plans, designations, zoning, regulatory frameworks, and the timely delivery and sequencing of supporting infrastructure (Crown, council and private sector).

Auckland Council Commitments	Central Government Commitments
Auckland Council will revisit the Future Development Strategy, the long-term plan to manage growth across 15,000 hectares of Future Urban areas (rural land zoned to accommodate growth) as part of the joint Spatial Plan. Auckland Council will continue to deliver or receive, and then operate, maintain, and provide for the future replacement of infrastructure in current greenfield areas. Current plans include \$13.6 billion of infrastructure, with investment subject to council's budget and planning processes and in some cases Crown / NZTA co-investment. Auckland Council will improve transparency for developers by publishing updated maps of infrastructure constraints and hazards, and seeking to provide timely, evidence-based cost estimates for the infrastructure needed to support urban development and subdivision opportunities. Auckland Council will actively support urban development and growth through: 1. using new spatial planning and flexible land release mechanisms that are enabled under the new resource management system, 2. applying the proposed new flexible toolkit for infrastructure funding and financing, including the proposed development levy mechanism	To better support growth, the new planning system will introduce a legally binding regional spatial planning framework to identify future growth areas, alongside a flexible land release mechanism to respond appropriately to market-driven demand. The latter will enable Auckland Council to release land for development without a plan change process, provided key conditions like infrastructure standards and expectations are met (including that growth pays for growth). Central government will continue to explore new Crown funding for councils through Pillar 3 of Going for Housing Growth. Central Government will provide Auckland Council and developers with strengthened funding and financing tools, including for unanticipated or out-of-sequence developments. These tools will enable Auckland Council to charge Development Levies based on the expected cost of supporting development in an area based on the best available evidence, and without a requirement for these costs to be substantiated from a schedule of past, current, and anticipated projects.

Auckland Council will work with central government to ensure successful design and delivery of the new system.	
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Joint Commitments

Ministry of Education (and the NZ School Property Agency where needed) and Auckland Council will work together to consider joint planning and investment to support education and community activities. Through this initiative:

1. Central Government will support the improved integration of planning and delivery of facilities that can benefit schools and the wider community.
2. Auckland Council will continue to invest in shared facilities with schools through reciprocal agreements, aligning with national practices.

A Terms of Reference guiding collaboration will be developed, building on the Statement of Intent signed in December 2024. This includes seeking more opportunities for the community to access school facilities, and for schools to access community council facilities, where this is to mutual advantage.

7. Priority Growth Areas: the Parties have agreed to work together to pursue urban development and growth objectives of the Auckland Deal in specific growth areas. The following are the initial identified growth areas:

A. Place Based Partnerships –Identified Growth Area #1 Drury

Joint Commitments

Auckland Council and Central Government will work together, and with private developers, on an agreed development and investment plan and sequencing for Drury (building on the work undertaken by the existing Drury Working Group) including the development of an industrial and commercial strategy, focusing on partnership between public and private sector, alongside iwi investment opportunities.

The parties will support coordinated greenfield development in Drury:

1. Auckland Council will provide leadership on an infrastructure programme, identifying Auckland Council and Central Government infrastructure requirements and trigger points, and development yields and timeframes as much as possible consistent with a growth-pays-for-growth approach.
2. An oversight group will be established with mandated representatives from Auckland Council and Central Government, iwi and private developers to oversee the programme.
3. Jointly investigate the use of Infrastructure Funding and Financing to support the provision of infrastructure in the area.

Contribution to other Deal priorities and initiatives

This partnership aligns with Urban Development (coordinated, growth-pays greenfield delivery), Transport as an enabler of growth (Mill Road and rail investment), innovation (for example, F&P Healthcare, advanced manufacturing), and Global Trade & Investment (logistics and employment hub).

2. Considering appropriate funding and financing tools available for these projects.

This initiative advances Transport (freight and access upgrades), Global Trade, Tourism & Investment (gateway connectivity and air-cargo/logistics), and Funding & Financing (fit-for-purpose pricing tools to optimise existing and future infrastructure).

8. Other enablers of Growth:

IFFA and Asset Recycling

Joint Commitments

Auckland Council will work with Central Government to identify the use of IFFA levies to support infrastructure investment required in the region.

Auckland Council Commitments

Auckland Council will explore asset recycling or net new funding from other sources (not from BAU or LTP) to attract an uplift in funding from the central Government over and above BAU funding. This will be discussed with the Crown on a case-by-case basis.

Auckland Council will seek to optimise the use of targeted rates and other value capture mechanisms for greenfield and brownfield developments.

Council will explore the use of IFFA, targeted rates and business rate levies to support the cost of transport infrastructure where benefits involve transport users and the transport network.

Central Government Commitments

For specific projects, central government will consider, on a case-by-case basis, contributing funding where the council raises new funding for the project significantly above the current LTP and BAU funding levels (for example from asset recycling or new revenue streams such as targeted rates).

The uplift rate and total amount of Crown funding will be considered on a case-by-case basis for specific project and funding proposals. Specific projects that will be considered include those focused on development, accelerating transport projects and application to major innovation projects.

Time of Use Charging:

Joint Commitments

Central Government will support the development of time of use charging policy and legislation nationally and for Auckland.

Central Government and Auckland Council agree for the allocation of net revenue raised from time of use charging to be put in a hypothecated fund and be used for strategic transport projects and activities jointly agreed by Central Government and Auckland Council.

