

To: Delmore Expert Panel C/O Environmental Protection Agency

From: Charlotte MacDonald – Barker & Associates Limited

Date: 28 July 2026

Re: Applicant comments on Expert Panel draft conditions

1.0 Introduction

This memorandum responds to Minute 5 dated 7 July 2026 issued by the Environmental Protection Authority (“EPA”) on behalf of the Delmore Expert Panel (“panel”) pursuant to section 70 of the Fast-Track Approvals Act 2024 (“FTAA”). It provides the applicant’s comments on the draft conditions of consent provided by the Expert Panel. The applicant will also provide a response to the comments provided by other parties invited to comment by 4 August 2026.

The following attachments are included within this memorandum:

- **Attachment 1:** Expert panel draft conditions with comments from the applicant marked in track-changes with a comment box explaining the rationale for each change
- **Attachment 2:** Technical memorandum prepared by wastewater specialists The Wastewater Treatment People
- **Attachment 3:** Technical memorandum prepared by APEX Water
- **Attachment 4:** Technical memorandum prepared by Viridis Consultants Ltd
- **Attachment 5:** Correspondence with Auckland Council regarding updated conditions

The changes to the conditions have been prepared in collaboration with Auckland Council who has confirmed that all changes included in **Attachment 1** are acceptable.

2.0 Comments

The applicant has commented on several of the panel’s draft conditions as summarised below:

- Amendments to bring the draft conditions of consent in line with the draft decision (see conditions 44 of the land use consent and condition 14 of the subdivision consent);
- An amendment to the condition relating to the Grand Drive extension (condition 11 of the subdivision consent) which would provide further flexibility for the future resource consent application for that road; and
- Amendments responding to the comment boxes included by the panel identifying conditions it considered needed to be streamlined or changed to respond to its findings on the neighbourhood parks and drainage reserves (see conditions 47, 49, 80, 81, 99 – 102, 112, 118, 122, and 123 of the subdivision consent).

The applicant has also made comments on conditions which were not subject to specific comments from the panel as per below:

- Minor amendments to fix grammatical / condition referencing errors that the applicant had made within the set provided to the panel previously (see conditions 6, 13 and 15 (general conditions), 5, 43 (land use conditions), 63, 77 (subdivision conditions), and 33 (wastewater discharge permit);
- Comments to include minor changes to the wastewater discharge conditions. These comments, and related proposed changes to the draft conditions of consent, have been made as a result of a technical peer review of the draft conditions of consent undertaken by The Wastewater Treatment People (refer **Attachment 2**). This review was undertaken to assist the applicant with its comments in response to Minute 5. In short, The Wastewater Treatment People identified that:
 - The contaminant limits in conditions 14 and 15 of the wastewater discharge permit applying to treated wastewater were intended to be recorded as mass loadings, however they were erroneously recorded as concentrations.
 - The 0.5mg/l cBOD5 limit used in those conditions is below the possible level of lab detection, and should therefore be amended to align with the lowest level that is detectable of <2mg/l.

Apex Water and Viridis Consultants have reviewed the memorandum prepared by The Wastewater Treatment People and have confirmed that they agree with its findings, and that amending the draft conditions of consent in this way does not affect their assessment or change any environmental effect or outcome, it simply ensures the conditions work in the way they were intended and bring the cBOD5 limit in line with their understanding of the practicalities of lab testing. Refer to **Attachment 3** and **Attachment 4**.

The applicant has discussed these changes with Auckland Council and the Council has confirmed that the amendments are acceptable for the same reasons. This correspondence is included in **Attachment 5**.

- Attachment 1 of the conditions which lists all reports and drawings has been updated to include all updated reports and drawings since lodgement.