

## Your Comment on the Delmore application

Please include all the contact details listed below with your comments and indicate whether you can receive further communications from us by email at [substantive@fastrack.govt.nz](mailto:substantive@fastrack.govt.nz)

1. Contact Details			
Please ensure that you have authority to comment on the application on behalf of those named on this form.			
Organisation name (if relevant)	Department of Conservation		
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2. We will email you draft conditions of consent for your comment			
<input checked="" type="checkbox"/>	I can receive emails and my email address is correct	<input type="checkbox"/>	I cannot receive emails and my postal address is correct

Please provide your comments below, include additional pages as needed.

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## Comments on a fast-track consenting application

### Fast-track Approvals Act 2024 Section 53

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**To:** The Expert Panel

**From:** Director-General of Conservation (DG)

**Regarding fast-track project:** Delmore

### Overview

1. Vineway Limited ('the Applicant' or 'Vineway') seeks resource consents and an archaeological authority that would otherwise be applied for under the RMA 1991 and HNZPT Act 2014 in accordance with Section 42 of the FTAA. It also seeks an approval for a specified person to carry out the activities covered by the archaeological authority.
2. The above approvals are to enable the development of 109.18 hectares of Future Urban Zone land into a comprehensively planned development, including approximately 1,250 dwellings, one residential super-lot, open space areas, supporting infrastructure, and associated works.
3. Land immediately adjacent to the north of the Site is zoned Open Space – Conservation Zone and contains the Nukumea Scenic Reserve, which is Public Conservation Land (PCL), managed by the Department of Conservation ('the Department' or 'DOC'). I would like to acknowledge Vineway and their consultants for their positive engagement with the Department. The Applicant has facilitated discussions with DOC staff in developing its understanding of potential effects on the Nukumea Scenic Reserve and other conservation values. The Applicant has been receptive to input from DOC staff, including its ecology experts, and has shown an intention to integrate good practice effects management into the proposal.

### Assessment

4. My assessment has been confined to the actual and potential ecological effects of the proposal and the effects on the adjacent PCL. Accordingly, I have not commented on its consistency with the wider statutory framework.
5. Regarding ecology, the Assessment of Environmental Effects and appended Ecological Impact Assessment (EcIA) are generally supported by DOC's ecology reviewers. The recommendations in the EcIA are supported, so my comments are directed at ensuring they are successfully implemented under appropriate consent conditions. To that end my comments focus on achieving clear and enforceable conditions that implement the technical recommendations in the application documents.

## Wildlife Act

Notwithstanding my support for the Applicant's EclA, I do wish to raise the Applicant's Wildlife Act obligations. During pre-application consultation DOC queried the management of lizard relocation, noting that the Applicant will rely on a third-party holding a Wildlife Act Authority. Region-wide authorities for lizard handling are typically limited to a maximum of 20 individuals and do not allow handling of threatened or at-risk species. Viridis, on behalf of the Applicant responded:

- *Region-wide WAA permits typically limit the relocation to a maximum of 20 individual lizards per salvage site.*
- *These permits are commonly relied upon for developments of this nature, and ecologists operating under them have established processes to address higher lizard counts, including applying for a separate permit or seeking authorisation directly from DoC if required.*
- *Region-wide WAA permits authorisation typically extends to the handling of 'at-risk' species, but not those classified as 'threatened'.*
- *The presence of 'threatened' lizard species is not anticipated within the project site. If any are encountered, the necessary approvals will be sought before proceeding.*
- *A region-wide WAA permit was successfully used for the Strathmill (sic) project, located at 256 West Hoe Heights, Orewa.*
- *Additionally, because the development largely avoids areas of native vegetation and includes setbacks, the likelihood of encountering significant lizard habitat is reduced. Viridis will confirm with the consultant ecologist that they hold an appropriate WAA and are prepared to manage the salvage process in accordance with the above.<sup>1</sup>*

6. I have recorded the above should the Panel wish to test this matter further with the Applicant. Regardless, in my suggested changes to proposed land use consent Condition 20 I have recommended an advice note addressing the need to hold any necessary Wildlife Act Authority.

## Conditions

7. I have suggested additions to the Applicant's proposed conditions below in italicised redline and deletions in ~~italicised-strikethrough~~. This includes amendments and some new conditions.
8. As my concerns mainly relate to ecological effects these comments focus on the ecology conditions. There may be a broader set of amendments required. If the Panel is minded towards granting consent, I understand there will be an opportunity to comment on the proposed final condition set.