Auckland Specific tools plus tolling	
Joint Commitments Central Government and Auckland Council will jointly consider Auckland specific settings for key mode and behaviour tools, such as parking charging, Express lanes, dynamic lanes and priority bus lanes and tolling. Central Government and Auckland Council will work together on appropriate Government oversight to ensure such charges are not excessive along with continued development of policy and legislative work for tolling.	
Accommodation Levy:	
Joint Commitments Central Government and Auckland Council will work together on the appropriate funding arrangements for destination and major event activities, with a joint goal of establishing sustainable long-term arrangements for these activities from 2027.	
Auckland Council Commitments	Central Government Commitments
Auckland Council will consider appropriate resourcing for core event prospecting/attraction and convention bureau functions, working with MBIE; as well as investment in venue infrastructure.	Central Government has announced funding to boost the attraction of major events – while funding is not ring fenced for Auckland; opportunities exist for the region to access the funding. Central Government will explore an accommodation levy policy in 2027.
Surplus or Underdeveloped Land	
Joint Commitments Auckland Council and Central Government will explore opportunities for surplus or underdeveloped Central Government and Auckland Council land that may be suitable for development, including where Government and Council land is adjoining.	
Development Contributions	
The Crown will continue to work with Auckland Council and local government on development contribution tools and settings to facilitate self-funding growth and development.	

Schedule 1 – Summary of Commitments

1. Partnership for Growth: A long-term partnership to align priorities, integrate planning and coordinate delivery, unlocking Auckland's full growth potential.

To ensure a long-term, integrated partnership between the public and private sector and long-term planning that is robust and stable, the following commitments form the basis of the Deal:

1. At least three meetings per year between the Prime Minister and the Mayor.
2. Regular meetings between the Mayor and senior Ministers to share views on policy settings for matters that affect Auckland (with each minister determining cadence between monthly to biannually).
3. Regular reporting and monitoring on agreed commitments.
4. Auckland Council and Central Government will together prepare to implement the new transport reform and resource management system in Auckland in advance of the new legislation being enacted. This includes:
 - The Government will continue to work with Auckland Council on PC120 and will take steps to deliver the council more flexibility around how and where Auckland grows as a part of this plan change.
 - Regional Spatial Plan with regulatory weight.
 - Elements of national direction such as standard zoning provisions.
 - A 30-year transport plan.
 - Key transport projects, including the Waitemata Crossing.

2. Innovation, technology and science: Commitments to grow Auckland's globally competitive innovation economy, anchored in research, precinct development and advanced industries, with strong international positioning.

Joint Commitments

Auckland Council and Central Government will work together to support the growth of Auckland's globally competitive innovation economy. This will include working together on:

1. Recognition of the national importance of Auckland as a centre for innovation.
2. Support for coordinating Auckland's innovation ecosystem and precincts.
3. Policy and regulatory settings to support growth of the innovation economy.
4. Global positioning, international relationships and investment attraction.

The initial spatial areas that are recognised as an innovation focus for the Deal include:

1. City Centre to Newmarket Innovation Corridor (Wynyard – City Centre – Parnell – Newmarket).
2. Te Puna Creative Innovation Precinct (West Auckland).
3. Southern Manufacturing, Logistics & Energy Corridor.

Year-1 Joint priorities, Innovation

Auckland Council and Central Government will advance the following specific joint priority initiatives for Year 1 of the Deal:

1. Launch the NZ Institute for Advanced Technology (NZIAT) and pursue co-location with the NZ Defence Tech Accelerator and Research and Education Advanced Network New Zealand (REANNZ) to create a centre of excellence for research, startups and industry collaboration.

	Central Government will continue to progress legislation to support greater use of tolling. All new roads, including the Auckland roads of national significance, will be assessed for tolling to support investment in their construction and maintenance. Auckland Council will be consulted on each relevant tolling proposal in line with statutory requirements for public consultation.
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5. Natural Environment & Harbour

Joint Commitments

Central Government and Auckland Council will work together to realise the aspirations of Predator Free 2050, Pest-Free Auckland, the Auckland Indigenous Biodiversity Strategy and to restore the biodiversity of the Hauraki Gulf.

Auckland Council will continue to lead the delivery of Pest-Free Auckland and other environmental initiatives it is responsible for in Auckland. Central Government will investigate the resource it can bring to this opportunity, including in relation to Central Government land.

6. Urban Development and Growth: Enable quality urban growth through targeted density, transport-oriented development, and sustainable greenfield expansion, supported by sequencing, funding, and infrastructure investment.

Joint Commitments

Central Government and Auckland Council have a shared commitment to develop a more responsive housing system that boosts affordability, productivity, and economic growth.

Overall, the Government's position is that New Zealand needs to grow up and out to make housing more affordable and to lift economic growth and prosperity – we need bigger cities, and we need more homes.

Auckland's position is that the city should grow up and out in a way that protects and lifts long-term living standards. Most growth should occur within the existing urban area, where demand is strongest and where development supports a more productive, liveable, and affordable city with better access to jobs, services, and infrastructure. Greenfield development also has a role and should be enabled where it can be serviced affordably, without undermining existing commitments or causing significant congestion or service failures. Auckland Council is clear that growth has never paid for growth in the past and acknowledges the positive work the Government is doing to change this, together with council.

Both parties commit to working together on a jointly prepared Regional Spatial Plan for Auckland, including considering how the Spatial Plan aligns with infrastructure investment and Crown-delivered services.

The Government is also establishing a flexible infrastructure funding and financing system to match our new flexible planning system – including replacing Development Contributions with a new Development Levy system and amending the IFF Act. The intent is to better enable growth to pay for growth and give councils greater flexibility to recover growth costs, significantly reducing the burden on ratepayers.

Below is a set of principles, jointly agreed by Central Government and Auckland Council on when greenfield development should be supported.

Principle 1 – Growth pays for growth.

