

Delmore Substantive Application

From: Charlotte MacDonald – Barker & Associates Limited

Date: 5 June 2026

Re: Section 55: Response to Comments on the Delmore Application

1.0 Introduction

This Letter has been prepared in accordance with section 55 of the Fast Track Approvals Act 2024 (FTAA), as a response to the comments received on the Delmore Application under section 53 of the FTAA. This Letter also provides a response to Minute 2 of the Expert Panel, which included specific questions for the Applicant to address.

This Letter is structured as follows:

- **Section 2:** Overview of Proposed Changes to development design
- **Section 3:** Response to the Panel Minute 2
- **Section 4:** Response to Council Family Comments
- **Section 5:** Response to Other Comments
- **Section 6:** Updates to the Proposed Conditions
- **Section 7:** Conclusion

This Letter also includes the following appendices:

- **Appendix 1:** Legal Memorandum
 - Attachment 1: Infrastructure Legal Opinion
 - Attachment 2: Resident's Society Legal Memorandum
 - Attachment 3: Super lot Information
- **Appendix 2:** Updated Proposed Conditions

- No Tracked Changes Version
 - Tracked Change Version
- **Appendix 3:** Updated Architectural Drawings
 - Overview of Changes
 - Architectural Set
- **Appendix 4:** Updated Scheme Plans
- **Appendix 5:** Updated Landscape Plans
- **Appendix 6:** Updated Civil Drawings
 - Roading and Access Drawings
 - Water and Wastewater Drawings
 - Stormwater Drawings
 - Earthworks Drawings
- **Appendix 7:** Updated Transport Plans and Drawings
 - Plan Set 1: External Transport Upgrades
 - Plan Set 2: Connections
 - Plan Set 3: NOR6 Sequencing
 - Plan Set 4: Paper Road Stopping
 - Plan Set 5: Vehicle Tracking
 - Plan Set 6: Sight Distance Assessment
- **Appendix 8:** Response to Council Comments
 - A01 – Funding and Financing Memo

- A02 – Economics Memo
- A03 – Strategic Planning Memo
- A04 – Policy Memo
- A05 – Earthworks Memo
- A06 – Geotechnical Memo
- A07 – Groundwater Diversion and Dewatering Memo
- A13 – Wastewater Memo
- A17 – Water Treatment Memo
- A18 – Watercare Memo
- A19 – Stormwater and Geomorphology Memo
- A20 – Healthy Waters Memo
- A21 – Auckland Transport Memo
- A21 – Auckland Transport (Stormwater) Memo
- A22 – Traffic Engineer Memo
- A24 – Terrestrial Ecology Memo
- A27 – Landscape Memo
- A28 – Urban Design Memo
- A29 – Parks Memo
- **Appendix 9:** Response to Other Comments
- **Appendix 10:** Vineway Ltd Memorandum on Wastewater
- **Appendix 11:** Updated Technical Reports
 - Roading and Access Report

- Water, Wastewater and Utilities Report
- Stormwater Report
- Stormwater Management Plan
- Flood Assessment Report
- Earthworks Report

Where this Letter is referred to in any of the appendices listed above it is referred to as the Response to Comments letter or the Response to Comments Covering letter.

2.0 Overview of Proposed Changes to development design

As a result of the comments received under section 53 of the FTAA, several design changes have been made to the Proposal, as well as change to conditions and management plan requirement. The design changes are summarised below. These changes are represented on the Drawing titled “*Change Plan - Site*”, prepared by Terra Studio and included within **Appendix 3 to this Letter**, and have been updated across all drawing sets included as **Appendix 3, 4, 5, 6 and 7 to this Letter**. By way of summary, the changes include:

- Amendments to a number of JOALs to address comments from Auckland Transport, and Auckland Council (traffic and urban design). This includes adding JOAL turning heads, loading bays, pedestrian pathways and landscaping. One new JOAL has been added within Stage 2 to remove vehicle crossings from the Stage 2 collector road. These changes have resulted in lot boundaries and typology amendments, as well as a reduction of 3 dwellings within Stage 2;
- Amendments to the maintenance tracks, treatment devices and lot boundaries in relation to the drainage reserves to address comments from Auckland Council’s Healthy Waters team. These changes have resulted in lot boundaries and typology amendments, as well as a reduction of 1 dwelling in Stage 1 (in the location of the WWTP lot) and 1 dwelling in Stage 2. These dwelling reductions are in addition to the 3 dwelling reductions noted above, resulting in a total of 5 dwellings being removed across the development;
- A new inlet riser is proposed to the NZTA culvert to address the risk of culvert blockage;
- A new road reserve is proposed on the scheme plan to the north of the NOR6 arterial road, which would connect to the Ara Hills development to the north. This roading location is in approximate alignment with the roading location identified within the Ara Hills Plan Change (PC119);
- Amendments to the staging are proposed to ensure legal access to the paper road can be maintained when the road stopping is required;

- Bus stops have been added to the NOR6 arterial road and collector roads in accordance with the locations identified by Auckland Transport;
- Turning heads have been added to Road 10 and the termination point of the NOR6 arterial road at the end of Stage 1, to address comments from Auckland Transport;
- Landscaping amendments have been made to provide pedestrian access onto lots adjoining the NOR6 arterial road, to address comments from Auckland Council (urban design);
- A new road reserve is proposed to vest within Stage 2A-1 to provide for the NOR6 arterial road.

Overall, the application as lodged, included a total of 1,213 dwellings (including the Stage 1 park development and WWTP development), plus one super lot. The revised Proposal includes 1,208 dwellings (including the Stage 1 park development and WWTP development), plus one super lot. An updated breakdown is as follows:

Stage 1

- 463 residential lots and dwellings; and
- 12 residential lots and dwellings if Council decides not to acquire the Stage 1 park (this is known as the “Alternative Design” as described within the AEE); and
- 9 residential lots and dwellings to be developed if the infrastructure at the WWTP site is decommissioned.

Stage 2

- 724 residential lots and dwellings; and
- One commercial super-lot; and
- One 9,400m² super-lot which is un-serviced but earmarked for future residential use.

3.0 Response to Panel Minute 2

3.1 Overview

Paragraph 10 of Minute 2 of the Expert Panel, dated 1 April 2026, requests specific commentary on the following matters:

- (a) The adequacy and sufficiency of the matrix and specifications of the management plans that are intended to underpin the implementation framework;*

- (b) The timing (and implication) of road upgrades and connections, particularly those to Wainui Road and the Ara Hills development;*
- (c) The proposed private wastewater and water supply treatment plants;*
- (d) The private infrastructure role proposed for the two Residential Societies – and examples of where this mechanism has been implemented elsewhere for proposals of similar scale and proposed shared roles and responsibilities (i.e. both between the developer as asset owner and the Societies, and also involving two or more Societies potentially needing to integrate the management of effectively mutual assets). In that regard the following specific questions of the Applicant:*
 - (i) The application proposes that the consent holder own the land and the wastewater treatment plant associated with it and leases it to the Stage 1 Residential Society, but that the latter operate, maintain when required and take responsibility for all costs of maintaining the plant (condition 113). What would happen to the provision of infrastructure services if the consent holder or subsequent owner of the land and plant went into liquidation or bankruptcy? If there are major repairs required to the plant, has the Applicant considered how the Residential Society would be able to raise the funds for those repairs given that it will not own the land or plant?*
 - (ii) As consent is not being sought for Stage 2 of the Wastewater Treatment Plant, does the Panel have jurisdiction to impose a requirement on the Stage 2 Residential Society to maintain and operate the Wastewater Treatment Plant (condition 113)?*
 - (iii) The conditions appear silent regarding the Residential Society's role in managing the water treatment plant. Which party will be responsible for operating and maintaining this infrastructure?*
 - (iv) Condition 135 states that the owners of all residential lots must belong to the Residential Society. How is the provision of infrastructure to the commercial superlot to be managed - noting that Condition 114 otherwise appears to restrict itself to residential lots.*
 - (v) Page 12 of the Wastewater Report states that if a LPS is privately owned it needs to be maintained by a utility company. How does this factor into the arrangement described above?*
- (e) The extent (if any) to which the new section 84A, introduced by the Fast-Track Approvals Amendment Act 2025, changes the Panel's ability to impose conditions relating to infrastructure.*

The following sections provide a response to each of the items identified above or identify where in the material provided by the applicant under Section 55 FTAA a response has been provided.