## Certification of Management Plans

9. There is a theme in the proposed consent conditions, that where a management plan is required to be prepared, it is to be '*submitted to Auckland Council*' with no certification process.<sup>2</sup> It appears the Council is being asked to receive the management plans 'as read' with no ability to audit the

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<sup>1</sup> Delmore fast track application: response to doc ecology queries, Delany., M, Vridis Environmental Consultants Ltd, dated 30 April 2025

<sup>2</sup> See Conditions (5), (6), (11), (12), (14) and (15) for example.

management plans to confirm they meet the objectives and performance standards set out in the applicable conditions.

10. Moreover, there is no condition to require on-going compliance with certified management plans, and no condition to provide for re-certification of any amended management plans.
11. Certification of management plans by the consent authority is standard practice for resource consents. It is a necessary check on the consent holder to confirm effects are managed lawfully, in accordance with conditions.
12. Accordingly, I have drafted the following amendments to Conditions (5) and (6), and suggested a condition to provide for a certification and re-certification process –

*(5) Management plans may be submitted to Auckland Council for certification in parts or in stages to reflect the staged implementation of the project. Each stage or part Management Plan must be certified by Auckland Council.*

*(6) The management plans required under the following conditions must be submitted to Auckland Council for certification:*

- (a) A Construction Management Plan (CMP) - see Condition 11 of land use consent;*
- (b) An Erosion Sediment Control Plan (ESCP) – see Condition 12 of land use consent;*
- (c) A Construction Noise and Vibration Management Plan (CNVMP) - see Condition 15 of land use consent;*
- (d) A Construction Traffic Management Plan (CTMP) – see Condition 14 of land use consent;*
- (e) A Fauna Management Plan (FMP) – see Condition 20 of land use consent;*
- (f) A Lizard Management Plan (LMP) – see Condition 20(c) of the land use consent;*
- (g) A Wetland Offset Plan (WOP) – see Condition 23 of the land use consent;*
- (h) A Streamworks Management Plan (SMP) – see Condition 86 of the land use consent; and*
- (i) A Groundwater and Settlement Monitoring and Contingency Plan (GSMCP) – see Condition 90 of the land use consent;*

*The management plans required by paragraphs (b)-(d) of this condition may be separate documents or may form part of the CMP.*

13. To provide for a clear certification process I suggest the following new conditions –

*[x] Where any condition(s) requires the consent holder to submit a Management Plan to Auckland Council for “certification” it must mean the process set out in the following paragraphs (a) and (b) and the terms “certify” and “certified” must have the equivalent meanings:*

- a) The consent holder submits the Management Plan to Auckland Council, and the Council assesses the documentation submitted. The certification process must be confined to confirming that the Management Plan gives effect to its objective and complies with the information requirements and will achieve the performance standards*

stated in the condition(s) and that the Management Plan is in accordance with Condition 1 to the general conditions:

- b) A Management Plan cannot be subject to a third-party approval. Auckland Council in deciding whether to certify the management plan, however, may obtain advice from other suitably qualified person(s).

(x) The consent holder must comply with the certified Management Plans at all times.

(x) If amendment to any certified Management Plan is required the Consent Holder is required to re-certify the Management Plan in accordance with the process in Condition [X] above.

14. I note the recommendations in section 7 of the Ecological Impact Assessment by Viridis Environmental Consultants. These recommendations are supported; however, they haven't been directly carried over into the consent conditions, due in part to the Applicant's reliance on 'general accordance' with the application documents.

15. In my submission, general accordance alone is insufficient to ensure the technical recommendations are implemented and such an approach would be inconsistent with good resource management practice. Accordingly, I have suggested changes to the applicable conditions to implement the recommendations of the ecology report.

16. One of the recommendations in the ecology report that warrants further consideration is that –  
*'the NoR 6 conditions relating to the IBAs are incorporated into the recommended fauna management plan/s.'*<sup>3</sup>

As the EclA explains, Auckland Transport's North Project which encompasses NoR 6 was recently confirmed<sup>4</sup>. Conditions applying to NoR 6, refer to Indigenous Biodiversity Areas (IBAs), which include wetlands and bat corridors/flyways, some of which are within the Delmore site.

17. The NoR conditions require pre-construction surveys to confirm whether species such as bats are present, and if an effects threshold is reached, that mitigation measures will be actioned. I understand Vineway are proposing to construct the section of the NoR 6 alignment that is located with their Site.