- The growth-related costs of infrastructure needed to enable new development (including the proportionate cost of upgrading network and bulk infrastructure) are met by those who benefit from that development, not by existing communities elsewhere in the region, or by general ratepayers.
- This could look like the capital expenditure necessary to provide capacity for growth being fully funded by any or all of: Infrastructure Growth Charges; Development Contributions/Levies; Infrastructure Funding and Financing Levies; targeted rates; upfront developer-led funding, or developers committing to provide services necessary to enable development (where those services meet agreed standards).

Principle 2 – *Market-led and economically efficient*

- Economics drive the development. The location of development is market demand-led, based on demand and commercial feasibility, and informed by clear and efficient price signals about the costs and constraints of providing infrastructure and services to support the development.
- For prices to drive economic efficiency, they need to reflect the full costs of growth (including operational and network-wide impacts). Where they do not, planning and sequencing remain important to ensure efficient outcomes.

Principle 3 – Credible and timely delivery commitments.

- Developers have a robust, credible, and appropriate plan for Greenfield development – including the timely provision of and/or payment for infrastructure that is necessary to provide capacity for growth. Developers action their plans in a timely manner, particularly where a private plan change has been sought.

Principle 4 – Accounting for current and future capacity.

- The location of development is informed by the jointly prepared Regional Spatial Plan and the capacity and timing of key infrastructure networks, including transport, water, and social infrastructure, so development occurs where it can be serviced effectively without creating unacceptable impacts or service failures. Where development is out-of-sequence, this includes identifying when permanent local solutions are feasible and required.

To give effect to these principles, Central Government and Auckland Council will work together to ensure the new funding and financing system operates consistently with the goals of growth paying for growth and efficient price signals.

Both parties will collaborate in good faith to address any gaps where this is not yet achievable in practice. Both parties will work to improve transparency around infrastructure costs, constraints, and timing to better support informed market decisions.

Auckland Council and Central Government will work together on priority urban development locations (including as set out below), with a shared commitment to coordinated planning and delivery. Both parties will seek to align their work to ensure the programme identifies and implements a full set of enabling actions, including changes to Plans, designations, zoning, regulatory frameworks, and the timely delivery and sequencing of supporting infrastructure (Crown, council and private sector).

Auckland Council Commitments	Central Government Commitments
Auckland Council will revisit the Future Development Strategy, the long-term plan to manage growth across 15,000 hectares of Future Urban areas (rural land zoned to accommodate growth) as part of the joint Spatial Plan. Auckland Council will continue to deliver or receive, and then operate, maintain, and provide for the future replacement of infrastructure in current greenfield areas. Current plans include \$13.6 billion of infrastructure, with investment subject to council's budget and planning processes and in some cases Crown / NZTA co-investment. Auckland Council will improve transparency for developers by publishing updated maps of infrastructure constraints and hazards, and seeking to provide timely, evidence-based cost estimates for the infrastructure needed to support urban development and subdivision opportunities. Auckland Council will actively support urban development and growth through: 1. using new spatial planning and flexible land release mechanisms that are enabled under the new resource management system, 2. applying the proposed new flexible toolkit for infrastructure funding and financing, including the proposed development levy mechanism	To better support growth, the new planning system will introduce a legally binding regional spatial planning framework to identify future growth areas, alongside a flexible land release mechanism to respond appropriately to market-driven demand. The latter will enable Auckland Council to release land for development without a plan change process, provided key conditions like infrastructure standards and expectations are met (including that growth pays for growth). Central government will continue to explore new Crown funding for councils through Pillar 3 of Going for Housing Growth. Central Government will provide Auckland Council and developers with strengthened funding and financing tools, including for unanticipated or out-of-sequence developments. These tools will enable Auckland Council to charge Development Levies based on the expected cost of supporting development in an area based on the best available evidence, and without a requirement for these costs to be substantiated from a schedule of past, current, and anticipated projects.

Auckland Council will work with central government to ensure successful design and delivery of the new system.	
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Joint Commitments

Ministry of Education (and the NZ School Property Agency where needed) and Auckland Council will work together to consider joint planning and investment to support education and community activities. Through this initiative:

1. Central Government will support the improved integration of planning and delivery of facilities that can benefit schools and the wider community.
2. Auckland Council will continue to invest in shared facilities with schools through reciprocal agreements, aligning with national practices.

A Terms of Reference guiding collaboration will be developed, building on the Statement of Intent signed in December 2024. This includes seeking more opportunities for the community to access school facilities, and for schools to access community council facilities, where this is to mutual advantage.

7. Priority Growth Areas: the Parties have agreed to work together to pursue urban development and growth objectives of the Auckland Deal in specific growth areas. The following are the initial identified growth areas:

A. Place Based Partnerships –Identified Growth Area #1 Drury

Joint Commitments

Auckland Council and Central Government will work together, and with private developers, on an agreed development and investment plan and sequencing for Drury (building on the work undertaken by the existing Drury Working Group) including the development of an industrial and commercial strategy, focusing on partnership between public and private sector, alongside iwi investment opportunities.

The parties will support coordinated greenfield development in Drury:

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2. Considering appropriate funding and financing tools available for these projects.

This initiative advances Transport (freight and access upgrades), Global Trade, Tourism & Investment (gateway connectivity and air-cargo/logistics), and Funding & Financing (fit-for-purpose pricing tools to optimise existing and future infrastructure).

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Auckland Council will work with Central Government to identify the use of IFFA levies to support infrastructure investment required in the region.

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Auckland Council will explore asset recycling or net new funding from other sources (not from BAU or LTP) to attract an uplift in funding from the central Government over and above BAU funding. This will be discussed with the Crown on a case-by-case basis.

Auckland Council will seek to optimise the use of targeted rates and other value capture mechanisms for greenfield and brownfield developments.

Council will explore the use of IFFA, targeted rates and business rate levies to support the cost of transport infrastructure where benefits involve transport users and the transport network.