3.2 Item 10(a): Management Plans

With regard to the proposed management plans, the applicant considers that they are adequate and sufficient, and that they are focused on achieving the objectives set in the conditions to which they relate. The draft management plans, the management plan conditions, and the broader conditions to which each management

plan relates have all been prepared with the input of the technical consultants assisting the applicant with the Delmore Application. This has been done to ensure that they are practically able to be implemented and require the correct management measures for achieving the objective of the plan and any wider outcomes or objectives set in the conditions. The draft management plans and related conditions have also been reviewed by Auckland Council and the Department of Conservation, and the applicant has made changes to them following that engagement and since the application was lodged:

- A draft Adaptive Management Plan (AMP) has been prepared and provided to Auckland Council for comment. This is included within **Appendix 8: A05 (Earthworks) to this Letter**. Auckland Council has confirmed that the draft AMP and associated conditions are acceptable and that all remaining comments within the Auckland Council earthworks memorandum have been resolved.
- An updated Fauna Management Plan (FMP) has been prepared to respond to comments received from Auckland Council’s ecologist and the Department of Conservation (DOC). This is included within **Appendix 8: A24: Terrestrial Ecology to this Letter**.
- An updated Archaeological Management Plan has been prepared to respond to comments received from the Minister for Arts, Culture, and Heritage. It is noted that the version as lodged was also prepared with input from Auckland Council and Heritage New Zealand. The updated plan is included within **Appendix 9 to this Letter**.
- Following discussions with Auckland Council’s ecologist and landscape architect, as well DOC, the conditions relating to the Planting and Implementation Plan have been removed and replaced with the requirement to prepare an Ecological Management Plan. The purpose of the Ecological Management Plan is to provide the measures for achieving the planting and broader restoration work within all areas identified on the Drawing titled “Ecological and Landscape Management Plans Scope Delineation”. The Ecological Management Plan is discussed in further detail within **Appendix 8: A24 (Terrestrial Ecology), and A27 (Landscape) to this Letter**.
- The Applicant has included additional management plan conditions at the request of Auckland Council to manage aspects of the proposal relating to wastewater (refer **Appendix 8: A13 (Wastewater) to this Letter**), water (refer **Appendix 8: A17 (Water) to this Letter**). These are included within the updated set of conditions at **Appendix 2 to this Letter** and the applicant understands that Auckland Council is comfortable with these conditions.

It is further noted that the conditions in **Appendix 2 to this Letter** provide for management plans to be provided for Auckland Council for certification which in practice means they will be prepared collaboratively between the consent holder and Auckland Council in the typical way.

3.3 Item 10(b): Roding upgrades

The Applicant has committed to funding and constructing numerous external transport upgrades to the public road network connecting to the site as detailed within **Table 1** below. These upgrades are demonstrated on drawings included as **Appendix 7, Plan Set 1 (Transport Upgrades) to this Letter**. These upgrades are also included within the conditions at **Appendix 2 to this Letter**. Minute 2 expressed a particular interest in upgrades related to Wainui Road which is located south of

the site (not abutting) down Upper Orewa Road, and the Ara Hills development which is located north and east of the site. The upgrades relating to these areas are in **bold** below. It is also noted that there are several other connections, or opportunities for connections, to the Ara Hills development provided for across the Proposal area. These are shown on **Appendix 7, Plan Set 2 (Connections) to this Letter**. In terms of a connection to the Ara Hills development along the northern boundary of the Delmore Stage 1 area, this is proposed to be provided through a designated area of road to vest. This is considered to be the most appropriate approach because of the uncertainty related to the future layout of Ara Hills given its current plan change. Having a road to vest enables final design to be done at the same time as and in a way that integrates properly with the Ara Hills development when its layout is settled. This is discussed in **Appendix 8: A21 (Auckland Transport) to this Letter**.

Table 1: External Transport Upgrades

Timing	Detail of the Upgrade	Conditions and Drawing References
Prior to the issue of a section 224(c) certificate for the first stage of the subdivision.	Construct the Grand Drive extension across Ara Hills to the Delmore eastern boundary.	Refer Appendix 7, Plan Set 1 (Transport Upgrades) to this Letter and Condition 5 in Section 3 Subdivision Consent.
If private wastewater servicing is proposed, this upgrade must be undertaken prior to the commencement of wastewater trucking. Details must be provided to Council at Engineering Plan Approval for the first stage of the development.	Widening of Russell Road to accommodate wastewater trucks.	Refer Appendix 7, Plan Set 1 (Transport Upgrades) to this Letter and Condition 54 Section 2 Land Use Consent.
Prior to the occupation of more than 573 dwellings within the Delmore development.	Opening of a secondary access to Upper Orewa Road in the form of a roundabout.	Refer Appendix 7, Plan Set 1 (Transport Upgrades) to this Letter Condition 6 Section 3 Subdivision Consent
	Upgrade Upper Orewa Road between Road 17 and Wainui Road to provide minimum 1m sealed shoulders on both sides of the road.	Refer Appendix 7, Plan Set 1 (Transport Upgrades) to this Letter and Condition 7 Section 3 Subdivision Consent.

	Upgrade the Upper Orewa Road / Wainui Road intersection to provide a right turn bay on Wainui Road and a left turn lane on Upper Orewa Road.	Refer Appendix 7, Plan Set 1 (Transport Upgrades) to this Letter and Condition 7 Section 3 Subdivision Consent.
	Widening of Wainui Road to provide minimum 1m sealed shoulders on both sides of the road to the Waterloo Creek bridge.	Refer Appendix 7, Plan Set 1 (Transport Upgrades) to this Letter and Condition 7 Section 3 Subdivision Consent.
	Construct a temporary off-road footpath (minimum 1.8m in width and an all-weather surface) along Upper Orewa Road and Russell Road between the Road 17 / Upper Orewa Road intersection and the eastern boundary of the Delmore site.	Refer Appendix 7, Plan Set 1 (Transport Upgrades) to this Letter and Condition 7 Section 3 Subdivision Consent.
	Upgrade the intersection of Russell Road / Upper Orewa Road to provide additional road markings.	Refer Appendix 7, Plan Set 1 (Transport Upgrades) to this Letter and Condition 7 Section 3 Subdivision Consent.
Within 12 months following the opening of the Upper Orewa Road roundabout.	Undertake traffic surveys at the Grand Drive interchange and construct a left turn lane (or an alternative solution as agreed with Council and NZTA) if the traffic surveys identify adverse impacts on the interchange.	Refer Appendix 7, Plan Set 1 (Transport Upgrades) to this Letter and Conditions 9 - 15 Section 3 Subdivision Consent.
Prior to the issue of a section 224(c) certificate for the last sub-stage of the subdivision.	Construct the portion of the NOR6 arterial road from the southern boundary of Stage 1 of the	Refer Appendix 7, Plan Set 1 (Transport Upgrades) to this Letter and Condition 8 Section 3 Subdivision Consent.

	development through to the intersection of Upper Orewa Road and Russell Road.	
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3.4 Item 10(c): Wastewater and Water Supply Treatment Plants

The Applicant received comments from Auckland Council and Watercare on both the Wastewater Treatment Plant (WWTP) and the (WTP). A response to each of these is included within **Appendix 8: A13 (Wastewater), A17 (Water) and A18 (Watercare) to this Letter**. These comments have resulted in new conditions being added within **Appendix 2 to this Letter**.

It is understood from correspondence with Auckland Council, that all outstanding queries relating to wastewater have now been resolved. Email correspondence confirming this is included within **Appendix 8: A13 (Wastewater) to this Letter**. The Applicant acknowledges that the Council has not yet reviewed the information relating to water treatment as included as **Appendix 8: A17 (Water) to this Letter**.

Further detail is provided below within **Section 4 of this Letter**.

3.5 Item 10(d): Residents' Society

By way of overview, the Applicant has proposed a revised governance and ownership structure for the private water and wastewater infrastructure, comprising a single Residents' Society for the entire Delmore development, and a separate Utility Company responsible for owning, operating, maintaining, and renewing the infrastructure. This revised structure, and the related conditions were prepared working with specialist property law firm Alexander Dorrington. Alexander Dorrington has prepared a legal memorandum addressing the Panel's question in paragraph 10 of Minute 2 and explaining the rationale behind the proposed Residents' Society structure. This is included in **Appendix 1, Attachment 2 to this Letter**. The legal advice concludes that structure now provided for by the proposed conditions is an appropriate model for a development of this scale and includes an example of a similar model at Karaka North.

The advice also addresses concerns regarding ownership and insolvency risk. It proposes that the land containing the infrastructure be subject to a registered lease in favour of the Utility Company. The advice states that a registered lease would provide legal certainty, protect infrastructure interests in the event of freeholder insolvency, enable financing through a separate leasehold title, and clearly allocate responsibility for operation, maintenance, renewals, and eventual decommissioning of the infrastructure. These matters are reflected in the conditions proposed by the applicant in **Appendix 2 to this Letter**.

Specifically, the Panel's comments within Minute 2 have been addressed as follows:

- Item 10(d)(i): This is addressed within the legal memorandum included within **Appendix 1, Attachment 2 to this Letter**.