18. I support the recommendation that NoR conditions are referred to in this consent and the Delmore conditions are consistent with those applying to NoR 6. If there are apparent conflicts between those conditions the Panel may need to turn its mind to resolving any inconsistencies. Putting that issue aside, my suggested amendments are set out below:

- (20) [X] working days Pprior to the commencement of any ~~vegetation removal~~ construction works, the consent holder must submit to Auckland Council a Fauna Management Plan (FMP) prepared by a suitably qualified and experienced ecologist for certification. No construction works shall be carried out prior to certification of the FMP. The purpose of the

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<sup>3</sup> Delmore Fast-track application, Viridis Environmental Consultants, Ecological Impact Assessment, dated February 2025. Section 7, pg. 3

<sup>4</sup> The status of appeals, if any, are unknown to the DG.

FMP is to minimise adverse ~~describe measures to address~~ effects on indigenous bats, birds, and lizards, and their habitat, during construction of the project and must be in general accordance with the recommendations in the Ecological Impact Assessment approved in Condition 1. At minimum, the FMP shall include:

(a) an accidental discovery protocol to manage effects on nesting birds;

(b) vegetation management protocols to avoid direct mortality to bats during vegetation clearance. The protocols shall be consistent with the Department of Conservation 'Protocols for minimising the risk of felling bat roosts' (Version 4, October 2024) or updated version.

(c) A Lizard Management Plan (LMP) prepared by a suitably qualified and experienced herpetologist. The LMP shall be certified as part of the fauna management plan. The objective of the LMP is to minimise adverse effects on indigenous lizards. The LMP shall include, but not be limited to:

i. measures to salvage native lizards from any suitable habitat within the Site;

ii. details of suitable release site(s) for salvaged lizards;

iii. measures to promote the success of the salvage population(s) such as pest control and habitat enhancement;

iv. details of monitoring and reporting to confirm the effectiveness of measures required in i - iii;

iv. details of in perpetuity legal protection for release sites, and

v. details of the person(s)/organisation that will undertake the work.

**Advice note:** The necessary authorities under the **Wildlife Act 1953** from the Department of Conservation for the handling of protected wildlife will be required.

19. As below, I have suggested changes to Condition 23, the Wetland Offsetting Plan, to introduce an objective (achieving no net loss of wetland values) and a certification requirement.

#### **Wetland Offsetting Plan**

(23) At least X working days prior to construction ~~A-a~~ Wetland Offset Plan (WOP) shall be prepared by a suitably qualified ecologist, hydrologist and engineer, ~~working together and~~ submitted to Auckland Council for certification. The objective of the WOP is to attain a no net loss of natural wetland values. The WOP must be in general accordance with The Ecological Assessment and the ~~and the~~ landscape plans drawing series 2180 prepared by Greenwood Associates (dated February 2025) approved under Condition 1, and must include the following minimum details:

(g) The location of the area(s) proposed for wetland creation which must be at a minimum 3:1 ratio with the natural wetland area that is lost;

(h) Works to ensure a wetland hydrology is created and maintained;

- (i) Planting schedule, including species, density and grade;
- (j) Legal protection (e.g., consent notice);
- (k) A five-year maintenance and monitoring plan to ensure the wetland(s) and associated planting is successfully established; and
- (l) Measures to be undertaken if the wetland(s) or planting(s) is not successful.

20. For consistency, I suggest a series of minor amendments to condition below:

#### **Finalised Landscape Design Drawings**

(41) Prior to the completion of earthworks onsite the consent holder shall prepare a finalised set of detailed landscape design drawings and supporting written documentation which have been prepared by a landscape architect or suitably qualified professional in relation to landscape matters associated with the roads to vest and drainage reserves. This information must be submitted to Auckland Council for certification. The submitted information must be consistent with the consented landscape concept plan(s) referenced in Condition 1 and, at a minimum, must include:

- (a) Landscape design drawings, specifications and maintenance requirements including annotated planting plans, plant schedule, pavement plan, furniture plan, as applicable to the final design; and
- (b) Evidence that Te Kawarau ā Maki, Ngaati Whanaunga, Ngāti Manuhiri, and te Runanga o Ngāti Whātua have been consulted regarding provision of cultural markers or similar within a road or drainage reserves, and details of any agreed marker.