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The uplift rate and total amount of Crown funding will be considered on a case-by-case basis for specific project and funding proposals. Specific projects that will be considered include those focused on development, accelerating transport projects and application to major innovation projects.

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Accommodation Levy:	
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Surplus or Underdeveloped Land	
Joint Commitments Auckland Council and Central Government will explore opportunities for surplus or underdeveloped Central Government and Auckland Council land that may be suitable for development, including where Government and Council land is adjoining.	
Development Contributions	
The Crown will continue to work with Auckland Council and local government on development contribution tools and settings to facilitate self-funding growth and development.	

Annexure D – Approaches in FTAA decisions regarding future infrastructure

Project	Summary	References
<u>Drury Metropolitan Centre</u>	Full build-out was contingent on the delivery of traffic upgrades. A staged approach was adopted, in which defined amounts of GFA would be released following each upgrade. Those upgrades were not all funded or financed or planned and some were unlikely to occur for many years. Future wastewater network upgrades with uncertain timing were required to service full buildout. Conditions also included which restricted occupation of buildings beyond 950 DUEs if wastewater network upgrades had not been completed.	See for example, LUC condition 85. A number of other conditions also require various infrastructure upgrades prior to occupation. Condition 36A.
<u>Maitahi</u>	Included two wastewater options with the final option to be selected at "detailed design stage"	See paras 232 – 235 of the decision.
<u>Homestead Bay</u>	Either/or approach adopted, e.g.: • Intersection upgrades are addressed through a “completion or payment” structure; and • Three waters servicing is to either be vested in QLDC / connected to the public network, or delivered via a permanent on-site solution (with an associated legal entity established).	See for example, conditions 5 – 7 re vesting of water and wastewater networks and creation of legal entity to manage onsite solutions; condition 23(n) and (o), (j) re vesting of water; and condition 52(h) regarding transport upgrades.
<u>Sunfield</u>	Conditions requiring connections to public water, wastewater and stormwater network in circumstances where Watercare’s advice was that the development would not be connected. NB: Delmore differs from the <i>Sunfield</i> proposal where Watercare’s advice was that the development could not and would not be serviced because it is beyond the FUZ and outside the scope of the FDS (unlike Delmore where the debate is about timing of the connection, rather than whether it can be connected at all) <i>and</i> no alternative onsite solutions were put forward.	For example, see conditions 185 – 188.
<u>Ayrburn</u>	Conditions enabling a range of water supply options to be selected at the time of development, and preventing development ahead of water supply being secured.	Conditions 35 – 36.
<u>Ashbourne</u>	In response to concerns about infrastructure (e.g.: wastewater) condition precedent imposed requiring a private developer agreement secured before the proposal could proceed.	Condition 9 (LUC).
<u>Pound Road</u>	Full build out (beyond stage 4) contingent on NZTA undertaking intersection upgrades, unless a developer agreement was reached with NZTA and the Council for an alternative arrangement (i.e.:	Condition 3 and 93-94.

	the condition precedent would not apply if the consent holder entered into an agreement to timing and cost sharing of the upgrades).	
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Annexure E - Technical Note from Apex Water re 'Wastewater Treatment Plan Upscaling'

Technical Note

CLIENT:	Myland Partners
PROJECT NUMBER:	241104
PROJECT:	Delmore Stage 2
SUBJECT:	Wastewater Treatment Plant Upscaling

Rev	Date	Description	Originated	Reviewed	Approved
1	3/6/2026	Memo Attn. Alex Devine, Partner, Ellis Gould	M Savage	J Taylor	M Savage

1. INTRODUCTION

This technical note has been prepared to present the ability to upscale the proposed wastewater treatment plant at the Delmore subdivision to accommodate flows from stage 2 of the development.

1.1 PROPOSED INCREASE IN DEVELOPMENT SIZE

The current treatment plant has been developed to accommodate approximately 308m³/day of wastewater from the 475 houses proposed in Stage 1.

The build-out of Stage 2 would increase this to a total of approximately 787m³/day of wastewater generated from a total of 1,213 houses.

2. CURRENT TREATMENT PLANT DESIGN

The currently proposed wastewater treatment plant consists of:

- Headworks screening
- Membrane Aerated Biofilm Reactor (MABR) modules for simultaneous nitrification - denitrification
- Aeration tank for residual ammonia and BOD₅ removal
- Anoxic denitrification tank for final polishing of nitrate
- Membrane Bioreactor (MBR) membranes for removal of pathogens and solids from the treated water
- UV to provide multi-barrier disinfection and reduce fouling in the reverse osmosis system
- Reverse Osmosis (RO) to further reduce final nutrient load to a level suitable for release to a small stream.

3. UPGRADES REQUIRED TO ACCOMMODATE STAGE 2

Headworks screening

The headworks can be upgraded within the stage 1 footprint to accommodate stage 2 flows. Should the stage 2 upgrade look likely when the stage 1 plant is built, the additional cost to supply headworks screens sized for stage 2 from the outset is minimal.

Membrane Aerated Biofilm Reactor

The MABR is the heart of the treatment process and is a modular process which can be readily expanded to accommodate additional load. Provision has been made to double the number of MABR modules provided within the existing plant footprint. Modelling has shown that, in conjunction with the RO unit, this is sufficient to accommodate the additional flows from stage 2.

Aeration tank

With the inclusion of the additional MABR units, the existing aeration tank is of sufficient size to accommodate the additional load from stage 2. The aeration tank will need to be operated at a higher dissolved oxygen concentration at times of peak loading, and the blower size servicing the aeration system will need to be increased.

Anoxic denitrification tank

With the inclusion of the additional MABR units, the existing aeration tank is of sufficient size to accommodate the additional load from stage 2.

