
MINUTE 3 OF THE EXPERT PANEL

Invitation to comment
Delmore [FTAA-2502-1015]

(26 May 2025)

[1] This minute addresses invitations to comment on the application under section 53 of the Fast-track Approvals Act 2025 (the Act).

[2] The Expert Panel records that it undertook a site visit today, Monday 26 May 2025. A minute about that site visit will follow shortly.

[3] In accordance with section 53(2) of the Act, the Expert Panel must invite comments from persons listed in sections 53(2) (a) to (n) of the Act. The Panel records that, sections 53(2)(d) to (g) are not relevant to this application. Appendix 1 provides the list of prescribed persons relevant to this project.

[4] Section 53(2)(h) and (i) state that the owners and occupiers of the land adjacent to the land the application relates must be invited to comment. The Application included an Appendix (14) that identified the names and addresses of owners and occupiers of the site and the land adjacent to the site. The EPA has also provided its advice to the Panel based on the Guidance Note entitled: FTA GUIDANCE MATERIAL Identifying Adjacent Land.

[5] After considering the information from the Applicant and the advice from the EPA the Expert Panel has determined that those persons listed in Appendix 14 of the application should be invited to comment. **Appendix 2** includes a map of the adjacent land and **Appendix 3** lists the owners and occupiers of that land.

[6] The Expert Panel has considered if section 53(3) applied and determined that

it did not. Therefore, only those persons listed in Appendices 1, 2 and 3 will be invited to comment.

[7] The Expert Panel has also considered that there are some matters that it would like to have comment on, particularly from the Auckland Council. These are contained in **Appendix 4**. We are deliberately being specific about these matters, so the applicant is also aware of these well in advance of the date for comments and the date when the applicant will be required to respond to those comments. We note that one of the items in Appendix 4 is something that NZTA may need to be consulted about. We did not consider it necessary to specifically seek comment from NZTA, but we expect the Council and/or the applicant to address this matter.

[8] The invitation to comment is dated 26 May 2025 and the date for comments is 20 working days from this date (section 54 of the Act), namely, 25 June 2025.

[9] Comments must be made to the EPA:

- (a) by email to substantive@fasttrack.govt.nz;
- (b) by post to Private Bag 63002, Wellington 6140 New Zealand; or
- (c) in person to Stewart Dawson's Corner, 366 Lambton Quay, Wellington 6011



Helen Atkins
Expert panel chair

Appendix 1

Person prescribed under section 53(2)

53(2)(a) relevant local authorities

- Auckland Council (which includes Watercare, Healthy Waters and Auckland Transport)

53(2)(b) and (c) the relevant iwi authorities and treaty settlement entities

- Ngā Maunga Whakahii o Kaipara Development Trust, representing Ngāti Whātua o Kaipara
- Te Rūnanga o Ngāti Whātua, representing Ngāti Whātua
- Te Kupenga o Ngāti Hako, representing Ngāti Hako
- Ngāti Maru Rūnanga Trust, representing Ngāti Maru
- Ngāti Pāoa Iwi Trust, representing Ngāti Paoa
- Te Patukirikiri Iwi Trust, representing Te Patukirikiri
- Ngāi Tai ki Tāmaki Trust, representing Ngāi Tai ki Tāmaki
- Ngāti Tamaterā Treaty Settlement Trust, representing Ngāti Tamaterā
- Te Kawerau Iwi Settlement Trust, representing Te Kawarau ā Maki
- Te Ākitai Waiohua Waka Taua Inc, representing Te Ākitai Waiohua
- Ngāti Manuhiri Settlement Trust, representing Ngāti Manuhiri
- Ngāi Tai ki Tāmaki Trust for Ngāi Tai ki Tāmaki Claims Settlement Act 2018
- Te Kawarau Iwi Settlement Trust for Te Kawarau a Māki Claims Settlement Act 2015
- Ngā Whakahii o Kaipara Development Trust for Ngāti Whātua o Kaipara Claims Settlement Act 2013
- Ngāti Manuhiri Settlement Trust for Ngāti Manuhiri Claims Settlement Act 2012
- Tūpuna Taonga o Tāmaki Makaurau Trust / Whenua Haumi Roroa o Tāmaki Makaurau Limited Partnership for the Tāmaki Collective
- Ngāti Tamaterā Treaty Settlement Trust
- Ta Ākitai Waiohua Settlement Trust
- Ngāto Paoa Iwi Trust
- Ngaati Whanaunga Ruunanga Trust
- Te Patukirikiri Iwi Trust
- Ngāti Maru Rūnanga Trust
- Marutūāhu Rōpū Limited Partnership
- Hako Tūpuna Trust
- Ngāti Te Ata Claims Support Whānau Trust