- Item 10(d)(ii): The conditions now require a single Residents' Society for the development (refer to part 3.1.11 of the subdivision consent (Section 3 of the conditions)). The conditions also require a Utility Company to be established to own and operate the WWTP. Therefore, the conditions no longer specify that the Stage 2 Resident's Society will maintain and operate the WWTP.
- Item 10(d)(iii): New conditions have been included which require a Utility Company to be established, who would own and operate the WTP. Refer part 3.1.10 of the subdivision consent (Section 3 of the subdivision conditions).
- Item 10(d)(iv): The conditions have been amended to clarify that membership of the Resident's Society shall be compulsory for all owners of lots, including the residential and commercial lots (refer to Condition 33 of the subdivision consent (Section 3 of the conditions)).
- Item 10(d)(v): As per above, new conditions have been added which require a Utility Company to be established, who would own and operate the private water and wastewater infrastructure. Refer Part 3.1.10 of the subdivision consent (Section 3 of the conditions).

3.6 Item 10(e): Section 84A to the FTAA

A legal opinion letter has been prepared by Ellis Gould which provides commentary regarding conditions for Delmore that rely on section 84A to the FTAA. Refer to **Appendix 1, Attachment 1 to this Letter**. The Ellis Gould letter concludes that section 84A of the FTAA clarifies and broadens the Panel's ability to impose infrastructure-related conditions. In particular, section 84A confirms that approvals may be granted where infrastructure is not yet available, provided conditions are imposed to ensure that adequate infrastructure is, or can be made, available before the relevant stage of development proceeds.

The Ellis Gould letter then goes on to specifically address the proposed Delmore conditions relating to water and wastewater servicing. It concludes that they are consistent with section 84A because they provide a range of feasible servicing pathways, require infrastructure capacity to be demonstrated before development can proceed, and place obligations only on the applicant. Accordingly, the related conditions are considered to be a lawful and appropriate mechanism for managing infrastructure servicing while enabling the project's regional benefits to be realised.

The Ellis Gould letter is then relied on in the overarching legal memorandum in **Appendix 1 to this Letter** to confirm the lawfulness, and appropriateness given the factual context, of the proposed condition committing the consent holder to constructing the Grand Drive extension referred to in the table in Section 3.3 above.

4.0 Response to Auckland Council Family Comments

4.1 Overview

As part of its Section 53 comments, the Auckland Council Family submitted an overarching Planning Memorandum together with 29 supporting technical memoranda. The Applicant's responses to each of these memoranda are included within **Appendix 8 to this Letter**. These have been titled using the same reference as used by Auckland Council. For example, the document referenced as A01 in the Auckland Council Family's comments is referenced in the applicant's response to comments as Appendix 8 A01. The applicant has also kept the same structure as the Auckland Council Family's comments where those comments were provided in table format. It has done this by providing its responses in a new column to the right-hand side. Auckland Transport's and Watercare's comments were not provided in this format. However, for ease of reading the applicant has used a table format for its responses with the issues raised by those entities to the left and the applicant's response to the right.

Auckland Council has confirmed that all matters raised within the following technical memoranda had been resolved prior to the lodgement of its Section 53 comments. Accordingly, no separate Applicant response memoranda have been provided for these disciplines. Resolution was achieved through engagement between the Applicant and Auckland Council officers following lodgement of the application, and all matters agreed to reach that resolution have been carried through into the Proposal.

- **A08 - Temporary Surface Water Diversion:** Resolved through minor amendments to conditions. Refer Condition 4 of the stream works consent in **Appendix 2 to this Letter**.
- **A09 - Noise & Vibration:** Resolved through minor amendments to conditions. Refer Condition XX in **Appendix 2 to this Letter**.
- **A10 – Contamination:** Resolved through minor changes to conditions. Refer Condition 7 of the land use consent in **Appendix 2 to this Letter**.
- **A11 - Archaeology Heritage:** No changes requested.
- **A12 - Māori Heritage:** No changes requested.
- **A14 - Hazardous Substances:** No changes requested.
- **A15 - Air Quality:** Resolved through conditions. Refer Condition 12 of the air discharge permit in **Appendix 2 to this Letter**.
- **A16 - Groundwater Use:** No changes requested.
- **A23 – Waste:** Resolved through minor amendments to conditions. Refer Condition 29 – 30 of the subdivision consent in **Appendix 2 to this Letter**.

- **A25 - Freshwater Ecology:** Resolved through the provision of further information.
- **A26 – Arboriculture:** Resolved through minor amendments to conditions. Refer Condition 12 in **Appendix 2 to this Letter**.

Auckland Council has subsequently confirmed that all matters raised in the following technical memoranda have also been resolved following lodgement of its Section 53 comments, and again all matters agreed to reach resolution have been carried through into the Proposal:

- **A06 – Geotechnical:** Resolved through the provision of further information and changes to conditions. Refer to **Appendix 8: A06 (Geotechnical) to this Letter**.
- **A05 – Earthworks:** Resolved through the provision of further information, draft Adaptive Management Plan, and changes to conditions. Refer to **Appendix 8: A05 (Earthworks) to this Letter**.
- **A07 – Groundwater Diversion and Dewatering:** Resolved through conditions. Refer to **Appendix 8: A07 (Groundwater Diversion and Dewatering) to this Letter**.
- **A13 – Wastewater:** Resolved through the provision of further information and changes to conditions. Refer to **Appendix 8: A13 (Wastewater) to this Letter**.

4.2 Key Issues Identified by Auckland Council

The Planning Memorandum identifies six “headline issues” which Auckland Council considers may be relevant to the Panel’s assessment under Section 85 of the FTAA. Since the preparation of that memorandum, the Applicant has engaged with Auckland Council officers and specialists, provided further information, and agreed to a range of amendments to the proposed conditions. As a result, a number of the matters identified in the Planning Memorandum have either been resolved or substantially narrowed.

The Applicant’s response to the key issues identified by Auckland Council is summarised below:

4.2.1 Issue 1: Geomorphic Related Effects

Auckland Council's geomorphology concerns relate to the potential for ongoing stream incision, bank erosion and channel adjustment within the site's gully network, and whether these processes have been adequately considered in the development design. In response, the Applicant has provided additional geomorphic information confirming that these risks have been identified and assessed, and that they have informed the proposed development layout, riparian setbacks, stormwater design and geotechnical assessments. This is addressed within **Appendix 8: A19 (Stormwater and Geomorphology) to this Letter**.

Since receiving the Section 53 comments by Auckland Council, the Applicant has engaged with Auckland Council’s Healthy Waters team further on this matter. Auckland Council's fluvial geomorphology specialist confirmed that the hazards and sensitivities of the natural channels were appropriately identified in the Morphum assessment. Refer to the email correspondence included within **Appendix 8: A19 (Stormwater and Geomorphology) to this Letter**.

The Proposal adopts a management approach that recognises and responds to the risks identified through setbacks, engineering design and geotechnical mitigation measures. The Applicant considers that the relevant risks have been identified and that appropriate mitigation measures can be developed and refined through the detailed design process in accordance with Morphum's recommendations. The proposed condition framework also includes mechanisms to ensure that any engineering solutions required to manage geomorphic risk are implemented and retained in the long term, including through consent notices registered against affected titles of the subdivision consent (Section 3 of the conditions)). The Applicant is also engaging directly with Healthy Waters on the development of conditions relating to geomorphology.

4.2.2 Issue 2: Dam Break Assessment and related Potential Impact Classification Assessment

Through engagement with Auckland Transport it was identified by FS consulting that 6 of the 12 proposed culverts will be inadvertent dams. The Applicant and Auckland Council agreed that further assessments were appropriate to investigate the risk of dam failure and make sure that the Delmore development had been designed and/or appropriate management measures put in place to ensure residents were not exposed to hazardous conditions. This work was undertaken by FS consulting and Riley Consulting working closely together. FS consulting undertook a dam breach flood hazard assessment. This modelled 5 scenarios with Scenario 5 being the worst case (identified with input from Auckland Transport and shown at section 3.2 of the FS consulting assessment memorandum which is Attachment B to **Appendix 8 A21 (Auckland Transport Stormwater) to this Letter**). FS consulting conclusions are that (Section 5 of the assessment):

- The results indicate that the majority of flooding within the development is attributable to the base post-development scenario (Scenario 2), with dam breach contributing minimal incremental hazard across lots and internal roads.
- The exception is Area 1, where breach-driven flows are concentrated near the stream corridor. Within Area 1, habitable lot boundaries (P1, P3, P4) are subject to Low to Medium Hazard under the worst-case scenario (Scenario 5), with depth × velocity products not exceeding 0.29 m²/s. P2, located within the proposed park adjacent to the stream, is subject to Very High Hazard; however, this is consistent with its proximity to the watercourse and it is unlikely to be occupied during a 1000-year ARI event.
- Downstream of the development, the SH1 embankment provides a significant hydraulic barrier, with freeboard exceeding 10 m in all scenarios, confirming negligible impact to the downstream environment.
- Safety-egresses have been determined for all areas in the development where available routes may be cut-off during collapse of the identified inadvertent dams. In conclusion, it is determined that there are adequate safety-egress routes available for all areas of the development during a dam-breach scenario.

Overall FS consulting found this meant that the assessment demonstrates that the development can meet the requirements of the Building Act 2004, the Building (Dam Safety) Regulations 2022, and the NZSOLD 2024 Dam Safety Guidelines.