MBR membranes

The MBR system is compact, modular and designed to be expanded as the plant is built out. A linearly proportional amount of additional MBR membranes will need to be provided as the stage 2 development is built out. There is sufficient footprint available in the existing plant area to accommodate the additional membranes required to meet stage 2 flows.

UV multi-barrier disinfection

The proposed UV would need to be upgraded to accommodate stage 2 flows. It would be most cost effective to install the stage 2 UV during the initial stage 1 construction.

Reverse Osmosis

The reverse osmosis is a modular plant that can be expanded as the development grows. It would be most cost effective to install a reverse osmosis skid sized to accommodate stage 2 flows from the outset with only the stage 1 membranes installed. Additional membrane modules could then be added to the existing skid as the development grows beyond the stage 1 scope.

4. CONCLUSION

In conclusion, the current wastewater treatment plant proposed for the Delmore development is designed as a modular system that can be easily expanded to accommodate the flows from build-out of stage 2 of the development.

Annexure F – Future Development Strategy (extracts)



Tāmaki – Whenua Taurikura

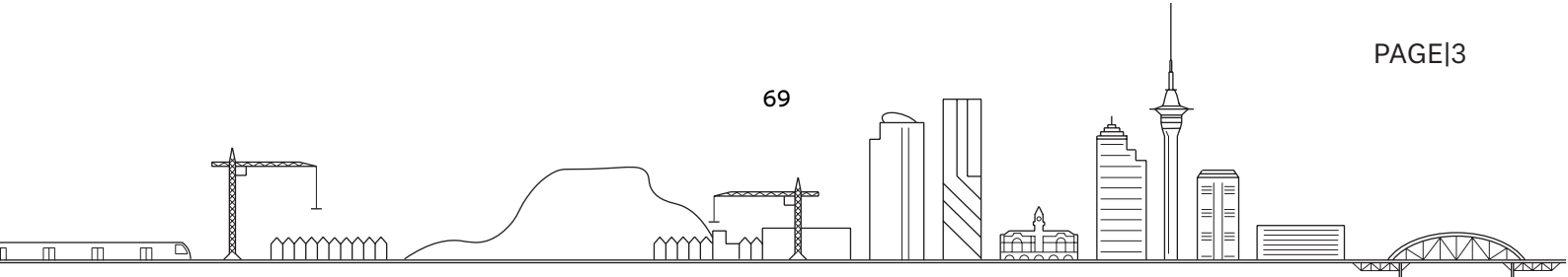
Auckland Future Development Strategy

2023-2053

As required by the National Policy Statement on Urban Development 2020

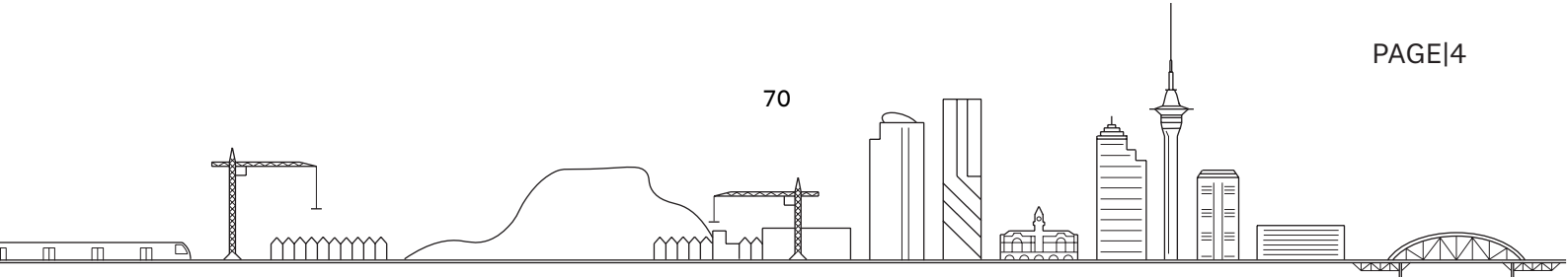


Auckland's built environment underpins the development of prosperous, inclusive, and vibrant communities. Quality development helps to regenerate the environment and deliver our commitments to greenhouse gas emission reduction as we grow and change.



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2.3 Over-arching challenges

The Auckland Plan 2050 sets out three key challenges that must be addressed to achieve the Tāmaki Makaurau we want by 2050:

- Population growth and its implications
- Sharing prosperity with all Aucklanders
- Reducing environmental degradation

These three challenges provide context for the Future Development Strategy. The wider challenges for strategic planning and how Tāmaki Makaurau grows spatially over the next 30 years are described below.

2.3.1 Climate change and its impacts

The likely impacts of climate change on Tāmaki Makaurau are well established. The impacts will not only be environmental, but will also affect the cultural, social and economic wellbeing of Aucklanders. The impacts of climate change are far reaching and inform all of the other over-arching challenges that need to be addressed.

These impacts are a challenge for spatial planning in several ways. They can be broadly categorised into climate change mitigation challenges, and climate change adaptation challenges.

In terms of climate change mitigation, spatial planning plays a key role in shaping and re-shaping the urban form. Urban form can have a significant impact on ensuring as much residential and business development as possible is located close to key public transport nodes and routes, and that active modes of travel are real options for certain types of trips. This is necessary to help support emission reductions from the transport sector. If development occurs in far flung locations (both greenfield and brownfield) remote from good public transport services, the ability to reduce emissions from transport is impacted.

This means that spatial planning should seek to avoid, as far as possible, new greenfield development in locations that are not, or will not, be serviced by good quality public transport services. At the same time, planning for higher density development close to centres, key employment hubs, and good quality public transport is critical.