- Te Runanga o Ngāti Whatua
- Hauraki Māori Trust Board
- Ngaati Whananunga Incorporated Society representing Ngaati Whanaunga

Section 53(2)(h) and (i) owners/occupiers of the land to which the substantive application relates to and land adjacent to that land

Owners / occupiers of the land to which the substantive application relates to

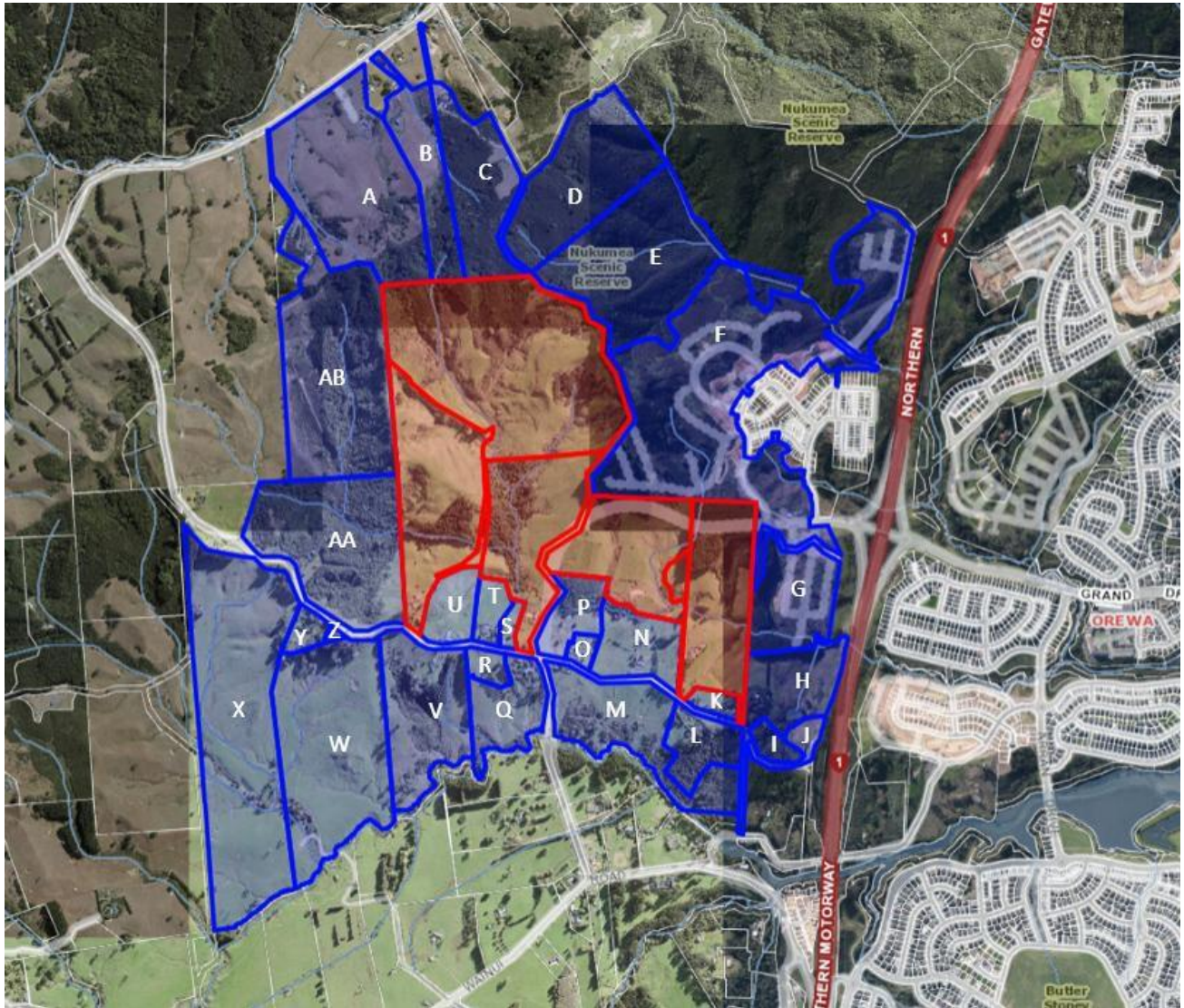
- 88 Upper Ōrewa Road; Lot 2 DP 418770
- 130 Upper Ōrewa Road; Lot 2 DP 153477
- 132 Upper Ōrewa Road; Lot 1 DP 153477
- 55 Russell Road; Lot 1 DP 336616
- 53A Russell Road; Lot 1 DP 497022
- 53B Russell Road; Lot 2 DP 497022