Alongside the work by FS consulting, and relying on the inputs from FS consulting's work, Riley Consultants undertook a Potential Loss of Life assessment. The assessment concludes that all six road embankments classified as inadvertent dams have a Low Potential Impact Classification (PIC), based on a Minimal damage level, a Population at Risk (PAR) of 1–10 people, and a Potential Loss of Life assessed as zero (after rounding). The modelling indicates that, even under extreme 1,000-year rainfall and conservative breach/blockage scenarios, impacts are largely confined to the embankments and upstream watercourses, with downstream effects significantly attenuated by the State Highway 1 embankment. Flood depths remain within low hazard categories for buildings, and no permanent dwelling occupants are exposed to unsafe inundation. Overall, post breach consequences are limited to minor infrastructure disruption and environmental effects, with recovery expected to be relatively straightforward.

On that basis, the Applicant understands that no changes are therefore required to the current design and management measures and that Auckland Transport's query should be resolved.

4.2.3 Issue 3: Traffic / Transport Related Effects

Auckland Transport and Auckland Council's Traffic Engineering specialists identified a range of matters relating to roading network integration, road design, vehicle tracking, active mode connections, public transport provision, and the staging and delivery of transport infrastructure. In response, the Applicant has provided updated roading plans, updated vehicle tracking assessments, additional sight distance assessments, and further information regarding staging and delivery of transport infrastructure. The Applicant has also accepted a significant number of Auckland Transport's recommended conditions, including conditions relating to traffic monitoring, delivery of the Upper Orewa Road connection, wastewater tanker access, vehicle crossings, road widening works, traffic calming, lighting, and ongoing monitoring of the Grand Drive interchange. Refer to **Appendix 8: A21 (Auckland Transport) and A22 (Traffic Engineer) to this Letter**, as well as the updating plans within **Appendix 6 (Civil Drawings), and Appendix 7 (Transport Drawings) to this Letter**.

The principal remaining points of disagreement relate to the delivery of infrastructure; including the request for the active mode bridge across the SH1/Grand Drive interchange to be operational prior to development proceeding, and the request for a temporary path connection to the future school site / Ministry of Education land. The Applicant does not consider these requirements to be necessary or proportionate, noting that the bridge is required to be delivered through the Ara Hills consent and its delivery is outside the Applicant's control. Furthermore, the Ministry of Education land is neither designated nor confirmed for school purposes and would ultimately be served by the future NOR6 active mode connection (further detail on this is included within **Appendix 1 (Legal Memorandum) and Appendix 8: A21 (Auckland Transport) to this Letter**).

A further point of disagreement relates to the provision of a separated cycle facility along Road 1. The Applicant's transport evidence concludes that forecasted traffic volumes do not justify separated cycling infrastructure. The Applicant notes that Road 1 is expected to carry approximately 1,500 vehicles per day, is intended to operate as a low to moderate volume environment suitable for shared use, and that a high-quality alternative cycling route will be provided along the NOR6 arterial corridor which runs in close proximity to Road 1, also through the Delmore Stage 1 area. Accordingly, the Applicant considers the effects of not providing a separated cycle facility on Road 1 to be minor and the technical information before the Panel does not justify its inclusion.

The Applicant also notes that a number of matters raised by Auckland Transport and Auckland Council's Traffic Engineer, including detailed vehicle tracking, bus stop layouts, lighting design, signage, road marking, and other operational design elements, are matters that are typically refined through Engineering Plan Approval and detailed design processes. These have already been designed to a high level of detail as part of this Application, and any further refinements can be made, in the normal way, at EPA stage. These are further addressed within **Section 4.3 of this Letter**.

Overall, the Applicant considers that the transport effects of the proposal have been appropriately assessed and can be adequately managed through the proposed consent conditions.

4.2.4 Issue 4: Water Treatment

Auckland Council's Water Treatment Specialist identified concerns relating to the design and long-term operation of the proposed private water supply system, including water quality data, drought resilience, water balance modelling, greywater recycling performance, treatment plant residuals, and governance arrangements.

In response, the Applicant has provided additional technical information demonstrating that the proposed water supply system is capable of reliably servicing the development within the limits authorised by groundwater take consent WAT60456696 (refer to **Appendix 8: A17 (Water Treatment) to this Letter**). The supplementary information confirms that the water balance has been developed using conservative assumptions, incorporates multiple layers of resilience including four production bores, balancing storage, rainwater harvesting and greywater recycling, and remains within authorised abstraction limits under modelled drought conditions. The Applicant has also addressed Auckland Council's concerns regarding treatment plant residuals by confirming that residual waste streams from the WTP will be directed to the on-site WWTP, which has been designed with sufficient capacity to accommodate the additional hydraulic loading.

The Applicant has also accepted, either wholly or in substantial part, a number of Auckland Council's recommended conditions relating to water supply management, source capacity verification, drinking water compliance, water efficiency measures, minimum storage requirements, and establishment of a dedicated Utility Company to own, operate and maintain the infrastructure (refer to **Appendix 2 to this Letter**). Together, the additional technical information and proposed conditions provide a robust framework for the design, operation and long-term management of the private water supply system (if a connection is not available to the public network). The Applicant therefore considers that the matters raised by Auckland Council's Water Treatment Specialist have been appropriately addressed.

4.2.5 Issue 5: Parks Related Effects

Auckland Council's Parks Memorandum identified concerns relating to the long-term protection and management of open space areas, reserve gradients and maintenance access, neighbourhood park outcomes, and aspects of the proposed landscape design. Since lodgement of the application, the Applicant has provided further information, updated plans, and accepted a substantial number of Auckland Council's recommended Parks conditions relating to reserve interfaces, retaining

walls, streetscape landscaping, reserve landscaping, implementation, maintenance, and asset handover requirements. Refer to **Appendix 8: A29 (Parks) to this Letter**.

All but one of the remaining matters relate to detailed design and implementation considerations that are appropriately addressed through Engineering Plan Approval stage. These are detailed specifically within **Section 4.3 of this Letter**.

The exception is the point of difference relating to the future ownership of Lot 1800 should Auckland Council elect not to acquire the land. The Applicant notes that Lot 1800 has been designed as a neighbourhood park and meet's Auckland Council's policy, including the park size, accessibility and design requirements. The proposed park is free from flood-prone areas, structures, and other encumbrances that would compromise its function or future acquisition, consistent with the matters raised by Auckland Council's Parks specialists. The Applicant also notes that acquisition of neighbourhood parks is typically funded through development contributions and that an established mechanism therefore exists for Auckland Council to acquire the land should it wish to do so. In these circumstances, the Applicant considers it is reasonable that the Stage 1 neighbourhood park be vested.

Notwithstanding the above, the Applicant considers that the matter is capable of being appropriately addressed through consent conditions, should the Panel consider that the Stage 1 park should be retained through the Resident's Society.

4.2.6 Issue 6: Impact on Planning Investment and Infrastructure Provision

Auckland Council's concerns primarily relate to the proposal's departure from the sequencing framework established through the Future Development Strategy (FDS). Auckland Council and Watercare note that the Delmore site is identified for urban development beyond 2050 and consider that development occurring ahead of that sequencing has the potential to create inefficiencies in infrastructure planning and investment.

The Applicant does not agree that the proposal would result in unacceptable infrastructure or servicing outcomes. The Proposal does not rely on Auckland Council, Auckland Transport or Watercare reprioritising or funding infrastructure to enable development. Rather, the Applicant has committed to funding and delivering significant infrastructure as part of the Proposal, including:

- All roading infrastructure within the site, including the delivery of the NOR6 arterial road;
- The Grand Drive extension located outside of the site. This has been discussed with the AUDO with the intention of progressing an Infrastructure Funding Agreement and the Applicant is awaiting the draft agreement from Council;
- The NOR6 southern extension, located partially within Stage 2 and partially outside of the site. This has been discussed with the AUDO with the intention of progressing an Infrastructure Funding Agreement and the Applicant is awaiting the draft agreement from Council; and

- All private water and wastewater infrastructure if a connection is not available to the public network. It is noted that the Applicant is also willing to engage with Watercare in relation to contributing to the cost of the upgrades required to connect to the public network, and the Applicant has raised this with both Watercare and the AUDO.

Maintenance costs of the proposed infrastructure can be captured through the rates that would be generated as part of the development. In addition, there would be maintenance obligations on the Consent Holder established through the conditions of consent for drainage reserves, streetscape planting and neighbourhood parks, including bonding mechanisms.

Further detail is provided within **Appendix 1 (Legal Memorandum) and Appendix 8: A0 (Funding and Financing), A02 (Economics), A18 Watercare) to this Letter.**

4.3 Key Information Gaps Identified by Council

Section D, Paragraph 229 of the Council Planning Memo includes a table of 'Key Information Gaps'. The Applicant's assessment of this table is that each of those items now fall into one of the following four categories:

1. Items which are noted as a point of difference between the Applicant and the Council. These are identified in yellow highlight.
2. Items which the Applicant has progressed and has provided further information on, or updated conditions as part of this Section 55 Response, and which the Applicant considers should address the matter raised. These are identified in blue highlight.
3. Items which should be addressed at detailed design / Engineering Plan Approval Stage. These are identified as grey highlight.
4. Items which are now confirmed to have been resolved by Auckland Council. These are identified as green highlight.