In terms of climate adaptation, many brownfield and greenfield locations are at significant risk from natural hazards and disasters exacerbated or generated by climate change. Spatial planning can provide high level direction as to how such risks are to be managed into the future. Specifically, spatial planning can provide direction to ensure more development does not occur in high-risk areas, thereby protecting people and property from harm.

2.3.2 Spatial planning in an uncertain and changing environment

The unexpected events of the past few years have impacted the rate of growth and development in Tāmaki Makaurau and have arguably resulted in greater appreciation of the need to, and value of, planning for the future.

The COVID-19 pandemic slowed short-term growth in Tāmaki Makaurau, particularly through border closures. New Zealand's borders are now open, and the population is once again increasing with significant long-term growth expected in Tāmaki Makaurau over the next 30 years. There are ongoing changes to the workforce, economy, interest rates, inflation, and project viability. There is also ongoing behaviour change such as increases in working from home and online retail and a greater awareness of the environmental impacts our lifestyles have.

New information focuses us on how we respond to climate related events. The increasing frequency and severity of these events challenge our ability to plan and respond over the short to long-term.

The government is driving wide-spread reforms. Implementation of central government's legislative programme impacts on how the council plans for accommodating growth in the future. There is tension between providing certainty for infrastructure providers with flexibility for development aspirations.

Regardless of uncertainty, planning for this growth is important as we address existing Auckland's present and future housing and business requirements shortfalls and build resilience.

cases, staged development will be appropriate. Alternate approaches to infrastructure technology that achieve the same or similar outcome will also be considered.

There may therefore be cases where the timing and development of areas could be brought forward. This will however need to be considered on a case-by-case basis. While this creates a 'pathway' for development that wishes to proceed earlier, the council will only consider this where there is not a significant impact on the council's financial position and broader well-functioning urban environment outcomes can be met.

As infrastructure programmes may change over time, prerequisites will be reviewed regularly to ensure they reflect latest information.

Figure 14 below shows the location of future urban areas. Information on sequencing, timing and prerequisites for future urban areas is set out in Appendix 6 and Appendix 7.

While infrastructure prerequisites address future development, it does not address areas of varying size that have already been live-zoned or that are potentially in the process of being live-zoned. In some cases this live zoning has been ad-hoc and unconnected, and cumulatively have significant effects on especially environment outcomes. When combined with future urban areas that will in time be live-zoned and developed, these cumulative effects become even greater.

Planning at a more detailed level than structure planning is needed to coordinate existing live-zoned areas and new live-zoned areas as they come on-stream. The focus is less on bulk infrastructure, which is addressed through other documents and processes, but more broader outcomes and well-functioning environments. The nature and form of this type of planning will vary between future urban areas, depending on their unique characteristics. Focusing council's investment

Focusing council's investment

Specific areas within the wider future urban area are identified as the focus for the council's investment in infrastructure, particularly in the next 10 years (see section 4.2.5 Prioritising areas for development). The council will seek to stringently adhere to this focused approach and ensure that growth areas are adequately serviced by appropriate infrastructure.

This is a signal to infrastructure providers and the development sector that the council's financial resources are limited, and that servicing growth consequently is determined by the ability of council to fund new infrastructure across the region. This approach is taken to ensure that infrastructure projects in areas prioritised for development

are funded and able to be planned, designed, consented and constructed.

Still, the council will consider private sector initiatives which find practical ways to provide infrastructure either through direct provision, or funding council to accelerate its own infrastructure provision where that contributes significantly to housing and business capacity, and meets the requirements of a well-functioning urban environment, set out in section 2.5 above, and as required by the NPS-UD.

Private sector infrastructure provision

Local infrastructure is funded by developers to the extent that they mitigate the impact of their development. However, this infrastructure generally has to connect to bulk infrastructure and/or have an impact on wider infrastructure networks and services, creating cumulative infrastructure impacts. Whilst this strategy sets infrastructure prerequisites that align with council's planned investment in future urban areas, it also signals a pathway for the private sector to fund infrastructure ahead of when the council can fund the required infrastructure.

Private sector infrastructure provision could consider:

- private sector funding to the council and it's CCOs to provide the infrastructure ahead of programme where it does not impact council's debt profile and fits with the financial position of the council and CCOs
- private sector provision of infrastructure with deferred vesting in the council
- independent standalone infrastructure, where it can be provided, funded and operated by the private sector pending delivery and connection of public infrastructure to a place.

For developments where the private sector provides the infrastructure, there may be public benefits in future-proofing the level of infrastructure to cover an expanded growth area, rather than confined to the development area only.

How subsequent development pays an appropriate proportion of the initial infrastructure costs, and how that is compensated back to the original infrastructure funder must occur appropriately.

The council's debt profile and financial position is such that it cannot effectively, and it may not be appropriate to, buy out the residual infrastructure costs, and recoup that progressively from future developments over time. Alternative mechanisms are required in situations where it is appropriate to do so.

The council will work with the development sector to identify appropriate mechanisms by which

Appendix 6: Future urban infrastructure prerequisites

Infrastructure prerequisites make a more specific link between growth in future urban areas and the infrastructure necessary to support that growth. Prerequisites and their respective timing were developed with the key lead infrastructure providers for development which are water, wastewater, stormwater and transport.

Infrastructure prerequisites is a term introduced into this Future Development Strategy as a tool to guide the timing of development of future urban areas and where development relies on, connects to, or has an impact on water, wastewater, stormwater, or transport networks. Infrastructure prerequisites indicate the infrastructure required to support development, and the timing of when the council is able to fund that infrastructure. This leads to the timing for an area to be ready for development, based on “not before” a year, rather than the 5-year periods as was the approach in the Future Urban Land Supply Strategy 2017 (FULSS). The FULSS 5-year period indicated when future urban land was anticipated to be ready for development based on a set of principles, which included information on infrastructure readiness.