Owners / occupiers of the land adjacent to the substantive application land

- 927 Weranui Road; Lot 1 DP 121551
- 907 Weranui Road Lot 2 DP 326909
- 889 Weranui Road; Lot 2 DP 170725
- 851 Weranui Road; Lot 1 DP 341579
- Nukumea Scenic Reserve; Lot 2 DP 327701
- 47 Ara Hills Drive; Lot 1001 DP 582417, Section 1 SO 488358
- 226 Grand Drive; Lot 1 DP 310813, Section 2 SO 488358
- 19A Kowhai Road; Lot 1 DP 440733
- 19B Kowhai Road; Lot 2 DP 208559
- 19C Kowhai Road; Lot 1 DP 458638
- 59 Russell Road; Lot 2 DP 336616
- 54 Russell Road; Lot 3 DP 166341
- 6 Russell Road; Lot 2 DP 166341
- 35 Russell Road; Lot 1 DP 397356
- 11 Russell Road; Lot 2 DP 431409
- 3 Russell Road; Lot 1 DP 431409
- 85 Upper Ōrewa Road; Lot 1 DP 530469
- 105A Upper Ōrewa Road; Lot 2 DP 530469
- 90 Upper Ōrewa Road; Lot 1 DP 418770
- 100 Upper Ōrewa Road; Lot 1 DP 205708
- 118 Upper Ōrewa Road; Lot 2 DP 96864

<ul style="list-style-type: none"> • 117 Upper Ōrewa Road; Part Allot 73 PSH OF Waiwera • 173 Upper Ōrewa Road; Part Allot 74 PSH OF Waiwera • 231 Upper Ōrewa Road; Part Allot 74 PSH OF Waiwera • 163 Upper Ōrewa Road; Part Allot 74 PSH OF Waiwera • 159 Upper Ōrewa Road; Part Allot 74 PSH OF Waiwera • 180 Upper Ōrewa Road; Part Allot 342 PSH OF Waiwera • 955 Weranui Road; Lot 1 DP 205567
<p>53(2)(j) the Minister for the Environment and other relevant portfolio Ministers</p> <ul style="list-style-type: none"> • Minister of Housing • Minister for Infrastructure • Minister for RMA Reform • Minister of Transport – note that Appendix 4 contains a specific matter for NZTA to note • Minister for Auckland • Minister for Arts, Culture and Heritage • Minister for Treaty of Waitangi Negotiations • Minister for Conservation • Minister for Māori Crown Relations: Te Arawhiti • Minister of Local Government • Minister for Building and Construction • Minister for Land Information • Minister for the Environment • Minister for Regional Development
<p>53 (2)(k) relevant administering agencies</p> <ul style="list-style-type: none"> • Heritage New Zealand Pouhere Taonga • Ministry for the Environment • Ministry for Culture and Heritage
<p>53(2)(m) (i) an approval described in section 42(4)(a) or (d) (resource consent or designation), the persons and groups listed in clause 13 of Schedule 5</p> <ul style="list-style-type: none"> • Director-General of Conservation