The Key Information Gaps table provided by Council is included below, and the Applicant Response has been included within the righthand column.

The same colour scheme used here has also been used in the Auckland Council response tables in **Appendix 8 to this Letter.**

Table 2: Key Information Gaps Identified by Council.

Information gap identified by Council	Nature of deficiency identified by Council	Decision-making impact identified by Council	Risk / uncertainty created identified by Council	Applicant Response
Economic Assessment	The Economic Assessment is required to be updated as follows:	The Economic Assessment needs to be	The Economic Assessment to	The approach to assessing economics benefits is a point of difference between the Applicant

	i. Counterfactual not properly defined or applied. ii. Cost-benefit framework unclear and inconsistently applied. iii. Inappropriate and repeated use of multiplier analysis. iv. Assumption of additionality is not demonstrated v. Calculation errors in “Method A” – magnitude and direction vi. Lower marginal cost producer claim not evidenced in “Method B” vii. Elasticity-based price suppression mis-specified and implausible viii. Construction activity is treated as a benefit rather than a cost – partly a function of relying on multiplier analysis ix. Opportunity costs not properly assessed.	detailed and set out in manner whereby the benefits of the proposal are appropriately quantified and whether these benefits are regionally significant.	assess and understand the benefits of the proposal and whether these are regionally significant.	and Auckland Council. A detailed response to Auckland Council’s economic comments prepared by NZIER is provided in Appendix 8: A02 (Economics) to this Letter. The response concludes that the proposal will generate significant net regional economic benefits and that the methodological matters raised by Council do not materially alter that conclusion. In particular, the response maintains that the assessment appropriately accounts for the benefits associated with accelerating housing supply, construction activity, and the more efficient use of infrastructure and economic resources. In light of Auckland Council’s comments, the Applicant also engaged Insight Economics to undertake an independent peer review of NZIER’s initial analysis and of its response to Auckland Council’s comments. This is provided as an attachment to Appendix 8: A02 (Economics) to this Letter). The peer review concludes that the NZIER assessment is robust, transparent, and provides a credible evidential basis for finding that the proposal will deliver significant economic benefits. While the peer reviewer identifies some differences in methodological preference, these do not materially affect the overall conclusion that the proposal generates significant net economic benefits. Like NZIER Insight
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				Economics expert view is that the Proposal will have regionally significant economic benefits.
Updated Conditions including review conditions	There are a range of consent conditions that are required to be updated to address matters that are flagged in the Council Specialist Memos. It is understood that the Applicant will be providing a further updated condition set in their 11 May 2026 response. It is noted that the Residents Society Conditions are being updated by the Applicant, however these have not been reviewed by Council.	Consent conditions are required to ensure that these appropriately mitigate and manage a range of adverse effects.	Uncertainty that the consent conditions are appropriate, robust and enforceable.	An updated set of conditions is included at Appendix 2 to this Letter. These conditions address a range of matters raised by the Auckland Council Family, the Panel, the Department of Conservation and NZTA. With regard to the review conditions, these have been further discussed with Auckland Council and are now confirmed to be resolved (see memoranda and email correspondence in Appendix 8 (A05 Earthworks, A07 Groundwater Diversion and Dewatering, and A13 Wastewater) to this Letter.
Plans	The applicant has confirmed that the full updated plans have not been provided in their previous post lodgement responses. It is understood that this will be provided as part of the Applicants 11 May 2026 response. These have not been reviewed by Council Specialists.	Plans are required to be updated to reflect the various changes/ updates to the proposal.	Plans are required to be updated to reflect the various changes and updated assessments.	A full set of updated plans is included, which addresses the changes as outlined in Section 2 of this Letter. This includes: Appendix 3: Updated Architectural Drawings Appendix 4: Updated Scheme Plans Appendix 5: Updated Landscape Plans Appendix 6: Updated Civil Drawings Appendix 7: Updated Transport Drawings
Geomorphic Assessment Scope and Methodology	Additional Geomorphic Assessment is required to address the following:	Cannot accurately assess the necessary riparian	The riparian setbacks may result in insufficient space	This is addressed in detail above, in Section 4.2.1 of this Letter , as well as Appendix 8: A19

	Scope and Methodology Setback Adequacy and Riparian Margins Post-Development Hydrology and Geomorphic Response Stormwater Management, Culverts, and Geomorphic Interaction Geotechnical Structures: Design, Ownership, and Liability Wetland Channelisation Risk Property Documentation and LIM Notations Please refer to full details set out in Appendix A of the Stormwater Specialist Memo (Annexure 19)	setbacks for dwellings/buildings. Furthermore, the degree and extent of adverse effects on infrastructure, stormwater management and other related effects are not able to be assessed with certainty.	for the intended building platforms on residential lots; and the degree and extent of adverse effects on infrastructure, stormwater management and other related effects are not able to be assessed with certainty.	(Stormwater and Geomorphology) to this Letter.
Dam Break Assessments	The Applicant has identified that 6 of the 12 proposed culverts will be inadvertent dams. Further assessments are required to investigate the risk of dam failure to demonstrate what hazardous conditions people may be exposed to.	This information is required so that flood hazards effects on people can be assessed. These assessments are required and cannot be conditioned.	Potentially significant adverse hazard effects on persons and infrastructure.	A Dam Break Assessment relating to the six culverts identified as inadvertent dams has been prepared by FS Consulting and is included within Appendix 8: A21 (Auckland Transport) to this Letter. The methodology for the dam break assessment has been discussed with Auckland Transport's stormwater expert. The assessment concludes that that the development can meet the requirements of the Building Act 2004, the Building (Dam

	Full assessments of the culverts demonstrating compliance with the Stormwater Code of Practice, and therefore compliance with the Building Act 2004 and Building (Dam Safety) Regulations 2022 is required. It is understood that the Applicant will be providing this information in their responses. Please refer to full details set out in Appendix A of the Auckland Transport Stormwater Specialist Memo (Annexure 21).			Safety) Regulations 2022, and the NZSOLD 2024 Dam Safety Guidelines. A Geotechnical Assessment relating to the six culverts identified as inadvertent dams has been prepared by Riley and is included within Appendix 8: A21 (Auckland Transport) to this Letter. The assessment concludes that , even under extreme 1,000-year rainfall and conservative breach/blockage scenarios, impacts are largely confined to the embankments and upstream watercourses, with downstream effects significantly attenuated by the State Highway 1 embankment. Flood depths remain within low hazard categories for buildings, and no permanent dwelling occupants are exposed to unsafe inundation. Overall, post breach consequences are limited to minor infrastructure disruption and environmental effects, with recovery expected to be relatively straightforward. On that basis the Applicant, understands that no changes are therefore required to the current design and management measures and that Auckland Transport’s query should be resolved.
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Operation and Maintenance – Legal Access	To resolve concerns regarding legal access to stormwater management devices for operation and maintenance purposes, revised scheme plans are required that locate the devices and all its ancillary elements, including the maintenance access, to be located within the Lieu of Reserve – for Drainage Purposes.	In the absence of these changes HW may not be able to support acceptance of the stormwater assets for vesting in public ownership. HW would not accept the transfer of land to public ownership and would not accept vesting of the stormwater management devices, and the connecting upstream stormwater network as public infrastructure, where the Council stormwater infrastructure and land requirements cannot be addressed at Engineering Plan approval stage	Uncertainty for legal access for operation and maintenance of stormwater assets.	A number of changes have been made to the proposed drainage reserves to address the concerns raised by Auckland Council’s Healthy Waters team as far as practicable. This is outlined within the memorandum attached as Appendix 8: A20 (Healthy Waters) to this Letter. The changes to the drainage reserves have been updated across all drawing sets.
Vesting of Land in Lieu of Reserve – for Drainage Purposes	Revised scheme plans are required to clearly delineate the extent of land proposed to be vested for drainage purposes, demonstrating that the land is limited to that reasonably necessary	There are still disproportionate areas proposed to be transferred to public	Uncertainty around the extent of vesting of land.	A number of changes have been made to the proposed drainage reserves to address the concerns raised by Auckland Council’s Healthy Waters team as far as practicable. This is outlined within the memorandum attached as

	to accommodate the public stormwater devices and associated access, and excludes disproportionate areas of adjacent stream corridors and riparian batters. In addition, where land is proposed to be vested or transferred to Council, conditions have been recommended that require the Applicant to enter into a sale and purchase agreement with Council for the relevant land no later than the time of application for approval of the survey plans under Section 223 of the RMA. This is necessary to confirm Council's agreement in principle to the acquisition and to ensure that vesting outcomes are resolved prior to subdivision approval.	ownership which are not acceptable. Cannot ascertain the extent of land for drainage purposes. Required to ensure accurate information is identified on the scheme plans.		Appendix 8: A20 (Healthy Waters) to this Letter. The changes to the drainage reserves have been updated across all drawing sets.
Flood Risk – Habitable Floors	The flood model and the Flood Risk Assessment are required to be updated to ensure that the assessments are based on the peak flood levels under the existing NZTA culvert full blockage scenario.	This is necessary to confirm that flood hazard risk is not increased to the existing consented built environment under the assessed blockage scenario, and to determine whether any	Potential flood hazard risk to existing NZTA culvert and other infrastructure.	The Applicant proposes to construct a new inlet riser on the NZTA culvert. This is shown on the civil drawings included as Appendix 6 (Civil Drawings) to this Letter. Confirmation has been received from Auckland Council's Healthy Waters team that this proposal, in conjunction with the proposed consent condition (see sections 3.1.6 and 3.1.8 of the