These prerequisites set a clear expectation as to the new or upgraded services needed to support growth in future urban areas and reflect the feasible date by which council can commit to funding and delivering that infrastructure. There may be times where alternative methods or technologies that achieve the same or similar outcome are available, or alternative funding methods or partners enable all or parts of these future urban areas to be live zoned earlier than where the provision of infrastructure solely rely on council funding. Council will collaboratively engage when such opportunities arise, as described in section 4.2.2.

Infrastructure prerequisites update the likely timing and specify the development infrastructure project and additional infrastructure project(s) that would be required to enable the area to be ready to be live-zoned. It is important to note that the infrastructure prerequisites (and associated timing) are high level and coarse, and beyond these requirements more detailed levels of planning are required.

This approach is based on the principle of aligning the location and timing of growth in future urban areas with council’s investment into the construction and delivery of bulk and cumulative infrastructure to service and support new urban development. This is necessary due to the limits on the council’s ability to finance infrastructure investment.

However, there is a high level of uncertainty in growth planning. This prerequisite approach is taken to balance the tension between providing certainty for infrastructure providers, with flexibility for development aspirations. Along with assisting the integration of planning decisions under the RMA with infrastructure planning and funding decisions, responsive planning is a key principle of the NPS-UD. By clearly stating the infrastructure prerequisites required for the development of future urban areas, it provides the potential for the private sector to fund and finance that infrastructure and potentially bring the development of future urban areas forward, noting there may be strategic reasons beyond council’s financial resources as to why the timing of development should not be brought

forward.

While infrastructure prerequisites signal likely timing for zoning changes for a whole future urban area or sub-area, the projects generally have a level of uncertainty until they are funded.

The infrastructure prerequisites are linked to bulk development infrastructure delivery. The locations and timing of the projects identified as development infrastructure prerequisites are based on broad assumptions, including that they are delivered by council and central government entities. These projects are in the future and generally not yet confirmed and funded in plans such as a 10-year budget. In practice, the timing of the delivery of infrastructure projects will increase with certainty as they become funded. This can be 7-10 years out from their delivery.

By integrating the timing of development of future urban land with infrastructure prerequisites this FDS indicates when a programme of delivering the bulk infrastructure would likely have confirmed funding and be initiated. This provides clear guidance around the timeframes for rezoning and development activities. This also provides the potential for the private sector to find alternative funding sources for required infrastructure, which may enable the timing of rezoning and development to be brought forward.

The prerequisites will be reviewed regularly to ensure they reflect the latest project information and funding availability. In order to allow for the adjustment of prerequisites, one implementation action for the FDS is to incorporate principles around development of future urban areas, infrastructure provision, and the role of prerequisites in the Regional Policy Statement of the Auckland Unitary Plan. The specific prerequisite information, including what infrastructure is required and when this is planned, will remain within the FDS and/or related implementation plan.

Prerequisites are used to ensure well-coordinated development that makes an important contribution to achieving well-functioning urban environments

Aligning future urban areas with planned (bulk) infrastructure delivery ensures that development is well-coordinated and is able to provide a safe, sustainable environment for communities.

An important part of ensuring well-coordinated development is ensuring that the delivery of the infrastructure prerequisites is not considered in isolation of wider system upgrades and initiatives required in any given location. These wider network considerations are critical, although greater flexibility (as compared to the bulk infrastructure required as prerequisite) will typically be available to work around their delivery. For example, with regards to transport, beyond bulk infrastructure, interim transport works or upgrades can and will occur to enable development. These can be scoped and staged to allow for upgrades which support the level of proposed development without compromising the ultimate form of a wider transport project.

Infrastructure prerequisites do not constrain development

The Future Development Strategy and the implementation of infrastructure prerequisites do not prevent private plan change requests. Council cannot predict private plan change

requests and can therefore not rely on this 'method' when planning for regional growth and infrastructure provision across a 30-year horizon.

However, a pathway exists for the timing that future urban land can be developed to be brought forward where the requestor of a private plan change can fund the infrastructure prerequisites (that is, there is no cost to council), or can, conditional on acceptance by council, identify alternate or new infrastructure funding tools which limit impacts on council's financial position and commitments.

The need for infrastructure occurs progressively from the time of occupation. Land development, subdivision, and construction is a multi-year programme. By concurrently delivering infrastructure, land development and construction, there are economic efficiencies from the infrastructure investment.

Also, not all infrastructure is needed for initial new residential or business communities. The council will therefore consider the staged roll out of infrastructure upgrades commensurate with demand and / or staging of development where such roll-out and/or staging is to the satisfaction of the relevant and ultimate infrastructure owner, and again where such staged roll out does not impact the council's debt profile nor its ability to fund infrastructure it has committed to or prioritised. Staged provision commensurate with progressive growth will ensure a new community is serviced, with subsequent growth stages triggered by a developer commitment to upgraded infrastructure.

Therefore, infrastructure prerequisite projects will not always need to have finished construction prior to development commencing. There will be scenarios where the development consenting and construction process can commence prior to completion of prerequisite infrastructure. When development can commence needs to be considered on a case-by-case basis and will, amongst others, depend on prerequisite design and construction lead times.

It is potentially also possible that development can commence so far ahead that dwellings (or business premises) are ready to be occupied before prerequisite infrastructure is in place and able to be connected to. This is therefore another consideration for when it might be appropriate for development to commence. 'Occupation triggers' as a date before which a dwellings or premises cannot connect to a network infrastructure could be an additional condition attached to development commencing prior to infrastructure prerequisite dates.