Appendix 2
Map of adjacent land – 53(2)(h) and (i)



Appendix 3
Owners and occupiers of adjacent land – 53(2)(h) and (i)

A - 927 Weranui Road
B - 907 Weranui Road
C - 889 Weranui Road
D - 851 Weranui Road
E - Nukumea Scenic Reserve
F - 47 Ara Hills Drive
G - 226 Grand Drive
H - 19A Kowhai Road
I - 19B Kowhai Road
J - 19C Kowhai Road
K - 59 Russell Road
L - 54 Russell Road
M - 6 Russell Road
N - 35 Russell Road
O - 11 Russell Road
P - 3 Russell Road
Q - 85 Upper Ōrewa Road
R - 105A Upper Ōrewa Road
S - 90 Upper Ōrewa Road
T - 100 Upper Ōrewa Road
U - 118 Upper Ōrewa Road
V - 117 Upper Ōrewa Road
W - 173 Upper Ōrewa Road
X - 231 Upper Ōrewa Road
Y - 163 Upper Ōrewa Road
Z - 159 Upper Ōrewa Road
AA - 180 Upper Ōrewa Road
AB - 955 Weranui Road

Appendix 4

Preliminary list of matters the Auckland Council (including its CCOs are asked to consider) – note there is a matter here that may require comment from NZTA as is noted

Ecology (Appendix 4 of the application)

Is the approach taken of predominantly desktop research with on-site observation (as opposed to targeted, detail on-site surveys) appropriate and sufficient for a development of this scale? Particularly given the conclusion that the “proposal is expected to have an overall low level of effect on the ecological values of the area”. And, if no, what is best practice?

Is the SEA adequately protected?

Has there been adequate assessment of the effects of residential development, including large scale earthworks and construction, on terrestrial and freshwater ecosystems?

Are the measures to alter the consent notices appropriate? Are the proposed off-set areas sufficient in size and robust in their proposed conditions to mitigate any proposed vegetation loss?

Provide specific comment about earthworks within, and proximate to, wetlands

Landscape (Appendix 19 of the application)

Has the assessment appropriately considered the effects of the change of use from predominantly rural to predominantly suburban residential? Particularly from various vantage points in the public realm?

Please provide more detailed comment on the extent of retaining walls, connectivity and the appropriateness of the park (location, size, slope and staging).

Open Space generally

What level of park provision should be provided for 1250 dwellings?

Urban Design (Appendix 27 of the application)

While the land is zoned FUZ, the development needs to be looked at as if it is MHS (as that is what is being proposed to form the basis for the land use consent), therefore comments need to be provided as if MHS is the zoning.

The development of 1,250 dwellings could lead to a population of between 4,000-6,000. What sort of social infrastructure (e.g. shops, medical centres, parks, schools etc) would be expected to support this development? And within what radius?

One proposed park is towards the west of the area and within one of the later stages of development and unlikely to be developed before 2032, is this sufficient?

The layout seems to favour private vehicle use, could the urban designer comment on connectivity for various modes in conjunction with the AT specialists.

Is a residential development of this scale in this location sufficient to state this is “contributing to a well-functioning urban environment in a way that is of regional significance”? Please comment on this with reference to Policy 1 of the NPS-UD and s22(2)(a)(iii) of the Fast-Track legislation

Economics (Appendix 34 of the application)

How are the house prices determined /derived? How realistic are there? Will they be fixed at 2025/26 rates or affected by inflation?

Should this assessment include population projections for the development? For the wider area?

Has the extent of greenfields development required been correctly identified? The report seems to use FUZ and greenfield land interchangeably. The definition in the AUP is *Greenfield Land is identified for future urban development that has not been previously developed*. Presumably that is not intended to only apply to FUZ and includes land that is live zoned but that has not been previously developed? e.g. Milldale is not fully consented yet so, while live zoned, would this not also contribute to greenfield development? Furthermore, most of that which has been consented and developed within Milldale has occurred since 2016. Should this information therefore contribute to the capacity modelling?