	In addition, the Flood Risk assessment must reflect the consented landform and finished levels of the Ara Hills development.	additional mitigation measures are required to achieve this outcome, including, but not limited to, the provision of a secondary relief inlet to the existing NZTA culvert.		subdivision consent (Section 3 of the conditions) within Appendix 2 to this Letter resolves this query. This has also been discussed with NZTA. Email correspondence confirming the above is included as part of Appendix 8: A20 (Healthy Waters) to this Letter .
Confirmation of Attenuation	Clarification of whether 1% AEP attenuation is proposed for this application. In case attenuation is proposed, then the Applicant must provide updated conditions of consent that will ensure the outcomes are achieved in perpetuity, including any necessary corresponding specific design requirements and legal mechanisms.	This is required to inform consent conditions, and that these are appropriate and robust.	Potential risk that consent conditions are not “fit for purpose”.	This condition is discussed in Appendix 8: A20 (Healthy Waters) to this Letter . A condition is also included within Appendix 2 to this Letter (refer Condition 86 of the land use consent).
Open Space outcome for Lot 1800 is not protected	The residential society mechanism applied to Lot 5020 has not been extended to Lot 5020.	Unclear long-term ownership, management, and public access arrangement.	Loss of intended open space outcome.	This is noted as a point of disagreement between the Applicant and Auckland Council as identified above and within Appendix 8: A29 (Parks) to this Letter . Notwithstanding, this can be appropriately addressed through conditions and does not require any change in design.
Maintenance period requirements for native species	No confirmation of extended (3-year) maintenance period for slow-establishing natives. A 3-year	Uncertain establishment success and long-term canopy development	Can be addressed by consent condition requiring	This is noted as a point of disagreement between the Applicant and Auckland Council as outlined and within Appendix 8: A29 (Parks)

	maintenance period is now considered the standard Parks Planning practice for street trees as per the COP Chapter 7 Landscape.		3-year maintenance period.	to this Letter. Notwithstanding, this can be appropriately addressed through conditions and does not require any change in design.
No gradient confirmations in drainage reserves including a 1:1 slope in Lot 1800 (park)	No confirmation that gradients meet safe use and maintenance requirements. - 1:5 maximum gradient for grass - 1:3 maximum gradient for planting A small eastern portion of Lot 1800 adjacent to the covenanted vegetation maintains a 1:1 slope.	Uncertain compliance with vesting and safety standards.	Slips, erosion, unsafe public access and maintenance risk	Specific commentary on drainage reserve gradients and maintenance is included within the Healthy Waters Response memo (refer Appendix 8: A20 (Healthy Waters) to this Letter. With regard to the neighbourhood park, the 1:1 slope has been shifted and is no longer within the boundary of Lot 1800.
Access to drainage reserves for maintenance	Lack of clarity on whether maintenance access meets required standards given access through private lots for the below lots: - Lot 1624 provides a right of way for maintenance access over private lots	Uncertain compliance with vesting and safety standards. Slips, erosion, unsafe public access and maintenance risks. Healthy Waters may reject the proposed drainage assets	Potential non-compliant or unsafe access and future.	Lot 1624 is now accessed from a road and easements over private land are no longer proposed. Refer to the detail within: • Appendix 8: A20 (Healthy Waters) to this Letter. • Appendix 8: A29 (Parks) to this Letter. • Appendix 4 to this Letter (Updated Scheme Plans).
Flooding of Lot 1800 during culvert blockages	Insufficient hydraulic modelling and supporting technical information.	Uncertain compliance with vesting and safety standards.	Potential for unmitigated flood risk to public land and users under blockage conditions.	As outlined above, this item is considered to be resolved, as confirmed by Auckland Council's Healthy Waters team. This is achieved through the construction of a new inlet riser on the NZTA culvert.

Canopy coverage optimization and calculation.	No clear strategy to maximise canopy in berms with available space or canopy coverage calculations.	Uncertain delivery of long-term canopy coverage outcomes	Can be addressed at detailed design but limits the ability to assess whether the design will support mature canopy tree growth as intended.	As noted by Auckland Council, this is typically addressed at detailed design / Engineering Plan Approval. Updated Landscape Plans are included as Appendix 5 to the Response to Comments Letter . This includes detail on canopy coverage which can be further addressed at detailed design.
Confirmation of available soil volumes and rooting space	Documentation does not clearly demonstrate how recommended soil volumes will be achieved within the constrained corridor between planting areas and vehicle crossings.	Uncertain delivery of long-term canopy coverage outcomes.	Can be addressed at detailed design but limits the ability to assess whether the design will support mature canopy tree growth as intended.	As noted by Auckland Council, this is typically addressed at detailed design / Engineering Plan Approval. Notwithstanding, the Landscape Plans have been updated within Appendix 5 to this Letter . This includes detail on the soil volumes within berms. Approximately 85% of the trees achieve a 10m ³ volume; approximately 12.5% achieve between 8m ³ – 10m ³ ; and approximately 3% achieve less than 10m ³ . Solutions are proposed within the Landscape Plans for trees which cannot achieve 10m ³ .
Species selection not supported	Species selection required to be updated on landscape plans. B. tarairi proposed despite known high failure rates after ~10 years. Raupō and Carex secta proposed despite long-term maintenance and	Reduces confidence in species resilience and suitability.	Can be addressed at EPA for detailed design changes.	As noted by Auckland Council, this is typically addressed at detailed design / Engineering Plan Approval. Notwithstanding, the Landscape Plans have been updated within Appendix 5 to this Letter to replace the species identified by Council. Should there be further

	performance issues (Stormwater pond edge species selection).			species which need to be replaced, this can be confirmed at Engineering Plan Approval.
Fencing adjacent to drainage reserves	The landscape plans indicate 1.8m solid fencing adjacent to specific drainage reserve locations (Lots 1623 & 1605). Other locations appear to provide 1.8m open security fencing (50% permeable). Plan depictions do not match Applicants' commentary.	Constrains the ability to confirm that passive surveillance and CPTED outcomes are appropriately achieved across adjoining informal recreation drainage reserves.	Risk of reduced passive surveillance, poor safety outcomes, and creation of inactive edges along reserves, potentially leading to CPTED concerns and reduced safety.	Updated Landscape Plans are included as Appendix 5 to the Response to Comments Letter. Fencing adjacent to drainage reserves has been updated across the whole development to be 1.8m open security fencing (50% permeable). Notwithstanding, conditions of consent are also included which have boundary interface restrictions for all lots adjacent to drainage reserves. Refer to Condition 81 of the land use consent.
Root management or engineering solutions near vehicle crossings	No clear information is provided on whether design responses (e.g. structural soils, soil cells, or connected trench systems) will be used to expand rooting space beneath hard surfaces	Uncertain delivery of long-term canopy coverage outcomes.	Can be addressed at detailed design but limits the ability to assess whether the design will support mature canopy tree growth as intended.	As Auckland Council has noted, these are details that can be progressed at detailed design stage when the design for these areas is more refined.
Stormwater line location measurement depth not demonstrated	The depth appears to exceed 1m at a minimum of 1.7m in depth at a high-level measurement. Drawing Number 3725-1-3610 on Appendix 26 Stage 1 and SW line depth	Unclear whether required soil volumes and root zones can be achieved above services	Potential redesign at EPA stage and a risk of tree failure or service conflicts	Stormwater pipe depths are indicative and may be subject to change during Engineering Plan Approval stage. Therefore, this is a matter which should be addressed at that time.