The NPS-UD allows the use of infrastructure prerequisites

The NPS-UD does not prevent a sequencing approach to strategic planning. It emphasizes an approach where council planning decisions (including on plan changes) on urban development that affect urban environments are integrated with infrastructure planning and funding decisions. For Auckland this enables the council to continue with a strategic planning approach that utilises sequencing as developed in the FULSS 2017. At the same time, the NPS-UD requires the council to be responsive to plan changes that would add significantly to development capacity and contribute to well-functioning urban environments, even if the development capacity is unanticipated by RMA planning document or out-of-sequence with planned land release. However, this cannot be at the

expense of achieving a well-functioning urban environment or other valid and important resource management considerations.

As a result, a strategic planning approach that aims for a good degree of certainty but allows for appropriate flexibility (or responsiveness) is required. Infrastructure prerequisites allow for this certainty and flexibility.

The following table sets out the timing of future urban areas and the key (bulk) infrastructure prerequisites associated with these. The timing of the live-zoning future urban areas spans over 30 years from 2023 – 2050+ and is necessary in acknowledging the council's limitations in funding infrastructure to support growth. Distributing the live zoning of future urban areas over this timeframe enables proactive planning in an orderly and cost-efficient way, ensuring the areas are supported by the required bulk infrastructure and able to deliver the quality urban outcomes anticipated in this FDS.

Note: The key bulk infrastructure prerequisites listed in the following table is not an exhaustive list, is based on current information and may be subject to change as further strategic planning is developed (e.g. Auckland Rapid Transit Plan (ARTP) and the Tāmaki Makaurau Integrated Transport Plan (TMTP)). The timing of the individual infrastructure prerequisite projects will be included in the FDS Implementation Plan and reviewed annually to ensure they reflect latest information.

Future Urban Areas	Staging breakdown	Timing	Infrastructure prerequisite Key bulk infrastructure projects to support development readiness (not an exhaustive list) Colour coding legend: Wastewater projects Water supply projects Rapid Transit projects Other Transport projects
Warkworth	Warkworth North	Live zoned	
	Warkworth North	Not before 2035+	Western Link North Matakana Road Upgrade Sandspit Link Sandspit Road Upgrade Northern Public Transport Interchange Warkworth Wastewater Growth Strategy (new pipeline, pump station, wastewater treatment plant and outfall pipe) and ancillary works Warkworth WW Growth Servicing (Gravity pipe from the showgrounds to Lucy Moore PS)
	Warkworth West	Not before 2040+	SH1 Southern Interchange Woodcocks Road upgrade Wider Western Link Warkworth Wastewater Growth Strategy (new pipeline, pump station, wastewater treatment plant and outfall pipe) and ancillary works Warkworth WW Growth Servicing (Gravity pipe from the showgrounds to Lucy Moore PS)

	Warkworth South Central	Not before 2040+	SH1 Southern Interchange Woodcocks Road upgrade Western Link south Southern Public Transport Interchange SH1 South Upgrade Warkworth Wastewater Growth Strategy (new pipeline, pump station, wastewater treatment plant and outfall pipe) and ancillary works
	Warkworth South East	Not before 2045+	SH1 Southern Interchange Wider Western Link Southern Public Transport Interchange SH1 South Upgrade Warkworth Wastewater Growth Strategy (new pipeline, pump station, wastewater treatment plant and outfall pipe) and ancillary works
	Warkworth South West	Not before 2045+	SH1 Southern Interchange Wider Western Link Southern Public Transport Interchange SH1 South Upgrade Warkworth Wastewater Growth Strategy (new pipeline, pump station, wastewater treatment plant and outfall pipe) and ancillary works
	Warkworth North East	Not before 2045+	Sandspit Road Upgrade Sandspit Link Warkworth Wastewater Growth Strategy (new pipeline, pump station, wastewater treatment plant and outfall pipe) and ancillary works
Silverdale, Dairy Flat, Wainui East, Upper Orewa	Wainui East SHA	Live zoned	
	Silverdale West (stage 1)	Not before 2030+ * some business can take advantage of existing capacity, these are the projects required to support full build out.	Pine Valley Road upgrade SH1 Interchange upgrades and new interchanges including active modes (Wilks Road, Redvale & Silverdale) North Shore Rapid Transit (extension to Milldale) Army Bay Wastewater Treatment Plant Upgrade Silverdale West Centralised WW PS

	Silverdale West (stage 2)	Not before 2030+ * some business can take advantage of existing capacity, these are the projects required to support full build out.	Dairy Flat Highway upgrade SH1 Interchange upgrades and new interchanges including active modes (Wilks Road, Redvale & Silverdale) North Shore Rapid Transit (extension to Milldale) Army Bay Wastewater Treatment Plant Upgrade Silverdale West Centralised WW PS
	Silverdale West (stage 3)	Not before 2035+	Dairy Flat Highway upgrade Dairy Flat to Redvale Interchange Arterial SH1 Interchange upgrades and new interchanges including active modes (Wilks Road, Redvale & Silverdale) North Shore Rapid Transit (extension to Milldale) Army Bay Wastewater Treatment Plant Upgrade Orewa 3 Watermain
	Weiti	Not before 2035+	Dairy Flat Highway to Penlink upgrades East Coast Road upgrade Wilks Road interchange Army Bay Wastewater Treatment Plant Upgrade Orewa 3 Watermain
	Dairy Flat	Not before 2050+	Dairy Flat Highway upgrade SH1 Interchange upgrades and new interchanges including active modes (Wilks Road, Redvale & Silverdale) Bawden Road upgrade East Coast Road Upgrade North Shore Rapid Transit (extension to Milldale) Army Bay Wastewater Treatment Plant Upgrade Orewa 3 Watermain
	Upper Orewa	Not before 2050+	Wainui Road upgrade Milldale and Grand Drive connection North Shore Rapid Transit (extension to Milldale) Army Bay Wastewater Treatment Plant Upgrade