The information may be submitted in a staged manner as relevant to the concurrently authorised subdivision staging (refer to Condition 53)

#### **Stream works Conditions (s13)**

##### **Stream works Management Plan to be Provided**

(86) ~~X working days p~~Prior to the commencement of the streamworks activity, a ~~finalised~~ Streamworks Management Plan (SMP), must be submitted to Auckland Council for certification. The purpose of the SMP is to provide a finalised streamworks methodology and management measures that enable effects of streamworks to be managed during construction in accordance with best practice.

The SMP must include as a minimum but is not limited to:

- ~~(ae)~~ A plan showing the specific areas where streamworks are to occur;
- ~~(ba)~~ Management measures to demonstrate how erosion and sediment controls will avoid sediment or sediment laden water entering the stream in accordance with best practice;
- ~~(cb)~~ Management of contaminants to water (e.g. hydrocarbons, construction materials);
- ~~(de)~~ An explanation of how and measures to ensure maintenance of fish passage during and after the streamworks is achieved;



(~~ee~~) A Native Fish Capture and Relocation Plan;

(~~fe~~) Methodology for diverting upstream flows during the streamworks, including how sufficient flow will be maintained at all times below the site of the works to maintain in-stream biota, and the location and nature of any temporary diversion structures;

(~~gf~~) A detailed methodology for the installation of permanent structure(s); and

(~~hg~~) Details of final streambed remediation or stabilisation upon completion of stream works.

#### **Work in progress conditions**

(87) All streamworks must be undertaken in accordance with the certified Streamworks Management Plan required by Condition 86. All required control measures and methodologies must be in place prior to the streamworks commencing and be maintained for the duration of the streamworks activity.

(88) Any changes to the Streamworks Management Plan (SMP) must be submitted to Auckland Council for re-certification with supporting information demonstrating that the changes to the SMP meet Condition 86, incorporate best practice methodologies for managing effects from the streamworks and that the adverse effects from the streamworks remain the same or less.

#### **Water Permit for Dewatering/Diversion of Groundwater (s14)**

(90) X working days prior to construction a ~~A~~ Groundwater and Settlement Monitoring and Contingency Plan (GSMCP) prepared by a suitably qualified and experienced person, shall be submitted to Auckland Council for certification. Any later proposed amendment of the GSMCP shall also be submitted to Auckland Council re-certification. The purpose of the GSMCP is to set out practices and procedures to be adopted to ensure compliance with the consent conditions and shall include, at a minimum the following information:

#### **Wastewater Discharge Permit (s15)**

(121) Prior to commencement of the discharge from the treatment plant, the consent holder must engage suitably qualified ecologists to undertake a surface water ecology survey in summer, at Sites US, DS-1, DS-2, which shall include ~~a~~ qualitative assessment of physical habitat characteristics, the collection of macroinvertebrate samples and overnight fish trapping. The survey data must be provided to Auckland Council. The purpose of this sampling is to establish a baseline of stream ecology prior to the commencement of the development discharges.

(122) Following the commencement of the discharge, the consent holder must conduct ecology surveys on a yearly basis, during summer, at three locations within the unnamed stream present on Site (US, DS-1 and DS-2). The survey data must be provided to Auckland Council within 20 working days of the survey being carried out. Once the development has been fully utilised and at design capacity for a minimum period of 2 years, subject to council approval, the in-stream monitoring frequency may be reduced to once every three years if results indicate the ecological



*community has been unaffected by the discharge. Ecological monitoring must be undertaken by a suitably qualified and experienced person, who must provide advice to the Consent Holder if results indicate the water quality has deteriorated because of the WWTP discharge.*

21. In addition to the minor amendments suggested to condition (122) above, further amendments are necessary to properly describe a response to the identification of water quality deterioration by the annual survey. It currently only requires that the suitably qualified and experienced person carrying out the monitoring to “*provide advice to the Consent Holder*”. The condition should include triggers for intervention and a description of the management actions that may/must be taken in response.

## Conclusion

22. The Department has minimal concerns regarding the application provided that the Applicant adequately implements the mitigations recommended in the Ecological Impact Assessment and a proper certification process is included for all management plans; as well as ensuring the appropriate Wildlife Act approvals are in place, as and when required.
23. Thank you for the opportunity to comment.



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Jenni Fitzgerald  
**Fast-Track Applications Manager**

Acting pursuant to delegated authority on behalf of the Director-General of Conservation.

Date: 25/06/2025

Note: A copy of the Instrument of Delegation may be inspected at the Director-General's office at Conservation House Whare Kaupapa Atawhai, 18/32 Manners Street, Wellington 6011.