	measurements under front berm for collector road and N/O.R 6). Original lodgement documentation depicted a measured 1.7m separation distance. Street tree locations and updated plans do not confirm a measured vertical distance.			
Appendix 9.1 Retaining walls do not include an assessment on retaining walls adjacent to lots to vest for reserve areas	Appendix 9.1 does not include assessment of retaining walls adjoining reserve boundaries. Plan depictions do not match Applicants' commentary. No further detailed retaining wall indications or plans have been provided for the landscape plans	Uncertain whether reserve gradients, maintenance access, and CPTED outcomes can be achieved.	Over-steep batters, inaccessible reserves, long-term maintenance burden.	All slopes and retaining walls adjoining the drainage reserves are identified on the raingarden drawings included within Appendix 6: Civil Drawings (refer to Stage 1 and Stage 2 Primary Network Drawings) to this Letter. These have been updated following discussions with Auckland Council's Healthy Waters team on the drainage reserves.
Interface with new commercial lot requires clarification for Lot 5020.	No detail is provided on how level changes between park and commercial lot will be managed. One retaining wall under 1m is depicted. Plan depictions do not match Applicants' commentary. No further detailed retaining wall indications or	Uncertain accessibility and CPTED outcomes with possible opportunity of positive reserve and commercial interaction lost.	Potential for a poor Park interface, reduced passive surveillance and accessibility issues.	Proposed retaining walls are shown on the Architectural Drawings at Appendix 3 to the Response to Comments Letter. Updated Landscape Plans are included as Appendix 5 to the Response to Comments Letter, which show that planting will be established above the retaining wall located between the neighbourhood park and the commercial lot.

	plans have been provided for the landscape plans			Notwithstanding, conditions of consent are also included which have boundary interface restrictions for all lots adjacent to neighbourhood parks. This also applies to the commercial lot. Refer to Condition 80 of the land use consent (Section 2 of the conditions).
Delineation of park boundary with residential lots is unclear for Lot 5020.	Private/public boundaries are not accurately demonstrated with fencing or post locations in relation to Lot 5020. Plan depictions do not match Applicants' commentary.	Unclear responsibility for maintenance and public access	Risk of Council maintenance responsibility for a private function. Removal of private pathways required.	Updated Landscape Plans are included as Appendix 5 to the Response to Comments Letter . This includes detail on the interface between the residential lots and the neighbourhood park within Stage 2, including a 1.2m high fence and planting. Notwithstanding, conditions of consent are also included which have boundary interface restrictions for all lots adjacent to neighbourhood parks. Refer to Condition 80 of the land use consent (Section 2 of the conditions).
Vehicle Tracking Plans	Vehicle tracking plans are required to demonstrate tracking for all vehicles including heavy vehicles.	Vehicle tracking (heavy vehicles) overlaps with kerb built out at some intersections and this creates potential traffic safety and maintenance issues.	Potential traffic safety and maintenance issues.	Updated vehicle tracking plans were provided to Auckland Council on 20 May 2026. Auckland Council provided further comments to the Applicant on 3 June 2026. The further comments provided by Auckland Council demonstrate that the vehicle tracking is largely compliant, with some minor changes that may be needed which would result in shifting the boundaries by approximately 50mm - 100mm. This is considered to be insignificant and can

				be addressed at Engineering Plan Approval Stage, as is typically done in order to make sure all detailed design adjustments are done together to ensure compatibility.
Lighting condition	Plan Further condition details required to ensure appropriate lighting design outcomes. Details are missing regarding which proposed areas lighting plans would relate to.	Pedestrian amenity and safety outcomes.	Uncertainty of outcomes which potentially create pedestrian safety risk/ effects.	Updated conditions have been included as per the request from Auckland Council's traffic engineer. See section 3.1.5 of the subdivision consent (Section 3 of the conditions) within Appendix 2 to this Letter , as well as Appendix 8: A22 (Traffic Engineer) .
Safe Intersection Site Distance information	Information is required for some Lots (e.g. Lots 183-186 and similar) including dimensions of affected areas which will inform required mitigation such as planting and fencing heights,	Potential vehicle and pedestrian safety issues.	Potential for traffic and pedestrian safety effects.	Revised sight distance assessment for JOAL 9 has been conducted and the building on Lot 184 has been shifted. The sight distance assessment confirms that Lots 183 – 186, 210 – 211, 1628 and 959 – 963 will require low level planting and structures at the front boundary to ensure sight distances are maintained. This is demonstrated visually within Appendix 7: Plan Set 6 (Sight distance plans) to the Response to Comments letter . Conditions have been proposed which require low level planting to be established within these areas (Condition 79 of the land use consent), and consent notices on the residential lots to ensure that low level planting is maintained in perpetuity (Condition 74, and 113 of the subdivision consent).

				This is common practice across various parts of Auckland.
One-way routes (two vehicle crossing) or with turning heads (D-area).	Further details are required as the updated design of stage 1- JOAL 34 and 5A doesn't provide a turnable head.	Required to ensure safe vehicle manoeuvring/tracking.	Potential for traffic functionality and safety effects.	The Applicant has provided turning heads for JOAL 34 and 5A. Auckland Council's traffic engineer has confirmed that this is acceptable. Refer to Appendix 8: A22 (Traffic Engineer) to this Letter .
Plan details for garage widths.	Plan information required to ensure minimum design dimensions for single and double garages	Required to ensure functional parking garage spaces.	Can be addressed by consent conditions.	A condition of consent has been included which requires garage parking spaces to be compliant with the AUP. Refer to Condition 90 of the land use consent (Section 2 of the conditions) within Appendix 2 to this Letter .
Transport Infrastructure including active mode provision	Road 1 is required to be designed with cycle routes and cycle infrastructure in the form of off-road cycle paths, separate from the footpath on each side.	This will require additional space within the road reserve, and this is not able to be addressed via a consent conditions.	Uncertainty regarding lot boundaries and whether changes are required to the subdivision scheme plans.	This is identified as a point of disagreement between the Applicant and Auckland Transport as noted above and within Appendix 8: A21 (Auckland Transport) to this Letter .
Bus-stops details and Assessment	Bus-stop requirements and indicative locations detailed on the application drawings require further details and changes. These include details of barriers and further assessment of road safety	Required to ensure appropriate provision of bus stops and associated facilities.	Ensure safe and functional public transport facilities.	Bus stops have been added to the roading drawings (refer to Appendix 6: Civil Drawings to this Letter). Refinements or further details can be addressed through detailed design at Engineering Plan Approval Stage.

	effects of not providing a pedestrian facility near the stops.			
Staging and Paper Roads / Road Stopping	The timetabling/staging of road vesting should ensure that alternate access along a vested or paper road is provided where portions of paper road are to be stopped and that adequate paper road widths are available for linkage of proposed road to remaining paper road corridors.	Whilst the road stopping approval occurs outside the resource consenting process, this issue is required to be considered to ensure future changes to any approved consent, additional or new consents are not needed	Risk associated with ensuring all consent required have been applied and that no changes are required to existing consents.	A staging plan is included in Appendix 7: Plan Set 4 (transport upgrades) to this Letter which demonstrates that the concerns raised by Auckland Transport have been addressed. In particular, the following changes were made following a meeting with AT on this matter in March 2026: • Re-staging of lots 675-689 and JOAL lot 1522 to be in Stage 2A-3; and • Portions of Road 05 and 07 (Stage 2A-1) are to be constructed and vested prior to the development and paper road stopping taking place within Stage 2A-3. Updated plans were forwarded to Auckland Transport for comment on 18 May 2026. Notwithstanding the above, paper road stopping will be subject to a separate process under the Local Government Act and does not need to be confirmed at this point in time. Further, there is nothing inherently wrong with having to apply under s127 RMA to change a condition at a later stage if it becomes apparent this is required. That is what s 127 is for. The Applicant considers this is unlikely in relation to this matter because of the work that has been done, but the fact a change might hypothetically be needed at

				some point is not an adverse impact. It's a reality that applies to all consented projects.
Integration of the Projects partial delivery of designation 14108 and future designation works	The proposed interim design solution has various design deficiencies that are required to be addressed through updated design documents. The interim road is not consistent with the indicative design for designation 14108 or the portion of the designation within the site that is being delivered by the Project.	Interim solution provides a design solution that creates significant adverse transport related effects and is not supported by Auckland Transport.	Significant Traffic safety effects and does not provide a solution that is consistent with the designation/ NoR6.	A condition of consent has been proposed requiring the consent holder to construct the Grand Drive extension. This h does not specify how the road needs to be constructed; it says that the access needs to be provided prior to Section 224(c) for the first subdivision stage. Refer to Appendix 8: A21 (Auckland Transport) to this Letter for further detail. The factual context in this case means it is considered unlikely the temporary road option would be required. This is because most of the land required is now controlled by Auckland Transport and AV Jennings who owns the remaining portion has advised in its comments it will make this available so the connection can be constructed. But if it is required, it is only a temporary option with the consent holder required to complete the road to match the arterial design at a later stage. The Applicant acknowledges that this road will be subject to separate consents and approvals, whereby the exact details of the road can be confirmed.
Integration of the site with the remaining Paper	This is required to include frontage upgrades to the paper road, including	Required to be addressed to ensure connectivity to adjacent land.	Uncertainty in respect to active	As outlined in Section 2 of this Letter, the Applicant has proposed a new road reserve on the scheme plan to the north of the NOR6