Figure 12 is odd as most FUZ is zoned prior to land use consents being lodged and dwellings constructed. Please provide comment on the Greenfield figures in particular – was this live zoned land or FUZ or a combination of both?

Presume the staging of live zoning FUZ that Auckland Council anticipates been taken into account in Auckland Council's Auckland Plan 2050 and the recently released FDS, has it also informed this assessment?

Report states that “middle-lower income NZ-born Aucklanders are relocating to regions due to a shortage of affordable homes”, where is the specific data to back up that assumption? Furthermore, if that is the target market, why are there no two-bedroom dwellings within the development? Do middle-lower income NZ born Aucklanders want to live at the far edge of a region?

The statement “the main driver of house price growth has been the imbalance between infill and greenfield housing” is overly simplistic and somewhat inaccurate. Does this need further qualification/interrogation?

Wastewater discharge consent conditions (Appendix 22 of the application)

Proposed condition 96: Would the WWTP Discharge Plan need to be certified or approved by Auckland Council?

Is Council happy with the proposed wastewater discharge quality criteria of condition 102? Please comment on the apparent disconnect between the number and frequency of wastewater samples required to demonstrate compliance between condition 102 and 116.

Condition 119: Receiving environment monitoring: this appears vague and potentially not particularly useful. Should there be a requirement for some contingency response process by way of reviewing stream quality and health in the event of non-compliance with wastewater quality condition?

Stormwater including discharge conditions

The proposed stormwater management relies on individual privately-owned on-site roof water reuse tank to achieve SMAF1 compliance for roof runoff. These tanks will require ongoing maintenance to ensure they provide ongoing compliance with SMAF1 requirements. Can the Council's regulatory department provide comment on their ability to provide the necessary ongoing monitoring and enforcement as necessary to achieve this, noting there is a large number of existing and likely future tanks throughout the Auckland region that this is applicable to. Possible enforcement could require time consuming and onerous measures if privately owned tanks are removed or tampered with.

Do the proposed consent conditions adequately address the requirement to prepare operation and maintenance plans for private on-site roof water reuse tanks, including addressing the need to adequately minimise health risks of using roof water for toilet flushing e.g. due to air borne pathogens?

Can Council suggest consent conditions for consent notices to be placed on individual residential lot titles to require protection of and ongoing ensure ongoing operation and maintenance of rain tanks?

Is Council (Healthy Waters) satisfied the Stormwater Management Plan (SMP) prepared by the applicant is in accordance with the requirements of the stormwater

Network Discharge Consent. Can they advise the mechanism for Council adopting an approved SMP given the subject land is not zoned for urban development?

Flood Risk

Does the Council consider the flood risk assessment prepared by the applicant is fit for purpose, including with respect to flooding where roads cross the main stream, including hazard to vehicles, risk of scour damage to road fill?

Erosion and sediment control

Are soil loss assessments required at this time to assess risk of downstream sedimentation and provide guidance on the need and quantum of staging requirements to limit open areas of earthworks?

Transportation matters

ITA (Appendix 28 of the application)

The initial comments by AT mentioned that the ITA needed more of a roading hierarchy than just one arterial and multiple local roads. Which roads do AT consider should be upgraded to collector?

Road grades

Advice on the acceptability of the portions of roads with longitudinal grades of 12.5% with respect to individual and cumulative lengths of roads with 12.5% grade and necessary measures within the road reserve to provide acceptable connectivity for pedestrians and cyclists.

Advice on longitudinal grade of the steeper proposed JOALS, say over 15% grade, with respect to trafficability and accessibility to on-site parking.

Issue for NZTA

Comment on whether the applicant's flood hazard assessment for proposed development is considered adequate with respect to the flow capacity and resilience to flooding of the existing culvert under SH1 serving the main stream through the proposed development.

Specific issue for Watercare

Comment on the existing and planned and funded future capacity of bulk water infrastructure and its ability to provide potable water to the proposed development.

General issue with regard to conditions

There are specific issues raised with regard to the proposed consent conditions above. Specific comment on the conditions generally is critical.

Note there will be a specific opportunity to comment on conditions under section 70 FTAA but the timing for this step is short.