Road and Ara Hills Development.	provision of an active mode path and potentially vehicular access.		modes and connections.	arterial road, which would connect to the Ara Hills development to the north. This roading location is in approximate alignment with the roading location identified within the Ara Hills Plan Change (PC119). Refer to Appendix 8: A21 (Auckland Transport) to this Letter for further detail. Overall, five connections are now proposed from the Delmore development through to the Ara Hills site. This includes; two pedestrian connections to the unformed paper road, one roading connection to the unformed paper road, a road reserve to vest from the NoR6 road, as well as the NoR6 road/Grand Drive extension. This is depicted on the Connections Plan included within Appendix 7 to the Response to Comments Letter.
Active Modes to Future School	Details required to include active modes to access the intended school on Upper Ōrewa Road.	There is no provision within the application material for active modes to enable future residents to access the intended school on Upper Ōrewa Road. This school is likely to encompass both a primary and secondary school and although the land is not yet designated	Uncertainty regarding long term connectivity to future educational activities.	This is identified as a point of disagreement between the Applicant and Auckland Transport as noted above and within Appendix 8: A21 (Auckland Transport) to this Letter and Appendix 1 to this Letter. Notwithstanding, this can be appropriately addressed through conditions and does not require any change in design.

		planning is well advanced.		
Transport related consent conditions	A suite of consent conditions including changes to the Applicant's consent conditions and additional conditions are required to address various traffic/transport related adverse effects, and were appropriate to address additional required design outcomes/ assessment Please refer to Section 9 of Auckland Transport Memo (Annexure 21).	Transport related conditions are required to ensure that transport effects are mitigated/avoided, and to ensure appropriate design outcomes.	Required to ensure transport effects are mitigated/avoided, and to ensure appropriate design outcomes.	An assessment against each condition requested by Auckland Transport is included at Appendix 8: A21 (Auckland Transport) to this Letter . Where these have confirmed to be accepted, they have been included within the updated condition set at Appendix 2 .
Turning head design; and Future bridge design in relation to the NOR6 and Upper Orewa Road intersection.	Temporary turning heads are required to be included on application drawings. Design work required to ensure that adjacent residential super Lots 606 and 609 which are located close to the future bridge and it is not clear how development of these lots can be undertake while integrating with the adjacent bridge abutments and future road levels.	Required to ensure feasibility of future development on superlots, and to delivery of transport infrastructure.	Uncertainty regarding future development and transport infrastructure.	Temporary turning heads have been added to the civil drawings as included within Appendix 6 to this Letter . Further information for Lot 606 and 609 is included within Appendix 8: A21 (Auckland Transport) to this Letter .
Final updated landscape plans, an updated planting	Final landscape plans and updated planting and maintenance plans required to ensure the intended landscape outcomes are achieved.	Final landscape plans and updated planting and maintenance plans required to ensure the		Updated Landscape Plans are included within Appendix 5 to this Letter . An explanation of the landscape conditions and Ecological

and maintenance plan,		intended landscape outcomes are achieved.		Management Plan is included within Appendix 8: A27 (Landscape) to this Letter.
JOAL Design	Further design details (and changes) are required to be JOAL design. Please refer to previous Urban Design assessment (Annexure 28).	Required to ensure appropriate pedestrian amenity and safety outcomes.	These are important to ensure a safe and functional development.	Amendments to the JOALs have been undertaken as described within Appendix 8: A28 (Urban Design) to this Letter. This has also been reflected across all the updated drawing sets.
Additional consent condition in respect to WWTP.	An additional consent condition is necessary should the WWTP suffer a serious failure. This would require a proposed offset area (equivalent to the covenanted area within the irrigation field) to be provided prior to commencement of wastewater discharge.	Additional condition required to ensure potential terrestrial effects are mitigated.	Potential risk in the event of WWTP failure.	This is noted as a point of disagreement between Auckland Council and the Applicant and is discussed in further detail within Appendix 1 to this Letter (Legal Memorandum) and Appendix 8: A24 (Terrestrial Ecology). Notwithstanding, this can be appropriately addressed through conditions and does not require any change in design.
Updated Ecological Management Plans	Updated/ separate Ecological Management Plans are required to ensure appropriate ecological outcomes including implementation and maintenance.	Required to address ecological revegetation areas and associated ecological outcomes.	Potential risk in terms of implementation and maintenance, and securing the ecological outcomes.	Following discussions with Auckland Council's ecologist and landscape architect, as well as the DOC, the conditions relating to the Planting and Implementation Plan have been removed and replaced with the requirement to prepare an Ecological Management Plan. This is discussed in further detail within Appendix 8: A24 (Terrestrial Ecology), and A27 (Landscape) to this Letter.

Condition relating to trucking of wastewater off site	The proposed review / trigger condition relating to off-site disposal for Stage 2 is necessary to enable Council to review the trucking / off-site disposal conditions if truck movements materially exceed those anticipated, complaints are received, a receiving facility changes its acceptance criteria, or monitoring indicates that off-site disposal is being used more extensively than assessed.	Required to ensure appropriate review consent conditions are included in any decision.	Required to ensure appropriate review consent conditions are included in any decision	The wastewater review condition has been further discussed with Auckland Council and is now confirmed to be resolved (see memorandum and email correspondence in Appendix 8: A13 (Wastewater) to this Letter.
Additional details required for the Water treatment.	The Water take consent has been granted, however there is no water quality data for design of the treatment plant. The sample used is from 2016, from a bore located outside of the property. The application does not provide a water balance sufficient to demonstrate how the water shall be supplied reliably to the development during increased use periods, which will typically coincide with drought conditions. Water harvesting is mentioned but not detailed. A “Hydroloop” system is also referred to, however the figure of 30-40% water	These details are required to ensure the water treatment plant provides the necessary and safe water infrastructure for the proposal; and to ensure there are appropriate legal mechanism, for future ownership, maintenance and management.	Potentially significant risk associated with the provision of private water infrastructure.	This is addressed in detail above, in Section 4.2, as well as Appendix 8: A17 (Water Treatment) to this Letter.

	re-use is not tested, nor detailed as to how this would be integrated into the overall water supply for the development. Is this going to be a condition for developing dwellings on the site? There is likely to be a waste stream from the water treatment plant, while this is likely to be small when compared to the wastewater from the balance of the development, can this please be quantified and its management confirmed? The application material indicates that the proposed reticulation network and treatment plant are to remain in private ownership of a private infrastructure company that will seek network operator status. However, the application does not clearly identify the proposed legal entity that will own the water and wastewater assets, nor does it explain whether ownership and governance will sit with a network utility operator, body corporate, incorporated society, or another structure. The application also does not clearly allocate long-term responsibility for			
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	operation, maintenance, renewal, compliance, auditing, customer interface, charging/revenue collection, emergency response, and asset replacement across the proposed private water and wastewater systems. The supporting material refers variously to a private infrastructure company, a utility company, Apex as operator, and the owner of the plants carrying out audits, but without a single clear governance and responsibility framework.			
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5.0 Response to all other Comments

A table which addresses all other response to comments is included within **Appendix 9 to this Letter**. Where the responses rely on technical information provided elsewhere in the Applicant's response to comments the relevant document is identified in the table.

6.0 Updates to the Proposed Conditions

An updated set of proposed conditions responding to the items raised above is included within **Appendix 2** to this letter.

A tracked-changes version has also been provided, with commentary accompanying each amendment identifying the source of the requested change and the relevant technical memorandum or comment to which it relates.

In addition to amendments arising from the section 53 comments and Panel Minute 2, the conditions have been reviewed and restructured to improve their overall organisation and readability. This has included re-ordering several conditions so that they follow a more logical sequence and renumbering the condition set accordingly.

Given the extent of these changes, the Applicant has endeavoured to include specific condition references throughout this Letter, and within the technical responses, where relevant, to assist the Panel in locating and reviewing the corresponding conditions within the updated condition set.

7.0 Overall Planning Conclusions

Since lodgement of the application, the Applicant has undertaken extensive engagement with Auckland Council, Auckland Transport, and other parties. This process has resulted in the provision of additional technical information, amendments to the proposal, updates to the plans and drawings, and a comprehensive review of the proposed conditions of consent.

As outlined throughout this Letter, a significant number of the matters raised by Auckland Council specialists have now been resolved through further information, revised design responses and amendments to the proposed conditions. In many instances, Auckland Council has confirmed that the relevant matters have been satisfactorily addressed. The remaining issues are generally limited to either: (a) points of disagreement between the Applicant and Council specialists; or (b) matters of detailed design that are more appropriately addressed through Engineering Plan Approval, management plans, and subsequent implementation processes.

The Applicant considers that the information now before the Panel provides a robust basis upon which to assess the Proposal and that this information supports a decision to grant the approvals sought. The technical assessments demonstrate that the proposal's effects can be appropriately avoided, remedied or mitigated through the proposed design, management measures and consent framework.

The Applicant acknowledges that further refinement of the proposed conditions may be appropriate following consideration of the evidence and submissions received by the Panel. The Applicant remains willing to engage constructively with Auckland Council officers and other parties to resolve any remaining drafting matters and assist the Panel in developing a final set of conditions.